

Senate Study Bill 3104 - Introduced

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

A BILL FOR

1 An Act relating to appropriations to the judicial branch, and
2 including effective date and retroactive applicability
3 provisions.
4 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 2020, and ending June 30, 2021, the following amounts, 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 associate juvenile judges, associate probate judges, judicial
10 magistrates and staff, state court administrator, clerk of
11 the supreme court, district court administrators, clerks of
12 the district court, juvenile court officers, board of law
13 examiners, board of examiners of shorthand reporters, and
14 commission on judicial qualifications; receipt and disbursement
15 of child support payments; reimbursement of the auditor
16 of state for expenses incurred in completing audits of the
17 offices of the clerks of the district court during the fiscal
18 year beginning July 1, 2020; and maintenance, equipment, and
19 miscellaneous purposes:

20 \$188,442,452

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

26 \$ 3,350,000

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

33 3. The judicial branch shall submit monthly financial
34 statements to the legislative services agency and the
35 department of management containing all appropriated accounts

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

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

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

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 to
21 the legislative services agency prior to the effective date.
22 The notice shall include information on the branch's rationale
23 for making the changes and details concerning the workload and
24 performance measures upon which the changes are based.

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

33 8. The judicial branch shall provide a report to the general
34 assembly by January 1, 2021, concerning the amounts received
35 and expended from the enhanced court collections fund created

1 in section 602.1304 and the court technology and modernization
2 fund created in section 602.8108, subsection 9, during the
3 fiscal year beginning July 1, 2019, and ending June 30, 2020,
4 and the plans for expenditures from each fund during the fiscal
5 year beginning July 1, 2020, and ending June 30, 2021. A copy
6 of the report shall be provided to the legislative services
7 agency.

8 Sec. 2. CIVIL TRIALS — LOCATION. Notwithstanding any
9 provision to the contrary, for the fiscal year beginning July
10 1, 2020, and ending June 30, 2021, if all parties in a case
11 agree, a civil trial including a jury trial may take place in a
12 county contiguous to the county with proper jurisdiction, even
13 if the contiguous county is located in an adjacent judicial
14 district or judicial election district. If the trial is moved
15 pursuant to this section, court personnel shall treat the case
16 as if a change of venue occurred. However, if a trial is moved
17 to an adjacent judicial district or judicial election district,
18 the judicial officers serving in the judicial district or
19 judicial election district receiving the case shall preside
20 over the case.

21 Sec. 3. TRAVEL REIMBURSEMENT. Notwithstanding section
22 602.1509, for the fiscal year beginning July 1, 2020, and
23 ending June 30, 2021, a judicial officer may waive travel
24 reimbursement for any travel outside the judicial officer's
25 county of residence to conduct official judicial business.

26 Sec. 4. JUDICIAL OFFICER — UNPAID LEAVE. Notwithstanding
27 the annual salary rates for judicial officers established by
28 2019 Iowa Acts, chapter 155, section 6, for the fiscal year
29 beginning July 1, 2020, and ending June 30, 2021, the supreme
30 court may by order place all judicial officers on unpaid leave
31 status on any day employees of the judicial branch are placed
32 on temporary layoff status. The biweekly pay of the judicial
33 officers shall be reduced accordingly for the pay period in
34 which the unpaid leave date occurred in the same manner as
35 for noncontract employees of the judicial branch. Through

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

5 Sec. 5. IOWA COMMUNICATIONS NETWORK. It is the intent
6 of the general assembly that the judicial branch utilize
7 the Iowa communications network or other secure electronic
8 communications in lieu of traveling for the fiscal year
9 beginning July 1, 2020, and ending June 30, 2021.

10 Sec. 6. NEW SECTION. 602.1306 Judicial branch gifts and
11 donations fund.

12 1. A judicial branch gifts and donations fund is established
13 in the state treasury under the control of the judicial
14 branch. The judicial branch may accept and receive donations,
15 gifts, grants, loans, and contributions from any public or
16 private source for deposit in the fund. Moneys in the fund
17 are appropriated to the judicial branch for the purpose of
18 supporting the activities of the judicial branch.

19 2. Notwithstanding section 8.33, moneys in the fund shall
20 not revert. Notwithstanding section 12C.7, subsection 2,
21 interest or earnings on moneys in the fund shall be credited
22 to the fund.

23 Sec. 7. EFFECTIVE DATE. The following, being deemed of
24 immediate importance, takes effect upon enactment:

25 The section of this Act enacting section 602.1306.

26 Sec. 8. RETROACTIVE APPLICABILITY. The following applies
27 retroactively to January 1, 2020:

28 The section of this Act enacting section 602.1306.

29 EXPLANATION

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

32 This bill makes appropriations to the judicial branch.

33 The bill appropriates moneys from the general fund
34 of the state for FY 2020-2021 to the judicial branch for
35 salaries, receipt and disbursement of child support payments,

1 reimbursement of the auditor of state, maintenance, equipment,
2 and miscellaneous purposes, and for deposit in the revolving
3 fund created pursuant to Code section 602.1302(3) for certain
4 purposes.

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

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

17 The bill allows a judicial officer to be placed on unpaid
18 leave 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 The bill creates a judicial branch gifts and donations
31 fund under the control of the judicial branch; authorizes the
32 judicial branch to accept and receive donations, gifts, grants,
33 loans, and contributions from any public or private source for
34 deposit in the fund; and appropriates moneys in the fund to the
35 judicial branch for the purpose of supporting the activities of

S.F. _____ H.F. _____

1 the judicial branch. This provision of the bill takes effect
2 upon enactment and applies retroactively to January 1, 2020.