

Judicial Branch Appropriations Bill House File 864

Last Action:

House Floor

May 17, 2021

An Act relating to appropriations to the judicial branch.

**Fiscal Services Division
Legislative Services Agency**

NOTES ON BILLS AND AMENDMENTS (NOBA)

Available online at www.legis.iowa.gov/publications/information/appropriationBillAnalysis

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FUNDING SUMMARY

General Fund FY 2022: Appropriates a total of \$193.2 million from the General Fund to the Judicial Branch for FY 2022. This appropriation includes:

- \$189.6 million to the Judicial Branch for operations. This is an increase of \$8.6 million compared to estimated FY 2021.
- \$3.6 million to the Jury and Witness Fee Revolving Fund. This is an increase of \$500,000 compared to estimated FY 2021.

MAJOR INCREASES/DECREASES/TRANSFERS OF EXISTING PROGRAMS

Requires the Judicial Branch to increase the annual salary rates of all judges and magistrates to the amounts specified in the Bill starting in FY 2022. Requires that the salaries be paid from funds allocated to the Judicial Branch from the Salary Adjustment Fund, or if the allocation is not sufficient, from funds appropriated to the Judicial Branch pursuant to this Bill, or any other Act of the General Assembly. Page 4, Line 4

STUDIES AND INTENT

Requires the Judicial Branch to focus efforts on collecting delinquent fines and fees. Page 2, Line 8

Specifies that it is the intent of the General Assembly that the offices of the clerks of the district court operate in all 99 counties and be accessible to the public as much as is reasonably possible in order to address the relative needs of the citizens of each county. Requires that an office of the clerk of the district court be open during regular courthouse hours. Page 2, Line 11

Requires the Judicial Branch to provide a semiannual report to the LSA specifying the amount of fines, surcharges, and court costs collected using the Iowa Court Information System (ICIS). Requires the Judicial Branch to continue to share vital sentencing and other information with other State departments and government agencies involved with the criminal justice system through the ICIS. Page 2, Line 26

Requires the Judicial Branch to report to the General Assembly by January 1, 2022, regarding the revenues and expenditures of the Court Technology and Modernization Fund for FY 2021, and planned expenditures for FY 2022. Page 2, Line 34

Permits parties to a civil case, including a jury trial, to move the case to a contiguous county during FY 2022, even if the contiguous county is located in an adjacent judicial district. Specifies that if the trial is moved to an adjacent judicial district, the judicial officers within the adjacent district must preside over the Page 3, Line 6

case.

Permits a judicial officer to waive travel reimbursement for any official judicial business travel outside the county of residence of the judicial officer during FY 2022.

Page 3, Line 15

Permits the Supreme Court to order judicial officers to take unpaid leave in the same manner as noncontract employees of the Judicial Branch during FY 2022.

Page 3, Line 20

Specifies that it is the intent of the General Assembly that the Judicial Branch use the Iowa Communications Network (ICN) or other secure electronic communications instead of traveling during FY 2022.

Page 3, Line 34

SIGNIFICANT CODE CHANGES

Permits a magistrate who has not been admitted to the practice of law in this State and who is holding office on April 1, 2009, to be eligible to be reappointed as a magistrate in the same county for a term commencing August 1, 2009, and for subsequent successive terms.

Page 5, Line 10

House File 864 provides for the following changes to the Code of Iowa.

Page #	Line #	Bill Section	Action	Code Section
5	10	7	Amend	602.6404.3

1 1 Section 1. JUDICIAL BRANCH.
 1 2 1. There is appropriated from the general fund of the state
 1 3 to the judicial branch for the fiscal year beginning July 1,
 1 4 2021, and ending June 30, 2022, the following amounts, or so
 1 5 much thereof as is necessary, to be used for the purposes
 1 6 designated:

1 7 a. For salaries of supreme court justices, appellate court
 1 8 judges, district court judges, district associate judges,
 1 9 associate juvenile judges, associate probate judges, judicial
 1 10 magistrates and staff, state court administrator, clerk of
 1 11 the supreme court, district court administrators, clerks of
 1 12 the district court, juvenile court officers, board of law
 1 13 examiners, board of examiners of shorthand reporters, and
 1 14 commission on judicial qualifications; receipt and disbursement
 1 15 of child support payments; reimbursement of the auditor
 1 16 of state for expenses incurred in completing audits of the
 1 17 offices of the clerks of the district court during the fiscal
 1 18 year beginning July 1, 2021; and maintenance, equipment, and
 1 19 miscellaneous purposes:
 1 20 \$ 189,640,252

1 21 b. For deposit in the revolving fund created pursuant to
 1 22 section 602.1302, subsection 3, for jury and witness fees,
 1 23 mileage, costs related to summoning jurors, costs and fees for
 1 24 interpreters and translators, and reimbursement of attorney
 1 25 fees paid by the state public defender:
 1 26 \$ 3,600,000

General Fund appropriation to the Judicial Branch for operations.

DETAIL: This is an increase of \$8,616,515 compared to estimated FY 2021. The increase includes:

- \$3,797,749 to restore funding for all authorized employees, as well as office supplies, furniture, and equipment.
- \$1,017,701 for the 17.00 full-time equivalent (FTE) positions required for the clerk of court offices to be staffed at the recommended level of 2.50 FTE positions per courthouse.
- \$1,423,604 for a 3.00% salary increase for all judges and magistrates.
- \$1,479,230 to hire four additional District Associate Judges and associated support staff (e.g., judicial support specialist, law clerks, and court reporters) to meet workload demands.
- \$585,274 for increased salary costs.
- \$229,902 for 3.00 FTE positions for the new applications (Online Dispute Resolution, interactive online forms, electronic warrants, electronic reminders, etc.) that require increased testing capacity, as well as support staff for new phone systems.
- \$83,055 for 1.00 FTE Navigator position for the Story County Pilot District Self-Help Center to provide assistance to self-represented litigants.

General Fund appropriation to the Jury and Witness Fee Revolving Fund for the reimbursement of juror and witness fees, mileage, and costs.

DETAIL: This is an increase of \$500,000 compared to estimated FY 2021. The increase is intended to provide funding for an increase in interpreter fee claims to the Fund as a result of [HF 707](#) (Court Interpreters Act), which provides that State Court Administration must pay all fee claims for interpreters and translators from the Jury and

	Witness Revolving Fund. A portion of these fees was previously paid from the Indigent Defense Fund.
<p>1 27 2. The judicial branch, except for purposes of internal 1 28 processing, shall use the current state budget system, the 1 29 state payroll system, and the Iowa finance and accounting 1 30 system in administration of programs and payments for services, 1 31 and shall not duplicate the state payroll, accounting, and 1 32 budgeting systems.</p>	Prohibits the Judicial Branch from duplicating current State payroll, budgeting, and accounting systems, except for the implementation of an internal accounting and recordkeeping system.
<p>1 33 3. The judicial branch shall submit monthly financial 1 34 statements to the legislative services agency and the 1 35 department of management containing all appropriated accounts 2 1 in the same manner as provided in the monthly financial status 2 2 reports and personal services usage reports of the department 2 3 of administrative services. The monthly financial statements 2 4 shall include a comparison of the dollars and percentage 2 5 spent of budgeted versus actual revenues and expenditures on 2 6 a cumulative basis for full-time equivalent positions and 2 7 dollars.</p>	Requires the Judicial Branch to submit monthly financial statements for all appropriated accounts to the Legislative Services Agency (LSA) and to the Department of Management (DOM). Specifies the content to be included in the financial statements.
<p>2 8 4. The judicial branch shall focus efforts upon the 2 9 collection of delinquent fines, penalties, court costs, fees, 2 10 surcharges, or similar amounts.</p>	Requires the Judicial Branch to focus efforts on collecting delinquent fines and fees.
<p>2 11 5. It is the intent of the general assembly that the offices 2 12 of the clerks of the district court operate in all 99 counties 2 13 and be accessible to the public as much as is reasonably 2 14 possible in order to address the relative needs of the citizens 2 15 of each county. An office of the clerk of the district court 2 16 shall be open regular courthouse hours.</p>	Specifies that it is the intent of the General Assembly that the offices of the clerks of the district court operate in all 99 counties and be accessible to the public as much as is reasonably possible in order to address the relative needs of the citizens of each county. Requires that an office of the clerk of the district court be open during regular courthouse hours.
<p>2 17 6. In addition to the requirements for transfers under 2 18 section 8.39, the judicial branch shall not change the 2 19 appropriations from the amounts appropriated to the judicial 2 20 branch in this Act, unless notice of the revisions is given to 2 21 the legislative services agency prior to the effective date. 2 22 The notice shall include information on the judicial branch's 2 23 rationale for making the changes and details concerning the 2 24 workload and performance measures upon which the changes are 2 25 based.</p>	Requires the Judicial Branch to notify the LSA prior to any intradepartmental transfer of funds and specifies the contents to be included in the notice.

<p>2 26 7. The judicial branch shall submit a semiannual update 2 27 to the legislative services agency specifying the amounts of 2 28 fines, surcharges, and court costs collected using the Iowa 2 29 court information system since the last report. The judicial 2 30 branch shall continue to facilitate the sharing of vital 2 31 sentencing and other information with other state departments 2 32 and governmental agencies involved in the criminal justice 2 33 system through the Iowa court information system.</p>	<p>Requires the Judicial Branch to provide a semiannual report to the LSA specifying the amount of fines, surcharges, and court costs collected using the Iowa Court Information System (ICIS). Requires the Judicial Branch to continue to share vital sentencing and other information with other State departments and government agencies involved with the criminal justice system through the ICIS.</p>
<p>2 34 8. The judicial branch shall provide a report to the general 2 35 assembly by January 1, 2022, concerning the amounts received 3 1 and expended from the court technology and modernization fund 3 2 created in section 602.8108, subsection 7, during the fiscal 3 3 year beginning July 1, 2020, and ending June 30, 2021, and the 3 4 plans for expenditures from each fund during the fiscal year 3 5 beginning July 1, 2021, and ending June 30, 2022.</p>	<p>Requires the Judicial Branch to report to the General Assembly by January 1, 2022, regarding the revenues and expenditures of the Court Technology and Modernization Fund for FY 2021, and planned expenditures for FY 2022.</p>
<p>3 6 Sec. 2. CIVIL TRIALS — LOCATION. Notwithstanding any 3 7 provision to the contrary, for the fiscal year beginning July 3 8 1, 2021, and ending June 30, 2022, if all parties in a case 3 9 agree, a civil trial including a jury trial may take place in a 3 10 county contiguous to the county with proper jurisdiction, even 3 11 if the contiguous county is located in an adjacent judicial 3 12 district or judicial election district. If the trial is moved 3 13 pursuant to this section, court personnel shall treat the case 3 14 as if a change of venue occurred.</p>	<p>Permits parties to a civil case, including a jury trial, to move the case to a contiguous county during FY 2022, even if the contiguous county is located in an adjacent judicial district. Specifies that if the trial is moved to an adjacent judicial district, the judicial officers within the adjacent district must preside over the case.</p>
<p>3 15 Sec. 3. TRAVEL REIMBURSEMENT. Notwithstanding section 3 16 602.1509, for the fiscal year beginning July 1, 2021, and 3 17 ending June 30, 2022, a judicial officer may waive travel 3 18 reimbursement for any travel outside the judicial officer's 3 19 county of residence to conduct official judicial business.</p>	<p>Permits a judicial officer to waive travel reimbursement for any official judicial business travel outside the county of residence of the judicial officer during FY 2022.</p>
<p>3 20 Sec. 4. JUDICIAL OFFICER — UNPAID LEAVE. Notwithstanding 3 21 the annual salary rates for judicial officers established by 3 22 2019 Iowa Acts, chapter 155, section 6, for the fiscal year 3 23 beginning July 1, 2021, and ending June 30, 2022, the supreme 3 24 court may by order place all judicial officers on unpaid leave 3 25 status on any day employees of the judicial branch are placed 3 26 on temporary layoff status. The biweekly pay of the judicial 3 27 officers shall be reduced accordingly for the pay period in 3 28 which the unpaid leave date occurred in the same manner as</p>	<p>Permits the Supreme Court to order judicial officers to take unpaid leave in the same manner as noncontract employees of the Judicial Branch during FY 2022.</p>

3 29 for noncontract employees of the judicial branch. Through
 3 30 the course of the fiscal year, the judicial branch may use an
 3 31 amount equal to the aggregate amount of salary reductions due
 3 32 to the judicial officer unpaid leave days for any purpose other
 3 33 than for judicial salaries.

3 34 Sec. 5. IOWA COMMUNICATIONS NETWORK. It is the intent
 3 35 of the general assembly that the judicial branch utilize
 4 1 the Iowa communications network or other secure electronic
 4 2 communications in lieu of traveling for the fiscal year
 4 3 beginning July 1, 2021, and ending June 30, 2022.

Specifies that it is the intent of the General Assembly that the Judicial Branch use the Iowa Communications Network (ICN) or other secure electronic communications instead of traveling during FY 2022.

4 4 Sec. 6. STATE COURT — JUSTICES, JUDGES, AND MAGISTRATES.

4 5 1. The salary rates specified in subsection 2 are for the
 4 6 fiscal year beginning July 1, 2021, effective for the pay
 4 7 period beginning June 25, 2021, and for subsequent fiscal
 4 8 years until otherwise provided by the general assembly. The
 4 9 salaries provided for in this section shall be paid from moneys
 4 10 allocated to the judicial branch from the salary adjustment
 4 11 fund, or if the allocation is not sufficient, from moneys
 4 12 appropriated to the judicial branch pursuant to this Act or any
 4 13 other Act of the general assembly.

Requires the Judicial Branch to increase the annual salary rates of all judges and magistrates to the amounts specified in the Bill starting in FY 2022. Requires that the salaries provided for in this section be paid from funds allocated to the Judicial Branch from the Salary Adjustment Fund, or if the allocation is not sufficient, from funds appropriated to the Judicial Branch pursuant to this Bill, or any other Act of the General Assembly.

4 14 2. The following annual salary rates shall be paid to the
 4 15 persons holding the judicial positions indicated during the
 4 16 fiscal year beginning July 1, 2021, effective with the pay
 4 17 period beginning June 25, 2021, and for subsequent pay periods.

DETAIL: The FY 2022 salary rate increase in this section is 3.00%. Based on the Judicial Branch FY 2022 budget request, the estimated cost of a 3.00% salary increase for all judges and magistrates is \$1,423,604. The most recent salary increase for all judicial officers was 2.00% in FY 2020.

- 4 18 a. Chief justice of the supreme court:
 4 19 \$ 192,261
- 4 20 b. Each justice of the supreme court:
 4 21 \$ 183,653
- 4 22 c. Chief judge of the court of appeals:
 4 23 \$ 172,175
- 4 24 d. Each associate judge of the court of appeals:
 4 25 \$ 166,436
- 4 26 e. Each chief judge of a judicial district:
 4 27 \$ 160,696
- 4 28 f. Each district judge except the chief judge of a judicial
 4 29 district:
 4 30 \$ 154,957
- 4 31 g. Each district associate judge:
 4 32 \$ 137,740
- 4 33 h. Each associate juvenile judge:

NOTE: All judicial salaries are currently determined by the General Assembly, as required by Iowa Code sections [602.1501](#) and [602.9204\(1\)\(a\)](#). The current judicial salary levels, as set in FY 2020, are as follows:

Supreme Court

- Chief Justice: \$186,661
- Justices: \$178,304

Court of Appeals

- Chief Judge: \$167,160
- Judges: \$161,588

District Court

- Chief Judge: \$156,016

4	34	\$	137,740
4	35	i. Each associate probate judge:		
5	1	\$	137,740
5	2	j. Each judicial magistrate:		
5	3	\$	42,469
5	4	k. Each senior judge:		
5	5	\$	9,182
5	6	3. Persons receiving the salary rates established		
5	7	under this section shall not receive any additional salary		
5	8	adjustments provided by this Act or any other Act of the		
5	9	general assembly.		
5	10	Sec. 7. Section 602.6404, subsection 3, Code 2021, is		
5	11	amended to read as follows:		
5	12	3. A magistrate shall be an attorney licensed to practice		
5	13	law in this state. <u>However, a magistrate not admitted to</u>		
5	14	<u>the practice of law in this state and who is holding office</u>		
5	15	<u>on April 1, 2009, shall be eligible to be reappointed as a</u>		
5	16	<u>magistrate in the same county for a term commencing August 1,</u>		
5	17	<u>2009, and for subsequent successive terms.</u>		

- District Judges: \$150,444
- District, Juvenile, and Probate Associates: \$133,728
- Magistrates: \$41,232
- Senior Judges: \$8,915

CODE: Permits a magistrate who has not been admitted to the practice of law in this State and who is holding office on April 1, 2009, to be eligible to be reappointed as a magistrate in the same county for a term commencing August 1, 2009, and for subsequent successive terms.

Justice System

General Fund

	Actual FY 2020 <u>(1)</u>	Estimated FY 2021 <u>(2)</u>	Gov Rec FY 2022 <u>(3)</u>	House Action FY 2022 <u>(4)</u>	House Action vs Est FY 2021 <u>(5)</u>	Page and Line # <u>(6)</u>
Judicial Branch						
Judicial Branch						
Judicial Branch	\$ 181,523,737	\$ 181,023,737	\$ 190,112,527	\$ 189,640,252	\$ 8,616,515	PG 1 LN 7
Jury & Witness Fee Revolving Fund	<u>3,100,000</u>	<u>3,100,000</u>	<u>3,100,000</u>	<u>3,600,000</u>	<u>500,000</u>	PG 1 LN 21
Total Judicial Branch	<u>\$ 184,623,737</u>	<u>\$ 184,123,737</u>	<u>\$ 193,212,527</u>	<u>\$ 193,240,252</u>	<u>\$ 9,116,515</u>	

Justice System

FTE Positions

	Actual FY 2020 (1)	Estimated FY 2021 (2)	Gov Rec FY 2022 (3)	House Action FY 2022 (4)	House Action vs Est FY 2021 (5)
<u>Judicial Branch</u>					
Judicial Branch					
Jury & Witness Fee Rev Fund	0.00	1.20	1.20	1.20	0.00
Judicial Branch	1,758.26	1,765.34	1,798.94	1,798.94	33.60
Total Judicial Branch	1,758.26	1,766.54	1,800.14	1,800.14	33.60