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## BUDGET UNIT BRIEF – FY 2019

Fiscal Services Division

August 15, 2018



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Ground Floor, State Capitol Building

Des Moines, Iowa 50319

515.281.3566

## Court Costs

### Background

Iowa Code section 7D.10 provides that if sufficient funds for court costs have not been appropriated to a department, or if other nonappropriated funds are not available for such purposes within the budget of a department, the Executive Council may authorize payment from a General Fund standing unlimited appropriation. These costs relate to any legal proceeding brought by or against any State agency in which the State is a party or has involvement.

The funds from this appropriation are generally used for legal fees and expert witness fees. The legal fees are paid to law firms that represent the State in cases where the Attorney General is disqualified from participating. These provisions are governed by Iowa Code section 13.3, which specifies that if the Attorney General is disqualified from appearing in any legal proceeding, the Executive Council is authorized to appoint a qualified replacement. This Iowa Code section also stipulates that funds are to be appropriated from the General Fund to pay reasonable expenses for the person appointed by the Council. Iowa Code section 13.3 further requires that if the Governor or a department is represented by an attorney other than the Attorney General in a court proceeding, the court is required to review the fees charged to the State to determine if they are fair and reasonable. Additionally, the Executive Council is prohibited from authorizing reimbursement of attorney fees in excess of those determined by the court to be fair and reasonable.

### Funding

Appropriations for court costs approved by the Executive Council will vary from year to year. Since FY 2008, the amount expended from this appropriation has ranged from a low of \$21,000 in FY 2009 to a high of \$546,000 in FY 2012.

### Related Statutes and Administrative Rules

Iowa Code sections [7D.10](#) and [13.3](#)

### Budget Unit Number

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### More Information

Executive Council: [governor.iowa.gov/newsroom/executive-council-of-iowa](http://governor.iowa.gov/newsroom/executive-council-of-iowa)  
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