

SENATE FILE _____
BY (PROPOSED SENATE
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

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DIVISION I
FY 2015-2016

Section 1. JUDICIAL BRANCH.

1. There is appropriated from the general fund of the state to the judicial branch for the fiscal year beginning July 1, 2015, and ending June 30, 2016, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. For salaries of supreme court justices, appellate court judges, district court judges, district associate judges, associate juvenile judges, associate probate judges, judicial magistrates and staff, state court administrator, clerk of the supreme court, district court administrators, clerks of the district court, juvenile court officers, board of law examiners and board of examiners of shorthand reporters and judicial qualifications commission; receipt and disbursement of child support payments; reimbursement of the auditor of state for expenses incurred in completing audits of the offices of the clerks of the district court during the fiscal year beginning July 1, 2015; and maintenance, equipment, and miscellaneous purposes:

..... \$176,986,612

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

..... \$ 3,100,000

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

3. The judicial branch shall submit monthly financial

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

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

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

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

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

35 8. The judicial branch shall provide a report to the general

1 assembly by January 1, 2016, concerning the amounts received
2 and expended from the enhanced court collections fund created
3 in section 602.1304 and the court technology and modernization
4 fund created in section 602.8108, subsection 7, during the
5 fiscal year beginning July 1, 2014, and ending June 30, 2015,
6 and the plans for expenditures from each fund during the fiscal
7 year beginning July 1, 2015, and ending June 30, 2016. A copy
8 of the report shall be provided to the legislative services
9 agency.

10 9. The judicial branch shall emphasize the expansion of
11 family treatment courts on a statewide basis.

12 Sec. 2. CIVIL TRIALS — LOCATION. Notwithstanding any
13 provision to the contrary, for the fiscal year beginning July
14 1, 2015, and ending June 30, 2016, if all parties in a case
15 agree, a civil trial including a jury trial may take place in a
16 county contiguous to the county with proper jurisdiction, even
17 if the contiguous county is located in an adjacent judicial
18 district or judicial election district. If the trial is moved
19 pursuant to this section, court personnel shall treat the case
20 as if a change of venue occurred. However, if a trial is moved
21 to an adjacent judicial district or judicial election district,
22 the judicial officers serving in the judicial district or
23 judicial election district receiving the case shall preside
24 over the case.

25 Sec. 3. TRAVEL REIMBURSEMENT. Notwithstanding section
26 602.1509, for the fiscal year beginning July 1, 2015, a
27 judicial officer may waive travel reimbursement for any travel
28 outside the judicial officer's county of residence to conduct
29 official judicial business.

30 Sec. 4. JUDICIAL OFFICER — UNPAID LEAVE. Notwithstanding
31 the annual salary rates for judicial officers established by
32 2013 Iowa Acts, chapter 140, section 40, for the fiscal year
33 beginning July 1, 2015, and ending June 30, 2016, the supreme
34 court may by order place all judicial officers on unpaid leave
35 status on any day employees of the judicial branch are placed

1 on temporary layoff status. The biweekly pay of the judicial
2 officers shall be reduced accordingly for the pay period in
3 which the unpaid leave date occurred in the same manner as
4 for noncontract employees of the judicial branch. Through
5 the course of the fiscal year, the judicial branch may use an
6 amount equal to the aggregate amount of salary reductions due
7 to the judicial officer unpaid leave days for any purpose other
8 than for judicial salaries.

9 Sec. 5. IOWA COMMUNICATIONS NETWORK. It is the intent
10 of the general assembly that the judicial branch utilize
11 the Iowa communications network or other secure electronic
12 communications in lieu of traveling for the fiscal year
13 beginning July 1, 2015, and ending June 30, 2016.

14 DIVISION II

15 FY 2016-2017

16 Sec. 6. JUDICIAL BRANCH.

17 1. There is appropriated from the general fund of the state
18 to the judicial branch for the fiscal year beginning July 1,
19 2016, and ending June 30, 2017, the following amounts, or so
20 much thereof as is necessary, to be used for the purposes
21 designated:

22 a. For salaries of supreme court justices, appellate court
23 judges, district court judges, district associate judges,
24 associate juvenile judges, associate probate judges, judicial
25 magistrates and staff, state court administrator, clerk of the
26 supreme court, district court administrators, clerks of the
27 district court, juvenile court officers, board of law examiners
28 and board of examiners of shorthand reporters and judicial
29 qualifications commission; receipt and disbursement of child
30 support payments; reimbursement of the auditor of state for
31 expenses incurred in completing audits of the offices of the
32 clerks of the district court during the fiscal year beginning
33 July 1, 2016; and maintenance, equipment, and miscellaneous
34 purposes:

35 \$ 88,493,306

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

6 \$ 1,550,000

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

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

23 4. The judicial branch shall focus efforts upon the
24 collection of delinquent fines, penalties, court costs, fees,
25 surcharges, or similar amounts.

26 5. It is the intent of the general assembly that the offices
27 of the clerks of the district court operate in all 99 counties
28 and be accessible to the public as much as is reasonably
29 possible in order to address the relative needs of the citizens
30 of each county.

31 6. In addition to the requirements for transfers under
32 section 8.39, the judicial branch shall not change the
33 appropriations from the amounts appropriated to the judicial
34 branch in this division of this Act, unless notice of the
35 revisions is given prior to their effective date to the

1 legislative services agency. The notice shall include
2 information on the branch's rationale for making the changes
3 and details concerning the workload and performance measures
4 upon which the changes are based.

5 7. The judicial branch shall submit a semiannual update
6 to the legislative services agency specifying the amounts of
7 fines, surcharges, and court costs collected using the Iowa
8 court information system since the last report. The judicial
9 branch shall continue to facilitate the sharing of vital
10 sentencing and other information with other state departments
11 and governmental agencies involved in the criminal justice
12 system through the Iowa court information system.

13 8. The judicial branch shall provide a report to the general
14 assembly by January 1, 2017, concerning the amounts received
15 and expended from the enhanced court collections fund created
16 in section 602.1304 and the court technology and modernization
17 fund created in section 602.8108, subsection 7, during the
18 fiscal year beginning July 1, 2015, and ending June 30, 2016,
19 and the plans for expenditures from each fund during the fiscal
20 year beginning July 1, 2016, and ending June 30, 2017. A copy
21 of the report shall be provided to the legislative services
22 agency.

23 9. The judicial branch shall emphasize the expansion of
24 family treatment courts on a statewide basis.

25 Sec. 7. CIVIL TRIALS — LOCATION. Notwithstanding any
26 provision to the contrary, for the fiscal year beginning July
27 1, 2016, and ending June 30, 2017, if all parties in a case
28 agree, a civil trial including a jury trial may take place in a
29 county contiguous to the county with proper jurisdiction, even
30 if the contiguous county is located in an adjacent judicial
31 district or judicial election district. If the trial is moved
32 pursuant to this section, court personnel shall treat the case
33 as if a change of venue occurred. However, if a trial is moved
34 to an adjacent judicial district or judicial election district,
35 the judicial officers serving in the judicial district or

1 judicial election district receiving the case shall preside
2 over the case.

3 Sec. 8. TRAVEL REIMBURSEMENT. Notwithstanding section
4 602.1509, for the fiscal year beginning July 1, 2016, a
5 judicial officer may waive travel reimbursement for any travel
6 outside the judicial officer's county of residence to conduct
7 official judicial business.

8 Sec. 9. JUDICIAL OFFICER — UNPAID LEAVE. Notwithstanding
9 the annual salary rates for judicial officers established by
10 2013 Iowa Acts, chapter 140, section 40, for the fiscal year
11 beginning July 1, 2016, and ending June 30, 2017, the supreme
12 court may by order place all judicial officers on unpaid leave
13 status on any day employees of the judicial branch are placed
14 on temporary layoff status. The biweekly pay of the judicial
15 officers shall be reduced accordingly for the pay period in
16 which the unpaid leave date occurred in the same manner as
17 for noncontract employees of the judicial branch. Through
18 the course of the fiscal year, the judicial branch may use an
19 amount equal to the aggregate amount of salary reductions due
20 to the judicial officer unpaid leave days for any purpose other
21 than for judicial salaries.

22 Sec. 10. IOWA COMMUNICATIONS NETWORK. It is the intent
23 of the general assembly that the judicial branch utilize
24 the Iowa communications network or other secure electronic
25 communications in lieu of traveling for the fiscal year
26 beginning July 1, 2016, and ending June 30, 2017.

27 EXPLANATION

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

30 This bill makes appropriations to the judicial branch and
31 modifies judicial salaries.

32 The bill appropriates from the general fund of the state
33 for FY 2015-2016 and FY 2016-2017 to the judicial branch for
34 salaries, maintenance, equipment, and miscellaneous purposes.

35 The bill provides that a civil trial including a jury trial

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

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

12 The bill allows a judicial officer to be placed on unpaid
13 leave for the fiscal years beginning July 1, 2015, and July 1,
14 2016, on any day a court employee is required to furlough. The
15 bill provides that if a judicial officer is placed on unpaid
16 leave, the salary of the judicial officer shall be reduced
17 accordingly for the pay period in which the unpaid leave
18 occurred. Through the course of the fiscal year, the bill
19 provides that the judicial branch may use an amount equal to
20 the aggregate amount of the salary reductions due to judicial
21 officer unpaid leave for any purpose other than judicial
22 salaries.

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