

F I N A L   R E P O R T  
COURT REFORM JOINT SUBCOMMITTEE

January, 1983

The Court Reform Joint Subcommittee of the Senate Standing Committee on Judiciary and the House Standing Committee on Judiciary and Law Enforcement was created by the Legislative Council in 1982. The following legislators served on the Subcommittee:

Senator A. R. Bud Kudart, Co-chairperson  
Representative Virginia Poffenberger, Co-chairperson  
Senator C. Joseph Coleman  
Senator Donald Doyle  
Senator Mike Lura  
Senator Ray Taylor  
Representative Virgil Corey  
Representative James Johnson  
Representative Al Sturgeon  
Representative Tom Swartz

HISTORY

The subject matter of court reorganization was originally approved for study by the Legislative Council in 1979. The general function of the study was to investigate the feasibility of reorganizing the courts of Iowa, as proposed by the Iowa Supreme Court, into a single state judicial department, to be funded by the state and administered by the Supreme Court. The Legislative Council, upon the recommendation of the 1979 Joint Subcommittee, contracted in 1979 with the Resource Planning Corporation of Washington, D.C., to obtain a study of the personnel and funding of the existing court system. The final report of the study was submitted to the Legislative Council in August of 1980.

The Legislative Council authorized the continuation of the court study during the 1980 legislative interim. Based upon the written report submitted by Resource Planning Corporation (RPC), and upon testimony received during the 1980 interim meetings and subcommittee deliberations, the 1980 Court Study Joint Subcommittee approved the concept of court reorganization, but recommended further study of the methods of funding of a reorganized court system and of the impact upon local government that would result from proposed funding methods.

The Subcommittee was continued during the 1981 interim by the Legislative Council. The Subcommittee was assigned the task of identifying various recommendations associated with court reorganization, determining the cost, if any, that would follow adoption of each recommendation, identifying sources of revenue

that might be available to permit state funding of cost-bearing recommendations, and determining what must be done to accomplish noncost recommendations.

The Subcommittee ordered the drafting of a proposed bill containing a comprehensive revision and recodification of the Iowa laws that establish and govern the various components of the Iowa judicial system, and the Subcommittee's recommended form of court reorganization.

A document entitled "Handbook--State Assumption of the Operating Costs and Revenues of the District Court" was prepared to provide cost estimates of those district court functions that would be state-funded following a court reorganization such as that proposed by the Supreme Court. The Handbook contained cost projections, as adjusted for annual inflation, through fiscal year 1989-1990; personnel cost projections; revenue projections, as adjusted for annual inflation, through fiscal year 1989-1990, for those portions of district court revenues that are presently distributed to the counties and the school districts; theoretical plans which could be used to phase in a redirection to the state general fund of county and school district shares of court revenue; and comparisons of county and school district shares of court revenues to their overall budgets. The Handbook discussed the various adjustments that were made to RPC data for the purpose of estimating anticipated state expenditures and anticipated revenues.

After the final meeting of the Subcommittee, an Addendum to the Handbook was prepared. The Addendum contained cost projections for indigent defense, aggregate court cost projections, revenue projections for the share of revenues presently distributed to counties, the recommendations of the Subcommittee for accomplishing the transition from county funding to state funding, and tables showing the anticipated fiscal effects of the recommendations.

#### 1981 SUBCOMMITTEE RECOMMENDATIONS

The Subcommittee adopted the following recommendations:

1. The state should assume the administration and funding of Iowa district court operations as soon as financial conditions permit.
2. Reorganization of the supervision and administration of the district court should provide for the appointment of the clerks of the district court by the district judges, and for state funding of the personnel and operating costs of the offices of the clerks of district court. All clerks of the district court and their employees would become state employees.
3. Court reorganization should provide for the administration and supervision of juvenile probation services on a judicial

district basis, with a chief administrative and supervisory officer in each district who is appointed by the district judges. All probation officers and juvenile court services employees would become state employees.

4. Court reorganization should provide that court reporters for the district court also become state employees.

5. State assumption of the costs of operating the offices of the clerks of the district court should include the costs incurred for juries and witnesses.

6. The state should assume the costs incurred for the defense of indigents.

7. The state should finance only those additional types of expenditures that relate directly to district court operations. County sheriffs would hire bailiffs and provide only law enforcement services to the courts.

8. The state should not assume, as a part of court reorganization, the burden of providing or paying for courtrooms and other physical facilities used by the various functional units of the district court.

9. Those counties which at present are providing computer services for the district court should continue to do so, and the state should reimburse those counties for the reasonable value of those services.

10. The share of district court revenues that presently is paid into county treasuries should be redirected to the state general fund to offset the costs that are assumed by the state, but the school district share should be left with the school districts.

11. The transition to a state-administered and state-funded district court should be accomplished according to a multi-year schedule which provides as follows:

a. The supervision and administration of the district court and the transfer of personnel to the state payroll would occur in the first year of the transition.

b. The counties would continue to provide some funding for the district court during the transition. The portion of the costs to be paid by the counties during transition would be based upon the projected costs for the first year of the transition, and each county's contribution would decrease to zero in 20% steps during the transition period. As a result, the state would be responsible for the annual inflation in the costs of operations, and in addition would periodically assume a greater percentage of the total financial burden as county contributions decreased.

c. The shift of court revenues from county treasuries to the state treasury would occur in periodic 20% steps, so that each time a county's contribution to court financing decreases, its share of court revenue also decreases.

As proposed by the Subcommittee, the transition would take place over a period of six years.

SENATE FILE 2233 (AS INTRODUCED)

Senate File 2233, as introduced, incorporated most of the 1981 Subcommittee's recommendations. However, recommendation 6, which called for state assumption of the costs incurred for the criminal defense of indigents was not included in the bill; the bill created a mechanism by which the counties participated in an indigent defense indemnification fund. In addition, the bill's financial implementation would begin in July of 1983 rather than in July of 1984.

SENATE FILE 2233 (AS PASSED BY THE SENATE)

Senate File 2233, as amended, passed, and reprinted by the Senate, reorganized the courts and related agencies into a state judicial department supervised and administered by the supreme court. All the district court personnel, including clerks of the district court, court reporters, and juvenile probation officers became state employees. Over a five-year period, starting July of 1984, the financial obligation of the counties was transferred to the state, except expenses for the physical facilities, magistrate appointing commission, jury commission, and prosecutions of criminal actions under state law. During the same five-year period of time, county revenue from court operations was shifted to the state. Fine money paid to the county treasury for the benefit of the school districts was deposited in the state general fund but the schools continued to receive the same amount as they received in fiscal year 1984-1985. Any subsequent growth in school district fine revenue was to remain with the state.

This bill generally would have taken effect July, 1984. Prior rule-making authority was given to the Supreme Court effective July 1, 1983 and the bill made an appropriation of \$200,000 to permit the Court to do the necessary planning.

Using the average annual expenditure increase of 11.5% and the average annual revenue increase of 12.5% from the Resource Planning Corporation's profile, the following was the fiscal effect of the bill:

SENATE FILE 2233 (AS PASSED BY THE SENATE)  
 FISCAL EFFECTS  
 (Dollars in Millions, FY \_\_\_ Ends on June 30 of that Year)

Estimated Expenditures

	Base Year FY 84	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
Clerk of Court	\$ 17.3	19.3	21.6	24.0	26.8	29.8	33.2
Juv. Probation	7.2	8.0	8.9	10.0	11.1	12.4	13.8
Court Reporters	5.1	5.7	6.3	7.0	7.8	8.7	9.8
Jury-Witness	2.5	2.8	3.0	3.4	3.8	4.3	4.8
Indigent Defense	6.8	7.5	8.4	9.4	10.5	11.7	13.0
	\$ 38.9	43.3	48.2	53.8	60.0	66.9	74.6
State's Share	\$ ----	4.4	17.2	30.5	44.5	59.1	74.6
State's % Share	----	----	20%	40%	60%	80%	100%
Counties Share	38.9	38.9	31.0	23.3	15.5	7.8	----
	\$ 38.9	43.3	48.2	53.8	60.0	66.9	74.6

Estimated Revenue

	Base Year FY 84	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
Total Revenue	\$ 30.4	34.2	38.5	43.3	48.7	54.7	61.6
State's Share	\$ ----	----	5.6	12.3	20.3	29.7	40.9
Counties' Share	12.0	13.5	12.2	10.3	7.7	4.3	----
Counties' % Share	----	----	80%	60%	40%	20%	0%
Schools' Share	18.4	20.7	20.7	20.7	20.7	20.7	20.7
	\$ 30.4	34.2	38.5	43.3	48.7	54.7	61.6

Estimated State Costs

State Expenditures	\$ ----	4.4	17.2	30.5	44.5	59.1	74.6
State Revenues	\$ ----	----	5.6	12.3	20.3	29.7	40.9
Unfunded Costs	\$ ----	4.4	11.6	18.2	24.2	29.4	33.7

#### 1982 SUBCOMMITTEE

The Legislative Council authorized two meetings of the Court Reform Joint Subcommittee. At its first meeting, the Subcommittee heard testimony from the Iowa Clerks of the District Court Association, the Iowa State Bar Association, and the Iowa County Supervisors Association regarding the selection process of the clerks of the district court. The Clerks Association's representative favored the appointment of the clerks; the Supervisors Association's representative favored election; and the Bar Association's representative stated that the Association's Board of Governors had not yet taken formal action on the selection process of the clerks. The Iowa State Association of Counties' representative informed the Subcommittee that the cost savings in the bill for the counties should be reason enough for the counties to support the legislation, but that the legislation is still vulnerable to opposition by the counties because the state is not legally mandated to meet the specific six-year implementation schedule for transferring court costs from the counties to the state.

The Subcommittee was briefed by the Legislative Service Bureau staff on the history and current status of the court reorganization bill, the bill's current implementation schedule, fiscal effects, and provisions relating to indigent defense. After considerable Subcommittee discussion on the selection process for clerks of the district court, the Subcommittee instructed the Legislative Service Bureau to draft amendments to Senate File 2233, as passed, amended, and reprinted by the Senate, establishing a residency requirement for clerks of the district court, establishing county district court clerk nominating commissions, requiring retention by election of clerks of the district court, and delaying the implementation of the court reorganization by one year.

At its second meeting, the Subcommittee received, from the Legislative Service Bureau, an update on projections of court expenditures in fiscal years 1979-1980, 1980-1981, and 1981-1982 in Iowa's five largest counties. While the individual cost components demonstrated a wide variance from the projected costs, the study concluded that projected total costs, from the Resource Planning Corporation's study, were nine-tenths of one percent lower than the actual costs for fiscal year 1981-1982. However, a new fiscal effects analysis presented in the study indicated that total costs to the state through fiscal year 1990-1991 could be lower than the initial projections from the Resource Planning Corporation's study. The Legislative Service Bureau study only detailed the cost for Iowa's five largest counties, and the study did not indicate whether the five-county expenditures can be regarded as uniform throughout the state.

The Subcommittee considered six amendments to Senate File 2233, as amended, passed, and reprinted by the Senate, and heard testimony from the Iowa Clerks of the District Court Association,

the Iowa Property Taxpayers' Association, and the Iowa State Bar Association. The representative from the Clerks Association opposed the amendments establishing county district court clerk nominating commissions, and requiring retention by election of clerks of the district court, and the amendment offered by Representative Swartz implementing the court reorganization by components over a five-year period. The representative from the Taxpayers' Association urged the Subcommittee to support reorganization. The Bar Association's representative informed the Subcommittee that the Association's Board of Governors has adopted a resolution approving the shifting of costs from the counties to the state for the centralized court system, approved the appointment of clerks by the judges, as well as removal by the judges, and endorsed the removal from partisan politics of the clerks through the appointment process.

#### SUBCOMMITTEE ACTION

The Subcommittee defeated the amendments relating to the county district court clerk nominating commission and the retention by election of the clerks of the district court. The Subcommittee approved the amendments requiring county residency at the time of application for clerks of the district court, and restoring the one-sixth share of fees and costs for filings and forfeited bail before magistrates to the judicial retirement fund, and the Swartz amendment implementing the court reorganization by components over a five-year period beginning on July 1, 1983. The three amendments approved by the Subcommittee, as well as a chart outlining the fiscal effects of the Swartz amendment are attached. The Swartz amendment reorganizes the court system by incrementally transferring control of five components of the court system to the Supreme Court over a five-year period. The components are transferred to the Supreme Court's control on the following dates and in the following chronological order: July 1, 1983, court reporters; July 1, 1984, juvenile probation; July 1, 1985, indigent defense; July 1, 1986, jury and witness fees; and July 1, 1987, clerks of the district court. During those same five years court revenues to the counties are transferred in 20% increments to the state. Fine revenues to the school districts are frozen at the 1983-1984 level with the additional fine revenues transferred to the state.

With the adoption of the Swartz amendment, the final amendment relating to a one-year delay in implementation of the court reorganization was ruled out of order.

#### SUBCOMMITTEE RECOMMENDATIONS

The Subcommittee voted nine to one to report Senate File 2233, as amended, passed, and reprinted by the Senate, and the three amendments approved by the Subcommittee, to the Legislative Council

with a recommendation, and to send the bill, as amended and redrafted by the Legislative Service Bureau to the judiciary standing committees of the Seventieth General Assembly.

SENATE FILE 2233

1 Amend Senate File 2233, as amended, passed, and  
2 reprinted by the Senate, to read as follows:  
3 1. Page 7, line 34, by inserting after the words  
4 "election district." the words "A person does not  
5 qualify for appointment to the office of clerk of  
6 the district court unless the person is at the time  
7 of application a resident of the county in which the  
8 vacancy exists."

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COURT REFORM SUBCOMMITTEE  
Senator Bud Kudart, Co-chairperson  
Representative Virginia Poffenberger, Co-chairperson

SENATE FILE 2233

1 Amend Senate File 2233, as amended, passed, and  
2 reprinted by the Senate, to read as follows:

3 1. Page 97, by striking lines 13 through 21 and  
4 inserting in lieu thereof the following:

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

9 a. One-half shall be remitted monthly by the clerk  
10 to the treasurer of state to be credited to the general  
11 fund of the state.

12 b. One-third shall be deposited in the court  
13 revenue distribution account established under section  
14 602.9108.

15 c. One-sixth shall be remitted monthly by the  
16 clerk to the treasurer of state to be credited to  
17 the judicial retirement fund established under section  
18 602.2104."

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COURT REFORM SUBCOMMITTEE

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Senator Bud Kudart, Co-chairperson

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Representative Virginia Poffenberger,

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Co-chairperson

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SENATE FILE 2233

1 Amend Senate File 2233, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 10, lines 1 and 2, by striking the words  
4 ", as requested by the chief judge of the judicial  
5 district".

6 2. Page 98, by striking lines 17 through 19.

7 3. Page 98, by striking line 21 and inserting  
8 in lieu thereof the words and figures "year commencing  
9 July 1, 1983 and ending June 30, 1984, the".

10 4. Page 98, by striking line 25 and inserting  
11 in lieu thereof the words and figures "year commencing  
12 July 1, 1984 and ending June 30, 1985, the".

13 5. Page 98, by striking line 29 and inserting  
14 in lieu thereof the words and figures "year commencing  
15 July 1, 1985 and ending June 30, 1986, the".

16 6. Page 98, by striking line 33 and inserting  
17 in lieu thereof the words and figures "year commencing  
18 July 1, 1986 and ending June 30, 1987, the".

19 7. Page 99, line 2, by striking the figure "1989"  
20 and inserting in lieu thereof the figure "1987".

21 8. By striking page 136, line 20 through page  
22 144, line 28, and inserting in lieu thereof the  
23 following:

24 "Sec. 10201. The supreme court and the state court  
25 administrator shall prescribe and distribute initial  
26 rules, prior to the dates on which the state assumes  
27 control of various components of the court system,  
28 as necessary to implement the administrative and  
29 supervisory provisions of this Act.

30 Sec. 10202. Notwithstanding any provisions to  
31 the contrary in division II, article 1; division II,  
32 section 602.7108; division II, article 8, part 2;  
33 division II, article 9; and division III of this Act,  
34 the following transitional provisions shall prevail  
35 over the corresponding provisions of this Act which  
36 reorganize the court statutes to reflect full im-  
37 plementation of this Act on July 1, 1987:

38 1. Court reporters shall become court employees  
39 on July 1, 1983. The state shall assume the costs  
40 of court reporters on July 1, 1983.

41 2. Juvenile probation officers shall become court  
42 employees on July 1, 1984. The state shall assume  
43 the costs of juvenile probation officers on July 1,  
44 1984.

45 3. The state shall assume the costs of indigent  
46 defense on July 1, 1985.

47 4. The state shall assume the costs on July 1,  
48 1986 of jury and witness fees and mileage as provided  
49 in sections 607.5, 622.29, 622.72, and 622.73, except  
50 as provided in section 10088 of this Act.

1 5. Clerks of the district court shall become court  
2 employees on July 1, 1987. The state shall assume  
3 the costs of the offices of the clerks of the district  
4 court on July 1, 1987. Persons who are holding office  
5 as clerks of the district court on July 1, 1987 are  
6 entitled to continue to serve in that capacity until  
7 the expiration of their respective terms of office.  
8 A vacancy in the office of clerk of the district court  
9 occurring on or after July 1, 1987 shall be filled  
10 as provided in section 602.1214 of this Act.

11 Sec. 10203.

12 1. It is the intent of the general assembly that  
13 those persons who were being paid salaries by the  
14 counties immediately prior to becoming state employees  
15 as a result of this Act shall not forfeit accrued  
16 vacation, accrued sick leave, or longevity, except  
17 as provided in this section.

18 2. As a part of its rule-making authority under  
19 section 10201 of this Act, the supreme court, after  
20 consulting with the state comptroller, shall prescribe  
21 rules to provide for the following:

22 a. Each person referred to in subsection 1 shall  
23 have to the person's credit as a state employee  
24 commencing on the date of becoming a state employee  
25 the number of accrued vacation days that was credited  
26 to the person as a county employee as of the end of  
27 the day prior to becoming a state employee.

28 b. Each person referred to in subsection 1 shall  
29 have to the person's credit as a state employee  
30 commencing on the date of becoming a state employee  
31 the number of days of accrued sick leave that was  
32 credited to the person as a county employee as of  
33 the end of the day prior to becoming a state employee.  
34 However, the number of days of sick leave credited  
35 to a person under this subsection shall not exceed  
36 the maximum number of days that state employees  
37 generally are entitled to accrue according to laws  
38 and rules in effect as of the date the person becomes  
39 a state employee.

40 c. Commencing on the date of becoming a state  
41 employee, each person referred to in subsection 1  
42 is entitled to claim the person's most recent  
43 continuous period of service in full-time county  
44 employment as full-time state employment for purposes  
45 of determining the number of days of vacation which  
46 the person is entitled to earn each year. The actual  
47 vacation benefit shall be determined according to  
48 laws and rules in effect for state employees of  
49 comparable longevity, irrespective of any greater  
50 or lesser benefit as a county employee.

1     Sec. 10204. It is the intent of the general  
2 assembly that public employees who were covered by  
3 county employee life insurance and accident and health  
4 insurance plans prior to becoming state employees  
5 be permitted to apply prior to becoming state employees  
6 for life insurance and health and accident insur-  
7 ance plans that are available to state employees so  
8 that those persons do not suffer a lapse of insurance  
9 coverage as a result of this Act. The supreme court,  
10 after consulting with the state comptroller, shall  
11 prescribe rules and distribute application forms and  
12 take other actions as necessary to enable those persons  
13 to elect to have insurance coverage that is in effect  
14 on the date of becoming state employees. The actual  
15 insurance coverage available to a person shall be  
16 determined by the plans that are available to state  
17 employees, irrespective of any greater or lesser bene-  
18 fits as a county employee.

19     Sec. 10205. It is the intent of the general  
20 assembly that the recodification of chapter 605A as  
21 contained in division II, article 2 of this Act shall  
22 be deemed a continuation of prior law, and without  
23 substantive effect on the rights of any member or  
24 annuitant of the judicial retirement system.

25     Sec. 10206.

26     1. Commencing one year prior to each category  
27 of employees becoming state employees, new employees  
28 shall not be hired and vacancies shall not be filled,  
29 except as provided in subsection 2, with respect to  
30 any of the following agencies or positions:

- 31     a. Offices of the clerks of district court.
- 32     b. Juvenile probation offices.
- 33     c. Court reporters.
- 34     d. District court administrators.

35     e. Any other position of employment that is  
36 supervised by a district court judicial officer or  
37 by a person referred to or employed in an office  
38 referred to in paragraph a, b, c, or d.

39     2. A new employee position or vacancy that is  
40 subject to subsection 1 may be filled upon approval  
41 by the chief judge of the judicial district. The  
42 employer seeking to fill the new position or vacancy  
43 shall submit a request to the chief judge in the form  
44 prescribed by the supreme court, and shall be governed  
45 by the decision of the chief judge. The chief judge  
46 shall obtain the advice of the district judges of  
47 the judicial district respecting decisions to be  
48 rendered under this subsection.

49     Sec. 10207. Commencing one year prior to county  
50 employees becoming state employees as a result of

1 this Act the county employees shall not be promoted  
2 or demoted, and shall not be subject to a reduction  
3 in salary or a reduction in other employee benefits,  
4 except after approval by the chief judge of the  
5 judicial district in which employed. An employer  
6 wishing to take any of these actions shall apply to  
7 the chief judge in a writing that discloses the  
8 proposed action, the reasons for the action, and the  
9 statutory or other authority for the action. The  
10 chief judge shall not approve any proposed action  
11 that is unlawful, or that is in violation of an  
12 employee's rights, or that is extraordinary when  
13 compared with customary practices and procedures of  
14 the employer. A chief judge of a judicial district  
15 shall obtain the advice of the district judges of  
16 that judicial district respecting decisions to be  
17 rendered under this section.

18 Sec. 10208.

19 1. Commencing on the date when each category of  
20 employees becomes state employees, public property  
21 referred to in subsection 2 that on the day prior  
22 to that date is in the custody of a person or agency  
23 referred to in subsection 3 shall become property  
24 of the judicial department for its use in the course  
25 of business, and title is transferred for all intents  
26 and purposes.

27 2. This section applies to the following property:

28 a. Books, accounts and records that pertain to  
29 the operation of the district court.

30 b. Forms, materials and supplies that are consumed  
31 in the usual course of business.

32 c. Tables, chairs, desks, lamps, curtains, window  
33 blinds, rugs and carpeting, flags and flag standards,  
34 pictures and other wall decorations, and other similar  
35 furnishings.

36 d. Typewriters, adding machines, desk calculators,  
37 cash registers and similar business machines,  
38 reproduction machines and equipment, microfiche  
39 projectors, tape recorders and associated equipment,  
40 microphones, amplifiers and speakers, film projectors  
41 and screens, overhead projectors, and similar personal  
42 property.

43 e. Filing cabinets, shelving, storage cabinets,  
44 and other property used for storage.

45 f. Books of statutes, books of ordinances, books  
46 of judicial decisions, and reference books, except  
47 those that are customarily held in a law library for  
48 use by the public.

49 g. All other personal property that is in use  
50 in the operation of the district court.

1       3. This section applies to the following persons  
2 and agencies:  
3       a. Clerks of the district court.  
4       b. Judicial officers.  
5       c. District court administrators.  
6       d. Juvenile probation officers.  
7       e. Court reporters.  
8       f. Persons who are employed by a person referred  
9 to in paragraphs a through e.  
10      4. Notwithstanding subsections 1 through 3, the  
11 supreme court has the option to refuse title to any  
12 of the following:  
13      a. Any item purchased on credit if outstanding  
14 indebtedness still exists as a result of that purchase  
15 and if the supreme court determines that the item  
16 was purchased other than in the ordinary course of  
17 business.  
18      b. Any item obtained pursuant to a lease, lease-  
19 purchase agreement, or other contract creating a debt  
20 if outstanding indebtedness still exists as a result  
21 of the agreement and if the supreme court determines  
22 that the decision to obtain the item was unreasonable,  
23 arbitrary or capricious, or characterized by an abuse  
24 of discretion or an unwarranted exercise of discretion,  
25 considering the need if any for the item at the time  
26 it was obtained and the availability of reasonable  
27 alternative action.  
28      If the supreme court refuses title to any item  
29 as provided in this subsection, possession and control  
30 of the item shall be returned to the county.  
31      5. Commencing on the date when each category of  
32 employees become state employees, the state assumes  
33 outstanding indebtedness that exists with respect  
34 to any item of property that becomes state property  
35 pursuant to subsections 1 through 3, except that the  
36 state does not assume liability that exists with  
37 respect to any item which the supreme court refuses  
38 to accept under subsection 4.  
39      6. Subsections 1 through 5 and 7 do not apply  
40 to electronic data storage equipment, commonly referred  
41 to as computers, or to computer terminals or any  
42 machinery, equipment or supplies used in the operation  
43 of computers. Those counties that were providing  
44 computer services to the district court shall continue  
45 to provide these services until the general assembly  
46 provides otherwise. The state shall reimburse these  
47 counties for the cost of providing these services.  
48 Each county providing computer services to the district  
49 court shall submit a bill for these services to the  
50 supreme court at the end of each calendar quarter.

1 Reimbursement shall be payable from funds appropriated  
2 to the supreme court for operating expenses of the  
3 district court, and shall be paid within thirty days  
4 after receipt by the supreme court of the quarterly  
5 billing.

6 7. Personal property of a type that is subject  
7 to transfer under subsections 1 through 3 shall be  
8 subject to control by the chief judges of the judicial  
9 districts commencing on the date when each category  
10 of employees becomes state employees. On and after  
11 that date a chief judge of a judicial district may  
12 issue necessary orders to preserve the use of the  
13 property by the district court. A violation of any  
14 order is punishable as contempt of court. Commencing  
15 on that date, the chief judges, subject to the  
16 direction of the supreme court, shall establish and  
17 maintain an inventory of property used by the district  
18 court.

19 Sec. 10209.

20 1. County employees who become state employees  
21 as a result of this Act are state employees for  
22 purposes of chapter 20 of the Code, as provided in  
23 section 602.1401 of this Act.

24 2. A person who is referred to in subsection 1  
25 and who was subject to a collective bargaining  
26 agreement negotiated prior to becoming a state employee  
27 is entitled to the rights and benefits obtained by  
28 the person pursuant to that contract after becoming  
29 a state employee and until that contract expires.

30 3. A person who is referred to in subsection 1  
31 and who was subject to a collective bargaining  
32 agreement negotiated on or after July 1, 1983 is not  
33 entitled to any rights or benefits obtained by the  
34 person pursuant to that contract after becoming a  
35 state employee as a result of this Act.

36 4. Persons who are referred to in subsections  
37 1 and 2 may bargain collectively on and after the  
38 effective date of this Act as provided by law for  
39 employees of the judicial department."

40 9. By striking page 144, line 29 through page  
41 145, line 4.

42 10. Page 146, line 12, by striking the figure  
43 "1984" and inserting in lieu thereof the figure "1983".

44 11. Page 146, by inserting after line 12 the  
45 following:

46 "Sections 1215, 8201, and 8202 of this Act take  
47 effect July 1, 1984.

48 Sections 10068, 10072 through 10076, 10089, 10092  
49 through 10095, and 10102 through 10106 take effect  
50 July 1, 1985.

1 Section 10088 takes effect July 1, 1986.  
2 Sections 1214 and 9101 through 9106 take effect  
3 July 1, 1987."  
4 12. By renumbering and relettering as necessary.  
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8 COURT REFORM SUBCOMMITTEE  
9 Senator Bud Kudart, Co-chairperson  
10 Representative Virginia Poffenberger,  
11 Co-chairperson  
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SENATE FILE 2233 (AS PASSED BY THE SENATE)

FISCAL EFFECTS

(Dollars in Millions, FY \_\_\_ Ends on June 30 of that Year)

As Amended by the Swartz Amendment (SF 2233.303 70)

Estimated Expenditures

	<u>FY 84</u>	<u>FY 85</u>	<u>FY 86</u>	<u>FY 87</u>	<u>FY 88</u>	<u>FY 89</u>	<u>FY 90</u>
Clerk of Court	\$17.3	\$19.3	\$21.6	\$24.0	\$ 26.8	\$ 29.8	\$ 33.2
Juv. Probation	7.2	8.0	8.9	10.0	11.1	12.4	13.8
Court Reporters	5.1	5.7	6.3	7.0	7.8	8.7	9.8
Jury-Witness	2.5	2.8	3.0	3.4	3.8	4.3	4.8
Indigent Defense	6.8	7.5	8.4	9.4	10.5	11.7	13.0
	<u>\$38.9</u>	<u>\$43.3</u>	<u>\$48.2</u>	<u>\$53.8</u>	<u>\$ 60.0</u>	<u>\$ 66.9</u>	<u>\$ 74.6</u>
State's Share	\$ 5.1	\$13.7	\$23.6	\$29.8	\$ 60.0	\$ 66.9	\$ 74.6
State's % Share	13.0	32.0	49.0	55.0	100.0	100.0	100.0
Counties' Share	33.8	29.6	24.6	24.0	---	---	---
	<u>\$38.9</u>	<u>\$43.3</u>	<u>\$48.2</u>	<u>\$53.8</u>	<u>\$60.0</u>	<u>\$66.9</u>	<u>\$74.6</u>

Estimated Revenue

	<u>FY 84</u>	<u>FY 85</u>	<u>FY 86</u>	<u>FY 87</u>	<u>FY 88</u>	<u>FY 89</u>	<u>FY 90</u>
Total Revenue	\$30.4	\$34.2	\$38.5	\$43.3	\$48.7	\$54.7	\$61.6
State's Share	\$ 2.4	5.4	11.7	19.2	28.0	34.0	40.9
Counties' Share	9.6	8.1	6.1	3.4	---	---	---
Counties' % Share	80.0	60.0	40.0	20.0	0	0	0
Schools' Share	18.4	20.7	20.7	20.7	20.7	20.7	20.7
	<u>\$30.4</u>	<u>\$34.2</u>	<u>\$38.5</u>	<u>\$43.3</u>	<u>\$48.7</u>	<u>\$54.7</u>	<u>\$61.6</u>

Estimated State Costs

State Expenditures	\$ 5.1	\$13.7	\$23.6	\$29.8	\$60.0	\$66.9	\$ 74.6
State Revenues	2.4	5.4	11.7	19.2	28.0	34.0	40.9
Unfunded Costs	<u>\$ 2.7</u>	<u>\$ 8.3</u>	<u>\$11.9</u>	<u>\$10.6</u>	<u>\$32.0</u>	<u>\$32.9</u>	<u>\$ 33.7</u>