

Senate File 2280 is, therefore, approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve Section 7, subsection 3, lettered paragraph c, in its entirety, which relates to successor contractors at the Iowa Veterans Home. While apparently intended to apply to employees of contractors at the Iowa Veterans Home, the language applies only to current state employees and not to the employees of contractors. Therefore, the purpose of this section is not achieved.

I am unable to approve Section 8, subsections 2 (a) and 2 (c), and the first subsection 3, in their entirety. These items collectively relate to diverting money away from the Gamblers Treatment Fund and spending the diverted money for non-related purposes. The Gamblers Treatment Fund, then called the Gamblers Assistance Fund, was created by the same statute that permitted gambling in the State of Iowa. Since that time, the Fund has been the only source of state money used to combat the ill effects of gambling for Iowa citizens. The programs identified to receive these diverted funds have merit. However, the problems associated with gambling, including bankruptcies, broken homes, embezzlement and suicide, have become more prevalent and the need for gamblers' treatment grows more pressing all the time. Therefore, I will not set a precedent that impairs its annual funding.

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 2280 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD, Governor

CHAPTER 1222

APPROPRIATIONS — JUSTICE SYSTEM

H.F. 2539

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. DEPARTMENT OF JUSTICE. There is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 1998, and ending June 30, 1999, 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 including odometer fraud enforcement, and for not more than the following full-time equivalent positions:

.....	\$	7,524,661
.....	FTEs	186.50

Of the full-time equivalent positions (FTEs) appropriated for in this subsection, 4.00 FTEs represent the transition of personnel services contractors to full-time equivalent position status. The merit system provisions of chapter 19A, collective bargaining agreement provisions of chapter 20, and the state and union collective bargaining agreements, as these relate to the filling of positions, shall not govern movement of these 4.00 FTEs into the full-time equivalent position status during the period beginning July 1, 1998, and ending August 31, 1998.

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

.....	\$	285,895
.....	FTEs	6.00

3. In addition to the funds appropriated in subsection 1, there is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 1998, and ending June 30, 1999, an amount not exceeding \$200,000 to be used for the enforcement of the Iowa competition law. 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 either 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. However, if the amounts received as a result of these judgments are in excess of \$200,000, the excess amounts shall not be appropriated to the department of justice pursuant to this subsection.

4. In addition to the funds appropriated in subsection 1, there is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 1998, and ending June 30, 1999, an amount not exceeding \$150,000 to be used for public education relating to consumer fraud and for enforcement of section 714.16, and an amount not exceeding \$75,000 for investigation, prosecution, and consumer education relating to consumer and criminal fraud against older Iowans. 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 damages 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. However, if the funds received as a result of these judgments and settlements are in excess of \$225,000, the excess funds shall not be appropriated to the department of justice pursuant to this subsection.

5. For victim assistance grants:

.....	\$	1,759,806
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a. The funds appropriated in this subsection shall be used to provide grants to care providers providing services to crime victims of domestic abuse or to crime victims of rape and sexual assault.

b. Notwithstanding section 8.33 or 8.39, any balance remaining from the appropriation in this subsection at the close of the fiscal year shall not revert to the general fund of the state but shall be available for expenditure during the subsequent fiscal year for the same purpose, and shall not be transferred to any other program.

6. For the GASA prosecuting attorney program and for not more than the following full-time equivalent positions:

.....	\$	128,302
.....	FTEs	2.00

7. The balance of the victim compensation fund established in section 912.14 may be used to provide salary and support of not more than 17.00 FTEs and to provide maintenance for the victim compensation functions of the department of justice. Of the full-time equivalent positions (FTEs) appropriated for in this subsection, 1.75 FTEs represent the transition of personnel services contractors to full-time equivalent position status. The merit system provisions of chapter 19A, collective bargaining agreement provisions of chapter 20, and the state and union collective bargaining agreements, as these relate to the filling of positions, shall not govern movement of these 1.75 FTEs into the full-time equivalent position status during the period beginning July 1, 1998, and ending August 31, 1998.

8. The department of justice 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 comparisons of the moneys and percentage spent of budgeted to actual revenues and expenditures on a cumulative basis for full-time equivalent positions and available moneys.

9. a. The department of justice, in submitting budget estimates for the fiscal year commencing July 1, 1999, pursuant to section 8.23, shall include a report of funding from sources other than amounts appropriated directly from the general fund of the state to the department of justice or to the office of consumer advocate. These funding sources shall include, but are not limited to, reimbursements from other state agencies, commissions, boards, or similar entities, and reimbursements from special funds or internal accounts within the department of justice. The department of justice shall report actual reimbursements for the fiscal year commencing July 1, 1997, and actual and expected reimbursements for the fiscal year commencing July 1, 1998.

b. The department of justice shall include the report required under paragraph "a", as well as information regarding any revisions occurring as a result of reimbursements actually received or expected at a later date, in a report to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system and the legislative fiscal bureau. The department of justice shall submit the report on or before January 15, 1999.

10. For legal services for persons in poverty grants as provided in section 13.34:

..... \$ 600,000

As a condition for accepting a grant funded pursuant to this subsection, an organization receiving a grant shall submit a report to the general assembly by January 1, 1999, concerning the use of any grants received during the previous fiscal year and efforts made by the organization to find alternative sources of revenue to replace any reductions in federal funding for the organization.

Sec. 2. DEPARTMENT OF JUSTICE — ENVIRONMENTAL CRIMES INVESTIGATION AND PROSECUTION — FUNDING. There is appropriated from the environmental crime fund of the department of justice, consisting of court-ordered fines and penalties awarded to the department arising out of the prosecution of environmental crimes, to the department of justice for the fiscal year beginning July 1, 1998, and ending June 30, 1999, an amount not exceeding \$20,000 to be used by the department, at the discretion of the attorney general, for the investigation and prosecution of environmental crimes, including the reimbursement of expenses incurred by county, municipal, and other local governmental agencies cooperating with the department in the investigation and prosecution of environmental crimes.

The funds appropriated in this section are contingent upon receipt by the environmental crime fund of the department of justice of an amount at least equal to the appropriations made in this section and received from contributions, court-ordered restitution as part of judgments in criminal cases, and consent decrees entered into as part of civil or regulatory enforcement actions. However, if the funds received during the fiscal year are in excess of \$20,000, the excess funds shall be deposited in the general fund of the state.

Notwithstanding section 8.33, moneys appropriated in this section which remain unexpended or unobligated at the close of the fiscal year shall not revert to the environmental crime fund but shall remain available for expenditure for the designated purpose in the succeeding fiscal year.

Sec. 3. OFFICE OF CONSUMER ADVOCATE. There is appropriated from the general fund of the state to the office of consumer advocate of the department of justice for the fiscal year beginning July 1, 1998, and ending June 30, 1999, 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:

..... \$ 2,525,978
..... FTEs 32.00

Sec. 4. DEPARTMENT OF CORRECTIONS — FACILITIES. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning

July 1, 1998, and ending June 30, 1999, 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, employment of correctional officers, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	28,009,043
.....	FTEs	502.00

b. For the operation of the Anamosa correctional facility, including salaries, support, maintenance, employment of correctional officers and a part-time chaplain to provide religious counseling to inmates of a minority race, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	22,525,866
.....	FTEs	394.25

Moneys are provided within this appropriation for two full-time substance abuse counselors for the Luster Heights facility, for the purpose of certification of a substance abuse program at that facility.

Of the full-time equivalent positions (FTEs) appropriated for in this paragraph, 1.50 FTEs represent the transition of personnel services contractors to full-time equivalent position status. The merit system provisions of chapter 19A, collective bargaining agreement provisions of chapter 20, and the state and union collective bargaining agreements, as these relate to the filling of positions, shall not govern movement of these 1.50 FTEs into the full-time equivalent position status during the period beginning July 1, 1998, and ending August 31, 1998.

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

.....	\$	18,654,062
.....	FTEs	338.80

Of the full-time equivalent positions (FTEs) appropriated for in this paragraph, 1.50 FTEs represent the transition of personnel services contractors to full-time equivalent position status. The merit system provisions of chapter 19A, collective bargaining agreement provisions of chapter 20, and the state and union collective bargaining agreements, as these relate to the filling of positions, shall not govern movement of these 1.50 FTEs into the full-time equivalent position status during the period beginning July 1, 1998, and ending August 31, 1998.

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

.....	\$	20,599,916
.....	FTEs	380.58

Of the full-time equivalent positions (FTEs) appropriated for in this paragraph, 4.83 FTEs represent the transition of personnel services contractors to full-time equivalent position status. The merit system provisions of chapter 19A, collective bargaining agreement provisions of chapter 20, and the state and union collective bargaining agreements, as these relate to the filling of positions, shall not govern movement of these 4.83 FTEs into the full-time equivalent position status during the period beginning July 1, 1998, and ending August 31, 1998.

e. For the operation of the Mt. Pleasant correctional facility, including salaries, support, maintenance, employment of correctional officers and a full-time chaplain to provide religious counseling at the Oakdale and Mt. Pleasant correctional facilities, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	18,098,880
.....	FTEs	344.99

Of the full-time equivalent positions (FTEs) appropriated for in this paragraph, 1.67 FTEs represent the transition of personnel services contractors to full-time equivalent position status. The merit system provisions of chapter 19A, collective bargaining agreement provisions of chapter 20, and the state and union collective bargaining agreements, as these relate to the filling of positions, shall not govern movement of these 1.67 FTEs into the full-time equivalent position status during the period beginning July 1, 1998, and ending August 31, 1998.

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

.....	\$	6,268,795
.....	FTEs	117.00

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

.....	\$	16,545,960
.....	FTEs	286.90

Of the full-time equivalent positions (FTEs) appropriated for in this paragraph, 17.90 FTEs represent the transition of personnel services contractors to full-time equivalent position status. The merit system provisions of chapter 19A, collective bargaining agreement provisions of chapter 20, and the state and union collective bargaining agreements, as these relate to the filling of positions, shall not govern movement of these 17.90 FTEs into the full-time equivalent position status during the period beginning July 1, 1998, and ending August 31, 1998.

Moneys received by the department of corrections as reimbursement for services provided to the Clarinda youth corporation are appropriated to the department and shall be used for the purpose of operating the Clarinda correctional facility.

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

.....	\$	7,712,391
.....	FTEs	151.25

Of the full-time equivalent positions (FTEs) appropriated for in this paragraph, 1.25 FTEs represent the transition of personnel services contractors to full-time equivalent position status. The merit system provisions of chapter 19A, collective bargaining agreement provisions of chapter 20, and the state and union collective bargaining agreements, as these relate to the filling of positions, shall not govern movement of these 1.25 FTEs into the full-time equivalent position status during the period beginning July 1, 1998, and ending August 31, 1998.

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

.....	\$	14,920,795
.....	FTEs	287.00

2. a. If the inmate tort claim fund for inmate claims of less than \$100 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.

b. 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 669 for inmate tort claims of less than \$100.

3. It is the intent of the general assembly that the department of corrections shall timely fill correctional positions authorized for correctional facilities pursuant to this section.

Sec. 5. DEPARTMENT OF CORRECTIONS — ADMINISTRATION. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 1998, and ending June 30, 1999, 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, employment of an education director and clerk to administer a centralized education program for the correctional system, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	2,132,722
.....	FTEs	37.18

The department shall monitor the use of the classification model by the judicial district departments of correctional services 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.

It is the intent of the general assembly that as a condition of receiving the appropriation provided in this subsection, the department of corrections shall not enter into a new contract, unless the contract is a renewal of an existing contract, for the expenditure of moneys in excess of \$100,000 during the fiscal year beginning July 1, 1998, for the privatization of services performed by the department using state employees as of July 1, 1998, or for the privatization of new services by the department, without prior consultation with any applicable state employee organization affected by the proposed new contract and prior notification of the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system.

It is the intent of the general assembly that as a condition of receiving the appropriation provided in this subsection, the department of corrections shall not enter into a lease or contractual agreement pursuant to section 904.809 with a private corporation for the use of building space for the purpose of providing inmate employment without notifying, at least twenty-one calendar days prior to the execution of the lease or contractual agreement, the chairpersons and ranking members of the general assembly's joint appropriations subcommittee on the justice system of the name of the person entering into the lease or contract, and the terms of the lease or contract.

The department of general services shall, notwithstanding any provisions of law or rule to the contrary, permit the department of corrections the opportunity to acquire, at no cost, computers that would otherwise be disposed of by the department of general services. The department of corrections shall use computers acquired under this paragraph to provide educational training and programs for inmates.

It is the intent of the general assembly that each lease negotiated by the department of corrections with a private corporation for the purpose of providing private industry employment of inmates in a correctional institution shall prohibit the private corporation from utilizing inmate labor for partisan political purposes for any person seeking election to public office in this state and that a violation of this requirement shall result in a termination of the lease agreement.

It is the intent of the general assembly that as a condition of receiving the appropriation provided in this subsection, the department of corrections shall not enter into a lease or contractual agreement pursuant to section 904.809 with a private corporation for the use of building space for the purpose of providing inmate employment without providing that the terms of the lease or contract establish safeguards to restrict, to the greatest extent feasible, access by inmates working for the private corporation to personal identifying information of citizens.

* Item veto; see message at end of the Act

It is the intent of the general assembly that as a condition of receiving the appropriation provided in this subsection, the department of corrections shall not enter into any agreement with a private for-profit agency or corporation for the purpose of transferring inmates under the custody of the department to a jail or correctional facility or institution in this state which is established, maintained, or operated by a private for-profit agency or corporation without prior approval by the general assembly.

2. For reimbursement of counties for temporary confinement of work release and parole violators, as provided in sections 901.7, 904.908, and 906.17 and for offenders confined pursuant to section 904.513:

..... \$ 524,038

3. For federal prison reimbursement, reimbursements for out-of-state placements, and miscellaneous contracts:

..... \$ 341,334

The department of corrections shall use funds appropriated in this subsection to continue to contract for the services 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:

..... \$ 471,689

..... FTEs 8.16

5. For hormonal treatment for sex offenders:

..... \$ 500,000

6. For annual payment relating to the financial arrangement for the construction of expansion in prison capacity as provided in 1990 Iowa Acts, chapter 1257, section 24:

..... \$ 3,185,265

7. For educational programs for inmates at state penal institutions:

..... \$ 2,950,600

It is the intent of the general assembly that moneys appropriated in this subsection shall be used solely for the purpose indicated and that the moneys shall not be transferred for any other purpose. In addition, it is the intent of the general assembly that the department shall consult with the community colleges in the areas in which the institutions are located to utilize moneys appropriated in this subsection to fund the high school completion, high school equivalency diploma, adult literacy, and adult basic education programs in a manner so as to maintain these programs at the institutions.

To maximize the funding for educational programs, the department shall establish guidelines and procedures to prioritize the availability of educational and vocational training for inmates based upon the goal of facilitating an inmate's successful release from the correctional institution.

Notwithstanding section 8.33, moneys appropriated in this subsection which remain unobligated or unexpended at the close of the fiscal year shall not revert to the general fund of the state but shall remain available to be used only for the purposes designated in this subsection in the succeeding fiscal year.

8. For educational programs for inmates at the Mitchellville correctional facility:

..... \$ 12,000

It is the intent of the general assembly that moneys appropriated in this subsection shall be in addition to any moneys that would be allocated to the Mitchellville correctional facility for educational programs pursuant to the formula established by the department of corrections for distribution of moneys appropriated in subsection 7.

9. The department of corrections shall submit a report to the general assembly on January 1, 1999, concerning progress made in implementing the requirements of section 904.701, concerning hard labor by inmates.

10. The department of corrections shall study and consider the implementation of a computer database to provide inmate case management and offender profiling to better identify, track, and assist inmates of the correctional institutions.

* Item veto; see message at end of the Act

11. It is the intent of the general assembly that the department of corrections connect all of its correctional facilities to the Iowa communications network (ICN).

12. Except as otherwise provided in subsection 13, it is the intent of the general assembly that the department of corrections shall continue to operate the correctional farms under the control of the department at the same or greater level of participation and involvement as existed as of January 1, 1998, and shall further attempt to provide meaningful job opportunities at the farms for inmates.

13. It is the intent of the general assembly that the department of corrections cease all cattle operations on land at the Glenwood state hospital-school by July 1, 1998, and that the department of corrections shall be prohibited from entering into any lease or other contractual agreement with any person concerning the use of the land specifically used for cattle operations once cattle operations on that land have ceased pursuant to this subsection.

14. It is the intent of the general assembly that each correctional facility under the control of the department of corrections with at least one hundred acres of agricultural land shall establish an agribusiness advisory council to provide technical advice and assistance to the correctional facility concerning agricultural-related work activities for inmates at the correctional facility if such activities occur at the facility. The agribusiness advisory council shall consist of three persons involved in agriculture who reside in the county in which the correctional facility is located and who shall be selected by the county agricultural extension council of the county agricultural extension district in that county. Each agribusiness advisory council may submit a report concerning the activities of the council, to include any proposals or recommendations of the council, to the department of corrections and the department of corrections shall compile any reports received during the previous calendar year and submit a report based on any reports received to the general assembly by January 8, 1999.

15. The department of corrections shall submit a report to the general assembly by January 1, 1999, concerning moneys deposited in, and expended from, each inmate telephone rebate fund established by a correctional institution pursuant to section 904.508A, during the fiscal year beginning July 1, 1997. In addition, each correctional institution that has established an inmate telephone rebate fund shall submit a report to the legislative fiscal bureau on a quarterly basis, commencing July 1, 1998, concerning the moneys deposited in the fund and expended from the fund during the previous calendar quarter.

16. The department of corrections shall submit a report to the general assembly by January 1, 1999, concerning moneys recouped from inmate earnings for the reimbursement of operational expenses of the applicable facility during the fiscal year beginning July 1, 1997, for each correctional institution and judicial district department of correctional services. In addition, each correctional institution and judicial district department of correctional services shall submit a report to each member of the joint appropriations subcommittee on the justice system and the legislative fiscal bureau on a monthly basis, commencing July 1, 1998, concerning moneys recouped from inmate earnings for the reimbursement of operational expenses for each correctional institution and district department during the previous calendar month.

Sec. 6. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL SERVICES.

1. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amounts, or so much thereof as is necessary, to be allocated as follows:

a. For the first judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, the following amount, or so much thereof as is necessary:

..... \$ 7,576,323

(1) 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".

(2) The district department, in cooperation with the chief judge of the judicial district, shall continue the implementation of a plan to divert low-risk offenders to the least restrictive sanction available.

b. For the second judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, the following amount, or so much thereof as is necessary:

..... \$ 6,021,136

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

(2) The district department, in cooperation with the chief judge of the judicial district, shall continue the implementation of a plan to divert low-risk offenders to the least restrictive sanction available.

c. For the third judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, the following amount, or so much thereof as is necessary:

..... \$ 3,659,888

(1) The district department shall continue the sex offender treatment program established within the district in 1988 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph "c", and the intensive supervision program established within the district in 1990 Iowa Acts, chapter 1268, section 6, subsection 3, paragraph "d".

(2) The district department, in cooperation with the chief judge of the judicial district, shall continue the implementation of a plan to divert low-risk offenders to the least restrictive sanction available.

d. For the fourth judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, the following amount, or so much thereof as is necessary:

..... \$ 2,756,478

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

(2) The district department, in cooperation with the chief judge of the judicial district, shall continue the implementation of a plan to divert low-risk offenders to the least restrictive sanction available.

e. For the fifth judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, the following amount, or so much thereof as is necessary:

..... \$ 10,723,496

(1) 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", and shall continue to provide for the rental of electronic monitoring equipment.

(2) The district department, in cooperation with the chief judge of the judicial district, shall continue the implementation of a plan to divert low-risk offenders to the least restrictive sanction available.

f. For the sixth judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the

department of corrections violator program, the following amount, or so much thereof as is necessary:

..... \$ 7,784,320

(1) 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 the sex offender treatment program established within the district in 1989 Iowa Acts, chapter 316, section 8, subsection 1, paragraph "f".

(2) The district department, in cooperation with the chief judge of the judicial district, shall continue the implementation of a plan to divert low-risk offenders to the least restrictive sanction available.

(3) The district department shall continue the implementation of a plan providing for the expanded use of intermediate criminal sanctions, as provided in 1993 Iowa Acts, chapter 171, section 6, subsection 1, paragraph "f", subparagraph (3).

g. For the seventh judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, the following amount, or so much thereof as is necessary:

..... \$ 4,777,764

(1) 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 sex offender treatment program established within the district in 1989 Iowa Acts, chapter 316, section 8, subsection 1, paragraph "g".

(2) The district department shall continue the job development program established within the district in 1990 Iowa Acts, chapter 1268, section 6, subsection 7, paragraph "e".

(3) The district department, in cooperation with the chief judge of the judicial district, shall continue the implementation of a plan to divert low-risk offenders to the least restrictive sanction available.

h. For the eighth judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, the following amount, or so much thereof as is necessary:

..... \$ 4,485,253

(1) 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 treatment program established within the district in 1989 Iowa Acts, chapter 316, section 8, subsection 1, paragraph "h".

(2) The district department, in cooperation with the chief judge of the judicial district, shall continue the implementation of a plan to divert low-risk offenders to the least restrictive sanction available.

i. For the department of corrections for the assistance and support of each judicial district department of correctional services, the following amount, or so much thereof as is necessary:

..... \$ 83,576

2. The department of corrections shall continue to contract with a judicial district department of correctional services to provide for the rental of electronic monitoring equipment which shall be available statewide.

3. Each judicial district department of correctional services and the department of corrections shall continue the treatment alternatives to street crime programs established in 1989 Iowa Acts, chapter 225, section 9.

4. The governor's alliance on substance abuse shall consider federal grants made to the department of corrections for the benefit of each of the eight judicial district departments of correctional services as local government grants, as defined pursuant to federal regulations.

5. Each judicial district department of correctional services shall provide a report concerning the treatment and supervision of probation and parole violators who have been

released from the department of corrections violator program, to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system and the legislative fiscal bureau, on or before January 15, 1999.

6. In addition to the requirements of section 8.39, 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 work load and performance measures upon which the transfers are based.

7. Each judicial district department of correctional services shall submit a report to the general assembly by January 8, 1999, concerning what action, if any, the district department has taken in order to implement, or not implement, an intermediate criminal sanctions program as provided by section 901B.1. If the district department has implemented such a program, the report shall include information as to the effectiveness of the program.

Sec. 7. CORRECTIONAL INSTITUTIONS — VOCATIONAL TRAINING.

1. The state prison industries board and the department of corrections shall continue the implementation of a plan to enhance vocational training opportunities within the correctional institutions listed in section 904.102, as provided in 1993 Iowa Acts, chapter 171, section 12. The plan shall provide for increased vocational training opportunities within the correctional institutions, including the possibility of approving community college credit for inmates working in prison industries. The department of corrections shall provide a report concerning the implementation of the plan to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system and the legislative fiscal bureau, on or before January 15, 1999.

2. It is the intent of the general assembly that each correctional facility make all reasonable efforts to maintain vocational education programs for inmates and to identify available funding sources to continue these programs. The department of corrections shall submit a report to the general assembly by January 1, 1999, concerning the efforts made by each correctional facility in maintaining vocational education programs for inmates.

*Sec. 8. APPROPRIATIONS TO THE DEPARTMENT OF CORRECTIONS — MONEYS ENCUMBERED — PRIORITIES.

1. Notwithstanding any other provision of law to the contrary, moneys appropriated to the department of corrections pursuant to 1997 Iowa Acts, chapter 205, sections 4, 5, and 6, shall be considered encumbered pursuant to section 8.33, and shall not revert to the general fund of the state following the close of the fiscal year commencing July 1, 1997. As used in this section, unless the context otherwise requires, "encumbered funds" means the moneys appropriated to the department of corrections pursuant to 1997 Iowa Acts, chapter 205, sections 4, 5, and 6, which would otherwise revert to the general fund of the state following the close of the fiscal year in which the moneys were appropriated, but for the prohibition contained in this section.

2. The department of corrections shall use encumbered funds in the fiscal year commencing July 1, 1998, to fund up to an additional 50.00 FTEs for the employment of correctional officers in the correctional institutions specified in section 904.102, and to purchase surveillance cameras and other necessary surveillance or safety equipment for use in correctional institutions. The full-time equivalent positions authorized in this section for the employment of correctional officers and the funding provided for the purchase of equipment are in addition to any full-time equivalent positions authorized or equipment funded in section 4 of this Act, providing appropriations for department of corrections facilities. The department of corrections shall use its discretion in distributing the additional correctional officers and equipment throughout the correctional facilities. The department of corrections shall file a report with the department of management concerning correctional officer positions filled and critically needed safety equipment purchased from encumbered funds provided under this section. If

* Item veto; see message at end of the Act

*the department is able to fund an additional 50.00 FTEs for the employment of correctional officers pursuant to this section and to purchase all critically needed safety equipment, any remaining funds shall be unencumbered and shall revert to the general fund of the state at the close of the fiscal year commencing July 1, 1998.**

Sec. 9. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.

1. As used in this section, unless the context otherwise requires, "state agency" means the government of the state of Iowa, including but not limited to all executive departments, agencies, boards, bureaus, and commissions, the judicial department, the general assembly and all legislative agencies, institutions within the purview of the state board of regents, and any corporation whose primary function is to act as an instrumentality of the state.

2. State agencies are hereby encouraged to purchase products from Iowa state industries, as defined in section 904.802, when purchases are required and the products are available from Iowa state industries.

3. State agencies shall submit to the legislative fiscal bureau by January 15, 1999, a report of the dollar value of products and services purchased from Iowa state industries by the state agency during the fiscal year beginning July 1, 1997, and ending June 30, 1998.

Sec. 10. STATE PUBLIC DEFENDER. There is appropriated from the general fund of the state to the office of the state public defender of the department of inspections and appeals for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amount, or so much thereof as is necessary, for the purposes designated:

..... \$ 33,673,008

The funds appropriated and full-time equivalent positions authorized in this section are allocated as follows:

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

..... \$ 12,760,719

..... FTEs 199.00

2. For the fees of court-appointed attorneys for indigent adults and juveniles, in accordance with section 232.141 and chapter 815:

..... \$ 20,912,289

Sec. 11. JUDICIAL DEPARTMENT. There is appropriated from the general fund of the state to the judicial department for the fiscal year beginning July 1, 1998, and ending June 30, 1999, 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, 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, 1998, and maintenance, equipment, and miscellaneous purposes:

..... \$ 101,068,908

a. 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.

b. 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

* Item veto; see message at end of the Act

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.

c. Of the funds appropriated in this subsection, not more than \$1,897,728 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.

d. The judicial department shall focus efforts upon the collection of delinquent fines, penalties, court costs, fees, surcharges, or similar amounts.

e. 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.

f. In addition to the requirements for transfers under section 8.39, the judicial department shall not change the appropriations from the amounts appropriated to the department in this Act, 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 work load and performance measures upon which the changes are based.

g. The judicial department shall provide a report semiannually to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system and to the legislative fiscal bureau specifying the amounts of fines, surcharges, and court costs collected using the Iowa court information system. The report shall demonstrate and specify how the Iowa court information system is used to improve the collection process.

h. The judicial department shall provide a report to the general assembly by January 1, 1999, 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 4, during the fiscal year beginning July 1, 1997, and ending June 30, 1998, and the plans for expenditures from each fund during the fiscal year beginning July 1, 1998, and ending June 30, 1999.

2. For the juvenile victim restitution program:

..... \$ 183,471

Sec. 12. ENHANCED COURT COLLECTIONS FUND. Notwithstanding section 602.1304, subsection 2, for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the maximum deposit amount for the enhanced court collections fund shall be \$6,000,000. For succeeding fiscal years, the maximum deposit amount shall be determined in accordance with section 602.1304, subsection 2, and the maximum deposit amount shall not be increased due to the increase made in this section.

Sec. 13. 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, 1998, and ending June 30, 1999, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the state's contribution to the judicial retirement fund established in section 602.9104, in the amount of 23.7 percent of the basic salaries of the judges covered under chapter 602, article 9:

..... \$ 3,944,059

Sec. 14. INDIGENT DEFENSE COSTS. The supreme court shall submit a written report for the preceding fiscal year no later than January 1, 1999, indicating the amounts collected pursuant to section 815.9A, relating to recovery of indigent defense costs. The report shall include the total amount collected by all courts, as well as the amounts collected by each judicial district. The supreme court shall also submit a written report quarterly indicating the number of criminal and juvenile filings which occur in each judicial district for purposes of estimating indigent defense costs. A copy of each report shall be provided to the public defender, the department of management, and the legislative fiscal bureau. The judicial department shall continue to assist in the development of an automated data system for use

in the sharing of information utilizing the generic program interface for legislative and executive branch uses.

Sec. 15. AUTOMATED DATA SYSTEM. The department of corrections, judicial district departments of correctional services, board of parole, and the judicial department shall continue to 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. The department of corrections, in consultation and cooperation with the judicial district departments of correctional services, the board of parole, and the judicial department, shall provide a report concerning the development of the automated data system to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system and the legislative fiscal bureau, on or before January 15, 1999.

Sec. 16. IOWA LAW ENFORCEMENT ACADEMY. There is appropriated from the general fund of the state to the Iowa law enforcement academy for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For salaries, support, maintenance, miscellaneous purposes, including jailer training and technical assistance, and for not more than the following full-time equivalent positions:

.....	\$	1,191,922
.....	FTEs	27.05

It is the intent of the general assembly that the Iowa law enforcement academy may provide training of state and local law enforcement personnel concerning the recognition of and response to persons with Alzheimer's disease.

If Senate File 530 is enacted into law by the Seventy-seventh General Assembly, 1998 Session,* then the full-time equivalent positions authorized in this subsection shall be increased by 1.50 FTEs.

2. For salaries, support, maintenance, and miscellaneous purposes to provide statewide coordination of the drug abuse resistance education (D.A.R.E.) program:

.....	\$	80,000
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3. The Iowa law enforcement academy may annually select at least five automobiles of the department of public safety, division of the Iowa state patrol, prior to turning over the automobiles to the state vehicle dispatcher to be disposed of by public auction and the Iowa law enforcement academy may exchange any automobile owned by the academy for each automobile selected if the selected automobile is used in training law enforcement officers at the academy. However, any automobile exchanged by the academy shall be substituted for the selected vehicle of the department of public safety and sold by public auction with the receipts being deposited in the depreciation fund to the credit of the department of public safety, division of the Iowa state patrol.

Sec. 17. BOARD OF PAROLE. There is appropriated from the general fund of the state to the board of parole for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, including maintenance of an automated docket and the board's automated risk assessment model, employment of two statistical research analysts to assist with the application of the risk assessment model in the parole decision-making process, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	978,551
.....	FTEs	18.00

* See chapter 1101 herein

A portion of the funds appropriated in this section shall be used to continue a pilot program for probation violations in the sixth judicial district department of correctional services. Data shall be maintained to evaluate the pilot program.

Sec. 18. DEPARTMENT OF PUBLIC DEFENSE. There is appropriated from the general fund of the state to the department of public defense for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. MILITARY DIVISION

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

.....	\$	4,446,396
.....	FTEs	231.76

Of the full-time equivalent positions (FTEs) appropriated for in this subsection, 4.50 FTEs represent the transition of personnel services contractors to full-time equivalent position status. The merit system provisions of chapter 19A, collective bargaining agreement provisions of chapter 20, and the state and union collective bargaining agreements, as these relate to the filling of positions, shall not govern movement of these 4.50 FTEs into the full-time equivalent position status during the period beginning July 1, 1998, and ending August 31, 1998.

If there is a surplus in the general fund of the state for the fiscal year ending June 30, 1999, within 60 days after the close of the fiscal year, the military division may incur up to an additional \$500,000 in expenditures from the surplus prior to transfer of the surplus pursuant to section 8.57.

2. EMERGENCY MANAGEMENT DIVISION

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

.....	\$	609,678
.....	FTEs	25.25

Of the full-time equivalent positions (FTEs) appropriated for in this subsection, 10.00 FTEs represent the transition of personnel services contractors to full-time equivalent position status. The merit system provisions of chapter 19A, collective bargaining agreement provisions of chapter 20, and the state and union collective bargaining agreements, as these relate to the filling of positions, shall not govern movement of these 10.00 FTEs into the full-time equivalent position status during the period beginning July 1, 1998, and ending August 31, 1998.

If Senate File 530 is enacted into law by the Seventy-seventh General Assembly, 1998 Session,* then the full-time equivalent positions authorized in this subsection shall be increased by 2.00 FTEs.

In the event that the state and local assistance program under the federal emergency management agency requires additional matching state funds for participation by the state, the department of management shall transfer to the department of public defense, emergency management division, in accordance with section 8.39, sufficient funds to meet the additional matching funds requirement.

Sec. 19. DEPARTMENT OF PUBLIC SAFETY. There is appropriated from the general fund of the state to the department of public safety for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the department's administrative functions, including the criminal justice information system, and for not more than the following full-time equivalent positions:

.....	\$	2,391,481
.....	FTEs	38.80

* See chapter 1101 herein

2. For the division of criminal investigation and bureau of identification including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of 17 percent of the salaries for which the funds are appropriated, to meet federal fund matching requirements, and for not more than the following full-time equivalent positions:

.....	\$	11,519,456
.....	FTEs	219.00

Riverboat enforcement costs shall be billed in accordance with section 99F.10, subsection 4. The costs shall be not more than the department's estimated expenditures, including salary adjustment, for riverboat enforcement for the fiscal year.

The department of public safety, with the approval of the department of management, may employ no more than two special agents and four gaming enforcement officers for each additional riverboat regulated after July 1, 1998, and one special agent for each racing facility which becomes operational during the fiscal year which begins July 1, 1998. One additional gaming enforcement officer, up to a total of four per boat, may be employed for each riverboat that has extended operations to 24 hours and has not previously operated with a 24-hour schedule. Positions authorized in this paragraph are in addition to the full-time equivalent positions authorized in this subsection.

3. a. For the division of narcotics enforcement, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of 17 percent of the salaries for which the funds are appropriated, to meet federal fund matching requirements, and for not more than the following full-time equivalent positions:

.....	\$	2,790,316
.....	FTEs	46.00

b. For the division of narcotics enforcement for undercover purchases:

.....	\$	139,202
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4. For the state fire marshal's office, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of 17 percent of the salaries for which the funds are appropriated, and for not more than the following full-time equivalent positions:

.....	\$	1,569,459
.....	FTEs	31.80

5. For the capitol security division, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of 17 percent of the salaries for which the funds are appropriated and for not more than the following full-time equivalent positions:

.....	\$	1,297,452
.....	FTEs	27.00

6. For costs associated with the maintenance of the automated fingerprint information system (AFIS):

.....	\$	244,930
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7. An employee of the department of public safety who retires after July 1, 1998, but prior to June 30, 1999, is eligible for payment of life or health insurance premiums as provided for in the collective bargaining agreement covering the public safety bargaining unit at the time of retirement if that employee previously served in a position which would have been covered by the agreement. The employee shall be given credit for the service in that prior position as though it were covered by that agreement. The provisions of this subsection shall not operate to reduce any retirement benefits an employee may have earned under other collective bargaining agreements or retirement programs.

8. For costs associated with the training and equipment needs of volunteer fire fighters and for not more than the following full-time equivalent positions:

.....	\$	709,405
.....	FTEs	0.50

Of the full-time equivalent positions (FTEs) appropriated for in this subsection, .50 FTEs represent the transition of personnel services contractors to full-time equivalent position status. The merit system provisions of chapter 19A, collective bargaining agreement provisions of chapter 20, and the state and union collective bargaining agreements, as these relate to the filling of positions, shall not govern movement of these .50 FTEs into the full-time equivalent position status during the period beginning July 1, 1998, and ending August 31, 1998.

Notwithstanding section 8.33, moneys appropriated in this subsection which remain unobligated or unexpended at the close of the fiscal year shall not revert to the general fund of the state but shall remain available only for the purpose designated in this subsection in the succeeding fiscal year.

9. For the state medical examiner and for not more than the following full-time equivalent positions:

.....	\$	354,703
.....	FTEs	4.00

Any fees collected by the department of public safety for autopsies performed by the office of the state medical examiner shall be deposited in the general fund of the state.

Sec. 20. HIGHWAY SAFETY PATROL FUND. There is appropriated from the highway safety patrol fund created in section 80.41 to the division of the Iowa state patrol of the department of public safety, for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For salaries, support, maintenance, workers' compensation costs, and miscellaneous purposes, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of 17 percent of the salaries for which the funds are appropriated, and for not more than the following full-time equivalent positions:

.....	\$	36,207,514
.....	FTEs	574.25

Of the full-time equivalent positions (FTEs) appropriated for in this subsection, 6.25 FTEs represent the transition of personnel services contractors to full-time equivalent position status. The merit system provisions of chapter 19A, collective bargaining agreement provisions of chapter 20, and the state and union collective bargaining agreements, as these relate to the filling of positions, shall not govern movement of these 6.25 FTEs into the full-time equivalent position status during the period beginning July 1, 1998, and ending August 31, 1998.

It is the intent of the general assembly that, of the funds appropriated in this subsection, the division shall expend the amount necessary to provide the state match for the additional state troopers hired through the federal community-oriented policing services program and authorized pursuant to 1996 Iowa Acts, chapter 1216, section 22. It is the intent of the general assembly that once federal moneys for this program end, the division shall present proposals to the governor and the general assembly for continued funding of the state troopers described in this paragraph and for consideration of reducing the number of state troopers through attrition, by the same number as the number of troopers added through the federal program.

2. The division of the Iowa state patrol may expend an amount proportional to the costs that are reimbursable from the highway safety patrol fund created in section 80.41. Spending for these costs may occur from any unappropriated funds in the state treasury upon a finding by the department of management that all of the amounts requested and approved are reimbursable from the highway safety patrol fund. Upon payment to the highway safety patrol fund, the division of the Iowa state patrol shall credit the payments necessary to reimburse the state treasury.

3. For payment to the department of personnel for expenses incurred in administering the merit system on behalf of the division of the Iowa state patrol:

..... \$ 22,098

Sec. 21. Section 89.4, Code 1997, is amended by adding the following new subsection: NEW SUBSECTION. 4. Jacketed direct or indirect fired vessels built and installed in accordance with the American Society of Mechanical Engineers Code, section VIII, division 1, appendix 19, shall not be considered boilers or power boilers for purposes of this chapter and shall not be required to meet the American Society of Mechanical Engineers standard for controls and safety devices for automatically fired boilers. However, jacketed direct or indirect fired vessels as described in this subsection shall be subject to inspection under section 89.3 as pressure vessels.

*Sec. 22. 1997 Iowa Acts, chapter 205, section 4, subsection 1, paragraph i, is amended to read as follows:

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

..... \$ 9,540,122
..... FTEs 149.00

Notwithstanding section 8.33, moneys appropriated in this lettered paragraph which remain unobligated or unexpended at the close of the fiscal year shall not revert to the general fund of the state but shall remain available to the department of corrections to be used for the reimbursement of operational expenses of correctional facilities in which revenues recouped from inmate earnings by a correctional facility are insufficient to fully provide for the operational expenses of the facility in the succeeding fiscal year.*

Sec. 23. 1997 Iowa Acts, chapter 205, section 22, is amended to read as follows:

SEC. 22. DEPARTMENT OF CORRECTIONS — FACILITY REMODELING FUND. Notwithstanding sections 8.33, 8.39, and 602.8108A, the department of corrections shall direct the treasurer of state to transfer on June 30, 1997, \$1,600,000 of the unused balance of funds in the Iowa prison infrastructure fund created in section 602.8108A, to a facility remodeling fund created in the state treasury and under the control of the department of corrections. Moneys in the facility remodeling fund shall be used by the department solely for the purpose of remodeling a structure in the fifth judicial district department of correctional services for use as a residential facility.

Notwithstanding section 8.33, moneys transferred and appropriated in this subsection which remain unobligated or unexpended at the close of the fiscal year shall not revert to the fund from which the moneys were transferred but shall remain available only for the purpose designated in this section in the succeeding fiscal year.

Sec. 24. COURT OF APPEALS — LOCATION. Notwithstanding the provisions of section 602.5104, the court of appeals may, commencing with the effective date of this section and ending on June 30, 1999, meet at a location other than the seat of state government and hold court sessions at a location other than the courtroom of the supreme court at the statehouse.

Sec. 25. DEPARTMENT OF CORRECTIONS — PRISON INFRASTRUCTURE FUND. Notwithstanding sections 8.33, 8.39, and 602.8108A, the department of corrections shall direct the treasurer of state to transfer on June 30, 1998, \$1,000,000 of the unused balance of moneys in the Iowa prison infrastructure fund created in section 602.8108A, to the department of corrections to be used for the purposes designated:

1. For use as matching funding for federal violent offender incarceration/truth in sentencing funds to construct a 200-bed facility at Mitchellville:

..... \$ 600,000

* Item veto; see message at end of the Act

2. For renovation of the power plant and improvements to the water system at the Iowa correctional institution for women:

..... \$ 100,000

3. For the installation of perimeter fencing at the Mt. Pleasant correctional facility:

..... \$ 300,000

Sec. 26. SENTENCING STUDY — EXTENSION. The legislative council is requested to extend through the 1998 interim the authorization for the criminal sentencing interim study committee established by the legislative council in 1997 so that the interim committee can continue to review the sentencing reform efforts in other states and consider whether any of those reforms should be implemented in Iowa.

Sec. 27. PRIVATE INDUSTRY EMPLOYMENT OF INMATES STUDY. The legislative council is requested to establish an interim study committee concerning private industry employment of inmates under the custody of the department of corrections. The interim study shall include examination of the costs associated with permitting private industry to lease building space from the department of corrections for the employment of inmates, the economic impact of private industry employment, including the recoupment of inmate earnings, on the department of corrections, the benefits of private industry employment for inmates, and the effect of permitting private industry employment of inmates on private sector industry and employment.

Sec. 28. EFFECTIVE DATES.

1. Section 1, subsections 3 and 4, of this Act, relating to Iowa competition law or antitrust actions and to civil consumer fraud actions, being deemed of immediate importance, take effect upon enactment.

2. Section 8 of this Act, relating to the encumbrance of certain moneys appropriated to the department of corrections for the fiscal year commencing July 1, 1997, being deemed of immediate importance, takes effect upon enactment.

3. Section 21 of this Act, amending section 89.4, being deemed of immediate importance, takes effect upon enactment.

4. Section 22 of this Act, concerning reversion of money from the Fort Dodge correctional facility, being deemed of immediate importance, takes effect upon enactment.

5. Section 23 of this Act, concerning the facility remodeling fund, being deemed of immediate importance, takes effect upon enactment.

6. Section 24 of this Act, concerning the Iowa court of appeals, being deemed of immediate importance, takes effect upon enactment.

7. Section 25 of this Act, concerning the prison infrastructure fund, being deemed of immediate importance, takes effect upon enactment.

Approved May 21, 1998, except the items which I hereby disapprove and which are designated as Section 4, subsection 3, in its entirety; those portions of Section 5 which are herein bracketed in ink and initialed by me; Section 8 in its entirety; and Section 22 in its 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 Mr. Secretary:

I hereby transmit House File 2539, an Act relating to and making appropriations to the justice system and providing effective dates.

House File 2539 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 3, in its entirety. This item requires the Department of Corrections to timely fill all correctional positions. This language fails to account for the difficult circumstances that necessitate flexibility for the department in managing its operations.

I am unable to approve the first designated portion of Section 5. This item would require twenty-one calendar days notice to the appropriations subcommittee before the Department of Corrections can enter into a contract with a private corporation for the purposes of providing employment to inmates under the department's jurisdiction. Contracting for such purposes is more appropriately an executive branch responsibility.

I am unable to approve the second designated portion of Section 5. This item would preclude the Department of Corrections from entering into a contract with a private sector entity to operate a facility that houses inmates. The department is currently studying this issue and it would be inappropriate to impose such a restriction until the outcome of the study has been determined.

I am unable to approve the item designated as Section 8, in its entirety. This item would allow all unspent 1998 appropriations for the Department of Corrections to carry forward and be spent in fiscal year 1999. It is inappropriate to use one-time funding for ongoing expenses.

I am unable to approve the item designated as Section 22, in its entirety. This item would allow all unspent 1998 appropriations for the Fort Dodge prison to carry forward and be spent in fiscal year 1999. It is inappropriate to use one-time funding for ongoing expenses.

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 House File 2539 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD, *Governor*

CHAPTER 1223

SUPPLEMENTAL AND OTHER APPROPRIATIONS AND MISCELLANEOUS PROVISIONS

H.F. 2395

AN ACT relating to public expenditure and regulatory matters and making supplemental and other appropriations for the fiscal year beginning July 1, 1997, and subsequent fiscal years, and providing effective dates.

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

DIVISION I

Section 1. DEPARTMENT OF GENERAL SERVICES. There is appropriated from the general fund of the state to the department of general services for the fiscal year beginning July 1, 1997, and ending June 30, 1998, to supplement the appropriations made in 1997 Iowa Acts, chapter 211, section 6, subsection 5, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For utility costs:

..... \$ 60,000