

House Study Bill 194 - Introduced

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
HOUSE 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 2011, and ending June 30, 2012, 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, 2011; and maintenance, equipment, and
18 miscellaneous purposes:

19 \$154,111,822

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 \$ 2,300,000

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. The judicial branch shall open the offices of the clerk
11 of the district court in all 99 counties from 8:00 a.m. until
12 4:30 p.m. during each business day the judicial branch is open
13 for business in order to address the relative needs of the
14 citizens 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, 2012, 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, 2010, and ending June 30, 2011,
3 and the plans for expenditures from each fund during the fiscal
4 year beginning July 1, 2011, and ending June 30, 2012. 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, 2011, exceeding \$5,000.

13 Sec. 2. CIVIL TRIALS — LOCATION. Notwithstanding any
14 provision to the contrary, for the fiscal year beginning July
15 1, 2011, and ending June 30, 2012, 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, 2011, 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 2011-2012 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, 2011, and ending June 30, 2012, 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, 2011.

25 EXPLANATION

26 This bill appropriates from the general fund of the state for
27 FY 2011-2012 to the judicial branch for salaries, maintenance,
28 equipment, and miscellaneous purposes.

29 The bill appropriates \$2.3 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 requires the judicial branch to open the offices of
35 the clerk of the district court in all 99 counties from 8:00

1 a.m. until 4:30 p.m. during each business day the judicial
2 branch is open for business in order to address the relative
3 needs of the citizens of each county.

4 The bill provides that a civil trial including a jury trial
5 may take place in a county contiguous to the county with proper
6 jurisdiction, even if the contiguous county is located in an
7 adjacent judicial district or judicial election district, if
8 all the parties in a case agree. If a trial is moved to another
9 county that is located in another judicial district or judicial
10 election district, the judicial officers serving the judicial
11 district or judicial election district receiving the case shall
12 preside over the case.

13 The bill permits a judicial officer to waive travel
14 reimbursement for any travel outside the judicial officer's
15 county of residence to conduct official business.

16 The bill allows a judicial officer to be placed on unpaid
17 leave for the fiscal year beginning July 1, 2011, and ending
18 June 30, 2012, on any day a court employee is required to
19 furlough. The bill provides that if a judicial officer is
20 placed on unpaid leave, the salary of the judicial officer
21 shall be reduced accordingly for the pay period in which the
22 unpaid leave occurred. Through the course of the fiscal year,
23 the bill provides that the judicial branch may use an amount
24 equal to the aggregate amount of the salary reductions due
25 to judicial officer unpaid leave for any purpose other than
26 judicial salaries.

27 The bill provides legislative intent that the judicial
28 branch utilize the Iowa communications network or other secure
29 electronic communications in lieu of traveling.