SENATE FILE 563
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 1215)

(As Amended and Passed by the Senate May 2, 2023)
ALL New Language by the Senate

A BILL FOR

An Act relating to the judicial branch, including appropriations to the judicial branch, apportionment of district associate judges, video recordings, noncontract attorney appointment, and contracting authority.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

FY 2023-2024 APPROPRIATIONS

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, 2023, and ending June 30, 2024, 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, board of examiners of shorthand reporters, and commission on judicial qualifications; 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, 2023; and maintenance, equipment, and miscellaneous purposes:

..... $193,350,550

Of the moneys appropriated in this lettered paragraph, no more than $250,000 is allocated for reimbursement to the indigent defense fund created in section 815.11 for travel time claims as required under section 815.7A, subsection 2, if enacted by 2023 Iowa Acts, Senate File 562 or House Study Bill 251, or successor legislation.

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:

..... $ 3,600,000

c. For payment of expenses for court-ordered services

provided to juveniles who are under the supervision of juvenile court services, which expenses are a charge upon the state pursuant to section 232.141, subsection 4:

..... $ 3,290,000

(1) Of the moneys appropriated in this lettered paragraph, no more than $1,556,000 is allocated to provide school-based supervision of children under chapter 232, of which no more than $15,000 may be used for purposes of training. A portion of the cost of each school-based liaison officer shall be paid by the school district or other funding source as approved by the chief juvenile court officer.

(2) Of the moneys appropriated in this lettered paragraph, no more than $748,000 is allocated for the payment of expenses for court-ordered services provided to children who are under the supervision of the department of health and human services, which expenses are a charge upon the state pursuant to section 232.141, subsection 4.

(3) Notwithstanding section 232.141 or any other provision of law to the contrary, the moneys appropriated in this lettered paragraph shall be distributed to the judicial districts as determined by the state court administrator. The state court administrator shall make the determination of the distribution amounts on or before June 15, 2023.

(4) Notwithstanding chapter 232 or any other provision of law to the contrary, a district or juvenile court shall not order any service which is a charge upon the state pursuant to section 232.141 if there are insufficient court-ordered services moneys available in the district court distribution amounts to pay for the service. The chief juvenile court officer shall encourage use of the moneys appropriated in this lettered paragraph such that there are sufficient moneys to pay for all court-ordered services during the entire fiscal year. The chief juvenile court officer shall attempt to anticipate potential surpluses and shortfalls in the distribution amounts and shall cooperatively request the state court administrator

to transfer moneys between the judicial districts' distribution amounts as prudent.

(5) Notwithstanding any provision of law to the contrary, a district or juvenile court shall not order a county to pay for any service provided to a juvenile pursuant to an order entered under chapter 232 which is a charge upon the state under section 232.141, subsection 4.

(6) Of the moneys appropriated in this lettered paragraph, no more than $83,000 may be used by the judicial branch for administration of the requirements under this lettered paragraph.

(7) Of the moneys appropriated in this lettered paragraph, $23,000 is allocated to the judicial branch to support the interstate commission for juveniles in accordance with the interstate compact for juveniles as provided in section 232.173.

d. For juvenile justice delinquency prevention pursuant to section 232.192, if enacted by 2023 Iowa Acts, Senate File 285 or House File 699, or if not enacted, for juvenile delinquent graduated sanctions services pursuant to section 232.192, as enacted by 2022 Iowa Acts, chapter 1098, section 70:

..... $ 12,253,000

Any state moneys saved as a result of efforts by juvenile court services to earn a federal fund match pursuant to Tit. IV-E of the federal Family First Prevention Services Act of 2018, Pub. L. No. 115-123, for juvenile court services administration is appropriated to the judicial branch for purposes of this lettered paragraph.

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

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

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

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

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

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

8. The judicial branch shall provide a report to the general assembly by January 1, 2024, concerning the amounts received and expended from the court technology and modernization fund created in section 602.8108, subsection 7, during the fiscal year beginning July 1, 2022, and ending June 30, 2023, and the plans for expenditures from each fund during the fiscal year beginning July 1, 2023, and ending June 30, 2024.

Sec. 2. CIVIL TRIALS —— LOCATION. Notwithstanding any provision to the contrary, for the fiscal year beginning July 1, 2023, and ending June 30, 2024, if all parties in a case agree, a civil trial including a jury trial may take place in a county contiguous to the county with proper jurisdiction, even if the contiguous county is located in an adjacent judicial district or judicial election district. If the trial is moved pursuant to this section, court personnel shall treat the case as if a change of venue occurred.

Sec. 3. TRAVEL REIMBURSEMENT. Notwithstanding section 602.1509, for the fiscal year beginning July 1, 2023, and ending June 30, 2024, a judicial officer may waive travel reimbursement for any travel outside the judicial officer's county of residence to conduct official judicial business.

Sec. 4. JUDICIAL OFFICER —— UNPAID LEAVE. Notwithstanding the annual salary rates for judicial officers established by 2022 Iowa Acts, chapter 1145, section 6, for the fiscal year beginning July 1, 2023, and ending June 30, 2024, the supreme court may by order place all judicial officers on unpaid leave status on any day employees of the judicial branch are placed on temporary layoff status. The biweekly pay of the judicial officers shall be reduced accordingly for the pay period in which the unpaid leave date occurred in the same manner as for noncontract employees of the judicial branch. Through the course of the fiscal year, the judicial branch may use an amount equal to the aggregate amount of salary reductions due to the judicial officer unpaid leave days for any purpose other than for judicial salaries.

Sec. 5. IOWA COMMUNICATIONS NETWORK. It is the intent of the general assembly that the judicial branch utilize the Iowa communications network or other secure electronic communications in lieu of traveling for the fiscal year beginning July 1, 2023, and ending June 30, 2024.

DIVISION II

APPORTIONMENT OF DISTRICT ASSOCIATE JUDGES

Sec. 6. Section 602.6301, Code 2023, is amended to read as follows:

602.6301 Number and apportionment of district associate judges.

1. ~~There shall be one district associate judge in counties having a population of more than thirty-five thousand and less than eighty thousand; two in counties having a population of eighty thousand or more and less than one hundred twenty-five thousand; three in counties having a population of one hundred twenty-five thousand or more and less than one hundred seventy thousand; four in counties having a population of one hundred seventy thousand or more and less than two hundred fifteen thousand; five in counties having a population of two hundred fifteen thousand or more and less than two hundred sixty thousand; six in counties having a population of two hundred sixty thousand or more and less than three hundred five thousand; seven in counties having a population of three hundred five thousand or more and less than three hundred fifty thousand; eight in counties having a population of three hundred fifty thousand or more and less than three hundred ninety-five thousand; nine in counties having a population of three hundred ninety-five thousand or more and less than four hundred forty thousand; ten in counties having a population of four hundred forty thousand or more and less than four hundred eighty-five thousand; and one additional judge for every population increment of thirty-five thousand which is over four hundred eighty-five thousand in such counties. However, a county shall not lose a district associate judgeship solely~

~~because of a reduction in the county's population. If the formula provided in this section results in the allocation of an additional district associate judgeship to a county, implementation of the allocation shall be subject to prior approval of the supreme court and availability of funds to the judicial branch.~~ The supreme court shall prescribe, subject to the restrictions of this section, a formula to determine the number of district associate judges who will serve in each judicial election district. The formula shall be based upon a model that measures and applies an estimated case-related workload formula of judicial officers, and shall account for administrative duties, travel time, and other judicial duties not related to a specific case. A district associate judge appointed pursuant to section 602.6302 or 602.6307 shall not be counted for purposes of this section and the reduction of a district associate judge pursuant to section 602.6303 also shall not be counted for purposes of this section.

2. For purposes of this section, "*vacancy*" means the death, resignation, retirement, or removal of a district associate judge, or the failure of a district associate judge to be retained in office at the judicial election, or an increase in judgeships under the formula prescribed in subsection 1.

3. In those judicial election districts having more district associate judges than the number of judgeships specified by the formula prescribed in subsection 1, vacancies shall not be filled.

4. In those judicial election districts having fewer or the same number of district associate judges as the number of judgeships specified by the formula prescribed in subsection 1, vacancies shall be filled as the vacancies occur.

5. In those judicial districts that contain more than one judicial election district, a vacancy in a judicial election district shall not be filled if the total number of district associate judges in all judicial election districts within the judicial district equals or exceeds the aggregate number

of judgeships to which all of the judicial election districts of the judicial district are authorized by the formula in subsection 1.

6. An incumbent district associate judge shall not be removed from office because of a reduction in the number of authorized judgeships specified by the formula prescribed in subsection 1.

DIVISION III

VIDEO RECORDINGS

Sec. 7. Section 602.3205, Code 2023, is amended to read as follows:

602.3205 Audio and video recordings.

1. Except as provided in subsection 2 or 3, a certified shorthand reporter's audio and video recordings used solely for the purpose of providing a verbatim written transcript of a court proceeding or a proceeding conducted in anticipation of use in a court proceeding shall be considered the personal property and private work product of the certified shorthand reporter.

2. An audio or video recording of a certified shorthand reporter appointed under section 602.6603 shall be provided to the presiding judge or chief judge for an in camera review upon court order for good cause shown.

3. *a.* An audio or video recording of a certified shorthand reporter shall be provided to the board upon request by the board if a disciplinary proceeding is pending regarding the certified shorthand reporter who is a respondent under the provisions of section 602.3203 or the rules of the board of examiners of shorthand reporters, Iowa court rules, ch. 46.

b. The audio and video recordings provided to the board pursuant to this subsection shall be kept confidential by the board in a manner as provided in section 272C.6, subsection 4.

DIVISION IV

NONCONTRACT ATTORNEY APPOINTMENT

Sec. 8. NONCONTRACT ATTORNEY APPOINTMENT. For the fiscal

year beginning July 1, 2023, and ending June 30, 2024, a court shall not appoint a noncontract attorney under section 815.10, subsection 3, without the noncontract attorney's consent.

DIVISION V

CONTRACTING AUTHORITY

Sec. 9. NEW SECTION. **602.1209A State court administrator may contractually limit vendor liability.**

1. The state court administrator may authorize the procurement of goods and services in which a contractual limitation of vendor liability is provided for and set forth in the documents initiating the procurement.

2. *a.* The state court administrator shall consider all of the following criteria when determining whether to permit a contractual limitation of vendor liability with regard to any procurement of goods or services:

(1) Whether authorizing a contractual limitation of vendor liability is necessary to prevent harm to the state from a failure to obtain the goods or services sought, or from obtaining the goods or services at a higher price if the state refuses to allow a contractual limitation of vendor liability.

(2) Whether the contractual limitation of vendor liability is commercially reasonable when taking into account any risk to the state created by the goods or services to be procured and the purpose for which they will be used.

b. The state court administrator may consider additional criteria.

3. Notwithstanding subsection 1, a contractual limitation of vendor liability shall not include any limitation on the liability of any vendor for intentional torts, criminal acts, or fraudulent conduct.