

**Senate Study Bill 1213 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
APPROPRIATIONS BILL BY  
CHAIRPERSON DVORSKY)

**A BILL FOR**

1 An Act relating to and making appropriations to the judicial  
2 branch and including effective date and retroactive  
3 applicability provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

DIVISION I  
FY 2011-2012

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, 2011, and ending June 30, 2012, the following amount, 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, 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, 2011; and maintenance, equipment, and miscellaneous purposes:

..... \$154,111,822

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, fees for interpreters, and reimbursement of attorney fees paid by the state public defender:

..... \$ 2,300,000

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

1 department of management containing all appropriated accounts  
2 in the same manner as provided in the monthly financial status  
3 reports and personal services usage reports of the department  
4 of administrative services. The monthly financial statements  
5 shall include a comparison of the dollars and percentage  
6 spent of budgeted versus actual revenues and expenditures on  
7 a cumulative basis for full-time equivalent positions and  
8 dollars.

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

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

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

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

34 8. The judicial branch shall provide a report to the general  
35 assembly by January 1, 2012, concerning the amounts received

1 and expended from the enhanced court collections fund created  
2 in section 602.1304 and the court technology and modernization  
3 fund created in section 602.8108, subsection 7, during the  
4 fiscal year beginning July 1, 2010, and ending June 30, 2011,  
5 and the plans for expenditures from each fund during the fiscal  
6 year beginning July 1, 2011, and ending June 30, 2012. A copy  
7 of the report shall be provided to the legislative services  
8 agency.

9 9. The judicial branch is encouraged to purchase products  
10 from Iowa state industries, as defined in section 904.802, when  
11 purchases are required and the products are available from Iowa  
12 state industries. The judicial branch shall obtain bids from  
13 Iowa state industries for purchases of office furniture during  
14 the fiscal year beginning July 1, 2011, exceeding \$5,000.

15 Sec. 2. CIVIL TRIALS — LOCATION. Notwithstanding any  
16 provision to the contrary, for the fiscal year beginning July  
17 1, 2011, and ending June 30, 2012, if all parties in a case  
18 agree, a civil trial including a jury trial may take place in a  
19 county contiguous to the county with proper jurisdiction, even  
20 if the contiguous county is located in an adjacent judicial  
21 district or judicial election district. If the trial is moved  
22 pursuant to this section, court personnel shall treat the case  
23 as if a change of venue occurred. However, if a trial is moved  
24 to an adjacent judicial district or judicial election district,  
25 the judicial officers serving in the judicial district or  
26 judicial election district receiving the case shall preside  
27 over the case.

28 Sec. 3. TRAVEL REIMBURSEMENT. Notwithstanding section  
29 602.1509, for the fiscal year beginning July 1, 2011, a  
30 judicial officer may waive travel reimbursement for any travel  
31 outside the judicial officer's county of residence to conduct  
32 official judicial business.

33 Sec. 4. POSTING OF REPORTS IN ELECTRONIC FORMAT —  
34 LEGISLATIVE SERVICES AGENCY. All reports or copies of reports  
35 required to be provided by the judicial branch for fiscal year

1 2011-2012 to the legislative services agency shall be provided  
2 in an electronic format. The legislative services agency shall  
3 post the reports on its internet website and shall notify by  
4 electronic means all the members of the joint appropriations  
5 subcommittee on the justice system when a report is posted.  
6 Upon request, copies of the reports may be mailed to members of  
7 the joint appropriations subcommittee on the justice system.

8     Sec. 5. JUDICIAL OFFICER — UNPAID LEAVE. Notwithstanding  
9 the annual salary rates for judicial officers established by  
10 2008 Iowa Acts, chapter 1191, section 11, for the fiscal year  
11 beginning July 1, 2011, and ending June 30, 2012, the supreme  
12 court may by order place all judicial officers on unpaid leave  
13 status on any day employees of the judicial branch are placed  
14 on temporary layoff status. The biweekly pay of the judicial  
15 officers shall be reduced accordingly for the pay period in  
16 which the unpaid leave date occurred in the same manner as  
17 for noncontract employees of the judicial branch. Through  
18 the course of the fiscal year, the judicial branch may use an  
19 amount equal to the aggregate amount of salary reductions due  
20 to the judicial officer unpaid leave days for any purpose other  
21 than for judicial salaries.

22     Sec. 6. IOWA COMMUNICATIONS NETWORK. It is the intent  
23 of the general assembly that the judicial branch utilize  
24 the Iowa communications network or other secure electronic  
25 communications in lieu of traveling for the fiscal year  
26 beginning July 1, 2011.

27     Sec. 7. EFFECTIVE DATE AND RETROACTIVE APPLICABILITY. This  
28 division of this Act, if approved by the governor on or  
29 after July 1, 2011, takes effect upon enactment and applies  
30 retroactively to July 1, 2011.

31                                   DIVISION II

32                                   FY 2012-2013

33     Sec. 8. JUDICIAL BRANCH.

34     1. There is appropriated from the general fund of the state  
35 to the judicial branch for the fiscal year beginning July 1,

1 2012, and ending June 30, 2013, the following amount, or so  
2 much thereof as is necessary, to be used for the purposes  
3 designated:

4 a. For salaries of supreme court justices, appellate court  
5 judges, district court judges, district associate judges,  
6 judicial magistrates and staff, state court administrator,  
7 clerk of the supreme court, district court administrators,  
8 clerks of the district court, juvenile court officers, board of  
9 law examiners and board of examiners of shorthand reporters and  
10 judicial qualifications commission; receipt and disbursement  
11 of child support payments; reimbursement of the auditor  
12 of state for expenses incurred in completing audits of the  
13 offices of the clerks of the district court during the fiscal  
14 year beginning July 1, 2012; and maintenance, equipment, and  
15 miscellaneous purposes:

16 ..... \$ 77,055,911

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

22 ..... \$ 1,150,000

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

29 3. The judicial branch shall submit monthly financial  
30 statements to the legislative services agency and the  
31 department of management containing all appropriated accounts  
32 in the same manner as provided in the monthly financial status  
33 reports and personal services usage reports of the department  
34 of administrative services. The monthly financial statements  
35 shall include a comparison of the dollars and percentage

1 spent of budgeted versus actual revenues and expenditures on  
2 a cumulative basis for full-time equivalent positions and  
3 dollars.

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

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

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

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

29 8. The judicial branch shall provide a report to the general  
30 assembly by January 1, 2013, concerning the amounts received  
31 and expended from the enhanced court collections fund created  
32 in section 602.1304 and the court technology and modernization  
33 fund created in section 602.8108, subsection 7, during the  
34 fiscal year beginning July 1, 2011, and ending June 30, 2012,  
35 and the plans for expenditures from each fund during the fiscal

1 year beginning July 1, 2012, and ending June 30, 2013. A copy  
2 of the report shall be provided to the legislative services  
3 agency.

4 9. The judicial branch is encouraged to purchase products  
5 from Iowa state industries, as defined in section 904.802, when  
6 purchases are required and the products are available from Iowa  
7 state industries. The judicial branch shall obtain bids from  
8 Iowa state industries for purchases of office furniture during  
9 the fiscal year beginning July 1, 2012, exceeding \$5,000.

10 Sec. 9. CIVIL TRIALS — LOCATION.

11 Notwithstanding any provision to the contrary, for the fiscal  
12 year beginning July 1, 2012, and ending June 30, 2013, if  
13 all parties in a case agree, a civil trial including a jury  
14 trial may take place in a county contiguous to the county  
15 with proper jurisdiction, even if the contiguous county is  
16 located in an adjacent judicial district or judicial election  
17 district. If the trial is moved pursuant to this section,  
18 court personnel shall treat the case as if a change of venue  
19 occurred. However, if a trial is moved to an adjacent judicial  
20 district or judicial election district, the judicial officers  
21 serving in the judicial district or judicial election district  
22 receiving the case shall preside over the case.

23 Sec. 10. TRAVEL REIMBURSEMENT. Notwithstanding section  
24 602.1509, for the fiscal year beginning July 1, 2012, a  
25 judicial officer may waive travel reimbursement for any travel  
26 outside the judicial officer's county of residence to conduct  
27 official judicial business.

28 Sec. 11. POSTING OF REPORTS IN ELECTRONIC FORMAT —  
29 LEGISLATIVE SERVICES AGENCY. All reports or copies of reports  
30 required to be provided by the judicial branch for fiscal year  
31 2012-2013 to the legislative services agency shall be provided  
32 in an electronic format. The legislative services agency shall  
33 post the reports on its internet website and shall notify by  
34 electronic means all the members of the joint appropriations  
35 subcommittee on the justice system when a report is posted.



S.F. \_\_\_\_\_

1 is reasonably possible.