

Senate Study Bill 3153 - 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:

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 2022, and ending June 30, 2023, 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, 2022; and maintenance, equipment, and
19 miscellaneous purposes:

20 \$202,468,895

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 \$ 3,600,000

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 judicial 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 and the department of management by January 1, 2023,

1 concerning the amounts received and expended from the court
2 technology and modernization fund created in section 602.8108,
3 subsection 7, during the fiscal year beginning July 1, 2021,
4 and ending June 30, 2022, and the plans for expenditures from
5 each fund during the fiscal year beginning July 1, 2022, and
6 ending June 30, 2023.

7 Sec. 2. CIVIL TRIALS — LOCATION. Notwithstanding any
8 provision to the contrary, for the fiscal year beginning July
9 1, 2022, and ending June 30, 2023, if all parties in a case
10 agree, a civil trial including a jury trial may take place in a
11 county contiguous to the county with proper jurisdiction, even
12 if the contiguous county is located in an adjacent judicial
13 district or judicial election district. If the trial is moved
14 pursuant to this section, court personnel shall treat the case
15 as if a change of venue occurred.

16 Sec. 3. TRAVEL REIMBURSEMENT. Notwithstanding section
17 602.1509, for the fiscal year beginning July 1, 2022, and
18 ending June 30, 2023, a judicial officer may waive travel
19 reimbursement for any travel outside the judicial officer's
20 county of residence to conduct official judicial business.

21 Sec. 4. JUDICIAL OFFICER — UNPAID LEAVE. Notwithstanding
22 the annual salary rates for judicial officers established by
23 2021 Iowa Acts, chapter 168, section 6, for the fiscal year
24 beginning July 1, 2022, and ending June 30, 2023, the supreme
25 court may by order place all judicial officers on unpaid leave
26 status on any day employees of the judicial branch are placed
27 on temporary layoff status. The biweekly pay of the judicial
28 officers shall be reduced accordingly for the pay period in
29 which the unpaid leave date occurred in the same manner as
30 for noncontract employees of the judicial branch. Through
31 the course of the fiscal year, the judicial branch may use an
32 amount equal to the aggregate amount of salary reductions due
33 to the judicial officer unpaid leave days for any purpose other
34 than for judicial salaries.

35 Sec. 5. IOWA COMMUNICATIONS NETWORK. It is the intent

1 of the general assembly that the judicial branch utilize
2 the Iowa communications network or other secure electronic
3 communications in lieu of traveling for the fiscal year
4 beginning July 1, 2022, and ending June 30, 2023.

5 Sec. 6. Section 2.12, subsection 4, Code 2022, is amended
6 to read as follows:

7 4. There is appropriated out of any funds in the state
8 treasury not otherwise appropriated such sums as may be
9 necessary for the fiscal year budgets of the legislative
10 services agency and the office of ombudsman for salaries,
11 support, maintenance, and miscellaneous purposes to carry out
12 their statutory responsibilities. The legislative services
13 agency and the office of ombudsman shall submit their proposed
14 budgets to the legislative council not later than September 1
15 of each year. The legislative council shall review and approve
16 the proposed budgets not later than December 1 of each year.
17 The budget approved by the legislative council for each of
18 its statutory legislative agencies shall be transmitted by
19 the legislative council to the department of management on or
20 before December 1 of each year for the fiscal year beginning
21 July 1 of the following year. The department of management
22 shall submit the approved budgets received from the legislative
23 council to the governor ~~for inclusion in the governor's~~
24 ~~proposed budget for the succeeding fiscal year.~~ The approved
25 budgets shall also be submitted to the chairpersons of the
26 committees on appropriations. The committees on appropriations
27 may allocate from the funds appropriated by [this section](#)
28 the funds contained in the approved budgets, or such other
29 amounts as specified, pursuant to a concurrent resolution to be
30 approved by both houses of the general assembly. The director
31 of the department of administrative services shall issue
32 warrants for salaries, support, maintenance, and miscellaneous
33 purposes upon requisition by the administrative head of each
34 statutory legislative agency. If the legislative council
35 elects to change the approved budget for a legislative agency

1 prior to July 1, the legislative council shall transmit the
2 amount of the budget revision to the department of management
3 prior to July 1 of the fiscal year, however, if the general
4 assembly approved the budget it cannot be changed except
5 pursuant to a concurrent resolution approved by the general
6 assembly.

7 Sec. 7. Section 602.1301, subsection 2, paragraph b, Code
8 2022, is amended to read as follows:

9 b. Before December 1, the supreme court shall submit to
10 the director of the department of management an estimate of
11 the total expenditure requirements of the judicial branch.
12 The director of the department of management shall submit
13 this estimate received from the supreme court to the governor
14 ~~for inclusion without change in the governor's proposed~~
15 ~~budget for the succeeding fiscal year.~~ The estimate shall
16 also be submitted to the chairpersons of the committees on
17 appropriations.

18 EXPLANATION

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

21 This bill makes appropriations to the judicial branch.

22 The bill appropriates from the general fund of the state for
23 FY 2022-2023 to the judicial branch for salaries, receipt and
24 disbursement of child support payments, reimbursement of the
25 auditor of state, maintenance, equipment, and miscellaneous
26 purposes, and for deposit in the revolving fund created
27 pursuant to Code section 602.1302(3) for certain purposes.

28 The bill provides that a civil trial including a jury trial
29 may take place in a county contiguous to the county with proper
30 jurisdiction, even if the contiguous county is located in an
31 adjacent judicial district or judicial election district, if
32 all the parties in a case agree. If a trial is moved to another
33 county that is located in another judicial district or judicial
34 election district, the judicial officers serving the judicial
35 district or judicial election district receiving the case shall

1 preside over the case.

2 The bill permits a judicial officer to waive travel
3 reimbursement for any travel outside the judicial officer's
4 county of residence to conduct official business.

5 The bill allows a judicial officer to be placed on unpaid
6 leave for the fiscal year beginning July 1, 2022, on any day a
7 court employee is required to furlough. The bill provides that
8 if a judicial officer is placed on unpaid leave, the salary of
9 the judicial officer shall be reduced accordingly for the pay
10 period in which the unpaid leave occurred. Through the course
11 of the fiscal year, the bill provides that the judicial branch
12 may use an amount equal to the aggregate amount of the salary
13 reductions due to judicial officer unpaid leave for any purpose
14 other than judicial salaries.

15 The bill states legislative intent that the judicial
16 branch utilize the Iowa communications network or other secure
17 electronic communications in lieu of traveling.

18 Currently, the department of management receives annual
19 budgets of the legislative branch which are submitted to the
20 governor for inclusion in the governor's annual proposed
21 budget. The bill eliminates the requirement that budgets
22 approved by the legislative council be included in the
23 governor's proposed budget. The approved budgets must only be
24 submitted to the governor.

25 Currently, the department of management receives annual
26 expenditure estimates from the judicial branch which are
27 submitted to the governor for inclusion in the governor's
28 annual proposed budget. The bill eliminates the requirement
29 that the estimates be included in the governor's budget. The
30 estimates must only be submitted to the governor.