

MAR 17 2005
APPROPRIATIONS CALENDAR

HOUSE FILE 807
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HSB 275)

Passed House, Date 4-6-05 Passed Senate, Date _____
Vote: Ayes 60 Nays 40 Vote: Ayes _____ Nays _____
Approved Item Veto 6/14

A BILL FOR

1 An Act relating to and making appropriations to the judicial
2 branch, and providing an effective date.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HOUSE FILE 807

H-1258

- 1 Amend House File 807 as follows:
- 2 1. Page 2, lines 19 and 20, by striking the words
- 3 "operate in all ninety-nine counties and".

By R. OLSON of Polk

H-1258 FILED MARCH 30, 2005

HF 807

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TLSB 1090HV 81
jm/pj/5

1 JUDICIAL BRANCH

2 Section 1. JUDICIAL BRANCH.

3 1. There is appropriated from the general fund of the
4 state to the judicial branch for the fiscal year beginning
5 July 1, 2005, and ending June 30, 2006, the following amount,
6 or so much thereof as is necessary, to be used for the
7 purposes designated:

8 For salaries of supreme court justices, appellate court
9 judges, district court judges, district associate judges,
10 judicial magistrates and staff, state court administrator,
11 clerk of the supreme court, district court administrators,
12 clerks of the district court, juvenile court officers, board
13 of law examiners and board of examiners of shorthand reporters
14 and judicial qualifications commission, receipt and
15 disbursement of child support payments, reimbursement of the
16 auditor of state for expenses incurred in completing audits of
17 the offices of the clerks of the district court during the
18 fiscal year beginning July 1, 2005, and maintenance,
19 equipment, and miscellaneous purposes:
20 \$118,084,282

21 2. In addition to the funds appropriated in subsection 1,
22 there is appropriated from the general fund of the state to
23 the judicial branch for the fiscal year beginning July 1,
24 2004, and ending June 30, 2005, an amount not exceeding
25 \$600,000 to be used for administration and operations. The
26 funds appropriated in this subsection are contingent upon
27 receipt by the general fund of the state of an amount at least
28 equal to the expenditure amount from costs or attorney fees
29 awarded the state in settlement of its antitrust action
30 against Microsoft brought under chapter 553. However, if the
31 amounts received as a result of this settlement are in excess
32 of \$600,000, the excess amounts shall not be appropriated to
33 the judicial branch pursuant to this subsection.

34 3. The judicial branch, except for purposes of internal
35 processing, shall use the current state budget system, the

1 state payroll system, and the Iowa finance and accounting
2 system in administration of programs and payments for
3 services, and shall not duplicate the state payroll,
4 accounting, and budgeting systems.

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

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

18 6. It is the intent of the general assembly that the
19 offices of the clerks of the district court operate in all
20 ninety-nine counties and be accessible to the public as much
21 as is reasonably possible in order to address the relative
22 needs of the citizens of each county.

23 7. The judicial branch shall study the best practices and
24 efficiencies of each judicial district. In identifying the
25 most efficient judicial districts and the districts using best
26 practices, the judicial branch shall consider the average cost
27 to the judicial branch for processing each classification of
28 criminal offense or civil action and the overall number of
29 cases filed. The judicial branch shall file a report
30 regarding the study made and actions taken pursuant to this
31 subsection with the cochairpersons and ranking members of the
32 joint appropriations subcommittee on the justice system and to
33 the legislative services agency by December 15, 2005.

34 8. In addition to the requirements for transfers under
35 section 8.39, the judicial branch shall not change the

1 appropriations from the amounts appropriated to the judicial
2 branch in this Act, unless notice of the revisions is given
3 prior to their effective date to the legislative services
4 agency. The notice shall include information on the branch's
5 rationale for making the changes and details concerning the
6 workload and performance measures upon which the changes are
7 based.

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

16 10. The judicial branch shall provide a report to the
17 general assembly by January 1, 2006, concerning the amounts
18 received and expended from the enhanced court collections fund
19 created in section 602.1304 and the court technology and
20 modernization fund created in section 602.8108, subsection 5,
21 during the fiscal year beginning July 1, 2004, and ending June
22 30, 2005, and the plans for expenditures from each fund during
23 the fiscal year beginning July 1, 2005, and ending June 30,
24 2006. A copy of the report shall be provided to the
25 legislative services agency.

26 Sec. 2. JUDICIAL RETIREMENT FUND. There is appropriated
27 from the general fund of the state to the judicial retirement
28 fund for the fiscal year beginning July 1, 2005, and ending
29 June 30, 2006, the following amount, or so much thereof as is
30 necessary, to be used for the purpose designated:

31 Notwithstanding section 602.9104, for the state's
32 contribution to the judicial retirement fund in the amount of
33 9.7 percent of the basic salaries of the judges covered under
34 chapter 602, article 9:

35 \$ 2,039,664

HOUSE FILE 807

H-1324

1 Amend House File 807 as follows:

2 1. Page 1, line 25, by striking the words "for
3 administration and operations" and inserting the
4 following: "to enhance court technology".

5 2. Page 1, line 33, by inserting after the word
6 "subsection." the following: "Notwithstanding section
7 8.33, moneys appropriated in this subsection that
8 remain unencumbered or unobligated at the close of the
9 fiscal year shall not revert but shall remain
10 available for expenditure for the purposes designated
11 until expended."

By HORBACH of Tama

H-1324 FILED APRIL 5, 2005

HOUSE FILE 807

H-1327

1 Amend House File 807 as follows:

2 1. Page 1, by striking line 20 and inserting the
3 following:

4 "..... \$125,084,282"

By T. TAYLOR of Linn

H-1327 FILED APRIL 5, 2005

HOUSE FILE 807

BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY THE
HOUSE SUBCOMMITTEE ON
JUSTICE SYSTEM)

(As Amended and Passed by the House April 6, 2005)

Re- Passed House, Date 5-9-05 Passed Senate, Date 5-4-05
Vote: Ayes 96 Nays 1 Vote: Ayes 50 Nays 0
Passed HSE (3rd) Approved _____
5-20-05 96-0

A BILL FOR

1 An Act relating to and making appropriations to the judicial
2 branch, and providing an effective date.

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

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House Amendments _____

1 JUDICIAL BRANCH

2 Section 1. JUDICIAL BRANCH.

3 1. There is appropriated from the general fund of the
4 state to the judicial branch for the fiscal year beginning
5 July 1, 2005, and ending June 30, 2006, the following amount,
6 or so much thereof as is necessary, to be used for the
7 purposes designated:

8 For salaries of supreme court justices, appellate court
9 judges, district court judges, district associate judges,
10 judicial magistrates and staff, state court administrator,
11 clerk of the supreme court, district court administrators,
12 clerks of the district court, juvenile court officers, board
13 of law examiners and board of examiners of shorthand reporters
14 and judicial qualifications commission, receipt and
15 disbursement of child support payments, reimbursement of the
16 auditor of state for expenses incurred in completing audits of
17 the offices of the clerks of the district court during the
18 fiscal year beginning July 1, 2005, and maintenance,
19 equipment, and miscellaneous purposes:

20 \$118,084,282

21 2. In addition to the funds appropriated in subsection 1,
22 there is appropriated from the general fund of the state to
23 the judicial branch for the fiscal year beginning July 1,
24 2004, and ending June 30, 2005, an amount not exceeding
25 \$600,000 to be used to enhance court technology. The funds
26 appropriated in this subsection are contingent upon receipt by
27 the general fund of the state of an amount at least equal to
28 the expenditure amount from costs or attorney fees awarded the
29 state in settlement of its antitrust action against Microsoft
30 brought under chapter 553. However, if the amounts received
31 as a result of this settlement are in excess of \$600,000, the
32 excess amounts shall not be appropriated to the judicial
33 branch pursuant to this subsection. Notwithstanding section
34 8.33, moneys appropriated in this subsection that remain
35 unencumbered or unobligated at the close of the fiscal year

1 shall not revert but shall remain available for expenditure
2 for the purposes designated until expended.

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

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

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

22 6. It is the intent of the general assembly that the
23 offices of the clerks of the district court operate in all
24 ninety-nine counties and be accessible to the public as much
25 as is reasonably possible in order to address the relative
26 needs of the citizens of each county.

27 7. The judicial branch shall study the best practices and
28 efficiencies of each judicial district. In identifying the
29 most efficient judicial districts and the districts using best
30 practices, the judicial branch shall consider the average cost
31 to the judicial branch for processing each classification of
32 criminal offense or civil action and the overall number of
33 cases filed. The judicial branch shall file a report
34 regarding the study made and actions taken pursuant to this
35 subsection with the cochairpersons and ranking members of the

1 joint appropriations subcommittee on the justice system and to
2 the legislative services agency by December 15, 2005.

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

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

20 10. The judicial branch shall provide a report to the
21 general assembly by January 1, 2006, concerning the amounts
22 received and expended from the enhanced court collections fund
23 created in section 602.1304 and the court technology and
24 modernization fund created in section 602.8108, subsection 5,
25 during the fiscal year beginning July 1, 2004, and ending June
26 30, 2005, and the plans for expenditures from each fund during
27 the fiscal year beginning July 1, 2005, and ending June 30,
28 2006. A copy of the report shall be provided to the
29 legislative services agency.

30 Sec. 2. JUDICIAL RETIREMENT FUND. There is appropriated
31 from the general fund of the state to the judicial retirement
32 fund for the fiscal year beginning July 1, 2005, and ending
33 June 30, 2006, the following amount, or so much thereof as is
34 necessary, to be used for the purpose designated:

35 Notwithstanding section 602.9104, for the state's

1 contribution to the judicial retirement fund in the amount of
2 9.7 percent of the basic salaries of the judges covered under
3 chapter 602, article 9:

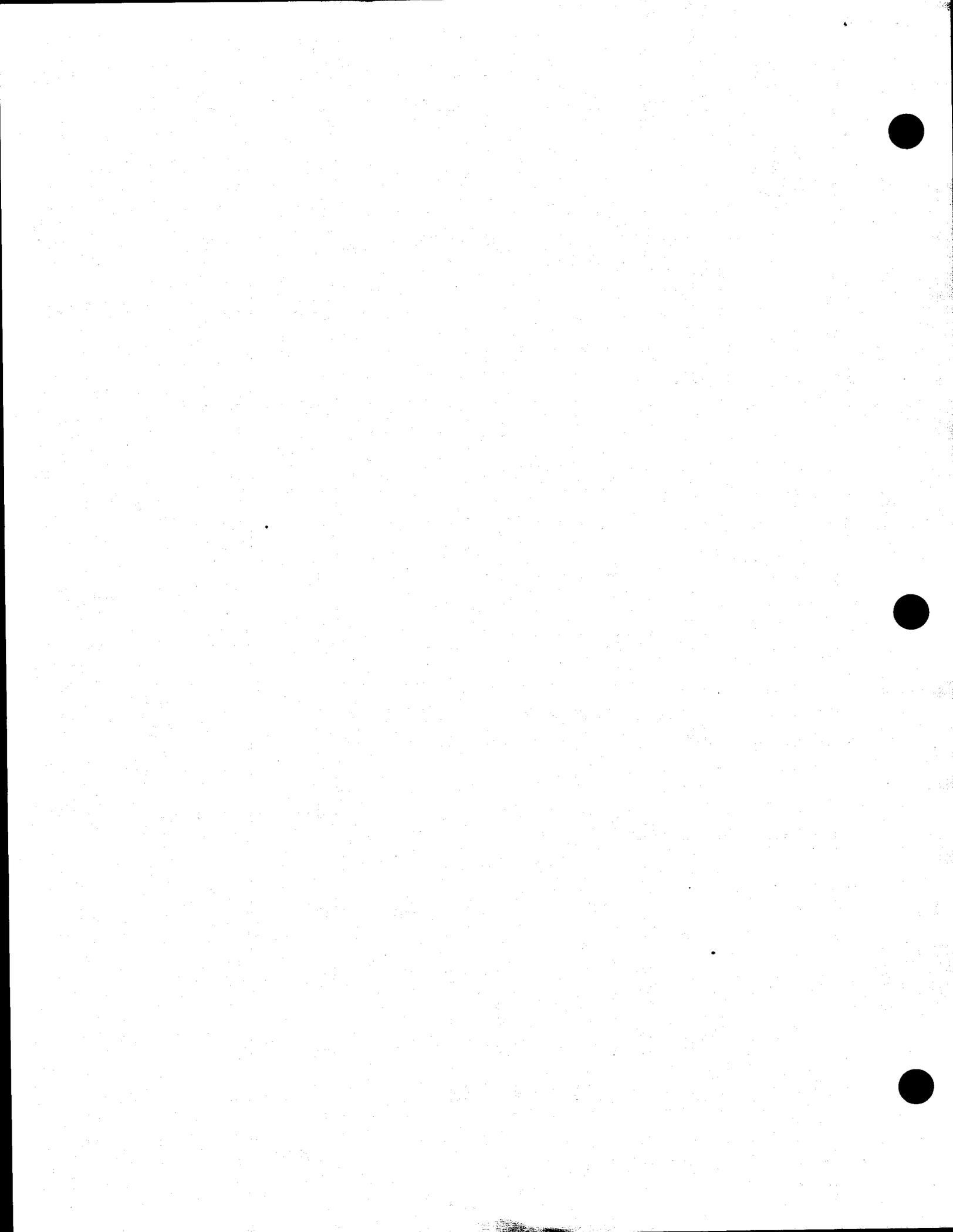
4 \$ 2,039,664

5 Sec. 3. APPOINTMENT OF CLERK OF COURT. The appointment of
6 a clerk of the district court shall not occur unless the state
7 court administrator approves the appointment.

8 Sec. 4. POSTING OF REPORTS IN ELECTRONIC FORMAT --
9 LEGISLATIVE SERVICES AGENCY. All reports or copies of reports
10 required to be provided by the judicial branch for fiscal year
11 2005-2006 to the legislative services agency shall be provided
12 in an electronic format. The legislative services agency
13 shall post the reports on its internet site and shall notify
14 by electronic means all the members of the joint
15 appropriations subcommittee on the justice system when a
16 report is posted. Upon request, copies of the reports may be
17 mailed to members of the joint appropriations subcommittee on
18 the justice system.

19 Sec. 5. EFFECTIVE DATE. The section of this Act
20 appropriating funds that are contingent upon the general fund
21 of the state receiving funds from the Microsoft settlement,
22 being deemed of immediate importance, takes effect upon
23 enactment.

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S-3216

1 Amend House File 807, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 4, by inserting after line 18 the
4 following:

5 "Sec. ____ . Section 602.9104, Code 2005, is amended
6 to read as follows:

7 602.9104 DEDUCTIONS FROM JUDGES' SALARIES --
8 CONTRIBUTIONS BY STATE.

9 1. a. A judge to whom this article applies shall
10 be paid an amount equal to ~~ninety-five percent~~ of the
11 basic salary of the judge as set by the general
12 assembly. ~~An~~ reduced by an amount equal to five
13 percent of the basic salary of the judge as set by the
14 general assembly is designated as the judge's required
15 contribution to the judicial retirement fund, and.
16 The amount designated as the judge's required
17 contribution shall be paid by the state in the manner
18 provided in subsection 2.

19 b. The state shall contribute annually to the
20 judicial retirement fund an amount equal to the
21 state's required contribution for all judges covered
22 under this article. The state's required contribution
23 shall be appropriated directly to the judicial
24 retirement fund by the general assembly.

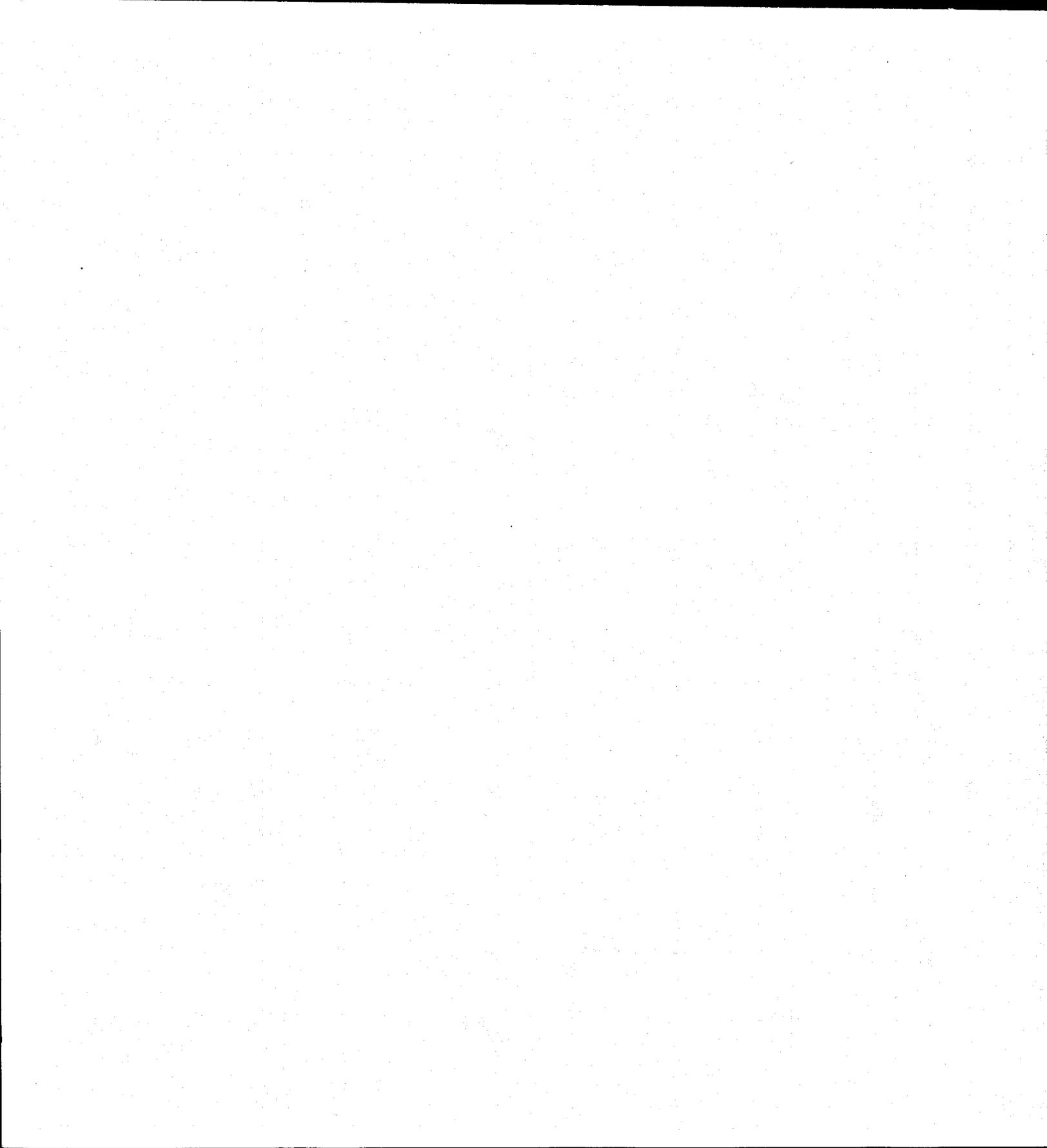
25 2. ~~The amount designated in subsection 1~~ as the
26 judge's required contribution to the judicial
27 retirement fund shall be paid by the department of
28 administrative services from the general fund of the
29 state to the court administrator for deposit with the
30 treasurer of state to the credit of the judicial
31 retirement fund. Moneys in the fund are appropriated
32 for the payment of annuities, refunds, and allowances
33 provided by this article, except that the amount of
34 the appropriations affecting payment of annuities,
35 refunds, and allowances to judges of the municipal and
36 superior court is limited to that part of the fund
37 accumulated for their benefit as provided in this
38 article. The corpus and income of the fund shall be
39 used only for the exclusive benefit of the judges
40 covered under this article, their survivors, or an
41 alternate payee who is assigned benefits pursuant to a
42 domestic relations order.

43 3. A judge covered under this article is deemed to
44 consent to the reduction in basic salary as provided
45 in subsection 1.

46 4. a. As used in this ~~subsection~~ section, unless
47 the context otherwise requires:

48 ~~(1)~~ a. "Actuarial valuation" means an actuarial
49 valuation of the judicial retirement system or an
50 annual actuarial update of an actuarial valuation, as

S-3216



1 required pursuant to section 602.9116.

2 ~~(2)~~ b. "Fully funded status" means that the most
3 recent actuarial valuation reflects that, using the
4 projected unit credit method in accordance with
5 generally recognized and accepted actuarial principles
6 and practices set forth by the American academy of
7 actuaries, the funded status of the system is at least
8 one hundred ninety percent, based upon the benefits
9 provided for judges through the judicial retirement
10 system as of July 1, 2005.

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

14 (1) For the fiscal year beginning July 1, 2005,
15 and for each subsequent fiscal year until the system
16 attains fully funded status, six percent multiplied by
17 a fraction equal to the actual percentage rate
18 contributed by the state for that fiscal year divided
19 by twenty-three and seven-tenths percent.

20 (2) Commencing with the first fiscal year in which
21 the system attains fully funded status, and for each
22 subsequent fiscal year, the percentage rate equal to
23 fifty percent of the required contribution rate.

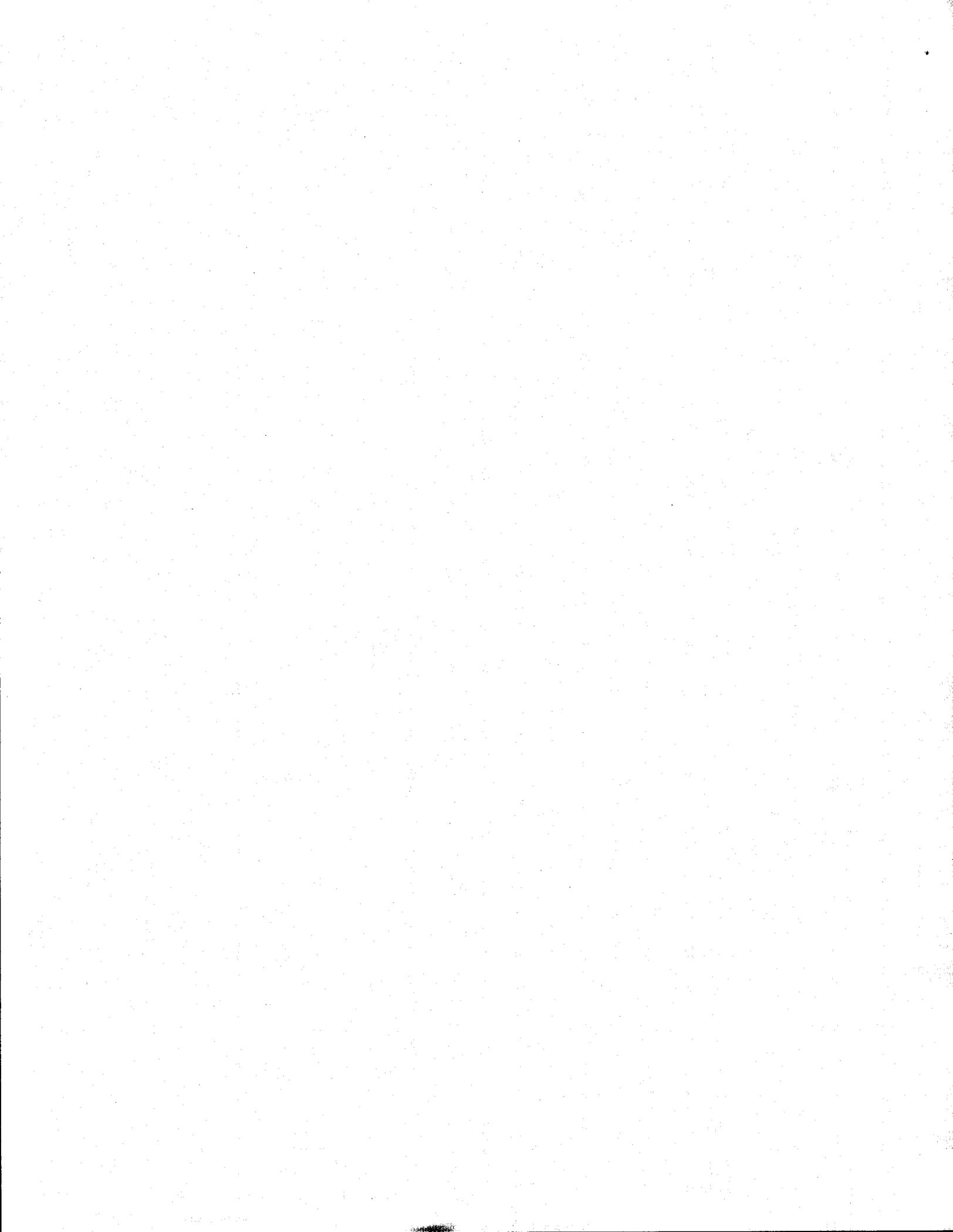
24 ~~(3)~~ d. "Required contribution rate" means that
25 percentage of the basic salary of all judges covered
26 under this article which, ~~in addition to the judge's~~
27 ~~contribution established in subsection 1,~~ the actuary
28 of the system determines is necessary, using the
29 projected unit credit method in accordance with
30 generally recognized and accepted actuarial principles
31 and practices set forth by the American academy of
32 actuaries, to maintain fully funded status amortize
33 the unfunded actuarial liability of the judicial
34 retirement system within twenty years.

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

39 (1) For the fiscal year beginning July 1, 2005,
40 and for each subsequent fiscal year until the system
41 attains fully funded status, twenty-three and seven-
42 tenths percent.

43 (2) Commencing with the first fiscal year in which
44 the system attains fully funded status, and for each
45 subsequent fiscal year, the percentage rate equal to
46 fifty percent of the required contribution rate.

47 ~~b. Effective with the fiscal year commencing July~~
48 ~~1, 1994, and for each subsequent fiscal year until the~~
49 ~~system attains fully funded status, based upon the~~
50 ~~benefits provided for judges through the judicial~~



~~1 retirement system as of July 1, 2001, the state shall
2 contribute annually to the judicial retirement fund an
3 amount equal to at least twenty-three and seven-
4 tenths percent of the basic salary of all judges
5 covered under this article. Commencing with the first
6 fiscal year in which the system attains fully funded
7 status, based upon the benefits provided for judges
8 through the judicial retirement system as of July 1,
9 2001, and for each subsequent fiscal year, the state
10 shall contribute to the judicial retirement fund the
11 required contribution rate. The state's contribution
12 shall be appropriated directly to the judicial
13 retirement fund.~~

14 Sec. _____. Section 602.9106, Code 2005, is amended
15 to read as follows:

16 602.9106 RETIREMENT.

17 Any person who shall have become separated from
18 service as a judge of any of the courts included in
19 this article and who has had an aggregate of at least
20 ~~six~~ four years of service as a judge of one or more of
21 such courts and shall have attained the age of sixty-
22 five years or who has had ~~twenty-five~~ twenty years of
23 consecutive service as a judge of one or more of said
24 courts and shall have attained the age of fifty years,
25 and who shall have otherwise qualified as provided in
26 this article, shall be entitled to an annuity as
27 hereinafter provided.

28 Sec. _____. Section 602.9107, subsection 1,
29 paragraph a, Code 2005, is amended to read as follows:

30 a. The annual annuity of a judge under this system
31 is an amount equal to three and one-fourth percent of
32 the judge's average annual basic salary for the
33 judge's highest three years as a judge of one or more
34 of the courts included in this article, multiplied by
35 the judge's years of service as a judge of one or more
36 of the courts for which contributions were made to the
37 system. However, an annual annuity shall not exceed
38 an amount equal to a specified percentage of the
39 highest basic annual salary which the judge is
40 receiving or had received as of the time the judge
41 became separated from service. Forfeitures shall not
42 be used to increase the annuities a judge or survivor
43 would otherwise receive under the system.

44 Sec. _____. Section 602.9107, subsection 1,
45 paragraph b, subparagraph (4), Code 2005, is amended
46 to read as follows:

47 (4) For judges who retire and receive an annuity
48 on or after July 1, 2001, but before July 1, 2005, the
49 specified percentage shall be sixty percent.

50 Sec. _____. Section 602.9107, subsection 1,

1 paragraph b, Code 2005, is amended by adding the
2 following new subparagraph:

3 NEW SUBPARAGRAPH. (5) For judges who retire and
4 receive an annuity on or after July 1, 2005, the
5 specified percentage shall be sixty-five percent.

6 Sec. _____. Section 602.9107C, subsection 1, Code
7 2005, is amended to read as follows:

8 1. A judge under this system who has at least ~~six~~
9 four years of service as a judge of any of the courts
10 included in this article and who was a member of the
11 Iowa public employees' retirement system as provided
12 in chapter 97B, but who was not retired under that
13 system, upon submitting verification of membership and
14 service in the Iowa public employees' retirement
15 system to the court administrator, including proof
16 that the judge has no further claim upon a retirement
17 benefit from that public system, may make
18 contributions as provided by this section to the
19 system either for the entire period of service in the
20 other public system, or for partial service in the
21 other public system in increments of one or more
22 calendar quarters, and receive credit for that service
23 under the system.

24 Sec. _____. Section 602.9108, Code 2005, is amended
25 to read as follows:

26 602.9108 INDIVIDUAL ACCOUNTS -- REFUNDING.

27 The amount designated as the judge's contribution
28 to the judicial retirement fund in section 602.9104,
29 ~~subsection 1,~~ and all amounts paid into the fund by a
30 judge shall be credited to the individual account of
31 the judge. If a judge covered under this article
32 becomes separated from service as a judge before the
33 judge completes an aggregate of ~~six~~ four years of
34 service as a judge of one or more of the courts, the
35 total amount in the judge's individual account shall
36 be returned to the judge or the judge's legal
37 representatives within one year of the separation. If
38 a judge, who is covered under this article and who has
39 completed an aggregate of ~~six~~ four years or more of
40 service as a judge of one or more of the courts, dies
41 before retirement, without a survivor, the total
42 amount in the judge's individual account shall be paid
43 in one sum to the judge's legal representatives within
44 one year of the judge's death. If an annuitant under
45 this section dies without a survivor, and without
46 having received in annuities an amount equal to the
47 total amount in the judge's individual account at the
48 time of separation from service, the amount remaining
49 to the annuitant's credit shall be paid in one sum to
50 the annuitant's legal representatives within one year

1 of the annuitant's death.
2 Sec. _____. Section 602.9112, Code 2005, is amended
3 to read as follows:
4 602.9112 VOLUNTARY RETIREMENT FOR DISABILITY.
5 Any judge of the supreme, district or municipal
6 court, including a district associate judge, or a
7 judge of the court of appeals, who shall have served
8 as a judge of one or more of such courts for a period
9 of ~~six~~ four years in the aggregate and who believes
10 the judge has become permanently incapacitated,
11 physically or mentally, to perform the duties of the
12 judge's office may personally or by the judge's next
13 friend or guardian file with the court administrator a
14 written application for retirement. The application
15 shall be filed in duplicate and accompanied by an
16 affidavit as to the duration and particulars of the
17 judge's service and the nature of the judge's
18 incapacity. The court administrator shall forthwith
19 transmit one copy of the application and affidavit to
20 the chief justice who shall request the attorney
21 general in writing to cause an investigation to be
22 made relative to the claimed incapacity and report
23 back the results thereof in writing. If the chief
24 justice finds from the report of the attorney general
25 that the applicant is permanently incapacitated,
26 physically or mentally, to perform the duties of the
27 applicant's office the chief justice shall by
28 endorsement thereon declare the applicant retired, and
29 the office vacant, and shall file the report in the
30 office of the court administrator, and a copy in the
31 office of the secretary of state. From the date of
32 such filing the applicant shall be deemed retired from
33 the applicant's office and entitled to the benefits of
34 this article to the same extent as if the applicant
35 had retired under the provisions of section 602.9106.

36 Sec. _____. Section 602.9115A, unnumbered paragraphs
37 1 and 3, Code 2005, are amended to read as follows:

38 In lieu of the annuities and refunds provided for
39 judges and judges' survivors under sections 602.9107,
40 ~~602.9107A~~, 602.9108, 602.9115, 602.9204, 602.9208, and
41 602.9209, judges may elect to receive an optional
42 retirement annuity during the judge's lifetime and
43 have the optional retirement annuity, or a designated
44 fraction of the optional retirement annuity, continued
45 and paid to the judge's survivor after the judge's
46 death and during the lifetime of the survivor.

47 The optional retirement annuity shall be the
48 actuarial equivalent of the amounts of the annuities
49 payable to judges and survivors under sections
50 602.9107, ~~602.9107A~~, 602.9115, 602.9204, 602.9208, and

1 602.9209. The actuarial equivalent shall be based on
2 the mortality and interest assumptions set out in
3 section 602.9107, subsection 3.

4 Sec. _____. Section 602.9116, subsection 1, Code
5 2005, is amended to read as follows:

6 1. The court administrator shall cause an
7 actuarial valuation to be made of the assets and
8 liabilities of the judicial retirement fund at least
9 once every four years commencing with the fiscal year
10 beginning July 1, 1981. For each fiscal year in which
11 an actuarial valuation is not conducted, the court
12 administrator shall cause an annual actuarial update
13 to be prepared for the purpose of determining the
14 adequacy of the contribution rates specified in
15 section 602.9104, ~~subsection 4~~. The court
16 administrator shall adopt mortality tables and other
17 necessary factors for use in the actuarial
18 calculations required for the valuation upon the
19 recommendation of the actuary. Following the
20 actuarial valuation or annual actuarial update, the
21 court administrator shall determine the condition of
22 the system and shall report its findings and
23 recommendations to the general assembly.

24 Sec. _____. Section 602.9203, subsection 2,
25 paragraph b, Code 2005, is amended to read as follows:

26 b. Meets the minimum requirements for entitlement
27 to an annuity as specified in section 602.9106.
28 However, a judge who elects to retire prior to
29 attaining the age of sixty-five and who has not had
30 ~~twenty-five~~ twenty years of consecutive service, may
31 serve as a senior judge, but shall not be paid an
32 annuity pursuant to section 602.9204 until attaining
33 age sixty-five.

34 Sec. _____. Section 602.9204, subsection 1, Code
35 2005, is amended to read as follows:

36 1. A judge who retires on or after July 1, 1994,
37 and who is appointed a senior judge under section
38 602.9203 shall be paid a salary as determined by the
39 general assembly. A senior judge or retired senior
40 judge shall be paid an annuity under the judicial
41 retirement system in the manner provided in section
42 602.9109, but computed under this section in lieu of
43 section 602.9107, as follows: The annuity paid to a
44 senior judge or retired senior judge shall be an
45 amount equal to ~~three percent~~ the applicable
46 percentage multiplier of the basic senior judge
47 salary, multiplied by the judge's years of service
48 prior to retirement as a judge of one or more of the
49 courts included under this article, for which
50 contributions were made to the system, except the

1 annuity of the senior judge or retired senior judge
2 shall not exceed an amount equal to the applicable
3 specified percentage of the basic senior judge salary
4 used in calculating the annuity. However, following
5 the twelve-month period during which the senior judge
6 or retired senior judge attains seventy-eight years of
7 age, the annuity paid to the person shall be an amount
8 equal to ~~three percent~~ the applicable percentage
9 multiplier of the basic senior judge salary cap,
10 multiplied by the judge's years of service prior to
11 retirement as a judge of one or more of the courts
12 included under this article, for which contributions
13 were made to the system, except that the annuity shall
14 not exceed an amount equal to the applicable specified
15 percentage of the basic senior judge salary cap. A
16 senior judge or retired senior judge shall not receive
17 benefits calculated using a basic senior judge salary
18 established after the twelve-month period in which the
19 senior judge or retired senior judge attains seventy-
20 eight years of age. The state shall provide,
21 regardless of age, to an active senior judge or a
22 senior judge with six years of service as a senior
23 judge and to the judge's spouse, and pay for medical
24 insurance until the judge attains the age of seventy-
25 eight years.

26 Sec. _____. Section 602.9204, subsection 2, Code
27 2005, is amended by adding the following new
28 paragraph:

29 NEW PARAGRAPH. 0a. "Applicable percentage
30 multiplier" means as follows:

31 (1) For a senior judge or retired senior judge who
32 retired as a judge and received an annuity prior to
33 July 1, 2005, three percent.

34 (2) For a senior judge or a retired senior judge
35 who retired as a judge and received an annuity on or
36 after July 1, 2005, three and one-fourth percent.

37 Sec. _____. Section 602.9107A, Code 2005, is
38 repealed."

39 2. Title page, line 2, by inserting after the
40 word "branch," the following: "relating to the
41 judicial retirement system,".

42 3. By renumbering as necessary.

By STEWART IVERSON, Jr.

S-3223

1 Amend House File 807, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, line 20, by striking the figure
4 "118,084,282" and inserting the following:
5 "118,404,282".

6 2. By striking page 1, line 21, through page 2,
7 line 2.

8 3. Page 4, by inserting after line 4 the
9 following:

10 "Sec. ____ . Section 602.6401, subsection 1, Code
11 2005, is amended to read as follows:

12 1. ~~One Two~~ hundred ~~ninety-one~~ six magistrates
13 shall be apportioned among the counties as provided in
14 this section. Magistrates appointed pursuant to
15 section 602.6402 shall not be counted for purposes of
16 this section.

17 Sec. ____ . NEW SECTION. 602.8102A NOTICES
18 RETURNED FOR UNKNOWN ADDRESS -- RESENDING.

19 Notwithstanding any other provision of the Code to
20 the contrary, and subject to rules prescribed by the
21 supreme court, if the clerk of the district court
22 sends a mailing or notice to a person or party and the
23 mailing or notice is returned by the postal service to
24 the clerk of the district court as undeliverable, the
25 clerk is not required to send a repeat or subsequent
26 mailing or notice unless the clerk receives an updated
27 mailing address.

28 Sec. ____ . Section 602.8105, subsection 2, Code
29 2005, is amended to read as follows:

30 2. The clerk of the district court shall collect
31 the following fees for miscellaneous services:

32 a. For filing, entering, and endorsing a
33 mechanic's lien, twenty dollars, and if a suit is
34 brought, the fee is taxable as other costs in the
35 action.

36 b. For filing and entering an agricultural supply
37 dealer's lien and any other statutory lien, twenty
38 dollars.

39 c. For a certificate and seal, ten dollars.
40 However, there shall be no charge for a certificate
41 and seal to an application to procure a pension,
42 bounty, or back pay for a member of the armed services
43 or other person.

44 d. For certifying a change in title of real
45 estate, twenty dollars.

46 e. For filing a praecipe to issue execution under
47 chapter 626, twenty-five dollars.

48 f. For filing a praecipe to issue execution under
49 chapter 654, fifty dollars.

50 g. For filing a confession of judgment under

S-3223

1 chapter 676, fifty dollars if the judgment is five
2 thousand dollars or less, and one hundred dollars if
3 the judgment exceeds five thousand dollars.

4 e- h. Other fees provided by law.

5 Sec. _____. Section 901.4, Code 2005, is amended to
6 read as follows:

7 901.4 PRESENTENCE INVESTIGATION REPORT

8 CONFIDENTIAL -- DISTRIBUTION.

9 The presentence investigation report is
10 confidential and the court shall provide safeguards to
11 ensure its confidentiality, including but not limited
12 to sealing the report, which may be opened only by
13 further court order. At least three days prior to the
14 date set for sentencing, the court shall ~~serve~~ send a
15 copy of all of the presentence investigation report
16 upon by ordinary or electronic mail, to the
17 defendant's attorney and the attorney for the state,
18 and the report shall remain confidential except upon
19 court order. However, the court may conceal the
20 identity of the person who provided confidential
21 information. The report of a medical examination or
22 psychological or psychiatric evaluation shall be made
23 available to the attorney for the state and to the
24 defendant upon request. The reports are part of the
25 record but shall be sealed and opened only on order of
26 the court. If the defendant is committed to the
27 custody of the Iowa department of corrections and is
28 not a class "A" felon, a copy of the presentence
29 investigation report shall be forwarded by ordinary or
30 electronic mail to the director with the order of
31 commitment by the clerk of the district court and to
32 the board of parole at the time of commitment.
33 Pursuant to section 904.602, the presentence
34 investigation report may also be released by ordinary
35 or electronic mail by the department of corrections or
36 a judicial district department of correctional
37 services to another jurisdiction for the purpose of
38 providing interstate probation and parole compact or
39 interstate compact for adult offender supervision
40 services or evaluations, or to a substance abuse or
41 mental health services provider when referring a
42 defendant for services. The defendant or the
43 defendant's attorney may file with the presentence
44 investigation report, a denial or refutation of the
45 allegations, or both, contained in the report. The
46 denial or refutation shall be included in the report.
47 If the person is sentenced for an offense which
48 requires registration under chapter 692A, the court
49 shall release the report by ordinary or electronic
50 mail to the department.

1 Sec. ____ . STUDY OF COURT RULES RELATING TO TRIBAL
2 COURTS. The general assembly acknowledges that
3 contact and interaction between the Iowa court system
4 and federally recognized tribal courts are ever
5 increasing and the general assembly urges the Iowa
6 supreme court to study this interaction and consider
7 developing and prescribing rules that relate to the
8 tribal court system, tribal court orders, judgments,
9 and decrees."

By ROBERT E. DVORSKY
JEFF ANGELO

HOUSE FILE 807

S-3227

1 Amend House File 807, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, line 5, by striking the word "amount"
4 and inserting the following: "amounts".

5 2. Page 1, line 8, by inserting before the word
6 "For" the following: "a."

7 3. Page 1, by inserting after line 20 the
8 following:

9 "b. For an initial grant to be determined by the
10 state court administrator, for the establishment of a
11 youth enrichment pilot project located in a county
12 with a population greater than three hundred thousand
13 that is involved in a public and private partnership
14 pursuing life skills, education, and mentoring
15 programs for offenders between the ages of sixteen and
16 twenty-two who have been charged with a felony:

17 \$ 100,000"

By JEFF LAMBERTI

S-3227 FILED MAY 3, 2005

S-3251

1 Amend House File 807, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 4, by inserting after line 4 the
4 following:

5 "Sec. ____ . Section 607A.8, Code 2005, is amended
6 to read as follows:

7 607A.8 FEES AND EXPENSES FOR JURORS.

8 Grand jurors and petit jurors in all courts shall
9 receive ten dollars as compensation for each day's
10 service or attendance, including attendance required
11 for the purpose of being considered for service,
12 reimbursement for mileage expenses at the rate
13 specified in section 602.1509 for each mile traveled
14 each day to and from their residences to the place of
15 service or attendance, and reimbursement for actual
16 expenses of parking, as determined by the clerk. The
17 supreme court may adopt rules that allow additional
18 compensation for jurors whose attendance and service
19 exceeds seven days. A juror who is a person with a
20 disability may receive reimbursement for the costs of
21 alternate transportation from the juror's residence to
22 the place of service or attendance. A juror shall not
23 receive reimbursement for mileage expenses or actual
24 expenses of parking when the juror travels in a
25 vehicle for which another juror is receiving
26 reimbursement for mileage and parking expenses."

By ROBERT E. DVORSKY

DAVID MILLER

JEFF ANGELO

EUGENE S. FRAISE

S-3251 FILED MAY 4, 2005

ADOPTED

**SENATE AMENDMENT TO
HOUSE FILE 807**

H-1629

1 Amend House File 807, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 5, by striking the word "amount"
4 and inserting the following: "amounts".
5 2. Page 1, line 8, by inserting before the word
6 "For" the following: "a."
7 3. Page 1, line 20, by striking the figure
8 "118,084,282" and inserting the following:
9 "118,404,282".
10 4. Page 1, by inserting after line 20 the
11 following:
12 "b. For an initial grant to be determined by the
13 state court administrator, for the establishment of a
14 youth enrichment pilot project located in a county
15 with a population greater than three hundred thousand
16 that is involved in a public and private partnership
17 pursuing life skills, education, and mentoring
18 programs for offenders between the ages of sixteen and
19 twenty-two who have been charged with a felony:
20 \$ 100,000"
21 5. By striking page 1, line 21, through page 2,
22 line 2.
23 6. Page 4, by inserting after line 4 the
24 following:
25 "Sec. _____. Section 602.6401, subsection 1, Code
26 2005, is amended to read as follows:
27 1. ~~One~~ Two hundred ~~ninety-one~~ six magistrates
28 shall be apportioned among the counties as provided in
29 this section. Magistrates appointed pursuant to
30 section 602.6402 shall not be counted for purposes of
31 this section.
32 Sec. _____. NEW SECTION. 602.8102A NOTICES
33 RETURNED FOR UNKNOWN ADDRESS -- RESENDING.
34 Notwithstanding any other provision of the Code to
35 the contrary, and subject to rules prescribed by the
36 supreme court, if the clerk of the district court
37 sends a mailing or notice to a person or party and the
38 mailing or notice is returned by the postal service to
39 the clerk of the district court as undeliverable, the
40 clerk is not required to send a repeat or subsequent
41 mailing or notice unless the clerk receives an updated
42 mailing address.
43 Sec. _____. Section 602.8105, subsection 2, Code
44 2005, is amended to read as follows:
45 2. The clerk of the district court shall collect
46 the following fees for miscellaneous services:
47 a. For filing, entering, and endorsing a
48 mechanic's lien, twenty dollars, and if a suit is
49 brought, the fee is taxable as other costs in the
50 action.

H-1629

- 1 b. For filing and entering an agricultural supply
- 2 dealer's lien and any other statutory lien, twenty
- 3 dollars.
- 4 c. For a certificate and seal, ten dollars.
- 5 However, there shall be no charge for a certificate
- 6 and seal to an application to procure a pension,
- 7 bounty, or back pay for a member of the armed services
- 8 or other person.
- 9 d. For certifying a change in title of real
- 10 estate, twenty dollars.
- 11 e. For filing a praecipe to issue execution under
- 12 chapter 626, twenty-five dollars.
- 13 f. For filing a praecipe to issue execution under
- 14 chapter 654, fifty dollars.
- 15 g. For filing a confession of judgment under
- 16 chapter 676, fifty dollars if the judgment is five
- 17 thousand dollars or less, and one hundred dollars if
- 18 the judgment exceeds five thousand dollars.

19 e. h. Other fees provided by law.

20 Sec. ____ . Section 901.4, Code 2005, is amended to

21 read as follows:

22 901.4 PRESENTENCE INVESTIGATION REPORT

23 CONFIDENTIAL -- DISTRIBUTION.

24 The presentence investigation report is

25 confidential and the court shall provide safeguards to

26 ensure its confidentiality, including but not limited

27 to sealing the report, which may be opened only by

28 further court order. At least three days prior to the

29 date set for sentencing, the court shall ~~serve~~ send a

30 copy of all of the presentence investigation report

31 upon by ordinary or electronic mail, to the

32 defendant's attorney and the attorney for the state,

33 and the report shall remain confidential except upon

34 court order. However, the court may conceal the

35 identity of the person who provided confidential

36 information. The report of a medical examination or

37 psychological or psychiatric evaluation shall be made

38 available to the attorney for the state and to the

39 defendant upon request. The reports are part of the

40 record but shall be sealed and opened only on order of

41 the court. If the defendant is committed to the

42 custody of the Iowa department of corrections and is

43 not a class "A" felon, a copy of the presentence

44 investigation report shall be forwarded by ordinary or

45 electronic mail to the director with the order of

46 commitment by the clerk of the district court and to

47 the board of parole at the time of commitment.

48 Pursuant to section 904.602, the presentence

49 investigation report may also be released by ordinary

50 or electronic mail by the department of corrections or

1 a judicial district department of correctional
2 services to another jurisdiction for the purpose of
3 providing interstate probation and parole compact or
4 interstate compact for adult offender supervision
5 services or evaluations, or to a substance abuse or
6 mental health services provider when referring a
7 defendant for services. The defendant or the
8 defendant's attorney may file with the presentence
9 investigation report, a denial or refutation of the
10 allegations, or both, contained in the report. The
11 denial or refutation shall be included in the report.
12 If the person is sentenced for an offense which
13 requires registration under chapter 692A, the court
14 shall release the report by ordinary or electronic
15 mail to the department.

16 Sec. ____ . STUDY OF COURT RULES RELATING TO TRIBAL
17 COURTS. The general assembly acknowledges that
18 contact and interaction between the Iowa court system
19 and federally recognized tribal courts are ever
20 increasing and the general assembly urges the Iowa
21 supreme court to study this interaction and consider
22 developing and prescribing rules that relate to the
23 tribal court system, tribal court orders, judgments,
24 and decrees."

25 7. Page 4, by inserting after line 4 the
26 following:

27 "Sec. ____ . Section 607A.8, Code 2005, is amended
28 to read as follows:

29 607A.8 FEES AND EXPENSES FOR JURORS.

30 Grand jurors and petit jurors in all courts shall
31 receive ten dollars as compensation for each day's
32 service or attendance, including attendance required
33 for the purpose of being considered for service,
34 reimbursement for mileage expenses at the rate
35 specified in section 602.1509 for each mile traveled
36 each day to and from their residences to the place of
37 service or attendance, and reimbursement for actual
38 expenses of parking, as determined by the clerk. The
39 supreme court may adopt rules that allow additional
40 compensation for jurors whose attendance and service
41 exceeds seven days. A juror who is a person with a
42 disability may receive reimbursement for the costs of
43 alternate transportation from the juror's residence to
44 the place of service or attendance. A juror shall not
45 receive reimbursement for mileage expenses or actual
46 expenses of parking when the juror travels in a
47 vehicle for which another juror is receiving
48 reimbursement for mileage and parking expenses."

49 8. By renumbering, relettering, or redesignating
50 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

HOUSE FILE 807

H-1637

1 Amend the Senate amendment, H-1629, to House File
2 807, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 1, by inserting after line 2 the
5 following:

6 "____. Page 1, by striking line 1."

7 2. Page 1, by striking lines 5 and 6.

8 3. Page 1, by striking lines 10 through 22.

9 4. By renumbering as necessary.

By HORBACH of Tama

H-1637 FILED MAY 9, 2005

ADOPTED

HOUSE AMENDMENT TO SENATE AMENDMENT TO
HOUSE FILE 807

S-3317

1 Amend the Senate amendment, H-1629, to House File
2 807, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 1, by inserting after line 2 the
5 following:

6 "____. Page 1, by striking line 1."

7 2. Page 1, by striking lines 5 and 6.

8 3. Page 1, by striking lines 10 through 22.

9 4. By renumbering as necessary.

RECEIVED FROM THE HOUSE

S-3317 FILED MAY 11, 2005

HORBACH - CH
WATTS
MILLER

Succeeded
SF 807

HSB 275

APPROPRIATIONS

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY HOUSE
APPROPRIATIONS SUBCOMMITTEE
ON JUSTICE SYSTEM)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to and making appropriations to the judicial
2 branch, and providing an effective date.

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

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JUDICIAL BRANCH

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, 2005, and ending June 30, 2006, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries of supreme court justices, appellate court judges, district court judges, district associate 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, 2005, and maintenance, equipment, and miscellaneous purposes:

..... \$118,084,282

2. In addition to the funds appropriated in subsection 1, there is appropriated from the general fund of the state to the judicial branch for the fiscal year beginning July 1, 2004, and ending June 30, 2005, an amount not exceeding \$600,000 to be used for administration and operations. The funds appropriated in this subsection are contingent upon receipt by the general fund of the state of an amount at least equal to the expenditure amount from costs or attorney fees awarded the state in settlement of its antitrust action against Microsoft brought under chapter 553. However, if the amounts received as a result of this settlement are in excess of \$600,000, the excess amounts shall not be appropriated to the judicial branch pursuant to this subsection.

3. The judicial branch, except for purposes of internal processing, shall use the current state budget system, the

1 state payroll system, and the Iowa finance and accounting
2 system in administration of programs and payments for
3 services, and shall not duplicate the state payroll,
4 accounting, and budgeting systems.

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

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

18 6. It is the intent of the general assembly that the
19 offices of the clerks of the district court operate in all
20 ninety-nine counties and be accessible to the public as much
21 as is reasonably possible in order to address the relative
22 needs of the citizens of each county.

23 7. The judicial branch shall study the best practices and
24 efficiencies of each judicial district. In identifying the
25 most efficient judicial districts and the districts using best
26 practices, the judicial branch shall consider the average cost
27 to the judicial branch for processing each classification of
28 criminal offense or civil action and the overall number of
29 cases filed. The judicial branch shall file a report
30 regarding the study made and actions taken pursuant to this
31 subsection with the cochairpersons and ranking members of the
32 joint appropriations subcommittee on the justice system and to
33 the legislative services agency by December 15, 2005.

34 8. In addition to the requirements for transfers under
35 section 8.39, the judicial branch shall not change the

1 appropriations from the amounts appropriated to the judicial
2 branch in this Act, unless notice of the revisions is given
3 prior to their effective date to the legislative services
4 agency. The notice shall include information on the branch's
5 rationale for making the changes and details concerning the
6 workload and performance measures upon which the changes are
7 based.

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

16 10. The judicial branch shall provide a report to the
17 general assembly by January 1, 2006, concerning the amounts
18 received and expended from the enhanced court collections fund
19 created in section 602.1304 and the court technology and
20 modernization fund created in section 602.8108, subsection 5,
21 during the fiscal year beginning July 1, 2004, and ending June
22 30, 2005, and the plans for expenditures from each fund during
23 the fiscal year beginning July 1, 2005, and ending June 30,
24 2006. A copy of the report shall be provided to the
25 legislative services agency.

26 Sec. 2. JUDICIAL RETIREMENT FUND. There is appropriated
27 from the general fund of the state to the judicial retirement
28 fund for the fiscal year beginning July 1, 2005, and ending
29 June 30, 2006, the following amount, or so much thereof as is
30 necessary, to be used for the purpose designated:

31 Notwithstanding section 602.9104, for the state's
32 contribution to the judicial retirement fund in the amount of
33 9.7 percent of the basic salaries of the judges covered under
34 chapter 602, article 9:

35 \$ 2,039,664

June 14, 2005

The Honorable Chester Culver
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit **House File 807**, an Act relating to and making appropriations to the judicial branch, and providing an effective date.

House File 807 is approved on this date, with the following exception, which I hereby disapprove:

I am unable to approve the item designated as **Section 11** in its entirety. This section deals with a reference to a contingent appropriation from the Microsoft settlement and would have it be effective upon enactment. The language making the contingent appropriation was removed during session, thereby making this section unnecessary.

For the above reasons, I respectfully disapprove this item in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in **House File 807** are hereby approved as of this date.

Sincerely,

Thomas J. Vilsack
Governor

TJV:jmc

cc: Secretary of the Senate
Chief Clerk of the House

HOUSE FILE 807

AN ACT
RELATING TO AND MAKING APPROPRIATIONS TO THE JUDICIAL BRANCH,
AND PROVIDING AN EFFECTIVE DATE.

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

JUDICIAL BRANCH

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, 2005, and ending June 30, 2006, 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, 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, 2005, and maintenance, equipment, and miscellaneous purposes:
..... \$118,404,282

b. For an initial grant to be determined by the state court administrator, for the establishment of a youth enrichment pilot project located in a county with a population greater than three hundred thousand that is involved in a public and private partnership pursuing life skills, education, and mentoring programs for offenders between the ages of sixteen and twenty-two who have been charged with a felony:

..... \$ 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 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 ninety-nine 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.

6. The judicial branch shall study the best practices and efficiencies of each judicial district. In identifying the most efficient judicial districts and the districts using best practices, the judicial branch shall consider the average cost to the judicial branch for processing each classification of criminal offense or civil action and the overall number of cases filed. The judicial branch shall file a report regarding the study made and actions taken pursuant to this subsection with the cochairpersons and ranking members of the joint appropriations subcommittee on the justice system and to the legislative services agency by December 15, 2005.

7. 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 Act, unless notice of the revisions is given prior to their effective date to the legislative services agency. The notice shall include information on the branch's rationale for making the changes and details concerning the workload and performance measures upon which the changes are based.

8. 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.

9. The judicial branch shall provide a report to the general assembly by January 1, 2006, concerning the amounts received and expended from the enhanced court collections fund created in section 602.1304 and the court technology and

modernization fund created in section 602.8108, subsection 5, during the fiscal year beginning July 1, 2004, and ending June 30, 2005, and the plans for expenditures from each fund during the fiscal year beginning July 1, 2005, and ending June 30, 2006. A copy of the report shall be provided to the legislative services agency.

Sec. 2. JUDICIAL RETIREMENT FUND. There is appropriated from the general fund of the state to the judicial retirement fund for the fiscal year beginning July 1, 2005, and ending June 30, 2006, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

Notwithstanding section 602.9104, for the state's contribution to the judicial retirement fund in the amount of 9.7 percent of the basic salaries of the judges covered under chapter 602, article 9:

..... \$ 2,039,664

Sec. 3. Section 602.6401, subsection 1, Code 2005, is amended to read as follows:

1. ~~One~~ Two hundred ninety-one ~~six~~ magistrates shall be apportioned among the counties as provided in this section. Magistrates appointed pursuant to section 602.6402 shall not be counted for purposes of this section.

Sec. 4. NEW SECTION. 602.8102A NOTICES RETURNED FOR UNKNOWN ADDRESS -- RESENDING.

Notwithstanding any other provision of the Code to the contrary, and subject to rules prescribed by the supreme court, if the clerk of the district court sends a mailing or notice to a person or party and the mailing or notice is returned by the postal service to the clerk of the district court as undeliverable, the clerk is not required to send a repeat or subsequent mailing or notice unless the clerk receives an updated mailing address.

Sec. 5. Section 602.8105, subsection 2, Code 2005, is amended to read as follows:

2. The clerk of the district court shall collect the following fees for miscellaneous services:

a. For filing, entering, and endorsing a mechanic's lien, twenty dollars, and if a suit is brought, the fee is taxable as other costs in the action.

b. For filing and entering an agricultural supply dealer's lien and any other statutory lien, twenty dollars.

c. For a certificate and seal, ten dollars. However, there shall be no charge for a certificate and seal to an application to procure a pension, bounty, or back pay for a member of the armed services or other person.

d. For certifying a change in title of real estate, twenty dollars.

e. For filing a praecipe to issue execution under chapter 626, twenty-five dollars.

f. For filing a praecipe to issue execution under chapter 654, fifty dollars.

g. For filing a confession of judgment under chapter 676, fifty dollars if the judgment is five thousand dollars or less, and one hundred dollars if the judgment exceeds five thousand dollars.

e- h. Other fees provided by law.

Sec. 6. Section 901.4, Code 2005, is amended to read as follows:

901.4 PRESENTENCE INVESTIGATION REPORT CONFIDENTIAL -- DISTRIBUTION.

The presentence investigation report is confidential and the court shall provide safeguards to ensure its confidentiality, including but not limited to sealing the report, which may be opened only by further court order. At least three days prior to the date set for sentencing, the court shall serve send a copy of all of the presentence investigation report upon by ordinary or electronic mail, to the defendant's attorney and the attorney for the state, and

the report shall remain confidential except upon court order. However, the court may conceal the identity of the person who provided confidential information. The report of a medical examination or psychological or psychiatric evaluation shall be made available to the attorney for the state and to the defendant upon request. The reports are part of the record but shall be sealed and opened only on order of the court. If the defendant is committed to the custody of the Iowa department of corrections and is not a class "A" felon, a copy of the presentence investigation report shall be forwarded by ordinary or electronic mail to the director with the order of commitment by the clerk of the district court and to the board of parole at the time of commitment. Pursuant to section 904.602, the presentence investigation report may also be released by ordinary or electronic mail by the department of corrections or a judicial district department of correctional services to another jurisdiction for the purpose of providing interstate probation and parole compact or interstate compact for adult offender supervision services or evaluations, or to a substance abuse or mental health services provider when referring a defendant for services. The defendant or the defendant's attorney may file with the presentence investigation report, a denial or refutation of the allegations, or both, contained in the report. The denial or refutation shall be included in the report. If the person is sentenced for an offense which requires registration under chapter 692A, the court shall release the report by ordinary or electronic mail to the department.

Sec. 7. STUDY OF COURT RULES RELATING TO TRIBAL COURTS. The general assembly acknowledges that contact and interaction between the Iowa court system and federally recognized tribal courts are ever increasing and the general assembly urges the Iowa supreme court to study this interaction and consider developing and prescribing rules that relate to the tribal court system, tribal court orders, judgments, and decrees.

Sec. 8. Section 607A.8, Code 2005, is amended to read as follows:

607A.8 FEES AND EXPENSES FOR JURORS.

Grand jurors and petit jurors in all courts shall receive ten dollars as compensation for each day's service or attendance, including attendance required for the purpose of being considered for service, reimbursement for mileage expenses at the rate specified in section 602.1509 for each mile traveled each day to and from their residences to the place of service or attendance, and reimbursement for actual expenses of parking, as determined by the clerk. The supreme court may adopt rules that allow additional compensation for jurors whose attendance and service exceeds seven days. A juror who is a person with a disability may receive reimbursement for the costs of alternate transportation from the juror's residence to the place of service or attendance. A juror shall not receive reimbursement for mileage expenses or actual expenses of parking when the juror travels in a vehicle for which another juror is receiving reimbursement for mileage and parking expenses.

Sec. 9. APPOINTMENT OF CLERK OF COURT. The appointment of a clerk of the district court shall not occur unless the state court administrator approves the appointment.

Sec. 10. POSTING OF REPORTS IN ELECTRONIC FORMAT -- LEGISLATIVE SERVICES AGENCY. All reports or copies of reports required to be provided by the judicial branch for fiscal year 2005-2006 to the legislative services agency shall be provided in an electronic format. The legislative services agency shall post the reports on its internet site and shall notify by electronic means all the members of the joint appropriations subcommittee on the justice system when a report is posted. Upon request, copies of the reports may be mailed to members of the joint appropriations subcommittee on the justice system.

Sec. 11. EFFECTIVE DATE. The section of this Act appropriating funds that are contingent upon the general fund of the state receiving funds from the Microsoft settlement, being deemed of immediate importance, takes effect upon enactment.

CHRISTOPHER C. RANTS
Speaker of the House

JOHN P. KIBBIE
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 807, Eighty-first General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Item Veto
Approved 6/14 2005

THOMAS J. VILSACK
Governor