

SENATE/HOUSE FILE _____
BY (PROPOSED JOINT
APPROPRIATIONS SUBCOMMITTEE
ON JUSTICE SYSTEM BILL)

A BILL FOR

1 An Act relating to and making appropriations to the judicial
2 branch.
3 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 2011, and ending June 30, 2012, the following amount, 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 judicial magistrates and staff, state court administrator,
10 clerk of the supreme court, district court administrators,
11 clerks of the district court, juvenile court officers, board of
12 law examiners and board of examiners of shorthand reporters and
13 judicial qualifications commission; receipt and disbursement
14 of child support payments; reimbursement of the auditor *General Fund*
15 of state for expenses incurred in completing audits of the *appropriation*
16 offices of the clerks of the district court during the fiscal *to the*
17 year beginning July 1, 2011; and maintenance, equipment, and *Judicial*
18 miscellaneous purposes: *Branch*
for operations

19 \$ 0

20 b. For deposit in the revolving fund created pursuant *General Fund*
21 to section 602.1302, subsection 3, for jury and witness *appropriation to*
22 fees, mileage, costs related to summoning jurors, fees for *the Jury &*
23 interpreters, and reimbursement of attorney fees paid by the *Witness Fee*
24 state public defender: *Revolving*
Fund for the reimbursement
of juror and witness fees, mileage,
25 \$ *and costs.* 0

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

32 3. The judicial branch shall submit monthly financial *Requires monthly*
33 statements to the legislative services agency and the *financial statements*
34 department of management containing all appropriated accounts *be sent to LSA and*
35 in the same manner as provided in the monthly financial status *Dom.*

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

7 4. The judicial branch shall focus efforts upon the
8 collection of delinquent fines, penalties, court costs, *Requires the
Judicial Branch
fees, to focus
efforts on collecting delinquent
fines and fees.*
9 surcharges, or similar amounts.

10 5. It is the intent of the general assembly that the offices
11 of the clerks of the district court operate in all 99 counties
12 and be accessible to the public as much as is reasonably
13 possible in order to address the relative needs of the citizens
14 of each county. *Specifies General Assembly intent that the Judicial Branch operate
Clerk of Court offices in all 99 counties and open as much as possible.*

15 6. In addition to the requirements for transfers under
16 section 8.39, the judicial branch shall not change the *Requires
notification to the
LSA prior to any
transfer of
funds and
specifics what
should be
included
in the notice.*
17 appropriations from the amounts appropriated to the judicial
18 branch in this Act, unless notice of the revisions is given
19 prior to their effective date to the legislative services
20 agency. The notice shall include information on the branch's
21 rationale for making the changes and details concerning the
22 workload and performance measures upon which the changes are
23 based.

24 7. The judicial branch shall submit a semiannual update *Requires a
Semi-annual
report to
LSA on fines,
surcharges, and
court costs
collected through
ICIS. Also requires
continued
sharing of
information
through ICIS with
departments
and government agencies.*
25 to the legislative services agency specifying the amounts of
26 fines, surcharges, and court costs collected using the Iowa
27 court information system since the last report. The judicial
28 branch shall continue to facilitate the sharing of vital
29 sentencing and other information with other state departments
30 and governmental agencies involved in the criminal justice
31 system through the Iowa court information system.

32 8. The judicial branch shall provide a report to the general
33 assembly by January 1, 2012, concerning the amounts received *Requires Jan
1, 2012 report
to General
Assembly and
Enhanced Court Collections Fund
and Court Technology and
Modernization Fund.*
34 and expended from the enhanced court collections fund created
35 in section 602.1304 and the court technology and modernization

1 fund created in section 602.8108, subsection 7, during the
2 fiscal year beginning July 1, 2010, and ending June 30, 2011,
3 and the plans for expenditures from each fund during the fiscal
4 year beginning July 1, 2011, and ending June 30, 2012. A copy
5 of the report shall be provided to the legislative services
6 agency.

7 9. The judicial branch is encouraged to purchase products
8 from Iowa state industries, as defined in section 904.802, when
9 purchases are required and the products are available from Iowa
10 state industries. The judicial branch shall obtain bids from
11 Iowa state industries for purchases of office furniture during
12 the fiscal year beginning July 1, 2011, exceeding \$5,000.
Requires the Judicial Branch to obtain bids from IPI for office furniture purchases exceeding \$5,000.

13 Sec. 2. CIVIL TRIALS — LOCATION. Notwithstanding any
14 provision to the contrary, for the fiscal year beginning July
15 1, 2011, and ending June 30, 2012, if all parties in a case
16 agree, a civil trial including a jury trial may take place in a
17 county contiguous to the county with proper jurisdiction, even
18 if the contiguous county is located in an adjacent judicial
19 district or judicial election district. If the trial is moved
20 pursuant to this section, court personnel shall treat the case
21 as if a change of venue occurred. However, if a trial is moved
22 to an adjacent judicial district or judicial election district,
23 the judicial officers serving in the judicial district or
24 judicial election district receiving the case shall preside
25 over the case.
Permits parties to a civil case, including the jury, to move the case to a contiguous county, even if it crosses a judicial district, Judicial officers in the judicial district receiving the case will preside over the case.

26 Sec. 3. TRAVEL REIMBURSEMENT. Notwithstanding section
27 602.1509, for the fiscal year beginning July 1, 2011, a
28 judicial officer may waive travel reimbursement for any travel
29 outside the judicial officer's county of residence to conduct
30 official judicial business.
Permits a judicial officer to waive travel reimbursement for any travel outside the county of residence.

31 Sec. 4. POSTING OF REPORTS IN ELECTRONIC FORMAT —
32 LEGISLATIVE SERVICES AGENCY. All reports or copies of reports
33 required to be provided by the judicial branch for fiscal year
34 2011-2012 to the legislative services agency shall be provided
35 in an electronic format. The legislative services agency shall
Requires all reports provided to LSA be in electronic format.

Reports are posted to the website and members are notified.

1 post the reports on its internet website and shall notify by
2 electronic means all the members of the joint appropriations
3 subcommittee on the justice system when a report is posted.
4 Upon request, copies of the reports may be mailed to members of
5 the joint appropriations subcommittee on the justice system.

6 Sec. 5. JUDICIAL OFFICER — UNPAID LEAVE. Notwithstanding
7 the annual salary rates for judicial officers established by
8 2008 Iowa Acts, chapter 1191, section 11, for the fiscal year
9 beginning July 1, 2011, and ending June 30, 2012, the supreme
10 court may by order place all judicial officers on unpaid leave
11 status on any day employees of the judicial branch are placed
12 on temporary layoff status. The biweekly pay of the judicial
13 officers shall be reduced accordingly for the pay period in
14 which the unpaid leave date occurred in the same manner as
15 for noncontract employees of the judicial branch. Through
16 the course of the fiscal year, the judicial branch may use an
17 amount equal to the aggregate amount of salary reductions due
18 to the judicial officer unpaid leave days for any purpose other
19 than for judicial salaries.

Permits the Supreme Court to order Judicial officers to take unpaid leave in the same manner as non-contract personnel.

20 Sec. 6. IOWA COMMUNICATIONS NETWORK. It is the intent
21 of the general assembly that the judicial branch utilize
22 the Iowa communications network or other secure electronic
23 communications in lieu of traveling for the fiscal year
24 beginning July 1, 2011.

Specifies intent of the General Assembly that the courts use the ICN in lieu of traveling.

EXPLANATION

25
26 This bill appropriates from the general fund of the state for
27 FY 2011-2012 to the judicial branch for salaries, maintenance,
28 equipment, and miscellaneous purposes.

29 The bill appropriates \$___ million from the general fund
30 of the state to the revolving fund created in Code section
31 602.1302 for jury and witness fees, mileage, costs related to
32 summoning jurors, fees for interpreters, and certain attorney
33 fee reimbursement.

34 The bill provides that a civil trial including a jury trial
35 may take place in a county contiguous to the county with proper

1 jurisdiction, even if the contiguous county is located in an
2 adjacent judicial district or judicial election district, if
3 all the parties in a case agree. If a trial is moved to another
4 county that is located in another judicial district or judicial
5 election district, the judicial officers serving the judicial
6 district or judicial election district receiving the case shall
7 preside over the case.

8 The bill permits a judicial officer to waive travel
9 reimbursement for any travel outside the judicial officer's
10 county of residence to conduct official business.

11 The bill allows a judicial officer to be placed on unpaid
12 leave for the fiscal year beginning July 1, 2011, and ending
13 June 30, 2012, on any day a court employee is required to
14 furlough. The bill provides that if a judicial officer is
15 placed on unpaid leave, the salary of the judicial officer
16 shall be reduced accordingly for the pay period in which the
17 unpaid leave occurred. Through the course of the fiscal year,
18 the bill provides that the judicial branch may use an amount
19 equal to the aggregate amount of the salary reductions due
20 to judicial officer unpaid leave for any purpose other than
21 judicial salaries.

22 The bill provides legislative intent that the judicial
23 branch utilize the Iowa communications network or other secure
24 electronic communications in lieu of traveling.