SENATE FILE 2436
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 3203)

(As Amended and Passed by the Senate April 18, 2024)
ALL New Language by the Senate

A BILL FOR

An Act relating to and making appropriations to the judicial branch, including by modifying the judicial retirement fund, and including effective date provisions.

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

DIVISION I

FY 2024-2025 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, 2024, and ending June 30, 2025, 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, 2024; and maintenance, equipment, and miscellaneous purposes:

..... $201,018,878

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 $25,000 may be used for purposes of training.

(2) 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 within thirty days of the date on which the annual census data is released.

(3) 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.

(4) 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.

(5) 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.

(6) Of the moneys appropriated in this lettered paragraph, an amount not to exceed the actual cost of the annual membership fee 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.

(7) Notwithstanding section 8.33, moneys appropriated in this lettered paragraph that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that begins July 1, 2027.

d. For juvenile delinquent graduated sanctions services pursuant to section 232.192:

..... $ 12,253,000

(1) 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) Notwithstanding section 8.33, moneys appropriated in this lettered paragraph that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that begins July 1, 2027.

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 and department of management 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 and department of management by January 1, 2025, 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, 2023,

and ending June 30, 2024, and the plans for expenditures from each fund during the fiscal year beginning July 1, 2024, and ending June 30, 2025.

Sec. 2. CIVIL TRIALS —— LOCATION. Notwithstanding any provision to the contrary, for the fiscal year beginning July 1, 2024, and ending June 30, 2025, 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, 2024, and ending June 30, 2025, 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 this division of this Act for the fiscal year beginning July 1, 2024, and ending June 30, 2025, 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, 2024, and ending June 30, 2025.

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

1. The salary rates specified in subsection 2 are for the fiscal year beginning July 1, 2024, effective for the pay period beginning June 21, 2024, and for subsequent fiscal years until otherwise provided by the general assembly. The salaries provided for in this section shall be paid from moneys appropriated to the judicial branch pursuant to this division of this Act or any other Act of the general assembly.

2. The following annual salary rates shall be paid to the persons holding the judicial positions indicated during the fiscal year beginning July 1, 2024, effective with the pay period beginning June 21, 2024, and for subsequent pay periods:

a. Chief justice of the supreme court:

..... $ 205,911

b. Each justice of the supreme court:

..... $ 196,692

c. Chief judge of the court of appeals:

..... $ 184,400

d. Each associate judge of the court of appeals:

..... $ 178,253

e. Each chief judge of a judicial district:

..... $ 172,106

f. Each district judge except the chief judge of a judicial district:

..... $ 165,959

g. Each district associate judge:

..... $ 147,520

h. Each associate juvenile judge:

..... $ 147,520

i. Each associate probate judge:

..... $ 147,520

j. Each judicial magistrate:

..... $ 45,484

k. Each senior judge:

..... $ 9,834

3. Persons receiving salary rates established under this section shall not receive any additional salary adjustments provided by this division of this Act or any other Act of the general assembly.

Sec. 7. EFFECTIVE DATE. The section of this division of this Act enacting salaries for state court justices, judges, and magistrates takes effect June 21, 2024.

DIVISION II

JUDICIAL RETIREMENT FUND

Sec. 8. Section 602.9104, Code 2024, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. Any change to the required contribution rate shall be shared between judges and the state in the same proportion as the required contribution rate.

Sec. 9. Section 602.9104, subsection 4, Code 2024, is amended to read as follows:

4. As used in this section, unless the context otherwise requires:

~~*a. "Actuarial valuation" means an actuarial valuation of the judicial retirement system or an annual actuarial update of an actuarial valuation, as required pursuant to section 602.9116.*~~

~~*b. "Fully funded status" means that the most recent actuarial valuation reflects that the funded status of the system is at least one hundred percent, based upon the benefits provided for judges through the judicial retirement system as of July 1, 2006.*~~

~~*c.*~~ *"Judge's required contribution"* means an amount equal to the basic salary of the judge multiplied by the ~~following applicable percentage:~~

~~(1) For the fiscal year beginning July 1, 2008, and ending June 30, 2009, seven and seven-tenths percent.~~

~~(2) For the fiscal year beginning July 1, 2009, and ending June 30, 2010, eight and seven-tenths percent.~~

~~(3) For the fiscal year beginning July 1, 2010, and for each subsequent fiscal year until the system attains fully funded status, nine and thirty-five hundredths percent.~~

~~(4) Commencing with the first fiscal year in which the system attains fully funded status, and for each subsequent fiscal year, the percentage rate equal to forty percent of the required contribution~~ percentage rate equal to thirty-five percent of the required contribution rate.

~~*d.*~~ *b.* *"Required contribution rate"* means that percentage of the basic salary of all judges covered under this article equal to the actuarially required contribution rate determined by the actuary pursuant to section 602.9116. The required contribution rate shall not vary by more than one percentage point from the required contribution rate for the prior fiscal year.

~~*e.*~~ *c.* *"State's required contribution"* means an amount equal to the basic salary of all judges covered under this article multiplied by the ~~following applicable percentage:~~

~~(1) For the fiscal year beginning July 1, 2008, and for each subsequent fiscal year until the system attains fully funded status, thirty and six-tenths percent.~~

~~(2) Commencing with the first fiscal year in which the system attains fully funded status, and for each subsequent fiscal year, the percentage rate equal to sixty percent of the required contribution~~ percentage rate equal to sixty-five percent of the required contribution rate.