

FILED MAR 26 '03

SENATE FILE 435

BY COMMITTEE ON APPROPRIATIONS

Referred to H-Appropriations on 3/27/03
(SUCCESSOR TO SSB 1181)

Passed Senate, Date Passed 3/27/03 Passed House, Date Passed 4/22/03
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved 5/23/03

A BILL FOR

1 An Act relating to and making appropriations to the judicial
2 branch.

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

SENATE FILE 435

S-3102

1 Amend Senate File 435 as follows:

2 1. Page 3, by striking lines 32 through 34.

3 2. By renumbering as necessary.

By EUGENE S. FRAISE
KEITH A. KREIMAN

S-3102 FILED MARCH 27, 2003

LOST 3/27/03

SF 435

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1 Section 1. JUDICIAL BRANCH. There is appropriated from
2 the general fund of the state to the judicial branch for the
3 fiscal year beginning July 1, 2003, and ending June 30, 2004,
4 the following amount, or so much thereof as is necessary, to
5 be used for the purposes designated:

6 For salaries of supreme court justices, appellate court
7 judges, district court judges, district associate judges,
8 judicial magistrates and staff, state court administrator,
9 clerk of the supreme court, district court administrators,
10 clerks of the district court, juvenile court officers, board
11 of law examiners and board of examiners of shorthand reporters
12 and judicial qualifications commission, receipt and
13 disbursement of child support payments, reimbursement of the
14 auditor of state for expenses incurred in completing audits of
15 the offices of the clerks of the district court during the
16 fiscal year beginning July 1, 2003, and maintenance,
17 equipment, and miscellaneous purposes:

18 \$113,354,603

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

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

34 3. The judicial branch shall focus efforts upon the
35 collection of delinquent fines, penalties, court costs, fees,

1 surcharges, or similar amounts.

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

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

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

24 7. The judicial branch shall provide a report to the
25 general assembly by January 1, 2004, concerning the amounts
26 received and expended from the enhanced court collections fund
27 created in section 602.1304 and the court technology and
28 modernization fund created in section 602.8108, subsection 5,
29 during the fiscal year beginning July 1, 2002, and ending June
30 30, 2003, and the plans for expenditures from each fund during
31 the fiscal year beginning July 1, 2003, and ending June 30,
32 2004. A copy of the report shall be provided to the
33 legislative fiscal bureau.

34 8. The supreme court, in consultation with the Iowa state
35 bar association and district judges, shall study methods to

1 achieve efficiency and cost savings within the judicial
2 branch. The state public defender, juvenile probation
3 officers, clerks of the district court, the legal services
4 corporation of Iowa, the supervisors affiliate of the Iowa
5 state association of counties, the judicial district
6 department of correctional services, the Iowa county attorneys
7 association, and other interested departments, agencies, or
8 organizations may each file a report with the supreme court
9 detailing their recommendations on achieving efficiency and
10 cost savings within the judicial branch by October 1, 2003.
11 The study shall include recommendations on the best practices
12 for court administration, utilizing court personnel including
13 judges, magistrates, and clerks of the district court,
14 customer service and delivery of court services, measuring of
15 performance and performance-based budgeting, and judicial
16 district redistricting. The supreme court, after consulting
17 with the Iowa state bar association and the district judges,
18 and after reviewing the reports filed by the interested
19 departments, agencies, or organizations, shall submit a report
20 with findings and recommendations to the general assembly by
21 December 15, 2003.

22 Sec. 2. JUDICIAL RETIREMENT FUND. There is appropriated
23 from the general fund of the state to the judicial retirement
24 fund for the fiscal year beginning July 1, 2003, and ending
25 June 30, 2004, the following amount, or so much thereof as is
26 necessary, to be used for the purpose designated:

27 Notwithstanding section 602.9104, for the state's
28 contribution to the judicial retirement fund in the amount of
29 8.4 percent of the basic salaries of the judges covered under
30 chapter 602, article 9:

31 \$ 2,039,664

32 Sec. 3. APPOINTMENT OF CLERK OF COURT. The appointment of
33 a clerk of the district court shall not occur unless the state
34 court administrator approves the appointment.

35 Sec. 4. POSTING OF REPORTS IN ELECTRONIC FORMAT --

1 LEGISLATIVE FISCAL BUREAU. All reports or copies of reports
2 required to be provided by the judicial branch for fiscal year
3 2003-2004 to the legislative fiscal bureau shall be provided
4 in an electronic format. The legislative fiscal bureau shall
5 post the reports on its internet site and shall notify by
6 electronic means all the members of the joint appropriations
7 subcommittee on the justice system when a report is posted.
8 Upon request, copies of the reports may be mailed to members
9 of the joint appropriations subcommittee on the justice
10 system.

11 EXPLANATION

12 This bill makes appropriations for FY 2003-2004 to the
13 judicial branch.

14 The bill includes a reduction in the percentage of the
15 state's contribution to the judicial retirement fund for FY
16 2003-2004.

17 The bill provides that the appointment of a clerk of the
18 district court shall not occur unless the state court
19 administrator approves such an appointment.

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SENATE FILE 435

H-1242

1 Amend Senate File 435, as passed by the Senate, as
2 follows:

3 1. Page 2, line 4, by inserting after the word
4 "counties" the following: ", be open to the public
5 for court business on a uniform basis throughout the
6 state,".

By EICHHORN of Hamilton

H-1242 FILED APRIL 2, 2003

Withdrawn 4/8/03

SENATE FILE 435

H-1243

1 Amend Senate File 435, as passed by the Senate,
2 follows:

3 1. Page 3, by striking lines 32 through 34, and
4 inserting the following:

5 "Sec. ____ . APPOINTMENT OF CLERK OF COURT. The
6 district judges shall not begin the appointment
7 process of a clerk of the district court pursuant to
8 section 602.1215 until the state court administrator
9 approves filling the clerk of the district court
10 vacancy."

By EICHHORN of Hamilton

H-1243 FILED APRIL 2, 2003

Adopted 4/8/03

**HOUSE AMENDMENT TO
SENATE FILE 435**

S-3184

1 Amend Senate File 435, as passed by the Senate, as
2 follows:

3 1. Page 3, by striking lines 32 through 34, and
4 inserting the following:

5 "Sec. ____ . APPOINTMENT OF CLERK OF COURT. The
6 district judges shall not begin the appointment
7 process of a clerk of the district court pursuant to
8 section 602.1215 until the state court administrator
9 approves filling the clerk of the district court
10 vacancy."

RECEIVED FROM THE HOUSE

S-3184 FILED APRIL 10, 2003

Senate refused to concur 4/17/03 - House receded 4/22/03

Miller
Lamberti
Fraise

Appropriations

SSB 1181
Succeeded By
S/ HF 435

SENATE/HOUSE FILE
BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY THE JOINT
APPROPRIATIONS SUBCOMMITTEE
ON JUSTICE SYSTEM)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to and making appropriations to the judicial
2 branch.

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

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1 Section 1. JUDICIAL BRANCH. There is appropriated from
2 the general fund of the state to the judicial branch for the
3 fiscal year beginning July 1, 2003, and ending June 30, 2004,
4 the following amount, or so much thereof as is necessary, to
5 be used for the purposes designated:

6 For salaries of supreme court justices, appellate court
7 judges, district court judges, district associate judges,
8 judicial magistrates and staff, state court administrator,
9 clerk of the supreme court, district court administrators,
10 clerks of the district court, juvenile court officers, board
11 of law examiners and board of examiners of shorthand reporters
12 and judicial qualifications commission, receipt and
13 disbursement of child support payments, reimbursement of the
14 auditor of state for expenses incurred in completing audits of
15 the offices of the clerks of the district court during the
16 fiscal year beginning July 1, 2003, and maintenance,
17 equipment, and miscellaneous purposes:

18 \$113,354,603

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

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

34 3. The judicial branch shall focus efforts upon the
35 collection of delinquent fines, penalties, court costs, fees,

1 surcharges, or similar amounts.

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

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

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

24 7. The judicial branch shall provide a report to the
25 general assembly by January 1, 2004, concerning the amounts
26 received and expended from the enhanced court collections fund
27 created in section 602.1304 and the court technology and
28 modernization fund created in section 602.8108, subsection 5,
29 during the fiscal year beginning July 1, 2002, and ending June
30 30, 2003, and the plans for expenditures from each fund during
31 the fiscal year beginning July 1, 2003, and ending June 30,
32 2004. A copy of the report shall be provided to the
33 legislative fiscal bureau.

34 8. The supreme court, in consultation with the Iowa state
35 bar association, juvenile probation officers, the state public

1 defender, clerks of the district court, the legal services
2 corporation of Iowa, the supervisors affiliate of the Iowa
3 state association of counties, the judicial district
4 departments of correctional services, the Iowa county
5 attorneys association, and district judges, shall study
6 methods to achieve efficiency and cost savings within the
7 judicial branch. The study shall include recommendations on
8 the best practices for court administration, utilizing court
9 personnel including judges, magistrates, and clerks of the
10 district court, customer service and delivery of court
11 services, measuring of performance and performance-based
12 budgeting, and judicial district redistricting. The supreme
13 court shall submit a report with findings and recommendations
14 to the general assembly by December 15, 2003.

15 Sec. 2. JUDICIAL RETIREMENT FUND. There is appropriated
16 from the general fund of the state to the judicial retirement
17 fund for the fiscal year beginning July 1, 2003, and ending
18 June 30, 2004, the following amount, or so much thereof as is
19 necessary, to be used for the purpose designated:

20 Notwithstanding section 602.9104, for the state's
21 contribution to the judicial retirement fund in the amount of
22 9.9 percent of the basic salaries of the judges covered under
23 chapter 602, article 9:

24 \$ 2,039,664

25 Sec. 3. APPOINTMENT OF CLERK OF COURT. Until the supreme
26 court submits its clerk of court study committee report to the
27 general assembly pursuant to 2002 Iowa Acts, Second
28 Extraordinary Session, chapter 1003, section 176, and
29 notwithstanding section 602.1215, the appointment of a clerk
30 of the district court shall not occur unless the state court
31 administrator approves the appointment.

32 Sec. 4. POSTING OF REPORTS IN ELECTRONIC FORMAT --
33 LEGISLATIVE FISCAL BUREAU. All reports or copies of reports
34 required to be provided by the judicial branch for fiscal year
35 2003-2004 to the legislative fiscal bureau shall be provided

1 in an electronic format. The legislative fiscal bureau shall
2 post the reports on its internet site and shall notify by
3 electronic means all the members of the joint appropriations
4 subcommittee on the justice system when a report is posted.
5 Upon request, copies of the reports may be mailed to members
6 of the joint appropriations subcommittee on the justice
7 system.

8 EXPLANATION

9 This bill makes appropriations for FY 2003-2004 to the
10 judicial branch.

11 The bill includes a reduction in the percentage of the
12 state's contribution to the judicial retirement fund for FY
13 2003-2004.

14 The bill provides that the appointment of a clerk of the
15 district court shall not occur until the supreme court submits
16 its clerk of court study or if the state court administrator
17 approves such an appointment.

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4. It is the intent of the general assembly that the offices of the clerks of the district court operate in all ninety-nine 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.

SENATE FILE 435

AN ACT

RELATING TO AND MAKING APPROPRIATIONS TO THE JUDICIAL BRANCH.

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

Section 1. JUDICIAL BRANCH. There is appropriated from the general fund of the state to the judicial branch for the fiscal year beginning July 1, 2003, and ending June 30, 2004, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries of supreme court justices, appellate court judges, district court judges, district associate judges,

5. 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 Act, unless notice of the revisions is given prior to their effective date to the legislative fiscal bureau. The notice shall include information on the branch's rationale for making the changes and details concerning the work load and performance measures upon which the changes are based.

6. The judicial branch shall submit a semiannual update to the legislative fiscal bureau 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.

7. The judicial branch shall provide a report to the general assembly by January 1, 2004, 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 5, during the fiscal year beginning July 1, 2002, and ending June 30, 2003, and the plans for expenditures from each fund during the fiscal year beginning July 1, 2003, and ending June 30, 2004. A copy of the report shall be provided to the legislative fiscal bureau.

8. The supreme court, in consultation with the Iowa state bar association and district judges, shall study methods to achieve efficiency and cost savings within the judicial branch. The state public defender, juvenile probation officers, clerks of the district court, the legal services corporation of Iowa, the supervisors affiliate of the Iowa state association of counties, the judicial district department of correctional services, the Iowa county attorneys

association, and other interested departments, agencies, or organizations may each file a report with the supreme court detailing their recommendations on achieving efficiency and cost savings within the judicial branch by October 1, 2003. The study shall include recommendations on the best practices for court administration, utilizing court personnel including judges, magistrates, and clerks of the district court, customer service and delivery of court services, measuring of performance and performance-based budgeting, and judicial district redistricting. The supreme court, after consulting with the Iowa state bar association and the district judges, and after reviewing the reports filed by the interested departments, agencies, or organizations, shall submit a report with findings and recommendations to the general assembly by December 15, 2003.

Sec. 2. JUDICIAL RETIREMENT FUND. There is appropriated from the general fund of the state to the judicial retirement fund for the fiscal year beginning July 1, 2003, and ending June 30, 2004, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

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..... \$ 2,039,664

Sec. 3. APPOINTMENT OF CLERK OF COURT. The appointment of a clerk of the district court shall not occur unless the state court administrator approves the appointment.

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subcommittee on the justice system when a report is posted. Upon request, copies of the reports may be mailed to members of the joint appropriations subcommittee on the justice system.

MARY E. KRAMER
President of the Senate

CHRISTOPHER C. RANTS
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 435, Eightieth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved _____, 2003

THOMAS J. VILSACK
Governor