

Drive in Clear Lake. Lottery funds were appropriated last year for a similar project in neighboring Ventura but this use of Road Use Tax Funds appear illegal. While this road borders a state park, it is not wholly within the boundaries of the park as required in Iowa Code Section 306.1, subsection 2, paragraph k.

I am unable to approve the item designated as Section 17, in its entirety. This section would unnecessarily limit the transfer of appropriations between programs or functions. While I do not anticipate the need for such transfers, this section could seriously infringe upon the executive branch's ability to manage the department.

I am unable to approve the item designated as Section 21, in its entirety. This item requires the Department of Transportation to post "keep right except to pass" signs on uphill traffic lanes. This would be a departure from the nationally accepted standards recommended by the Federal Highway Administration. Additionally, requiring vehicles to change lanes unnecessarily creates the opportunity for accidents and during winter months the left-hand lanes are plowed and sanded first.

I am unable to approve the item designated as Section 22, in its entirety. It is unnecessary to put into law a requirement to have the state of Iowa, in conjunction with other states, initiate a lawsuit against the United States Department of Transportation. The executive branch should weigh the merits of such an action before proceeding.

I am unable to approve the item designated as Section 33, in its entirety. This section creates a standing unlimited appropriation from the Use Tax receipts to retain independent legal counsel to defend the state against suits arising out of appropriations made from the Road Use Tax Fund. The Attorney General is required to defend the state on issues of this nature. Therefore, the retention of independent legal counsel is both expensive and unnecessary.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2402 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD, *Governor*

CHAPTER 1268

**CORRECTIONS, COURTS, AND JUSTICE DEPARTMENT
APPROPRIATIONS AND PROVISIONS
S.F. 2408**

AN ACT relating to and making appropriations to the justice system and providing effective dates.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1.

There is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the general office of attorney general for salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	4,705,733
.....	FTEs	166.00

2. Prosecuting attorney training program for salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	188,400
.....	FTEs	3.00

3. Prosecuting intern program; however, counties participating in the prosecuting intern program shall match funds appropriated by this subsection:

.....	\$	44,955
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4. In addition to the funds appropriated under subsection 1, there is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 1990, and ending June 30, 1991, an amount not exceeding \$95,000 to be used for the enforcement of the Iowa competition law under chapter 553. The expenditure of the funds appropriated under this subsection is contingent upon receipt by the general fund of the state of an amount at least equal to either the expenditures from damages awarded to the state or a political subdivision of the state by a civil judgment under chapter 553, if the judgment authorizes the use of the award for enforcement purposes or costs or attorneys fees awarded the state in state or federal antitrust actions.

5. In addition to funds appropriated under subsection 1, there is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 1990, and ending June 30, 1991, an amount not exceeding \$50,000 to be used for public education relating to consumer fraud and for enforcement of section 714.16 and \$25,000 for the attorney general's task force on fraud against older Iowans to be used for investigation, prosecution, and consumer education relating to consumer and criminal fraud against older persons. The expenditure of the funds appropriated under this subsection is contingent upon receipt by the general fund of the state of an amount at least equal to the expenditures from funds awarded to the state or a political subdivision of the state by a civil consumer fraud judgment or settlement, if the judgment or settlement authorizes the use of the award for public education on consumer fraud. Notwithstanding section 8.33, funds received in a previous fiscal year which have not been expended shall be credited to this fiscal year.

6. For the farm mediation service program:

.....	\$	200,000
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7. For the legal assistance for farmers program:

.....	\$	225,000
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8. For victim assistance grants:

.....	\$	540,000
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As a condition, limitation, and qualification of this appropriation, \$440,000 shall be used to provide grants to care providers providing services to crime victims of domestic abuse, and \$100,000 shall be used to provide grants to care providers providing services to crime victims of rape and sexual assault.

9. The balance of the fund created under section 321J.17 may be used to provide salary and support of not more than 6 FTE positions, to provide maintenance for the victim compensation functions of the department of justice.

Sec. 2.

There is appropriated from the utilities trust fund to the office of consumer advocate of the department of justice for the fiscal year beginning July 1, 1990 and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	2,049,789
.....	FTEs	32.00

The office of consumer advocate may expend additional funds, including funds for outside consultants, if those additional expenditures are actual expenses which exceed the funds budgeted for utilities investigations and directly result from investigations of utilities. Before the office expends or encumbers an amount in excess of the funds budgeted for investigations,

the director of the department of management shall approve the expenditure or encumbrance. Before approval is given, the director of the department of management shall determine that the investigation expenses exceed the funds budgeted by the general assembly to the office of consumer advocate and that the office does not have other funds from which investigation expenses can be paid. Upon approval of the director of the department of management, the office may expend and encumber funds for excess investigation expenses. The amounts necessary to fund the excess investigation expenses shall be collected from those utilities being investigated which caused the excess expenditures, and the collections shall be treated as repayment receipts as defined in section 8.2, subsection 5.

Sec. 3.

There is appropriated from the general fund of the state to the board of parole for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	837,536
.....	FTEs	20.00

As a condition, limitation, and qualification of this appropriation the board of parole shall create an automated docket, shall automate the board's risk assessment model, and shall employ a victim registration coordinator.

As a condition, limitation, and qualification of the appropriation the board of parole shall employ 2 statistical research analysts to assist with the application of the risk assessment model in the parole decision-making process. The board of parole shall also require the board's administrative staff to begin cross-training of the staff to assure that each individual on that staff is familiar with all tasks performed by the staff.

It is the intent of the general assembly that the department of corrections and the board of parole shall review, and implement as necessary, the findings and recommendations contained in the final report prepared by the consultant and presented to the corrections system review task force which was established by 1988 Iowa Acts, chapter 1271, as they relate to the department of corrections and the board of parole. The board shall report to the justice system appropriations subcommittee during the 1991 legislative session, at the request of the subcommittee, steps taken to implement any of those recommendations, or the reasons for failing to implement such recommendations.

Sec. 4.

There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the operation of adult correctional institutions, to be allocated as follows:

a. For the operation of the Fort Madison correctional facility, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	20,398,056
.....	FTEs	501.50

As a condition, limitation, and qualification of this appropriation, the facility shall employ 310 correctional officers, and an additional counselor.

b. For the operation of the Anamosa correctional facility, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	15,171,304
.....	FTEs	355.00

(1) As a condition, limitation, and qualification of this appropriation, the facility shall employ 211 correctional officers, a part-time chaplain of a minority race, and 2 additional nurses.

(2) Of the funds appropriated, the department's budget for Anamosa shall include funding for 2 full-time substance abuse counselors for the Luster Heights facility, for the purpose of certification of a substance abuse program at that facility.

(3) It is the intent of the general assembly that the department of corrections and the department of personnel shall cooperate to employ the additional correctional officers for the Anamosa facility by July 1, 1990.

c. For the operation of the Oakdale correctional facility, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	10,689,482
.....	FTEs	258.50

As a condition, limitation, and qualification of this appropriation, the facility shall employ 132.40 correctional officers and shall employ 3 additional staff for the purposes of compliance with the joint commission on the accreditation of health care organization standards.

d. For the operation of the Newton correctional facility, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	3,114,302
.....	FTEs	71.00

As a condition, limitation, and qualification of this appropriation, the facility shall employ 28 correctional officers and an additional nurse.

e. For the operation of the Mt. Pleasant correctional facility, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	10,933,204
.....	FTEs	267.15

As a condition, limitation, and qualification of this appropriation, the facility shall employ 141 correctional officers, and a full-time chaplain to provide religious counseling at the Oakdale and Mt. Pleasant correctional facilities, an additional nurse, and an additional 8.50 full-time equivalent positions to maintain a licensed substance abuse program.

f. For the operation of the Rockwell City correctional facility, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	2,993,389
.....	FTEs	73.00

As a condition, limitation, and qualification of this appropriation, the facility shall employ 39 correctional officers and an additional 4 positions to establish a substance abuse treatment program and a sex offender program.

g. For the operation of the Clarinda correctional facility, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	4,451,237
.....	FTEs	118.30

As a condition, limitation, and qualification of this appropriation, the facility shall employ 68 correctional officers and 2 nurses.

h. For the operation of the Mitchellville correctional facility, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	3,679,450
.....	FTEs	97.00

As a condition, limitation, and qualification of this appropriation, the facility shall employ 54 correctional officers and an additional 5.5 full-time equivalent positions for a substance abuse treatment program.

*Item veto; see message at end of the Act

2. The department of corrections shall provide a report to the co-chairpersons and ranking members of the justice system appropriations subcommittee and the legislative fiscal bureau on or before January 15, 1991, outlining the implementation of the centralized education program at the institutions. The report shall include a listing of the educational institutions that are involved, the amount of any federal funds received for use with these programs, and any other pertinent information.

3. If the inmate tort claim fund for inmate claims of less than \$50 is exhausted during the fiscal year, sufficient funds shall be transferred from the institutional budgets to pay approved tort claims for the balance of the fiscal year. The warden or superintendent of each institution or correctional facility shall designate an employee to receive, investigate, and recommend whether to pay any properly filed inmate tort claim for less than the above amount. The designee's recommendation shall be approved or denied by the warden or superintendent and forwarded to the department of corrections for final approval and payment. The amounts appropriated to this fund pursuant to 1987 Iowa Acts, chapter 234, section 304, subsection 2, are not subject to reversion under section 8.33.

Tort claims denied at the institution shall be forwarded to the state appeal board for their consideration as if originally filed with that body. This procedure shall be used in lieu of chapter 25A for inmate tort claims of less than \$50.

Sec. 5.

There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For general administration, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	2,145,174
.....	FTEs	42.52

As a condition, limitation, and qualification of this appropriation the department shall employ an education director and clerk to administer a centralized education program for institutions. The department is authorized to implement the condition contained in this paragraph immediately upon enactment.

The department shall monitor the use of the classification model by the judicial district departments and has the authority to override a district department's decision regarding classification of community-based clients. The department shall notify a district department of the reasons for the override.

The department of corrections shall submit a monthly county jail report to the legislative fiscal bureau containing the information submitted to the department by the county sheriffs pursuant to section 356.49.

The department of corrections shall report to the legislative fiscal bureau on a monthly basis the current number of persons placed on probation or released on parole residing within this state and supervised pursuant to the interstate probation and parole compact.

It is the intent of the general assembly that the department of human services shall continue to provide for the mailing of vendor warrants for the department of corrections.

2. For reimbursement of counties for temporary confinement of work release and parole violators, as provided in sections 246.908, 901.7, and 906.17:

.....	\$	215,000
3. For federal prison reimbursement and miscellaneous contracts:		
.....	\$	360,000

The department of corrections shall use funds appropriated by this subsection to continue to contract for the service of a Muslim imam.

4. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions at the correctional training center at Mt. Pleasant:

.....	\$	366,476
.....	FTEs	8.22

*Item veto; see message at end of the Act

As a condition, limitation, and qualification of this appropriation, the training center shall employ 2 additional trainers.

5. For annual payment relating to the financial arrangement for the construction of expansion in prison capacity as provided in 1989 Iowa Acts, chapter 316, section 7, subsection 6: \$ 625,860

Sec. 6.

There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amounts, or so much thereof as is necessary, to be allocated as follows:

1. For the first judicial district department of correctional services, the following amount, or so much thereof as is necessary:

a. For salaries, support, maintenance, and miscellaneous purposes: \$ 4,320,847

b. For additional funding of the intensive supervision program and for not more than the following full-time equivalent positions: \$ 55,328 FTEs 1.66

*c. For additional funding for minimum staffing in field services and for not more than the following full-time equivalent positions: \$ 296,103 FTEs 10.00

d. For contracting for aptitude and job-related interest assessment, career exploration, the individualized employability development plan, and job placement with a private entity which is not controlled or administered by any state agency or any political subdivision of the state, and which has a minimum of fifteen years of service experience with offender and ex-offender populations: \$ 90,000*

e. For continued funding of the treatment alternatives to street crime program: \$ 53,519

f. For the job development grant program established in House File 772** enacted during the 1989 session of the general assembly: \$ 77,733

The district department shall continue the intensive supervision program established within the district in 1988 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph "a", and the sex offender treatment program established within the district in 1989 Iowa Acts, chapter 316, section 8, subsection 1, paragraph "a".

The district department of correctional services, in cooperation with the chief judge of the judicial district, shall develop a plan to divert low-risk offenders to the least restrictive sanction available. The plan shall be designed to take into consideration the impact upon the local communities within the district. The plan shall be implemented by October 1, 1990. The district shall report to the joint justice system appropriations subcommittee and to the department of corrections by October 1, 1990, including the types of proposed diversion programs and the number of offenders likely to be diverted to the lowest sanction available.

2. For the second judicial district department of correctional services, the following amount, or so much thereof as is necessary:

a. For salaries, support, maintenance, and miscellaneous purposes: \$ 3,208,365

*Item veto; see message at end of the Act
**Chapter 316, 1989 Iowa Acts

b. For replacement of federal funds for a job development program and for not more than the following full-time equivalent positions:

.....	\$	99,505
.....	FTEs	3.00

*c. For additional funding for residential minimum staffing and for not more than the following full-time equivalent positions:

.....	\$	242,696
.....	FTEs	8.53

d. For additional funding for minimum staffing in field services and for not more than the following full-time equivalent positions:

.....	\$	305,319
.....	FTEs	8.02*

e. For continued funding of the treatment alternatives to street crime program:

.....	\$	85,333
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The district department shall continue the sex offender program established within the district in 1988 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph "b".

The district department of correctional services, in cooperation with the chief judge of the judicial district, shall develop a plan to divert low-risk offenders to the least restrictive sanction available. The plan shall be designed to take into consideration the impact upon the local communities within the district. The plan shall be implemented by October 1, 1990. The district shall report to the joint justice system appropriations subcommittee and to the department of corrections by October 1, 1990, including the types of proposed diversion programs and the number of offenders likely to be diverted to the lowest sanction available.

3. For the third judicial district department of correctional services, the following amount, or so much thereof as is necessary:

a. For salaries, support, maintenance, and miscellaneous purposes:

.....	\$	1,932,014
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b. For staffing 25 additional beds authorized during the 1989 session of the general assembly and for not more than the following full-time equivalent positions:

.....	\$	18,278
.....	FTEs	.50

*c. For additional funding for minimum staffing in field services:

.....	\$	76,303
.....	FTEs	2.07*

d. For funding of the intensive supervision program and for not more than the following full-time equivalent positions:

.....	\$	62,327
.....	FTEs	1.58

e. For continued funding of the treatment alternatives to street crime program:

.....	\$	38,567
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The district department shall continue the sex offender program established within the district in 1988 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph "c".

The district department of correctional services, in cooperation with the chief judge of the judicial district, shall develop a plan to divert low-risk offenders to the least restrictive sanction available. The plan shall be designed to take into consideration the impact upon the local communities within the district. The plan shall be implemented by October 1, 1990. The district shall report to the joint justice system appropriations subcommittee and to the department of corrections by October 1, 1990, including the types of proposed diversion programs and the number of offenders likely to be diverted to the lowest sanction available.

4. For the fourth judicial district department of correctional services, the following amount, or so much thereof as is necessary:

a. For salaries, support, maintenance, and miscellaneous purposes:

.....	\$	1,816,247
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*Item veto; see message at end of the Act

b. For continued funding of the treatment alternatives to street crime program:
 \$ 42,158

The district department shall continue the sex offender program established within the district in 1988 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph "d".

The district department of correctional services, in cooperation with the chief judge of the judicial district, shall develop a plan to divert low-risk offenders to the least restrictive sanction available. The plan shall be designed to take into consideration the impact upon the local communities within the district. The plan shall be implemented by October 1, 1990. The district shall report to the joint justice system appropriations subcommittee and to the department of corrections by October 1, 1990, including the types of proposed diversion programs and the number of offenders likely to be diverted to the lowest sanction available.

5. For the fifth judicial district department of correctional services, the following amount, or so much thereof as is necessary:

a. For salaries, support, maintenance, and miscellaneous purposes:
 \$ 5,468,203

b. For additional funding of the intensive supervision program and for not more than the following full-time equivalent positions:

..... \$ 410,348
 FTEs 6.26

**c. For funding a tactical unit to be established within the district and for not more than the following full-time equivalent positions:*

..... \$ 86,294
 FTEs 2.00*

d. For continued funding of the treatment alternatives to street crime program:
 \$ 109,182

The district department shall continue the intensive supervision program established within the district in 1988 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph "e".

The district department of correctional services, in cooperation with the chief judge of the judicial district, shall develop a plan to divert low-risk offenders to the least restrictive sanction available. The plan shall be designed to take into consideration the impact upon the local communities within the district. The plan shall be implemented by October 1, 1990. The district shall report to the joint justice system appropriations subcommittee and to the department of corrections by October 1, 1990, including the types of proposed diversion programs and the number of offenders likely to be diverted to the lowest sanction available.

6. For the sixth judicial district department of correctional services, the following amount, or so much thereof as is necessary:

a. For salaries, support, maintenance, and miscellaneous purposes:
 \$ 3,982,335

**b. For additional funding for minimum staffing in field services and for not more than the following full-time equivalent positions:*

..... \$ 609,228
 FTEs 16.79*

c. For additional funding of the intensive supervision program and for not more than the following full-time equivalent positions:

..... \$ 179,814
 FTEs 3.49

d. For staffing of additional new beds at the Cedar Rapids residential facility as authorized during the 1989 session of the general assembly and for not more than the following full-time equivalent positions:

..... \$ 337,733
 FTEs 7.70

e. For establishment of a home work release program within the district and for not more than the following full-time equivalent positions:

..... \$ 68,432
 FTEs 2.00

*Item veto; see message at end of the Act

- f. For continued funding of the treatment alternatives to street crime program: \$ 35,100
- g. For the job development grant program established in House File 772* enacted during the 1989 session of the general assembly: \$ 77,733

The district department shall continue the intensive supervision program established within the district in 1988 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph "f", and shall continue the sex offender program established within the district in 1989 Iowa Acts, chapter 316, section 8, subsection 1, paragraph "f".

The district department of correctional services, in cooperation with the chief judge of the judicial district, shall develop a plan to divert low-risk offenders to the least restrictive sanction available. The plan shall be designed to take into consideration the impact upon the local communities within the district. The plan shall be implemented by October 1, 1990. The district shall report to the joint justice system appropriations subcommittee and to the department of corrections by October 1, 1990, including the types of proposed diversion programs and the number of offenders likely to be diverted to the lowest sanction available.

7. For the seventh judicial district department of correctional services, the following amount, or so much thereof as is necessary:

- a. For salaries, support, maintenance, and miscellaneous purposes: \$ 3,227,824

***b. For additional funding for minimum staffing in field services and for not more than the following full-time equivalent positions:*

- \$ 260,003
- FTEs 8.83**

c. For additional funding of the intensive supervision program and for not more than the following full-time equivalent positions:

- \$ 57,131
- FTEs 1.00

- d. For continued funding of the treatment alternatives to street crime program: \$ 55,890

e. For funding to continue to contract for job development with a private entity which is not controlled or administered by any state agency or any political subdivision of the state, and which has a minimum of 15 years of service experience with offender and ex-offender populations:

- \$ 90,000

The district department shall continue the intensive supervision program established within the district in 1988 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph "g", and shall continue the intensive supervision program established within the district for sex offenders and other high-risk clients, and the sex offender treatment program established within the district in 1989 Iowa Acts, chapter 316, section 8, subsection 1, paragraph "g".

The district department of correctional services, in cooperation with the chief judge of the judicial district, shall develop a plan to divert low-risk offenders to the least restrictive sanction available. The plan shall be designed to take into consideration the impact upon the local communities within the district. The plan shall be implemented by October 1, 1990. The district shall report to the joint justice system appropriations subcommittee and to the department of corrections by October 1, 1990, including the types of proposed diversion programs and the number of offenders likely to be diverted to the lowest sanction available.

8. For the eighth judicial district department of correctional services, the following amount, or so much thereof as is necessary:

- a. For salaries, support, maintenance, and miscellaneous purposes: \$ 1,699,249

***b. For additional funding for minimum staffing in field services and for not more than the following full-time equivalent positions:*

- \$ 299,190
- FTEs 8.40

*Chapter 316, 1989 Iowa Acts

**Item veto; see message at end of the Act

c. For additional funding for residential minimum staffing and for not more than the following full-time equivalent positions:

.....	\$	43,384
.....	FTEs	1.23*

d. For staffing of additional new beds at the Ottumwa facility authorized during the 1989 session of the general assembly and for not more than the following full-time equivalent positions:

.....	\$	570,035
.....	FTEs	13.28

e. For continued funding of the treatment alternatives to street crime program:

.....	\$	61,979
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f. For the job development grant program established in House File 772** enacted during the 1989 session of the general assembly:

.....	\$	77,733
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g. For funding to continue to contract for job development with a private entity which is not controlled or administered by any state agency or any political subdivision of the state, and which has a minimum of 15 years of service experience with offender and ex-offender populations:

.....	\$	90,000
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The district department shall continue the intensive supervision program established within the district in 1988 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph "h", and shall continue the sex offender program established within the district in 1989 Iowa Acts, chapter 316, section 8, subsection 1, paragraph "h".

The district department of correctional services, in cooperation with the chief judge of the judicial district, shall develop a plan to divert low-risk offenders to the least restrictive sanction available. The plan shall be designed to take into consideration the impact upon the local communities within the district. The plan shall be implemented by October 1, 1990. The district shall report to the joint justice system appropriations subcommittee and to the department of corrections by October 1, 1990, including the types of proposed diversion programs and the number of offenders likely to be diverted to the lowest sanction available.

9. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amounts, or so much thereof as is necessary:

a. For the assistance and support of each judicial district department of correctional services:

.....	\$	201,798
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b. For additional funding of the intensive supervision programs in conjunction with electronic monitoring established within the districts and for not more than the following full-time equivalent positions:

.....	\$	85,272
.....	FTEs	1.37

c. For additional funding for the treatment alternatives to street crimes program and for not more than the following full-time equivalent positions:

.....	\$	150,180
.....	FTEs	4.25

*d. For funding of the pilot projects to reduce revocations to prison:

.....	\$	200,000
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As a condition, limitation, and qualification of this appropriation, the department of corrections shall administer pilot projects to reduce revocation rates to prison. Each district shall submit a proposal to the central office and grants will be awarded on a competitive basis pursuant to criteria established by the department. The districts are to develop a range of sanctions within the local communities intended to reduce the revocations to prison. All districts are eligible to participate, but awards are not required to be made to all districts. The department shall submit a report to the joint justice system appropriations subcommittee and the legislative fiscal bureau by December 1, 1990, which is to include the identification of districts

*Item veto; see message at end of the Act

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receiving the grants, the dollar amount of each grant, program description upon which each grant was based, and the projected outcomes on the revocation rate to prison.

As a condition, limitation, and qualification of the additional amounts appropriated to the departments of correctional services and the department of corrections for the intensive supervision program, the department of corrections shall cooperate with the board of parole in developing a plan of early release under the intensive supervision program for additional persons in an effort to assist in controlling the prison population and assuring prison space for the confinement of offenders whose release would be detrimental to the citizens of this state. The department and the board shall report to the legislative fiscal bureau on a monthly basis concerning the implementation of this plan, including the number of inmates released under the intensive supervision program.*

10. The department of corrections shall not make an intradepartmental transfer of moneys appropriated to the department, unless notice of the intradepartmental transfer is given prior to its effective date to the legislative fiscal bureau. The notice shall include information on the department's rationale for making the transfer and details concerning the workload and performance measures upon which the transfers are based.

11. The department of corrections shall report to the legislative fiscal bureau on a monthly basis the current expenditures and full-time equivalent positions of the department's various allocations with a comparison of actual to budgeted expenditures and full-time equivalent positions.

The department of corrections shall use the department of management's budget system in developing the budget information for the eight district departments of correctional services, and each of the district departments shall be treated as a separate budget unit with each program modality classified as a separate organization code.

The department shall furnish performance measure data designed to enable comparison of this data with historical spending information, and shall assist the legislative fiscal bureau in developing information to be used in legislative oversight of all programs operated by the department.

12. The department of corrections shall continue the OWI facilities established in 1986 Iowa Acts, chapter 1246, section 402, in compliance with the conditions specified in that section.

Sec. 7.

There is appropriated from the general fund of the state to the judicial department for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. 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, and maintenance, equipment, and miscellaneous purposes:

..... \$ 70,272,600

As a condition, limitation, and qualification of this appropriation, the department shall reimburse 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, 1990.

As a condition, limitation, and qualification of this appropriation, the judicial department shall, from the funds appropriated in subsection 1 which exceed the amount appropriated to the judicial department for the fiscal year beginning July 1, 1989, and ending June 30, 1990, provide in addition to the amount used for the following designated purposes for the fiscal year beginning July 1, 1989, and ending June 30, 1990, an additional \$500,000 which shall be used for the receipt and disbursement of child support payments, and an additional \$274,815 which shall be used for juvenile court services.

As a condition, limitation, and qualification of this appropriation, the judicial department, except for purposes of internal processing, shall use the current state budget system, the state

*Item veto; see message at end of the Act

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.

The judicial department shall submit monthly financial statements to the legislative fiscal bureau 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 revenue and finance. 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.

Of the funds appropriated under this subsection, not more than \$1,800,000 may be transferred into the revolving fund established pursuant to section 602.1302, subsection 3, to be used for the payment of jury and witness fees and mileage.

2. For the juvenile victim restitution program:

..... \$ 100,000

Notwithstanding chapter 232A, it is the intent of the general assembly that the judicial department receive the funds appropriated and administer the Iowa juvenile victim restitution program.

Sec. 8.

There is appropriated from the general fund of the state to the judicial department for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

1. For the Iowa court information system:

..... \$ 1,500,000

As a condition, limitation, and qualification of this appropriation, the judicial department, 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.

*2. For the implementation of the pilot program of mandatory mediation of contested issues of child custody and visitation established pursuant to House File 2533, if enacted by the Seventy-third General Assembly, 1990 Session:

..... \$ 136,000

The department shall establish the program at the dispute resolution center in Linn county.

3. For the implementation of the pilot program establishing a family court pursuant to House File 2533, if enacted by the Seventy-third General Assembly, 1990 Session:

..... \$ 400,000*

4. Notwithstanding section 602.5205, for expenses of judges of the court of appeals located outside the seat of government:

..... \$ 7,500

The judicial department shall not change the appropriations from the amounts appropriated under this section, unless notice of the revisions is given prior to their effective date to the legislative fiscal bureau. The notice shall include information on the department's rationale for making the changes and details concerning the workload and performance measures upon which the changes are based.

Sec. 9.

There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, as follows:

For the division of criminal justice planning established pursuant to House File 2468,** if enacted by the Seventy-third General Assembly, 1990 Session, and for not more than the following full-time equivalent positions:

..... \$ 100,000

..... FTEs 4.00

*Item veto; see message at end of the Act
**Chapter 1124 herein

Sec. 10. Section 602.1301, subsection 2, paragraph a, Code Supplement 1989, is amended to read as follows:

a. As early as possible, but not later than December 1, the supreme court shall submit to the legislative fiscal bureau the annual budget request and detailed supporting information for the judicial department. The submission shall be designed to assist the legislative fiscal bureau in its preparation for legislative consideration of the budget request. The information submitted shall contain and be arranged in a format substantially similar to the format specified by the director of management and used by all departments and establishments in transmitting to the director estimates of their expenditure requirements pursuant to section 8.23, except the estimates of expenditure requirements shall be based upon one hundred percent of funding for the current fiscal year accounted for by program, and using the same line item definitions of expenditures as used for the current fiscal year's budget request, and the remainder of the estimate of expenditure requirements prioritized by program. The supreme court shall also make use of the department of management's automated budget system when submitting information to the director of management to assist the director in the transmittal of information as required under section 8.35A. The supreme court shall budget and track expenditures by the following separate organization codes:

- a. Child support operations.
- b. Appellate courts.
- c. Central administration.
- d. District court administration.
- e. Judges and magistrates.
- f. Court reporters.
- g. Juvenile court officers.
- h. District court clerks.
- i. Jury and witness fees.

Sec. 11.

The department of corrections, judicial district departments of correctional services, board of parole, and the judicial department shall develop an automated data system for use in the sharing of information between the department of corrections, judicial district departments of correctional services, board of parole, and the judicial department. The information to be shared shall concern any individual who may, as the result of an arrest or infraction of any law, be subject to the jurisdiction of the department of corrections, judicial district departments of correctional services, or board of parole.

**Sec. 12.*

*The department of human services shall enter into a cooperative agreement with the judicial department by May 1, 1990, which shall provide for reimbursement and incentive payments to the judicial department for those activities eligible for federal financial participation pursuant to 45 C.F.R., pt. 304.**

**Sec. 13.*

*Section 12 of this Act, being deemed of immediate importance, takes effect upon enactment.**

Sec. 14. 1990 Iowa Acts, Senate File 2212, section 23, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33, the moneys appropriated in this section that remain unencumbered and unobligated on June 30, 1990, shall not revert to the general fund but shall remain available for expenditure for the purposes designated during the fiscal year beginning July 1, 1990.

Sec. 15. Section 4, subsection 1, paragraph b, subparagraph (3), of this Act, being deemed of immediate importance, takes effect upon enactment.

**Sec. 16.*

*Section 5, subsection 1, unnumbered paragraph 2, of this Act, which relates to the employment of a correctional education administrator, being deemed of immediate importance, takes effect upon enactment and the department shall immediately commence the process for employing the administrator and the department of management shall authorize expenditures to be incurred in commencing this process.**

Approved May 7, 1990, except the items which I hereby disapprove and which are designated as section 4, subsection 1, paragraph b, subparagraph 3 in its entirety; section 5, subsection 1, unnumbered and unlettered paragraph 2 in its entirety; section 6, subsection 1, paragraphs c and d in their entirety; section 6, subsection 2, paragraphs c and d in their entirety; section 6, subsection 3, paragraph c in its entirety; section 6, subsection 5, paragraph c in its entirety; section 6, subsection 6, paragraph b in its entirety; section 6, subsection 7, paragraph b in its entirety; section 6, subsection 8, paragraphs b and c in their entirety; section 6, subsection 9, paragraph d in its entirety; section 8, subsections 2 and 3 in their entirety; sections 12 and 13 in their entirety; and sections 15 and 16 in their entirety. My reasons for vetoing these items are delineated in the item veto message pertaining to this Act to the secretary of state this same date, a copy of which is attached hereto.

TERRY E. BRANSTAD, Governor

Dear Madam Secretary:

I hereby transmit Senate File 2408, an Act relating to and making appropriations to the justice system and providing effective dates.

Senate File 2408 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 4, subsection 1, lettered paragraph b, subparagraph 3. This intent language states that the Department of Corrections and the Department of Personnel shall employ the additional correctional officers for the Anamosa facility by July 1, 1990. While the departments are employing the additional FTE's in an orderly process, there is no greater need at Anamosa than at other institutions and this provision would disrupt the hiring and training of new staff and placing them where the greatest need exists. The Anamosa staff/inmate ratio is more favorable than several facilities. The additional FTE's will be added without this restrictive language.

I am unable to approve the item designated as Section 5, subsection 1, unnumbered paragraph 2, in its entirety. This paragraph calls for the Department of Corrections to employ an education director and clerk to administer a centralized education program for institutions upon the enactment of Senate File 2408. These are important positions, however, no funding was allocated in fiscal year 1990 for these positions and the department must wait until the beginning of the new fiscal year before filling them.

I am unable to approve the items designated as Section 6, subsections 1, paragraph c; subsection 2, paragraphs c and d; subsection 3, paragraph c; subsection 5, paragraph c; subsection 6, paragraph b; subsection 7, paragraph b; and subsection 8, paragraphs b and c. These items add staff for field services and residential services in specified community-based correction districts and a tactical unit in the fifth CBC district. I recommended increases in these areas but the above goes far beyond what the state's fiscal condition will allow us to appropriate.

I am unable to approve the item designated as Section 6, subsection 1, paragraph d, in its entirety. This item appropriates \$90,000 for a personal development program. One hundred thousand dollars was appropriated in Senate File 2212, the supplemental bill, for this same program and carry forward language to fiscal year 1991 is being approved.

*Item veto; see message at end of the Act

I am unable to approve the item designated as Section 6, subsection 9, paragraph d, in its entirety. This item calls for a pilot project to study revocation rates to prison. I recognize that recidivism is a problem however, fiscal constraints do not allow the beginning of this new program. I have asked the Department of Corrections and the Board of Parole to make recommendations for reducing the revocation rate without the need for this \$200,000 study. And, I have approved greatly increased funding for treatment and educational programs within our correctional system which will work to reduce revocation.

I am unable to approve the item designated as Section 8, subsections 2 and 3, in their entirety. These items call for \$536,000 to be appropriated only if House File 2533 was enacted by the 73rd General Assembly, 1990 Session. House File 2533, which dealt with a pilot program of mandatory mediation of contested issues of child custody and visitation and a pilot program establishing a family court, did not pass, hence there is no need for these appropriations.

I am unable to approve the items designated as Sections 12 and 13, in their entirety. These sections would have directed the Department of Human Services to enter into a cooperative agreement with the Judicial Department by May 1, 1990, for reimbursement and incentive payments to the Judicial Department for activities eligible for federal financial participation. Federal regulations mandate that the federal government review all cooperative agreements and expenditures pertaining to incentive payments. Further, the state must justify and demonstrate the benefits to the child support enforcement program resulting from a cooperative agreement. If the cooperative agreement is not cost effective, it may result in a decrease in incentives paid to the state thereby creating a negative fiscal impact on Iowa. It is premature to authorize such an agreement between the Department of Human Services and the Judicial Department because Senate File 2408, Section 12, does not provide adequate time to meet these federal mandates and determine the costs and benefits of such a cooperative agreement. Further, it is impossible to meet the May 1, 1990, effective date since that date has already passed.

I am unable to approve the items designated as Sections 15 and 16, in their entirety, for they are immediate enactment clauses for items in Senate File 2408 which I have item vetoed.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2408 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD, *Governor*

CHAPTER 1269

IOWA PLAN FUND APPROPRIATIONS AND PROVISIONS

S.F. 2433

AN ACT relating to the appropriations from and the reallocation of the moneys in the surplus account of the Iowa plan fund, to certain corporations appropriated moneys from the Iowa plan fund, and authorizing the creation of a disaster recovery program to provide low-interest and guaranteed loans to public and private entities for which an appropriation is made from the Iowa plan fund, and providing an effective date.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 15.284, subsection 4, Code Supplement 1989, is amended to read as follows:

4. The finance division of the department shall rank the applicants according to financial need, cost-benefit of the project, percent of match, impact, including an increase in fire or public safety because of completion of the project, and ability to administer project.