

FEB 28 2006
APPROPRIATIONS CALENDAR

HOUSE FILE 2557
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HSB 729)

Passed House, Date 3-6-06 Passed Senate, Date 4-18-06
Vote: Ayes 97 Nays 2 Vote: Ayes 49 Nays 1
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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HF 2557

1 DIVISION I -- APPROPRIATIONS

2 Section 1. JUDICIAL BRANCH.

3 1. There is appropriated from the general fund of the
4 state to the judicial branch for the fiscal year beginning
5 July 1, 2006, and ending June 30, 2007, the following amount,
6 or so much thereof as is necessary, to be used for the
7 purposes designated:

8 For salaries of supreme court justices, appellate court
9 judges, district court judges, district associate judges,
10 judicial magistrates and staff, state court administrator,
11 clerk of the supreme court, district court administrators,
12 clerks of the district court, juvenile court officers, board
13 of law examiners and board of examiners of shorthand reporters
14 and judicial qualifications commission, receipt and
15 disbursement of child support payments, reimbursement of the
16 auditor of state for expenses incurred in completing audits of
17 the offices of the clerks of the district court during the
18 fiscal year beginning July 1, 2006, and maintenance,
19 equipment, and miscellaneous purposes:

20 \$123,237,410

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

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

1 dollars.

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

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

10 6. The judicial branch shall study the best practices and
11 efficiencies of each judicial district. In identifying the
12 most efficient judicial districts and the districts using best
13 practices, the judicial branch shall consider the average cost
14 to the judicial branch for processing each classification of
15 criminal offense or civil action and the overall number of
16 cases filed. The judicial branch shall file a report
17 regarding the study made and actions taken pursuant to this
18 subsection with the cochairpersons and ranking members of the
19 joint appropriations subcommittee on the justice system and to
20 the legislative services agency by December 15, 2006.

21 7. 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 Act, unless notice of the revisions is given
25 prior to their effective date to the legislative services
26 agency. The notice shall include information on the branch's
27 rationale for making the changes and details concerning the
28 workload and performance measures upon which the changes are
29 based.

30 8. The judicial branch shall submit a semiannual update to
31 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 9. The judicial branch shall provide a report to the
4 general assembly by January 1, 2007, concerning the amounts
5 received and expended from the enhanced court collections fund
6 created in section 602.1304 and the court technology and
7 modernization fund created in section 602.8108, subsection 7,
8 during the fiscal year beginning July 1, 2005, and ending June
9 30, 2006, and the plans for expenditures from each fund during
10 the fiscal year beginning July 1, 2006, and ending June 30,
11 2007. A copy of the report shall be provided to the
12 legislative services agency.

13 Sec. 2. JUDICIAL RETIREMENT FUND. There is appropriated
14 from the general fund of the state to the judicial retirement
15 fund for the fiscal year beginning July 1, 2006, and ending
16 June 30, 2007, the following amount, or so much thereof as is
17 necessary, to be used for the purpose designated:

18 Notwithstanding section 602.9104, for the state's
19 contribution to the judicial retirement fund in the amount of
20 9.16 percent of the basic salaries of the judges covered under
21 chapter 602, article 9:

22 \$ 2,039,664

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

26 Sec. 4. POSTING OF REPORTS IN ELECTRONIC FORMAT --
27 LEGISLATIVE SERVICES AGENCY. All reports or copies of reports
28 required to be provided by the judicial branch for fiscal year
29 2006-2007 to the legislative services agency shall be provided
30 in an electronic format. The legislative services agency
31 shall post the reports on its internet site and shall notify
32 by electronic means all the members of the joint
33 appropriations subcommittee on the justice system when a
34 report is posted. Upon request, copies of the reports may be
35 mailed to members of the joint appropriations subcommittee on

1 the justice system.

2 DIVISION II -- STATUTORY CHANGES

3 Sec. 5. NEW SECTION. 602.1614 ACCEPTANCE, DISTRIBUTION,
4 AND RETENTION OF ELECTRONIC RECORDS BY THE JUDICIAL BRANCH.

5 1. As used in this section, "governmental agencies" means
6 an executive, legislative, or judicial agency, department,
7 board, commission, authority, institution, or instrumentality
8 of the federal government or of a state or of a county,
9 municipality, or other political subdivision of a state.

10 2. Notwithstanding section 554D.120, the supreme court may
11 prescribe by rule whether and to what extent the judicial
12 branch will accept, process, distribute, and retain electronic
13 records and electronic signatures from litigants, governmental
14 agencies, and other persons, and to what extent the judicial
15 branch will create, generate, communicate, store, process,
16 use, and rely upon electronic records and electronic
17 signatures.

18 3. If the supreme court prescribes rules relating to
19 electronic records and electronic signatures under subsection
20 2, the rules may include but are not limited to the following:

21 a. Defining terms.

22 b. The manner and format in which an electronic record is
23 created, generated, sent, communicated, received, filed,
24 recorded, and stored.

25 c. Establishing the information process system to create,
26 generate, send, communicate, receive, file, record, and store
27 an electronic record.

28 d. How a traditional written signature will relate to an
29 electronic signature.

30 e. The criteria establishing when an electronic document
31 must be electronically signed.

32 f. The type of electronic signature required.

33 g. The manner and format in which an electronic signature
34 is associated with an electronic record.

35 h. Who can create an electronic signature.

1 i. The criteria and procedures to follow when filing an
2 electronic document, including who is allowed to file
3 electronically, how notice is given, and electronic service of
4 process.

5 j. Establishing processes and procedures to ensure
6 adequate preservation, integrity, security, disposition, and
7 audit worthiness of the electronic records.

8 k. Establishing the criteria for the retention of paper
9 documents when deemed necessary to promote the integrity of
10 electronic records.

11 l. Establishing the appropriate level of public access to
12 differing classes of electronic records and other court
13 records to ensure the confidentiality of any records that are
14 required by law to be confidential.

15 m. Establishing any other process or procedures
16 attributable to creating, generating, communicating, storing,
17 processing, and using electronic records and electronic
18 signatures, and how these electronic records and electronic
19 signatures will relate to nonelectronic court records.

20 4. Rules prescribed pursuant to this section shall prevail
21 over any other laws or court rules that specify the method,
22 manner, or format for sending, receiving, retaining, or
23 creating paper records relating to the courts. The supreme
24 court may limit the applicability and scope of any rules
25 prescribed pursuant to this section to single offices, courts,
26 judicial election districts, or by specific case types for the
27 purpose of testing and implementing an electronic information
28 processing system. Temporary rules prescribed pursuant to
29 this section for the purpose of testing an electronic
30 information processing system are not subject to the
31 requirements of section 602.4202.

32 5. An electronic record that complies with the rules
33 prescribed under this section shall prevail over any law that
34 requires a written record, and an electronic signature that
35 complies with the rules prescribed under this section shall

1 prevail over any law that requires a written signature. An
2 electronic record or signature that complies with rules
3 prescribed under this section shall not be denied legal effect
4 or enforceability based solely because of the record's or
5 signature's electronic form. The determination of an
6 electronic record's or signature's legal consequence is
7 determined by this chapter, applicable law, and court rules.

8 Sec. 6. Section 622.29, Code 2005, is repealed.

9 EXPLANATION

10 This bill makes appropriations for FY 2006-2007 to the
11 judicial branch.

12 The bill provides that the appointment of a clerk of the
13 district court shall not occur unless the state court
14 administrator approves such an appointment.

15 The bill permits the supreme court to prescribe by rule
16 whether and to what extent the judicial branch will accept,
17 process, distribute, and retain electronic records and
18 electronic signatures. Under the bill the supreme court also
19 may prescribe by rule to what extent the judicial branch will
20 create, generate, communicate, store, process, use, and rely
21 upon electronic records and electronic signatures. Any rule
22 prescribed pursuant to the bill prevails over any other laws
23 or court rules that specify the method, manner, or format for
24 sending, receiving, retaining, or creating paper records. The
25 bill specifies the supreme court may limit the applicability
26 and scope of any rule relating to electronic records and
27 signatures for the purposes of testing and implementing an
28 electronic information processing system.

29 The bill repeals Code section 622.29 relating to use of a
30 signature facsimile.

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HOUSE FILE 2557

S-5206

1 Amend House File 2557, as passed by the House, as
2 follows:

3 1. Page 6, by inserting after line 7 the
4 following:

5 "Sec. ____ . Section 915.86, Code 2005, is amended
6 by adding the following new subsection:

7 NEW SUBSECTION. 13. Necessary mileage expenses of
8 a victim traveling to and from a criminal trial
9 relating to the alleged crime against the victim. The
10 mileage reimbursement rate shall be the current rate
11 established by the director of the department of
12 administrative services for state employees pursuant
13 to section 8A.363."

By JEFF DANIELSON

S-5206 FILED APRIL 18, 2006

WITHDRAWN

Succeeded By
SF / HF 2557

HSB 729
APPROPRIATIONS

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY HOUSE
APPROPRIATIONS SUBCOMMITTEE
ON JUSTICE SYSTEM)

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

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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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TL5B 5195HB 81

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1 DIVISION I -- APPROPRIATIONS

2 Section 1. JUDICIAL BRANCH.

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4 state to the judicial branch for the fiscal year beginning
5 July 1, 2006, and ending June 30, 2007, the following amount,
6 or so much thereof as is necessary, to be used for the
7 purposes designated:

8 For salaries of supreme court justices, appellate court
9 judges, district court judges, district associate judges,
10 judicial magistrates and staff, state court administrator,
11 clerk of the supreme court, district court administrators,
12 clerks of the district court, juvenile court officers, board
13 of law examiners and board of examiners of shorthand reporters
14 and judicial qualifications commission, receipt and
15 disbursement of child support payments, reimbursement of the
16 auditor of state for expenses incurred in completing audits of
17 the offices of the clerks of the district court during the
18 fiscal year beginning July 1, 2006, and maintenance,
19 equipment, and miscellaneous purposes:

20 \$123,237,410

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

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

1 dollars.

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

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

10 6. The judicial branch shall study the best practices and
11 efficiencies of each judicial district. In identifying the
12 most efficient judicial districts and the districts using best
13 practices, the judicial branch shall consider the average cost
14 to the judicial branch for processing each classification of
15 criminal offense or civil action and the overall number of
16 cases filed. The judicial branch shall file a report
17 regarding the study made and actions taken pursuant to this
18 subsection with the cochairpersons and ranking members of the
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11 2007. A copy of the report shall be provided to the
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20 9.16 percent of the basic salaries of the judges covered under
21 chapter 602, article 9:

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24 a clerk of the district court shall not occur unless the state
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33 appropriations subcommittee on the justice system when a
34 report is posted. Upon request, copies of the reports may be
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1 the justice system.

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7 board, commission, authority, institution, or instrumentality
8 of the federal government or of a state or of a county,
9 municipality, or other political subdivision of a state.

10 2. Notwithstanding section 554D.120, the supreme court may
11 prescribe by rule whether and to what extent the judicial
12 branch will accept, process, distribute, and retain electronic
13 records and electronic signatures from litigants, governmental
14 agencies, and other persons, and to what extent the judicial
15 branch will create, generate, communicate, store, process,
16 use, and rely upon electronic records and electronic
17 signatures.

18 3. If the supreme court prescribes rules relating to
19 electronic records and electronic signatures under subsection
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21 a. Defining terms.

22 b. The manner and format in which an electronic record is
23 created, generated, sent, communicated, received, filed,
24 recorded, and stored.

25 c. Establishing the information process system to create,
26 generate, send, communicate, receive, file, record, and store
27 an electronic record.

28 d. How a traditional written signature will relate to an
29 electronic signature.

30 e. The criteria establishing when an electronic document
31 must be electronically signed.

32 f. The type of electronic signature required.

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34 is associated with an electronic record.

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1 i. The criteria and procedures to follow when filing an
2 electronic document, including who is allowed to file
3 electronically, how notice is given, and electronic service of
4 process.

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6 adequate preservation, integrity, security, disposition, and
7 audit worthiness of the electronic records.

8 k. Establishing the criteria for the retention of paper
9 documents when deemed necessary to promote the integrity of
10 electronic records.

11 l. Establishing the appropriate level of public access to
12 differing classes of electronic records and other court
13 records to ensure the confidentiality of any records that are
14 required by law to be confidential.

15 m. Establishing any other process or procedures
16 attributable to creating, generating, communicating, storing,
17 processing, and using electronic records and electronic
18 signatures, and how these electronic records and electronic
19 signatures will relate to nonelectronic court records.

20 4. Rules prescribed pursuant to this section shall prevail
21 over any other laws or court rules that specify the method,
22 manner, or format for sending, receiving, retaining, or
23 creating paper records relating to the courts. The supreme
24 court may limit the applicability and scope of any rules
25 prescribed pursuant to this section to single offices, courts,
26 judicial election districts, or by specific case types for the
27 purpose of testing and implementing an electronic information
28 processing system. Temporary rules prescribed pursuant to
29 this section for the purpose of testing an electronic
30 information processing system are not subject to the
31 requirements of section 602.4202.

32 5. An electronic record that complies with the rules
33 prescribed under this section shall prevail over any law that
34 requires a written record, and an electronic signature that
35 complies with the rules prescribed under this section shall

1 prevail over any law that requires a written signature. An
 2 electronic record or signature that complies with rules
 3 prescribed under this section shall not be denied legal effect
 4 or enforceability based solely because of the record's or
 5 signature's electronic form. The determination of an
 6 electronic record's or signature's legal consequence is
 7 determined by this chapter, applicable law, and court rules.

8 Sec. 6. Section 622.29, Code 2005, is repealed.

9 EXPLANATION

10 This bill makes appropriations for FY 2006-2007 to the
 11 judicial branch.

12 The bill provides that the appointment of a clerk of the
 13 district court shall not occur unless the state court
 14 administrator approves such an appointment.

15 The bill permits the supreme court to prescribe by rule
 16 whether and to what extent the judicial branch will accept,
 17 process, distribute, and retain electronic records and
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 19 may prescribe by rule to what extent the judicial branch will
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 24 sending, receiving, retaining, or creating paper records. The
 25 bill specifies the supreme court may limit the applicability
 26 and scope of any rule relating to electronic records and
 27 signatures for the purposes of testing and implementing an
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29 The bill repeals Code section 622.29 relating to use of a
 30 signature facsimile.

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HOUSE FILE 2557

AN ACT

RELATING TO AND MAKING APPROPRIATIONS TO THE JUDICIAL BRANCH.

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

DIVISION I -- APPROPRIATIONS

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, 2006, and ending June 30, 2007, 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, 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, 2006, and maintenance, equipment, and miscellaneous purposes:

..... \$123,237,410

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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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2006-2007 to the legislative services agency shall be provided in an electronic format. The legislative services agency shall post the reports on its internet site and shall notify by electronic means all the members of the joint appropriations 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.

DIVISION II -- STATUTORY CHANGES

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2. Notwithstanding section 554D.120, the supreme court may prescribe by rule whether and to what extent the judicial branch will accept, process, distribute, and retain electronic records and electronic signatures from litigants, governmental agencies, and other persons, and to what extent the judicial branch will create, generate, communicate, store, process, use, and rely upon electronic records and electronic signatures.

3. If the supreme court prescribes rules relating to electronic records and electronic signatures under subsection 2, the rules may include but are not limited to the following:

a. Defining terms.

b. The manner and format in which an electronic record is created, generated, sent, communicated, received, filed, recorded, and stored.

c. Establishing the information process system to create, generate, send, communicate, receive, file, record, and store an electronic record.

d. How a traditional written signature will relate to an electronic signature.

- e. The criteria establishing when an electronic document must be electronically signed.
 - f. The type of electronic signature required.
 - g. The manner and format in which an electronic signature is associated with an electronic record.
 - h. Who can create an electronic signature.
 - i. The criteria and procedures to follow when filing an electronic document, including who is allowed to file electronically, how notice is given, and electronic service of process.
 - j. Establishing processes and procedures to ensure adequate preservation, integrity, security, disposition, and audit worthiness of the electronic records.
 - k. Establishing the criteria for the retention of paper documents when deemed necessary to promote the integrity of electronic records.
 - l. Establishing the appropriate level of public access to differing classes of electronic records and other court records to ensure the confidentiality of any records that are required by law to be confidential.
 - m. Establishing any other process or procedures attributable to creating, generating, communicating, storing, processing, and using electronic records and electronic signatures, and how these electronic records and electronic signatures will relate to nonelectronic court records.
4. Rules prescribed pursuant to this section shall prevail over any other laws or court rules that specify the method, manner, or format for sending, receiving, retaining, or creating paper records relating to the courts. The supreme court may limit the applicability and scope of any rules prescribed pursuant to this section to single offices, courts, judicial election districts, or by specific case types for the purpose of testing and implementing an electronic information processing system. Temporary rules prescribed pursuant to this section for the purpose of testing an electronic information processing system are not subject to the requirements of section 602.4202.

5. An electronic record that complies with the rules prescribed under this section shall prevail over any law that requires a written record, and an electronic signature that complies with the rules prescribed under this section shall prevail over any law that requires a written signature. An electronic record or signature that complies with rules prescribed under this section shall not be denied legal effect or enforceability based solely because of the record's or signature's electronic form. The determination of an electronic record's or signature's legal consequence is determined by this chapter, applicable law, and court rules.

Sec. 6. Section 622.29, Code 2005, is repealed.

CHRISTOPHER C. RANTS
Speaker of the House

JEFFREY M. LAMBERTI
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2557, Eighty-first General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved _____, 2006

THOMAS J. VILSACK
Governor