

Senate File 616

H-1254

1 Amend Senate File 616, as passed by the Senate, as follows:

2 1. By striking everything after the enacting clause and  
3 inserting:

4 <DIVISION I

5 FY 2019-2020 APPROPRIATIONS

6 Section 1. JUDICIAL BRANCH.

7 1. There is appropriated from the general fund of the state  
8 to the judicial branch for the fiscal year beginning July 1,  
9 2019, and ending June 30, 2020, the following amounts, or so  
10 much thereof as is necessary, to be used for the purposes  
11 designated:

12 a. For salaries of supreme court justices, appellate court  
13 judges, district court judges, district associate judges,  
14 associate juvenile judges, associate probate judges, judicial  
15 magistrates and staff, state court administrator, clerk of the  
16 supreme court, district court administrators, clerks of the  
17 district court, juvenile court officers, board of law examiners  
18 and board of examiners of shorthand reporters and judicial  
19 qualifications commission; receipt and disbursement of child  
20 support payments; reimbursement of the auditor of state for  
21 expenses incurred in completing audits of the offices of the  
22 clerks of the district court during the fiscal year beginning  
23 July 1, 2019; and maintenance, equipment, and miscellaneous  
24 purposes:

25 ..... \$182,390,991

26 b. For deposit in the revolving fund created pursuant to  
27 section 602.1302, subsection 3, for jury and witness fees,  
28 mileage, costs related to summoning jurors, costs and fees for  
29 interpreters and translators, and reimbursement of attorney  
30 fees paid by the state public defender:

31 ..... \$ 3,100,000

32 2. The judicial branch, except for purposes of internal  
33 processing, shall use the current state budget system, the  
34 state payroll system, and the Iowa finance and accounting  
35 system in administration of programs and payments for services,

1 and shall not duplicate the state payroll, accounting, and  
2 budgeting systems.

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

13 4. The judicial branch shall focus efforts upon the  
14 collection of delinquent fines, penalties, court costs, fees,  
15 surcharges, or similar amounts.

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

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

30 7. The judicial branch shall submit a semiannual update  
31 to the legislative services agency specifying the amounts of  
32 fines, surcharges, and court costs collected using the Iowa  
33 court information system since the last report. The judicial  
34 branch shall continue to facilitate the sharing of vital  
35 sentencing and other information with other state departments

1 and governmental agencies involved in the criminal justice  
2 system through the Iowa court information system.

3 8. The judicial branch shall provide a report to the general  
4 assembly by January 1, 2020, concerning the amounts received  
5 and expended from the enhanced court collections fund created  
6 in section 602.1304 and the court technology and modernization  
7 fund created in section 602.8108, subsection 9, during the  
8 fiscal year beginning July 1, 2018, and ending June 30, 2019,  
9 and the plans for expenditures from each fund during the fiscal  
10 year beginning July 1, 2019, and ending June 30, 2020. A copy  
11 of the report shall be provided to the legislative services  
12 agency.

13 Sec. 2. CIVIL TRIALS — LOCATION. Notwithstanding any  
14 provision to the contrary, for the fiscal year beginning July  
15 1, 2019, and ending June 30, 2020, if all parties in a case  
16 agree, a civil trial including a jury trial may take place in a  
17 county contiguous to the county with proper jurisdiction, even  
18 if the contiguous county is located in an adjacent judicial  
19 district or judicial election district. If the trial is moved  
20 pursuant to this section, court personnel shall treat the case  
21 as if a change of venue occurred. However, if a trial is moved  
22 to an adjacent judicial district or judicial election district,  
23 the judicial officers serving in the judicial district or  
24 judicial election district receiving the case shall preside  
25 over the case.

26 Sec. 3. TRAVEL REIMBURSEMENT. Notwithstanding section  
27 602.1509, for the fiscal year beginning July 1, 2019, and  
28 ending June 30, 2020, a judicial officer may waive travel  
29 reimbursement for any travel outside the judicial officer's  
30 county of residence to conduct official judicial business.

31 Sec. 4. JUDICIAL OFFICER — UNPAID LEAVE. Notwithstanding  
32 the annual salary rates for judicial officers established by  
33 2013 Iowa Acts, chapter 140, section 40, for the fiscal year  
34 beginning July 1, 2019, and ending June 30, 2020, the supreme  
35 court may by order place all judicial officers on unpaid leave

1 status on any day employees of the judicial branch are placed  
2 on temporary layoff status. The biweekly pay of the judicial  
3 officers shall be reduced accordingly for the pay period in  
4 which the unpaid leave date occurred in the same manner as  
5 for noncontract employees of the judicial branch. Through  
6 the course of the fiscal year, the judicial branch may use an  
7 amount equal to the aggregate amount of salary reductions due  
8 to the judicial officer unpaid leave days for any purpose other  
9 than for judicial salaries.

10 Sec. 5. IOWA COMMUNICATIONS NETWORK. It is the intent  
11 of the general assembly that the judicial branch utilize  
12 the Iowa communications network or other secure electronic  
13 communications in lieu of traveling for the fiscal year  
14 beginning July 1, 2019, and ending June 30, 2020.

15 DIVISION II

16 JUDICIAL SALARIES

17 Sec. 6. Section 602.1501, Code 2019, is amended to read as  
18 follows:

19 **602.1501 Judicial salaries.**

20 1. a. The following persons shall receive the salary set  
21 by the general assembly:

22 (1) The chief justice and each justice of the supreme court  
23 ~~shall receive the salary set by the general assembly.~~

24 ~~2.~~ (2) The chief judge and each judge of the court of  
25 appeals ~~shall receive the salary set by the general assembly.~~

26 ~~3.~~ (3) The chief judge of each judicial district and each  
27 district judge ~~shall receive the salary set by the general~~  
28 ~~assembly.~~

29 ~~4.~~ (4) District associate judges ~~shall receive the salary~~  
30 ~~set by the general assembly.~~

31 ~~5.~~ (5) Full-time associate juvenile judges and full-time  
32 associate probate judges ~~shall receive the salary set by the~~  
33 ~~general assembly.~~

34 ~~6.~~ b. Magistrates Subject to section 602.6402, magistrates  
35 ~~shall receive the salary set by the general assembly, subject~~

1 to ~~section 602.6402.~~

2 2. For the fiscal year beginning July 1, 2019, and ending  
3 June 30, 2020, and each subsequent fiscal year, the supreme  
4 court may increase the annual salary rates set pursuant  
5 to subsection 1 by an amount not to exceed two percent of  
6 the salary rate established for each judicial position in  
7 subsection 1. Persons receiving salary rate adjustments under  
8 this section shall not receive any additional salary adjustment  
9 other than those provided by this subsection, unless authorized  
10 by the general assembly.

11 DIVISION III

12 LEARNING CENTER MUSEUM

13 Sec. 7. NEW SECTION. 602.1615 Learning center museum  
14 corporation.

15 1. The judicial branch may establish the learning center  
16 museum corporation as a nonprofit corporation organized under  
17 chapter 504 and qualifying under section 501(c)(3) of the  
18 Internal Revenue Code as an organization exempt from taxation.  
19 Unless otherwise provided in this section, this corporation  
20 is subject to the provisions of chapter 504. The corporation  
21 shall be established for the purpose of soliciting funds and  
22 accepting donations, gifts, and bequests and disbursing those  
23 funds for an interactive museum of legal history within the  
24 judicial branch building.

25 2. If the learning center museum corporation is established  
26 in subsection 1, the corporation shall collaborate with  
27 the judicial branch as described in this section, but the  
28 corporation shall not be considered, in whole or in part, an  
29 agency, department, or administrative unit of the state.

30 a. The corporation shall not receive appropriations from the  
31 state.

32 b. The corporation shall not be required to reimburse the  
33 state for the cost of utilities consumed operating the learning  
34 center museum in the judicial branch building.

35 c. The corporation shall not be required to comply with

1 any requirements that apply to a state agency, department, or  
2 administrative unit and shall not exercise any sovereign power  
3 of the state.

4 *d.* The corporation does not have authority to pledge the  
5 credit of the state, and the state shall not be liable for  
6 the debts or obligations of the corporation. All debts and  
7 obligations of the corporation shall be payable solely from the  
8 corporation's funds.

9 3. If the learning center museum corporation is established  
10 in subsection 1, the corporation shall be established so that  
11 donations and bequests to it qualify as tax deductible under  
12 state income tax laws and under section 501(c)(3) of the  
13 Internal Revenue Code.

14 4. If the learning center museum corporation is established  
15 in subsection 1, the articles of the corporation shall provide  
16 for its governance and its efficient management. In providing  
17 for its governance, the articles of the corporation shall  
18 address the following:

19 *a.* A board of directors to govern the corporation.

20 (1) The board of directors shall initially be comprised  
21 of seven members appointed by the chief justice to concurrent  
22 terms of four years. Two of such members shall be subject to  
23 confirmation by the senate.

24 (2) For appointments subsequent to the initial appointments  
25 pursuant to subparagraph (1), two of the members shall be  
26 appointed by the chief justice, subject to confirmation by  
27 the senate, to staggered terms of four years each, and the  
28 remaining five members shall be selected by a majority vote of  
29 the board of directors of the corporation for terms the length  
30 of which shall be provided in the articles of the corporation.

31 (3) The chief justice and the board of directors of the  
32 corporation shall not appoint or select any person who is  
33 either the spouse or a relative within the first degree of  
34 consanguinity of a serving member of the board of directors or  
35 of the supreme court.

1     *b.* The appointment of a chief executive officer by the board  
2 to manage the corporation's daily operations.

3     *c.* The delegation of such powers and responsibilities  
4 to the chief executive officer as may be necessary for the  
5 corporation's efficient operation.

6     *d.* The employment of personnel necessary for the efficient  
7 performance of the duties assigned to the corporation. All  
8 such personnel shall be considered employees of a private,  
9 nonprofit corporation and shall be exempt from the personnel  
10 requirements imposed on state agencies, departments, and  
11 administrative units.

12    *e.* The financial operations of the corporation including the  
13 authority to receive and expend funds from public and private  
14 sources and to use its property, money, or other resources for  
15 the purpose of the corporation.

16    5. If the learning center museum is established, the board  
17 of directors of the corporation and the chief executive officer  
18 shall act to ensure all of the following:

19    *a.* That the corporation reviews and, at the board's  
20 direction, implements the applicable portions of the strategic  
21 plan developed by the judicial branch.

22    *b.* That the corporation prepares an annual budget that  
23 includes funding levels for the corporation's activities and  
24 that shows sufficient moneys are available to support those  
25 activities.

26    *c.* That the corporation annually completes and files an  
27 information return as described in section 422.15 and that the  
28 information return is submitted to the general assembly.>

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COMMITTEE ON APPROPRIATIONS  
GRASSLEY of Butler, Chairperson