



KIM REYNOLDS
GOVERNOR

OFFICE OF THE GOVERNOR

ADAM GREGG
LT GOVERNOR

June 17, 2022

The Honorable Paul Pate
Secretary of State of Iowa
State Capitol
Des Moines, Iowa 50319

Dear Mr. Secretary,

I hereby transmit House File 2558, an Act relating to appropriations to the judicial branch.

House File 2558 is approved on this date with the exception of sections 7 and 8.

Sections 7 and 8 would have made minor changes to Iowa's district judicial nominating commissions. Each commission currently has eleven members: five appointed by the Governor, five elected by resident lawyers of the district, and one district court judge—the longest-serving in the district. The senior judge also serves as chair of the commission. Section 8 would have eliminated the requirement that the senior judge automatically serves as chair of the commission. Instead, each commission would be tasked with electing a chair from its own membership.

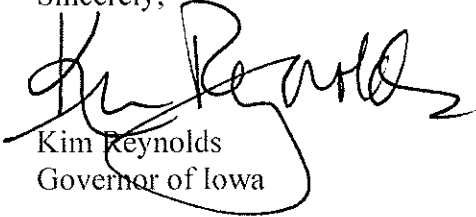
District court judges play a highly influential role on Iowa's district judicial nominating commissions. Just recently, I was required to take the extraordinary action of restarting a selection process due to the poor behavior of one particular district court judge during a meeting of a commission. The judge's conduct was so egregious that the House of Representatives later authorized its judiciary committee to open an investigation into the judge's conduct. I share the House's concern of the judge's alleged improper influence over other commission members. And I agree with those federal judges that have recently recognized that involving judges in the selection process at all raises serious judicial ethics concerns and should thus be avoided.

But section 8 does not resolve these serious concerns about the undue influence of judges on district court commissions. And I am unconvinced that section 8 would lead to any meaningful change. Judges would remain as members on each commission and would likely continue to be elected to serve as chair. Any other result would create an uncomfortable dynamic for all other commissioners—especially the elected lawyers who regularly practice in front of that judge and have a reasonable interest in fostering that relationship.

Section 7 would amend the sex-balance requirement for governor-appointed commissioners by replacing a simple-majority requirement with a one-half requirement. But a governor appoints five members to each commission—not six. Section 7 therefore would have created an impossibility in appointing any fifth commissioner and should not be enacted.

For these reasons, I respectfully disapprove House File 2558 in part, only as specified above, in accordance with Article III, Section 16, of the Constitution of the State of Iowa. The remainder of House File 2558 not disapproved as stated herein is approved on this date.

Sincerely,



Kim Reynolds
Governor of Iowa

cc: Secretary of the Senate
Clerk of the House



House File 2558

AN ACT

RELATING TO APPROPRIATIONS TO THE JUDICIAL BRANCH.

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

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, 2022, and ending June 30, 2023, 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, 2022; and maintenance, equipment, and miscellaneous purposes:

..... \$190,100,550

From the moneys appropriated in this paragraph, the judicial branch shall fund the appointment of four new district associate judge positions and the associated support staff.

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

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

based.

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

8. The judicial branch shall provide a report to the general assembly by January 1, 2023, 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, 2021, and ending June 30, 2022, and the plans for expenditures from each fund during the fiscal year beginning July 1, 2022, and ending June 30, 2023.

Sec. 2. CIVIL TRIALS — LOCATION. Notwithstanding any provision to the contrary, for the fiscal year beginning July 1, 2022, and ending June 30, 2023, 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, 2022, and ending June 30, 2023, 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 Act for the fiscal year beginning July 1, 2022, and ending June 30, 2023, 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, 2022, and ending June 30, 2023.

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

1. The salary rates specified in subsection 2 are for the fiscal year beginning July 1, 2022, effective for the pay period beginning June 24, 2022, and for subsequent fiscal years until otherwise provided by the general assembly. The salaries provided for in this section shall be paid from moneys allocated to the judicial branch from the salary adjustment fund, or if the allocation is not sufficient, from moneys appropriated to the judicial branch pursuant to 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, 2022, effective with the pay period beginning June 24, 2022, and for subsequent pay periods:

a. Chief justice of the supreme court:	
.....	\$ 196,106
b. Each justice of the supreme court:	
.....	\$ 187,326
c. Chief judge of the court of appeals:	
.....	\$ 175,619
d. Each associate judge of the court of appeals:	
.....	\$ 169,765
e. Each chief judge of a judicial district:	
.....	\$ 163,910
f. Each district judge except the chief judge of a judicial district:	
.....	\$ 158,056
g. Each district associate judge:	
.....	\$ 140,495
h. Each associate juvenile judge:	

.....	\$	140,495
i. Each associate probate judge:		
.....	\$	140,495
j. Each judicial magistrate:		
.....	\$	43,318
k. Each senior judge:		
.....	\$	9,366

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

W ~~Sec. 7. Section 46.3, subsection 3, Code 2022, is amended to read as follows:~~

~~3. No more than a simple majority half of the commissioners appointed shall be of the same gender.~~

~~Sec. 8. Section 46.6, subsection 2, Code 2022, is amended to read as follows:~~

~~2. The judge of longest service in the district shall serve as the chair of a particular on the district judicial nominating commission. If the judges of longest service in the district are of equal service, the eldest of such judges shall be chairperson of the particular serve on the judicial nominating commission. The commissioners of the district judicial nominating commission shall elect a chairperson from their own number. The chairperson shall serve a two year term that expires on April 30 of even-numbered years. A commissioner may be reelected for a second or third term as chairperson. If a chairperson of a judicial nominating commission desires to be relieved of the duties of chairperson while retaining the status of commissioner, the chairperson shall notify the governor and the other commissioners of the commission. At the next meeting of the commission, the commissioners shall elect a new chairperson for the remainder of the two-year term.~~ *VR*

Sec. 9. Section 602.1301, subsection 2, paragraph b, Code 2022, is amended to read as follows:

b. Before December 1, the supreme court shall submit to the director of the department of management an estimate of the total expenditure requirements of the judicial branch.

The director of the department of management shall submit this estimate received from the supreme court to the governor ~~for inclusion without change in the governor's proposed budget for the succeeding fiscal year.~~ The estimate shall also be submitted to the chairpersons of the committees on appropriations.

Sec. 10. Section 602.9116, Code 2022, is amended by adding the following new subsection:

NEW SUBSECTION. 3. The court administrator shall submit to the general assembly a copy of each actuarial valuation and annual actuarial update.



PAT GRASSLEY

Speaker of the House


JAKE CHAPMAN

President of the Senate

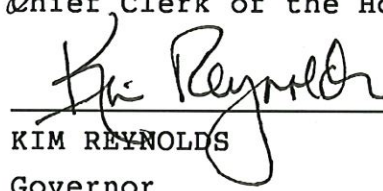
I hereby certify that this bill originated in the House and is known as House File 2558, Eighty-ninth General Assembly.


MEGHAN NELSON

Chief Clerk of the House

Approved June 17th, 2022

With exceptions NOTED


KIM REYNOLDS

Governor