

Reprinted 4/85

SENATE FILE 552

BY COMMITTEE ON APPROPRIATIONS
Approved (p. 1060)

FILED MAR 26 1985

Passed Senate, Date 4-18-85 (p. 1499) Passed House, Date 4-28-85 (p. 1832)

Vote: Ayes 45 Nays 0 Vote: Ayes 95 Nays 0

Approved May 3, 1984 Item Veto

Reconsidered & Repassed 4-19-85 (p. 1535)
28-0

A BILL FOR

1 An Act making appropriations to and relating to the financing
2 of departments and agencies whose responsibilities relate
3 to corrections, public safety, and the justice system.

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

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17552

1 Section 1. There is appropriated from the general fund of
2 the state for the fiscal year beginning July 1, 1985 and
3 ending June 30, 1986, to the department of corrections the
4 following amount, or so much thereof as is necessary, to be
5 used for the purposes designated:

6
7 1985-1986
Fiscal Year

8 For operation of adult
9 correctional institutions, in-
10 cluding salaries and support,
11 maintenance, and miscellaneous
12 purposes, provided that the
13 director of corrections, in
14 order to keep expenditures
15 from exceeding the amount of
16 funds appropriated by this
17 section, shall declare a prison
18 overcrowding state of emergency
19 in the state's prisons whenever
20 the population of the prison
21 system exceeds two thousand
22 six hundred forty-five inmates for
23 sixty consecutive days. Upon
24 the declaration of a prison
25 overcrowding state of emer-
26 gency, the board of parole shall
27 consider all inmates, except
28 for inmates convicted of class
29 "A" felonies, for parole who are
30 within nine months of their
31 tentative discharge date. If
32 the board of parole's actions
33 do not reduce the population of
34 the prison system below two
35 thousand six hundred twenty in-

1 mates within ninety days of the
2 date of the declaration of the
3 prison overcrowding state of
4 emergency, the tentative dis-
5 charge dates of all inmates,
6 whose most serious offenses for
7 which the inmates are currently
8 incarcerated are crimes against
9 property and who are incarcer-
10 ated in state prisons on the
11 date of the declaration, shall
12 be reduced by ninety days by
13 the director of corrections. How-
14 ever, the tentative discharge
15 date of a prisoner sentenced
16 under section 204.406, 204.413,
17 902.7, 902.8, or 906.5 shall
18 not be reduced under this sec-
19 tion prior to completion of the
20 mandatory minimum sentence re-
21 quired by the section. The
22 director of corrections shall
23 terminate a prison overcrowd-
24 ing state of emergency in
25 the state's prisons whenever
26 the population of the prison
27 system is reduced below two
28 thousand six hundred twenty
29 inmates. The department shall
30 adopt administrative rules which
31 identify all offenses as either
32 crimes against property or
33 crimes against persons. As
34 used in this section, "prison"
35 means a correctional facility

1 operated by the department of
2 corrections and funded under
3 this section, "prison system"
4 means the prisons of this
5 state which are the Iowa
6 correctional institution for
7 women, the Iowa state men's
8 reformatory, the Iowa state
9 penitentiary, the Iowa medical
10 and classification facility, the
11 north central correctional facility,
12 the Mount Pleasant correctional
13 facility, the Clarinda correctional
14 treatment facility, the correctional
15 release center, and the rehabilitation
16 camps, and "tentative dis-
17 charge date" means the date at
18 which an inmate is scheduled
19 for release including good con-
20 duct and work time currently
21 received. However, offenders
22 for whom the board of parole
23 has authorized parole, but for
24 whom the director has determined
25 that inadequate parole plans
26 have been formulated, may remain
27 within the correctional institution
28 for a period of ten days following
29 parole authorization or until
30 adequate parole plans have been
31 developed, whichever is the shorter
32 period of time. During this period
33 of time, the offender shall not
34 be included in the list of names
35 used to determine the existence of

1 a prison overcrowding emergency.
2 On and after July 1, 1985, the
3 superintendent shall not admit
4 additional inmates to the medium
5 security facility of the men's
6 reformatory at Anamosa if the in-
7 mate population of the men's re-
8 formatory equals or exceeds eight
9 hundred and fifty inmates \$ 53,710,000

10 Of the amount appropriated in this section, one hundred
11 three thousand one hundred five (103,105) dollars, or so much
12 thereof as is necessary, shall be used to hire five additional
13 staff to be used towards compliance with the Watson v. Ray
14 federal court order.

15 If the department of corrections changes the allocations to
16 the various adult correctional institutions on which the
17 appropriation in this section was based, the department shall
18 notify each of the members of the justice system
19 appropriations subcommittee regarding the changes to the
20 allocations.

21 Sec. 2. There is appropriated from the general fund of the
22 state for the fiscal year beginning July 1, 1985 and ending
23 June 30, 1986, to the department of corrections the following
24 amounts, or so much thereof as is necessary, for the programs
25 as designated:

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1985-1986
Fiscal Year

1. For general adminis-
tration, including salaries
and support, maintenance, and
miscellaneous purposes \$1,810,000

2. For a legal assistance
program to provide civil
legal assistance to inmates
in the Iowa correctional

1 system in matters of child
2 custody, bankruptcy, and

3 dissolution of marriage \$ 35,000

4 The department shall determine whether an inmate applying
5 for civil legal assistance is indigent under section 815.9,
6 after submission by the inmate of the detailed financial
7 statement required by that section. The inmate has an
8 affirmative duty to provide all relevant information on the
9 issue of the inmate's indigency to the satisfaction of the
10 department that the inmate is indigent. The department may
11 establish by rule a schedule of charges, on a graduated scale
12 related to income and resources, to be paid by inmates who are
13 not indigent for the provision of civil legal assistance.

14 The department may establish by rule maximum rates of
15 reasonable compensation for attorneys providing the various
16 categories of civil legal assistance under the program funded
17 by this subsection.

18 3. For reimbursement of
19 counties for temporary con-
20 finement of work release
21 and parole violators, as
22 provided in sections 247A.10,

23 901.7, and 906.17 \$ 72,000

24 4. For the correctional
25 training center

26 5. For federal prison
27 reimbursement \$ 375,000

28 The department of corrections shall use funds appropriated
29 in the subsection to continue to contract for the services of
30 a Muslim imam.

31 Sec. 3. There is appropriated from the general fund of the
32 state for the fiscal year beginning July 1, 1985 and ending
33 June 30, 1986, to the department of corrections the sum of
34 seventeen million three hundred ninety thousand (17,390,000)
35 dollars, or so much thereof as is necessary, for

1 preinstitutional and postconviction community-based
2 corrections, halfway houses, and parole services.

3 Sec. 4. There is appropriated from the general fund of the
4 state to the following named agencies for the fiscal year
5 beginning July 1, 1985 and ending June 30, 1986, the following
6 amounts, or so much thereof as is necessary, to be used for
7 the purposes designated:

8
9 1985-1986
Fiscal Year

10 1. CRIMINAL AND JUVENILE

11 JUSTICE PLANNING AGENCY

12 For salaries, support, main-
13 tenance, and miscellaneous pur-
14 poses related to the operations
15 of the criminal and juvenile
16 justice planning agency which
17 is a separate independent agency
18 within the office of the gover-
19 nor, under the direct supervi-
20 sion of the governor, and re-
21 sponsible only to the governor
22 or the general assembly as pro-
23 vided in chapter 80C:

24 a. Criminal justice plan-	
25 ning	\$ 233,000
26 b. Juvenile justice plan-	
27 ning	\$ 56,000
28 c. Juvenile victim restitue-	
29 tion program	\$ 121,000
30 d. Jailer training and	
31 technical assistance	\$ 34,000

32 2. DEPARTMENT OF JUSTICE

33 a. For the general office of
34 attorney general for salaries,
35 support, maintenance, and mis-

1 cellaneous purposes \$ 3,158,000

2 b. The attorney general shall conduct a study of the tort
3 claims division of the attorney general's office, and report
4 the results to the general assembly on or before January 1,
5 1986. The report shall analyze tort claims made against the
6 state, claims paid through settlement, claims tried and their
7 results for the years 1980 to date.

8 (1) The study shall examine the effect, if any, of the
9 change in Iowa law resulting from Goetzman v. Wichern, 327
10 N.W.2d 742 (1982) which eliminated the doctrine of
11 contributory negligence and replaced it with the doctrine of
12 pure comparative negligence.

13 (2) The study shall further examine and report the
14 percentage of negligence allocated against the state in each
15 claim tried subsequent to Goetzman v. Wichern, supra.

16 (3) Further, the study shall analyze the effect upon the
17 state of Iowa and its political subdivisions, if any,
18 including savings to the state of Iowa, resulting from the
19 enactment of 1984 Iowa Acts, chapter 1293 (comparative
20 negligence bill), and particularly, the study shall report the
21 savings to the state of Iowa resulting from the elimination of
22 the doctrine of pure, joint and several liability on all cases
23 tried after July 1, 1984.

24 (4) Further, the attorney general's office shall elicit
25 from the municipalities of the state of Iowa, including all
26 counties, the same or similar information as listed above and
27 make a similar analysis; and shall report that analysis and
28 results to the general assembly on or before January 1, 1986.
29 This analysis shall include any change in insurance premiums
30 from 1980 to date to document whether the changes in the Iowa
31 negligence law since 1980 have had any effect on the insurance
32 premiums paid by Iowa governmental subdivisions.

33 c. In addition to the funds appropriated under paragraph
34 "a", there is appropriated from the general fund of the state
35 to the department of justice for the fiscal year beginning

1 July 1, 1985 and ending June 30, 1986, an amount not exceeding
2 ninety-five thousand (95,000) dollars to be used for the
3 enforcement of the Iowa competition law under chapter 553.
4 The expenditure of the funds appropriated under this
5 subsection is contingent upon receipt by the general fund of
6 the state of an amount at least equal to either the
7 expenditures from damages awarded to the state or a political
8 subdivision of the state by a civil judgment under chapter
9 553, if the judgment authorizes the use of the award for
10 enforcement purposes or costs or attorney fees awarded the
11 state in state or federal antitrust actions.

12 d. In addition to the funds appropriated under paragraph
13 "a", there is appropriated from the general fund of the state
14 to the department of justice for the fiscal year beginning
15 July 1, 1985 and ending June 30, 1986, an amount not exceeding
16 thirty thousand (30,000) dollars to be used for public
17 education relating to consumer fraud. The expenditure of the
18 funds appropriated under this paragraph is contingent upon
19 receipt by the general fund of the state of an amount at least
20 equal to the expenditures from damages awarded to the state or
21 a political subdivision of the state by a civil consumer fraud
22 judgment, if the judgment authorizes the use of the award for
23 public education on consumer fraud. Funds received in a
24 previous fiscal year which have not been expended shall be
25 credited to this fiscal year.

26 e. Prosecuting attorney
27 training program for salaries,
28 support, maintenance and
29 miscellaneous purposes which
30 funds shall be used to attract
31 federal and county funding \$ 91,000

32 f. Prosecuting intern pro-
33 gram; however, counties par-
34 ticipating in the prosecuting
35 intern program shall match

1 funds appropriated by this
2 paragraph \$ 52,000
3 g. For payment of grants to
4 dispute resolution programs \$ 50,000
5 3. IOWA LAW ENFORCEMENT
6 ACADEMY
7 For salaries, support, main-
8 tenance, and miscellaneous pur-
9 poses \$ 826,586
10 4. BOARD OF PAROLE
11 For salaries, support, main-
12 tenance, and miscellaneous pur-
13 poses \$ 470,000
14 5. STATE MEDICAL EXAMINER
15 For salaries, support, main-
16 tenance, and miscellaneous pur-
17 poses \$ 30,000

18 It is the intent of the general assembly that the attorney
19 general or a designee, the commissioner of public safety or a
20 designee, and the dean of the college of medicine at
21 university of Iowa hospital or a designee shall meet and
22 develop recommendations and proposed changes to the Code of
23 Iowa designed to clarify the duties of the Iowa state medical
24 examiner and assist the performance of these duties. These
25 recommendations shall be submitted to the justice system
26 appropriations subcommittee on or before January 15, 1986.

27 Sec. 5. There is appropriated from the general fund of the
28 state for the fiscal year beginning July 1, 1985 and ending
29 June 30, 1986, to the judicial branch, the following amounts,
30 or so much thereof as is necessary, to be used for the
31 purposes designated:

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1985-1986
Fiscal Year

34 1. COURTS AND ADMINISTRATION
35 For salaries of supreme court

1 justices, appellate court judges,
2 district court judges, district
3 associate judges, judicial
4 magistrates and staff, court
5 administrator, clerk of the supreme
6 court, district court administrators,
7 board of law examiners and board
8 of examiners of shorthand reporters
9 and judicial qualifications
10 commission, maintenance, equipment
11 and miscellaneous purposes \$15,858,000

12 2. COURT REORGANIZATION

13 For implementation according
14 to the provisions of 1983 Iowa

15 Acts, chapter 186, section 10301 \$16,492,000

16 It is the intent of the general assembly that the counties
17 be aware that the state may delay the schedule of state
18 assumption of responsibility for the fiscal year beginning
19 July 1, 1986. If the state is unable to fully assume the
20 1986-1987 fiscal year component of the court system, the
21 chairpersons of the house and senate committees on
22 appropriations shall notify the supreme court and the counties
23 of this possible delay by no later than February 15, 1986.

24 3. Notwithstanding section 8.33, a sum not to exceed one
25 million five hundred thousand (1,500,000) dollars of the
26 unencumbered and unobligated funds appropriated by 1983 Iowa
27 Acts, chapter 204, section 1, paragraph "e", and 1984 Iowa
28 Acts, chapter 1301, section 8, shall not revert to the general
29 fund of the state until June 30, 1986, and shall continue to
30 be available for the purposes appropriated until that date.

31 Sec. 6. There is appropriated from the general fund of the
32 state to the department of public safety for the fiscal year
33 beginning July 1, 1985 and ending June 30, 1986, the following
34 amounts, or so much thereof as is necessary, to be used for
35 funding the following functions and programs for the purposes

1 designated:

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1985-1986

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Fiscal Year

4 DEPARTMENT OF PUBLIC SAFETY

5 1. ADMINISTRATIVE FUNCTION

6 a. For salaries, support,

7 maintenance, and miscellaneous

8 purposes of the department,

9 criminal justice information sys-

10 tem, and radio communications \$ 4,700,000

11 b. For salaries, support,

12 maintenance, and miscellaneous

13 purposes of the victim compen-

14 sation program \$ 43,000

15 When the department of transportation revokes a person's
16 license or operating privilege under chapter 321B, the
17 department shall assess the person a civil penalty of one
18 hundred dollars. A separate fund is created in the state
19 treasury. The money collected by the department under this
20 paragraph shall be transmitted to the treasurer of state who
21 shall deposit the money in the fund to be used for the
22 purposes of chapter 912. Any balance in this fund on June 30
23 of any fiscal year exceeding fifty thousand dollars, shall
24 revert to the general fund of the state. A temporary
25 restricted license shall not be issued or a license or
26 privilege to drive reinstated until the civil penalty has been
27 paid.

28 2. INSPECTION FUNCTION

29 For salaries, support,

30 maintenance, and miscellaneous

31 purposes of fire marshal's

32 inspections, administration of

33 the state building code, arson

34 investigators including the

35 state's contribution to the

1 peace officers' retirement,
2 accident, and disability
3 system provided in chapter 97A
4 in the amount of sixteen percent
5 of the salaries for which the
6 funds are appropriated \$ 1,140,000
7 3. SECURITY FUNCTION
8 For salaries, support, main-
9 tenance, and miscellaneous pur-
10 poses of the capitol security
11 division \$ 760,000
12 4. INVESTIGATION FUNCTION
13 a. For salaries, support, main-
14 tenance, and miscellaneous pur-
15 poses, including lease or lease
16 purchase of laboratory equipment,
17 of the division of criminal
18 investigation containing the
19 bureaus of identification, drug
20 law enforcement, and beer and
21 liquor law enforcement, includ-
22 ing the state's contribution
23 to the peace officers' retire-
24 ment, accident, and disability
25 system provided in chapter
26 97A in the amount of sixteen
27 percent of the salaries for
28 which the funds are appropriated \$ 5,140,000
29 b. For undercover purchases
30 by the division of criminal in-
31 vestigation agents and local law
32 enforcement agents \$ 200,000
33 c. For salaries, support,
34 maintenance, and miscellaneous
35 purposes for the employment of

1 pari-mutuel law enforcement
2 agents, including the state's
3 contribution to the peace of-
4 ficers' retirement, accident,
5 and disability system provided
6 in chapter 97A in the amount of
7 sixteen percent of the salaries
8 for which the funds are appro-
9 priated \$ 232,000

10 It is the intent of the general assembly that the division
11 of criminal investigation of the department of public safety
12 shall purchase not more than five motor vehicles of the same
13 make or model based upon specifications submitted by the
14 department.

15 5. DIVISION OF HIGHWAY SAFETY
16 AND UNIFORMED FORCE

17 a. For salaries, support,
18 maintenance, and miscellaneous
19 purposes including the state's
20 contribution to the peace offi-
21 cers' retirement, accident, and
22 disability system provided in
23 chapter 97A in the amount of six-
24 teen percent of the salaries for
25 which the funds are appropriated \$18,191,400

26 b. In addition to the complement of not to exceed four
27 hundred ten persons there shall be eight persons who shall
28 serve as members of the highway safety patrol for the period
29 beginning July 1, 1985 and ending June 30, 1987. The eight
30 additional members of the highway safety patrol shall be
31 totally funded through the use of federal funds.

32 c. For various crime pre-
33 vention programs sponsored within
34 the department of public safety \$ 57,000

35 An employee of the department of public safety or the state

1 conservation commission who retires after the effective date
2 of this Act is eligible for payment of life or health
3 insurance premiums as provided for in the collective
4 bargaining agreement covering the public safety bargaining
5 unit at the time of retirement if that employee previously
6 served in a position which would have been covered by that
7 agreement. The employee shall be given credit for the service
8 in that prior position as though it was covered by that
9 agreement. This section shall not operate to reduce any
10 retirement benefits the employee may have earned under other
11 collective bargaining agreements or retirement programs.

12 If the department of public safety uses funds appropriated
13 for one purpose for other purposes within the scope of the
14 department, as provided in section 8.39, the department shall
15 notify, at least two weeks prior to the transfer, in addition
16 to those persons provided in section 8.39, each of the members
17 of the justice system appropriations subcommittee regarding
18 the transfer.

19 Sec. 7. All federal grants to and the federal receipts of
20 agencies appropriated funds under this Act are appropriated
21 for the purposes set forth in such federal grants or receipts.

22 EXPLANATION

23 The bill appropriates moneys from the general fund of the
24 state for the fiscal year beginning July 1, 1985 and ending
25 June 30, 1986 to the boards and commissions of the judicial
26 department, the courts, the department of corrections, the
27 criminal and juvenile justice planning agency, the department
28 of justice, the Iowa law enforcement academy, the board of
29 parole, the state medical examiner, the district court
30 administrators, and the department of public safety.

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S-3602

SENATE FILE 552

- 1 Amend Senate File 552 as follows:
- 2 1. Page 13, line 25, by inserting after the word
- 3 "appropriated" the following: "provided that the
- 4 commissioner of public safety shall immediately
- 5 rescind any administrative rule, policy or directive
- 6 which prohibits officers of the Iowa state highway
- 7 safety patrol from becoming partisan candidates or
- 8 campaigning for a partisan elective public office."

S-3602 Filed April 2, 1985

By MILLER, CARR & WELSH

Adopted 4/18/85 (p. 1494)

S-3611

SENATE FILE 552

- 1 Amend Senate File 552 as follows:
- 2 1. Page 7, line 1, by striking the figure
- 3 "3,158,000" and inserting the figure "3,165,200".

S-3611 Filed April 2, 1985

By WELSH, MILLER & DRAKE

Adopted 4/18/85 (p. 1494)

S-3725

SENATE FILE 552

- 1 Amend Senate File 552 as follows:
- 2 1. Page 14, by inserting after line 21 the
- 3 following the new section:
- 4 "Sec. _____. The amount of the funds appropriated
- 5 under this Act for the fiscal year beginning July 1,
- 6 1985 and ending June 30, 1986 shall be reduced by two
- 7 percent and the provisions of this section shall
- 8 prevail over any other provisions of this Act."
- 9 2. Renumber sections and correct internal
- 10 references as necessary in accordance with this
- 11 amendment.

S-3725 Filed April 12, 1985

By HULTMAN

o/c 4/18 (p. 1495)

- 1 Amend Senate File 552 as follows:
2 1. Page 9, line 9, by striking the figure
3 "826,586" and inserting the following; "776,586".
4 2. Page 9, by inserting after line 9 the
5 following:
6 "All individuals attending the basic training
7 course at the academy shall pay twenty-five dollars
8 per day to the academy for tuition. The academy shall
9 also charge each student a reasonable fee for the
10 shoes, uniforms and food provided to that student
11 while the student is enrolled in the basic training
12 program. The employing agency, municipality or
13 organization may reimburse the student for these
14 costs, may pay the tuition and fees directly to the
15 Iowa law enforcement academy, or may do neither. If
16 the employing agency, municipality or organization
17 pays the tuition and fees directly to the Iowa law
18 enforcement academy, the student shall sign and
19 deliver to the employing agency, municipality or
20 organization a promissory note providing for monthly
21 payments through payroll deduction. The repayment
22 period may be up to thirty-six months, and the monthly
23 payment shall be the total amount paid by the Iowa law
24 enforcement academy divided by the number of months in
25 the repayment period chosen by the student.
26 The Iowa law enforcement academy shall study and
27 report back to the general assembly the effect of the
28 reimbursement mandate provided in this subsection on
29 the recruitment and enrollment practices of peace
30 officers. This report shall include recommendations
31 on how Iowa can require law enforcement officers to
32 pay for the full costs of their training."

S-3759 Filed April 16, 1985

BY C. MILLER & CARR

A-Adopted, B-Less 4/18/85 (p. 1497)

1 Amend Senate File 552 as follows:
 2 1. Page 14, by inserting after line 18 the
 3 following:
 4 "Sec. _____. The appropriations for the fiscal year
 5 beginning July 1, 1986 and ending June 30, 1987 shall
 6 not exceed the appropriations for the fiscal year
 7 beginning July 1, 1985 and ending June 30, 1986."
 8 2. Renumber sections and correct internal
 9 references as are necessary in accordance with this
 10 amendment.

S-3852 Filed April 18, 1985 BY JUNKINS

*Adopted 4/18/85 (p. 1494)
 Recorred 4/20/85 4/19 (p. 1535)*

1 Amend Senate File 552 as follows:
 2 1. Page 6, by inserting after line 2 the
 3 following:
 4 "Sec. _____. 1984 Iowa Acts, chapter 1306, section
 5 2, subsection 2, unnumbered paragraph 3, is amended to
 6 read as follows:
 7 The department, by ~~January~~ July 1, 1985, shall
 8 provide the general assembly with evidence from
 9 independent experts of the validity and effectiveness
 10 of the inmate classification system and shall suggest
 11 changes in the system to make it more effective. If
 12 the department fails to comply with the requirements
 13 of this paragraph, the state comptroller shall
 14 withhold one percent of the funds appropriated under
 15 section 2, subsection 1 of this Act when the funds are
 16 allocated to the department until the evidence has
 17 been presented to the general assembly. The
 18 validation study shall determine if the classification
 19 instruments accomplish the following objectives:".

S-3857 Filed April 18, 1985 By MANN

Adopted 4/18/85 (p. 1494)

1 Amend Senate File 562 as follows:
 2 1. Page 3, by striking lines 12 and 13 and
 3 inserting the following:
 4 "One million five hundred thousand dollars shall
 5 be advanced to the community development loan fund
 6 from the general fund. The general fund shall
 7 receive the same amount from the "Community
 8 Betterment Account" created in House File 225 by
 9 June 30, 1986.....\$ 1,500,000".

S-3833

SENATE FILE 552

- 1 Amend Senate File 552 as follows:
2 1. Page 10, by striking lines 24 through 30.

S-3833 Filed April 18, 1985

By HULTMAN & WELSH

Adopted 4/18/85 (p. 1494)

S-3835

SENATE FILE 552

- 1 Amend Senate File 552 as follows:
2 1. Page 14, by inserting after line 18 the
3 following;
4 "Sec. _____. The amount of the funds appropriated
5 under section 1, 2, 3, 4, and 6 of this Act for the
6 fiscal year beginning July 1, 1985 and ending June 30,
7 1986 shall be reduced by one percent, rounded to the
8 nearest whole dollar, and the provisions of this
9 section shall prevail over any other provisions of
10 this Act."
11 2. Renumber sections and correct internal
12 references as necessary in accordance with this
13 amendment.

S-3835 Filed April 18, 1985

By WELSH & C. MILLER

Adopted 4/18/85 (p. 1495)

S-3846

SENATE FILE 552

- 1 Amend Senate File 552 as follows:
2 1. Page 10, line 11, by striking the figure
3 "15,858,000" and inserting the following:
4 "14,958,000".
5 2. Page 10, line 15, by striking the figure
6 "16,492,000" and inserting the following:
7 "15,592,000".

S-3846 Filed April 18, 1985

By HULTMAN

Law 4/18 (p. 1495)

- 1 Amend Senate File 552 as follows:
- 2 1. Page 14, by inserting after line 18 the
- 3 following:
- 4 "Sec. ____ . There is appropriated for the fiscal
- 5 year beginning July 1, 1986 and ending June 30, 1987
- 6 to the agencies and for the purposes specified the
- 7 same amounts that are appropriated under this Act for
- 8 the fiscal year beginning July 1, 1985 and ending June
- 9 30, 1986."
- 10 2. Renumber sections and correct internal
- 11 references as are necessary in accordance with this
- 12 amendment.

S-3894 Filed April 19, 1985

By JUNKINS

Adopted 4/19/85 (p. 1535)

1 Section 1. There is appropriated from the general fund of
2 the state for the fiscal year beginning July 1, 1985 and
3 ending June 30, 1986, to the department of corrections the
4 following amount, or so much thereof as is necessary, to be
5 used for the purposes designated:

6	1985-1986
7	<u>Fiscal Year</u>

8 For operation of adult
9 correctional institutions, in-
10 cluding salaries and support,
11 maintenance, and miscellaneous
12 purposes, provided that the
13 director of corrections, in
14 order to keep expenditures
15 from exceeding the amount of
16 funds appropriated by this
17 section, shall declare a prison
18 overcrowding state of emergency
19 in the state's prisons whenever
20 the population of the prison
21 system exceeds two thousand
22 six hundred forty-five inmates for
23 sixty consecutive days. Upon
24 the declaration of a prison
25 overcrowding state of emer-
26 gency, the board of parole shall
27 consider all inmates, except
28 for inmates convicted of class
29 "A" felonies, for parole who are
30 within nine months of their
31 tentative discharge date. If
32 the board of parole's actions
33 do not reduce the population of
34 the prison system below two
35 thousand six hundred twenty in-

1 mates within ninety days of the
2 date of the declaration of the
3 prison overcrowding state of
4 emergency, the tentative dis-
5 charge dates of all inmates,
6 whose most serious offenses for
7 which the inmates are currently
8 incarcerated are crimes against
9 property and who are incarcer-
10 ated in state prisons on the
11 date of the declaration, shall
12 be reduced by ninety days by
13 the director of corrections. How-
14 ever, the tentative discharge
15 date of a prisoner sentenced
16 under section 204.406, 204.413,
17 902.7, 902.8, or 906.5 shall
18 not be reduced under this sec-
19 tion prior to completion of the
20 mandatory minimum sentence re-
21 quired by the section. The
22 director of corrections shall
23 terminate a prison overcrowd-
24 ing state of emergency in
25 the state's prisons whenever
26 the population of the prison
27 system is reduced below two
28 thousand six hundred twenty
29 inmates. The department shall
30 adopt administrative rules which
31 identify all offenses as either
32 crimes against property or
33 crimes against persons. As
34 used in this section, "prison"
35 means a correctional facility

S.F. 552 H.F. _____

1 operated by the department of
2 corrections and funded under
3 this section, "prison system"
4 means the prisons of this
5 state which are the Iowa
6 correctional institution for
7 women, the Iowa state men's
8 reformatory, the Iowa state
9 penitentiary, the Iowa medical
10 and classification facility, the
11 north central correctional facility,
12 the Mount Pleasant correctional
13 facility, the Clarinda correctional
14 treatment facility, the correctional
15 release center, and the rehabilitation
16 camps, and "tentative dis-
17 charge date" means the date at
18 which an inmate is scheduled
19 for release including good con-
20 duct and work time currently
21 received. However, offenders
22 for whom the board of parole
23 has authorized parole, but for
24 whom the director has determined
25 that inadequate parole plans
26 have been formulated, may remain
27 within the correctional institution
28 for a period of ten days following
29 parole authorization or until
30 adequate parole plans have been
31 developed, whichever is the shorter
32 period of time. During this period
33 of time, the offender shall not
34 be included in the list of names
35 used to determine the existence of

1 a prison overcrowding emergency.
2 On and after July 1, 1985, the
3 superintendent shall not admit
4 additional inmates to the medium
5 security facility of the men's
6 reformatory at Anamosa if the in-
7 mate population of the men's re-
8 formatory equals or exceeds eight
9 hundred and fifty inmates \$ 53,710,000

10 Of the amount appropriated in this section, one hundred
11 three thousand one hundred five (103,105) dollars, or so much
12 thereof as is necessary, shall be used to hire five additional
13 staff to be used towards compliance with the Watson v. Ray
14 federal court order.

15 If the department of corrections changes the allocations to
16 the various adult correctional institutions on which the
17 appropriation in this section was based, the department shall
18 notify each of the members of the justice system
19 appropriations subcommittee regarding the changes to the
20 allocations.

21 Sec. 2. There is appropriated from the general fund of the
22 state for the fiscal year beginning July 1, 1985 and ending
23 June 30, 1986, to the department of corrections the following
24 amounts, or so much thereof as is necessary, for the programs
25 as designated:

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1985-1986
Fiscal Year

1. For general adminis-
tration, including salaries
and support, maintenance, and
miscellaneous purposes \$1,810,000

2. For a legal assistance
program to provide civil
legal assistance to inmates
in the Iowa correctional

1 system in matters of child
2 custody, bankruptcy, and
3 dissolution of marriage \$ 35,000

4 The department shall determine whether an inmate applying
5 for civil legal assistance is indigent under section 815.9,
6 after submission by the inmate of the detailed financial
7 statement required by that section. The inmate has an
8 affirmative duty to provide all relevant information on the
9 issue of the inmate's indigency to the satisfaction of the
10 department that the inmate is indigent. The department may
11 establish by rule a schedule of charges, on a graduated scale
12 related to income and resources, to be paid by inmates who are
13 not indigent for the provision of civil legal assistance.

14 The department may establish by rule maximum rates of
15 reasonable compensation for attorneys providing the various
16 categories of civil legal assistance under the program funded
17 by this subsection.

18 3. For reimbursement of
19 counties for temporary con-
20 finement of work release
21 and parole violators, as
22 provided in sections 247A.10,
23 901.7, and 906.17 \$ 72,000

24 4. For the correctional
25 training center \$ 325,000

26 5. For federal prison
27 reimbursement \$ 375,000

28 The department of corrections shall use funds appropriated
29 in the subsection to continue to contract for the services of
30 a Muslim imam.

31 Sec. 3. There is appropriated from the general fund of the
32 state for the fiscal year beginning July 1, 1985 and ending
33 June 30, 1986, to the department of corrections the sum of
34 seventeen million three hundred ninety thousand (17,390,000)
35 dollars, or so much thereof as is necessary, for

1 preinstitutional and postconviction community-based
 2 corrections, halfway houses, and parole services.

3 Sec. 4. 1984 Iowa Acts, chapter 1306, section 2,
 4 subsection 2, unnumbered paragraph 3, is amended to read as
 5 follows:

6 The department, by January-15 July 1, 1985, shall provide
 7 the general assembly with evidence from independent experts of
 8 the validity and effectiveness of the inmate classification
 9 system and shall suggest changes in the system to make it more
 10 effective. If the department fails to comply with the
 11 requirements of this paragraph, the state comptroller shall
 12 withhold one percent of the funds appropriated under section
 13 2, subsection 1 of this Act when the funds are allocated to
 14 the department until the evidence has been presented to the
 15 general assembly. The validation study shall determine if the
 16 classification instruments accomplish the following
 17 objectives:

18 Sec. 5. There is appropriated from the general fund of the
 19 state to the following named agencies for the fiscal year
 20 beginning July 1, 1985 and ending June 30, 1986, the following
 21 amounts, or so much thereof as is necessary, to be used for
 22 the purposes designated:

23	1985-1986
24	<u>Fiscal Year</u>

25 1. CRIMINAL AND JUVENILE
 26 JUSTICE PLANNING AGENCY

27 For salaries, support, main-
 28 tenance, and miscellaneous pur-
 29 poses related to the operations
 30 of the criminal and juvenile
 31 justice planning agency which
 32 is a separate independent agency
 33 within the office of the gover-
 34 nor, under the direct supervi-
 35 sion of the governor, and re-

1 sponsible only to the governor
2 or the general assembly as pro-
3 vided in chapter 80C:

- 4 a. Criminal justice plan-
5 ning \$ 233,000
- 6 b. Juvenile justice plan-
7 ning \$ 56,000
- 8 c. Juvenile victim restitu-
9 tion program \$ 121,000
- 10 d. Jailer training and
11 technical assistance \$ 34,000

12 2. DEPARTMENT OF JUSTICE

- 13 a. For the general office of
14 attorney general for salaries,
15 support, maintenance, and mis-
16 cellaneous purposes \$ 3,165,200

17 b. The attorney general shall conduct a study of the tort
18 claims division of the attorney general's office, and report
19 the results to the general assembly on or before January 1,
20 1986. The report shall analyze tort claims made against the
21 state, claims paid through settlement, claims tried and their
22 results for the years 1980 to date.

23 (1) The study shall examine the effect, if any, of the
24 change in Iowa law resulting from Goetzman v. Wichern, 327
25 N.W.2d 742 (1982) which eliminated the doctrine of
26 contributory negligence and replaced it with the doctrine of
27 pure comparative negligence.

28 (2) The study shall further examine and report the
29 percentage of negligence allocated against the state in each
30 claim tried subsequent to Goetzman v. Wichern, supra.

31 (3) Further, the study shall analyze the effect upon the
32 state of Iowa and its political subdivisions, if any,
33 including savings to the state of Iowa, resulting from the
34 enactment of 1984 Iowa Acts, chapter 1293 (comparative
35 negligence bill), and particularly, the study shall report the

1 savings to the state of Iowa resulting from the elimination of
2 the doctrine of pure, joint and several liability on all cases
3 tried after July 1, 1984.

4 (4) Further, the attorney general's office shall elicit
5 from the municipalities of the state of Iowa, including all
6 counties, the same or similar information as listed above and
7 make a similar analysis; and shall report that analysis and
8 results to the general assembly on or before January 1, 1986.
9 This analysis shall include any change in insurance premiums
10 from 1980 to date to document whether the changes in the Iowa
11 negligence law since 1980 have had any effect on the insurance
12 premiums paid by Iowa governmental subdivisions.

13 c. In addition to the funds appropriated under paragraph
14 "a", there is appropriated from the general fund of the state
15 to the department of justice for the fiscal year beginning
16 July 1, 1985 and ending June 30, 1986, an amount not exceeding
17 ninety-five thousand (95,000) dollars to be used for the
18 enforcement of the Iowa competition law under chapter 553.
19 The expenditure of the funds appropriated under this
20 subsection is contingent upon receipt by the general fund of
21 the state of an amount at least equal to either the
22 expenditures from damages awarded to the state or a political
23 subdivision of the state by a civil judgment under chapter
24 553, if the judgment authorizes the use of the award for
25 enforcement purposes or costs or attorney fees awarded the
26 state in state or federal antitrust actions.

27 d. In addition to the funds appropriated under paragraph
28 "a", there is appropriated from the general fund of the state
29 to the department of justice for the fiscal year beginning
30 July 1, 1985 and ending June 30, 1986, an amount not exceeding
31 thirty thousand (30,000) dollars to be used for public
32 education relating to consumer fraud. The expenditure of the
33 funds appropriated under this paragraph is contingent upon
34 receipt by the general fund of the state of an amount at least
35 equal to the expenditures from damages awarded to the state or

1 a political subdivision of the state by a civil consumer fraud
2 judgment, if the judgment authorizes the use of the award for
3 public education on consumer fraud. Funds received in a
4 previous fiscal year which have not been expended shall be
5 credited to this fiscal year.

6 e. Prosecuting attorney
7 training program for salaries,
8 support, maintenance and
9 miscellaneous purposes which
10 funds shall be used to attract
11 federal and county funding \$ 91,000

12 f. Prosecuting intern pro-
13 gram; however, counties par-
14 ticipating in the prosecuting
15 intern program shall match
16 funds appropriated by this
17 paragraph \$ 52,000

18 g. For payment of grants to
19 dispute resolution programs \$ 50,000

20 3. IOWA LAW ENFORCEMENT

21 ACADEMY

22 For salaries, support, main-
23 tenance, and miscellaneous pur-
24 poses \$ 776,586

25 4. BOARD OF PAROLE

26 For salaries, support, main-
27 tenance, and miscellaneous pur-
28 poses \$ 470,000

29 5. STATE MEDICAL EXAMINER

30 For salaries, support, main-
31 tenance, and miscellaneous pur-
32 poses \$ 30,000

33 It is the intent of the general assembly that the attorney
34 general or a designee, the commissioner of public safety or a
35 designee, and the dean of the college of medicine at

1 university of Iowa hospital or a designee shall meet and
2 develop recommendations and proposed changes to the Code of
3 Iowa designed to clarify the duties of the Iowa state medical
4 examiner and assist the performance of these duties. These
5 recommendations shall be submitted to the justice system
6 appropriations subcommittee on or before January 15, 1986.

7 Sec. 6. There is appropriated from the general fund of the
8 state for the fiscal year beginning July 1, 1985 and ending
9 June 30, 1986, to the judicial branch, the following amounts,
10 or so much thereof as is necessary, to be used for the
11 purposes designated:

12
13 1985-1986
Fiscal Year

14 1. COURTS AND ADMINISTRATION

15 For salaries of supreme court
16 justices, appellate court judges,
17 district court judges, district
18 associate judges, judicial
19 magistrates and staff, court
20 administrator, clerk of the supreme
21 court, district court administrators,
22 board of law examiners and board
23 of examiners of shorthand reporters
24 and judicial qualifications
25 commission, maintenance, equipment
26 and miscellaneous purposes \$15,858,000

27 2. COURT REORGANIZATION

28 For implementation according
29 to the provisions of 1983 Iowa
30 Acts, chapter 186, section 10301 \$16,492,000

31 It is the intent of the general assembly that the counties
32 be aware that the state may delay the schedule of state
33 assumption of responsibility for the fiscal year beginning
34 July 1, 1986. If the state is unable to fully assume the
35 1986-1987 fiscal year component of the court system, the

1 chairpersons of the house and senate committees on
2 appropriations shall notify the supreme court and the counties
3 of this possible delay by no later than February 15, 1986.

* 4 Sec. 7. There is appropriated from the general fund of the
5 state to the department of public safety for the fiscal year
6 beginning July 1, 1985 and ending June 30, 1986, the following
7 amounts, or so much thereof as is necessary, to be used for
8 funding the following functions and programs for the purposes
9 designated:

10		1985-1986
11		<u>Fiscal Year</u>
12	DEPARTMENT OF PUBLIC SAFETY	
13	1. ADMINISTRATIVE FUNCTION	
14	a. For salaries, support,	
15	16 maintenance, and miscellaneous	
16	17 purposes of the department,	
17	18 criminal justice information sys-	
18	19 tem, and radio communications	\$ 4,700,000
19	b. For salaries, support,	
20	21 maintenance, and miscellaneous	
21	22 purposes of the victim compen-	
22	23 sation program	\$ 43,000

23 When the department of transportation revokes a person's
24 license or operating privilege under chapter 321B, the
25 department shall assess the person a civil penalty of one
26 hundred dollars. A separate fund is created in the state
27 treasury. The money collected by the department under this
28 paragraph shall be transmitted to the treasurer of state who
29 shall deposit the money in the fund to be used for the
30 purposes of chapter 912. Any balance in this fund on June 30
31 of any fiscal year exceeding fifty thousand dollars, shall
32 revert to the general fund of the state. A temporary
33 restricted license shall not be issued or a license or
34 privilege to drive reinstated until the civil penalty has been
35 paid.

1 2. INSPECTION FUNCTION

2 For salaries, support,
3 maintenance, and miscellaneous
4 purposes of fire marshal's
5 inspections, administration of
6 the state building code, arson
7 investigators including the
8 state's contribution to the
9 peace officers' retirement,
10 accident, and disability
11 system provided in chapter 97A
12 in the amount of sixteen percent
13 of the salaries for which the
14 funds are appropriated \$ 1,140,000

15 3. SECURITY FUNCTION

16 For salaries, support, main-
17 tenance, and miscellaneous pur-
18 poses of the capitol security
19 division \$ 760,000

20 4. INVESTIGATION FUNCTION

21 a. For salaries, support, main-
22 tenance, and miscellaneous pur-
23 poses, including lease or lease
24 purchase of laboratory equipment,
25 of the division of criminal
26 investigation containing the
27 bureaus of identification, drug
28 law enforcement, and beer and
29 liquor law enforcement, includ-
30 ing the state's contribution
31 to the peace officers' retire-
32 ment, accident, and disability
33 system provided in chapter
34 97A in the amount of sixteen
35 percent of the salaries for

1 which the funds are appropriated \$ 5,140,000

2 b. For undercover purchases
3 by the division of criminal in-
4 vestigation agents and local law
5 enforcement agents \$ 200,000

6 c. For salaries, support,
7 maintenance, and miscellaneous
8 purposes for the employment of
9 pari-mutuel law enforcement
10 agents, including the state's
11 contribution to the peace of-
12 ficers' retirement, accident,
13 and disability system provided
14 in chapter 97A in the amount of
15 sixteen percent of the salaries
16 for which the funds are appro-
17 priated \$ 232,000

18 It is the intent of the general assembly that the division
19 of criminal investigation of the department of public safety
20 shall purchase not more than five motor vehicles of the same
21 make or model based upon specifications submitted by the
22 department.

23 5. DIVISION OF HIGHWAY SAFETY
24 AND UNIFORMED FORCE

25 a. For salaries, support,
26 maintenance, and miscellaneous
27 purposes including the state's
28 contribution to the peace offi-
29 cers' retirement, accident, and
30 disability system provided in
31 chapter 97A in the amount of six-
32 teen percent of the salaries for
33 which the funds are appropriated
34 provided that the commissioner
35 of public safety shall immediately

1 rescind any administrative rule,
 2 policy or directive which prohibits
 3 officers of the Iowa state highway
 4 safety patrol from becoming partisan
 5 candidates or campaigning for a
 6 partisan elective public office \$18,191,400

7 b. In addition to the complement of not to exceed four
 8 hundred ten persons there shall be eight persons who shall
 9 serve as members of the highway safety patrol for the period
 10 beginning July 1, 1985 and ending June 30, 1987. The eight
 11 additional members of the highway safety patrol shall be
 12 totally funded through the use of federal funds.

13 c. For various crime pre-
 14 vention programs sponsored within
 15 the department of public safety \$ 57,000

16 An employee of the department of public safety or the state
 17 conservation commission who retires after the effective date
 18 of this Act is eligible for payment of life or health
 19 insurance premiums as provided for in the collective
 20 bargaining agreement covering the public safety bargaining
 21 unit at the time of retirement if that employee previously
 22 served in a position which would have been covered by that
 23 agreement. The employee shall be given credit for the service
 24 in that prior position as though it was covered by that
 25 agreement. This section shall not operate to reduce any
 26 retirement benefits the employee may have earned under other
 27 collective bargaining agreements or retirement programs.

28 If the department of public safety uses funds appropriated
 29 for one purpose for other purposes within the scope of the
 30 department, as provided in section 8.39, the department shall
 31 notify, at least two weeks prior to the transfer, in addition
 32 to those persons provided in section 8.39, each of the members
 33 of the justice system appropriations subcommittee regarding
 34 the transfer.

35 Sec. 8. The amount of the funds appropriated under section

1 1, 2, 3, 5, and 7 of this Act for the fiscal year beginning
2 July 1, 1985 and ending June 30, 1986 shall be reduced by one
3 percent, rounded to the nearest whole dollar, and the
4 provisions of this section shall prevail over any other
5 provisions of this Act.

6 Sec. 9. There is appropriated for the fiscal year
7 beginning July 1, 1986 and ending June 30, 1987 to the
8 agencies and for the purposes specified the same amounts that
9 are appropriated under this Act for the fiscal year beginning
10 July 1, 1985 and ending June 30, 1986.

11 Sec. 10. All federal grants to and the federal receipts of
12 agencies appropriated funds under this Act are appropriated
13 for the purposes set forth in such federal grants or receipts.

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SENATE FILE 552

H-4028

1 Amend Senate File 552 as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 14, by inserting after line 34 the
4 following:

5 "Sec. ____ . IN-CAR BREATHALIZER PILOT PROJECT --
6 APPROPRIATION.

7 1. The department of public safety, after
8 consultation and subject to rules of the supreme
9 court, shall conduct a pilot project study of an in-
10 car breathalizer device. The department shall provide
11 for the selection of the jurisdiction or jurisdictions
12 in consultation with the supreme court in which the
13 pilot project is to be conducted, establish criteria
14 for operation and completion of the study, and
15 authorize persons to serve as installers and
16 inspectors of the in-car breathalizer devices. The
17 department shall establish a schedule of fees which
18 may be charged by installers and inspectors of the
19 breathalizer devices. In lieu of conduct of the pilot
20 project study by the department, the department may
21 contract for its conduct.

22 2. The pilot project shall be completed by
23 February 1, 1986 and the results of the pilot project
24 reported by the department to the legislative council
25 not later than March 1, 1986. The report shall
26 include to the extent applicable data indicating the
27 effectiveness of the breathalizer device in reducing
28 the operation of a motor vehicle while intoxicated and
29 statistical comparisons of the study jurisdiction and
30 other jurisdictions during the same time period and
31 preceding years. Comparative statistics may include,
32 but are not limited to, OMOVUI fatalities, injuries,
33 and repeat offenses while the breathalizer devices are
34 utilized.

35 3. To facilitate the pilot project study provided
36 for under subsection 1, the supreme court may issue
37 rules authorizing judges in the selected jurisdictions
38 to require the installation of breathalizers in
39 conjunction with other sanctions, as a substitute for
40 other sanctions, or in conjunction with the issuance
41 of work permits for persons who plead guilty or are
42 convicted of violations of sections 321.281. The
43 costs of the breathalizer device and its installation
44 shall be paid by the offender, but the rules may
45 provide for reduction of specified fines imposed by
46 law for violations of section 321.281 to displace the
47 cost of the device and its installation."

BY JAY of Appanoose
SULLIVAN of Van Buren
MAULSBY of Calhoun

TABOR of Jackson
PLATT of Muscatine
HERMANN of Scott

H-4028 FILED APRIL 24, 1985

ADOPTED as amended by 40394 4040 4/28/85
(p. 1832)

SENATE FILE 552

H-3999

- 1 Amend amendment H-3979 to Senate File 552 as amended,
- 2 passed and reprinted by the Senate as follows:
- 3 1. Page 1, line 6, by striking the numeral "1987"
- 4 and inserting the numeral "1986".

H-3999 FILED APRIL 24, 1985 BY SHERZAN of Polk

ADOPTED (p. 1830)

SENATE FILE 552

H-4011

- 1 Amend amendment H-3975 to Senate File 552 as amended,
- 2 passed and reprinted by the Senate as follows:
- 3 1. Page 1, by striking lines 5 through 10.

H-4011 FILED APRIL 24, 1985 BY COREY of Louisa

ADOPTED (p. 1827)

SENATE FILE 552

H-4016

- 1 Amend Senate File 552 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 15, by inserting after line 5 the
- 4 following new section:
- 5 "Sec. ____ . Any salary adjustments for employees of
- 6 an agency for the fiscal year beginning July 1, 1986
- 7 shall be paid pursuant to the collective bargaining
- 8 agreement from the funds appropriated to that agency."
- 9 2. Renumber sections and correct internal
- 10 references as necessary in accordance with this
- 11 amendment.

BY MAULSBY of Calhoun

H-4016 FILED APRIL 24, 1985

VAN MAANEN of Mahaska

WITHDRAWN (p. 1832)

SENATE FILE 552

H-4022

- 1 Amend the amendment, H-3975, to Senate File 552 as
- 2 amended, passed and reprinted by the Senate as
- 3 follows:
- 4 1. Page 1, by striking line 23.

BY PETERSON of Carroll

CHAPMAN of Linn

HAMMOND of Story

ROSENBERG of Story

HALVORSON of Webster

CLARK of Cerro Gordo

H-4022 FILED APRIL 24, 1985

CARPENTER of Polk

ADOPTED (p. 1828)

SENATE FILE 552

H-4027

- 1 Amend the amendment H-3975 to Senate File 552 as
- 2 amended, passed and reprinted by the Senate as
- 3 follows:
- 4 1. Page 1, line 42, by striking the figure
- 5 "4,883,462" and inserting the following: "5,003,818".

BY DIEMER of Black Hawk

H-4027 FILED APRIL 24, 1985

JOCHUM of Dubuque

ADOPTED (p. 1829)

SENATE FILE 552

H-3979

1 Amend Senate File 552, as amended, passed, and re-
2 printed by the Senate, as follows:

3 1. Page 6, by inserting after line 2 the fol-
4 lowing:

5 "The department of corrections shall report to the
6 general assembly not later than January 15, 1987,
7 relating to the department's progress toward
8 establishing a compensation range for the staff of the
9 district departments of correctional services pursuant
10 to section 905.4, subsection 2."

H-3979 FILED APRIL 23, 1985 BY SHERZAN of Polk

*Adopted as amended by 3999
4/24/85 (p. 1830)*

SENATE FILE 552

H-3980

1 Amend the amendment, H-3975 to Senate File 552 as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by striking lines 3 and 4 and
5 inserting the following:

6 "_____. By striking page 1, line 12 through page 4,
7 line 9 and inserting the following:

8 "purposes \$ 53,337,662"."

H-3980 FILED APRIL 23, 1985 BY McINTEE of Black Hawk

Law 4/24/85 (p. 1827)

SENATE FILE 552

H-3989

1 Amend the amendment, H-3975, to Senate File 552, as
2 amended, passed, and reprinted by the Senate, as fol-
3 lows:

4 1. Page 1, line 34, by striking the figure
5 "31,500,000" and inserting the figure "31,615,987".

6 2. Page 1, by inserting after line 34 the
7 following:

8 "_____. Page 11, by inserting after line 3 the
9 following:

10 "Sec. _____. Section 602.6201, subsection 10, Code
11 1985, is amended to read as follows:

12 10. Notwithstanding the formula for determining
13 the number of judgeships in this section, the number
14 of district judges shall not exceed ninety-nine during
15 the period commencing July 17, 1983 and ending as the
16 general assembly shall specify one hundred."

BY BLACK of Jasper
PARKER of Jasper
SKOW of Guthrie
BEATTY of Warren

H-3989 FILED APRIL 23, 1985

Law 4/24/85 (p. 1828)

SENATE FILE 552

H-3975

1 Amend Senate File 552 as amended, passed and
2 reprinted by the Senate as follows:

3 1. Page 4, line 9, by striking the figure
4 "53,710,000" and inserting the figure "53,337,662".

5 2. Page 4, by inserting after line 14 the
6 following:

7 "It is the intent of the general assembly that the
8 department of corrections shall not allow the inmates
9 of the prison system to sell or otherwise exchange for
10 compensation of any form blood or blood products."

11 3. Page 4, line 31, by striking the figure
12 "1,810,000" and inserting the figure "1,786,378".

13 4. Page 7, line 5, by striking the figure
14 "233,000" and inserting the figure "231,167".

15 5. Page 7, line 7, by striking the figure
16 "56,000" and inserting the figure "55,239".

17 6. Page 7, line 11, by striking the figure
18 "34,000" and inserting the figure "30,769".

19 7. Page 7, line 16, by striking the figure
20 "3,165,200" and inserting the figure "3,133,582".

21 8. Page 9, line 11, by striking the figure
22 "91,000" and inserting the figure "89,211".

23 9. Page 9, by striking lines 18 and 19.

24 10. Page 9, line 24, by striking the figure
25 "776,586" and inserting the figure "768,816".

26 11. Page 9, line 28, by striking the figure
27 "470,000" and inserting the figure "461,804".

28 12. Page 10, by striking lines 25 through 30 and
29 inserting the following:

30 "commission, maintenance, equipment
31 and miscellaneous purposes, including
32 implementation of court reorganization
33 according to provisions of 1983 Iowa
34 Acts, chapter 186, section 10301 \$ 31,500,000".

35 13. Page 11, line 18, by striking the figure
36 "4,700,000" and inserting the figure "4,637,711".

37 14. Page 12, line 14, by striking the figure
38 "1,140,000" and inserting the figure "1,090,409".

39 15. Page 12, line 19, by striking the figure
40 "760,000" and inserting the figure "726,939".

41 16. Page 13, line 1, by striking the figure
42 "5,140,000" and inserting the figure "4,883,462".

43 17. Page 14, line 6, by striking the figure
44 "18,191,400" and inserting the figure "18,064,000".

45 18. Page 15, by striking lines 6 through 10.
46 19. Renumber sections and correct internal

47 references as necessary.

H-3975 FILED APRIL 23, 1985 BY COMMITTEE ON APPROPRIATIONS

*Adopted as amended by 4611 & 4621
4/24/85 (p. 1829)*

S-4072

SENATE FILE 552

1 Amend the House amendment S-3990 to Senate
2 File 552 as amended, passed, and reprinted by
3 the Senate as follows:
4 1. Page 2, by striking lines 10 through 12
5 and inserting the following: "The breathalyzer
6 devices shall be set to react at a predetermined
7 alcohol concentration of ten hundredths or less.
8 The department shall establish a".
9 2. Page 2, lines 33 and 34, by striking the
10 words ", as a substitute for other sanctions,".

11
12
S-4072 Filed April 26, 1985 By RITSEMA

o/o 4/26 (j. 1711)

S-4090

SENATE FILE 552

1 Amend the House amendment, S-3990, to Senate File
2 552, as amended, passed and reprinted by the Senate,
3 as follows:
4 1. By striking page 1, line 46 through page 2,
5 line 41.

Adopted 4/26/85 (j. 1711)
S-4090 Filed April 26, 1985

By CARR & WELSH & CHARLES MILLER

S-4088

SENATE FILE 552

1 Amend the House amendment, S-3990, to Senate File
2 552, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, line 4, by striking the number
5 "53,337,662" and inserting the following:
6 "53,437,662".

S-4088 Filed April 26, 1985

By CARR & DRAKE

Adopted 4/26/85 (j. 1711)

S-4097

SENATE FILE 552

1 Amend the House amendment S-3990 to Senate File
2 552 as amended, passed and reprinted by the Senate
3 as follows:
4 1. Page 1, by striking lines 21 and 22.

S-4097 Filed April 29, 1985

By GRONSTAL & WELSH

- 1 Amend the House amendment S-3990 to Senate
 2 File 552 as follows:
 3 1. Page 2, by striking line 42.

S-4032 Filed April 26, 1985 By JUNKINS
Adopted 4/26/85 (p. 1711)

- 1 Amend House amendment, S-3990, to Senate File 552,
 2 as amended, pass-1, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, line 45, by striking the figure
 5 "18,064,000" and inserting the following:
 6 "18,191,400".

S-4058 Filed April 26, 1985 By C.MILLER & WELSH
Adopted 4/26/85 (p. 1711)

- 1 Amend the House amendment, S-3990, to Senate File
 2 552, as amended, passed and reprinted by the Senate as
 3 follows:
 4 1. Page 1, by striking lines 29 through 35 and ...
 5 inserting the following:
 6 "_____. Page 10, line 26, by striking the figure
 7 "15,858,000" and inserting the following:
 8 "15,433,000".
 9 _____ . Page 10, line 30, by striking the figure
 10 "16,492,000" and inserting the following:
 11 "16,067,000".
 12 _____ . Page 11, by inserting after line 3 the
 13 following:
 14 "Sec. _____. Section 602.1301, subsection 2, Code
 15 1985, is amended by striking the subsection and
 16 inserting in lieu thereof the following:
 17 2. a. As early as possible, but not later than
 18 December 1, the supreme court shall submit to the
 19 legislative fiscal bureau the annual budget request
 20 and detailed supporting information for the judicial
 21 department. The submission shall be designed to
 22 assist the legislative fiscal bureau in its
 23 preparation for legislative consideration of the
 24 budget request. The information submitted shall
 25 contain and be arranged in a format substantially
 26 similar to part II of the governor's budget message as
 27 specified in section 8.22.
 28 b. Before December 1, the supreme court shall
 29 submit to the state comptroller an estimate of the
 30 total expenditure requirements of the judicial
 31 department. The state comptroller shall include this
 32 estimate in the tentative budget transmitted to the
 33 governor pursuant to section 8.25.""

S-4059 Filed April 26, 1985 By HULTMAN
Adopted 4/26/85 (p. 1711)

990

HOUSE AMENDMENT TO
SENATE FILE 552

1 Amend Senate File 552 as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 4, line 9, by striking the figure
4 "53,710,000" and inserting the figure "53,337,662".

5 2. Page 4, line 31, by striking the figure
6 "1,810,000" and inserting the figure "1,786,378".

7 3. Page 6, by inserting after line 2 the fol-
8 lowing:

9 "The department of corrections shall report to the
10 general assembly not later than January 15, 1986,
11 relating to the department's progress toward
12 establishing a compensation range for the staff of the
13 district departments of correctional services pursuant
14 to section 905.4, subsection 2."

15 4. Page 7, line 5, by striking the figure
16 "233,000" and inserting the figure "231,167".

17 5. Page 7, line 7, by striking the figure
18 "56,000" and inserting the figure "55,239".

19 6. Page 7, line 11, by striking the figure
20 "34,000" and inserting the figure "30,769".

21 7. Page 7, line 16, by striking the figure
22 "3,165,200" and inserting the figure "3,133,582".

23 8. Page 9, line 11, by striking the figure
24 "91,000" and inserting the figure "89,211".

25 9. Page 9, line 24, by striking the figure
26 "776,586" and inserting the figure "768,816".

27 10. Page 9, line 28, by striking the figure
28 "470,000" and inserting the figure "461,804".

29 11. Page 10, by striking lines 25 through 30 and
30 inserting the following:

31 "commission, maintenance, equipment
32 and miscellaneous purposes, including
33 implementation of court reorganization
34 according to provisions of 1983 Iowa
35 Acts, chapter 186, section 10301 \$ 31,500,000".

36 12. Page 11, line 18, by striking the figure
37 "4,700,000" and inserting the figure "4,637,711".

38 13. Page 12, line 14, by striking the figure
39 "1,140,000" and inserting the figure "1,090,409".

40 14. Page 12, line 19, by striking the figure
41 "760,000" and inserting the figure "726,939".

42 15. Page 13, line 1, by striking the figure
43 "5,140,000" and inserting the figure "5,003,818".

44 16. Page 14, line 6, by striking the figure
45 "18,191,400" and inserting the figure "18,064,000".

46 17. Page 14, by inserting after line 34 the
47 following:

48 "Sec. ____ . IN-CAR BREATHALIZER PILOT PROJECT.

49 1. The department of public safety, after
50 consultation and subject to rules of the supreme

1 court, shall conduct a pilot project study of an in-
2 car breathalizer device if federal funds or other
3 funds are available for that purpose. The department
4 shall provide for the selection of the jurisdiction or
5 jurisdictions in consultation with the supreme court
6 in which the pilot project is to be conducted,
7 establish criteria for operation and completion of the
8 study, and authorize persons to serve as installers
9 and inspectors of the in-car breathalizer devices.
10 The breathalizer devices shall not be set to react
11 when a person has an alcohol concentration of more
12 than ten hundredths. The department shall establish a
13 schedule of fees which may be charged by installers
14 and inspectors of the breathalizer devices. In lieu
15 of conduct of the pilot project study by the
16 department, the department may contract for its
17 conduct.

18 2. If the pilot study is conducted, the department
19 shall report its findings to the legislative council.
20 The report shall include to the extent applicable data
21 indicating the effectiveness of the breathalizer
22 device in reducing the operation of a motor vehicle
23 while intoxicated and statistical comparisons of the
24 study jurisdiction and other jurisdictions during the
25 same time period and preceding years. Comparative
26 statistics may include, but are not limited to, OMVUI
27 fatalities, injuries, and repeat offenses while the
28 breathalizer devices are utilized.

29 3. To facilitate the pilot project study provided
30 for under subsection 1, the supreme court may issue
31 rules authorizing judges in the selected jurisdictions
32 to require the installation of breathalizers in
33 conjunction with other sanctions, as a substitute for
34 other sanctions, or in conjunction with the issuance
35 of work permits for persons who plead guilty or are
36 convicted of violations of sections 321.281. The
37 costs of the breathalizer device and its installation
38 shall be paid by the offender, but the rules may
39 provide for reduction of specified fines imposed by
40 law for violations of section 321.281 to displace the
41 cost of the device and its installation."

42 18. Page 15, by striking lines 6 through 10.

43 19. By renumbering, relettering, or redesignating
44 and correcting internal references as necessary.

SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE FILE 552
H-4111

- 1 Amend the House amendment, S-3990, to Senate File
2 552, as amended, passed, and reprinted by the Senate,
3 as follows:
- 4 1. Page 1, line 4, by striking the number
5 "53,337,662" and inserting the following:
6 "53,437,662".
- 7 2. Page 1, by striking lines 29 through 35 and
8 inserting the following:
9 " ". Page 10, line 26, by striking the figure
10 "15,858,000" and inserting the following:
11 "15,433,000".
- 12 " ". Page 10, line 30, by striking the figure
13 "16,492,000" and inserting the following:
14 "16,067,000".
- 15 " ". Page 11, by inserting after line 3 the
16 following:
17 "Sec. ____ . Section 602.1301, subsection 2, Code
18 1985, is amended by striking the subsection and
19 inserting in lieu thereof the following:
20 2. a. As early as possible, but not later than
21 December 1, the supreme court shall submit to the
22 legislative fiscal bureau the annual budget request
23 and detailed supporting information for the judicial
24 department. The submission shall be designed to
25 assist the legislative fiscal bureau in its
26 preparation for legislative consideration of the
27 budget request. The information submitted shall
28 contain and be arranged in a format substantially
29 similar to part II of the governor's budget message as
30 specified in section 8.22.
- 31 b. Before December 1, the supreme court shall
32 submit to the state comptroller an estimate of the
33 total expenditure requirements of the judicial
34 department. The state comptroller shall include this
35 estimate in the tentative budget transmitted to the
36 governor pursuant to section 8.25."
- 37 3. Page 1, line 45, by striking the figure
38 "18,064,000" and inserting the following:
39 "18,191,400".
- 40 4. By striking page 1, line 46 through page 2,
41 line 41.
- 42 5. Page 2, by striking line 42.
- 43 6. By renumbering, relettering, or redesignating
44 and correcting internal references as necessary.

H-4111 FILED APRIL 29, 1985 RECEIVED FROM THE SENATE
REFUSED TO CONCUR (p. 2025)

Senate insisted 4-29 (p. 17687)

SENATE FILE 552

H-4040

1 Amend the amendment, H-4028, to Senate File 552 as
2 amended, passed and reprinted by the Senate as
3 follows:

4 1. Page 1, lines 5 and 6, by striking the
5 following: "-- APPROPRIATION".

6 2. Page 1, line 16, by inserting after the word
7 "devices." the following: "The breathalizer devices
8 shall be set to react when a person has an alcohol
9 concentration of ten hundredths or more."

H-4040 FILED APRIL 24, 1985 BY MCINTEE of Black Hawk
ADOPTED *as amended by 4044 4/24/85*
(p. 1831)

SENATE FILE 552

H-4039

1 Amend the amendment, H-4028, to Senate File 552 as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, line 10, by inserting after the word
5 "device" the following: "if federal funds or other
6 funds are available for that purpose".

7 2. Page 1, by striking lines 22 through 25 and
8 inserting the following:
9 "2. If the pilot study is conducted, the
10 department shall report its findings to the
11 legislative council. The report shall".

H-4039 FILED APRIL 24, 1985 BY TABOR of Jackson
ADOPTED *(p. 1822)*

SENATE FILE 552

H-4044

1 Amend amendment H-4040 to Senate File 552 as amended,
2 passed and reprinted by the Senate as follows:

3 1. Page 1, by striking lines 8 and 9, and inserting
4 the following: "shall not be set to react when a person
5 has an alcohol concentration of more than ten hundredths."

H-4044 FILED APRIL 24, 1985 BY MCINTEE of Black Hawk
ADOPTED BY UNANIMOUS CONSENT *(p. 1831)*

SENATE 29
MAY 1, 1985

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 552

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to consider the difference between the Senate and the House of Representatives on Senate File 552, a bill for an Act making appropriations to and relating to the financing of departments and agencies whose responsibilities relate to corrections, public safety, and the justice system, respectfully submit the following recommendations:

1. That the Senate recede from its amendment to the House amendment, S-3990.

2. That the House amendment, S-3990, to Senate File 552 as amended, passed and reprinted by the Senate, be amended as follows:

1. Page 1, line 4, by striking the number "53,337,662"

and inserting the following: "53,387,662".

2. Page 1, line 22, by striking the number "3,133,582" and inserting the following: "3,153,582".

3. Page 1, by inserting after line 24 the following:

"____. Page 9, line 19, by inserting after the word "programs" the following: "under the prosecuting attorney training program".

4. Page 1, by inserting after line 35 the following:

"____. Page 11, by inserting after line 3 the following:

"Sec. _____. Section 602.1301, subsection 2, Code 1985, is amended by striking the subsection and inserting in lieu thereof the following:

2. 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 part II of the governor's budget message as specified in section 8.22.

b. Before December 1, the supreme court shall submit to the state comptroller an estimate of the total expenditure requirements of the judicial department."

5. By striking page 1, line 46 through page 2, line 41.

6. Page 2, by striking line 42 and inserting the following:

"____. Page 15, by striking lines 6 through 10 and inserting the following:

"Sec. _____. Total appropriations specified in this Act, except section 6 of this Act for the fiscal year beginning July 1, 1985 and ending June 30, 1986 shall not be exceeded in the fiscal year beginning July 1, 1986 and ending June 30, 1987 unless revenue growth as estimated by the legislative fiscal bureau in its December 31, 1985 quarterly report exceed four and one-half percent."

7. By renumbering, relectering, or redesignating and correcting internal references as necessary.

ON THE PART OF THE SENATE:

ON THE PART OF THE HOUSE:

Charles P. Miller

CHARLES P. MILLER, Chairperson

Thomas Jochum

THOMAS JOCHUM, Chairperson

Joe Welsh

JOE WELSH

Clay Spear

CLAY SPEAR

Bob Carr

BOB CARR

Gary Sheeran

GARY SHEERAN

DALE TIEDEN

Andy McKean

ANDY MCKEAN

DOUGLAS RITSEMA

Ryde Hummel

RYDE HUMMEL

FILED APRIL 30, 1985

Senate adopted 4-30-85 (p. 1832)

House adopted 4-30-85 (p. 2083)



OFFICE OF THE GOVERNOR

STATE CAPITOL
DES MOINES, IOWA 50319

515 281-5211

TERRY E. BRANSTAD
GOVERNOR

May 3, 1985

The Honorable Robert T. Anderson
Lieutenant Governor
State Capitol Building
L O C A L

Dear Governor Anderson:

I hereby transmit Senate File 552, an act making appropriations to and relating to the financing of departments and agencies whose responsibilities relate to corrections, public safety, and the justice system.

Senate File 552 is approved May 3, 1985, with the following exception which I hereby disapprove.

I am unable to approve Section 4 which reads as follows:

Sec. 4. 1984 Iowa Acts, chapter 1306, section 2, subsection 2, unnumbered paragraph 3, is amended to read as follows:

The department, by ~~January 15~~ July 1, 1985, shall provide the general assembly with evidence from independent experts of the validity and effectiveness of the inmate classification system and shall suggest changes in the system to make it more effective. If the department fails to comply with the requirements of this paragraph, the state comptroller shall withhold one percent of the funds appropriated under section 2, subsection 1 of this Act when the funds are allocated to the department until the evidence has been presented to the general assembly. The validation study shall determine if the classification instruments accomplish the following objectives:

Section 4 provides that the Department of Corrections shall be penalized one percent of the funds appropriated to the state office for general administration, if the study which is being completed by an independent Philadelphia research firm with federal grant money is not completed by July 1, 1985. In the 1984 appropriations bill for the Department of Corrections, the legislature stated that this study must be done. However, the legislature appropriated no money for the project.

The Honorable Robert T. Anderson
May 3, 1985
Page 2

The Department used \$5,000 from its budget which had been appropriated for other purposes to start the study and, after considerable effort, obtained a \$15,000 federal grant from the National Institute of Corrections in October of 1984 to complete the project.

Some legislators had told the Corrections officials that the project should not be done by the Department's statisticians and should not be done using professionals from the Iowa universities. The Department solicited the work of a Philadelphia research firm which some of the legislators specifically requested. In January of 1984, the Department reported to the appropriate subcommittee of the legislature that it had provided all requested information to the Philadelphia firm and that the Department, as well as the legislators, are now waiting for the results of the study.

If some unforeseen catastrophe occurs or some problem arises which results in the experts being unable to complete the study by July 1, 1985, the general administration of the Department should not be penalized by losing one percent of its operating budget. The Department has acted in good faith to comply with the legislators' request and should not be placed in a position of losing funding over a matter which they have little control.

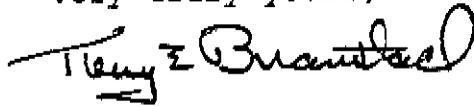
It should be noted that the National Institute of Corrections and not the Department has the contract with the Philadelphia firm. Because of the lack of control the Department has over the completion of the project, the penalty provision in Section 4 is unduly harsh and also unnecessary.

The veto of Section 4 does not in any way or manner indicate that the study should not be completed. On the contrary, the Department is committed to do everything possible to encourage the experts to complete the study. The study has merit and should be completed as quickly as possible without sacrificing quality.

The Honorable Robert T. Anderson
May 3, 1985
Page 3

For the above reasons, I hereby respectfully disapprove of this item in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items of Senate File 552 are hereby approved as of this date.

Very truly yours,

A handwritten signature in cursive script that reads "Terry E. Branstad". The signature is written in dark ink and is positioned above the printed name.

Terry E. Branstad
Governor

TEB/ps

cc: Secretary of the Senate
Chief Clerk of the House
Secretary of State

SENATE FILE 552

AN ACT

MAKING APPROPRIATIONS TO AND RELATING TO THE FINANCING OF DEPARTMENTS AND AGENCIES WHOSE RESPONSIBILITIES RELATE TO CORRECTIONS, PUBLIC SAFETY, AND THE JUSTICE SYSTEM.

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

Section 1. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1985 and ending June 30, 1986, to the department of corrections the following amount, or so much thereof as is necessary, to be used for the purposes designated:

1985-1986
Fiscal Year

For operation of adult correctional institutions, including salaries and support, maintenance, and miscellaneous purposes, provided that the director of corrections, in order to keep expenditures from exceeding the amount of funds appropriated by this section, shall declare a prison overcrowding state of emergency in the state's prisons whenever the population of the prison system exceeds two thousand six hundred forty-five inmates for sixty consecutive days. Upon the declaration of a prison overcrowding state of emergency, the board of parole shall

consider all inmates, except for inmates convicted of class "A" felonies, for parole who are within nine months of their tentative discharge date. If the board of parole's actions do not reduce the population of the prison system below two thousand six hundred twenty inmates within ninety days of the date of the declaration of the prison overcrowding state of emergency, the tentative discharge dates of all inmates, whose most serious offenses for which the inmates are currently incarcerated are crimes against property and who are incarcerated in state prisons on the date of the declaration, shall be reduced by ninety days by the director of corrections. However, the tentative discharge date of a prisoner sentenced under section 204.406, 204.413, 902.7, 902.8, or 906.5 shall not be reduced under this section prior to completion of the mandatory minimum sentence required by the section. The director of corrections shall terminate a prison overcrowding state of emergency in the state's prisons whenever the population of the prison

S.F. 552

Item Vote - Sec. 4

system is reduced below two thousand six hundred twenty inmates. The department shall adopt administrative rules which identify all offenses as either crimes against property or crimes against persons. As used in this section, "prison" means a correctional facility operated by the department of corrections and funded under this section, "prison system" means the prisons of this state which are the Iowa correctional institution for women, the Iowa state men's reformatory, the Iowa state penitentiary, the Iowa medical and classification facility, the north central correctional facility, the Mount Pleasant correctional facility, the Clarinda correctional treatment facility, the correctional release center, and the rehabilitation camps, and "tentative discharge date" means the date at which an inmate is scheduled for release including good conduct and work time currently received. However, offenders for whom the board of parole has authorized parole, but for whom the director has determined that inadequate parole plans have been formulated, may remain

within the correctional institution for a period of ten days following parole authorization or until adequate parole plans have been developed, whichever is the shorter period of time. During this period of time, the offender shall not be included in the list of names used to determine the existence of a prison overcrowding emergency. On and after July 1, 1985, the superintendent shall not admit additional inmates to the medium security facility of the men's reformatory at Anamosa if the inmate population of the men's reformatory equals or exceeds eight hundred and fifty inmates \$ 53,387,662

Of the amount appropriated in this section, one hundred three thousand one hundred five (103,105) dollars, or so much thereof as is necessary, shall be used to hire five additional staff to be used towards compliance with the Watson v. Ray federal court order.

If the department of corrections changes the allocations to the various adult correctional institutions on which the appropriation in this section was based, the department shall notify each of the members of the justice system appropriations subcommittee regarding the changes to the allocations.

Sec. 2. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1985 and ending June 30, 1986, to the department of corrections the following amounts, or so much thereof as is necessary, for the programs as designated:

1985-1986

Fiscal Year

1. For general administration, including salaries and support, maintenance, and miscellaneous purposes \$ 1,786,378

2. For a legal assistance program to provide civil legal assistance to inmates in the Iowa correctional system in matters of child custody, bankruptcy, and dissolution of marriage \$ 35,000

The department shall determine whether an inmate applying for civil legal assistance is indigent under section 815.9, after submission by the inmate of the detailed financial statement required by that section. The inmate has an affirmative duty to provide all relevant information on the issue of the inmate's indigency to the satisfaction of the department that the inmate is indigent. The department may establish by rule a schedule of charges, on a graduated scale related to income and resources, to be paid by inmates who are not indigent for the provision of civil legal assistance.

The department may establish by rule maximum rates of reasonable compensation for attorneys providing the various categories of civil legal assistance under the program funded by this subsection.

3. For reimbursement of counties for temporary confinement of work release and parole violators, as provided in sections 247A.10, 901.7, and 906.17 \$ 72,000

4. For the correctional training center \$ 325,000

5. For federal prison

reimbursement \$ 375,000

The department of corrections shall use funds appropriated in the subsection to continue to contract for the services of a Muslim imam.

Sec. 3. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1985 and ending June 30, 1986, to the department of corrections the sum of seventeen million three hundred ninety thousand (17,390,000) dollars, or so much thereof as is necessary, for preinstitutional and postconviction community-based corrections, halfway houses, and parole services.

The department of corrections shall report to the general assembly not later than January 15, 1986, relating to the department's progress toward establishing a compensation range for the staff of the district departments of correctional services pursuant to section 905.4, subsection 2.

Sec. 4. 1984 Iowa Acts, chapter 1306, section 2, subsection 2, unnumbered paragraph 3, is amended to read as follows:

The department, by ~~January 15~~ July 1, 1985, shall provide the general assembly with evidence from independent experts of the validity and effectiveness of the inmate classification system and shall suggest changes in the system to make it more effective. If the department fails to comply with the requirements of this paragraph, the state comptroller shall withhold one percent of the funds appropriated under section 2, subsection 1 of this Act when the funds are allocated to the department until the evidence has been presented to the general assembly. The validation study shall determine if the classification instruments accomplish the following objectives:

Sec. 5. There is appropriated from the general fund of the state to the following named agencies for the fiscal year beginning July 1, 1985 and ending June 30, 1986, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

Steve Veland

S.F. 552

1985-1986
Fiscal Year

1. CRIMINAL AND JUVENILE
JUSTICE PLANNING AGENCY

For salaries, support, maintenance, and miscellaneous purposes related to the operations of the criminal and juvenile justice planning agency which is a separate independent agency within the office of the governor, under the direct supervision of the governor, and responsible only to the governor or the general assembly as provided in chapter 80C:

a. Criminal justice planning	\$	231,167
b. Juvenile justice planning	\$	55,239
c. Juvenile victim restitution program	\$	121,000
d. Jailer training and technical assistance	\$	30,769

2. DEPARTMENT OF JUSTICE

a. For the general office of attorney general for salaries, support, maintenance, and miscellaneous purposes

	\$	3,153,582
--	----	-----------

b. The attorney general shall conduct a study of the tort claims division of the attorney general's office, and report the results to the general assembly on or before January 1, 1986. The report shall analyze tort claims made against the state, claims paid through settlement, claims tried and their results for the years 1980 to date.

(1) The study shall examine the effect, if any, of the change in Iowa law resulting from Goetzman v. Wichern, 327 N.W.2d 742 (1982) which eliminated the doctrine of contributory negligence and replaced it with the doctrine of pure comparative negligence.

(2) The study shall further examine and report the percentage of negligence allocated against the state in each claim tried subsequent to Goetzman v. Wichern, supra.

(3) Further, the study shall analyze the effect upon the state of Iowa and its political subdivisions, if any, including savings to the state of Iowa, resulting from the enactment of 1984 Iowa Acts, chapter 1293 (comparative negligence bill), and particularly, the study shall report the savings to the state of Iowa resulting from the elimination of the doctrine of pure, joint and several liability on all cases tried after July 1, 1984.

(4) Further, the attorney general's office shall elicit from the municipalities of the state of Iowa, including all counties, the same or similar information as listed above and make a similar analysis; and shall report that analysis and results to the general assembly on or before January 1, 1986. This analysis shall include any change in insurance premiums from 1980 to date to document whether the changes in the Iowa negligence law since 1980 have had any effect on the insurance premiums paid by Iowa governmental subdivisions.

c. In addition to the funds appropriated under paragraph "a", there is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 1985 and ending June 30, 1986, an amount not exceeding ninety-five thousand (95,000) dollars 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 attorney fees awarded the state in state or federal antitrust actions.

d. In addition to the funds appropriated under paragraph "a", there is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 1985 and ending June 30, 1986, an amount not exceeding thirty thousand (30,000) dollars to be used for public education relating to consumer fraud. The expenditure of the funds appropriated under this paragraph is contingent upon receipt by the general fund of the state of an amount at least equal to the expenditures from damages awarded to the state or a political subdivision of the state by a civil consumer fraud judgment, if the judgment authorizes the use of the award for public education on consumer fraud. Funds received in a previous fiscal year which have not been expended shall be credited to this fiscal year.

e. Prosecuting attorney training program for salaries, support, maintenance and miscellaneous purposes which funds shall be used to attract federal and county funding \$ 89,211

f. Prosecuting intern program; however, counties participating in the prosecuting intern program shall match funds appropriated by this paragraph \$ 52,000

g. For payment of grants to dispute resolution programs under the prosecuting attorney training program \$ 50,000

3. IOWA LAW ENFORCEMENT

ACADEMY

For salaries, support, maintenance, and miscellaneous purposes \$ 768,816

4. BOARD OF PAROLE

For salaries, support, maintenance, and miscellaneous purposes \$ 461,804

5. STATE MEDICAL EXAMINER

For salaries, support, maintenance, and miscellaneous purposes \$ 30,000

It is the intent of the general assembly that the attorney general or a designee, the commissioner of public safety or a designee, and the dean of the college of medicine at university of Iowa hospital or a designee shall meet and develop recommendations and proposed changes to the Code of Iowa designed to clarify the duties of the Iowa state medical examiner and assist the performance of these duties. These recommendations shall be submitted to the justice system appropriations subcommittee on or before January 15, 1986.

Sec. 6. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1985 and ending June 30, 1986, to the judicial branch, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1985-1986
Fiscal Year

1. COURTS AND ADMINISTRATION

For salaries of supreme court justices, appellate court judges, district court judges, district associate judges, judicial magistrates and staff, court administrator, clerk of the supreme

court, district court administrators, board of law examiners and board of examiners of shorthand reporters and judicial qualifications commission, maintenance, equipment and miscellaneous purposes, including implementation of court reorganization according to provisions of 1983 Iowa Acts, chapter 185, section 10301 \$ 31,500,000

It is the intent of the general assembly that the counties be aware that the state may delay the schedule of state assumption of responsibility for the fiscal year beginning July 1, 1986. If the state is unable to fully assume the 1985-1987 fiscal year component of the court system, the chairpersons of the house and senate committees on appropriations shall notify the supreme court and the counties of this possible delay by no later than February 15, 1986.

Sec. 7. Section 602.1301, subsection 2, Code 1985, is amended by striking the subsection and inserting in lieu thereof the following:

2. 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 part II of the governor's budget message as specified in section 8.22.

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

Sec. 8. There is appropriated from the general fund of the state to the department of public safety for the fiscal year beginning July 1, 1985 and ending June 30, 1986, the following

amounts, or so much thereof as is necessary, to be used for funding the following functions and programs for the purposes designated:

1985-1986
Fiscal Year

DEPARTMENT OF PUBLIC SAFETY

1. ADMINISTRATIVE FUNCTION

a. For salaries, support, maintenance, and miscellaneous purposes of the department, criminal justice information system, and radio communications \$ 4,637,711

b. For salaries, support, maintenance, and miscellaneous purposes of the victim compensation program \$ 43,000

When the department of transportation revokes a person's license or operating privilege under chapter 321B, the department shall assess the person a civil penalty of one hundred dollars. A separate fund is created in the state treasury. The money collected by the department under this paragraph shall be transmitted to the treasurer of state who shall deposit the money in the fund to be used for the purposes of chapter 912. Any balance in this fund on June 30 of any fiscal year exceeding fifty thousand dollars, shall revert to the general fund of the state. A temporary restricted license shall not be issued or a license or privilege to drive reinstated until the civil penalty has been paid.

2. INSPECTION FUNCTION

For salaries, support, maintenance, and miscellaneous purposes of fire marshal's inspections, administration of the state building code, arson

investigators including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of sixteen percent of the salaries for which the funds are appropriated \$ 1,090,409

3. SECURITY FUNCTION

For salaries, support, maintenance, and miscellaneous purposes of the capitol security division \$ 726,939

4. INVESTIGATION FUNCTION

a. For salaries, support, maintenance, and miscellaneous purposes, including lease or lease purchase of laboratory equipment, of the division of criminal investigation containing the bureaus of identification, drug law enforcement, and beer and liquor law enforcement, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of sixteen percent of the salaries for which the funds are appropriated \$ 5,003,818

b. For undercover purchases by the division of criminal investigation agents and local law enforcement agents \$ 200,000

c. For salaries, support,

maintenance, and miscellaneous purposes for the employment of pari-mutuel law enforcement agents, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of sixteen percent of the salaries for which the funds are appropriated \$ 232,000

It is the intent of the general assembly that the division of criminal investigation of the department of public safety shall purchase not more than five motor vehicles of the same make or model based upon specifications submitted by the department.

5. DIVISION OF HIGHWAY SAFETY AND UNIFORMED FORCE

a. For salaries, support, maintenance, 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 sixteen percent of the salaries for which the funds are appropriated provided that the commissioner of public safety shall immediately rescind any administrative rule, policy or directive which prohibits officers of the Iowa state highway safety patrol from becoming partisan candidates or campaigning for a partisan elective public office \$ 18,064,000

b. In addition to the complement of not to exceed four hundred ten persons there shall be eight persons who shall serve as members of the highway safety patrol for the period beginning July 1, 1985 and ending June 30, 1987. The eight additional members of the highway safety patrol shall be totally funded through the use of federal funds.

c. For various crime prevention programs sponsored within the department of public safety \$ 57,000

An employee of the department of public safety or the state conservation commission who retires after the effective date of this Act 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 that agreement. The employee shall be given credit for the service in that prior position as though it was covered by that agreement. This section shall not operate to reduce any retirement benefits the employee may have earned under other collective bargaining agreements or retirement programs.

If the department of public safety uses funds appropriated for one purpose for other purposes within the scope of the department, as provided in section 8.39, the department shall notify, at least two weeks prior to the transfer, in addition to those persons provided in section 8.39, each of the members of the justice system appropriations subcommittee regarding the transfer.

Sec. 9. The amount of the funds appropriated under sections 1, 2, 3, 5, and 8 of this Act for the fiscal year beginning July 1, 1985 and ending June 30, 1986 shall be reduced by one percent, rounded to the nearest whole dollar, and the provisions of this section shall prevail over any other provisions of this Act.

Sec. 10. Total appropriations specified in this Act, except section 6 of this Act for the fiscal year beginning July 1, 1985 and ending June 30, 1986 shall not be exceeded in the fiscal year beginning July 1, 1986 and ending June 30, 1987 unless revenue growth as estimated by the legislative fiscal bureau in its December 31, 1985 quarterly report exceed four and one-half percent.

Sec. 11. All federal grants to and the federal receipts of agencies appropriated funds under this Act are appropriated for the purposes set forth in such federal grants or receipts.

ROBERT T. ANDERSON
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 552, Seventy-first General Assembly.

Item Done
Approved 5/3, 1985

K. MARIE THAYER
Secretary of the Senate

TERRY E. BRANSTAD
Governor