

Senate Study Bill 3016

SENATE/HOUSE FILE _____
BY (PROPOSED JUDICIAL
BRANCH BILL)

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

A BILL FOR

1 An Act relating to filing and docketing fees collected by the
2 clerk of the district court for parking violations and tribal
3 judgments, fees for examination and admission to practice law,
4 appropriations from the jury and witness fee revolving fund,
5 and providing an effective date.

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

7 TLSB 5469DP 82

8 jm/rj/5

PAG LIN

1 1 Section 1. Section 602.1302, subsection 3, Code 2007, is
1 2 amended to read as follows:

1 3 3. A revolving fund is created in the state treasury for
1 4 the payment of jury and witness fees, mileage, costs related
1 5 to ~~providing information to, supporting, and~~ summoning jurors
1 6 by the judicial branch, and attorney fees paid by the state
1 7 public defender for counsel appointed pursuant to section
1 8 600A.6A. The judicial branch shall deposit any reimbursements
1 9 to the state for the payment of jury and witness fees and
1 10 mileage in the revolving fund. In each calendar quarter the
1 11 judicial branch shall reimburse the state public defender for
1 12 attorney fees paid pursuant to section 600A.6B.

1 13 Notwithstanding section 8.33, unencumbered and unobligated
1 14 receipts in the revolving fund at the end of a fiscal year do
1 15 not revert to the general fund of the state. The judicial
1 16 branch shall on or before February 1 file a financial
1 17 accounting of the moneys in the revolving fund with the
1 18 legislative services agency. The accounting shall include an
1 19 estimate of disbursements from the revolving fund for the
1 20 remainder of the fiscal year and for the next fiscal year.

1 21 Sec. 2. Section 602.8105, subsection 1, Code Supplement
1 22 2007, is amended by adding the following new paragraph:

1 23 NEW PARAGRAPH. aa. For filing a tribal judgment, one
1 24 hundred dollars.

1 25 Sec. 3. Section 602.8106, subsection 1, paragraph c, Code
1 26 Supplement 2007, is amended to read as follows:

1 27 c. For filing and docketing a complaint or information or
1 28 uniform citation and complaint for parking violations under
1 29 sections 321.236, 321.239, 321.358, 321.360, and 321.361,
1 30 ~~eight twenty-five~~ dollars, effective January 1, ~~2004~~ 2009.

~~1 31 The court costs in cases of parking meter and overtime parking
1 32 violations which are denied, and charged and collected
1 33 pursuant to section 321.236, subsection 1, or pursuant to a
1 34 uniform citation and complaint, are eight dollars per
1 35 information or complaint or per uniform citation and complaint
2 1 effective January 1, 1991.~~

2 2 Sec. 4. Section 602.10108, Code 2007, is amended to read
2 3 as follows:

2 4 602.10108 FEES.

2 5 1. The ~~board supreme court~~ shall set the fees for
2 6 examination and for admission. The fees for examination shall
2 7 be based upon the annual cost of administering the
2 8 examinations. The fees for admission shall be based upon the
2 9 costs of conducting an investigation of the applicant and the
2 10 administrative costs of sustaining the board, ~~which shall
2 11 include but shall not be limited to:~~

~~2 12 1. Expenses and travel for board members and temporary
2 13 examiners.~~

~~2 14 2. Office facilities, supplies, and equipment.~~

~~2 15 3. Clerical assistance.~~

~~2 16 2. Fees shall be collected by the board and transmitted to~~

2 17 the treasurer of state who shall deposit the fees in the
2 18 ~~general fund of the state the board and used to offset the~~
2 19 ~~costs of administering this article.~~

2 20 Sec. 5. Section 626D.3, Code Supplement 2007, is amended
2 21 by adding the following new subsection:
2 22 NEW SUBSECTION. 3A. For filing a tribal judgment, the
2 23 clerk of the district court shall collect the fee set out in
2 24 section 602.8105, subsection 1.

2 25 Sec. 6. EFFECTIVE DATE. The sections of this Act amending
2 26 sections 602.8105 and 626D.3 take effect January 1, 2009.

2 27 EXPLANATION

2 28 This bill relates to filing and docketing fees collected by
2 29 the clerk of the district court, assessing fees for
2 30 examination and admission to practice law, and the
2 31 distribution of funds for juror service.

2 32 The bill establishes a fee to be collected by the clerk of
2 33 the district court, effective January 1, 2009, in the amount
2 34 of \$100 for the filing of a tribal judgment. The distribution
2 35 of court fees collected by the clerk of the district court is
3 1 controlled by Code section 602.8108.

3 2 The bill permits the distribution of funds from the jury
3 3 and witness fee revolving fund created in Code section
3 4 602.1302 for costs related to providing information to and
3 5 supporting potential jurors called for service. Under current
3 6 law the distribution of funds to jurors is limited to juror
3 7 fees, mileage, and costs related to summoning potential
3 8 jurors.

3 9 The bill increases the filing and docketing fee, effective
3 10 January 1, 2009, from \$8 to \$25 for a complaint, information,
3 11 or uniform citation and complaint for parking violations under
3 12 Code sections 321.236 (violations of local ordinances),
3 13 321.239 (violations of county ordinances), 321.358 (unlawful
3 14 parking in certain places), 321.360 (parking near theaters or
3 15 hotels), and 321.361 (additional parking regulations).

3 16 The bill also eliminates the assessment of court costs in
3 17 the amount of \$8 if a person challenges a parking violation
3 18 under Code section 321.236.

3 19 The bill transfers the authority to set fees for
3 20 examination and admission to practice law in Iowa from the
3 21 board of law examiners to the supreme court. The bill also
3 22 directs the fees collected for examination and admission be
3 23 used to offset the costs of administering the examination and
3 24 admission process to practice law. Current law requires the
3 25 examination and admission fees to be deposited into the
3 26 general fund of the state.

3 27 LSB 5469DP 82

3 28 jm/rj/5