

Senate File 508 - Enrolled

Senate File 508

AN ACT

RELATING TO APPROPRIATIONS TO THE JUDICIAL BRANCH.

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

DIVISION I

FY 2017-2018

Section 1. JUDICIAL BRANCH.

1. There is appropriated from the general fund of the state to the judicial branch for the fiscal year beginning July 1, 2017, and ending June 30, 2018, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. For salaries of supreme court justices, appellate court judges, district court judges, district associate judges, associate juvenile judges, associate probate judges, judicial

magistrates and staff, state court administrator, clerk of the supreme court, district court administrators, clerks of the district court, juvenile court officers, board of law examiners and board of examiners of shorthand reporters and judicial qualifications commission; receipt and disbursement of child support payments; reimbursement of the auditor of state for expenses incurred in completing audits of the offices of the clerks of the district court during the fiscal year beginning July 1, 2017; and maintenance, equipment, and miscellaneous purposes:

..... \$175,686,612

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

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

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

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

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

5. It is the intent of the general assembly that the offices of the clerks of the district court operate in all 99 counties and be accessible to the public as much as is reasonably

possible in order to address the relative needs of the citizens of each county.

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

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

8. The judicial branch shall provide a report to the general assembly by January 1, 2018, concerning the amounts received and expended from the enhanced court collections fund created in [section 602.1304](#) and the court technology and modernization fund created in [section 602.8108, subsection 9](#), during the fiscal year beginning July 1, 2016, and ending June 30, 2017, and the plans for expenditures from each fund during the fiscal year beginning July 1, 2017, and ending June 30, 2018. A copy of the report shall be provided to the legislative services agency.

Sec. 2. 2013 Iowa Acts, chapter 140, section 40, subsection 3, is amended to read as follows:

3. Notwithstanding subsections 1 and 2, in the fiscal year beginning July 1, 2017, and ending June 30, 2018, the supreme court may increase the annual salary rates specified in subsection 2, by an amount not to exceed two and one-half percent of the salary rate established for each judicial position in subsection 2. Persons receiving the salary rates established under this section shall not receive any additional salary adjustments ~~provided by this Act~~ other than those

provided by this subsection.

Sec. 3. CIVIL TRIALS — LOCATION. Notwithstanding any provision to the contrary, for the fiscal year beginning July 1, 2017, and ending June 30, 2018, if all parties in a case agree, a civil trial including a jury trial may take place in a county contiguous to the county with proper jurisdiction, even if the contiguous county is located in an adjacent judicial district or judicial election district. If the trial is moved pursuant to this section, court personnel shall treat the case as if a change of venue occurred. However, if a trial is moved to an adjacent judicial district or judicial election district, the judicial officers serving in the judicial district or judicial election district receiving the case shall preside over the case.

Sec. 4. TRAVEL REIMBURSEMENT. Notwithstanding section 602.1509, for the fiscal year beginning July 1, 2017, and ending June 30, 2018, a judicial officer may waive travel reimbursement for any travel outside the judicial officer's county of residence to conduct official judicial business.

Sec. 5. JUDICIAL OFFICER — UNPAID LEAVE. Notwithstanding the annual salary rates for judicial officers established by 2013 Iowa Acts, chapter 140, section 40, for the fiscal year beginning July 1, 2017, and ending June 30, 2018, the supreme court may by order place all judicial officers on unpaid leave status on any day employees of the judicial branch are placed on temporary layoff status. The biweekly pay of the judicial officers shall be reduced accordingly for the pay period in which the unpaid leave date occurred in the same manner as for noncontract employees of the judicial branch. Through the course of the fiscal year, the judicial branch may use an amount equal to the aggregate amount of salary reductions due to the judicial officer unpaid leave days for any purpose other than for judicial salaries.

Sec. 6. IOWA COMMUNICATIONS NETWORK. 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 the fiscal year beginning July 1, 2017, and ending June 30, 2018.

Sec. 7. ENHANCED COURT COLLECTIONS FUND AND COURT

TECHNOLOGY AND MODERNIZATION FUND. Notwithstanding section 602.1304, subsection 2, paragraph "c", and section 602.8108, subsection 9, for the fiscal year beginning July 1, 2017, and ending June 30, 2018, in addition to the purposes specified in section 602.1304, subsection 2, paragraph "c", and in section 602.8108, subsection 9, the moneys in the funds may be used by the judicial branch for operational costs and other miscellaneous purposes and duties.

Sec. 8. TOTAL EXPENDITURE REQUIREMENTS OF JUDICIAL BRANCH — DEPARTMENT OF MANAGEMENT. When the supreme court submits to the director of the department of management an estimate of the total expenditure requirements of the judicial branch pursuant to section 602.1301, subsection 2, paragraph "b", before December 1, 2017, for the succeeding fiscal year, the director of the department of management shall submit the estimate received from the supreme court for inclusion without change in the governor's proposed budget for the succeeding fiscal year, except that portion of the total expenditure requirements that includes any increase of the salary rate for a judicial position established in 2013 Iowa Acts, chapter 140, section 40, which shall not be included in the governor's proposed budget for the succeeding fiscal year.

DIVISION II
FY 2018-2019

Sec. 9. JUDICIAL BRANCH.

1. There is appropriated from the general fund of the state to the judicial branch for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. For salaries of supreme court justices, appellate court judges, district court judges, district associate judges, associate juvenile judges, associate probate judges, judicial magistrates and staff, state court administrator, clerk of the supreme court, district court administrators, clerks of the district court, juvenile court officers, board of law examiners and board of examiners of shorthand reporters and judicial qualifications commission; receipt and disbursement of child support payments; reimbursement of the auditor of state for

expenses incurred in completing audits of the offices of the clerks of the district court during the fiscal year beginning July 1, 2018; and maintenance, equipment, and miscellaneous purposes:

..... \$ 87,843,306

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

..... \$ 1,550,000

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

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

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

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

6. In addition to the requirements for transfers under section 8.39, the judicial branch shall not change the appropriations from the amounts appropriated to the judicial branch in this division of this Act, unless notice of the

revisions is given prior to their effective date to the legislative services agency. The notice shall include information on the branch's rationale for making the changes and details concerning the workload and performance measures upon which the changes are based.

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

8. The judicial branch shall provide a report to the general assembly by January 1, 2019, concerning the amounts received and expended from the enhanced court collections fund created in [section 602.1304](#) and the court technology and modernization fund created in [section 602.8108, subsection 9](#), during the fiscal year beginning July 1, 2017, and ending June 30, 2018, and the plans for expenditures from each fund during the fiscal year beginning July 1, 2018, and ending June 30, 2019. A copy of the report shall be provided to the legislative services agency.

Sec. 10. CIVIL TRIALS — LOCATION. Notwithstanding any provision to the contrary, for the fiscal year beginning July 1, 2018, and ending June 30, 2019, if all parties in a case agree, a civil trial including a jury trial may take place in a county contiguous to the county with proper jurisdiction, even if the contiguous county is located in an adjacent judicial district or judicial election district. If the trial is moved pursuant to this section, court personnel shall treat the case as if a change of venue occurred. However, if a trial is moved to an adjacent judicial district or judicial election district, the judicial officers serving in the judicial district or judicial election district receiving the case shall preside over the case.

Sec. 11. TRAVEL REIMBURSEMENT. Notwithstanding section 602.1509, for the fiscal year beginning July 1, 2018, and ending June 30, 2019, a judicial officer may waive travel

reimbursement for any travel outside the judicial officer's county of residence to conduct official judicial business.

Sec. 12. JUDICIAL OFFICER — UNPAID LEAVE. Notwithstanding the annual salary rates for judicial officers established by 2013 Iowa Acts, chapter 140, section 40, for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the supreme court may by order place all judicial officers on unpaid leave status on any day employees of the judicial branch are placed on temporary layoff status. The biweekly pay of the judicial officers shall be reduced accordingly for the pay period in which the unpaid leave date occurred in the same manner as for noncontract employees of the judicial branch. Through the course of the fiscal year, the judicial branch may use an amount equal to the aggregate amount of salary reductions due to the judicial officer unpaid leave days for any purpose other than for judicial salaries.

Sec. 13. IOWA COMMUNICATIONS NETWORK. 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 the fiscal year beginning July 1, 2018, and ending June 30, 2019.

DIVISION III

COURT ADMINISTRATION

Sec. 14. COURT ADMINISTRATION. Notwithstanding other provisions of this Act and section 602.1215, subsection 1, sections 602.2301, 602.6113, 602.6201, subsections 5, 6, 7, and 10, sections 602.6301, 602.6401, subsection 1, and section 602.6603, subsections 1, 2, 3, 4, and 7, for the fiscal years beginning July 1, 2017, and July 1, 2018, the supreme court may implement policies and procedures that may be contrary to the requirements of this Act and the Code provisions referenced in this section in order to efficiently and effectively administer justice throughout the state. The state court administrator shall submit a report to the chairpersons of the joint appropriations subcommittee on the justice system and the legislative services agency, fiscal services division, by October 2, 2017, and October 1, 2018, respectively, detailing the establishment of any new policies and procedures implemented pursuant to this section that efficiently and

effectively administer justice throughout the state.

JACK WHITVER

President of the Senate

LINDA UPMEYER

Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 508, Eighty-seventh General Assembly.

W. CHARLES SMITHSON

Secretary of the Senate

Approved _____, 2017

TERRY E. BRANSTAD

Governor