

House Study Bill 48

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 judicial branch practices and procedures,
2 including offsets for the collection of delinquent court debt,
3 assessment and appropriation of fees, and appropriations from
4 the jury and witness fee revolving fund.

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

6 TLSB 1406XD 83

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1 1 Section 1. Section 8A.504, subsection 2, paragraph j, Code
1 2 2009, is amended by adding the following new subparagraph:

1 3 NEW SUBPARAGRAPH. (4) The collection entity shall remit
1 4 to the state court administrator, on at least a monthly basis,
1 5 ten percent of the amounts set off to be used by the judicial
1 6 branch to defray the costs of collecting unpaid court debt
1 7 pursuant to section 602.8107.

1 8 Sec. 2. Section 602.1302, subsection 3, Code 2009, is
1 9 amended to read as follows:

1 10 3. A revolving fund is created in the state treasury for
1 11 the payment of jury and witness fees, mileage, costs related
1 12 to providing information to, supporting, and summoning jurors
1 13 by the judicial branch, and attorney fees paid by the state
1 14 public defender for counsel appointed pursuant to section
1 15 600A.6A. The judicial branch shall deposit any reimbursements
1 16 to the state for the payment of jury and witness fees and
1 17 mileage in the revolving fund. In each calendar quarter the
1 18 judicial branch shall reimburse the state public defender for
1 19 attorney fees paid pursuant to section 600A.6B.

1 20 Notwithstanding section 8.33, unencumbered and unobligated
1 21 receipts in the revolving fund at the end of a fiscal year do
1 22 not revert to the general fund of the state. The judicial
1 23 branch shall on or before February 1 file a financial
1 24 accounting of the moneys in the revolving fund with the
1 25 legislative services agency. The accounting shall include an
1 26 estimate of disbursements from the revolving fund for the
1 27 remainder of the fiscal year and for the next fiscal year.

1 28 Sec. 3. Section 602.3101, subsection 2, Code 2009, is
1 29 amended to read as follows:

1 30 2. The state court administrator ~~or a designee of the~~
1 31 ~~state court administrator shall act as~~ shall appoint the
1 32 administrator ~~to~~ of the board.

1 33 Sec. 4. Section 602.3106, subsection 2, Code 2009, is
1 34 amended by striking the subsection and inserting in lieu
1 35 thereof the following:

2 1 2. The fees collected are appropriated to the judicial
2 2 branch and shall be used to offset the expenses of the board,
2 3 including the costs of administering the examination.

2 4 Sec. 5. Section 602.8105, subsection 1, Code 2009, is
2 5 amended by adding the following new paragraph:

2 6 NEW PARAGRAPH. aa. For filing a tribal judgment, one
2 7 hundred dollars.

2 8 Sec. 6. Section 602.8106, subsection 1, paragraph c, Code
2 9 2009, is amended to read as follows:

2 10 c. For filing and docketing a complaint or information or
2 11 uniform citation and complaint for parking violations under
2 12 sections 321.236, 321.239, 321.358, 321.360, and 321.361,
2 13 ~~eight twenty-five dollars, effective January 1, 2004. The~~
2 14 ~~court costs in cases of parking meter and overtime parking~~
2 15 ~~violations which are denied, and charged and collected~~
2 16 ~~pursuant to section 321.236, subsection 1, or pursuant to a~~
2 17 ~~uniform citation and complaint, are eight dollars per~~

2 18 information or complaint or per uniform citation and complaint
2 19 ~~effective January 1, 1991.~~

2 20 Sec. 7. Section 602.10108, Code 2009, is amended to read
2 21 as follows:

2 22 602.10108 FEES.

2 23 1. ~~The board supreme court~~ shall set the fees for
2 24 examination and for admission. The fees for examination shall
2 25 be based upon the annual cost of administering the
2 26 examinations. The fees for admission shall be based upon the
2 27 costs of conducting an investigation of the applicant and the
2 28 administrative costs of sustaining the board, ~~which shall~~
2 29 ~~include but shall not be limited to:~~

2 30 1. ~~Expenses and travel for board members and temporary~~
2 31 ~~examiners.~~

2 32 2. ~~Office facilities, supplies, and equipment.~~

2 33 3. ~~Clerical assistance.~~

2 34 2. Fees shall be collected by the board and ~~transmitted to~~
2 35 ~~the treasurer of state who shall deposit the fees in the~~
3 1 ~~general fund of the state are appropriated to the judicial~~
3 2 ~~branch and shall be used to offset the costs of administering~~
3 3 ~~this article.~~

3 4 Sec. 8. Section 626D.3, Code 2009, is amended by adding
3 5 the following new subsection:

3 6 NEW SUBSECTION. 3A. For filing a tribal judgment, the
3 7 clerk of the district court shall collect the fee set out in
3 8 section 602.8105, subsection 1.

3 9 EXPLANATION

3 10 This bill relates to judicial branch practices and
3 11 procedures, including offsets for the collection of delinquent
3 12 court debt, assessment of fees, and appropriations from the
3 13 jury and witness fee revolving fund.

3 14 The bill requires the department of administrative services
3 15 and any other state agency that maintains a separate
3 16 accounting system and elects to establish a debt collection
3 17 setoff procedure, to remit to the state court administrator,
3 18 10 percent of the amounts set off from the collection of
3 19 delinquent court debt for use by the judicial branch to defray
3 20 the costs of collecting unpaid court debt.

3 21 The bill permits the distribution of funds from the jury
3 22 and witness fee revolving fund created in Code section
3 23 602.1302 for costs related to providing information to and
3 24 supporting potential jurors called for service. Under current
3 25 law the distribution of funds to jurors is limited to juror
3 26 fees, mileage, and costs related to summoning potential
3 27 jurors.

3 28 The bill requires the state court administrator to appoint
3 29 the administrator of the board of examiners of shorthand
3 30 reporters. Current law provides that the state court
3 31 administrator or a designee of the state court administrator
3 32 shall act as administer of the board.

3 33 The bill specifies that the fees assessed for shorthand
3 34 certification examinations shall be used to offset the
3 35 expenses of the board, including the costs of administering
4 1 examinations.

4 2 The bill establishes a fee to be collected by the clerk of
4 3 the district court in the amount of \$100 for the filing of a
4 4 tribal judgment. The distribution of court fees collected by
4 5 the clerk of the district court is controlled by Code section
4 6 602.8108.

4 7 The bill increases the filing and docketing fee from \$8 to
4 8 \$25 for a complaint, information, or uniform citation and
4 9 complaint for parking violations under Code sections 321.236
4 10 (violations of local ordinances), 321.239 (violations of
4 11 county ordinances), 321.358 (unlawful parking in certain
4 12 places), 321.360 (parking near theaters or hotels), and
4 13 321.361 (additional parking regulations).

4 14 The bill also eliminates the assessment of court costs in
4 15 the amount of \$8 if a person challenges a parking violation
4 16 under Code section 321.236.

4 17 The bill transfers the authority to set fees for
4 18 examination and admission to practice law in Iowa from the
4 19 board of law examiners to the supreme court. The bill also
4 20 directs the fees collected for examination and admission be
4 21 used to offset the costs of administering the examination and
4 22 admission process to practice law. Current law requires the
4 23 examination and admission fees to be deposited into the
4 24 general fund of the state.

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