

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED HOUSE  
APPROPRIATIONS SUBCOMMITTEE  
ON JUSTICE SYSTEM BILL)

**A BILL FOR**

1 An Act relating to appropriations to the judicial branch.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DRAFT

1     Section 1.   JUDICIAL BRANCH.

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

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

20 ..... \$189,953,894

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

26 ..... \$   3,600,000

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

33     3.   The judicial branch shall submit monthly financial  
34 statements to the legislative services agency and the  
35 department of management containing all appropriated accounts

1 in the same manner as provided in the monthly financial status  
2 reports and personal services usage reports of the department  
3 of administrative services. The monthly financial statements  
4 shall include a comparison of the dollars and percentage  
5 spent of budgeted versus actual revenues and expenditures on  
6 a cumulative basis for full-time equivalent positions and  
7 dollars.

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

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

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

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

34 8. The judicial branch shall provide a report to the general  
35 assembly by January 1, 2022, concerning the amounts received

1 and expended from the enhanced court collections fund created  
2 in section 602.1304 and the court technology and modernization  
3 fund created in section 602.8108, subsection 7, during the  
4 fiscal year beginning July 1, 2020, and ending June 30, 2021,  
5 and the plans for expenditures from each fund during the fiscal  
6 year beginning July 1, 2021, and ending June 30, 2022.

7     Sec. 2. CIVIL TRIALS — LOCATION. Notwithstanding any  
8 provision to the contrary, for the fiscal year beginning July  
9 1, 2021, and ending June 30, 2022, if all parties in a case  
10 agree, a civil trial including a jury trial may take place in a  
11 county contiguous to the county with proper jurisdiction, even  
12 if the contiguous county is located in an adjacent judicial  
13 district or judicial election district. If the trial is moved  
14 pursuant to this section, court personnel shall treat the case  
15 as if a change of venue occurred. However, if a trial is moved  
16 to an adjacent judicial district or judicial election district,  
17 the judicial officers serving in the judicial district or  
18 judicial election district receiving the case shall preside  
19 over the case.

20     Sec. 3. TRAVEL REIMBURSEMENT. Notwithstanding section  
21 602.1509, for the fiscal year beginning July 1, 2021, and  
22 ending June 30, 2022, a judicial officer may waive travel  
23 reimbursement for any travel outside the judicial officer's  
24 county of residence to conduct official judicial business.

25     Sec. 4. JUDICIAL OFFICER — UNPAID LEAVE. Notwithstanding  
26 the annual salary rates for judicial officers established by  
27 2019 Iowa Acts, chapter 155, section 6, for the fiscal year  
28 beginning July 1, 2021, and ending June 30, 2022, the supreme  
29 court may by order place all judicial officers on unpaid leave  
30 status on any day employees of the judicial branch are placed  
31 on temporary layoff status. The biweekly pay of the judicial  
32 officers shall be reduced accordingly for the pay period in  
33 which the unpaid leave date occurred in the same manner as  
34 for noncontract employees of the judicial branch. Through  
35 the course of the fiscal year, the judicial branch may use an

1 amount equal to the aggregate amount of salary reductions due  
2 to the judicial officer unpaid leave days for any purpose other  
3 than for judicial salaries.

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

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

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

19 2. The following annual salary rates shall be paid to the  
20 persons holding the judicial positions indicated during the  
21 fiscal year beginning July 1, 2021, effective with the pay  
22 period beginning June 25, 2021, and for subsequent pay periods.

23 a. Chief justice of the supreme court:

24 ..... \$ 192,261

25 b. Each justice of the supreme court:

26 ..... \$ 183,653

27 3. Notwithstanding section 602.1501, subsections 2,  
28 3, 4, 5, and 6, and 2019 Iowa Acts, chapter 155, section  
29 6, for the fiscal years beginning July 1, 2021, and ending  
30 June 30, 2024, all court of appeals judges, district judges,  
31 district associate judges, full-time associate juvenile  
32 judges, full-time associate probate judges, and magistrates  
33 shall receive the salary set by the supreme court from moneys  
34 appropriated to the judicial branch.

35 Sec. 7. Section 602.6404, subsection 3, Code 2021, is

1 amended to read as follows:

2 3. A magistrate shall be an attorney licensed to practice  
3 law in this state. However, a magistrate not admitted to  
4 the practice of law in this state and who is holding office  
5 on April 1, 2009, shall be eligible to be reappointed as a  
6 magistrate in the same county for a term commencing August 1,  
7 2009, and for subsequent successive terms.

8 EXPLANATION

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

11 This bill makes appropriations to the judicial branch.

12 The bill appropriates from the general fund of the state for  
13 FY 2021-2022 to the judicial branch for salaries, receipt and  
14 disbursement of child support payments, reimbursement of the  
15 auditor of state, maintenance, equipment, and miscellaneous  
16 purposes, and for deposit in the revolving fund created  
17 pursuant to Code section 602.1302(3) for certain purposes.

18 The bill provides that a civil trial including a jury trial  
19 may take place in a county contiguous to the county with proper  
20 jurisdiction, even if the contiguous county is located in an  
21 adjacent judicial district or judicial election district, if  
22 all the parties in a case agree. If a trial is moved to another  
23 county that is located in another judicial district or judicial  
24 election district, the judicial officers serving the judicial  
25 district or judicial election district receiving the case shall  
26 preside over the case.

27 The bill permits a judicial officer to waive travel  
28 reimbursement for any travel outside the judicial officer's  
29 county of residence to conduct official business.

30 The bill allows a judicial officer to be placed on unpaid  
31 leave for the fiscal year beginning July 1, 2021, on any day a  
32 court employee is required to furlough. The bill provides that  
33 if a judicial officer is placed on unpaid leave, the salary of  
34 the judicial officer shall be reduced accordingly for the pay  
35 period in which the unpaid leave occurred. Through the course

1 of the fiscal year, the bill provides that the judicial branch  
2 may use an amount equal to the aggregate amount of the salary  
3 reductions due to judicial officer unpaid leave for any purpose  
4 other than judicial salaries.

5 The bill states legislative intent that the judicial  
6 branch utilize the Iowa communications network or other secure  
7 electronic communications in lieu of traveling.

8 The bill provides the salary rates for the chief justice and  
9 each justice of the supreme court. The bill provides that the  
10 supreme court shall set the salary rates for certain positions  
11 in the judicial branch for the fiscal years beginning July 1,  
12 2021, and ending June 30, 2024.

13 The bill provides that a magistrate not admitted to practice  
14 law in the state but who is holding office on April 1, 2009,  
15 is eligible to be reappointed as a magistrate in the same  
16 county for a term commencing August 1, 2009, and for subsequent  
17 successive terms.