

House Study Bill 202 - 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 appropriations to the judicial branch.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I
FY 2017-2018

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, 2017, and ending June 30, 2018, the following amounts, 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, associate juvenile judges, associate probate 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, 2017; and maintenance, equipment, and miscellaneous purposes:

..... \$175,686,612

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

..... \$ 3,100,000

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

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

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

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

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

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

35 8. The judicial branch shall provide a report to the general

1 assembly by January 1, 2018, concerning the amounts received
2 and expended from the enhanced court collections fund created
3 in [section 602.1304](#) and the court technology and modernization
4 fund created in [section 602.8108, subsection 9](#), during the
5 fiscal year beginning July 1, 2016, and ending June 30, 2017,
6 and the plans for expenditures from each fund during the fiscal
7 year beginning July 1, 2017, and ending June 30, 2018. A copy
8 of the report shall be provided to the legislative services
9 agency.

10 Sec. 2. CIVIL TRIALS — LOCATION. Notwithstanding any
11 provision to the contrary, for the fiscal year beginning July
12 1, 2017, and ending June 30, 2018, if all parties in a case
13 agree, a civil trial including a jury trial may take place in a
14 county contiguous to the county with proper jurisdiction, even
15 if the contiguous county is located in an adjacent judicial
16 district or judicial election district. If the trial is moved
17 pursuant to this section, court personnel shall treat the case
18 as if a change of venue occurred. However, if a trial is moved
19 to an adjacent judicial district or judicial election district,
20 the judicial officers serving in the judicial district or
21 judicial election district receiving the case shall preside
22 over the case.

23 Sec. 3. TRAVEL REIMBURSEMENT. Notwithstanding section
24 602.1509, for the fiscal year beginning July 1, 2017, and
25 ending June 30, 2018, a judicial officer may waive travel
26 reimbursement for any travel outside the judicial officer's
27 county of residence to conduct official judicial business.

28 Sec. 4. JUDICIAL OFFICER — UNPAID LEAVE. Notwithstanding
29 the annual salary rates for judicial officers established by
30 2013 Iowa Acts, chapter 140, section 40, for the fiscal year
31 beginning July 1, 2017, and ending June 30, 2018, the supreme
32 court may by order place all judicial officers on unpaid leave
33 status on any day employees of the judicial branch are placed
34 on temporary layoff status. The biweekly pay of the judicial
35 officers shall be reduced accordingly for the pay period in

1 which the unpaid leave date occurred in the same manner as
2 for noncontract employees of the judicial branch. Through
3 the course of the fiscal year, the judicial branch may use an
4 amount equal to the aggregate amount of salary reductions due
5 to the judicial officer unpaid leave days for any purpose other
6 than for judicial salaries.

7 Sec. 5. IOWA COMMUNICATIONS NETWORK. It is the intent
8 of the general assembly that the judicial branch utilize
9 the Iowa communications network or other secure electronic
10 communications in lieu of traveling for the fiscal year
11 beginning July 1, 2017, and ending June 30, 2018.

12 Sec. 6. ENHANCED COURT COLLECTIONS FUND AND COURT
13 TECHNOLOGY AND MODERNIZATION FUND. Notwithstanding section
14 602.1304, subsection 2, paragraph "c", and section 602.8108,
15 subsection 9, for the fiscal year beginning July 1, 2017, and
16 ending June 30, 2018, in addition to the purposes specified
17 in section 602.1304, subsection 2, paragraph "c", and in
18 section 602.8108, subsection 9, the moneys in the funds may be
19 used by the judicial branch for operational costs and other
20 miscellaneous purposes and duties.

21 DIVISION II

22 FY 2018-2019

23 Sec. 7. JUDICIAL BRANCH.

24 1. There is appropriated from the general fund of the state
25 to the judicial branch for the fiscal year beginning July 1,
26 2018, and ending June 30, 2019, the following amounts, or so
27 much thereof as is necessary, to be used for the purposes
28 designated:

29 a. For salaries of supreme court justices, appellate court
30 judges, district court judges, district associate judges,
31 associate juvenile judges, associate probate judges, judicial
32 magistrates and staff, state court administrator, clerk of the
33 supreme court, district court administrators, clerks of the
34 district court, juvenile court officers, board of law examiners
35 and board of examiners of shorthand reporters and judicial

1 qualifications commission; receipt and disbursement of child
2 support payments; reimbursement of the auditor of state for
3 expenses incurred in completing audits of the offices of the
4 clerks of the district court during the fiscal year beginning
5 July 1, 2018; and maintenance, equipment, and miscellaneous
6 purposes:

7 \$ 87,843,306

8 b. For deposit in the revolving fund created pursuant to
9 section 602.1302, subsection 3, for jury and witness fees,
10 mileage, costs related to summoning jurors, costs and fees for
11 interpreters and translators, and reimbursement of attorney
12 fees paid by the state public defender:

13 \$ 1,550,000

14 2. The judicial branch, except for purposes of internal
15 processing, shall use the current state budget system, the
16 state payroll system, and the Iowa finance and accounting
17 system in administration of programs and payments for services,
18 and shall not duplicate the state payroll, accounting, and
19 budgeting systems.

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

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

33 5. It is the intent of the general assembly that the offices
34 of the clerks of the district court operate in all 99 counties
35 and be accessible to the public as much as is reasonably

1 possible in order to address the relative needs of the citizens
2 of each county.

3 6. In addition to the requirements for transfers under
4 section 8.39, the judicial branch shall not change the
5 appropriations from the amounts appropriated to the judicial
6 branch in this division of this Act, unless notice of the
7 revisions is given prior to their effective date to the
8 legislative services agency. The notice shall include
9 information on the branch's rationale for making the changes
10 and details concerning the workload and performance measures
11 upon which the changes are based.

12 7. The judicial branch shall submit a semiannual update
13 to the legislative services agency specifying the amounts of
14 fines, surcharges, and court costs collected using the Iowa
15 court information system since the last report. The judicial
16 branch shall continue to facilitate the sharing of vital
17 sentencing and other information with other state departments
18 and governmental agencies involved in the criminal justice
19 system through the Iowa court information system.

20 8. The judicial branch shall provide a report to the general
21 assembly by January 1, 2019, concerning the amounts received
22 and expended from the enhanced court collections fund created
23 in [section 602.1304](#) and the court technology and modernization
24 fund created in [section 602.8108, subsection 9](#), during the
25 fiscal year beginning July 1, 2017, and ending June 30, 2018,
26 and the plans for expenditures from each fund during the fiscal
27 year beginning July 1, 2018, and ending June 30, 2019. A copy
28 of the report shall be provided to the legislative services
29 agency.

30 Sec. 8. CIVIL TRIALS — LOCATION. Notwithstanding any
31 provision to the contrary, for the fiscal year beginning July
32 1, 2018, and ending June 30, 2019, if all parties in a case
33 agree, a civil trial including a jury trial may take place in a
34 county contiguous to the county with proper jurisdiction, even
35 if the contiguous county is located in an adjacent judicial

1 district or judicial election district. If the trial is moved
2 pursuant to this section, court personnel shall treat the case
3 as if a change of venue occurred. However, if a trial is moved
4 to an adjacent judicial district or judicial election district,
5 the judicial officers serving in the judicial district or
6 judicial election district receiving the case shall preside
7 over the case.

8 Sec. 9. TRAVEL REIMBURSEMENT. Notwithstanding section
9 602.1509, for the fiscal year beginning July 1, 2018, and
10 ending June 30, 2019, a judicial officer may waive travel
11 reimbursement for any travel outside the judicial officer's
12 county of residence to conduct official judicial business.

13 Sec. 10. JUDICIAL OFFICER — UNPAID LEAVE. Notwithstanding
14 the annual salary rates for judicial officers established by
15 2013 Iowa Acts, chapter 140, section 40, for the fiscal year
16 beginning July 1, 2018, and ending June 30, 2019, the supreme
17 court may by order place all judicial officers on unpaid leave
18 status on any day employees of the judicial branch are placed
19 on temporary layoff status. The biweekly pay of the judicial
20 officers shall be reduced accordingly for the pay period in
21 which the unpaid leave date occurred in the same manner as
22 for noncontract employees of the judicial branch. Through
23 the course of the fiscal year, the judicial branch may use an
24 amount equal to the aggregate amount of salary reductions due
25 to the judicial officer unpaid leave days for any purpose other
26 than for judicial salaries.

27 Sec. 11. IOWA COMMUNICATIONS NETWORK. It is the intent
28 of the general assembly that the judicial branch utilize
29 the Iowa communications network or other secure electronic
30 communications in lieu of traveling for the fiscal year
31 beginning July 1, 2018, and ending June 30, 2019.

32 EXPLANATION

33 The inclusion of this explanation does not constitute agreement with
34 the explanation's substance by the members of the general assembly.

35 This bill makes appropriations to the judicial branch.

1 The bill appropriates from the general fund of the state
2 for FY 2017-2018 and FY 2018-2019 to the judicial branch for
3 salaries, maintenance, equipment, and miscellaneous purposes.

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 years beginning July 1, 2017, and July 1,
18 2018, on any day a court employee is required to furlough. The
19 bill provides that if a judicial officer is placed on unpaid
20 leave, the salary of the judicial officer shall be reduced
21 accordingly for the pay period in which the unpaid leave
22 occurred. Through the course of the fiscal year, the bill
23 provides that the judicial branch may use an amount equal to
24 the aggregate amount of the salary reductions due to judicial
25 officer unpaid leave for any purpose other than judicial
26 salaries.

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

30 For FY 2017-2018, the bill allows the judicial branch to
31 use funds in the enhanced court collections fund in Code
32 section 602.1304 and the court technology and modernization
33 fund in Code section 602.8108 for operational costs and other
34 miscellaneous purposes and duties in addition to the purposes
35 specified in those Code sections for both funds.