

Judicial Branch Appropriations Bill House File 2558

As amended by S-5149

(Strike everything after the enacting clause)

Last Action:
**Senate Appropriations
Committee**
May 18, 2022

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 2023:** Appropriates a total of \$193.7 million from the General Fund to the Judicial Branch for FY 2023. This appropriation includes: Page 1, Line 3
- \$190.1 million to the Judicial Branch for operations. This is an increase of \$460,000 compared to estimated FY 2022.
 - \$3.6 million to the Jury and Witness Fee Revolving Fund. This is no change compared to estimated FY 2022.

The Judicial Branch has 1,817.7 full-time equivalent (FTE) positions that are not appropriated in this Bill. This is a decrease of 1.0 FTE compared to estimated FY 2022.

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 2023. 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 10

STUDIES AND INTENT

Intent

- Requires the Judicial Branch to use the General Fund appropriation for the appointment of four new District Associate Judges and associated support staff. Page 1, Line 25
- Prohibits the Judicial Branch from duplicating current State payroll, budgeting, and accounting systems, except for the implementation of an internal accounting and recordkeeping system. Page 1, Line 34
- Requires the Judicial Branch to focus efforts on collecting delinquent fines and fees. Page 2, Line 15
- 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 18
- Permits parties to a civil case, including a jury trial, to move the case to a contiguous county during FY Page 3, Line 13

EXECUTIVE SUMMARY

JUDICIAL BRANCH APPROPRIATIONS BILL - AS AMENDED

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2023, 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.

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 2023.

Page 3, Line 22

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 2023.

Page 3, Line 27

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 2023.

Page 4, Line 5

Required Reports

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.

Page 2, Line 5

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.

Page 2, Line 24

Requires the Judicial Branch to provide a semiannual report to the Legislative Services Agency (LSA) specifying the amounts 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 33

Requires the Judicial Branch to report to the General Assembly by January 1, 2023, regarding the revenues and expenditures of the Court Technology and Modernization Fund for FY 2022 and planned expenditures for FY 2023.

Page 3, Line 6

SIGNIFICANT CODE CHANGES

Modifies the composition of district judicial nominating commissions and provides guidelines for the election of chairpersons.

Page 5, Line 16

EXECUTIVE SUMMARY

JUDICIAL BRANCH APPROPRIATIONS BILL - AS AMENDED

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Removes the requirement for the Governor to include the Judicial Branch's budget request in the Governor's proposed budget without change.

Page 6, Line 6

Requires the State Court Administrator to annually submit a copy of each actuarial valuation and annual actuarial update for the Judicial Retirement System to the General Assembly.

Page 6, Line 17

S5149 provides for the following changes to the Code of Iowa.

Page #	Line #	Bill Section	Action	Code Section
5	16	7	Amend	46.3.1,3
5	23	8	Amend	46.6.2
6	6	9	Amend	602.1301.2.b
6	17	10	Add	602.9116.3

S5149

1 1 Amend House File 2558, as amended, passed, and reprinted by
 1 2 the House, as follows:
 1 3 #1. By striking everything after the enacting clause and
 1 4 inserting:

1 5 #1. JUDICIAL BRANCH.

1 6 1. There is appropriated from the general fund of the state
 1 7 to the judicial branch for the fiscal year beginning July 1,
 1 8 2022, and ending June 30, 2023, the following amounts, or so
 1 9 much thereof as is necessary, to be used for the purposes
 1 10 designated:

1 11 a. For salaries of supreme court justices, appellate court
 1 12 judges, district court judges, district associate judges,
 1 13 associate juvenile judges, associate probate judges, judicial
 1 14 magistrates and staff, state court administrator, clerk of
 1 15 the supreme court, district court administrators, clerks of
 1 16 the district court, juvenile court officers, board of law
 1 17 examiners, board of examiners of shorthand reporters, and
 1 18 commission on judicial qualifications; receipt and disbursement
 1 19 of child support payments; reimbursement of the auditor
 1 20 of state for expenses incurred in completing audits of the
 1 21 offices of the clerks of the district court during the fiscal
 1 22 year beginning July 1, 2022; and maintenance, equipment, and
 1 23 miscellaneous purposes:
 1 24 \$ 190,100,550

General Fund appropriation to the Judicial Branch for operations.

DETAIL: This is a net increase of \$460,298 compared to estimated FY 2022. This change includes:

- An increase of \$3,019,216 for increased salary and operating costs.
- An increase of \$1,371,720 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.
- An increase of \$969,362 for a 2.00% salary increase for all judges and magistrates.
- A decrease of \$4,900,000 to account for decreased contributions to the Judicial Retirement System.

NOTE: The full-time equivalent (FTE) positions for the Judicial Branch are not appropriated in this Bill but can be found within the FTE positions tracking spreadsheet attached to this document.

1 25 From the moneys appropriated in this paragraph, the
 1 26 judicial branch shall fund the appointment of four new district
 1 27 associate judge positions and the associated support staff.

Requires the Judicial Branch to use the General Fund appropriation for operations for the appointment of four new District Associate Judges and associated support staff.

1 28 b. For deposit in the revolving fund created pursuant to
 1 29 section 602.1302, subsection 3, for jury and witness fees,
 1 30 mileage, costs related to summoning jurors, costs and fees for
 1 31 interpreters and translators, and reimbursement of attorney

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

- 1 32 fees paid by the state public defender:
 1 33 \$ 3,600,000
- 1 34 2. The judicial branch, except for purposes of internal
 1 35 processing, shall use the current state budget system, the
 2 1 state payroll system, and the lowa finance and accounting
 2 2 system in administration of programs and payments for services,
 2 3 and shall not duplicate the state payroll, accounting, and
 2 4 budgeting systems.
- 2 5 3. The judicial branch shall submit monthly financial
 2 6 statements to the legislative services agency and the
 2 7 department of management containing all appropriated accounts
 2 8 in the same manner as provided in the monthly financial status
 2 9 reports and personal services usage reports of the department
 2 10 of administrative services. The monthly financial statements
 2 11 shall include a comparison of the dollars and percentage
 2 12 spent of budgeted versus actual revenues and expenditures on
 2 13 a cumulative basis for full-time equivalent positions and
 2 14 dollars.
- 2 15 4. The judicial branch shall focus efforts upon the
 2 16 collection of delinquent fines, penalties, court costs, fees,
 2 17 surcharges, or similar amounts.
- 2 18 5. It is the intent of the general assembly that the offices
 2 19 of the clerks of the district court operate in all 99 counties
 2 20 and be accessible to the public as much as is reasonably
 2 21 possible in order to address the relative needs of the citizens
 2 22 of each county. An office of the clerk of the district court
 2 23 shall be open regular courthouse hours.
- 2 24 6. In addition to the requirements for transfers under
 2 25 section 8.39, the judicial branch shall not change the
 2 26 appropriations from the amounts appropriated to the judicial
 2 27 branch in this Act, unless notice of the revisions is given to
 2 28 the legislative services agency prior to the effective date.
 2 29 The notice shall include information on the judicial branch's
 2 30 rationale for making the changes and details concerning the
 2 31 workload and performance measures upon which the changes are

costs.

DETAIL: This is no change compared to estimated FY 2022.

Prohibits the Judicial Branch from duplicating current State payroll, budgeting, and accounting systems, except for the implementation of an internal accounting and recordkeeping system.

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.

Requires the Judicial Branch to focus efforts on collecting delinquent fines and fees.

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.

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.

2 32 based.

2 33 7. The judicial branch shall submit a semiannual update
 2 34 to the legislative services agency specifying the amounts of
 2 35 fines, surcharges, and court costs collected using the Iowa
 3 1 court information system since the last report. The judicial
 3 2 branch shall continue to facilitate the sharing of vital
 3 3 sentencing and other information with other state departments
 3 4 and governmental agencies involved in the criminal justice
 3 5 system through the Iowa court information system.

Requires the Judicial Branch to provide a semiannual report to the LSA specifying the amounts 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.

3 6 8. The judicial branch shall provide a report to the general
 3 7 assembly by January 1, 2023, concerning the amounts received
 3 8 and expended from the court technology and modernization fund
 3 9 created in section 602.8108, subsection 7, during the fiscal
 3 10 year beginning July 1, 2021, and ending June 30, 2022, and the
 3 11 plans for expenditures from each fund during the fiscal year
 3 12 beginning July 1, 2022, and ending June 30, 2023.

Requires the Judicial Branch to report to the General Assembly by January 1, 2023, regarding the revenues and expenditures of the Court Technology and Modernization Fund for FY 2022 and planned expenditures for FY 2023.

3 13 #2. CIVIL TRIALS — LOCATION. Notwithstanding any
 3 14 provision to the contrary, for the fiscal year beginning July
 3 15 1, 2022, and ending June 30, 2023, if all parties in a case
 3 16 agree, a civil trial including a jury trial may take place in a
 3 17 county contiguous to the county with proper jurisdiction, even
 3 18 if the contiguous county is located in an adjacent judicial
 3 19 district or judicial election district. If the trial is moved
 3 20 pursuant to this section, court personnel shall treat the case
 3 21 as if a change of venue occurred.

Permits parties to a civil case, including a jury trial, to move the case to a contiguous county during FY 2023, 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.

3 22 #3. TRAVEL REIMBURSEMENT. Notwithstanding section
 3 23 602.1509, for the fiscal year beginning July 1, 2022, and
 3 24 ending June 30, 2023, a judicial officer may waive travel
 3 25 reimbursement for any travel outside the judicial officer's
 3 26 county of residence to conduct official judicial business.

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 2023.

3 27 #4. JUDICIAL OFFICER — UNPAID LEAVE. Notwithstanding
 3 28 the annual salary rates for judicial officers established
 3 29 by this Act for the fiscal year beginning July 1, 2022, and
 3 30 ending June 30, 2023, the supreme court may by order place all
 3 31 judicial officers on unpaid leave status on any day employees
 3 32 of the judicial branch are placed on temporary layoff status.
 3 33 The biweekly pay of the judicial officers shall be reduced

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 2023.

3 34 accordingly for the pay period in which the unpaid leave date
 3 35 occurred in the same manner as for noncontract employees of the
 4 1 judicial branch. Through the course of the fiscal year, the
 4 2 judicial branch may use an amount equal to the aggregate amount
 4 3 of salary reductions due to the judicial officer unpaid leave
 4 4 days for any purpose other than for judicial salaries.

4 5 #5. IOWA COMMUNICATIONS NETWORK. It is the intent
 4 6 of the general assembly that the judicial branch utilize
 4 7 the Iowa communications network or other secure electronic
 4 8 communications in lieu of traveling for the fiscal year
 4 9 beginning July 1, 2022, and ending June 30, 2023.

Specifies that it is the intent of the General Assembly that the Judicial Branch use the ICN or other secure electronic communications instead of traveling during FY 2023.

4 10 #6. STATE COURT — JUSTICES, JUDGES, AND MAGISTRATES.

4 11 1. The salary rates specified in subsection 2 are for the
 4 12 fiscal year beginning July 1, 2022, effective for the pay
 4 13 period beginning June 24, 2022, and for subsequent fiscal
 4 14 years until otherwise provided by the general assembly. The
 4 15 salaries provided for in this section shall be paid from moneys
 4 16 allocated to the judicial branch from the salary adjustment
 4 17 fund, or if the allocation is not sufficient, from moneys
 4 18 appropriated to the judicial branch pursuant to this Act or any
 4 19 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 2023. 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 20 2. The following annual salary rates shall be paid to the
 4 21 persons holding the judicial positions indicated during the
 4 22 fiscal year beginning July 1, 2022, effective with the pay
 4 23 period beginning June 24, 2022, and for subsequent pay periods:

DETAIL: The FY 2023 salary rate increase in this Section is 2.00%. The estimated cost of a 2.00% salary increase for all judges and magistrates is \$969,362. The most recent salary increase for all judicial officers was 3.00% in FY 2022.

4 24	a.	Chief justice of the supreme court:	
4 25		.....	\$ 196,106
4 26	b.	Each justice of the supreme court:	
4 27		.....	\$ 187,326
4 28	c.	Chief judge of the court of appeals:	
4 29		.....	\$ 175,619
4 30	d.	Each associate judge of the court of appeals:	
4 31		.....	\$ 169,765
4 32	e.	Each chief judge of a judicial district:	
4 33		.....	\$ 163,910
4 34	f.	Each district judge except the chief judge of a judicial	
4 35		district:	
5 1		.....	\$ 158,056
5 2	g.	Each district associate judge:	
5 3		.....	\$ 140,495

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 2022, are as follows:

Supreme Court

- Chief Justice: \$192,261
- Justices: \$183,653

Court of Appeals

- Chief Judge: \$172,175
- Judges: \$166,436

District Court

- Chief Judge: \$160,696

5	4	h. Each associate juvenile judge:		
5	5	.....	\$	140,495
5	6	i. Each associate probate judge:		
5	7	.....	\$	140,495
5	8	j. Each judicial magistrate:		
5	9	.....	\$	43,318
5	10	k. Each senior judge:		
5	11	.....	\$	9,366

5 12 3. Persons receiving the salary rates established
 5 13 under this section shall not receive any additional salary
 5 14 adjustments provided by this Act or any other Act of the
 5 15 general assembly.

5 16 #7. Section 46.3, subsections 1 and 3, Code 2022, are
 5 17 amended to read as follows:

5 18 1. The governor shall appoint ~~five~~ six eligible electors
 5 19 of each judicial election district to the district judicial
 5 20 nominating commission.

5 21 3. No more than ~~a simple majority~~ half of the commissioners
 5 22 appointed shall be of the same gender.

5 23 #8. Section 46.6, subsection 2, Code 2022, is amended
 5 24 to read as follows:

5 25 2. ~~The judge of longest service in the district shall serve~~
 5 26 ~~as the chair of a particular district judicial nominating~~
 5 27 ~~commission. If the judges of longest service in the district~~
 5 28 ~~are of equal service, the eldest of such judges shall be~~
 5 29 ~~chairperson of the particular judicial nominating commission~~
 5 30 ~~commissioners of the district judicial nominating commission~~
 5 31 ~~shall elect a chairperson from their own number. The~~
 5 32 ~~chairperson shall serve a two-year term that expires on April~~
 5 33 ~~30 of even-numbered years. A commissioner may be reelected~~
 5 34 ~~for a second or third term as chairperson. If a chairperson~~
 5 35 ~~of a judicial nominating commission desires to be relieved~~
 6 1 ~~of the duties of chairperson while retaining the status of~~
 6 2 ~~commissioner, the chairperson shall notify the governor and the~~
 6 3 ~~other commissioners of the commission. At the next meeting of~~
 6 4 ~~the commission, the commissioners shall elect a new chairperson~~
 6 5 ~~for the remainder of the two-year term.~~

6 6 #9. Section 602.1301, subsection 2, paragraph b, Code
 6 7 2022, is amended to read as follows:

- District Judges: \$154,957
- District, Juvenile, and Probate Associate Judges: \$137,740
- Magistrates: \$42,469
- Senior Judges: \$9,182

CODE: Increases the number of electors from each judicial election district appointed by the Governor to the district judicial nominating commission to six. Requires that no more than half of the commissioners appointed be of the same gender.

CODE: Modifies the selection method for the chairperson of a district judicial nominating commission. Removes the requirement for the longest-serving judge in a district to serve as a commissioner and as the chairperson. Requires the commissioners of a district judicial nominating commission to elect a chairperson from their own number and provides guidelines for the chairperson's terms.

CODE: Removes the requirement for the Governor to include the Judicial Branch's budget request in the Governor's proposed budget

6 8 b. Before December 1, the supreme court shall submit to
6 9 the director of the department of management an estimate of
6 10 the total expenditure requirements of the judicial branch.
6 11 The director of the department of management shall submit
6 12 this estimate received from the supreme court to the governor
6 13 ~~for inclusion without change in the governor's proposed~~
6 14 ~~budget for the succeeding fiscal year.~~ The estimate shall
6 15 also be submitted to the chairpersons of the committees on
6 16 appropriations.

6 17 #10. Section 602.9116, Code 2022, is amended by adding
6 18 the following new subsection:
6 19 NEW SUBSECTION 3. The court administrator shall submit
6 20 to the general assembly a copy of each actuarial valuation and
6 21 annual actuarial update.

without change.

CODE: Requires the State Court Administrator to annually submit a copy of each actuarial valuation and annual actuarial update for the Judicial Retirement System to the General Assembly.

Justice System

General Fund

	Actual FY 2021 <u>(1)</u>	Estimated FY 2022 <u>(2)</u>	Gov Rec FY 2023 <u>(3)</u>	Senate Approp FY 2023 <u>(4)</u>	Sen Appr FY23 vs Est FY 2022 <u>(5)</u>	Page and Line # <u>(6)</u>
Judicial Branch						
Judicial Branch						
Judicial Branch	\$ 181,023,737	\$ 189,640,252	\$ 198,140,252	\$ 190,100,550	\$ 460,298	PG 1 LN 11
Jury & Witness Fee Revolving Fund	<u>3,100,000</u>	<u>3,600,000</u>	<u>3,600,000</u>	<u>3,600,000</u>	<u>0</u>	PG 1 LN 28
Total Judicial Branch	<u>\$ 184,123,737</u>	<u>\$ 193,240,252</u>	<u>\$ 201,740,252</u>	<u>\$ 193,700,550</u>	<u>\$ 460,298</u>	
Total Justice System	<u><u>\$ 184,123,737</u></u>	<u><u>\$ 193,240,252</u></u>	<u><u>\$ 201,740,252</u></u>	<u><u>\$ 193,700,550</u></u>	<u><u>\$ 460,298</u></u>	

Justice System

FTE Positions

	Actual FY 2021 <u>(1)</u>	Estimated FY 2022 <u>(2)</u>	Gov Rec FY 2023 <u>(3)</u>	Senate Approp FY 2023 <u>(4)</u>	Sen Appr FY23 vs Est FY 2022 <u>(5)</u>
<u>Judicial Branch</u>					
Judicial Branch					
Judicial Branch	1,710.21	1,817.49	1,816.49	1,816.49	-1.00
Jury & Witness Fee Rev Fund	<u>1.07</u>	<u>1.20</u>	<u>1.20</u>	<u>1.20</u>	<u>0.00</u>
Total Judicial Branch	<u>1,711.28</u>	<u>1,818.69</u>	<u>1,817.69</u>	<u>1,817.69</u>	<u>-1.00</u>
Total Justice System	<u>1,711.28</u>	<u>1,818.69</u>	<u>1,817.69</u>	<u>1,817.69</u>	<u>-1.00</u>