

Senate Study Bill 1142 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED GOVERNOR BUDGET
BILL)

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 2019-2020

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, 2019, and ending June 30, 2020, 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, 2019; and maintenance, equipment, and miscellaneous purposes:

..... \$182,988,057

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, 2020, 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, 2018, and ending June 30, 2019,
6 and the plans for expenditures from each fund during the fiscal
7 year beginning July 1, 2019, and ending June 30, 2020. 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, 2019, and ending June 30, 2020, 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, 2019, and
25 ending June 30, 2020, 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, 2019, and ending June 30, 2020, 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, 2019, and ending June 30, 2020.

12 DIVISION II
13 FY 2020-2021

14 Sec. 6. JUDICIAL BRANCH.

15 1. There is appropriated from the general fund of the state
16 to the judicial branch for the fiscal year beginning July 1,
17 2020, and ending June 30, 2021, the following amounts, or so
18 much thereof as is necessary, to be used for the purposes
19 designated:

20 a. For salaries of supreme court justices, appellate court
21 judges, district court judges, district associate judges,
22 associate juvenile judges, associate probate judges, judicial
23 magistrates and staff, state court administrator, clerk of the
24 supreme court, district court administrators, clerks of the
25 district court, juvenile court officers, board of law examiners
26 and board of examiners of shorthand reporters and judicial
27 qualifications commission; receipt and disbursement of child
28 support payments; reimbursement of the auditor of state for
29 expenses incurred in completing audits of the offices of the
30 clerks of the district court during the fiscal year beginning
31 July 1, 2020; and maintenance, equipment, and miscellaneous
32 purposes:

33 \$186,810,696

34 b. For deposit in the revolving fund created pursuant to
35 section 602.1302, subsection 3, for jury and witness fees,

1 mileage, costs related to summoning jurors, costs and fees for
2 interpreters and translators, and reimbursement of attorney
3 fees paid by the state public defender:
4 \$ 3,100,000

5 2. The judicial branch, except for purposes of internal
6 processing, shall use the current state budget system, the
7 state payroll system, and the Iowa finance and accounting
8 system in administration of programs and payments for services,
9 and shall not duplicate the state payroll, accounting, and
10 budgeting systems.

11 3. The judicial branch shall submit monthly financial
12 statements to the legislative services agency and the
13 department of management containing all appropriated accounts
14 in the same manner as provided in the monthly financial status
15 reports and personal services usage reports of the department
16 of administrative services. The monthly financial statements
17 shall include a comparison of the dollars and percentage
18 spent of budgeted versus actual revenues and expenditures on
19 a cumulative basis for full-time equivalent positions and
20 dollars.

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

24 5. It is the intent of the general assembly that the offices
25 of the clerks of the district court operate in all 99 counties
26 and be accessible to the public as much as is reasonably
27 possible in order to address the relative needs of the citizens
28 of each county.

29 6. In addition to the requirements for transfers under
30 section 8.39, the judicial branch shall not change the
31 appropriations from the amounts appropriated to the judicial
32 branch in this division of this Act, unless notice of the
33 revisions is given prior to their effective date to the
34 legislative services agency. The notice shall include
35 information on the branch's rationale for making the changes

1 and details concerning the workload and performance measures
2 upon which the changes are based.

3 7. The judicial branch shall submit a semiannual update
4 to the legislative services agency specifying the amounts of
5 fines, surcharges, and court costs collected using the Iowa
6 court information system since the last report. The judicial
7 branch shall continue to facilitate the sharing of vital
8 sentencing and other information with other state departments
9 and governmental agencies involved in the criminal justice
10 system through the Iowa court information system.

11 8. The judicial branch shall provide a report to the general
12 assembly by January 1, 2021, concerning the amounts received
13 and expended from the enhanced court collections fund created
14 in [section 602.1304](#) and the court technology and modernization
15 fund created in [section 602.8108, subsection 9](#), during the
16 fiscal year beginning July 1, 2019, and ending June 30, 2020,
17 and the plans for expenditures from each fund during the fiscal
18 year beginning July 1, 2020, and ending June 30, 2021. A copy
19 of the report shall be provided to the legislative services
20 agency.

21 Sec. 7. CIVIL TRIALS — LOCATION. Notwithstanding any
22 provision to the contrary, for the fiscal year beginning July
23 1, 2020, and ending June 30, 2021, if all parties in a case
24 agree, a civil trial including a jury trial may take place in a
25 county contiguous to the county with proper jurisdiction, even
26 if the contiguous county is located in an adjacent judicial
27 district or judicial election district. If the trial is moved
28 pursuant to this section, court personnel shall treat the case
29 as if a change of venue occurred. However, if a trial is moved
30 to an adjacent judicial district or judicial election district,
31 the judicial officers serving in the judicial district or
32 judicial election district receiving the case shall preside
33 over the case.

34 Sec. 8. TRAVEL REIMBURSEMENT. Notwithstanding section
35 602.1509, for the fiscal year beginning July 1, 2020, and

1 ending June 30, 2021, a judicial officer may waive travel
2 reimbursement for any travel outside the judicial officer's
3 county of residence to conduct official judicial business.

4 Sec. 9. JUDICIAL OFFICER — UNPAID LEAVE. Notwithstanding
5 the annual salary rates for judicial officers established by
6 2013 Iowa Acts, chapter 140, section 40, for the fiscal year
7 beginning July 1, 2020, and ending June 30, 2021, the supreme
8 court may by order place all judicial officers on unpaid leave
9 status on any day employees of the judicial branch are placed
10 on temporary layoff status. The biweekly pay of the judicial
11 officers shall be reduced accordingly for the pay period in
12 which the unpaid leave date occurred in the same manner as
13 for noncontract employees of the judicial branch. Through
14 the course of the fiscal year, the judicial branch may use an
15 amount equal to the aggregate amount of salary reductions due
16 to the judicial officer unpaid leave days for any purpose other
17 than for judicial salaries.

18 Sec. 10. IOWA COMMUNICATIONS NETWORK. It is the intent
19 of the general assembly that the judicial branch utilize
20 the Iowa communications network or other secure electronic
21 communications in lieu of traveling for the fiscal year
22 beginning July 1, 2020, and ending June 30, 2021.

23 DIVISION III

24 PROPOSED BUDGET PROCESS

25 Sec. 11. Section 602.1301, subsection 2, paragraph b, Code
26 2019, is amended to read as follows:

27 *b.* Before December 1, the supreme court shall submit to the
28 director of the department of management an estimate of the
29 total expenditure requirements of the judicial branch. The
30 director of the department of management shall submit this
31 estimate received from the supreme court to the governor for
32 inclusion without change in the governor's proposed budget for
33 the succeeding fiscal year, except the portion of the total
34 expenditure requirements attributable to an increase of the
35 salary rate for a judicial position, including chief justice

1 of the supreme court, each justice of the supreme court, chief
2 judge of the court of appeals, each associate judge of the
3 court of appeals, each chief judge of a judicial district, each
4 district judge except the chief judge of a judicial district,
5 each district associate judge, each associate juvenile judge,
6 each associate probate judge, each judicial magistrate, and
7 each senior judge, shall not be included in the governor's
8 proposed budget. The estimate shall also be submitted to the
9 chairpersons of the committees on appropriations.

10

EXPLANATION

11

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

12

13 This bill makes appropriations to the judicial branch.

14 The bill appropriates from the general fund of the state
15 for FY 2019-2020 and FY 2020-2021 to the judicial branch for
16 salaries, maintenance, equipment, and miscellaneous purposes.

17 The bill provides that a civil trial including a jury trial
18 may take place in a county contiguous to the county with proper
19 jurisdiction, even if the contiguous county is located in an
20 adjacent judicial district or judicial election district, if
21 all the parties in a case agree. If a trial is moved to another
22 county that is located in another judicial district or judicial
23 election district, the judicial officers serving the judicial
24 district or judicial election district receiving the case shall
25 preside over the case.

26 The bill permits a judicial officer to waive travel
27 reimbursement for any travel outside the judicial officer's
28 county of residence to conduct official business.

29 The bill allows a judicial officer to be placed on unpaid
30 leave for the fiscal years beginning July 1, 2019, and July 1,
31 2020, on any day a court employee is required to furlough. The
32 bill provides that if a judicial officer is placed on unpaid
33 leave, the salary of the judicial officer shall be reduced
34 accordingly for the pay period in which the unpaid leave
35 occurred. Through the course of the fiscal year, the bill

1 provides that the judicial branch may use an amount equal to
2 the aggregate amount of the salary reductions due to judicial
3 officer unpaid leave for any purpose other than judicial
4 salaries.

5 The bill states legislative intent that the judicial
6 branch utilize the Iowa communications network or other secure
7 electronic communications in lieu of traveling.

8 Current law provides that before December 1, the supreme
9 court shall submit to the director of the department of
10 management an estimate of the total expenditure requirements
11 of the judicial branch and the director of the department of
12 management shall submit this estimate received from the supreme
13 court to the governor for inclusion without change in the
14 governor's proposed budget for the succeeding fiscal year.
15 The bill provides that the portion of the estimated total
16 expenditure requirements attributable to an increase of the
17 salary rate for a judicial position, which are specified in the
18 bill, shall not be included in the governor's proposed budget.