

SENATE/HOUSE FILE _____
BY (PROPOSED GOVERNOR BUDGET
BILL)

A BILL FOR

- 1 An Act relating to appropriations to the judicial branch, and
- 2 including effective date provisions.
- 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 2023, and ending June 30, 2024, the following amounts, 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 associate juvenile judges, associate probate judges, judicial
10 magistrates and staff, state court administrator, clerk of
11 the supreme court, district court administrators, clerks of
12 the district court, juvenile court officers, board of law
13 examiners, board of examiners of shorthand reporters, and
14 commission on judicial qualifications; receipt and disbursement
15 of child support payments; reimbursement of the auditor
16 of state for expenses incurred in completing audits of the
17 offices of the clerks of the district court during the fiscal
18 year beginning July 1, 2023; and maintenance, equipment, and
19 miscellaneous purposes:

20 \$192,565,779

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

26 \$ 3,600,000

27 c. For payment of expenses for court-ordered services
28 provided to juveniles who are under the supervision of juvenile
29 court services, which expenses are a charge upon the state
30 pursuant to section 232.141, subsection 4:

31 \$ 3,290,000

32 (1) Of the moneys appropriated in this lettered paragraph,
33 no more than \$1,556,000 is allocated to provide school-based
34 supervision of children under chapter 232, of which no more
35 than \$15,000 may be used for purposes of training. A portion

1 of the cost of each school-based liaison officer shall be paid
2 by the school district or other funding source as approved by
3 the chief juvenile court officer.

4 (2) Of the moneys appropriated in this lettered paragraph,
5 no more than \$748,000 is allocated for the payment of expenses
6 for court-ordered services provided to children who are under
7 the supervision of the department of health and human services,
8 which expenses are a charge upon the state pursuant to section
9 232.141, subsection 4.

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

16 (4) Notwithstanding chapter 232 or any other provision of
17 law to the contrary, a district or juvenile court shall not
18 order any service which is a charge upon the state pursuant
19 to section 232.141 if there are insufficient court-ordered
20 services moneys available in the district court or departmental
21 service area distribution amounts to pay for the service. The
22 chief juvenile court officer and the departmental service area
23 manager shall encourage use of the moneys appropriated in this
24 lettered paragraph such that there are sufficient moneys to pay
25 for all court-ordered services during the entire fiscal year.
26 The chief juvenile court officer shall attempt to anticipate
27 potential surpluses and shortfalls in the distribution amounts
28 and shall cooperatively request the state court administrator
29 to transfer moneys between the judicial districts' distribution
30 amounts as prudent.

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

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

5 (7) Of the moneys appropriated in this lettered paragraph,
6 \$17,000 is allocated to the judicial branch to support the
7 interstate commission for juveniles in accordance with the
8 interstate compact for juveniles as provided in section
9 232.173.

10 d. For juvenile delinquent graduated sanctions services
11 pursuant to section 232.192, as enacted in 2022 Iowa Acts,
12 chapter 1098, section 70:

13 \$ 12,253,000

14 Any state moneys saved as a result of efforts by juvenile
15 court services to earn a federal fund match pursuant to Tit.
16 IV-E of the federal Family First Prevention Services Act
17 of 2018, Pub. L. No. 115-123, for juvenile court services
18 administration is appropriated to the judicial branch for
19 juvenile delinquent graduated sanctions services.

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

26 3. The judicial branch shall submit monthly financial
27 statements to the legislative services agency and the
28 department of management containing all appropriated accounts
29 in the same manner as provided in the monthly financial status
30 reports and personal services usage reports of the department
31 of administrative services. The monthly financial statements
32 shall include a comparison of the dollars and percentage
33 spent of budgeted versus actual revenues and expenditures on
34 a cumulative basis for full-time equivalent positions and
35 dollars.

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

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

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

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

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

34 Sec. 2. CIVIL TRIALS — LOCATION. Notwithstanding any
35 provision to the contrary, for the fiscal year beginning July

1 1, 2023, and ending June 30, 2024, if all parties in a case
2 agree, a civil trial including a jury trial may take place in a
3 county contiguous to the county with proper jurisdiction, even
4 if the contiguous county is located in an adjacent judicial
5 district or judicial election district. If the trial is moved
6 pursuant to this section, court personnel shall treat the case
7 as if a change of venue occurred.

8 Sec. 3. TRAVEL REIMBURSEMENT. Notwithstanding section
9 602.1509, for the fiscal year beginning July 1, 2023, and
10 ending June 30, 2024, a judicial officer may waive travel
11 reimbursement for any travel outside the judicial officer's
12 county of residence to conduct official judicial business.

13 Sec. 4. JUDICIAL OFFICER — UNPAID LEAVE. Notwithstanding
14 the annual salary rates for judicial officers established by
15 2022 Iowa Acts, chapter 1145, section 6, for the fiscal year
16 beginning July 1, 2023, and ending June 30, 2024, the supreme
17 court may by order place all judicial officers on unpaid leave
18 status on any day employees of the judicial branch are placed
19 on temporary layoff status. The biweekly pay of the judicial
20 officers shall be reduced accordingly for the pay period in
21 which the unpaid leave date occurred in the same manner as
22 for noncontract employees of the judicial branch. Through
23 the course of the fiscal year, the judicial branch may use an
24 amount equal to the aggregate amount of salary reductions due
25 to the judicial officer unpaid leave days for any purpose other
26 than for judicial salaries.

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

32 Sec. 6. EFFECTIVE DATE. This Act, being deemed of immediate
33 importance, takes effect upon enactment.

34

EXPLANATION

35 The inclusion of this explanation does not constitute agreement with

1 the explanation's substance by the members of the general assembly.

2 This bill makes appropriations to the judicial branch.

3 The bill appropriates moneys from the general fund
4 of the state for FY 2023-2024 to the judicial branch for
5 salaries, receipt and disbursement of child support payments,
6 reimbursement of the auditor of state, maintenance, equipment,
7 miscellaneous purposes, deposit in the revolving fund created
8 pursuant to Code section 602.1302(3) for certain purposes,
9 payment of court-ordered juvenile services, and juvenile
10 delinquent graduated sanctions services.

11 The bill provides that a civil trial including a jury trial
12 may take place in a county contiguous to the county with proper
13 jurisdiction if all the parties in a case agree. If a trial
14 is moved to another county that is located in another judicial
15 district or judicial election district, the judicial officers
16 serving the judicial district or judicial election district
17 receiving the case shall preside over the case.

18 The bill permits a judicial officer to waive travel
19 reimbursement for any travel outside the judicial officer's
20 county of residence to conduct official business.

21 The bill allows a judicial officer to be placed on unpaid
22 leave on any day a court employee is required to furlough.
23 The bill provides that if a judicial officer is placed on
24 unpaid leave, the salary of the judicial officer shall be
25 reduced accordingly for the pay period in which the unpaid
26 leave occurred. The bill provides that the judicial branch
27 may use an amount equal to the aggregate amount of the salary
28 reductions due to judicial officer unpaid leave for any purpose
29 other than judicial salaries.

30 The bill states legislative intent that the judicial
31 branch utilize the Iowa communications network or other secure
32 electronic communications in lieu of traveling.

33 The bill takes effect upon enactment.