

Senate Study Bill 1245 - 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 2021-2022

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, 2021, and ending June 30, 2022, 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, board of examiners of shorthand reporters, and commission on judicial qualifications; 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, 2021; and maintenance, equipment, and miscellaneous purposes:

..... \$190,112,527

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. An office of the clerk of the district court
18 shall be open regular courthouse hours.

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

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

1 8. The judicial branch shall provide a report to the general
2 assembly by January 1, 2022, concerning the amounts received
3 and expended from the enhanced court collections fund created
4 in section 602.1304 and the court technology and modernization
5 fund created in section 602.8108, subsection 7, during the
6 fiscal year beginning July 1, 2020, and ending June 30, 2021,
7 and the plans for expenditures from each fund during the fiscal
8 year beginning July 1, 2021, and ending June 30, 2022. A copy
9 of the report shall be provided to the legislative services
10 agency.

11 Sec. 2. CIVIL TRIALS — LOCATION. Notwithstanding any
12 provision to the contrary, for the fiscal year beginning July
13 1, 2021, and ending June 30, 2022, if all parties in a case
14 agree, a civil trial including a jury trial may take place in a
15 county contiguous to the county with proper jurisdiction, even
16 if the contiguous county is located in an adjacent judicial
17 district or judicial election district. If the trial is moved
18 pursuant to this section, court personnel shall treat the case
19 as if a change of venue occurred. However, if a trial is moved
20 to an adjacent judicial district or judicial election district,
21 the judicial officers serving in the judicial district or
22 judicial election district receiving the case shall preside
23 over the case.

24 Sec. 3. TRAVEL REIMBURSEMENT. Notwithstanding section
25 602.1509, for the fiscal year beginning July 1, 2021, and
26 ending June 30, 2022, a judicial officer may waive travel
27 reimbursement for any travel outside the judicial officer's
28 county of residence to conduct official judicial business.

29 Sec. 4. JUDICIAL OFFICER — UNPAID LEAVE. Notwithstanding
30 the annual salary rates for judicial officers established by
31 2019 Iowa Acts, chapter 155, section 6, for the fiscal year
32 beginning July 1, 2021, and ending June 30, 2022, the supreme
33 court may by order place all judicial officers on unpaid leave
34 status on any day employees of the judicial branch are placed
35 on temporary layoff status. The biweekly pay of the judicial

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

8 Sec. 5. IOWA COMMUNICATIONS NETWORK. It is the intent
9 of the general assembly that the judicial branch utilize
10 the Iowa communications network or other secure electronic
11 communications in lieu of traveling for the fiscal year
12 beginning July 1, 2021, and ending June 30, 2022.

13 DIVISION II
14 FY 2022-2023

15 Sec. 6. JUDICIAL BRANCH.

16 1. There is appropriated from the general fund of the state
17 to the judicial branch for the fiscal year beginning July 1,
18 2022, and ending June 30, 2023, the following amounts, or so
19 much thereof as is necessary, to be used for the purposes
20 designated:

21 a. For salaries of supreme court justices, appellate court
22 judges, district court judges, district associate judges,
23 associate juvenile judges, associate probate judges, judicial
24 magistrates and staff, state court administrator, clerk of
25 the supreme court, district court administrators, clerks of
26 the district court, juvenile court officers, board of law
27 examiners, board of examiners of shorthand reporters, and
28 commission on judicial qualifications; receipt and disbursement
29 of child support payments; reimbursement of the auditor
30 of state for expenses incurred in completing audits of the
31 offices of the clerks of the district court during the fiscal
32 year beginning July 1, 2022; and maintenance, equipment, and
33 miscellaneous purposes:

34 \$191,591,757

35 b. For deposit in the revolving fund created pursuant to

1 section 602.1302, subsection 3, for jury and witness fees,
2 mileage, costs related to summoning jurors, costs and fees for
3 interpreters and translators, and reimbursement of attorney
4 fees paid by the state public defender:
5 \$ 3,100,000

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

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

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

25 5. It is the intent of the general assembly that the offices
26 of the clerks of the district court operate in all 99 counties
27 and be accessible to the public as much as is reasonably
28 possible in order to address the relative needs of the citizens
29 of each county. An office of the clerk of the district court
30 shall be open regular courthouse hours.

31 6. In addition to the requirements for transfers under
32 section 8.39, the judicial branch shall not change the
33 appropriations from the amounts appropriated to the judicial
34 branch in this division of this Act, unless notice of the
35 revisions is given to the legislative services agency prior

1 to the effective date. The notice shall include information
2 on the branch's rationale for making the changes and details
3 concerning the workload and performance measures upon which the
4 changes are based.

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

13 8. The judicial branch shall provide a report to the general
14 assembly by January 1, 2023, concerning the amounts received
15 and expended from the enhanced court collections fund created
16 in section 602.1304 and the court technology and modernization
17 fund created in section 602.8108, subsection 7, during the
18 fiscal year beginning July 1, 2021, and ending June 30, 2022,
19 and the plans for expenditures from each fund during the fiscal
20 year beginning July 1, 2022, and ending June 30, 2023. A copy
21 of the report shall be provided to the legislative services
22 agency.

23 Sec. 7. CIVIL TRIALS — LOCATION. Notwithstanding any
24 provision to the contrary, for the fiscal year beginning July
25 1, 2022, and ending June 30, 2023, if all parties in a case
26 agree, a civil trial including a jury trial may take place in a
27 county contiguous to the county with proper jurisdiction, even
28 if the contiguous county is located in an adjacent judicial
29 district or judicial election district. If the trial is moved
30 pursuant to this section, court personnel shall treat the case
31 as if a change of venue occurred. However, if a trial is moved
32 to an adjacent judicial district or judicial election district,
33 the judicial officers serving in the judicial district or
34 judicial election district receiving the case shall preside
35 over the case.

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

10 The bill permits a judicial officer to waive travel
11 reimbursement for any travel outside the judicial officer's
12 county of residence to conduct official business.

13 The bill allows a judicial officer to be placed on unpaid
14 leave on any day a court employee is required to furlough. The
15 bill provides that if a judicial officer is placed on unpaid
16 leave, the salary of the judicial officer shall be reduced
17 accordingly for the pay period in which the unpaid leave
18 occurred. Through the course of the fiscal years, the bill
19 provides that the judicial branch may use an amount equal to
20 the aggregate amount of the salary reductions due to judicial
21 officer unpaid leave for any purpose other than judicial
22 salaries.

23 The bill states legislative intent that the judicial
24 branch utilize the Iowa communications network or other secure
25 electronic communications in lieu of traveling.