

Judicial Branch Appropriations Bill Senate File 496

Last Action:

FINAL ACTION

June 2, 2015

An Act relating to appropriations to the judicial branch and including effective date and retroactive applicability provisions.

**Fiscal Services Division
Legislative Services Agency**

NOTES ON BILLS AND AMENDMENTS (NOBA)

Available online at: <http://www.legis.iowa.gov/LSAReports/noba.aspx>

LSA Contact: Alice Fulk Wisner (515-281-6764)

FUNDING SUMMARY

FY 2016: Appropriates a total of \$174.6 million from the General Fund to the Judicial Branch for FY 2016. This is no change in funding compared to estimated FY 2015.

FY 2017: General Fund appropriations to the Judicial Branch for FY 2017 are made in Division II and equal 50.0% of the FY 2016 appropriations.

STUDIES AND INTENT

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|---|-----------------|
| Requires the Judicial Branch to focus efforts on collecting delinquent fines and fees. | Page 2, Line 19 |
| Specifies legislative intent 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 22 |
| Requires the Judicial Branch to provide a semiannual report to the Legislative Services Agency (LSA) specifying the amount of fines, surcharges, and court costs collected using the Iowa Court Information System (ICIS). | Page 2, Line 36 |
| Requires the Judicial Branch to report to the General Assembly by January 1, 2016, regarding the revenues and expenditures of the Enhanced Court Collections Fund and the Court Technology and Modernization Fund for FY 2015 and planned expenditures for FY 2016. | Page 3, Line 1 |
| Requires the Judicial Branch to emphasize the expansion of family treatment courts on a statewide basis. | Page 3, Line 11 |
| Permits parties to a civil case, including a jury trial, to move the case to a contiguous county. | Page 3, Line 13 |
| Permits a judicial officer to waive travel reimbursement for any travel outside the county of residence of the judicial officer. | Page 3, Line 26 |
| Permits the Supreme Court to order judicial officers to take unpaid leave in the same manner as noncontract employees of the Judicial Branch. | Page 3, Line 31 |
| Specifies it is the intent of the General Assembly that the Judicial Branch utilize the Iowa Communications Network or other secure electronic communications instead of traveling for court business during FY 2016. | Page 4, Line 2 |

1 4 DIVISION I
 1 5 FY 2015-2016
 1 6 Section 1. JUDICIAL BRANCH.
 1 7 1. There is appropriated from the general fund of the state
 1 8 to the judicial branch for the fiscal year beginning July 1,
 1 9 2015, and ending June 30, 2016, the following amounts, or so
 1 10 much thereof as is necessary, to be used for the purposes
 1 11 designated:

1 12 a. For salaries of supreme court justices, appellate court
 1 13 judges, district court judges, district associate judges,
 1 14 associate juvenile judges, associate probate judges, judicial
 1 15 magistrates and staff, state court administrator, clerk of the
 1 16 supreme court, district court administrators, clerks of the
 1 17 district court, juvenile court officers, board of law examiners
 1 18 and board of examiners of shorthand reporters and judicial
 1 19 qualifications commission; receipt and disbursement of child
 1 20 support payments; reimbursement of the auditor of state for
 1 21 expenses incurred in completing audits of the offices of the
 1 22 clerks of the district court during the fiscal year beginning
 1 23 July 1, 2015; and maintenance, equipment, and miscellaneous
 1 24 purposes:
 1 25 \$ 171,486,612

General Fund appropriation to the Judicial Branch for operations.

 DETAIL: This is no change in funding compared to estimated FY 2015. Additional funds to maintain the current level of service are appropriated in SF 510 (Standings Appropriations Bill).

1 26 b. For deposit in the revolving fund created pursuant to
 1 27 section 602.1302, subsection 3, for jury and witness fees,
 1 28 mileage, costs related to summoning jurors, costs and fees for
 1 29 interpreters and translators, and reimbursement of attorney
 2 1 fees paid by the state public defender:
 2 2 \$ 3,100,000

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 no change compared to estimated FY 2015.

2 3 2. The judicial branch, except for purposes of internal
 2 4 processing, shall use the current state budget system, the
 2 5 state payroll system, and the Iowa finance and accounting
 2 6 system in administration of programs and payments for services,
 2 7 and shall not duplicate the state payroll, accounting, and
 2 8 budgeting systems.

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

2 9 3. The judicial branch shall submit monthly financial
 2 10 statements to the legislative services agency and the
 2 11 department of management containing all appropriated accounts
 2 12 in the same manner as provided in the monthly financial status
 2 13 reports and personal services usage reports of the department
 2 14 of administrative services. The monthly financial statements
 2 15 shall include a comparison of the dollars and percentage
 2 16 spent of budgeted versus actual revenues and expenditures on
 2 17 a cumulative basis for full-time equivalent positions and

Requires the Judicial Branch to submit monthly financial statements for 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.

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| <p>2 18 dollars.</p> | |
| <p>2 19 4. The judicial branch shall focus efforts upon the 2 20 collection of delinquent fines, penalties, court costs, fees, 2 21 surcharges, or similar amounts.</p> | <p>Requires the Judicial Branch to focus efforts on collecting delinquent fines and fees.</p> |
| <p>2 22 5. It is the intent of the general assembly that the offices 2 23 of the clerks of the district court operate in all 99 counties 2 24 and be accessible to the public as much as is reasonably 2 25 possible in order to address the relative needs of the citizens 2 26 of each county.</p> | <p>Specifies it is the intent of the General Assembly that the Judicial Branch operate Clerk of Court offices in all 99 counties and be open to the public as much as reasonably possible.</p> |
| <p>2 27 6. In addition to the requirements for transfers under 2 28 section 8.39, the judicial branch shall not change the 2 29 appropriations from the amounts appropriated to the judicial 2 30 branch in this division of this Act, unless notice of the 2 31 revisions is given prior to their effective date to the 2 32 legislative services agency. The notice shall include 2 33 information on the branch's rationale for making the changes 2 34 and details concerning the workload and performance measures 2 35 upon which the changes are based.</p> | <p>Requires the Judicial Branch to notify the LSA prior to any intradepartmental transfer of funds and specifies the contents of the notice.</p> |
| <p>2 36 7. The judicial branch shall submit a semiannual update 2 37 to the legislative services agency specifying the amounts of 2 38 fines, surcharges, and court costs collected using the Iowa 2 39 court information system since the last report. The judicial 2 40 branch shall continue to facilitate the sharing of vital 2 41 sentencing and other information with other state departments 2 42 and governmental agencies involved in the criminal justice 2 43 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 departments and government agencies involved with the criminal justice system through the ICIS.</p> |
| <p>3 1 8. The judicial branch shall provide a report to the general 3 2 assembly by January 1, 2016, concerning the amounts received 3 3 and expended from the enhanced court collections fund created 3 4 in section 602.1304 and the court technology and modernization 3 5 fund created in section 602.8108, subsection 7, during the 3 6 fiscal year beginning July 1, 2014, and ending June 30, 2015, 3 7 and the plans for expenditures from each fund during the fiscal 3 8 year beginning July 1, 2015, and ending June 30, 2016. A copy 3 9 of the report shall be provided to the legislative services 3 10 agency.</p> | <p>Requires the Judicial Branch to report to the General Assembly by January 1, 2016, regarding the revenues and expenditures of the Enhanced Court Collections Fund and the Court Technology and Modernization Fund for FY 2015 and planned expenditures for FY 2016. The Judicial Branch is required to provide a copy of this report to the LSA.</p> |
| <p>3 11 9. The judicial branch shall emphasize the expansion of 3 12 family treatment courts on a statewide basis.</p> | <p>Requires the Judicial Branch to emphasize the expansion of family treatment courts on a statewide basis.</p> |
| <p>3 13 Sec. 2. CIVIL TRIALS — LOCATION. Notwithstanding any 3 14 provision to the contrary, for the fiscal year beginning July 3 15 1, 2015, and ending June 30, 2016, if all parties in a case</p> | <p>Permits parties to a civil case, including a jury trial, to move the case to a contiguous county, even if it crosses a judicial district for one year (FY 2016). If the case is moved, the judicial officers in the receiving</p> |

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| <p>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. However, if a trial is moved 3 22 to an adjacent judicial district or judicial election district, 3 23 the judicial officers serving in the judicial district or 3 24 judicial election district receiving the case shall preside 3 25 over the case.</p> | <p>judicial district will preside over the case.</p> |
| <p>3 26 Sec. 3. TRAVEL REIMBURSEMENT. Notwithstanding section 3 27 602.1509, for the fiscal year beginning July 1, 2015, a 3 28 judicial officer may waive travel reimbursement for any travel 3 29 outside the judicial officer's county of residence to conduct 3 30 official judicial business.</p> | <p>Permits a judicial officer to waive travel reimbursement for any travel outside the county of residence of the judicial officer.</p> |
| <p>3 31 Sec. 4. JUDICIAL OFFICER — UNPAID LEAVE. Notwithstanding 3 32 the annual salary rates for judicial officers established by 3 33 2013 Iowa Acts, chapter 140, section 40, for the fiscal year 3 34 beginning July 1, 2015, and ending June 30, 2016, the supreme 3 35 court may by order place all judicial officers on unpaid leave 3 36 status on any day employees of the judicial branch are placed 3 37 on temporary layoff status. The biweekly pay of the judicial 3 38 officers shall be reduced accordingly for the pay period in 3 39 which the unpaid leave date occurred in the same manner as 3 40 for noncontract employees of the judicial branch. Through 3 41 the course of the fiscal year, the judicial branch may use an 3 42 amount equal to the aggregate amount of salary reductions due 3 43 to the judicial officer unpaid leave days for any purpose other 4 1 than for judicial salaries.</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 through FY 2016.</p> |
| <p>4 2 Sec. 5. IOWA COMMUNICATIONS NETWORK. It is the intent 4 3 of the general assembly that the judicial branch utilize 4 4 the Iowa communications network or other secure electronic 4 5 communications in lieu of traveling for the fiscal year 4 6 beginning July 1, 2015, and ending June 30, 2016.</p> | <p>Specifies that it is the intent of the General Assembly that the Judicial Branch use the Iowa Communications Network or other secure electronic communications instead of traveling during FY 2016.</p> |
| <p>4 7 DIVISION II 4 8 FY 2016-2017 4 9 Sec. 6. JUDICIAL BRANCH. 4 10 1. There is appropriated from the general fund of the state 4 11 to the judicial branch for the fiscal year beginning July 1, 4 12 2016, and ending June 30, 2017, the following amounts, or so 4 13 much thereof as is necessary, to be used for the purposes 4 14 designated: 4 15 a. For salaries of supreme court justices, appellate court 4 16 judges, district court judges, district associate judges,</p> | <p>Division II makes General Fund appropriations to the Judicial Branch for FY 2017 that equal 50.00% of the FY 2016 appropriations.</p> |

4 17 associate juvenile judges, associate probate judges, judicial
 4 18 magistrates and staff, state court administrator, clerk of the
 4 19 supreme court, district court administrators, clerks of the
 4 20 district court, juvenile court officers, board of law examiners
 4 21 and board of examiners of shorthand reporters and judicial
 4 22 qualifications commission; receipt and disbursement of child
 4 23 support payments; reimbursement of the auditor of state for
 4 24 expenses incurred in completing audits of the offices of the
 4 25 clerks of the district court during the fiscal year beginning
 4 26 July 1, 2016; and maintenance, equipment, and miscellaneous
 4 27 purposes:
 4 28 \$ 85,743,306

4 29 b. For deposit in the revolving fund created pursuant to
 4 30 section 602.1302, subsection 3, for jury and witness fees,
 4 31 mileage, costs related to summoning jurors, costs and fees for
 4 32 interpreters and translators, and reimbursement of attorney
 4 33 fees paid by the state public defender:
 4 34 \$ 1,550,000

4 35 2. The judicial branch, except for purposes of internal
 4 36 processing, shall use the current state budget system, the
 4 37 state payroll system, and the Iowa finance and accounting
 4 38 system in administration of programs and payments for services,
 4 39 and shall not duplicate the state payroll, accounting, and
 4 40 budgeting systems.

4 41 3. The judicial branch shall submit monthly financial
 4 42 statements to the legislative services agency and the
 4 43 department of management containing all appropriated accounts
 5 1 in the same manner as provided in the monthly financial status
 5 2 reports and personal services usage reports of the department
 5 3 of administrative services. The monthly financial statements
 5 4 shall include a comparison of the dollars and percentage
 5 5 spent of budgeted versus actual revenues and expenditures on
 5 6 a cumulative basis for full-time equivalent positions and
 5 7 dollars.

5 8 4. The judicial branch shall focus efforts upon the
 5 9 collection of delinquent fines, penalties, court costs, fees,
 5 10 surcharges, or similar amounts.

5 11 5. It is the intent of the general assembly that the offices
 5 12 of the clerks of the district court operate in all 99 counties
 5 13 and be accessible to the public as much as is reasonably
 5 14 possible in order to address the relative needs of the citizens
 5 15 of each county.

5 16 6. In addition to the requirements for transfers under
 5 17 section 8.39, the judicial branch shall not change the
 5 18 appropriations from the amounts appropriated to the judicial
 5 19 branch in this division of this Act, unless notice of the
 5 20 revisions is given prior to their effective date to the
 5 21 legislative services agency. The notice shall include

5 22 information on the branch's rationale for making the changes
5 23 and details concerning the workload and performance measures
5 24 upon which the changes are based.

5 25 7. The judicial branch shall submit a semiannual update
5 26 to the legislative services agency specifying the amounts of
5 27 fines, surcharges, and court costs collected using the Iowa
5 28 court information system since the last report. The judicial
5 29 branch shall continue to facilitate the sharing of vital
5 30 sentencing and other information with other state departments
5 31 and governmental agencies involved in the criminal justice
5 32 system through the Iowa court information system.

5 33 8. The judicial branch shall provide a report to the general
5 34 assembly by January 1, 2017, concerning the amounts received
5 35 and expended from the enhanced court collections fund created
5 36 in section 602.1304 and the court technology and modernization
5 37 fund created in section 602.8108, subsection 7, during the
5 38 fiscal year beginning July 1, 2015, and ending June 30, 2016,
5 39 and the plans for expenditures from each fund during the fiscal
5 40 year beginning July 1, 2016, and ending June 30, 2017. A copy
5 41 of the report shall be provided to the legislative services
5 42 agency.

5 43 9. The judicial branch shall emphasize the expansion of
6 1 family treatment courts on a statewide basis.

6 2 Sec. 7. CIVIL TRIALS — LOCATION. Notwithstanding any
6 3 provision to the contrary, for the fiscal year beginning July
6 4 1, 2016, and ending June 30, 2017, if all parties in a case
6 5 agree, a civil trial including a jury trial may take place in a
6 6 county contiguous to the county with proper jurisdiction, even
6 7 if the contiguous county is located in an adjacent judicial
6 8 district or judicial election district. If the trial is moved
6 9 pursuant to this section, court personnel shall treat the case
6 10 as if a change of venue occurred. However, if a trial is moved
6 11 to an adjacent judicial district or judicial election district,
6 12 the judicial officers serving in the judicial district or
6 13 judicial election district receiving the case shall preside
6 14 over the case.

6 15 Sec. 8. TRAVEL REIMBURSEMENT. Notwithstanding section
6 16 602.1509, for the fiscal year beginning July 1, 2016, a
6 17 judicial officer may waive travel reimbursement for any travel
6 18 outside the judicial officer's county of residence to conduct
6 19 official judicial business.

6 20 Sec. 9. JUDICIAL OFFICER — UNPAID LEAVE. Notwithstanding
6 21 the annual salary rates for judicial officers established by
6 22 2013 Iowa Acts, chapter 140, section 40, for the fiscal year
6 23 beginning July 1, 2016, and ending June 30, 2017, the supreme
6 24 court may by order place all judicial officers on unpaid leave
6 25 status on any day employees of the judicial branch are placed
6 26 on temporary layoff status. The biweekly pay of the judicial

6 27 officers shall be reduced accordingly for the pay period in
6 28 which the unpaid leave date occurred in the same manner as
6 29 for noncontract employees of the judicial branch. Through
6 30 the course of the fiscal year, the judicial branch may use an
6 31 amount equal to the aggregate amount of salary reductions due
6 32 to the judicial officer unpaid leave days for any purpose other
6 33 than for judicial salaries.

6 34 Sec. 10. IOWA COMMUNICATIONS NETWORK. It is the intent
6 35 of the general assembly that the judicial branch utilize
6 36 the Iowa communications network or other secure electronic
6 37 communications in lieu of traveling for the fiscal year
6 38 beginning July 1, 2016, and ending June 30, 2017.

6 39
6 40 DIVISION III
6 41 CONDITIONAL EFFECTIVE DATE AND
RETROACTIVE APPLICABILITY PROVISIONS

6 42 Sec. 11. EFFECTIVE UPON ENACTMENT. Unless otherwise
6 43 provided, this Act, if approved by the governor on or after
7 1 July 1, 2015, takes effect upon enactment.

7 2 Sec. 12. RETROACTIVE APPLICABILITY. Unless otherwise
7 3 provided, this Act, if approved by the governor on or after
7 4 July 1, 2015, applies retroactively to July 1, 2015.

This Bill is effective on July 1, 2015, and retroactive to July 1, 2015, if signed by the Governor on or after July 1, 2015.

Summary Data

General Fund

| | <u>Actual FY 2014 (1)</u> | <u>Estimated FY 2015 (2)</u> | <u>Final Action FY 2016 (3)</u> | <u>Final Action FY 2016 vs Est FY 2015 (4)</u> | <u>Final Action FY 2017 (5)</u> |
|--------------------|-----------------------------------|--------------------------------------|---|--|---|
| Justice System | \$ 168,686,747 | \$ 174,586,612 | \$ 174,586,612 | \$ 0 | \$ 87,293,306 |
| Grand Total | <u>\$ 168,686,747</u> | <u>\$ 174,586,612</u> | <u>\$ 174,586,612</u> | <u>\$ 0</u> | <u>\$ 87,293,306</u> |

Justice System General Fund

| | Actual FY 2014 <u>(1)</u> | Estimated FY 2015 <u>(2)</u> | Final Action FY 2016 <u>(3)</u> | Final Action FY 2016 vs Est FY 2015 <u>(4)</u> | Final Action FY 2017 <u>(5)</u> |
|-------------------------------|---------------------------------|------------------------------------|---------------------------------------|--|---------------------------------------|
| Judicial Branch | | | | | |
| Judicial Branch | | | | | |
| Judicial Branch | \$ 165,586,747 | \$ 171,486,612 | \$ 171,486,612 | \$ 0 | \$ 85,743,306 |
| Jury & Witness Revolving Fund | <u>3,100,000</u> | <u>3,100,000</u> | <u>3,100,000</u> | <u>0</u> | <u>1,550,000</u> |
| Total Judicial Branch | <u>\$ 168,686,747</u> | <u>\$ 174,586,612</u> | <u>\$ 174,586,612</u> | <u>\$ 0</u> | <u>\$ 87,293,306</u> |
| Total Justice System | <u>\$ 168,686,747</u> | <u>\$ 174,586,612</u> | <u>\$ 174,586,612</u> | <u>\$ 0</u> | <u>\$ 87,293,306</u> |

Summary Data

FTE Positions

| | <u>Actual FY 2014</u> <u>(1)</u> | <u>Estimated FY 2015</u> <u>(2)</u> | <u>Final Action FY 2016</u> <u>(3)</u> | <u>Final Action FY 2016 vs Est FY 2015</u> <u>(4)</u> | <u>Final Action FY 2017</u> <u>(5)</u> |
|--------------------|---|--|---|--|---|
| Justice System | <u>1,837.42</u> | <u>1,907.49</u> | <u>1,907.69</u> | <u>0.20</u> | <u>1,907.69</u> |
| Grand Total | <u><u>1,837.42</u></u> | <u><u>1,907.49</u></u> | <u><u>1,907.69</u></u> | <u><u>0.20</u></u> | <u><u>1,907.69</u></u> |

Justice System

FTE Positions

| | Actual FY 2014 <u>(1)</u> | Estimated FY 2015 <u>(2)</u> | Final Action FY 2016 <u>(3)</u> | Final Action FY 2016 vs Est FY 2015 <u>(4)</u> | Final Action FY 2017 <u>(5)</u> |
|-------------------------------|---------------------------------|------------------------------------|---------------------------------------|--|---------------------------------------|
| <u>Judicial Branch</u> | | | | | |
| Judicial Branch | 1,837.42 | 1,907.49 | 1,907.69 | 0.20 | 1,907.69 |
| Total Judicial Branch | <u>1,837.42</u> | <u>1,907.49</u> | <u>1,907.69</u> | <u>0.20</u> | <u>1,907.69</u> |
| Total Justice System | <u>1,837.42</u> | <u>1,907.49</u> | <u>1,907.69</u> | <u>0.20</u> | <u>1,907.69</u> |