

**House Study Bill 732 - Introduced**

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

**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:

1 Section 1. JUDICIAL BRANCH.

2 1. There is appropriated from the general fund of the state  
3 to the judicial branch for the fiscal year beginning July 1,  
4 2010, and ending June 30, 2011, the following amount, or so  
5 much thereof as is necessary, to be used for the purposes  
6 designated:

7 a. For salaries of supreme court justices, appellate court  
8 judges, district court judges, district associate judges,  
9 judicial magistrates and staff, state court administrator,  
10 clerk of the supreme court, district court administrators,  
11 clerks of the district court, juvenile court officers, board of  
12 law examiners and board of examiners of shorthand reporters and  
13 judicial qualifications commission; receipt and disbursement  
14 of child support payments; reimbursement of the auditor  
15 of state for expenses incurred in completing audits of the  
16 offices of the clerks of the district court during the fiscal  
17 year beginning July 1, 2010; and maintenance, equipment, and  
18 miscellaneous purposes:

19 ..... \$148,811,822

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

25 ..... \$ 1,500,000

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

32 3. The judicial branch shall submit monthly financial  
33 statements to the legislative services agency and the  
34 department of management containing all appropriated accounts  
35 in the same manner as provided in the monthly financial status

1 reports and personal services usage reports of the department  
2 of administrative services. The monthly financial statements  
3 shall include a comparison of the dollars and percentage  
4 spent of budgeted versus actual revenues and expenditures on  
5 a cumulative basis for full-time equivalent positions and  
6 dollars.

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

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

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

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

32 8. The judicial branch shall provide a report to the general  
33 assembly by January 1, 2011, concerning the amounts received  
34 and expended from the enhanced court collections fund created  
35 in section 602.1304 and the court technology and modernization

1 fund created in section 602.8108, subsection 7, during the  
2 fiscal year beginning July 1, 2009, and ending June 30, 2010,  
3 and the plans for expenditures from each fund during the fiscal  
4 year beginning July 1, 2010, and ending June 30, 2011. A copy  
5 of the report shall be provided to the legislative services  
6 agency.

7 9. The judicial branch is encouraged to purchase products  
8 from Iowa state industries, as defined in section 904.802, when  
9 purchases are required and the products are available from Iowa  
10 state industries. The judicial branch shall obtain bids from  
11 Iowa state industries for purchases of office furniture during  
12 the fiscal year beginning July 1, 2010, exceeding \$5,000.

13 Sec. 2. CIVIL TRIALS — LOCATION. Notwithstanding any  
14 provision to the contrary, for the fiscal year beginning July  
15 1, 2010, and ending June 30, 2011, 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, 2010, a  
28 judicial officer may waive travel reimbursement for any travel  
29 outside the judicial officer's county of residence to conduct  
30 official judicial business.

31 Sec. 4. POSTING OF REPORTS IN ELECTRONIC FORMAT —  
32 LEGISLATIVE SERVICES AGENCY. All reports or copies of reports  
33 required to be provided by the judicial branch for fiscal year  
34 2010-2011 to the legislative services agency shall be provided  
35 in an electronic format. The legislative services agency shall

1 post the reports on its internet website and shall notify by  
2 electronic means all the members of the joint appropriations  
3 subcommittee on the justice system when a report is posted.  
4 Upon request, copies of the reports may be mailed to members of  
5 the joint appropriations subcommittee on the justice system.

6 Sec. 5. JUDICIAL OFFICER — UNPAID LEAVE. Notwithstanding  
7 the annual salary rates for judicial officers established by  
8 2008 Iowa Acts, chapter 1191, section 11, for the fiscal year  
9 beginning July 1, 2010, and ending June 30, 2011, the supreme  
10 court may by order place all judicial officers on unpaid leave  
11 status on any day employees of the judicial branch are placed  
12 on temporary layoff status. The biweekly pay of the judicial  
13 officers shall be reduced accordingly for the pay period in  
14 which the unpaid leave date occurred in the same manner as  
15 for noncontract employees of the judicial branch. Through  
16 the course of the fiscal year, the judicial branch may use an  
17 amount equal to the aggregate amount of salary reductions due  
18 to the judicial officer unpaid leave days for any purpose other  
19 than for judicial salaries.

20 Sec. 6. IOWA COMMUNICATIONS NETWORK. It is the intent  
21 of the general assembly that the judicial branch utilize  
22 the Iowa communications network or other secure electronic  
23 communications in lieu of traveling for the fiscal year  
24 beginning July 1, 2010.

25 EXPLANATION

26 This bill appropriates from the general fund of the state for  
27 FY 2010-2011 to the judicial branch for salaries, maintenance,  
28 equipment, and miscellaneous purposes.

29 The bill appropriates \$1.5 million from the general fund  
30 of the state to the revolving fund created in Code section  
31 602.1302 for jury and witness fees, mileage, costs related to  
32 summoning jurors, fees for interpreters, and certain attorney  
33 fee reimbursement.

34 The bill provides that a civil trial including a jury trial  
35 may take place in a county contiguous to the county with proper

1 jurisdiction, even if the contiguous county is located in an  
2 adjacent judicial district or judicial election district, if  
3 all the parties in a case agree. If a trial is moved to another  
4 county that is located in another judicial district or judicial  
5 election district, the judicial officers serving the judicial  
6 district or judicial election district receiving the case shall  
7 preside over the case.

8 The bill permits a judicial officer to waive travel  
9 reimbursement for any travel outside the judicial officer's  
10 county of residence to conduct official business.

11 The bill allows a judicial officer to be placed on unpaid  
12 leave for the fiscal year beginning July 1, 2010, and ending  
13 June 30, 2011, on any day a court employee is required to  
14 furlough. The bill provides that if a judicial officer is  
15 placed on unpaid leave, the salary of the judicial officer  
16 shall be reduced accordingly for the pay period in which the  
17 unpaid leave occurred. Through the course of the fiscal year,  
18 the bill provides that the judicial branch may use an amount  
19 equal to the aggregate amount of the salary reductions due  
20 to judicial officer unpaid leave for any purpose other than  
21 judicial salaries.

22 A legislative intent section provides that the judicial  
23 branch utilize the Iowa communications network or other secure  
24 electronic communications in lieu of traveling.