

Judicial Branch Appropriations Bill Senate File 563

FINAL ACTION

April 24, 2007

An Act relating to and making appropriations to the Judicial Branch.

**Fiscal Services Division
Legislative Services Agency**

NOTES ON BILLS AND AMENDMENTS (NOBA)

Available on line at <http://www3.legis.state.ia.us/noba/index.jsp>

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**EXECUTIVE SUMMARY
NOTES ON BILLS AND AMENDMENTS**

**SENATE FILE 563
JUDICIAL BRANCH APPROPRIATIONS BILL**

FUNDING SUMMARY

**INTENT LANGUAGE AND REQUIRED
REPORTS**

**SIGNIFICANT CHANGES TO THE
CODE OF IOWA**

- Appropriates a total of \$127.4 million from the General Fund to the Judicial Branch. The Judicial Branch has 1,985.5 FTE positions that are not limited in this Bill. This is an increase of \$2.1 million and an increase of 11.5 FTE positions compared to the estimated FY 2007 General Fund appropriations. The Bill also appropriates \$2.0 million from the Jury Witness Fee Revolving Fund to the Judicial Retirement Fund.
- Requires \$737,000 of the \$124.0 million appropriated to the Judicial Branch for operations to be used to implement the Children’s Justice Initiative. (Page 1, Line 20)
- Prohibits the Judicial Branch from duplicating the State payroll system. (Page 1, Line 33)
- Requires the Judicial Branch to submit monthly financial statements to the Legislative Services Agency (LSA) and the Department of Management (DOM). (Page 2, Line 4)
- Requires the Judicial Branch to focus efforts on collecting delinquent fines and fees. (Page 2, Line 14)
- Specifies that the Offices of the Clerks of District Court operate in all 99 counties and be accessible to the public as much as reasonably possible. (Page 2, Line 17)
- Requires the Judicial Branch to continue studying the best practices and efficiencies of each judicial district and submit a report to the General Assembly by January 1, 2008. (Page 2, Line 22)
- Requires the Judicial Branch to notify the LSA prior to any interdepartmental transfer of funds. (Page 3, Line 6)
- Requires the Judicial Branch to provide a semi-annual report to the LSA specifying the amount of fines, surcharges, and court costs collected using the Iowa Court Information System (ICIS). (Page 3, Line 15)
- Requires the Judicial Branch to report to the General Assembly by January 1, 2008, regarding the revenues and expenditures for the Enhanced Court Collections Fund and the Court Technology and Modernization Fund. The report must include revenues and expenditures for FY 2007 and planned expenditures for FY 2008. (Page 3, Line 23)
- Adds a District Associate Judge in the 4th Judicial District and in Judicial Election District 5B. (Page 1, Line 20)
- Reduces the State’s contribution to the Judicial Retirement Fund. (Page 3, Line 34)
- Increases juror pay from \$10 to \$30 per day. (Page 4, Line 30)
FISCAL IMPACT: Increasing juror pay from \$10 to \$30 per day is estimated to increase expenditures from the Jury Witness Fee Revolving Fund by \$2.0 million annually.
- Requires all jurors to receive mileage reimbursement for each mile traveled to and from the residence to the place of service or attendance. (Page 5, Line 4)
- Permits a juror to waive the right to compensation or reimbursement for service or attendance. (Page5, Line 18)

**EXECUTIVE SUMMARY
NOTES ON BILLS AND AMENDMENTS**

**SENATE FILE 563
JUDICIAL BRANCH APPROPRIATIONS BILL**

JURY WITNESS FEE REVOLVING
FUND

EFFECTIVE DATE

ENACTMENT DATE

- Appropriates \$2.0 million from the Jury Witness Fee Revolving Fund to the Judicial Retirement Fund. (Page 4, Line 9)
- This Bill is effective July 1, 2007.
- This Bill was approved by the General Assembly on April 24, 2007.

Senate File 563

Senate File 563 provides for the following changes to the Code of Iowa.

Page #	Line #	Bill Section	Action	Code Section	Description
1	20	1	Nwthstnd	Sec. 602.6301	Judgeship Formula
3	34	2	Nwthstnd	Sec. 602.9104	Judicial Retirement
4	30	4	Amends	Sec. 607A.8(1)	Increases Juror Pay from \$10 to \$30
5	4	4	Amends	Sec. 607A.8(2)	Juror Mileage Reimbursement
5	18	4	Amends	Sec. 607A.8(3)	Juror Compensation Waiver
5	21	5	Adds	Sec. 6027A.47	Juror Questionnaire

1 1 Section 1. JUDICIAL BRANCH.

1 2 1. There is appropriated from the general fund of the
1 3 state to the judicial branch for the fiscal year beginning
1 4 July 1, 2007, and ending June 30, 2008, the following amount,
1 5 or so much thereof as is necessary, to be used for the
1 6 purposes designated:
1 7 For salaries of supreme court justices, appellate court
1 8 judges, district court judges, district associate judges,
1 9 judicial magistrates and staff, state court administrator,
1 10 clerk of the supreme court, district court administrators,
1 11 clerks of the district court, juvenile court officers, board
1 12 of law examiners and board of examiners of shorthand reporters
1 13 and judicial qualifications commission, receipt and
1 14 disbursement of child support payments, reimbursement of the
1 15 auditor of state for expenses incurred in completing audits of
1 16 the offices of the clerks of the district court during the
1 17 fiscal year beginning July 1, 2007, and maintenance,
1 18 equipment, and miscellaneous purposes:
1 19 \$123,974,074

General Fund appropriation to the Judicial Branch for operations.

DETAIL: This is an increase of \$736,664 and 11.50 FTE positions compared to estimated FY 2007 General Fund appropriation for the children's justice initiative. The increase includes:

- \$233,539 and 2.75 FTE positions for a District Associate Judge, Court Attendant, and Court Reporter for Judicial Election District 5B.
- \$233,539 and 2.75 FTE positions for a District Associate Judge, Court Attendant, and Court Reporter for District 4.
- \$89,862 and 2.00 FTE positions for two Juvenile Court Technicians for District 5.
- \$134,793 and 3.00 FTE positions for three Juvenile Court Officers for District 5.
- \$44,931 and 1.00 FTE position for a Juvenile Court Officer for District 6.

The 6th Judicial District consists of the following counties: Tama, Benton, Iowa, Linn, Johnson, and Jones. The 4th Judicial District consists of the following counties: Harrison, Shelby, Audubon, Pottawattamie, Cass, Mills, Montgomery, Fremont, and Page. The 5B Judicial Election District consists of the following counties: Adair, Adams, Union, Clarke, Lucas, Taylor, Ringgold, Decatur, and Wayne. The 5th Judicial District consists of the following counties: Guthrie, Dallas, Polk, Jasper, Adair, Madison, Warren, Marion, Adams, Union, Clarke, Lucas, Taylor, Ringgold, Decatur, and Wayne.

1 20 Of the amount appropriated in this subsection, \$736,664
1 21 shall be used to implement the children's justice initiative.
1 22 The following additional court employees are authorized for
1 23 implementation of the children's justice initiative: two
1 24 court reporters, one and one-half full-time equivalent court
1 25 attendants, four juvenile court officers, and two juvenile
1 26 court technicians. Notwithstanding the district associate
1 27 judgeship apportionment formula in section 602.6301, two

Requires \$736,664 of the \$123,974,074 appropriated to the Judicial Branch for operations to be used to implement the Children's Justice Initiative by adding the following FTE positions:

- 2.00 Court Reporters
- 1.50 Court Attendants
- 4.00 Juvenile Court Officers
- 2.00 Juvenile Court Technicians

1 28 additional district associate judgeships are authorized for
1 29 implementation of the initiative, with one district associate
1 30 judgeship allocated to the fourth judicial district and one
1 31 district associate judgeship allocated to election district 5B
1 32 of the fifth judicial district.

CODE: Adds a District Associate Judge in the 4th Judicial District and a District Associate Judge in Judicial Election District 5B.

1 33 2. The judicial branch, except for purposes of internal
1 34 processing, shall use the current state budget system, the
1 35 state payroll system, and the Iowa finance and accounting
2 1 system in administration of programs and payments for
2 2 services, and shall not duplicate the state payroll,
2 3 accounting, and budgeting systems.

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

2 4 3. The judicial branch shall submit monthly financial
2 5 statements to the legislative services agency and the
2 6 department of management containing all appropriated accounts
2 7 in the same manner as provided in the monthly financial status
2 8 reports and personal services usage reports of the department
2 9 of administrative services. The monthly financial statements
2 10 shall include a comparison of the dollars and percentage spent
2 11 of budgeted versus actual revenues and expenditures on a
2 12 cumulative basis for full-time equivalent positions and
2 13 dollars.

Requires the Judicial Branch to submit monthly financial statements on all appropriated accounts to the Fiscal Services Division of the Legislative Services Agency (LSA) and the Department of Management (DOM). Specifies what is to be included in the financial statements.

2 14 4. The judicial branch shall focus efforts upon the
2 15 collection of delinquent fines, penalties, court costs, fees,
2 16 surcharges, or similar amounts.

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

2 17 5. It is the intent of the general assembly that the
2 18 offices of the clerks of the district court operate in all 99
2 19 counties and be accessible to the public as much as is
2 20 reasonably possible in order to address the relative needs of
2 21 the citizens of each county.

Specifies that it is the intent of the General Assembly that the Judicial Branch operate Clerk of Court offices in all 99 counties and ensure the offices are accessible to the public as much as reasonably possible.

2 22 6. The judicial branch shall continue studying the best

Requires the Judicial Branch to continue studying the best practices

2 23 practices and efficiencies of each judicial district. In
 2 24 identifying the most efficient judicial districts and the
 2 25 districts using best practices, the judicial branch shall
 2 26 consider the average cost to the judicial branch for
 2 27 processing each classification of criminal offense or civil
 2 28 action and the overall number of cases filed. In addition,
 2 29 and as part of the best practices and efficiencies study, the
 2 30 judicial branch shall study the number of judicial officers
 2 31 needed throughout the state to manage current caseloads and
 2 32 anticipated caseloads in the future, and shall make
 2 33 recommendations, if any, as to changes in judgeship and
 2 34 magistrate apportionment formulas in sections 602.6201,
 2 35 602.6301, and 602.6401. The judicial branch shall file a
 3 1 report regarding the study made, recommendations presented,
 3 2 and actions taken pursuant to this subsection with the
 3 3 co-chairpersons and ranking members of the joint
 3 4 appropriations subcommittee on the justice system and to the
 3 5 legislative services agency by January 1, 2008.

and efficiencies of each judicial district including the average cost for processing each classification of criminal offense or civil action and the number of judicial officers needed throughout the State to manage current caseloads. A report is required to be submitted to the General Assembly and the LSA by January 1, 2008.

3 6 7. In addition to the requirements for transfers under
 3 7 section 8.39, the judicial branch shall not change the
 3 8 appropriations from the amounts appropriated to the judicial
 3 9 branch in this Act, unless notice of the revisions is given
 3 10 prior to their effective date to the legislative services
 3 11 agency. The notice shall include information on the branch's
 3 12 rationale for making the changes and details concerning the
 3 13 workload and performance measures upon which the changes are
 3 14 based.

Requires the Judicial Branch to notify the LSA prior to any intradepartmental transfer of funds. Specifies the contents of the notice.

3 15 8. The judicial branch shall submit a semiannual update to
 3 16 the legislative services agency specifying the amounts of
 3 17 fines, surcharges, and court costs collected using the Iowa
 3 18 court information system since the last report. The judicial
 3 19 branch shall continue to facilitate the sharing of vital
 3 20 sentencing and other information with other state departments
 3 21 and governmental agencies involved in the criminal justice

Requires the Judicial Branch to provide a semi-annual 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 departments and government agencies involved with the criminal justice system through the Iowa Court Information System.

3 22 system through the Iowa court information system.

3 23 9. The judicial branch shall provide a report to the
3 24 general assembly by January 1, 2008, concerning the amounts
3 25 received and expended from the enhanced court collections fund
3 26 created in section 602.1304 and the court technology and
3 27 modernization fund created in section 602.8108, subsection 7,
3 28 during the fiscal year beginning July 1, 2006, and ending June
3 29 30, 2007, and the plans for expenditures from each fund during
3 30 the fiscal year beginning July 1, 2007, and ending June 30,
3 31 2008. A copy of the report shall be provided to the
3 32 legislative services agency.

Requires the Judicial Branch to report to the General Assembly by January 1, 2008, concerning the revenues and expenditures of the Enhanced Court Collections Fund and the Court Technology and Modernization Fund for FY 2007 and planned expenditures for FY 2008. The Judicial Branch is required to provide a copy of this report to the LSA.

3 33 Sec. 2. JUDICIAL RETIREMENT FUND.

3 34 1. There is appropriated from the general fund of the
3 35 state to the judicial retirement fund for the fiscal year
4 1 beginning July 1, 2007, and ending June 30, 2008, the
4 2 following amount, or so much thereof as is necessary, to be
4 3 used for the purpose designated:
4 4 Notwithstanding section 602.9104, for the state's
4 5 contribution to the judicial retirement fund in the amount of
4 6 22.5 percent of the basic salaries of the judges covered under
4 7 chapter 602, article 9:
4 8 \$ 3,450,963

General Fund appropriation to the Judicial Branch for the Judicial Retirement Fund.

DETAIL: This is an increase of \$1,411,299 compared to the estimated FY 2007 General Fund appropriation.

In addition to the General Fund appropriation, \$2,000,000 in one-time carry forward money from the Jury Witness Fee Revolving Fund is being directed to the Judicial Retirement Fund in this Bill.

CODE: This level of funding effectively reduces the State's statutorily required contribution to the Judicial Retirement Fund from 23.70% to 22.50% of the base salaries of judges for a total State contribution of \$5,450,963. Based on HF 729 (Public Pension Omnibus Act), the Judges' required contribution is reduced from 6.00% to 5.70% for a total employee contribution of \$1,379,954.

4 9 2. There is appropriated from the revolving fund
4 10 created in section 602.1302 to the judicial retirement
4 11 fund for the fiscal year beginning July 1, 2007, and
4 12 ending June 30, 2008, the following amount, or so much
4 13 thereof as is necessary, to be used for the purposes

Jury Witness Fee Revolving Fund appropriation to the Judicial Branch.

DETAIL: This is a one-time appropriation of carry forward funds. In addition to the \$3,450,963 from the General Fund, this appropriation

<p>4 14 designated: 4 15 As part of the state's contribution to the judicial 4 16 retirement fund in accordance with the conditions 4 17 specified in subsection 1: 4 18 \$ 2,000,000</p>	<p>increases the employer's contribution amount to \$5,450,963. Until the 2003 Legislative Session, legislative intent language required that not more than \$1,897,728 of the funds appropriated to the Judicial Branch for operations be transferred into the Jury Witness Fee Revolving Fund for the payment of jury and witness fees and mileage.</p>
<p>4 19 Sec. 3. POSTING OF REPORTS IN ELECTRONIC FORMAT -- 4 20 LEGISLATIVE SERVICES AGENCY. All reports or copies of reports 4 21 required to be provided by the judicial branch for fiscal year 4 22 2007-2008 to the legislative services agency shall be provided 4 23 in an electronic format. The legislative services agency 4 24 shall post the reports on its internet website and shall 4 25 notify by electronic means all the members of the joint 4 26 appropriations subcommittee on the justice system when a 4 27 report is posted. Upon request, copies of the reports may be 4 28 mailed to members of the joint appropriations subcommittee on 4 29 the justice system.</p>	<p>Requires the Judicial Branch to provide the LSA with reports in electronic format so that the reports can be placed on the LSA web site. The LSA is to notify members of the Justice System Appropriations Subcommittee when reports have been received and published.</p>
<p>4 30 Sec. 4. Section 607A.8, Code 2007, is amended by striking 4 31 the section and inserting in lieu thereof the following: 4 32 607A.8 FEES AND EXPENSES FOR JURORS. 4 33 1. A grand juror and a petit juror in all courts shall 4 34 receive thirty dollars as compensation for each day's service 4 35 or attendance, including attendance required for the purpose 5 1 of being considered for service. The supreme court may adopt 5 2 rules that allow additional compensation for jurors whose 5 3 attendance and service exceeds seven days.</p>	<p>CODE: Increases juror pay from \$10 per day to \$30 per day. FISCAL IMPACT: This is an increase in expenditures from the Jury Witness Fee Revolving Fund of approximately \$2,000,000.</p>
<p>5 4 2. A grand juror and a petit juror in all courts shall 5 5 receive reimbursement for mileage expenses at the rate 5 6 specified in section 602.1509 for each mile traveled each day 5 7 to and from the residence of the juror to the place of service 5 8 or attendance, and shall receive reimbursement for actual</p>	<p>CODE: Requires all jurors to receive mileage reimbursement for each mile traveled to and from the residence to the place of service or attendance. DETAIL: The Judicial Branch's mileage reimbursement rate is \$0.35</p>

5 9 expenses of parking, as determined by the clerk of the	per mile.
5 10 district court. A juror who is a person with a disability may	
5 11 receive reimbursement for the costs of alternate	
5 12 transportation from the residence of the juror to the place of	
5 13 service or attendance. A juror shall not receive	
5 14 reimbursement for mileage expenses or actual expenses of	
5 15 parking when the juror travels in a vehicle for which another	
5 16 juror is receiving reimbursement for mileage and parking	
5 17 expenses.	
5 18 3. A grand juror or a petit juror in all courts may waive	CODE: Permits a juror to waive the right to receive compensation or
5 19 the right of the juror to receive compensation under	reimbursement for service or attendance.
5 20 subsection 1 or reimbursement under subsection 2.	
5 21 Sec. 5. <u>NEW SECTION</u> . 607A.47 JUROR QUESTIONNAIRE.	CODE: Permits the Judicial Branch to order the sealing or partial
5 22 The court may, on its own motion, or upon the motion of a	sealing of a juror questionnaire, if the Court finds it necessary to
5 23 party to the case or upon the request of a juror, order the	protect the safety or privacy of a juror or their family.
5 24 sealing or partial sealing of a completed juror questionnaire,	
5 25 if the court finds that it is necessary to protect the safety	
5 26 or privacy of a juror or a family member of a juror.	
5 27 SF 563	
5 28 jm:jp/cc/26	

Justice System General Fund

	Actual FY 2006 <u>(1)</u>	Estimated FY 2007 <u>(2)</u>	Senate Action FY 2008 <u>(3)</u>	House Action FY 2008 <u>(4)</u>	Final Action FY 2008 <u>(5)</u>	Final Action vs. Est 2007 <u>(6)</u>	Page and Line # <u>(7)</u>
Judicial Branch							
Judicial Branch	\$ 123,237,410	\$ 123,237,410	\$ 123,974,074	\$ 123,974,074	\$ 123,974,074	\$ 736,664	PG 1 LN 1
Judicial Retirement	2,039,664	2,039,664	3,450,963	3,450,963	3,450,963	1,411,299	PG 3 LN 34
Total Judicial Branch	<u>\$ 125,277,074</u>	<u>\$ 125,277,074</u>	<u>\$ 127,425,037</u>	<u>\$ 127,425,037</u>	<u>\$ 127,425,037</u>	<u>\$ 2,147,963</u>	
Total Justice System	<u>\$ 125,277,074</u>	<u>\$ 125,277,074</u>	<u>\$ 127,425,037</u>	<u>\$ 127,425,037</u>	<u>\$ 127,425,037</u>	<u>\$ 2,147,963</u>	

Justice System Other Fund

	Actual FY 2006 <u>(1)</u>	Estimated FY 2007 <u>(2)</u>	Senate Action FY 2008 <u>(3)</u>	House Action FY 2008 <u>(4)</u>	Final Action FY 2008 <u>(5)</u>	Final Action vs. Est 2007 <u>(6)</u>	Page and Line # <u>(7)</u>
Judicial Branch							
Judicial Branch							
Jury & Witness Fee Rev Fund	\$ 0	\$ 0	\$ 2,000,000	\$ 2,000,000	\$ 2,000,000	\$ 2,000,000	PG 4 LN 9
Total Judicial Branch	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 2,000,000</u>	<u>\$ 2,000,000</u>	<u>\$ 2,000,000</u>	<u>\$ 2,000,000</u>	
Total Justice System	<u><u>\$ 0</u></u>	<u><u>\$ 0</u></u>	<u><u>\$ 2,000,000</u></u>	<u><u>\$ 2,000,000</u></u>	<u><u>\$ 2,000,000</u></u>	<u><u>\$ 2,000,000</u></u>	

Justice System FTE

	Actual FY 2006 <u>(1)</u>	Estimated FY 2007 <u>(2)</u>	Senate Action FY 2008 <u>(3)</u>	House Action FY 2008 <u>(4)</u>	Final Action FY 2008 <u>(5)</u>	Final Action vs. Est 2007 <u>(6)</u>	Page and Line # <u>(7)</u>
<u>Judicial Branch</u>							
Judicial Branch	1,905.74	1,974.00	1,985.50	1,985.50	1,985.50	11.50	PG 1 LN 1
Total Judicial Branch	<u>1,905.74</u>	<u>1,974.00</u>	<u>1,985.50</u>	<u>1,985.50</u>	<u>1,985.50</u>	<u>11.50</u>	
Total Justice System	<u><u>1,905.74</u></u>	<u><u>1,974.00</u></u>	<u><u>1,985.50</u></u>	<u><u>1,985.50</u></u>	<u><u>1,985.50</u></u>	<u><u>11.50</u></u>	