

Reprinted

MAR 18 1991

House Calendar

HOUSE FILE 534
BY COMMITTEE ON JUDICIARY
AND LAW ENFORCEMENT

(SUCCESSOR TO HSB 122)

Passed House, Date 4/8/91 (1153) Passed Senate, Date 4/17/91 (P.1326)
Vote: Ayes 55 Nays 43 Vote: Ayes 46 Nays 4
Approved May 6, 1991

A BILL FOR

1 An Act relating to changes and corrections in the court
2 administration system.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 534

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

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

3296. 6 Sec. 2. Section 144.32, Code 1991, is amended to read as
7 follows:

8 144.32 BURIAL-TRANSIT PERMIT.

9 The funeral director who first assumes custody of a dead
10 body or fetus shall obtain a burial-transit permit prior to
11 final disposition of the body or fetus and within seventy-two
12 hours after death. When a person other than a funeral
13 director assumes custody of a dead body or fetus, the person
14 is responsible for securing the permit required in this
15 section. A burial-transit permit shall be issued by the
16 ~~county state registrar of the county where the certificate of~~
17 ~~death or fetal death was filed, in accordance with sections~~
18 ~~144-26 to 144-31.~~

19 Sec. 3. Section 472.37, Code 1991, is amended to read as
20 follows:

21 472.37 FORM OF RECORD -- CERTIFICATE.

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

28 Sec. 4. Section 472.38, Code 1991, is amended to read as
29 follows:

30 472.38 RECORD OF PROCEEDINGS.

31 The county recorder shall record the papers, statements,
32 and certificate in the record of deeds and properly index
33 them. The recorder may return the original recorded
34 instrument to the sender or dispose of that instrument if the
35 sender does not wish to have the instrument returned. A

1 document filed in the recorder's office before July 1, 1990,
2 may be returned to the sender or disposed of if the sender
3 does not wish to have the document returned and if there is an
4 official copy of that document in the recorder's office.

5 Sec. 5. Section 595.4, unnumbered paragraph 2, Code 1991,
6 is amended to read as follows:

7 After expiration of three days from the date of filing the
8 application by the parties, the clerk shall issue the license
9 if the clerk is satisfied as to the competency of the parties
10 to contract a marriage. If the license has not been issued
11 within one-year six months from the date of the application,
12 the application is void.

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13 Sec. 6. Section 602.1502, Code 1991, is amended to read as
14 follows:

15 602.1502 STATE COURT ADMINISTRATION SALARIES.

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

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

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

34 Sec. 7. Section 602.8102, subsections 45 and 100, Code
35 1991, are amended by striking the subsections.

1 Sec. 8. Section 602.8104, subsection 2, paragraph c, Code
2 1991, is amended to read as follows:

3 c. A fee-book cash journal in which is listed in detail
4 the costs and fees in each action or proceeding under the
5 title of the action or proceeding. The fee-book cash journal
6 shall also have an index containing the information specified
7 in paragraph "a".

8 Sec. 9. Section 602.8104, subsection 2, paragraph d, Code
9 1991, is amended by striking the paragraph.

10 Sec. 10. Section 602.8105, subsection 1, paragraph a, Code
11 1991, is amended to read as follows:

12 a. For filing and docketing a petition other than for
13 modification of a dissolution decree to which a written
14 stipulation is attached at the time of filing containing the
15 agreement of the parties to the terms of the modification, or
16 an appeal or writ of error, forty-five dollars. ~~Four-dollars~~
17 ~~of-the~~ The fee shall be deposited in the court revenue
18 distribution account established under section 602.8108, and
19 ~~forty-one-dollars-of-the-fee~~ shall be paid into the state
20 treasury. Of the amount paid to the state treasury, one
21 dollar shall be deposited in the judicial retirement fund
22 established in section 602.9104 to be used to pay retirement
23 benefits of the judicial retirement system, and the remainder
24 shall be deposited in the general fund of the state. In
25 counties having a population of one hundred thousand or over,
26 an additional five dollars shall be charged and collected, to
27 be known as the journal publication fee and used for the
28 purposes provided for in section 618.13.

29 Sec. 11. Section 602.8105, subsection 1, paragraph c, Code
30 1991, is amended by striking the paragraph.

31 Sec. 12. Section 602.8105, subsection 1, paragraphs m and
32 n, Code 1991, are amended to read as follows:

33 m. For filing an application for a license to marry,
34 fifteen dollars. ~~The-clerk-of-the-district-court-shall-remit~~
35 ~~to-the-treasurer-of-state-five-dollars-for-each-marriage~~

~~1 license-application-filed.--The-treasurer-of-state-shall~~
~~2 deposit-the-funds-received-in-the-general-fund-of-the-state.~~
3 For issuing an application for an order of the district court
4 authorizing the issuance of a license to marry prior to the
5 expiration of three days from the date of filing the
6 application for the license, five dollars.

7 n. For entering a final decree of dissolution of marriage,
8 fifteen dollars. ~~The-fees-shall-be-deposited-in-the-general~~
9 ~~fund-of-the-state.~~ It is the intent of the general assembly
10 that the funds generated from the dissolution fees be
11 appropriated and used for sexual assault and domestic violence
12 centers.

13 Sec. 13. Section 602.8106, subsections 4 and 5, Code 1991,
14 are amended to read as follows:

15 4. The clerk shall ~~remit~~ deposit all other fines and
16 forfeited bail received from a magistrate ~~to-the-treasurer-of~~
17 ~~state-to-be-credited-to-the-general-fund-of-the-state~~ in the
18 court revenue distribution account established in section
19 602.8108, except that annually the first two million five
20 hundred thousand dollars in fines which are imposed through
21 vehicle violation citations issued by motor vehicle division
22 personnel at portable and fixed weigh stations in the state
23 which shall be credited to the road use tax fund.

24 5. 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. ~~Two-fifths-shall-be-remitted-monthly-by-the-clerk-to~~
28 ~~the-treasurer-of-state-to-be-credited-to-the-general-fund-of~~
29 ~~the-state.~~

30 b. ~~Three-tenths-shall-be~~ deposited in the court revenue
31 distribution account established under section 602.8108.

32 c. ~~Three~~ Of the amount paid to the state treasurer, three
33 tenths shall be ~~remitted-monthly-by-the-clerk-to-the-treasurer~~
34 ~~of-state-to-be~~ credited to the judicial retirement fund
35 established under section 602.9104.

1 Sec. 14. Section 602.8108, Code 1991, is amended to read
2 as follows:

3 602.8108 COURT REVENUE DISTRIBUTION ACCOUNT.

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

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

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

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

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

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

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

30 3 2. The clerk of the district court shall account for and
31 distribute revenue deposited in the court revenue distribution
32 account on a monthly basis. Not later than the fifteenth day
33 of each calendar month, the clerk shall distribute all
34 revenues received during the preceding calendar month
35 according to the applicable formula as stated in subsection 2.

1 Each distribution shall be accompanied by a statement
2 disclosing the total amount of revenue received during the
3 accounting period, and any adjustments of gross revenue
4 figures that are necessary to reflect changes in the balance
5 of the court revenue distribution account, including but not
6 limited to reductions resulting from the dishonor of checks
7 previously accepted by the clerk, ~~and the amount distributed~~
8 ~~to each recipient under subsection 2.~~

9 4 3. Except as otherwise provided, the clerk shall remit
10 all revenue received to the treasurer of state. Revenue
11 distributed to the treasurer of state under this section shall
12 be deposited in the general fund of the state except as
13 otherwise provided by applicable law. ~~Revenue distributed to~~
14 ~~a county under this section shall be deposited in the county~~
15 ~~general fund.~~

16 Sec. 15. Section 602.9104, subsection 2, Code 1991, is
17 amended to read as follows:

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

33 Sec. 16. Section 625.21, Code 1991, is amended to read as
34 follows:

35 625.21 INTEREST.

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

6 Sec. 17. Section 631.6, Code 1991, is amended to read as
7 follows:

8 631.6 FEES AND COSTS.

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

12 1. The docket filing fee for a small claims action is
13 ~~fifteen~~ twenty-five dollars. ~~Five dollars of the docket fee~~
14 ~~shall be deposited in the court revenue distribution account~~
15 ~~established under section 602.8108 and ten dollars of the fee~~
16 ~~shall be paid into the state treasury~~ The fee shall be
17 deposited in the court revenue distribution account as
18 established in section 602.8108. Of the amount of the fee
19 paid into the state treasury, one dollar shall be deposited in
20 the judicial retirement fund established in section 602.9104
21 to be used to pay retirement benefits of the judicial
22 retirement system, ~~and the remainder shall be deposited in the~~
23 ~~general fund of the state.~~

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

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

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

30 All fees and costs collected in small claims actions, other
31 ~~than the ten dollars of the docket fee to be paid into the~~
32 ~~state treasury,~~ shall be deposited in the court revenue
33 distribution account established under section 602.8108,
34 except that the fee specified in subsection 4 shall be
35 remitted to the secretary of state.

1 Sec. 18. Section 633.480, Code 1991, is amended to read as
2 follows:

3 633.480 CERTIFICATE TO COUNTY RECORDER FOR TAX PURPOSES
4 WITH ADMINISTRATION.

5 After discharge as provided in section 633.479, the clerk
6 shall ~~issue-a-certificate~~ certify under chapter 508 relative
7 to each parcel of real estate described in the final report of
8 the personal representative which has not been sold by the
9 personal representative, and deliver the certificate to the
10 county recorder of the county in which the real estate is
11 situated. The county recorder shall deliver the certificate
12 to the county auditor as provided in section 558.58.

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13 Sec. 19. Section 805.6, subsection 3, Code 1991, is
14 amended to read as follows:

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

23 Sec. 20. Section 910.9, unnumbered paragraph 2, Code 1991,
24 is amended to read as follows:

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

33 Sec. 21. Sections 602.1503 through 602.1507, Code 1991,
34 are repealed.

35

EXPLANATION

1 This bill conforms section 78.1 to the statutory change
2 which eliminated the title "deputy clerk of district court."
3 This bill transfers the responsibility for issuing burial
4 transfer permits to the state registrar. The bill also
5 provides that the recorder may keep a recorded instrument if
6 the sender does not wish the instrument returned and allows
7 the use of certified copies of documents for this purpose. In
8 addition, the bill shortens the period in which a marriage
9 license application is valid from one year to six months.

10 Also, the bill provides that the supreme court shall set
11 only the salary of the state court administrator, while the
12 salaries of other employees of the judicial department shall
13 be set pursuant to section 602.1401. Sections 602.1503
14 through 602.1507 are repealed by the bill. The bill also
15 eliminates the clerks' duty to file monthly reports with the
16 department of corrections under section 602.8102, subsection
17 45, the clerk's duty to calculate interest, and the use of a
18 sale book. The bill also replaces the fee book with a cash
19 journal.

20 Further, the bill eliminates the service fees charged in
21 small claims action and raises the small claims filing fee
22 from \$15 to \$25. The bill also eliminates the procedures used
23 to implement the transfer of court generated revenue from the
24 counties to the state.

25 The bill authorizes payment of the corpus and interest
26 earned on judicial retirement accounts to persons assigned
27 benefits pursuant to a domestic relations order, eliminates
28 the duty of the clerk to calculate interest on judgments, and
29 provides that the clerk shall now certify to the county
30 recorder under chapter 558, rather than issue a certificate.

31 Finally, the bill provides that the judicial department is
32 not the state agency responsible for supplying uniform
33 citation and complaint forms and allows the clerk of the
34 district court to decide how to allocate restitution payments
35 of less than \$20 when there are multiple victims or payees.

HOUSE FILE 534

H-3296

1 Amend House File 534 as follows:

2 1. Page 1, by striking lines 6 through 18 and
3 inserting the following:

4 "Sec. ____ . Section 144.35, Code 1991, is amended
5 to read as follows:

6 144.35 EXTENSIONS OF TIME BY RULES.

7 The department may, by regulation and upon such
8 conditions as it may prescribe to assure compliance
9 with the purposes of this chapter, provide for
10 extension of the periods prescribed in sections
11 144.26, 144.28, 144.29, and 144.31, and ~~144.32~~ for
12 filing of death certificates, fetal death
13 certificates, and medical certifications of cause of
14 death ~~and for the obtaining of burial transit permits~~
15 in cases in which compliance with the applicable
16 prescribed period would result in undue hardship.

17 ~~Regulation of the department may provide for the~~
18 ~~issuance of a burial transit permit under section~~
19 ~~144.32 prior to the filing of a complete certificate~~
20 ~~of death or fetal death upon conditions designed to~~
21 ~~assure compliance with the purposes of this chapter in~~
22 ~~cases in which compliance with the requirement that~~
23 ~~the complete certificate be filed prior to the~~
24 ~~issuance of the permit would result in undue~~
25 ~~hardship."~~

26 2. Page 8, by inserting after line 12 the
27 following:

28 "Sec. ____ . Section 692.17, Code 1991, is amended
29 to read as follows:

30 692.17 EXCLUSIONS.

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

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

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

42 3. Page 8, line 33, by inserting after the figure
43 "21." the following: "Section 144.32, and".

44 4. By renumbering as necessary.

By HANSEN of Woodbury

H-3296 FILED MARCH 21, 1991

Adopted 4/5/91 (p. 1149)

HOUSE FILE 534

H-3319

1 Amend House File 534 as follows:

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

4 "Sec. ____ . Section 602.1301, subsection 2,
5 paragraph b, Code 1991, is amended to read as follows:

6 b. Before December 1, the supreme court shall
7 submit to the director of management an estimate of
8 the total expenditure requirements of the judicial
9 department. ~~The director of management shall submit~~
10 ~~this estimate received from the supreme court to the~~
11 ~~governor for inclusion without change in the~~
12 ~~governor's proposed budget for the succeeding fiscal~~
13 ~~year.~~ The estimate shall also be submitted to the
14 chairpersons of the committees on appropriations."

15 2. By renumbering as necessary.

By VAN MAANEN of Mahaska

H-3319 FILED MARCH 25, 1991

Revised not germane 4/2/91 (p. 1150)

HOUSE FILE 534

H-3320

1 Amend the amendment, H-3296, to House File 534 as
2 follows:

3 1. Page 1, by inserting after line 25 the
4 following:

5 " ____ . Page 2, by inserting after line 12 the
6 following:

7 "Sec. ____ . Section 602.1301, subsection 2,
8 paragraph b, Code 1991, is amended to read as follows:

9 b. Before December 1, the supreme court shall
10 submit to the director of management an estimate of
11 the total expenditure requirements of the judicial
12 department. ~~The director of management shall submit~~
13 ~~this estimate received from the supreme court to the~~
14 ~~governor for inclusion without change in the~~
15 ~~governor's proposed budget for the succeeding fiscal~~
16 ~~year.~~ The estimate shall also be submitted to the
17 chairpersons of the committees on appropriations."

18 2. By renumbering as necessary.

By VAN MAANEN of Mahaska

H-3320 FILED MARCH 25, 1991

w/R 4/3 (p. 1149)

HOUSE FILE 534

H-3347

1 Amend House File 534 as follows:

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

4 "Sec. ____ . Section 602.1401, Code 1991, is amended
5 by adding the following new subsection:

6 NEW SUBSECTION. 5. The pay plan shall set the
7 compensation of court employees within the funds
8 appropriated by the general assembly."

9 2. By renumbering as necessary.

By MCKEAN of Jones

H-3347 FILED MARCH 26, 1991

Adopted 4/8/91 (p. 1151)

HOUSE FILE 534

H-3375

- 1 Amend House File 534 as follows:
2 1. Page 2, by inserting after line 12 the
3 following:
4 "Sec. ____ . Section 502.1301, subsection 2, Code
5 1991, is amended by adding the following new
6 paragraph:
7 NEW PARAGRAPH. c. The general assembly shall
8 include without change or amendment the estimate from
9 the judicial department in an appropriations bill for
10 the succeeding fiscal year."
11 2. By renumbering as necessary.

By HALVORSON of Clayton

H-3375 FILED MARCH 27, 1991
Revised not germane 4/8 (p. 1152)

HOUSE FILE 534

H-3482

- 1 Amend House File 534 as follows:
2 1. Page 7, by striking line 13 and inserting the
3 following: "fifteen dollars. ~~Five-dollars-of-the~~
4 ~~docket-fee~~".

By MCKEAN of Jones

H-3482 FILED APRIL 3, 1991
Last 4/8 (p. 1153)



**HOUSE FILE 534
FISCAL NOTE**

A fiscal note for House File 534 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 534 transfers the responsibility for issuing burial transfer permits to the State Registrar. The bill also provides that the recorder may keep a recorded instrument if the sender does not wish the instrument returned and allows the use of certified copies of documents for this purpose. In addition, the bill shortens the period in which a marriage license application is valid from a year to 6 months.

The bill provides that the Supreme Court shall set only the salary of the State Court Administrator, while the salaries of other Judicial Department employees shall be set pursuant to Section 602.1401. The bill also eliminates the clerk's duty to file monthly reports with the Department of Corrections under Section 602.8102(45), the clerk's duty to calculate interest, and use of a sale book. The bill also replaces the fee book with a cash journal.

Further, the bill eliminates the service fees charged in small claims action and raises the small claims filing fee from \$15 to \$25. The bill also eliminates the procedures used to implement the transfer of Court generated revenue from the counties to the State.

The bill authorizes payment of the corpus and interest earned on judicial retirement accounts to persons assigned benefits pursuant to a domestic relations order, eliminates the duty of the clerk to calculate interest on judgements, and provides that the clerk shall now certify to the county recorder under Chapter 558, rather than issue a certificate.

Finally, the bill provides that the Judicial Department is not the State agency responsible for supplying uniform citation and complaint forms and allows the clerk of the District Court to decide how to allocate restitution payments of less than \$20 when there are multiple victims or payees.

FISCAL EFFECT The costs for a centralized burial transit permit function at the State level would amount to approximately \$30,000 for staff and supplies to handle this function within the Department of Public Health.

The change in the filing fee for small claims from \$15 to \$25 is offset by the elimination of a variety of service fees charged in small claims actions which are estimated to average about \$10 per case. The result is no change in revenues to the State.

(SOURCES: Judicial Department
Department of Public Health)

(LSB 1238hv, DPW)

FILED APRIL 3, 1991

BY DENNIS PROUTY, FISCAL DIRECTOR

Sen. Judiciary 419 B. Case 4/11/91 (p. 1003)

HOUSE FILE 534
BY COMMITTEE ON JUDICIARY
AND LAW ENFORCEMENT

(SUCCESSOR TO HSB 122)

(As Amended and Passed by the House April 8, 1991)

Passed House, Date 4/8/91 (p. 1153) Passed Senate, Date 4/17/91 (p. 1326)
Vote: Ayes 55 Nays 43 Vote: Ayes 46 Nays 4
Approved May 6, 1991 (p. 2141)

A BILL FOR

1 An Act relating to changes and corrections in the court
2 administration system.

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

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House Amendments _____

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

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

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

8 144.35 EXTENSIONS OF TIME BY RULES.

9 The department may, by regulation and upon such conditions
10 as it may prescribe to assure compliance with the purposes of
11 this chapter, provide for extension of the periods prescribed
12 in sections 144.26, 144.28, 144.29, and 144.31, and-144-32 for
13 filing of death certificates, fetal death certificates, and
14 medical certifications of cause of death and-for-the-obtaining
15 of-burial-transit-permits in cases in which compliance with
16 the applicable prescribed period would result in undue
17 hardship.

18 Regulation-of-the-department-may-provide-for-the-issuance
19 of-a-burial-transit-permit-under-section-144-32-prior-to-the
20 filing-of-a-complete-certificate-of-death-or-fetal-death-upon
21 conditions-designed-to-assure-compliance-with-the-purposes-of
22 this-chapter-in-cases-in-which-compliance-with-the-requirement
23 that-the-complete-certificate-be-filed-prior-to-the-issuance
24 of-the-permit-would-result-in-undue-hardship-

25 Sec. 3. Section 472.37, Code 1991, is amended to read as
26 follows:

27 472.37 FORM OF RECORD -- CERTIFICATE.

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

34 Sec. 4. Section 472.38, Code 1991, is amended to read as
35 follows:

1 472.38 RECORD OF PROCEEDINGS.

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

11 Sec. 5. Section 595.4, unnumbered paragraph 2, Code 1991,
 12 is amended to read as follows:

13 After expiration of three days from the date of filing the
 14 application by the parties, the clerk shall issue the license
 15 if the clerk is satisfied as to the competency of the parties
 16 to contract a marriage. If the license has not been issued
 17 within ~~one-year~~ six months from the date of the application,
 18 the application is void.

19 Sec. 6. Section 602.1401, Code 1991, is amended by adding
 20 the following new subsection:

21 NEW SUBSECTION. 5. The pay plan shall set the
 22 compensation of court employees within the funds appropriated
 23 by the general assembly.

24 Sec. 7. Section 602.1502, Code 1991, is amended to read as
 25 follows:

26 602.1502 STATE COURT ADMINISTRATION SALARIES.

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

33 2. ~~The state court administrator, with the approval of the~~
 34 ~~supreme court, shall set the salaries of assistants and~~
 35 ~~employees of the office of the state court administrator~~

1 ~~within the funds appropriated by the general assembly~~ Court
2 reporters who are employed on an emergency basis in the
3 district court shall be paid not more than their usual and
4 customary fees, while employed by the court. Payments shall
5 be made at least once each month.

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

10 Sec. 8. Section 602.8102, subsections 45 and 100, Code
11 1991, are amended by striking the subsections.

12 Sec. 9. Section 602.8104, subsection 2, paragraph c, Code
13 1991, is amended to read as follows:

14 c. A ~~fee-book~~ cash journal in which is listed in detail
15 the costs and fees in each action or proceeding under the
16 title of the action or proceeding. The ~~fee-book~~ cash journal
17 shall also have an index containing the information specified
18 in paragraph "a".

19 Sec. 10. Section 602.8104, subsection 2, paragraph d, Code
20 1991, is amended by striking the paragraph.

21 Sec. 11. Section 602.8105, subsection 1, paragraph a, Code
22 1991, is amended to read as follows:

23 a. For filing and docketing a petition other than for
24 modification of a dissolution decree to which a written
25 stipulation is attached at the time of filing containing the
26 agreement of the parties to the terms of the modification, or
27 an appeal or writ of error, ~~forty-five dollars. Four-dollars~~
28 ~~of-the~~ The fee shall be deposited in the court revenue
29 distribution account established under section 602.8108, and
30 ~~forty-one-dollars-of-the-fee~~ shall be paid into the state
31 treasury. Of the amount paid to the state treasury, one
32 dollar shall be deposited in the judicial retirement fund
33 established in section 602.9104 to be used to pay retirement
34 benefits of the judicial retirement system, and the remainder
35 shall be deposited in the general fund of the state. In

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

5 Sec. 12. Section 602.8105, subsection 1, paragraph c, Code
6 1991, is amended by striking the paragraph.

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

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

18 n. For entering a final decree of dissolution of marriage,
19 fifteen dollars. ~~The fees shall be deposited in the general~~
20 ~~fund of the state.~~ It is the intent of the general assembly
21 that the funds generated from the dissolution fees be
22 appropriated and used for sexual assault and domestic violence
23 centers.

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

26 4. The clerk shall ~~remit~~ deposit all other fines and
27 forfeited bail received from a magistrate ~~to the treasurer of~~
28 ~~state to be credited to the general fund of the state~~ in the
29 court revenue distribution account established in section
30 602.8108, except that annually the first two million five
31 hundred thousand dollars in fines which are imposed through
32 vehicle violation citations issued by motor vehicle division
33 personnel at portable and fixed weigh stations in the state
34 which shall be credited to the road use tax fund.

35 5. All fees and costs for the filing of a complaint or

1 information or upon forfeiture of bail received from a
2 magistrate shall be distributed by the clerk as follows:

3 a. Two-fifths shall be remitted monthly by the clerk to
4 the treasurer of state to be credited to the general fund of
5 the state.

6 b. Three-tenths shall be deposited in the court revenue
7 distribution account established under section 602.8108.

8 c. Three Of the amount paid to the state treasurer, three
9 tenths shall be remitted monthly by the clerk to the treasurer
10 of state to be credited to the judicial retirement fund
11 established under section 602.9104.

12 Sec. 15. Section 602.8108, Code 1991, is amended to read
13 as follows:

14 602.8108 COURT REVENUE DISTRIBUTION ACCOUNT.

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

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

23 a. Of the revenue received by the clerk during the fiscal
24 year commencing July 17, 1983 and ending June 30, 1984, the
25 clerk shall remit eighty percent to the county treasurer and
26 twenty percent to the treasurer of state.

27 b. Of the revenue received by the clerk during the fiscal
28 year commencing July 17, 1984 and ending June 30, 1985, the
29 clerk shall remit sixty percent to the county treasurer and
30 forty percent to the treasurer of state.

31 c. Of the revenue received by the clerk during the fiscal
32 year commencing July 17, 1985 and ending June 30, 1986, the
33 clerk shall remit forty percent to the county treasurer and
34 sixty percent to the treasurer of state.

35 d. Of the revenue received by the clerk during the fiscal

1 year-commencing-July-17-1986-and-ending-June-30-1987,-the
2 clerk-shall-remit-twenty-percent-to-the-county-treasurer-and
3 eighty-percent-to-the-treasurer-of-state.

4 e.--The-clerk-shall-remit-all-revenue-received-on-or-after
5 July-17-1987-to-the-treasurer-of-state.

6 3 2. The clerk of the district court shall account for and
7 distribute revenue deposited in the court revenue distribution
8 account on a monthly basis. Not later than the fifteenth day
9 of each calendar month, the clerk shall distribute all
10 revenues received during the preceding calendar month
11 according-to-the-applicable-formula-as-stated-in-subsection-2.
12 Each distribution shall be accompanied by a statement
13 disclosing the total amount of revenue received during the
14 accounting period, and any adjustments of gross revenue
15 figures that are necessary to reflect changes in the balance
16 of the court revenue distribution account, including but not
17 limited to reductions resulting from the dishonor of checks
18 previously accepted by the clerk, ~~and the amount distributed~~
19 ~~to each recipient under subsection 2.~~

20 4 3. Except as otherwise provided, the clerk shall remit
21 all revenue received to the treasurer of state. Revenue
22 distributed to the treasurer of state under this section shall
23 be deposited in the general fund of the state except as
24 otherwise provided by applicable law. ~~Revenue distributed to~~
25 ~~a county under this section shall be deposited in the county~~
26 ~~general fund.~~

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

29 2. The amount designated in subsection 1 as the judge's
30 contribution to the judicial retirement fund shall be paid by
31 the department of revenue and finance from the general fund of
32 the state to the court administrator for deposit with the
33 treasurer of state to the credit of the judicial retirement
34 fund. Moneys in the fund are appropriated for the payment of
35 annuities, refunds, and allowances provided by this article,

1 except that the amount of the appropriations affecting payment
2 of annuities, refunds, and allowances to judges of the
3 municipal and superior court is limited to that part of the
4 fund accumulated for their benefit as provided in this
5 article. The corpus and income of the fund shall be used only
6 for the exclusive benefit of the judges covered under this
7 article, or their survivors, or an alternate payee who is
8 assigned benefits pursuant to a domestic relations order.

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

11 625.21 INTEREST.

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

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

19 631.6 FEES AND COSTS.

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

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

35 2. Postage charged for the mailing of original notices

1 shall be the actual cost of the postage.

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

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

6 All fees and costs collected in small claims actions, other
7 ~~than the ten dollars of the docket fee to be paid into the~~
8 ~~state treasury,~~ shall be deposited in the court revenue
9 distribution account established under section 602.8108,
10 except that the fee specified in subsection 4 shall be
11 remitted to the secretary of state.

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

14 633.480 CERTIFICATE TO COUNTY RECORDER FOR TAX PURPOSES
15 WITH ADMINISTRATION.

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

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

26 692.17 EXCLUSIONS.

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

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

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

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

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

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

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

21 Sec. 23. Section 144.32, and sections 602.1503 through
22 602.1507, Code 1991, are repealed.

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Hansen-Chair
M. Peterson of Carroll
Hibbard
Millage
McNeal

NSB 122

Judiciary & Law Enforcement

SENATE/HOUSE FILE 534
BY (PROPOSED JUDICIAL DEPARTMENT
BILL)

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

A BILL FOR

1 An Act relating to changes and corrections in the court
2 administration system.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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TL5B 1238DP 74

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

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

6 Sec. 2. Section 144.32, Code 1991, is amended to read as
7 follows:

8 144.32 BURIAL-TRANSIT PERMIT.

9 The funeral director who first assumes custody of a dead
10 body or fetus shall obtain a burial-transit permit prior to
11 final disposition of the body or fetus and within seventy-two
12 hours after death. When a person other than a funeral
13 director assumes custody of a dead body or fetus, the person
14 is responsible for securing the permit required in this
15 section. A burial-transit permit shall be issued by the
16 ~~county state registrar of-the-county-where-the-certificate-of~~
17 ~~death-or-fetal-death-was-filed,-in-accordance-with-sections~~
18 ~~144-26-to-144-31.~~

19 Sec. 3. Section 472.37, Code 1991, is amended to read as
20 follows:

21 472.37 FORM OF RECORD -- CERTIFICATE.

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

28 Sec. 4. Section 472.38, Code 1991, is amended to read as
29 follows:

30 472.38 RECORD OF PROCEEDINGS.

31 The county recorder shall record the papers, statements,
32 and certificate in the record of deeds and properly index
33 them. The recorder may return the ~~original~~ recorded
34 instrument to the sender or dispose of that instrument if the
35 sender does not wish to have the instrument returned. A

1 document filed in the recorder's office before July 1, 1990,
2 may be returned to the sender or disposed of if the sender
3 does not wish to have the document returned and if there is an
4 official copy of that document in the recorder's office.

5 Sec. 5. Section 595.4, unnumbered paragraph 2, Code 1991,
6 is amended to read as follows:

7 After expiration of three days from the date of filing the
8 application by the parties, the clerk shall issue the license
9 if the clerk is satisfied as to the competency of the parties
10 to contract a marriage. If the license has not been issued
11 within one-year six months from the date of the application,
12 the application is void.

13 Sec. 6. Section 602.1502, Code 1991, is amended to read as
14 follows:

15 602.1502 STATE COURT ADMINISTRATION SALARIES.

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

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

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

34 Sec. 7. Section 602.8102, subsections 45 and 100, Code
35 1991, are amended by striking the subsections.

1 Sec. 8. Section 602.8104, subsection 2, paragraph c, Code
2 1991, is amended to read as follows:

3 c. A fee-book cash journal in which is listed in detail
4 the costs and fees in each action or proceeding under the
5 title of the action or proceeding. The fee-book cash journal
6 shall also have an index containing the information specified
7 in paragraph "a".

8 Sec. 9. Section 602.8104, subsection 2, paragraph d, Code
9 1991, is amended by striking the paragraph.

10 Sec. 10. Section 602.8105, subsection 1, paragraph a, Code
11 1991, is amended to read as follows:

12 a. For filing and docketing a petition other than for
13 modification of a dissolution decree to which a written
14 stipulation is attached at the time of filing containing the
15 agreement of the parties to the terms of the modification, or
16 an appeal or writ of error, forty-five dollars. ~~Four-dollars~~
17 ~~of-the~~ The fee shall be deposited in the court revenue
18 distribution account established under section 602.8108, and
19 ~~forty-one-dollars-of-the-fee~~ shall be paid into the state
20 treasury. Of the amount paid to the state treasury, one
21 dollar shall be deposited in the judicial retirement fund
22 established in section 602.9104 to be used to pay retirement
23 benefits of the judicial retirement system, and the remainder
24 shall be deposited in the general fund of the state. In
25 counties having a population of one hundred thousand or over,
26 an additional five dollars shall be charged and collected, to
27 be known as the journal publication fee and used for the
28 purposes provided for in section 618.13.

29 Sec. 11. Section 602.8105, subsection 1, paragraph c, Code
30 1991, is amended by striking the paragraph.

31 Sec. 12. Section 602.8105, subsection 1, paragraphs m and
32 n, Code 1991, are amended to read as follows:

33 m. For filing an application for a license to marry,
34 fifteen dollars. ~~The-clerk-of-the-district-court-shall-remit~~
35 ~~to-the-treasurer-of-state-five-dollars-for-each-marriage~~

1 ~~license-application-filed.--The-treasurer-of-state-shall~~
2 ~~deposit-the-funds-received-in-the-general-fund-of-the-state-~~
3 For issuing an application for an order of the district court
4 authorizing the issuance of a license to marry prior to the
5 expiration of three days from the date of filing the
6 application for the license, five dollars.

7 n. For entering a final decree of dissolution of marriage,
8 fifteen dollars. ~~The-fees-shall-be-deposited-in-the-general~~
9 ~~fund-of-the-state-~~ It is the intent of the general assembly
10 that the funds generated from the dissolution fees be
11 appropriated and used for sexual assault and domestic violence
12 centers.

13 Sec. 13. Section 602.8106, subsections 4 and 5, Code 1991,
14 are amended to read as follows:

15 4. The clerk shall ~~remit~~ deposit all other fines and
16 forfeited bail received from a magistrate ~~to-the-treasurer-of~~
17 ~~state-to-be-credited-to-the-general-fund-of-the-state~~ in the
18 court revenue distribution account established in section
19 602.8108, except that annually the first two million five
20 hundred thousand dollars in fines which are imposed through
21 vehicle violation citations issued by motor vehicle division
22 personnel at portable and fixed weigh stations in the state
23 which shall be credited to the road use tax fund.

24 5. 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.--Two-fifths-shall-be-remitted-monthly-by-the-clerk-to~~
28 ~~the-treasurer-of-state-to-be-credited-to-the-general-fund-of~~
29 ~~the-state-~~

30 ~~b.--Three-tenths-shall-be~~ deposited in the court revenue
31 distribution account established under section 602.8108.

32 ~~c.--Three~~ Of the amount paid to the state treasurer, three
33 tenths shall be remitted-monthly-by-the-clerk-to-the-treasurer
34 of-state-to-be credited to the judicial retirement fund
35 established under section 602.9104.

1 Sec. 14. Section 602.8108, Code 1991, is amended to read
2 as follows:

3 602.8108 COURT REVENUE DISTRIBUTION ACCOUNT.

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

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

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

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

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

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

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

30 3 2. The clerk of the district court shall account for and
31 distribute revenue deposited in the court revenue distribution
32 account on a monthly basis. Not later than the fifteenth day
33 of each calendar month, the clerk shall distribute all
34 revenues received during the preceding calendar month
35 ~~according to the applicable formula as stated in subsection 2.~~

1 Each distribution shall be accompanied by a statement
2 disclosing the total amount of revenue received during the
3 accounting period, and any adjustments of gross revenue
4 figures that are necessary to reflect changes in the balance
5 of the court revenue distribution account, including but not
6 limited to reductions resulting from the dishonor of checks
7 previously accepted by the clerk, ~~and the amount distributed~~
8 ~~to each recipient under subsection 2.~~

9 4 3. Except as otherwise provided, the clerk shall remit
10 all revenue received to the treasurer of the state. Revenue
11 distributed to the treasurer of state under this section shall
12 be deposited in the general fund of the state except as
13 otherwise provided by applicable law. ~~Revenue distributed to~~
14 ~~a county under this section shall be deposited in the county~~
15 ~~general fund.~~

16 Sec. 15. Section 602.9104, subsection 2, Code 1991, is
17 amended to read as follows:

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

33 Sec. 16. Section 625.21, Code 1991, is amended to read as
34 follows:

35 625.21 INTEREST.

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

6 Sec. 17. Section 631.6, Code 1991, is amended to read as
7 follows:

8 631.6 FEES AND COSTS.

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

12 1. The docket filing fee for a small claims action is
13 ~~fifteen twenty-five~~ dollars. ~~Five dollars of the docket fee~~
14 ~~shall be deposited in the court revenue distribution account~~
15 ~~established under section 602.8108 and ten dollars of the fee~~
16 ~~shall be paid into the state treasury~~ The fee shall be
17 deposited in the court revenue distribution account as
18 established in section 602.8108. Of the amount of the fee
19 paid into the state treasury, one dollar shall be deposited in
20 the judicial retirement fund established in section 602.9104
21 to be used to pay retirement benefits of the judicial
22 retirement system, ~~and the remainder shall be deposited in the~~
23 ~~general fund of the state.~~

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

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

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

30 All fees and costs collected in small claims actions, ~~other~~
31 ~~than the ten dollars of the docket fee to be paid into the~~
32 ~~state treasury,~~ shall be deposited in the court revenue
33 distribution account established under section 602.8108,
34 except that the fee specified in subsection 4 shall be
35 remitted to the secretary of state.

1 Sec. 18. Section 633.480, Code 1991, is amended to read as
2 follows:

3 633.480 CERTIFICATE TO COUNTY RECORDER FOR TAX PURPOSES
4 WITH ADMINISTRATION.

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

13 Sec. 19. Section 805.6, subsection 3, Code 1991, is
14 amended to read as follows:

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

23 Sec. 20. Section 910.9, unnumbered paragraph 2, Code 1991,
24 is amended to read as follows:

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

33 Sec. 21. Sections 602.1503 through 602.1507, Code 1991,
34 are repealed.

35

EXPLANATION

1 This bill conforms section 78.1 to the statutory change
2 which eliminated the title "deputy clerk of district court."
3 This bill transfers the responsibility for issuing burial
4 transfer permits to the state registrar. The bill also
5 provides that the recorder may keep a recorded instrument if
6 the sender does not wish the instrument returned and allows
7 the use of certified copies of documents for this purpose. In
8 addition, the bill shortens the period in which a marriage
9 license application is valid from one year to six months.

10 Also, the bill provides that the supreme court shall set
11 only the salary of the state court administrator, while the
12 salaries of other employees of the judicial department shall
13 be set pursuant to section 602.1401. Sections 602.1503
14 through 602.1507 are repealed by the bill. The bill also
15 eliminates the clerks' duty to file monthly reports with the
16 department of corrections under section 602.8102, subsection
17 45, the clerk's duty to calculate interest, and the use of a
18 sale book. The bill also replaces the fee book with a cash
19 journal.

20 Further, the bill eliminates the service fees charged in
21 small claims action and raises the small claims filing fee
22 from \$15 to \$25. The bill also eliminates the procedures used
23 to implement the transfer of court generated revenue from the
24 counties to the state.

25 The bill authorizes payment of the corpus and interest
26 earned on judicial retirement accounts to persons assigned
27 benefits pursuant to a domestic relations order, eliminates
28 the duty of the clerk to calculate interest on judgments, and
29 provides that the clerk shall now certify to the county
30 recorder under chapter 558, rather than issue a certificate.

31 Finally, the bill provides that the judicial department is
32 not the state agency responsible for supplying uniform
33 citation and complaint forms and allows the clerk of the
34 district court to decide how to allocate restitution payments
35 of less than \$20 when there are multiple victims or payees.

1 BACKGROUND STATEMENT

2 SUBMITTED BY THE AGENCY

3 Section 1 of the bill conforms chapter 78 to the 1990
4 statutory change which eliminated the title "deputy clerk of
5 district court."

6 Section 2 transfers the responsibility for issuing burial
7 transfer permits from the clerk of court to the state
8 registrar. Currently, the clerk acts as a middle step
9 providing blank transit forms supplied by the department of
10 health to funeral directors.

11 Section 3 conforms section 472.37 to the change made in
12 section 4 of the bill.

13 Section 4 allows the recorder to keep the original document
14 in chapter 472 proceedings.

15 Section 5 reduces the period during which an application
16 for a marriage license is valid.

17 Section 6 strikes language regarding the salaries of
18 judicial department employees. Currently, the salaries of all
19 nonstatutory positions are set according to the department's
20 pay plan.

21 Section 7 eliminates the procedure for filing certain
22 information with the department of corrections and strikes the
23 provision regarding the clerk's duty to calculate interest.

24 Sections 8 and 9 provide for the switch from use of a fee
25 book to a cash journal and eliminate the use of a sale book.
26 The sale book is identical to an execution book and requires
27 duplication of the same information.

28 Sections 10, 11, and 12 eliminate the various service fees
29 charged in small claims actions. This change is related to
30 the change in section 17 which raises the small claims filing
31 fee from \$15 to \$25. This increase, coupled with the
32 elimination of the service fees, is revenue neutral and will
33 reduce the confusion of litigants who must pay court costs.

34 Section 10 also conforms with the changes made in sections 13
35 and 14 which eliminate procedures used to implement transfer

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1 of court generated revenue from the counties to the state.

2 Section 15 authorizes payment of the corpus and interest
3 earned on judicial retirement accounts to payees assigned
4 benefits pursuant to a domestic relations order.

5 Section 16 strikes the requirement that the clerk of
6 district court calculate interest on judgments.

7 Section 17 increases the filing fee for small claims
8 actions and also conforms with changes made in the court
9 revenue distribution account.

10 Section 18 clarifies the role of the clerk in section
11 633.480.

12 Section 19 clarifies that the judicial department is not
13 the state agency responsible for supplying uniform citation
14 and complaint forms.

15 Section 20 allows the clerk of district court to decide how
16 to allocate restitution payments of less than \$20 when there
17 are multiple victims or payees.

18 Section 21 conforms with the changes made in section 6.

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HOUSE FILE 534

AN ACT

RELATING TO CHANGES AND CORRECTIONS IN THE COURT ADMINISTRATION SYSTEM.

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

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

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

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

144.35 EXTENSIONS OF TIME BY RULES.

The department may, by regulation and upon such conditions as it may prescribe to assure compliance with the purposes of this chapter, provide for extension of the periods prescribed in sections 144.26, 144.28, 144.29, and 144.31, and-144-32 for filing of death certificates, fetal death certificates, and medical certifications of cause of death and-for-the-obtaining of-burial-transit-permits in cases in which compliance with the applicable prescribed period would result in undue hardship.

Regulation-of-the-department-may-provide-for-the-issuance of-a-burial-transit-permit-under-section-144-32-prior-to-the filing-of-a-complete-certificate-of-death-or-fetal-death-upon

conditions-designed-to-assure-compliance-with-the-purposes-of this-chapter-in-cases-in-which-compliance-with-the-requirement that-the-complete-certificate-be-filed-prior-to-the-issuance of-the-permit-would-result-in-undue-hardship:

Sec. 3. Section 472.37, Code 1991, is amended to read as follows:

472.37 FORM OF RECORD -- CERTIFICATE.

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

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

472.38 RECORD OF PROCEEDINGS.

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

Sec. 5. Section 595.4, unnumbered paragraph 2, Code 1991, is amended to read as follows:

After expiration of three days from the date of filing the application by the parties, the clerk shall issue the license if the clerk is satisfied as to the competency of the parties to contract a marriage. If the license has not been issued within one-year six months from the date of the application, the application is void.

Sec. 6. Section 602.1401, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 5. The pay plan shall set the compensation of court employees within the funds appropriated by the general assembly.

Sec. 7. Section 602.1502, Code 1991, is amended to read as follows:

602.1502 STATE COURT ADMINISTRATION SALARIES.

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

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

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

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

Sec. 9. Section 602.8104, subsection 2, paragraph c, Code 1991, is amended to read as follows:

c. A fee-book cash journal in which is listed in detail the costs and fees in each action or proceeding under the title of the action or proceeding. The fee-book cash journal shall also have an index containing the information specified in paragraph "a".

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

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

a. For filing and docketing a petition other than for modification of a dissolution decree to which a written stipulation is attached at the time of filing containing the agreement of the parties to the terms of the modification, or an appeal or writ of error, forty-five dollars. ~~Four dollars of the~~ The fee shall be deposited in the court revenue distribution account established under section 602.8108, and forty-one dollars of the fee shall be paid into the state treasury. Of the amount paid to the state treasury, one dollar shall be deposited in the judicial retirement fund established in section 602.9104 to be used to pay retirement benefits of the judicial retirement system, and the remainder shall be deposited in the general fund of the state. In counties having a population of one hundred thousand or over, an additional five dollars shall be charged and collected, to be known as the journal publication fee and used for the purposes provided for in section 618.13.

Sec. 12. Section 602.8105, subsection 1, paragraph c, Code 1991, is amended by striking the paragraph.

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

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

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

that the funds generated from the dissolution fees be appropriated and used for sexual assault and domestic violence centers.

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

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

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

a. ~~Two-fifths shall be remitted monthly by the clerk to the treasurer of state to be credited to the general fund of the state:~~

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

c. ~~Three Of the amount paid to the state treasurer, three-tenths shall be remitted monthly by the clerk to the treasurer of state to be credited to the judicial retirement fund established under section 602.9104.~~

Sec. 15. Section 602.8108, Code 1991, is amended to read as follows:

602.8108 COURT REVENUE DISTRIBUTION ACCOUNT.

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

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

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

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

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

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

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

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

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

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

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

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

625.21 INTEREST.

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

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

631.6 FEES AND COSTS.

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

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

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

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

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

All fees and costs collected in small claims actions, ~~other than the ten dollars of the docket fee to be paid into the state treasury,~~ shall be deposited in the court revenue distribution account established under section 602.8108, except that the fee specified in subsection 4 shall be remitted to the secretary of state.

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

633.480 CERTIFICATE TO COUNTY RECORDER FOR TAX PURPOSES WITH ADMINISTRATION.

After discharge as provided in section 633.479, the clerk shall ~~issue a certificate~~ certify under chapter 558 relative to each parcel of real estate described in the final report of the personal representative which has not been sold by the

personal representative, and deliver the certificate to the county recorder of the county in which the real estate is situated. The county recorder shall deliver the certificate to the county auditor as provided in section 558.58.

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

692.17 EXCLUSIONS.

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

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

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

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

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

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

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

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

ROBERT C. ARNOULD
Speaker of the House

JOE J. WELSH
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 534, Seventy-fourth General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved May 6, 1991

TERRY E. BRANSTAD
Governor

HF 534