

Senate File 2436 - Introduced

SENATE FILE 2436

BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 3203)

A BILL FOR

1 An Act relating to and making appropriations to the judicial
2 branch, including by modifying the judicial retirement fund
3 and membership of district judicial nominating commissions,
4 and including effective date provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

FY 2024-2025 APPROPRIATIONS

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, 2024, and ending June 30, 2025, 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, 2024; and maintenance, equipment, and miscellaneous purposes:

..... \$197,009,531

Of the moneys appropriated in this lettered paragraph, no more than \$250,000 is allocated for reimbursement to the indigent defense fund created in section 815.11 for travel time claims as required under section 815.7A, subsection 2.

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:

..... \$ 3,600,000

c. For payment of expenses for court-ordered services provided to juveniles who are under the supervision of juvenile court services, which expenses are a charge upon the state

1 pursuant to section 232.141, subsection 4:

2 \$ 3,290,000

3 (1) Of the moneys appropriated in this lettered paragraph,
4 no more than \$1,556,000 is allocated to provide school-based
5 supervision of children under chapter 232, of which no more
6 than \$15,000 may be used for purposes of training. A portion
7 of the cost of each school-based liaison officer shall be paid
8 by the school district or other funding source as approved by
9 the chief juvenile court officer.

10 (2) Of the moneys appropriated in this lettered paragraph,
11 no more than \$748,000 is allocated for the payment of expenses
12 for court-ordered services provided to children who are under
13 the supervision of the department of health and human services,
14 which expenses are a charge upon the state pursuant to section
15 232.141, subsection 4.

16 (3) Notwithstanding section 232.141 or any other provision
17 of law to the contrary, the moneys appropriated in this
18 lettered paragraph shall be distributed to the judicial
19 districts as determined by the state court administrator. The
20 state court administrator shall make the determination of the
21 distribution amounts on or before June 15, 2024.

22 (4) Notwithstanding chapter 232 or any other provision of
23 law to the contrary, a district or juvenile court shall not
24 order any service which is a charge upon the state pursuant
25 to section 232.141 if there are insufficient court-ordered
26 services moneys available in the district court distribution
27 amounts to pay for the service. The chief juvenile court
28 officer shall encourage use of the moneys appropriated in this
29 lettered paragraph such that there are sufficient moneys to pay
30 for all court-ordered services during the entire fiscal year.
31 The chief juvenile court officer shall attempt to anticipate
32 potential surpluses and shortfalls in the distribution amounts
33 and shall cooperatively request the state court administrator
34 to transfer moneys between the judicial districts' distribution
35 amounts as prudent.

1 (5) Notwithstanding any provision of law to the contrary,
2 a district or juvenile court shall not order a county to pay
3 for any service provided to a juvenile pursuant to an order
4 entered under chapter 232 which is a charge upon the state
5 under section 232.141, subsection 4.

6 (6) Of the moneys appropriated in this lettered paragraph,
7 no more than \$83,000 may be used by the judicial branch
8 for administration of the requirements under this lettered
9 paragraph.

10 (7) Of the moneys appropriated in this lettered paragraph,
11 \$23,000 is allocated to the judicial branch to support the
12 interstate commission for juveniles in accordance with the
13 interstate compact for juveniles as provided in section
14 232.173.

15 d. For juvenile delinquent graduated sanctions services
16 pursuant to section 232.192:

17 \$ 12,253,000

18 Any state moneys saved as a result of efforts by juvenile
19 court services to earn a federal fund match pursuant to Tit.
20 IV-E of the federal Family First Prevention Services Act
21 of 2018, Pub. L. No. 115-123, for juvenile court services
22 administration is appropriated to the judicial branch for
23 purposes of this lettered paragraph.

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

30 3. The judicial branch shall submit monthly financial
31 statements to the legislative services agency and the
32 department of management containing all appropriated accounts
33 in the same manner as provided in the monthly financial status
34 reports and personal services usage reports of the department
35 of administrative services. The monthly financial statements

1 shall include a comparison of the dollars and percentage
2 spent of budgeted versus actual revenues and expenditures on
3 a cumulative basis for full-time equivalent positions and
4 dollars.

5 4. The judicial branch shall focus efforts upon the
6 collection of delinquent fines, penalties, court costs, fees,
7 surcharges, or similar amounts.

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

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

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

31 8. The judicial branch shall provide a report to the general
32 assembly by January 1, 2025, concerning the amounts received
33 and expended from the court technology and modernization fund
34 created in section 602.8108, subsection 7, during the fiscal
35 year beginning July 1, 2023, and ending June 30, 2024, and the

1 plans for expenditures from each fund during the fiscal year
2 beginning July 1, 2024, and ending June 30, 2025.

3 Sec. 2. CIVIL TRIALS — LOCATION. Notwithstanding any
4 provision to the contrary, for the fiscal year beginning July
5 1, 2024, and ending June 30, 2025, if all parties in a case
6 agree, a civil trial including a jury trial may take place in a
7 county contiguous to the county with proper jurisdiction, even
8 if the contiguous county is located in an adjacent judicial
9 district or judicial election district. If the trial is moved
10 pursuant to this section, court personnel shall treat the case
11 as if a change of venue occurred.

12 Sec. 3. TRAVEL REIMBURSEMENT. Notwithstanding section
13 602.1509, for the fiscal year beginning July 1, 2024, and
14 ending June 30, 2025, a judicial officer may waive travel
15 reimbursement for any travel outside the judicial officer's
16 county of residence to conduct official judicial business.

17 Sec. 4. JUDICIAL OFFICER — UNPAID LEAVE. Notwithstanding
18 the annual salary rates for judicial officers established by
19 this division of this Act, for the fiscal year beginning July
20 1, 2024, and ending June 30, 2025, the supreme court may by
21 order place all judicial officers on unpaid leave status on any
22 day employees of the judicial branch are placed on temporary
23 layoff status. The biweekly pay of the judicial officers shall
24 be reduced accordingly for the pay period in which the unpaid
25 leave date occurred in the same manner as for noncontract
26 employees of the judicial branch. Through the course of the
27 fiscal year, the judicial branch may use an amount equal to
28 the aggregate amount of salary reductions due to the judicial
29 officer unpaid leave days for any purpose other than for
30 judicial salaries.

31 Sec. 5. IOWA COMMUNICATIONS NETWORK. It is the intent
32 of the general assembly that the judicial branch utilize
33 the Iowa communications network or other secure electronic
34 communications in lieu of traveling for the fiscal year
35 beginning July 1, 2024, and ending June 30, 2025.

1 Sec. 6. SALARIES — STATE COURT JUSTICES, JUDGES, AND
2 MAGISTRATES.

3 1. The salary rates specified in subsection 2 are for the
4 fiscal year beginning July 1, 2024, effective for the pay
5 period beginning June 21, 2024, and for subsequent fiscal
6 years until otherwise provided by the general assembly. The
7 salaries provided for in this section shall be paid from moneys
8 appropriated to the judicial branch pursuant to this division
9 of this Act or any other Act of the general assembly.

10 2. The following annual salary rates shall be paid to the
11 persons holding the judicial positions indicated during the
12 fiscal year beginning July 1, 2024, effective with the pay
13 period beginning June 21, 2024, and for subsequent pay periods:

- 14 a. Chief justice of the supreme court:
15 \$ 200,034
- 16 b. Each justice of the supreme court:
17 \$ 191,069
- 18 c. Chief judge of the court of appeals:
19 \$ 179,130
- 20 d. Each associate judge of the court of appeals:
21 \$ 173,160
- 22 e. Each chief judge of a judicial district:
23 \$ 167,190
- 24 f. Each district judge except the chief judge of a judicial
25 district:
26 \$ 161,221
- 27 g. Each district associate judge:
28 \$ 143,312
- 29 h. Each associate juvenile judge:
30 \$ 143,312
- 31 i. Each associate probate judge:
32 \$ 143,312
- 33 j. Each judicial magistrate:
34 \$ 44,179
- 35 k. Each senior judge:

1 \$ 9,547

2 3. Persons receiving salary rates established under this
3 section shall not receive any additional salary adjustments
4 provided by this division of this Act or any other Act of the
5 general assembly.

6 Sec. 7. EFFECTIVE DATE. The section of this division of
7 this Act enacting salaries for state court justices, judges,
8 and magistrates takes effect June 21, 2024.

9 DIVISION II

10 JUDICIAL RETIREMENT FUND

11 Sec. 8. Section 602.9104, subsection 4, Code 2024, is
12 amended to read as follows:

13 4. As used in [this section](#), unless the context otherwise
14 requires:

15 ~~a. "Actuarial valuation" means an actuarial valuation of the~~
16 ~~judicial retirement system or an annual actuarial update of an~~
17 ~~actuarial valuation, as required pursuant to [section 602.9116](#).~~

18 ~~b. "Fully funded status" means that the most recent~~
19 ~~actuarial valuation reflects that the funded status of the~~
20 ~~system is at least one hundred percent, based upon the benefits~~
21 ~~provided for judges through the judicial retirement system as~~
22 ~~of July 1, 2006.~~

23 ~~c. "Judge's required contribution" means an amount equal~~
24 ~~to the basic salary of the judge multiplied by the following~~
25 ~~applicable percentage:~~

26 ~~(1) For the fiscal year beginning July 1, 2008, and ending~~
27 ~~June 30, 2009, seven and seven-tenths percent.~~

28 ~~(2) For the fiscal year beginning July 1, 2009, and ending~~
29 ~~June 30, 2010, eight and seven-tenths percent.~~

30 ~~(3) For the fiscal year beginning July 1, 2010, and for each~~
31 ~~subsequent fiscal year until the system attains fully funded~~
32 ~~status, nine and thirty-five hundredths percent.~~

33 ~~(4) Commencing with the first fiscal year in which the~~
34 ~~system attains fully funded status, and for each subsequent~~
35 ~~fiscal year, the percentage rate equal to forty percent of the~~

1 ~~required contribution percentage rate equal to thirty-five~~
2 ~~percent of the required contribution rate.~~

3 ~~d. b.~~ "Required contribution rate" means that percentage
4 of the basic salary of all judges covered under [this article](#)
5 equal to the actuarially required contribution rate determined
6 by the actuary pursuant to [section 602.9116](#). The required
7 contribution rate shall not vary by more than one percentage
8 point from the required contribution rate for the prior fiscal
9 year.

10 ~~e. c.~~ "State's required contribution" means an amount equal
11 to the basic salary of all judges covered under [this article](#)
12 multiplied by the following applicable percentage:

13 ~~(1) For the fiscal year beginning July 1, 2008, and for each~~
14 ~~subsequent fiscal year until the system attains fully funded~~
15 ~~status, thirty and six tenths percent.~~

16 ~~(2) Commencing with the first fiscal year in which the~~
17 ~~system attains fully funded status, and for each subsequent~~
18 ~~fiscal year, the percentage rate equal to sixty percent of~~
19 ~~the required contribution percentage rate equal to sixty-five~~
20 ~~percent of the required contribution rate.~~

21 DIVISION III

22 DISTRICT JUDICIAL NOMINATING COMMISSIONS

23 Sec. 9. Section 46.3, subsection 1, Code 2024, is amended
24 to read as follows:

25 1. The governor shall appoint ~~five~~ six eligible electors
26 of each judicial election district to the district judicial
27 nominating commission.

28 Sec. 10. Section 46.5, subsection 4, Code 2024, is amended
29 to read as follows:

30 4. If a vacancy occurs in the office of chairperson of the
31 ~~state~~ a judicial nominating commission, the members of the
32 commission shall elect a new chairperson as provided in section
33 46.6. ~~If a vacancy occurs in the office of chairperson of a~~
34 ~~district judicial nominating commission or in the absence of~~
35 ~~the chairperson, the members of the particular commission shall~~

1 ~~elect a temporary chairperson from their own number.~~

2 Sec. 11. Section 46.6, Code 2024, is amended to read as
3 follows:

4 **46.6 Chairperson.**

5 ~~1.~~ The commissioners of the state judicial nominating
6 commission shall elect a chairperson from their own number and
7 the commissioners of a district judicial nominating commission
8 shall elect a chairperson from their own number. The
9 chairperson shall serve a two-year term that expires on April
10 30 of even-numbered years. A commissioner may be reelected
11 for a second or third term as chairperson. If a chairperson
12 of a judicial nominating commission desires to be relieved
13 of the duties of chairperson while retaining the status of
14 commissioner, the chairperson shall notify the governor and the
15 other commissioners of the commission. At the next meeting of
16 the commission, the commissioners shall elect a new chairperson
17 for the remainder of the two-year term.

18 ~~2. The judge of longest service in the district shall serve~~
19 ~~as the chair of a particular district judicial nominating~~
20 ~~commission. If the judges of longest service in the district~~
21 ~~are of equal service, the eldest of such judges shall be~~
22 ~~chairperson of the particular judicial nominating commission.~~

23

EXPLANATION

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

26 This bill relates to and makes appropriations to the
27 judicial branch.

28 FY 2024-2025 APPROPRIATIONS. The bill appropriates moneys
29 from the general fund of the state for FY 2024-2025 to the
30 judicial branch for salaries, receipt and disbursement of
31 child support payments, reimbursement of the auditor of state,
32 maintenance, equipment, miscellaneous purposes, deposit in the
33 revolving fund created pursuant to Code section 602.1302(3) for
34 certain purposes, payment of court-ordered juvenile services,
35 and juvenile delinquent graduated sanctions services.

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 the 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.
15 The bill provides that if a judicial officer is placed on
16 unpaid leave, the salary of the judicial officer shall be
17 reduced accordingly for the pay period in which the unpaid
18 leave occurred. The bill provides that the judicial branch
19 may use an amount equal to the aggregate amount of the salary
20 reductions due to judicial officer unpaid leave for any purpose
21 other than judicial salaries.

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

25 The bill sets forth salaries for justices, judges, and
26 magistrates. This provision takes effect June 21, 2024.

27 JUDICIAL RETIREMENT FUND. The bill modifies the
28 contribution rates for the judicial retirement fund. The bill
29 redefines the term "judge's required contribution" to mean an
30 amount equal to the basic salary of the judge multiplied by
31 35 percent of the required contribution rate, and the term
32 "state's required contribution" to mean an amount equal to the
33 basic salary of all judges multiplied by 65 percent of the
34 required contribution rate. The bill prohibits the required
35 contribution rate from varying by more than 1 percentage point

1 from the prior fiscal year. The bill's contribution rates
2 apply regardless of whether the judicial retirement fund is
3 fully funded.

4 DISTRICT JUDICIAL NOMINATING COMMISSIONS. Under current
5 law, the governor appoints five eligible electors of each
6 judicial district to each district's 11-person district
7 judicial nominating commission. The bill changes the number of
8 electors appointed by the governor to six.

9 Under current law, the most senior judge in the district
10 serves as a commissioner and as the chairperson of that
11 particular district judicial nominating commission. The
12 bill removes the judge from the commission and from being
13 chairperson and requires the members of each district judicial
14 nominating commission to elect a chairperson from their own
15 number.

16 District judicial nominating commissions are responsible
17 for screening applicants and selecting nominees for district
18 court judicial vacancies. There is a nominating commission for
19 each of Iowa's 14 judicial election subdistricts. District
20 nominating commissions provide the governor with a slate of
21 two nominees from which to make an appointment to the district
22 court.