

Judicial Branch Appropriations Act Senate File 511

Last Action:

Final Action

June 27, 2011

An Act relating to and making appropriations to the Judicial Branch.

**Fiscal Services Division
Legislative Services Agency**

NOTES ON BILLS AND AMENDMENTS (NOBA)

Available at <http://www.legis.iowa.gov/LSAReports/noba.aspx>

LSA Contact: Jennifer Acton (515-281-7846)

FUNDING SUMMARY

- Appropriates a total of \$156.4 million from the General Fund to the Judicial Branch for FY 2012. This is an increase of \$6.1 million compared to estimated net FY 2011 including \$5.3 million to annualize the FY 2011 allocation from the Public Safety Enforcement Fund and \$800,000 for the Jury and Witness Fee Revolving Fund. The Judicial Branch has 1,792.9 FTE positions that are not limited in this Bill. Page 1, Line 3
- Appropriates a total of \$78.2 million from the General Fund to the Judicial Branch for FY 2013. This is 50.0% of the total appropriated for FY 2012 including \$77.1 million for Judicial Branch operations and \$1.2 million for the Jury and Witness Fee Revolving Fund. The Judicial Branch has 1,792.9 FTE positions that are not limited in this Bill. Page 4, Line 29

STUDIES AND INTENT LANGUAGE

- Prohibits the Judicial Branch from duplicating the State payroll system. Page 1, Line 28
- Requires the Judicial Branch to submit monthly financial statements to the Legislative Services Agency (LSA) and the Department of Management (DOM). Page 1, Line 34
- Requires the Judicial Branch to focus efforts on collecting delinquent fines and fees. Page 2, Line 9
- Specifies legislative intent that the Offices of the Clerks of District Court operate in all 99 counties and be accessible to the public as much as reasonably possible. Page 2, Line 12
- Requires the Judicial Branch to notify the LSA prior to any intradepartmental transfer of funds. Page 2, Line 17
- Requires the Judicial Branch to provide a semiannual report to the LSA, specifying the amount of fines, surcharges, and court costs collected using the Iowa Court Information System (ICIS). Page 2, Line 26
- Requires the Judicial Branch to report to the General Assembly by January 1, 2012, regarding the revenues and expenditures of the Enhanced Court Collections Fund and the Court Technology and Modernization Fund for FY 2011 and planned expenditures for FY 2012. Page 2, Line 34
- Beginning July 1, 2011, requires the Judicial Branch to obtain bids from Iowa Prison Industries for office furniture purchases exceeding \$5,000. Page 3, Line 9
- Permits parties to a civil case, including a jury trial, to move the case to a contiguous county. Page 3, Line 15

EXECUTIVE SUMMARY
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- Permits a judicial officer to waive travel reimbursement for any travel outside the county of residence of the judicial officer. Page 3, Line 28
- Requires the Judicial Branch to provide the LSA with reports in electronic format. Page 3, Line 33
- Permits the Supreme Court to order judicial officers to take unpaid leave in the same manner as noncontract employees of the Judicial Branch. Page 4, Line 8
- Specifies it is the intent of the General Assembly that the Judicial Branch utilize the Iowa Communications Network or another secure electronic communications in lieu of traveling for FY 2012. Page 4, Line 22

EFFECTIVE AND ENACTMENT DATES

- Senate File 511 is effective on July 1, 2011. Effective date language for SF 511 is included in Section 150 of SF 533 (Standing Appropriations Act). Page 1, Line 1

This Act was approved by the General Assembly on June 27, 2011, and signed by the Governor on July 29, 2011.

1 1 DIVISION I
 1 2 FY 2011-2012

1 3 Section 1. JUDICIAL BRANCH.

1 4 1. There is appropriated from the general fund of the state
 1 5 to the judicial branch for the fiscal year beginning July 1,
 1 6 2011, and ending June 30, 2012, the following amount, or so
 1 7 much thereof as is necessary, to be used for the purposes
 1 8 designated:

1 9 a. For salaries of supreme court justices, appellate court
 1 10 judges, district court judges, district associate judges,
 1 11 judicial magistrates and staff, state court administrator,
 1 12 clerk of the supreme court, district court administrators,
 1 13 clerks of the district court, juvenile court officers, board of
 1 14 law examiners and board of examiners of shorthand reporters and
 1 15 judicial qualifications commission; receipt and disbursement
 1 16 of child support payments; reimbursement of the auditor
 1 17 of state for expenses incurred in completing audits of the
 1 18 offices of the clerks of the district court during the fiscal
 1 19 year beginning July 1, 2011; and maintenance, equipment, and
 1 20 miscellaneous purposes:
 1 21 \$ 154,111,822

1 22 b. For deposit in the revolving fund created pursuant
 1 23 to section 602.1302, subsection 3, for jury and witness
 1 24 fees, mileage, costs related to summoning jurors, fees for
 1 25 interpreters, and reimbursement of attorney fees paid by the
 1 26 state public defender:
 1 27 \$ 2,300,000

1 28 2. The judicial branch, except for purposes of internal
 1 29 processing, shall use the current state budget system, the
 1 30 state payroll system, and the Iowa finance and accounting
 1 31 system in administration of programs and payments for services,
 1 32 and shall not duplicate the state payroll, accounting, and
 1 33 budgeting systems.

1 34 3. The judicial branch shall submit monthly financial
 1 35 statements to the legislative services agency and the
 2 1 department of management containing all appropriated accounts
 2 2 in the same manner as provided in the monthly financial status
 2 3 reports and personal services usage reports of the department
 2 4 of administrative services. The monthly financial statements
 2 5 shall include a comparison of the dollars and percentage
 2 6 spent of budgeted versus actual revenues and expenditures on
 2 7 a cumulative basis for full-time equivalent positions and

General Fund appropriation to the Judicial Branch for operations.

DETAIL: This is an increase of \$5,300,000 in General Fund dollars compared to the estimated net FY 2011 appropriation. The increase annualizes the Public Safety Enforcement Fund allocation from FY 2011.

NOTE: Senate File 2378 (FY 2011 Justice System Appropriations Act) allocated \$5,300,000 from the Public Safety Enforcement Fund to the Judicial Branch for operations. This same amount is appropriated from the General Fund for FY 2012.

General Fund appropriation to the Jury and Witness Fee Revolving Fund for the reimbursement of juror and witness fees, mileage, and costs.

DETAIL: This is an increase of \$800,000 compared to estimated net FY 2011. This increase replaces funds that were previously provided from outstanding court debt revenue.

Prohibits the Judicial Branch from duplicating current State payroll, budgeting, and accounting systems, except for the implementation of an internal accounting and recordkeeping system.

Requires the Judicial Branch to submit monthly financial statements for all appropriated accounts to the Fiscal Services Division of the Legislative Services Agency (LSA) and the Department of Management (DOM). Specifies what is to be included in the financial statements.

2 8 dollars.

2 9 4. The judicial branch shall focus efforts upon the
2 10 collection of delinquent fines, penalties, court costs, fees,
2 11 surcharges, or similar amounts.

2 12 5. It is the intent of the general assembly that the offices
2 13 of the clerks of the district court operate in all 99 counties
2 14 and be accessible to the public as much as is reasonably
2 15 possible in order to address the relative needs of the citizens
2 16 of each county.

2 17 6. In addition to the requirements for transfers under
2 18 section 8.39, the judicial branch shall not change the
2 19 appropriations from the amounts appropriated to the judicial
2 20 branch in this Act, unless notice of the revisions is given
2 21 prior to their effective date to the legislative services
2 22 agency. The notice shall include information on the branch's
2 23 rationale for making the changes and details concerning the
2 24 workload and performance measures upon which the changes are
2 25 based.

2 26 7. The judicial branch shall submit a semiannual update
2 27 to the legislative services agency specifying the amounts of
2 28 fines, surcharges, and court costs collected using the Iowa
2 29 court information system since the last report. The judicial
2 30 branch shall continue to facilitate the sharing of vital
2 31 sentencing and other information with other state departments
2 32 and governmental agencies involved in the criminal justice
2 33 system through the Iowa court information system.

2 34 8. The judicial branch shall provide a report to the general
2 35 assembly by January 1, 2012, concerning the amounts received
3 1 and expended from the enhanced court collections fund created
3 2 in section 602.1304 and the court technology and modernization
3 3 fund created in section 602.8108, subsection 7, during the
3 4 fiscal year beginning July 1, 2010, and ending June 30, 2011,
3 5 and the plans for expenditures from each fund during the fiscal
3 6 year beginning July 1, 2011, and ending June 30, 2012. A copy
3 7 of the report shall be provided to the legislative services
3 8 agency.

3 9 9. The judicial branch is encouraged to purchase products
3 10 from Iowa state industries, as defined in section 904.802, when
3 11 purchases are required and the products are available from Iowa
3 12 state industries. The judicial branch shall obtain bids from
3 13 Iowa state industries for purchases of office furniture during
3 14 the fiscal year beginning July 1, 2011, exceeding \$5,000.

3 15 Sec. 2. CIVIL TRIALS — LOCATION. Notwithstanding any

Requires the Judicial Branch to focus efforts on collecting delinquent fines and fees.

Specifies it is the intent of the General Assembly that the Judicial Branch operate Clerk of Court offices in all 99 counties and ensure the offices are accessible to the public as much as reasonably possible.

Requires the Judicial Branch to notify the LSA prior to any intradepartmental transfer of funds and specifies the contents of the notice.

Requires the Judicial Branch to provide a semiannual report to the LSA, specifying the amount of fines, surcharges, and court costs collected using the Iowa Court Information System (ICIS). Requires the Judicial Branch to continue to share vital sentencing and other information with departments and government agencies involved with the criminal justice system through the ICIS.

Requires the Judicial Branch to report to the General Assembly by January 1, 2012, regarding the revenues and expenditures of the Enhanced Court Collections Fund and the Court Technology and Modernization Fund for FY 2011 and planned expenditures for FY 2012. The Judicial Branch is required to provide a copy of this report to the LSA.

Beginning July 1, 2011, requires the Judicial Branch to obtain bids from Iowa Prison Industries for office furniture purchases exceeding \$5,000.

Permits parties to a civil case, including a jury trial, to move the case to

3 16 provision to the contrary, for the fiscal year beginning July
3 17 1, 2011, and ending June 30, 2012, if all parties in a case
3 18 agree, a civil trial including a jury trial may take place in a
3 19 county contiguous to the county with proper jurisdiction, even
3 20 if the contiguous county is located in an adjacent judicial
3 21 district or judicial election district. If the trial is moved
3 22 pursuant to this section, court personnel shall treat the case
3 23 as if a change of venue occurred. However, if a trial is moved
3 24 to an adjacent judicial district or judicial election district,
3 25 the judicial officers serving in the judicial district or
3 26 judicial election district receiving the case shall preside
3 27 over the case.

a contiguous county, even if it crosses a judicial district for one year (FY 2012). If the case is moved, the judicial officers in the receiving judicial district will preside over the case.

3 28 Sec. 3. TRAVEL REIMBURSEMENT. Notwithstanding section
3 29 602.1509, for the fiscal year beginning July 1, 2011, a
3 30 judicial officer may waive travel reimbursement for any travel
3 31 outside the judicial officer's county of residence to conduct
3 32 official judicial business.

Permits a judicial officer to waive travel reimbursement for any travel outside the county of residence of the judicial officer.

3 33 Sec. 4. POSTING OF REPORTS IN ELECTRONIC FORMAT —
3 34 LEGISLATIVE SERVICES AGENCY. All reports or copies of reports
3 35 required to be provided by the judicial branch for fiscal year
4 1 2011-2012 to the legislative services agency shall be provided
4 2 in an electronic format. The legislative services agency shall
4 3 post the reports on its internet website and shall notify by
4 4 electronic means all the members of the joint appropriations
4 5 subcommittee on the justice system when a report is posted.
4 6 Upon request, copies of the reports may be mailed to members of
4 7 the joint appropriations subcommittee on the justice system.

Requires the Judicial Branch to provide the LSA with reports in electronic format to allow the reports to be placed on the LSA website. The LSA is to notify members of the Justice System Appropriations Subcommittee when reports have been received and published.

4 8 Sec. 5. JUDICIAL OFFICER — UNPAID LEAVE. Notwithstanding
4 9 the annual salary rates for judicial officers established by
4 10 2008 Iowa Acts, chapter 1191, section 11, for the fiscal year
4 11 beginning July 1, 2011, and ending June 30, 2012, the supreme
4 12 court may by order place all judicial officers on unpaid leave
4 13 status on any day employees of the judicial branch are placed
4 14 on temporary layoff status. The biweekly pay of the judicial
4 15 officers shall be reduced accordingly for the pay period in
4 16 which the unpaid leave date occurred in the same manner as
4 17 for noncontract employees of the judicial branch. Through
4 18 the course of the fiscal year, the judicial branch may use an
4 19 amount equal to the aggregate amount of salary reductions due
4 20 to the judicial officer unpaid leave days for any purpose other
4 21 than for judicial salaries.

Permits the Supreme Court to order judicial officers to take unpaid leave in the same manner as noncontract employees of the Judicial Branch through FY 2012.

4 22 Sec. 6. IOWA COMMUNICATIONS NETWORK. It is the intent
4 23 of the general assembly that the judicial branch utilize
4 24 the Iowa communications network or other secure electronic
4 25 communications in lieu of traveling for the fiscal year

Specifies it is the intent of the General Assembly that the Judicial Branch utilize the Iowa Communications Network or other secure electronic communications in lieu of traveling for FY 2012.

4 26 beginning July 1, 2011.

4 27 DIVISION II
4 28 FY 2012-2013

4 29 Sec. 7. JUDICIAL BRANCH.

4 30 1. There is appropriated from the general fund of the state
4 31 to the judicial branch for the fiscal year beginning July 1,
4 32 2012, and ending June 30, 2013, the following amount, or so
4 33 much thereof as is necessary, to be used for the purposes
4 34 designated:

4 35 a. For salaries of supreme court justices, appellate court
5 1 judges, district court judges, district associate judges,
5 2 judicial magistrates and staff, state court administrator,
5 3 clerk of the supreme court, district court administrators,
5 4 clerks of the district court, juvenile court officers, board of
5 5 law examiners and board of examiners of shorthand reporters and
5 6 judicial qualifications commission; receipt and disbursement
5 7 of child support payments; reimbursement of the auditor
5 8 of state for expenses incurred in completing audits of the
5 9 offices of the clerks of the district court during the fiscal
5 10 year beginning July 1, 2012; and maintenance, equipment, and
5 11 miscellaneous purposes:

5 12 \$ 77,055,911

5 13 b. For deposit in the revolving fund created pursuant
5 14 to section 602.1302, subsection 3, for jury and witness
5 15 fees, mileage, costs related to summoning jurors, fees for
5 16 interpreters, and reimbursement of attorney fees paid by the
5 17 state public defender:

5 18 \$ 1,150,000

5 19 2. The judicial branch, except for purposes of internal
5 20 processing, shall use the current state budget system, the
5 21 state payroll system, and the Iowa finance and accounting
5 22 system in administration of programs and payments for services,
5 23 and shall not duplicate the state payroll, accounting, and
5 24 budgeting systems.

5 25 3. The judicial branch shall submit monthly financial
5 26 statements to the legislative services agency and the
5 27 department of management containing all appropriated accounts
5 28 in the same manner as provided in the monthly financial status
5 29 reports and personal services usage reports of the department
5 30 of administrative services. The monthly financial statements
5 31 shall include a comparison of the dollars and percentage
5 32 spent of budgeted versus actual revenues and expenditures on
5 33 a cumulative basis for full-time equivalent positions and
5 34 dollars.

5 35 4. The judicial branch shall focus efforts upon the
6 1 collection of delinquent fines, penalties, court costs, fees,
6 2 surcharges, or similar amounts.

Biennial Budgeting - FY 2013: Division II appropriates General Fund and FTE positions for FY 2013 for the Judicial Branch budget and includes necessary corresponding language. These appropriations are equal to 50.0% of the appropriations for FY 2012.

6 3 5. It is the intent of the general assembly that the offices
6 4 of the clerks of the district court operate in all 99 counties
6 5 and be accessible to the public as much as is reasonably
6 6 possible in order to address the relative needs of the citizens
6 7 of each county.

6 8 6. In addition to the requirements for transfers under
6 9 section 8.39, the judicial branch shall not change the
6 10 appropriations from the amounts appropriated to the judicial
6 11 branch in this division of this Act, unless notice of the
6 12 revisions is given prior to their effective date to the
6 13 legislative services agency. The notice shall include
6 14 information on the branch's rationale for making the changes
6 15 and details concerning the workload and performance measures
6 16 upon which the changes are based.

6 17 7. The judicial branch shall submit a semiannual update
6 18 to the legislative services agency specifying the amounts of
6 19 fines, surcharges, and court costs collected using the Iowa
6 20 court information system since the last report. The judicial
6 21 branch shall continue to facilitate the sharing of vital
6 22 sentencing and other information with other state departments
6 23 and governmental agencies involved in the criminal justice
6 24 system through the Iowa court information system.

6 25 8. The judicial branch shall provide a report to the general
6 26 assembly by January 1, 2013, concerning the amounts received
6 27 and expended from the enhanced court collections fund created
6 28 in section 602.1304 and the court technology and modernization
6 29 fund created in section 602.8108, subsection 7, during the
6 30 fiscal year beginning July 1, 2011, and ending June 30, 2012,
6 31 and the plans for expenditures from each fund during the fiscal
6 32 year beginning July 1, 2012, and ending June 30, 2013. A copy
6 33 of the report shall be provided to the legislative services
6 34 agency.

6 35 9. The judicial branch is encouraged to purchase products
7 1 from Iowa state industries, as defined in section 904.802, when
7 2 purchases are required and the products are available from Iowa
7 3 state industries. The judicial branch shall obtain bids from
7 4 Iowa state industries for purchases of office furniture during
7 5 the fiscal year beginning July 1, 2012, exceeding \$5,000.

7 6 **Sec. 8. CIVIL TRIALS — LOCATION.**

7 7 Notwithstanding any provision to the contrary, for the fiscal
7 8 year beginning July 1, 2012, and ending June 30, 2013, if
7 9 all parties in a case agree, a civil trial including a jury
7 10 trial may take place in a county contiguous to the county
7 11 with proper jurisdiction, even if the contiguous county is
7 12 located in an adjacent judicial district or judicial election
7 13 district. If the trial is moved pursuant to this section,
7 14 court personnel shall treat the case as if a change of venue
7 15 occurred. However, if a trial is moved to an adjacent judicial
7 16 district or judicial election district, the judicial officers

7 17 serving in the judicial district or judicial election district
7 18 receiving the case shall preside over the case.

7 19 Sec. 9. TRAVEL REIMBURSEMENT. Notwithstanding section
7 20 602.1509, for the fiscal year beginning July 1, 2012, a
7 21 judicial officer may waive travel reimbursement for any travel
7 22 outside the judicial officer's county of residence to conduct
7 23 official judicial business.

7 24 Sec. 10. POSTING OF REPORTS IN ELECTRONIC FORMAT —
7 25 LEGISLATIVE SERVICES AGENCY. All reports or copies of reports
7 26 required to be provided by the judicial branch for fiscal year
7 27 2012-2013 to the legislative services agency shall be provided
7 28 in an electronic format. The legislative services agency shall
7 29 post the reports on its internet website and shall notify by
7 30 electronic means all the members of the joint appropriations
7 31 subcommittee on the justice system when a report is posted.
7 32 Upon request, copies of the reports may be mailed to members of
7 33 the joint appropriations subcommittee on the justice system.

7 34 Sec. 11. JUDICIAL OFFICER — UNPAID LEAVE. Notwithstanding
7 35 the annual salary rates for judicial officers established by
8 1 2008 Iowa Acts, chapter 1191, section 11, for the fiscal year
8 2 beginning July 1, 2012, and ending June 30, 2013, the supreme
8 3 court may by order place all judicial officers on unpaid leave
8 4 status on any day employees of the judicial branch are placed
8 5 on temporary layoff status. The biweekly pay of the judicial
8 6 officers shall be reduced accordingly for the pay period in
8 7 which the unpaid leave date occurred in the same manner as
8 8 for noncontract employees of the judicial branch. Through
8 9 the course of the fiscal year, the judicial branch may use an
8 10 amount equal to the aggregate amount of salary reductions due
8 11 to the judicial officer unpaid leave days for any purpose other
8 12 than for judicial salaries.

8 13 Sec. 12. IOWA COMMUNICATIONS NETWORK. It is the intent
8 14 of the general assembly that the judicial branch utilize
8 15 the Iowa communications network or other secure electronic
8 16 communications in lieu of traveling for the fiscal year
8 17 beginning July 1, 2012.

Summary Data

General Fund

	Estimated Net FY 2011 (1)	Final Action FY 2012 (2)	Item Veto FY 2012 (3)	Net Final FY 2012 (4)	Net Final vs. Est Net (5)	Final Action FY 2013 (6)	Item Veto FY 2013 (7)	Net Final FY 2013 (8)	FY 2013 vs FY 2012 (9)
Justice System	\$ 150,311,822	\$ 156,411,822	\$ 0	\$ 156,411,822	\$ 6,100,000	\$ 78,205,911	\$ 0	\$ 78,205,911	\$ -78,205,911
Grand Total	<u>\$ 150,311,822</u>	<u>\$ 156,411,822</u>	<u>\$ 0</u>	<u>\$ 156,411,822</u>	<u>\$ 6,100,000</u>	<u>\$ 78,205,911</u>	<u>\$ 0</u>	<u>\$ 78,205,911</u>	<u>\$ -78,205,911</u>

Justice System General Fund

	Estimated Net FY 2011 (1)	Final Action FY 2012 (2)	Item Veto FY 2012 (3)	Net Final FY 2012 (4)	Net Final vs. Est Net (5)	Final Action FY 2013 (6)	Item Veto FY 2013 (7)	Net Final FY 2013 (8)	FY 2013 vs FY 2012 (9)	Page and Line # (10)
Judicial Branch										
Judicial Branch	\$ 148,811,822	\$ 154,111,822	\$ 0	\$ 154,111,822	\$ 5,300,000	\$ 77,055,911	\$ 0	\$ 77,055,911	\$ -77,055,911	PG 1 LN 3
Jury & Witness	1,500,000	2,300,000	0	2,300,000	800,000	1,150,000	0	1,150,000	-1,150,000	PG 1 LN 22
Total Judicial Branch	\$ 150,311,822	\$ 156,411,822	\$ 0	\$ 156,411,822	\$ 6,100,000	\$ 78,205,911	\$ 0	\$ 78,205,911	\$ -78,205,911	
Total Justice System	\$ 150,311,822	\$ 156,411,822	\$ 0	\$ 156,411,822	\$ 6,100,000	\$ 78,205,911	\$ 0	\$ 78,205,911	\$ -78,205,911	

Summary Data FTE

	Estimated Net FY 2011 (1)	Final Action FY 2012 (2)	Item Veto FY 2012 (3)	Net Final FY 2012 (4)	Net Final vs. Est Net (5)	Final Action FY 2013 (6)	Item Veto FY 2013 (7)	Net Final FY 2013 (8)	FY 2013 vs FY 2012 (9)
Justice System	1,792.86	1,792.86	0.00	1,792.86	0.00	1,792.86	0.00	1,792.86	0.00
Grand Total	<u>1,792.86</u>	<u>1,792.86</u>	<u>0.00</u>	<u>1,792.86</u>	<u>0.00</u>	<u>1,792.86</u>	<u>0.00</u>	<u>1,792.86</u>	<u>0.00</u>

Justice System FTE

	Estimated Net FY 2011 (1)	Final Action FY 2012 (2)	Item Veto FY 2012 (3)	Net Final FY 2012 (4)	Net Final vs. Est Net (5)	Final Action FY 2013 (6)	Item Veto FY 2013 (7)	Net Final FY 2013 (8)	FY 2013 vs FY 2012 (9)	Page and Line # (10)
<u>Judicial Branch</u>										
Judicial Branch	1,792.86	1,792.86	0.00	1,792.86	0.00	1,792.86	0.00	1,792.86	0.00	PG 1 LN 3
Total Judicial Branch	<u>1,792.86</u>	<u>1,792.86</u>	<u>0.00</u>	<u>1,792.86</u>	<u>0.00</u>	<u>1,792.86</u>	<u>0.00</u>	<u>1,792.86</u>	<u>0.00</u>	
Total Justice System	<u><u>1,792.86</u></u>	<u><u>1,792.86</u></u>	<u><u>0.00</u></u>	<u><u>1,792.86</u></u>	<u><u>0.00</u></u>	<u><u>1,792.86</u></u>	<u><u>0.00</u></u>	<u><u>1,792.86</u></u>	<u><u>0.00</u></u>	