

Reprinted

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SENATE FILE 2408
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO LSB 7292SC)

Passed Senate, Date 3/1/90 (p. 835) Passed House, Date 3/23/90 (p. 1395)
Vote: Ayes 30 Nays 17 Vote: Ayes 66 Nays 18
Approved Stemmeto 5/7/90

Motion to reconsider (p. 834) w/d 5/7

A BILL FOR

1 An Act relating to and making appropriations to the justice
2 system.

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

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SC 2408

1 Section 1.

2 There is appropriated from the general fund of the state to
3 the department of justice for the fiscal year beginning July
4 1, 1990, and ending June 30, 1991, the following amounts, or
5 so much thereof as is necessary, to be used for the purposes
6 designated:

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

11 \$ 4,729,019
12 FTEs 166.00

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

16 \$ 188,400
17 FTEs 3.00

18 3. Prosecuting intern program; however, counties parti-
19 cipating in the prosecuting intern program shall match funds
20 appropriated by this subsection:

21 \$ 44,955

5309 22 4. In addition to the funds appropriated under subsection
23 1, there is appropriated from the general fund of the state to
24 the department of justice for the fiscal year beginning July
25 1, 1990, and ending June 30, 1991, an amount not exceeding
26 \$95,000 to be used for the enforcement of the Iowa competition
27 law under chapter 553. The expenditure of the funds
28 appropriated under this subsection is contingent upon receipt
29 by the general fund of the state of an amount at least equal
30 to either the expenditures from damages awarded to the state
31 or a political subdivision of the state by a civil judgment
32 under chapter 553, if the judgment authorizes the use of the
33 award for enforcement purposes or costs or attorneys fees
34 awarded the state in state or federal antitrust actions.

35 5. In addition to funds appropriated under subsection 1,

1 there is appropriated from the general fund of the state to
2 the department of justice for the fiscal year beginning July
3 1, 1990, and ending June 30, 1991, an amount not exceeding
4 \$50,000 to be used for public education relating to consumer
5 fraud and for enforcement of section 714.16. The expenditure
6 of the funds appropriated under this subsection is contingent
7 upon receipt by the general fund of the state of an amount at
8 least equal to the expenditures from funds awarded to the
9 state or a political subdivision of the state by a civil
10 consumer fraud judgment or settlement, if the judgment or
11 settlement authorizes the use of the award for public
12 education on consumer fraud. Notwithstanding section 8.33,
13 funds received in a previous fiscal year which have not been
14 expended shall be credited to this fiscal year.

- 15 6. For the farm mediation service program:
- 16 \$ 200,000
- 17 7. For the legal assistance for farmers program:
- 18 \$ 225,000
- 19 8. For victim assistance grants:
- 20 \$ 580,000

21 As a condition, limitation, and qualification of this
22 appropriation, \$480,000 shall be used to provide grants to
23 care providers providing services to crime victims of domestic
24 abuse, and \$100,000 shall be used to provide grants to care
25 providers providing services to crime victims of rape and
26 sexual assault.

5205

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

31 Sec. 2.

32 There is appropriated from the utilities trust fund to the
33 office of consumer advocate of the department of justice for
34 the fiscal year beginning July 1, 1990 and ending June 30,
35 1991, the following amount, or so much thereof as is

1 necessary, to be used for the purposes designated:

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

5	\$ 1,915,289
6	FTEs 31.00

7 The office of consumer advocate may expend additional
8 funds, including funds for outside consultants, if those
9 additional expenditures are actual expenses which exceed the
10 funds budgeted for utilities investigations and directly
11 result from investigations of utilities. Before the office
12 expends or encumbers an amount in excess of the funds budgeted
13 for investigations, the director of the department of
14 management shall approve the expenditure or encumbrance.
15 Before approval is given, the director of the department of
16 management shall determine that the investigation expenses
17 exceed the funds budgeted by the general assembly to the
18 office of consumer advocate and that the office does not have
19 other funds from which investigation expenses can be paid.
20 Upon approval of the director of the department of management,
21 the office may expend and encumber funds for excess
22 investigation expenses. The amounts necessary to fund the
23 excess investigation expenses shall be collected from those
24 utilities being investigated which caused the excess
25 expenditures, and the collections shall be treated as
26 repayment receipts as defined in section 8.2, subsection 5.
27 Sec. 3.

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

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

1 \$ 837,536
2 FTEs 20.00

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

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

15 It is the intent of the general assembly that the
16 department of corrections and the board of parole shall
17 review, and implement as necessary, the findings and
18 recommendations contained in the final report prepared by the
19 consultant and presented to the corrections system review task
20 force which was established by 1988 Iowa Acts, chapter 1271,
21 as they relate to the department of corrections and the board
22 of parole. The board shall report to the justice system
23 appropriations subcommittee during the 1991 Legislative
24 Session, at the request of the subcommittee, steps taken to
25 implement any of those recommendations, or the reasons for
26 failing to implement such recommendations.

27 Sec. 4.

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

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

35 a. For the operation of the Fort Madison correctional

1 facility, including salaries, support, maintenance,
2 miscellaneous purposes, and for not more than the following
3 full-time equivalent positions:

4 \$ 20,428,846
5 FTEs 502.50

53076 As a condition, limitation, and qualification of this
7 appropriation, the facility shall employ 310 correctional
8 officers, an additional counselor, and an additional trades
9 leader.

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

14 \$ 15,171,304
15 FTEs 355.00

16 As a condition, limitation, and qualification of this
17 appropriation, the facility shall employ 211 correctional
18 officers, a part-time chaplain of a minority race, and 2
19 additional nurses.

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

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

28 \$ 10,781,134
29 FTEs 261.50

30 As a condition, limitation, and qualification of this
31 appropriation, the facility shall employ 132.40 correctional
32 officers and shall employ 4 additional staff for the purposes
33 of compliance with the joint commission on the accreditation
34 of health care organization standards.

35 d. For the operation of the Newton correctional facility,

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

4 \$ 3,145,434
5 FTEs 72.00

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

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

13 \$ 10,933,204
14 FTEs 267.15

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

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

26 \$ 3,013,272
27 FTEs 74.00

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

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

1 \$ 4,479,443
2 FTEs 119.30

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

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

10 \$ 3,679,450
11 FTEs 97.00

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

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

25 3. If the inmate tort claim fund for inmate claims of less
26 than \$50 is exhausted during the fiscal year, sufficient funds
27 shall be transferred from the institutional budgets to pay
28 approved tort claims for the balance of the fiscal year. The
29 warden or superintendent of each institution or correctional
30 facility shall designate an employee to receive, investigate,
31 and recommend whether to pay any properly filed inmate tort
32 claim for less than the above amount. The designee's
33 recommendation shall be approved or denied by the warden or
34 superintendent and forwarded to the department of corrections
35 for final approval and payment. The amounts appropriated to

1 this fund pursuant to 1987 Iowa Acts, chapter 234, section
2 304, subsection 2, are not subject to reversion under section
3 8.33.

4 Tort claims denied at the institution shall be forwarded to
5 the state appeal board for their consideration as if
6 originally filed with that body. This procedure shall be used
7 in lieu of chapter 25A for inmate tort claims of less than
8 \$50.

9 Sec. 5.

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

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

* 18	.....	\$	2,145,174
* 19	.....	FTEs	42.52

20 As a condition, limitation, and qualification of this
21 appropriation the department shall employ an education
22 director and clerk to administer a centralized education
23 program for institutions.

24 The department shall monitor the use of the classification
25 model by the judicial district departments and has the
26 authority to override a district department's decision re-
27 garding classification of community-based clients. The
28 department shall notify a district department of the reasons
29 for the override.

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

34 The department of corrections shall report to the
35 legislative fiscal bureau on a monthly basis the current

1 number of persons placed on probation or released on parole
2 residing within this state and supervised pursuant to the
3 interstate probation and parole compact.

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

7 2. For reimbursement of counties for temporary confinement
8 of work release and parole violators, as provided in sections
9 246.908, 901.7, and 906.17:

10 \$ 215,000

11 3. For federal prison reimbursement and miscellaneous
12 contracts:

13 \$ 360,000

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

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

21 \$ 366,476

22 FTEs 8.22

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

26 5. For annual payment relating to the financial
27 arrangement for the construction of expansion in prison
28 capacity as provided in 1989 Iowa Acts, chapter 316, section
29 7, subsection 6:

30 \$ 625,860

31 Sec. 6.

32 1. Notwithstanding section 905.8, there is appropriated
33 from the general fund of the state for the fiscal year
34 beginning July 1, 1990, and ending June 30, 1991, for the
35 first judicial district department of correctional services,

1 the following amount, or so much thereof as is necessary:

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

4 \$ 4,345,072

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

8 \$ 55,328

9 FTEs 1.66

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

13 \$ 36,298

14 FTEs 1.00

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

18 \$ 296,103

19 FTEs 10.00

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

23 \$ 202,132

24 FTEs 7.00

25 f. For continued funding of the treatment alternatives to
26 street crime program:

27 \$ 53,519

28 g. For the job development grant program established in
29 House File 772 enacted during the 1989 session of the general
30 assembly:

31 \$ 77,733

32 The district department shall continue the intensive
33 supervision program established within the district in 1988
34 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph
35 "a", and the sex offender treatment program established within

1 the district in 1989 Iowa Acts, chapter 316, section 8,
2 subsection 1, paragraph "a".

3 The district department of correctional services, in
4 cooperation with the chief judge of the judicial district,
5 shall develop a plan to divert low-risk offenders to the least
6 restrictive sanction available. The plan shall be designed to
7 take into consideration the impact upon the local communities
8 within the district. The plan shall be implemented by October
9 1, 1990. The district shall report to the joint justice
10 system appropriations subcommittee and to the department of
11 corrections by October 1, 1990, including the types of
12 proposed diversion programs and the number of offenders likely
13 to be diverted to the lowest sanction available.

14 2. Notwithstanding section 905.8, there is appropriated
15 from the general fund of the state for the fiscal year
16 beginning July 1, 1990, and ending June 30, 1991, for the
17 second judicial district department of correctional services,
18 the following amount, or so much thereof as is necessary:

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

21 \$ 3,343,904

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

25 \$ 99,505

26 FTEs 3.00

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

30 \$ 527,448

31 FTEs 14.61

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

35 \$ 305,319

1 FTEs 8.02

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

4 \$ 85,333

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

8 The district department of correctional services, in
9 cooperation with the chief judge of the judicial district,
10 shall develop a plan to divert low-risk offenders to the least
11 restrictive sanction available. The plan shall be designed to
12 take into consideration the impact upon the local communities
13 within the district. The plan shall be implemented by October
14 1, 1990. The district shall report to the joint justice
15 system appropriations subcommittee and to the department of
16 corrections by October 1, 1990, including the types of
17 proposed diversion programs and the number of offenders likely
18 to be diverted to the lowest sanction available.

19 3. Notwithstanding section 905.8, there is appropriated
20 from the general fund of the state for the fiscal year
21 beginning July 1, 1990, and ending June 30, 1991, for the
22 third judicial district department of correctional services,
23 the following amount, or so much thereof as is necessary:

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

26 \$ 1,941,214

27 b. For staffing 25 additional beds authorized during the
28 1989 session of the general assembly and for not more than the
29 following full-time equivalent positions:

30 \$ 26,847

31 FTEs .74

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

34 \$ 117,047

35 FTEs 3.57

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

4	\$	62,327
5	FTEs	1.58

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

8	\$	38,567
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9 The district department shall continue the sex offender
10 program established within the district in 1988 Iowa Acts,
11 chapter 1271, section 6, subsection 1, paragraph "c".

12 The district department of correctional services, in
13 cooperation with the chief judge of the judicial district,
14 shall develop a plan to divert low-risk offenders to the least
15 restrictive sanction available. The plan shall be designed to
16 take into consideration the impact upon the local communities
17 within the district. The plan shall be implemented by October
18 1, 1990. The district shall report to the joint justice
19 system appropriations subcommittee and to the department of
20 corrections by October 1, 1990, including the types of
21 proposed diversion programs and the number of offenders likely
22 to be diverted to the lowest sanction available.

23 4. Notwithstanding section 905.8, there is appropriated
24 from the general fund of the state for the fiscal year
25 beginning July 1, 1990, and ending June 30, 1991, for the
26 fourth judicial district department of correctional services,
27 the following amount, or so much thereof as is necessary:

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

30	\$	1,853,870
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31 b. For continued funding of the treatment alternatives to
32 street crime program:

33	\$	42,158
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34 The district department shall continue the sex offender
35 program established within the district in 1988 Iowa Acts,

1 chapter 1271, section 6, subsection 1, paragraph "d".

2 The district department of correctional services, in
3 cooperation with the chief judge of the judicial district,
4 shall develop a plan to divert low-risk offenders to the least
5 restrictive sanction available. The plan shall be designed to
6 take into consideration the impact upon the local communities
7 within the district. The plan shall be implemented by October
8 1, 1990. The district shall report to the joint justice
9 system appropriations subcommittee and to the department of
10 corrections by October 1, 1990, including the types of
11 proposed diversion programs and the number of offenders likely
12 to be diverted to the lowest sanction available.

13 5. Notwithstanding section 905.8, there is appropriated
14 from the general fund of the state for the fiscal year
15 beginning July 1, 1990, and ending June 30, 1991, for the
16 fifth judicial district department of correctional services,
17 the following amount, or so much thereof as is necessary:

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

20 \$ 5,563,123

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

24 \$ 125,586

25 FTEs 4.00

26 c. For additional funding for technical support and for
27 not more than the following full-time equivalent positions:

28 \$ 66,506

29 FTEs 2.00

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

33 \$ 410,348

34 FTEs 6.26

35 e. For an additional parole/probation supervisor and for

1 not more than the following full-time equivalent positions:

2 \$ 36,360

3 FTEs 1.00

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

7 \$ 35,000

8 FTEs 1.00

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

12 \$ 86,294

13 FTEs 2.00

14 h. For continued funding of the treatment alternatives to
15 street crime program:

16 \$ 109,182

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

21 The district department of correctional services, in
22 cooperation with the chief judge of the judicial district,
23 shall develop a plan to divert low-risk offenders to the least
24 restrictive sanction available. The plan shall be designed to
25 take into consideration the impact upon the local communities
26 within the district. The plan shall be implemented by October
27 1, 1990. The district shall report to the joint justice
28 system appropriations subcommittee and to the department of
29 corrections by October 1, 1990, including the types of
30 proposed diversion programs and the number of offenders likely
31 to be diverted to the lowest sanction available.

5308 32 6. Notwithstanding section 905.8, there is appropriated
33 from the general fund of the state for the fiscal year
34 beginning July 1, 1990, and ending June 30, 1991, for the
35 sixth judicial district department of correctional services,

1 the following amount, or so much thereof as is necessary:
2 a. For salaries, support, maintenance, and miscellaneous
3 purposes:
4 \$ 4,008,274
5 b. For additional funding for minimum staffing in field
6 services and for not more than the following full-time
7 equivalent positions:
8 \$ 609,228
9 FTEs 16.79
10 c. For additional funding of the intensive supervision
11 program and for not more than the following full-time
12 equivalent positions:
13 \$ 307,466
14 FTEs 7.24
15 d. For additional support staff and for not more than the
16 following full-time equivalent positions:
17 \$ 149,389
18 FTEs 3.00
19 e. For additional funding for residential minimum staffing
20 and for not more than the following full-time equivalent
21 positions:
22 \$ 195,922
23 FTEs 5.50
24 f. For funding of computer access to criminal history
25 data:
26 \$ 41,556
27 g. For staffing of additional new beds at the Cedar Rapids
28 residential facility as authorized during the 1989 session of
29 the general assembly and for not more than the following full-
30 time equivalent positions:
31 \$ 361,958
32 FTEs 7.70
33 h. For establishment of a home work release program within
34 the district and for not more than the following full-time
35 equivalent positions:

1 \$ 68,432

2 FTEs 2.00

3 i. For continued funding of the treatment alternatives to
4 street crime program:

5 \$ 35,100

6 j. For the job development grant program established in
7 House File 772 enacted during the 1989 session of the general
8 assembly:

9 \$ 77,733

10 The district department shall continue the intensive
11 supervision program established within the district in 1988
12 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph
13 "f", and shall continue the sex offender program established
14 within the district in 1989 Iowa Acts, chapter 315, section 8,
15 subsection 1, paragraph "f".

16 The district department of correctional services, in
17 cooperation with the chief judge of the judicial district,
18 shall develop a plan to divert low-risk offenders to the least
19 restrictive sanction available. The plan shall be designed to
20 take into consideration the impact upon the local communities
21 within the district. The plan shall be implemented by October
22 1, 1990. The district shall report to the joint justice
23 system appropriations subcommittee and to the department of
24 corrections by October 1, 1990, including the types of
25 proposed diversion programs and the number of offenders likely
26 to be diverted to the lowest sanction available.

5269 27 7. Notwithstanding section 905.8, there is appropriated
28 from the general fund of the state for the fiscal year
29 beginning July 1, 1990, and ending June 30, 1991, for the
30 seventh judicial district department of correctional services,
31 the following amount, or so much thereof as is necessary:

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

34 \$ 3,227,824

35 b. For additional funding for minimum staffing in field

1 services and for not more than the following full-time
2 equivalent positions:

3 \$ 260,003
4 FTEs 8.83

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

8 \$ 225,253
9 FTEs 7.74

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

13 \$ 123,525
14 FTEs 2.91

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

17 \$ 55,890

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

23 \$ 90,000

24 The district department shall continue the intensive
25 supervision program established within the district in 1988
26 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph
27 "g", and shall continue the intensive supervision program
28 established within the district for sex offenders and other
29 high-risk clients, and the sex offender treatment program
30 established within the district in 1989 Iowa Acts, chapter
31 316, section 8, subsection 1, paragraph "g".

32 The district department of correctional services, in
33 cooperation with the chief judge of the judicial district,
34 shall develop a plan to divert low-risk offenders to the least
35 restrictive sanction available. The plan shall be designed to

1 take into consideration the impact upon the local communities
2 within the district. The plan shall be implemented by October
3 1, 1990. The district shall report to the joint justice
4 system appropriations subcommittee and to the department of
5 corrections by October 1, 1990, including the types of
6 proposed diversion programs and the number of offenders likely
7 to be diverted to the lowest sanction available.

8 8. Notwithstanding section 905.3, there is appropriated
9 from the general fund of the state for the fiscal year
10 beginning July 1, 1990, and ending June 30, 1991, for the
11 eighth judicial district department of correctional services,
12 the following amount, or so much thereof as is necessary:

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

15 \$ 1,772,601

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

19 \$ 299,190

20 FTEs 8.40

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

24 \$ 74,955

25 FTEs 2.41

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

30 \$ 654,337

31 FTEs 15.28

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

34 \$ 61,979

35 f. For the job development grant program established in

1 House File 772 enacted during the 1989 session of the general
2 assembly:

3 \$ 77,733

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

9 \$ 90,000

10 The district department shall continue the intensive
11 supervision program established within the district in 1988
12 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph
13 "h", and shall continue the sex offender program established
14 within the district in 1989 Iowa Acts, chapter 316, section 8,
15 subsection 1, paragraph "h".

16 The district department of correctional services, in
17 cooperation with the chief judge of the judicial district,
18 shall develop a plan to divert low-risk offenders to the least
19 restrictive sanction available. The plan shall be designed to
20 take into consideration the impact upon the local communities
21 within the district. The plan shall be implemented by October
22 1, 1990. The district shall report to the joint justice
23 system appropriations subcommittee and to the department of
24 corrections by October 1, 1990, including the types of
25 proposed diversion programs and the number of offenders likely
26 to be diverted to the lowest sanction available.

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

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

33 \$ 201,798

34 b. For additional funding of the intensive supervision
35 programs in conjunction with electronic monitoring established

1 within the districts and for not more than the following full-
2 time equivalent positions:

3 \$ 85,272
4 FTEs 1.37

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

8 \$ 150,180
9 FTEs 4.25

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

12 \$ 584,632

13 As a condition, limitation, and qualification of this
14 appropriation, the department of corrections shall administer
15 pilot projects to reduce revocation rates to prison. Each
16 district shall submit a proposal to the central office and
17 grants will be awarded on a competitive basis pursuant to
18 criteria established by the department. The districts are to
19 develop a range of sanctions within the local communities
20 intended to reduce the revocations to prison. All districts
21 are eligible to participate, but awards are not required to be
22 made to all districts. The department shall submit a report
23 to the joint justice system appropriations subcommittee and
24 the legislative fiscal bureau by December 1, 1990, which is to
25 include the identification of districts receiving the grants,
26 the dollar amount of each grant, program description upon
27 which each grant was based, and the projected outcomes on the
28 revocation rate to prison.

29 As a condition, limitation, and qualification of the
30 additional amounts appropriated to the departments of
31 correctional services and the department of corrections for
32 the intensive supervision program, the department of
33 corrections shall cooperate with the board of parole in
34 developing a plan of early release under the intensive
35 supervision program for additional persons in an effort to

1 assist in controlling the prison population and assuring
2 prison space for the confinement of offenders whose release
3 would be detrimental to the citizens of this state. The
4 department and the board shall report to the legislative
5 fiscal bureau on a quarterly basis concerning the
6 implementation of this plan, including the number of inmates
7 released under the intensive supervision program.

8.3.268 Sec. 7.

9 1. Notwithstanding section 905.8, there is appropriated
10 from the general fund of the state for the fiscal period
11 beginning January 1, 1991, and ending June 30, 1991, for the
12 first judicial district department of correctional services,
13 the following amount, or so much thereof as is necessary:

14 For 2 additional parole/probation staff:

15 \$ 31,250

16 2. Notwithstanding section 905.8, there is appropriated
17 from the general fund of the state for the fiscal period
18 beginning January 1, 1991, and ending June 30, 1991, for the
19 second judicial district department of correctional services,
20 the following amount, or so much thereof as is necessary:

21 For 2 additional parole/probation staff:

22 \$ 31,250

23 3. Notwithstanding section 905.8, there is appropriated
24 from the general fund of the state for the fiscal period
25 beginning January 1, 1991, and ending June 30, 1991, for the
26 third judicial district department of correctional services,
27 the following amount, or so much thereof as is necessary:

28 For 2 additional parole/probation staff:

29 \$ 31,250

30 4. Notwithstanding section 905.8, there is appropriated
31 from the general fund of the state for the fiscal period
32 beginning January 1, 1991, and ending June 30, 1991, for the
33 fourth judicial district department of correctional services,
34 the following amount, or so much thereof as is necessary:

35 For 2 additional parole/probation staff:

1 \$ 31,250

2 5. Notwithstanding section 905.8, there is appropriated
3 from the general fund of the state for the fiscal period
4 beginning January 1, 1991, and ending June 30, 1991, for the
5 fifth judicial district department of correctional services,
6 the following amount, or so much thereof as is necessary:

7 For 2 additional parole/probation staff:
8 \$ 31,250

9 6. Notwithstanding section 905.8, there is appropriated
10 from the general fund of the state for the fiscal period
11 beginning January 1, 1991, and ending June 30, 1991, for the
12 sixth judicial district department of correctional services,
13 the following amount, or so much thereof as is necessary:

14 For 2 additional parole/probation staff:
15 \$ 31,250

16 7. Notwithstanding section 905.8, there is appropriated
17 from the general fund of the state for the fiscal period
18 beginning January 1, 1991, and ending June 30, 1991, for the
19 seventh judicial district department of correctional services,
20 the following amount, or so much thereof as is necessary:

21 For 2 additional parole/probation staff:
22 \$ 31,250

23 8. Notwithstanding section 905.8, there is appropriated
24 from the general fund of the state for the fiscal period
25 beginning January 1, 1991, and ending June 30, 1991, for the
26 eighth judicial district department of correctional services,
27 the following amount, or so much thereof as is necessary:

28 For 2 additional parole/probation staff:
29 \$ 31,250

30 9. The department of corrections shall not make an
31 intradepartmental transfer of moneys appropriated to the
32 department, unless notice of the intradepartmental transfer is
33 given prior to its effective date to the legislative fiscal
34 bureau. The notice shall include information on the
35 department's rationale for making the transfer and details

1 concerning the workload and performance measures upon which
2 the transfers are based.

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

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

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

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

23 12. As a condition, limitation, and qualification of the
24 appropriations made in this section, the district departments
25 shall use the Iowa finance and accounting system and the state
26 payroll system in administration of programs and payments for
27 services.

28 Sec. 8.

29 There is appropriated from the general fund of the state to
30 the judicial department for the fiscal year beginning July 1,
31 1990, and ending June 30, 1991, the following amounts, or so
32 much thereof as is necessary, to be used for the purposes
33 designated:

34 1. For salaries of supreme court justices, appellate court
35 judges, district court judges, district associate judges,

1 judicial magistrates and staff, state court administrator,
2 clerk of the supreme court, district court administrators,
3 clerks of the district court, juvenile court officers, board
4 of law examiners and board of examiners of shorthand reporters
5 and judicial qualifications commission, receipt and
6 disbursement of child support payments, and maintenance,
7 equipment, and miscellaneous purposes:

8 \$ 68,425,664

522 9 As a condition, limitation, and qualification of this
10 appropriation, the department shall reimburse the auditor of
11 state for expenses incurred in completing audits of the
12 offices of the clerks of the district court during the fiscal
13 year beginning July 1, 1990.

523 14 As a condition, limitation, and qualification of this
15 appropriation, the judicial department shall, from the funds
16 appropriated in subsection 1 which exceed the amount
17 appropriated to the judicial department for the fiscal year
18 beginning July 1, 1989, and ending June 30, 1990, provide in
19 addition to the amount used for the following designated
20 purposes for the fiscal year beginning July 1, 1989, and
21 ending June 30, 1990, an additional \$500,000 which shall be
22 used for the receipt and disbursement of child support
23 payments, an additional \$153,064 which shall be used for the
24 expansion of the court-appointed special advocate program, an
25 additional \$274,815 which shall be used for juvenile court
26 services, and an additional \$1,500,000 which shall be used for
27 the Iowa court information services.

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

32 2. For the juvenile victim restitution program:
33 \$ 100,000

34 Notwithstanding chapter 232A, it is the intent of the
35 general assembly that the judicial department receive the

1 funds appropriated and administer the Iowa juvenile victim
2 restitution program.

3 Sec. 9.

4 There is appropriated from the general fund of the state to
5 the judicial department for the fiscal year beginning July 1,
6 1990, and ending June 30, 1991, the following amount, or so
7 much thereof as is necessary, to be used for the purpose
8 designated:

9 1. For the Iowa court information system:

10 \$ 3,500,000

11 2. For the implementation of the pilot program

12 establishing a family court pursuant to House File 2533

13 enacted by the Seventy-third General Assembly, 1990 Session:

14 \$ 265,000

15 As a condition, limitation, and qualification of this
16 appropriation one additional judgeship shall be established in
17 judicial election district 2a, 2b, 3a, or 3b, notwithstanding
18 section 602.6201, subsection 10.

19 3. Notwithstanding section 602.6201, for an additional
20 judgeship to be established in judicial election district 8B:

21 \$ 135,000

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

29 Sec. 10.

30 There is appropriated from the general fund of the state
31 for the fiscal year beginning July 1, 1990, and ending June
32 30, 1991, the following amount, or so much thereof as is
33 necessary, as follows:

34 For the division of criminal justice planning established
35 pursuant to House File 2468 enacted by the Seventy-third

1 General Assembly, 1990 Session, and for not more than the
2 following full-time equivalent positions:

3 \$ 100,000
4 FTEs 4.00

5 Sec. 11. Section 331.428, subsection 2, Code 1989, is
6 amended by adding the following new paragraph:

7 NEW PARAGRAPH. e. Law enforcement services within the
8 county.

9 Sec. 12. Section 602.1301, subsection 2, paragraph a, Code
10 Supplement 1989, is amended to read as follows:

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

- 34 a. Child support operations.
- 35 b. Appellate courts.

- 1 c. Central administration.
- 2 d. District court administration.
- 3 e. Judges and magistrates.
- 4 f. Court reporters.
- 5 g. Juvenile court officers.
- 6 h. District court clerks.
- 7 i. Jury and witness fees.

8 Sec. 13. Section 602.5203, Code 1989, is amended to read
9 as follows:

10 602.5203 LAW CLERKS.

11 The court of appeals may employ ~~not more than six~~ attorneys
12 or graduates of a reputable law school to act as legal
13 assistants to the court.

14 Sec. 14. Section 905.5, subsection 1, Code 1989, is
15 amended to read as follows:

16 1. The county designated under section 905.4, subsection
17 3, as administrative agent for each district department, or
18 the district department itself, if designated as
19 administrative agent by the district board, shall submit that
20 district department's budget and supporting information to the
21 Iowa department of corrections in accordance with the
22 provisions of chapter 8. The state department shall
23 incorporate the budgets of each of the district departments
24 into its own budget request, to be processed as prescribed by
25 the uniform budget, accounting and administrative procedures
26 established by the department of management. Funds
27 ~~appropriated pursuant to the budget requests of the respective~~
28 ~~district departments shall be allocated on a quarterly basis,~~
29 ~~and the department of management shall authorize advancement~~
30 ~~of the funds so allocated to each district department's~~
31 ~~administrative agent, or to the district department itself if~~
32 ~~the district department acts as administrative agent, at the~~
33 ~~beginning of each fiscal quarter.~~

34 Sec. 15.

35 The department of corrections, judicial district

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

11 Sec. 16.

12 The judicial department shall file a report with the
13 legislative fiscal bureau, the fiscal committee of the
14 legislative council, and the chairpersons and ranking members
15 of the justice systems appropriations subcommittee detailing
16 the budgets and expenditures of each of the 99 district court
17 offices.

18 EXPLANATION

19 This bill makes appropriations to the department of
20 justice, department of corrections, judicial department, and
21 other components of the justice system.

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SENATE FILE 2408

5308

Amend Senate File 2408 as follows:

1. Page 1, by striking lines 32 through 34, and inserting the following:

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

1. For the".

2. Page 11, by striking lines 14 through 16, and inserting the following:

"2. For the".

3. Page 12, by striking lines 19 through 21, and inserting the following:

"3. For the".

4. Page 13, by striking lines 23 through 25, and inserting the following:

"4. For the".

5. Page 14, by striking lines 13 through 15, and inserting the following:

"5. For the".

6. Page 15, by striking lines 32 through 34, and inserting the following:

"6. For the".

7. Page 17, by striking lines 27 through 29, and inserting the following:

"7. For the".

8. Page 19, by striking lines 8 through 10, and inserting the following:

"8. For the".

9. By striking page 22, line 9, through page 23, line 29, by inserting the following:

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

a. For the first judicial district department of correctional services, for 2 additional parole/probation staff:

..... \$ 31,250

b. For the second judicial district department of correctional services, for 2 additional parole/probation staff:

..... \$ 31,250

c. For the third judicial district department of correctional services, for 2 additional parole/probation staff:

..... \$ 31,250

d. For the fourth judicial district department of

S-5308

Page 2

1 correctional services, for 2 additional
 2 parole/probation staff:
 3 \$ 31,250
 4 e. For the fifth judicial district department of
 5 correctional services, for 2 additional
 6 parole/probation staff:
 7 \$ 31,250
 8 f. For the sixth judicial district department of
 9 correctional services, for 2 additional
 10 parole/probation staff:
 11 \$ 31,250
 12 g. For the seventh judicial district department of
 13 correctional services, for 2 additional
 14 parole/probation staff:
 15 \$ 31,250
 16 h. For the eighth judicial district department of
 17 correctional services, for 2 additional
 18 parole/probation staff:
 19 \$ 31,250".
 20 10. Renumber as necessary.

By RICHARD VANDE HOEF
 JOY CORNING
 JACK W. HESTER

DALE L. TIEDEN
 MARK R. HAGERLA
 RAY TAYLOR

S-5308 FILED MARCH 1, 1990
 LOST (p. 828)

SENATE FILE 2408

S-5305

1 Amend Senate File 2408 as follows:
 2 1. Page 5, line 16, by striking the word "As" and
 3 inserting the following: "(1) As".
 4 2. Page 5, line 20, by striking the word "Of" and
 5 inserting the following: "(2) Of".
 6 3. Page 5, by inserting after line 23, the
 7 following:
 8 "(3) It is the intent of the general assembly that
 9 the department of corrections and the department of
 10 personnel shall cooperate to employ the additional
 11 correctional officers for the Anamosa facility by July
 12 1, 1990."
 13 4. Page 29, by inserting after line 17 the
 14 following:
 15 "Sec. ____ . Section 4, subsection 1, paragraph b,
 16 subparagraph (3), of this Act, being deemed of
 17 immediate importance, takes effect upon enactment."
 18 5. By numbering and renumbering as necessary.
 By BEVERLY A. HANNON EUGENE PRAISE
 LARRY MURPHY RICHARD J. VARN
 MICHAEL E. GRONSTAL

S-5305 FILED MARCH 1, 1990
 ADOPTED (p. 826)

SENATE FILE 2408

S-5309

- 1 Amend Senate File 2408 as follows:
- 2 1. Page 8, by striking lines 18 and 19 and
- 3 inserting the following:
- 4 "..... \$ 2,385,718
- 5FTEs 47.52"
- 6 2. Page 8, by striking line 23 and inserting the
- 7 following: "program for institutions, shall establish
- 8 an investigative unit, shall employ a computer
- 9 specialist and a communications specialist, and shall
- 10 use \$55,215 of the amount appropriated in this
- 11 subsection to employ an escort officer."
- 12 3. By striking page 22, line 9, through page 23,
- 13 line 29.
- 14 4. Renumber as necessary.

By RICHARD VANDE HOEF
MARK R. HAGERLA

S-5309 FILED MARCH 1, 1990
LOST (p. 827)

SENATE FILE 2408

S-5310

- 1 Amend Senate File 2408 as follows:
- 2 1. Page 8, by striking lines 18 and 19 and
- 3 inserting the following:
- 4 "..... \$ 2,200,389
- 5FTEs 43.52"
- 6 2. Page 8, by striking line 23 and inserting the
- 7 following: "program for institutions, and shall use
- 8 \$55,215 of the amount appropriated in this subsection
- 9 to employ an escort officer."

By RICHARD VANDE HOEF
RAY TAYLOR
MARK R. HAGERLA

S-5310 FILED MARCH 1, 1990
LOST (p. 827)

SENATE FILE 2408

S-5318

- 1 Amend Senate File 2408 as follows:
- 2 1. Page 25, line 8, by striking the figure
- 3 "68,425,664" and inserting the following:
- 4 "71,925,664".
- 5 2. Page 26, by striking lines 9 and 10.

By CALVIN O. HULTMAN

S-5318 FILED MARCH 1, 1990
LOST (p. 828)

SENATE FILE 2408

S-5319

- 1 Amend Senate File 2408 as follows:
- 2 1. Page 28, by striking lines 8 through 13.
- 3 2. Renumber as necessary.

By MIKE CONNOLLY

S-5319 FILED MARCH 1, 1990
ADOPTED (p. 829)

SENATE FILE 2408

S-5294

1 Amend Senate File 2408 as follows:
2 1. Page 26, by striking lines 11 through 18.
By CALVIN O. HULTMAN RAY TAYLOR
JULIA GENTLEMAN MARK R. HAGERLA
MAGGIE TINSMAN DALE L. TIEDEN

S-5294 FILED MARCH 1, 1990
LOST (p. 829)

SENATE FILE 2408

S-5295

1 Amend Senate File 2408 as follows:
2 1. Page 2, by inserting after line 26, the
3 following:
4 "_____. For the establishment of an Iowa dispute
5 resolution council pursuant to Senate File 2296, 1990
6 Iowa Acts, if enacted by the Seventy-third General
7 Assembly:
8 \$ 200,000
9 As a condition, limitation, and qualification of
10 this appropriation, \$50,000 shall be used to match
11 funds for which the council shall make application
12 with the national institute for dispute resolution."
13 2. Renumber as necessary.
By JEAN LLOYD-JONES JOY CORNING
JOHN JENSEN JIM RIORDAN

S-5295 FILED MARCH 1, 1990
WITHDRAWN (p. 813)

SENATE FILE 2408

S-5299

1 Amend Senate File 2408 as follows:
2 1. Page 25, line 24, by inserting after the word
3 "program," the following: "and".
4 2. Page 25, by striking lines 26 and 27 and
5 inserting the following: "services."
By JOE WELSH

S-5299 FILED MARCH 1, 1990
ADOPTED (p. 829)

SENATE FILE 2408

S-5300

1 Amend Senate File 2408 as follows:
2 1. Page 29, line 12, by inserting after the word
3 "file" the following: "by November 1 of each year,".
By JOE WELSH

S-5300 FILED MARCH 1, 1990
ADOPTED (p. 829)

SENATE FILE **2408**
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO LSB 7292SC)
(AS AMENDED AND PASSED BY THE SENATE MARCH 1, 1990)

_____ - New Language by the Senate
* - Language Stricken by the Senate

as amended
Passed Senate, Date 4/3/90 (p.1499) Passed House, Date 3/23/90 (p.1295)
Vote: Ayes 30 Nays 17 Vote: Ayes 66 Nays 18
Approved May 7, 1990 - Atton Vetoed
motion to reconsider (p.1396) 4/2 4/2
Repassed House per H-6019
4/4/90 (p.1284)
A BILL FOR 58-33

1 An Act relating to and making appropriations to the justice
2 system.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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S.F. 2408

1 Section 1.

2 There is appropriated from the general fund of the state to
3 the department of justice for the fiscal year beginning July
4 1, 1990, and ending June 30, 1991, the following amounts, or
5 so much thereof as is necessary, to be used for the purposes
6 designated:

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

11	\$	4,729,019
12	FTEs	166.00

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

16	\$	188,400
17	FTEs	3.00

18 3. Prosecuting intern program; however, counties parti-
19 cipating in the prosecuting intern program shall match funds
20 appropriated by this subsection:

21	\$	44,955
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22 4. In addition to the funds appropriated under subsection
23 1, there is appropriated from the general fund of the state to
24 the department of justice for the fiscal year beginning July
25 1, 1990, and ending June 30, 1991, an amount not exceeding
26 \$95,000 to be used for the enforcement of the Iowa competition
27 law under chapter 553. The expenditure of the funds
28 appropriated under this subsection is contingent upon receipt
29 by the general fund of the state of an amount at least equal
30 to either the expenditures from damages awarded to the state
31 or a political subdivision of the state by a civil judgment
32 under chapter 553, if the judgment authorizes the use of the
33 award for enforcement purposes or costs or attorneys fees
34 awarded the state in state or federal antitrust actions.

35 5. In addition to funds appropriated under subsection 1,

1 there is appropriated from the general fund of the state to
2 the department of justice for the fiscal year beginning July
3 1, 1990, and ending June 30, 1991, an amount not exceeding
4 \$50,000 to be used for public education relating to consumer
5 fraud and for enforcement of section 714.16. The expenditure
6 of the funds appropriated under this subsection is contingent
7 upon receipt by the general fund of the state of an amount at
8 least equal to the expenditures from funds awarded to the
9 state or a political subdivision of the state by a civil
10 consumer fraud judgment or settlement, if the judgment or
11 settlement authorizes the use of the award for public
12 education on consumer fraud. Notwithstanding section 8.33,
13 funds received in a previous fiscal year which have not been
14 expended shall be credited to this fiscal year.

- 15 6. For the farm mediation service program:
- 16 \$ 200,000
- 17 7. For the legal assistance for farmers program:
- 18 \$ 225,000
- 19 8. For victim assistance grants:
- 20 \$ 580,000

21 As a condition, limitation, and qualification of this
22 appropriation, \$480,000 shall be used to provide grants to
23 care providers providing services to crime victims of domestic
24 abuse, and \$100,000 shall be used to provide grants to care
25 providers providing services to crime victims of rape and
26 sexual assault.

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

31 Sec. 2.

32 There is appropriated from the utilities trust fund to the
33 office of consumer advocate of the department of justice for
34 the fiscal year beginning July 1, 1990 and ending June 30,
35 1991, the following amount, or so much thereof as is

1 necessary, to be used for the purposes designated:

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

5	\$	1,915,289
6	FTEs	31.00

7 The office of consumer advocate may expend additional
8 funds, including funds for outside consultants, if those
9 additional expenditures are actual expenses which exceed the
10 funds budgeted for utilities investigations and directly
11 result from investigations of utilities. Before the office
12 expends or encumbers an amount in excess of the funds budgeted
13 for investigations, the director of the department of
14 management shall approve the expenditure or encumbrance.
15 Before approval is given, the director of the department of
16 management shall determine that the investigation expenses
17 exceed the funds budgeted by the general assembly to the
18 office of consumer advocate and that the office does not have
19 other funds from which investigation expenses can be paid.
20 Upon approval of the director of the department of management,
21 the office may expend and encumber funds for excess
22 investigation expenses. The amounts necessary to fund the
23 excess investigation expenses shall be collected from those
24 utilities being investigated which caused the excess
25 expenditures, and the collections shall be treated as
26 repayment receipts as defined in section 8.2, subsection 5.

27 Sec. 3.

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

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

1 \$ 837,536
2 FTEs 20.00

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

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

15 It is the intent of the general assembly that the
16 department of corrections and the board of parole shall
17 review, and implement as necessary, the findings and
18 recommendations contained in the final report prepared by the
19 consultant and presented to the corrections system review task
20 force which was established by 1988 Iowa Acts, chapter 1271,
21 as they relate to the department of corrections and the board
22 of parole. The board shall report to the justice system
23 appropriations subcommittee during the 1991 Legislative
24 Session, at the request of the subcommittee, steps taken to
25 implement any of those recommendations, or the reasons for
26 failing to implement such recommendations.

27 Sec. 4.

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

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

35 a. For the operation of the Fort Madison correctional

1 facility, including salaries, support, maintenance,
2 miscellaneous purposes, and for not more than the following
3 full-time equivalent positions:

4 \$ 20,428,846
5 FTEs 502.50

6 As a condition, limitation, and qualification of this
7 appropriation, the facility shall employ 310 correctional
8 officers, an additional counselor, and an additional trades
9 leader.

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

14 \$ 15,171,304
15 FTEs 355.00

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

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

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

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

32 \$ 10,781,134
33 FTEs 261.50

34 As a condition, limitation, and qualification of this
35 appropriation, the facility shall employ 132.40 correctional

1 officers and shall employ 4 additional staff for the purposes
2 of compliance with the joint commission on the accreditation
3 of health care organization standards.

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

8	\$ 3,145,434
9	FTEs 72.00

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

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

17	\$ 10,933,204
18	FTEs 267.15

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

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

30	\$ 3,013,272
31	FTEs 74.00

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

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

5	\$	4,479,443
6	FTEs	119.30

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

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

14	\$	3,679,450
15	FTEs	97.00

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

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

29 3. If the inmate tort claim fund for inmate claims of less
30 than \$50 is exhausted during the fiscal year, sufficient funds
31 shall be transferred from the institutional budgets to pay
32 approved tort claims for the balance of the fiscal year. The
33 warden or superintendent of each institution or correctional
34 facility shall designate an employee to receive, investigate,
35 and recommend whether to pay any properly filed inmate tort

1 claim for less than the above amount. The designee's
2 recommendation shall be approved or denied by the warden or
3 superintendent and forwarded to the department of corrections
4 for final approval and payment. The amounts appropriated to
5 this fund pursuant to 1987 Iowa Acts, chapter 234, section
6 304, subsection 2, are not subject to reversion under section
7 8.33.

8 Tort claims denied at the institution shall be forwarded to
9 the state appeal board for their consideration as if
10 originally filed with that body. This procedure shall be used
11 in lieu of chapter 25A for inmate tort claims of less than
12 \$50.

13 Sec. 5.

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

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

22	\$	2,145,174
23	FTEs	42.52

24 As a condition, limitation, and qualification of this
25 appropriation the department shall employ an education
26 director and clerk to administer a centralized education
27 program for institutions.

28 The department shall monitor the use of the classification
29 model by the judicial district departments and has the
30 authority to override a district department's decision re-
31 garding classification of community-based clients. The
32 department shall notify a district department of the reasons
33 for the override.

34 The department of corrections shall submit a monthly county
35 jail report to the legislative fiscal bureau containing the

1 information submitted to the department by the county sheriffs
2 pursuant to section 356.49.

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

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

11 2. For reimbursement of counties for temporary confinement
12 of work release and parole violators, as provided in sections
13 246.908, 901.7, and 906.17:

14 \$ 215,000

15 3. For federal prison reimbursement and miscellaneous
16 contracts:

17 \$ 360,000

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

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

25 \$ 366,476

26 FTEs 8.22

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

30 5. For annual payment relating to the financial
31 arrangement for the construction of expansion in prison
32 capacity as provided in 1989 Iowa Acts, chapter 316, section
33 7, subsection 6:

34 \$ 625,860

35 Sec. 6.

1 1. Notwithstanding section 905.8, there is appropriated
2 from the general fund of the state for the fiscal year
3 beginning July 1, 1990, and ending June 30, 1991, for the
4 first judicial district department of correctional services,
5 the following amount, or so much thereof as is necessary:
6 a. For salaries, support, maintenance, and miscellaneous
7 purposes:
8 \$ 4,345,072
9 b. For additional funding of the intensive supervision
10 program and for not more than the following full-time
11 equivalent positions:
12 \$ 55,328
13 FTEs 1.66
14 c. For the replacement of federal funds for a job
15 development program and for not more than the following full-
16 time equivalent positions:
17 \$ 36,298
18 FTEs 1.00
19 d. For additional funding for minimum staffing in field
20 services and for not more than the following full-time
21 equivalent positions:
22 \$ 296,103
23 FTEs 10.00
24 e. For additional funding for residential minimum staffing
25 and for not more than the following full-time equivalent
26 positions:
27 \$ 202,132
28 FTEs 7.00
29 f. For continued funding of the treatment alternatives to
30 street crime program:
31 \$ 53,519
32 g. For the job development grant program established in
33 House File 772 enacted during the 1989 session of the general
34 assembly:
35 \$ 77,733

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

7 The district department of correctional services, in
8 cooperation with the chief judge of the judicial district,
9 shall develop a plan to divert low-risk offenders to the least
10 restrictive sanction available. The plan shall be designed to
11 take into consideration the impact upon the local communities
12 within the district. The plan shall be implemented by October
13 1, 1990. The district shall report to the joint justice
14 system appropriations subcommittee and to the department of
15 corrections by October 1, 1990, including the types of
16 proposed diversion programs and the number of offenders likely
17 to be diverted to the lowest sanction available.

18 2. Notwithstanding section 905.8, there is appropriated
19 from the general fund of the state for the fiscal year
20 beginning July 1, 1990, and ending June 30, 1991, for the
21 second judicial district department of correctional services,
22 the following amount, or so much thereof as is necessary:

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

25 \$ 3,343,904

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

29 \$ 99,505

30 FTEs 3.00

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

34 \$ 527,448

35 FTEs 14.61

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

4 \$ 305,319
5 FTEs 8.02

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

8 \$ 85,333

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

12 The district department of correctional services, in
13 cooperation with the chief judge of the judicial district,
14 shall develop a plan to divert low-risk offenders to the least
15 restrictive sanction available. The plan shall be designed to
16 take into consideration the impact upon the local communities
17 within the district. The plan shall be implemented by October
18 1, 1990. The district shall report to the joint justice
19 system appropriations subcommittee and to the department of
20 corrections by October 1, 1990, including the types of
21 proposed diversion programs and the number of offenders likely
22 to be diverted to the lowest sanction available.

23 3. Notwithstanding section 905.8, there is appropriated
24 from the general fund of the state for the fiscal year
25 beginning July 1, 1990, and ending June 30, 1991, for the
26 third judicial district department of correctional services,
27 the following amount, or so much thereof as is necessary:

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

30 \$ 1,941,214

31 b. For staffing 25 additional beds authorized during the
32 1989 session of the general assembly and for not more than the
33 following full-time equivalent positions:

34 \$ 26,847
35 FTEs .74

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

3 \$ 117,047
4 FTEs 3.57

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

8 \$ 62,327
9 FTEs 1.58

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

12 \$ 38,567

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

16 The district department of correctional services, in
17 cooperation with the chief judge of the judicial district,
18 shall develop a plan to divert low-risk offenders to the least
19 restrictive sanction available. The plan shall be designed to
20 take into consideration the impact upon the local communities
21 within the district. The plan shall be implemented by October
22 1, 1990. The district shall report to the joint justice
23 system appropriations subcommittee and to the department of
24 corrections by October 1, 1990, including the types of
25 proposed diversion programs and the number of offenders likely
26 to be diverted to the lowest sanction available.

27 4. Notwithstanding section 905.8, there is appropriated
28 from the general fund of the state for the fiscal year
29 beginning July 1, 1990, and ending June 30, 1991, for the
30 fourth judicial district department of correctional services,
31 the following amount, or so much thereof as is necessary:

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

34 \$ 1,853,870

35 b. For continued funding of the treatment alternatives to

1 street crime program:

2 \$ 42,158

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

6 The district department of correctional services, in
7 cooperation with the chief judge of the judicial district,
8 shall develop a plan to divert low-risk offenders to the least
9 restrictive sanction available. The plan shall be designed to
10 take into consideration the impact upon the local communities
11 within the district. The plan shall be implemented by October
12 1, 1990. The district shall report to the joint justice
13 system appropriations subcommittee and to the department of
14 corrections by October 1, 1990, including the types of
15 proposed diversion programs and the number of offenders likely
16 to be diverted to the lowest sanction available.

17 5. Notwithstanding section 905.8, there is appropriated
18 from the general fund of the state for the fiscal year
19 beginning July 1, 1990, and ending June 30, 1991, for the
20 fifth judicial district department of correctional services,
21 the following amount, or so much thereof as is necessary:

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

24 \$ 5,563,123

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

28 \$ 125,586

29 FTEs 4.00

30 c. For additional funding for technical support and for
31 not more than the following full-time equivalent positions:

32 \$ 66,506

33 FTEs 2.00

34 d. For additional funding of the intensive supervision
35 program and for not more than the following full-time

1 equivalent positions:

2 \$ 410,348

3 FTEs 6.26

4 e. For an additional parole/probation supervisor and for
5 not more than the following full-time equivalent positions:

6 \$ 36,360

7 FTEs 1.00

8 f. For replacement of federal funds for a job development
9 program and for not more than the following full-time

10 equivalent positions:

11 \$ 35,000

12 FTEs 1.00

13 g. For funding a tactical unit to be established within
14 the district and for not more than the following full-time

15 equivalent positions:

16 \$ 86,294

17 FTEs 2.00

18 h. For continued funding of the treatment alternatives to
19 street crime program:

20 \$ 109,182

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

25 The district department of correctional services, in
26 cooperation with the chief judge of the judicial district,
27 shall develop a plan to divert low-risk offenders to the least
28 restrictive sanction available. The plan shall be designed to
29 take into consideration the impact upon the local communities
30 within the district. The plan shall be implemented by October
31 1, 1990. The district shall report to the joint justice
32 system appropriations subcommittee and to the department of
33 corrections by October 1, 1990, including the types of
34 proposed diversion programs and the number of offenders likely
35 to be diverted to the lowest sanction available.

1 6. Notwithstanding section 905.8, there is appropriated
2 from the general fund of the state for the fiscal year
3 beginning July 1, 1990, and ending June 30, 1991, for the
4 sixth judicial district department of correctional services,
5 the following amount, or so much thereof as is necessary:
6 a. For salaries, support, maintenance, and miscellaneous
7 purposes:
8 \$ 4,008,274
9 b. For additional funding for minimum staffing in field
10 services and for not more than the following full-time
11 equivalent positions:
12 \$ 609,228
13 FTEs 16.79
14 c. For additional funding of the intensive supervision
15 program and for not more than the following full-time
16 equivalent positions:
17 \$ 307,466
18 FTEs 7.24
19 d. For additional support staff and for not more than the
20 following full-time equivalent positions:
21 \$ 149,389
22 FTEs 3.00
23 e. For additional funding for residential minimum staffing
24 and for not more than the following full-time equivalent
25 positions:
26 \$ 195,922
27 FTEs 5.50
28 f. For funding of computer access to criminal history
29 data:
30 \$ 41,556
31 g. For staffing of additional new beds at the Cedar Rapids
32 residential facility as authorized during the 1989 session of
33 the general assembly and for not more than the following full-
34 time equivalent positions:
35 \$ 361,958

1 FTEs 7.70

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

5 \$ 68,432

6 FTEs 2.00

7 i. For continued funding of the treatment alternatives to
8 street crime program:

9 \$ 35,100

10 j. For the job development grant program established in
11 House File 772 enacted during the 1989 session of the general
12 assembly:

13 \$ 77,733

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

20 The district department of correctional services, in
21 cooperation with the chief judge of the judicial district,
22 shall develop a plan to divert low-risk offenders to the least
23 restrictive sanction available. The plan shall be designed to
24 take into consideration the impact upon the local communities
25 within the district. The plan shall be implemented by October
26 1, 1990. The district shall report to the joint justice
27 system appropriations subcommittee and to the department of
28 corrections by October 1, 1990, including the types of
29 proposed diversion programs and the number of offenders likely
30 to be diverted to the lowest sanction available.

31 7. Notwithstanding section 905.8, there is appropriated
32 from the general fund of the state for the fiscal year
33 beginning July 1, 1990, and ending June 30, 1991, for the
34 seventh judicial district department of correctional services,
35 the following amount, or so much thereof as is necessary:

1 a. For salaries, support, maintenance, and miscellaneous
2 purposes:
3 \$ 3,227,824
4 b. For additional funding for minimum staffing in field
5 services and for not more than the following full-time
6 equivalent positions:
7 \$ 260,003
8 FTEs 8.83
9 c. For additional funding for residential minimum staffing
10 and for not more than the following full-time equivalent
11 positions:
12 \$ 225,253
13 FTEs 7.74
14 d. For additional funding of the intensive supervision
15 program and for not more than the following full-time
16 equivalent positions:
17 \$ 123,525
18 FTEs 2.91
19 e. For continued funding of the treatment alternatives to
20 street crime program:
21 \$ 55,890
22 f. For funding to continue to contract for job development
23 with a private entity which is not controlled or administered
24 by any state agency or any political subdivision of the state,
25 and which has a minimum of 15 years of service experience with
26 offender and ex-offender populations:
27 \$ 90,000
28 The district department shall continue the intensive
29 supervision program established within the district in 1988
30 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph
31 "g", and shall continue the intensive supervision program
32 established within the district for sex offenders and other
33 high-risk clients, and the sex offender treatment program
34 established within the district in 1989 Iowa Acts, chapter
35 316, section 8, subsection 1, paragraph "g".

1 The district department of correctional services, in
2 cooperation with the chief judge of the judicial district,
3 shall develop a plan to divert low-risk offenders to the least
4 restrictive sanction available. The plan shall be designed to
5 take into consideration the impact upon the local communities
6 within the district. The plan shall be implemented by October
7 1, 1990. The district shall report to the joint justice
8 system appropriations subcommittee and to the department of
9 corrections by October 1, 1990, including the types of
10 proposed diversion programs and the number of offenders likely
11 to be diverted to the lowest sanction available.

12 8. Notwithstanding section 905.8, there is appropriated
13 from the general fund of the state for the fiscal year
14 beginning July 1, 1990, and ending June 30, 1991, for the
15 eighth judicial district department of correctional services,
16 the following amount, or so much thereof as is necessary:

17 a. For salaries, support, maintenance, and miscellaneous
18 purposes:
19 \$ 1,772,601

20 b. For additional funding for minimum staffing in field
21 services and for not more than the following full-time
22 equivalent positions:
23 \$ 299,190
24 FTEs 8.40

25 c. For additional funding for residential minimum staffing
26 and for not more than the following full-time equivalent
27 positions:
28 \$ 74,955
29 FTEs 2.41

30 d. For staffing of additional new beds at the Ottumwa
31 facility authorized during the 1989 session of the general
32 assembly and for not more than the following full-time
33 equivalent positions:
34 \$ 654,337
35 FTEs 15.28

1 e. For continued funding of the treatment alternatives to
2 street crime program:
3 \$ 61,979

4 f. For the job development grant program established in
5 House File 772 enacted during the 1989 session of the general
6 assembly:
7 \$ 77,733

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

13 \$ 90,000

14 The district department shall continue the intensive
15 supervision program established within the district in 1988
16 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph
17 "h", and shall continue the sex offender program established
18 within the district in 1989 Iowa Acts, chapter 316, section 8,
19 subsection 1, paragraph "h".

20 The district department of correctional services, in
21 cooperation with the chief judge of the judicial district,
22 shall develop a plan to divert low-risk offenders to the least
23 restrictive sanction available. The plan shall be designed to
24 take into consideration the impact upon the local communities
25 within the district. The plan shall be implemented by October
26 1, 1990. The district shall report to the joint justice
27 system appropriations subcommittee and to the department of
28 corrections by October 1, 1990, including the types of
29 proposed diversion programs and the number of offenders likely
30 to be diverted to the lowest sanction available.

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

35 a. For the assistance and support of each judicial

1 district department of correctional services:

2 \$ 201,798

3 b. For additional funding of the intensive supervision
4 programs in conjunction with electronic monitoring established
5 within the districts and for not more than the following full-
6 time equivalent positions:

7 \$ 85,272

8 FTEs 1.37

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

12 \$ 150,180

13 FTEs 4.25

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

16 \$ 584,632

17 As a condition, limitation, and qualification of this
18 appropriation, the department of corrections shall administer
19 pilot projects to reduce revocation rates to prison. Each
20 district shall submit a proposal to the central office and
21 grants will be awarded on a competitive basis pursuant to
22 criteria established by the department. The districts are to
23 develop a range of sanctions within the local communities
24 intended to reduce the revocations to prison. All districts
25 are eligible to participate, but awards are not required to be
26 made to all districts. The department shall submit a report
27 to the joint justice system appropriations subcommittee and
28 the legislative fiscal bureau by December 1, 1990, which is to
29 include the identification of districts receiving the grants,
30 the dollar amount of each grant, program description upon
31 which each grant was based, and the projected outcomes on the
32 revocation rate to prison.

33 As a condition, limitation, and qualification of the
34 additional amounts appropriated to the departments of
35 correctional services and the department of corrections for

1 the intensive supervision program, the department of
2 corrections shall cooperate with the board of parole in
3 developing a plan of early release under the intensive
4 supervision program for additional persons in an effort to
5 assist in controlling the prison population and assuring
6 prison space for the confinement of offenders whose release
7 would be detrimental to the citizens of this state. The
8 department and the board shall report to the legislative
9 fiscal bureau on a quarterly basis concerning the
10 implementation of this plan, including the number of inmates
11 released under the intensive supervision program.

12 Sec. 7.

13 1. Notwithstanding section 905.8, there is appropriated
14 from the general fund of the state for the fiscal period
15 beginning January 1, 1991, and ending June 30, 1991, for the
16 first judicial district department of correctional services,
17 the following amount, or so much thereof as is necessary:

18 For 2 additional parole/probation staff:
19 \$ 31,250

20 2. Notwithstanding section 905.8, there is appropriated
21 from the general fund of the state for the fiscal period
22 beginning January 1, 1991, and ending June 30, 1991, for the
23 second judicial district department of correctional services,
24 the following amount, or so much thereof as is necessary:

25 For 2 additional parole/probation staff:
26 \$ 31,250

27 3. Notwithstanding section 905.8, there is appropriated
28 from the general fund of the state for the fiscal period
29 beginning January 1, 1991, and ending June 30, 1991, for the
30 third judicial district department of correctional services,
31 the following amount, or so much thereof as is necessary:

32 For 2 additional parole/probation staff:
33 \$ 31,250

34 4. Notwithstanding section 905.8, there is appropriated
35 from the general fund of the state for the fiscal period

1 beginning January 1, 1991, and ending June 30, 1991, for the
2 fourth judicial district department of correctional services,
3 the following amount, or so much thereof as is necessary:

4 For 2 additional parole/probation staff:
5 \$ 31,250

6 5. Notwithstanding section 905.8, there is appropriated
7 from the general fund of the state for the fiscal period
8 beginning January 1, 1991, and ending June 30, 1991, for the
9 fifth judicial district department of correctional services,
10 the following amount, or so much thereof as is necessary:

11 For 2 additional parole/probation staff:
12 \$ 31,250

13 6. Notwithstanding section 905.8, there is appropriated
14 from the general fund of the state for the fiscal period
15 beginning January 1, 1991, and ending June 30, 1991, for the
16 sixth judicial district department of correctional services,
17 the following amount, or so much thereof as is necessary:

18 For 2 additional parole/probation staff:
19 \$ 31,250

20 7. Notwithstanding section 905.8, there is appropriated
21 from the general fund of the state for the fiscal period
22 beginning January 1, 1991, and ending June 30, 1991, for the
23 seventh judicial district department of correctional services,
24 the following amount, or so much thereof as is necessary:

25 For 2 additional parole/probation staff:
26 \$ 31,250

27 8. Notwithstanding section 905.8, there is appropriated
28 from the general fund of the state for the fiscal period
29 beginning January 1, 1991, and ending June 30, 1991, for the
30 eighth judicial district department of correctional services,
31 the following amount, or so much thereof as is necessary:

32 For 2 additional parole/probation staff:
33 \$ 31,250

34 9. The department of corrections shall not make an
35 intradepartmental transfer of moneys appropriated to the

1 department, unless notice of the intradepartmental transfer is
2 given prior to its effective date to the legislative fiscal
3 bureau. The notice shall include information on the
4 department's rationale for making the transfer and details
5 concerning the workload and performance measures upon which
6 the transfers are based.

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

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

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

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

27 12. As a condition, limitation, and qualification of the
28 appropriations made in this section, the district departments
29 shall use the Iowa finance and accounting system and the state
30 payroll system in administration of programs and payments for
31 services.

32 Sec. 8.

33 There is appropriated from the general fund of the state to
34 the judicial department for the fiscal year beginning July 1,
35 1990, and ending June 30, 1991, the following amounts, or so

1 much thereof as is necessary, to be used for the purposes
2 designated:

3 1. For salaries of supreme court justices, appellate court
4 judges, district court judges, district associate judges,
5 judicial magistrates and staff, state court administrator,
6 clerk of the supreme court, district court administrators,
7 clerks of the district court, juvenile court officers, board
8 of law examiners and board of examiners of shorthand reporters
9 and judicial qualifications commission, receipt and
10 disbursement of child support payments, and maintenance,
11 equipment, and miscellaneous purposes:

12 \$ 68,425,664

13 As a condition, limitation, and qualification of this
14 appropriation, the department shall reimburse the auditor of
15 state for expenses incurred in completing audits of the
16 offices of the clerks of the district court during the fiscal
17 year beginning July 1, 1990.

18 As a condition, limitation, and qualification of this
19 appropriation, the judicial department shall, from the funds
20 appropriated in subsection 1 which exceed the amount
21 appropriated to the judicial department for the fiscal year
22 beginning July 1, 1989, and ending June 30, 1990, provide in
23 addition to the amount used for the following designated
24 purposes for the fiscal year beginning July 1, 1989, and
25 ending June 30, 1990, an additional \$500,000 which shall be
26 used for the receipt and disbursement of child support
27 payments, an additional \$153,064 which shall be used for the
28 expansion of the court-appointed special advocate program, and
29 an additional \$274,815 which shall be used for juvenile court
30 services.

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

35 2. For the juvenile victim restitution program:

1 \$ 100,000

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

6 Sec. 9.

7 There is appropriated from the general fund of the state to
8 the judicial department for the fiscal year beginning July 1,
9 1990, and ending June 30, 1991, the following amount, or so
10 much thereof as is necessary, to be used for the purpose
11 designated:

12 1. For the Iowa court information system:

13 \$ 3,500,000

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

17 \$ 265,000

18 As a condition, limitation, and qualification of this
19 appropriation one additional judgeship shall be established in
20 judicial election district 2a, 2b, 3a, or 3b, notwithstanding
21 section 602.6201, subsection 10.

22 3. Notwithstanding section 602.6201, for an additional
23 judgeship to be established in judicial election district 8B:

24 \$ 135,000

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

32 Sec. 10.

33 There is appropriated from the general fund of the state
34 for the fiscal year beginning July 1, 1990, and ending June
35 30, 1991, the following amount, or so much thereof as is

1 necessary, as follows:

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

6	\$	100,000
7	FTEs	4.00

8 Sec. 11. Section 331.428, subsection 2, Code 1989, is
9 amended by adding the following new paragraph:

10 NEW PARAGRAPH. e. Law enforcement services within the
11 county.

57647

12 Sec. 12. Section 602.1301, subsection 2, paragraph a, Code
13 Supplement 1989, is amended to read as follows:

14 a. As early as possible, but not later than December 1,
15 the supreme court shall submit to the legislative fiscal
16 bureau the annual budget request and detailed supporting
17 information for the judicial department. The submission shall
18 be designed to assist the legislative fiscal bureau in its
19 preparation for legislative consideration of the budget
20 request. The information submitted shall contain and be
21 arranged in a format substantially similar to the format
22 specified by the director of management and used by all
23 departments and establishments in transmitting to the director
24 estimates of their expenditure requirements pursuant to
25 section 8.23, except the estimates of expenditure requirements
26 shall be based upon one hundred percent of funding for the
27 current fiscal year accounted for by program, and using the
28 same line item definitions of expenditures as used for the
29 current fiscal year's budget request, and the remainder of the
30 estimate of expenditure requirements prioritized by program.
31 The supreme court shall also make use of the department of
32 management's automated budget system when submitting
33 information to the director of management to assist the
34 director in the transmittal of information as required under
35 section 8.35A. The supreme court shall budget and track

1 expenditures by the following separate organization codes:

- 2 a. Child support operations.
 3 b. Appellate courts.
 4 c. Central administration.
 5 d. District court administration.
 6 e. Judges and magistrates.
 7 f. Court reporters.
 8 g. Juvenile court officers.
 9 h. District court clerks.
 10 i. Jury and witness fees.

* 11 Sec. 13. Section 905.5, subsection 1, Code 1989, is
 12 amended to read as follows:

13 1. The county designated under section 905.4, subsection
 14 3, as administrative agent for each district department, or
 15 the district department itself, if designated as
 16 administrative agent by the district board, shall submit that
 17 district department's budget and supporting information to the
 18 Iowa department of corrections in accordance with the
 19 provisions of chapter 8. The state department shall
 20 incorporate the budgets of each of the district departments
 21 into its own budget request, to be processed as prescribed by
 22 the uniform budget, accounting and administrative procedures
 23 established by the department of management. Funds
 24 ~~appropriated-pursuant-to-the-budget-requests-of-the-respective~~
 25 ~~district-departments-shall-be-allocated-on-a-quarterly-basis,~~
 26 ~~and-the-department-of-management-shall-authorize-advancement~~
 27 ~~of-the-funds-so-allocated-to-each-district-department's~~
 28 ~~administrative-agent,-or-to-the-district-department-itself-if~~
 29 ~~the-district-department-acts-as-administrative-agent,-at-the~~
 30 ~~beginning-of-each-fiscal-quarter.~~

31 Sec. 14.

32 The department of corrections, judicial district
 33 departments of correctional services, board of parole, and the
 34 judicial department shall develop an automated data system for
 35 use in the sharing of information between the department of

1 corrections, judicial district departments of correctional
2 services, board of parole, and the judicial department. The
3 information to be shared shall concern any individual who may,
4 as the result of an arrest or infraction of any law, be
5 subject to the jurisdiction of the department of corrections,
6 judicial district departments of correctional services, or
7 board of parole.

8 Sec. 15.

9 The judicial department shall file by November 1 of each
10 year, a report with the legislative fiscal bureau, the fiscal
11 committee of the legislative council, and the chairpersons and
12 ranking members of the justice systems appropriations
13 subcommittee detailing the budgets and expenditures of each of
14 the 99 district court offices.

57647
15 Sec. 16. Section 4, subsection 1, paragraph b,
16 subparagraph (3), of this Act, being deemed of immediate
17 importance, takes effect upon enactment.

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SENATE FILE 2408

H-5685

1 Amend Senate File 2408 as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 12, by striking the figure
4 "166.00" and inserting the following: "167.00".

5 2. Page 2, line 5, by inserting after the figure
6 "714.16", the following: "and \$25,000 for the
7 attorney general's task force on fraud against older
8 Iowans to be used for investigation, prosecution, and
9 consumer education relating to consumer and criminal
10 fraud against older persons".

11 3. Page 3, by striking lines 5 and 6, and
12 inserting the following:

13 "..... \$ 2,049,789
14FTEs 32.00".

15 4. Page 10, by striking lines 1 through 35, and
16 inserting the following:

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

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

25 \$ 5,066,185

26 As a condition, limitation, and qualification of
27 this appropriation, \$55,328 shall be used to expand
28 the intensive supervision program, \$36,298 shall be
29 used to replace federal funds for a job development
30 program, \$296,103 shall be used to provide additional
31 staff for field services, \$202,132 shall be used to
32 provide additional staff for residential services,
33 \$53,519 shall be used to continue funding of the
34 treatment alternatives to street crimes program, and
35 \$77,733 shall be used to continue the job development
36 grant program established by House File 772 enacted
37 during the 1989 Session of the General Assembly."

38 5. By striking page 11, line 18 through page 12,
39 line 8, and inserting the following:

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

43 \$ 4,361,509

44 As a condition, limitation, and qualification of
45 this appropriation, \$99,505 shall be used to replace
46 federal funds for job development, \$527,448 shall be
47 used to provide additional staff for residential
48 services, \$305,319 shall be used for additional staff
49 for field services, and \$85,333 shall be used to
50 continue funding the treatment alternatives to street

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Page 2

1 crimes program."

6. By striking page 12, line 23, through page 13, line 12, and inserting the following:

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

7 \$ 2,186,002

8 As a condition, limitation, and qualification of
9 this appropriation, \$26,847 shall be used to provide
10 additional staff for 25 additional beds authorized
11 during the 1989 Session of the General Assembly,
12 \$117,047 shall be used to provide additional staff for
13 field services, \$62,327 shall be used to provide for
14 the intensive supervision program, and \$38,567 shall
15 be used to continue the treatment alternatives to
16 street crimes program."

17 7. By striking page 13, line 27, through page 14,
18 line 2, and inserting the following:

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

22 \$ 1,896,028

23 As a condition, limitation, and qualification of
24 this appropriation, \$42,158 shall be used to continue
25 funding of the treatment alternatives to street crimes
26 program."

8. By striking page 14, line 17, through page 15,
line 20, and inserting the following:

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

32 \$ 6,432,399

33 As a condition, limitation, and qualification of
34 this appropriation, \$125,586 shall be used to provide
35 additional staff for residential service, \$66,506
36 shall be used to provide additional technical support
37 staff, \$410,348 shall be used to expand the intensive
38 supervision program, \$36,360 shall be used to employ
39 an additional parole/probation supervisor, \$35,000
40 shall be used to replace federal funds for a job
41 development program, \$86,294 shall be used to
42 establish a tactical unit, and \$109,182 shall be used
43 to continue funding of the treatment alternatives to
44 street crimes program."

45 9. By striking page 16, line 1 through page 17,
46 line 13, and inserting the following:

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

50 \$ 5,855,058

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Page 3

1 As a condition, limitation, and qualification of
 2 this appropriation, \$609,228 shall be used to provide
 3 additional staff for field services, \$307,466 shall be
 4 used to expand the intensive supervision program,
 5 \$149,389 shall be used to provide additional support
 6 staff, \$195,922 shall be used to provide additional
 7 staff for residential services, \$41,556 shall be used
 8 to provide computer access to criminal history data,
 9 \$361,958 shall be used to provide staff for the
 10 additional beds at the Cedar Rapids residential
 11 facility as authorized during the 1989 Session of the
 12 General Assembly, \$68,432 shall be used to establish a
 13 home work release program, \$35,100 shall be used to
 14 continue funding of the treatment alternatives to
 15 street crimes program, and \$77,733 shall be used to
 16 continue funding of the job development grant program
 17 established in House file 772 enacted during the 1989
 18 Session of the General Assembly."

19 10. By striking page 17, line 31 through page 18,
 20 line 27, and inserting the following:

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

24 \$ 3,982,495

25 As a condition, limitation, and qualification of
 26 this appropriation, \$260,003 shall be used to provide
 27 additional staff for field services, \$225,253 shall be
 28 used to provide additional staff for residential
 29 services, \$123,525 shall be used to expand the
 30 intensive supervision program, \$55,890 shall be used
 31 to continue funding for the treatment alternatives to
 32 street crimes program, and \$90,000 shall be used to
 33 continue to contract for job development with a
 34 private entity which is not controlled or administered
 35 by any state agency or any political subdivision of
 36 the state, and which has a minimum of 15 years of
 37 service experience with offender and ex-offender
 38 populations."

39 11. By striking page 19, line 12, through page
 40 20, line 13, and inserting the following:

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

44 \$ 3,030,795

45 As a condition, limitation, and qualification of
 46 this appropriation, \$299,190 shall be used to provide
 47 additional staff for field services, \$74,955 shall be
 48 used to provide additional staff for residential
 49 services, \$694,337 shall be used to provide staff for
 50 additional beds at the Ottumwa facility authorized

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Page 4

1 during the 1989 Session of the General Assembly,
 2 \$61,979 shall be used to continue funding of the
 3 treatment alternatives to street crimes program,
 4 \$77,733 shall be used to continue funding of the job
 5 development grant program established in House File
 6 772 enacted during the 1989 Session of the General
 7 Assembly, and \$90,000 shall be used to continue to
 8 contract for job development with a private entity
 9 which is not controlled or administered by any state
 10 agency or any political subdivision of the state, and
 11 which has a minimum of 15 years of services experience
 12 with offender and ex-offender populations."

13 12. By striking page 20, line 34, through page
 14 21, line 16, and inserting the following: "following
 15 amounts, or so much thereof as is necessary, for the
 16 assistance and support of each judicial district
 17 department of correctional services:

18 S 787,250

19 As a condition, limitation, and qualification of
 20 this appropriation, \$85,272 shall be used to provide
 21 staff to expand the intensive supervision program in
 22 conjunction with electronic monitoring established
 23 within the districts, \$150,180 shall be used to
 24 provide additional staff for the treatment
 25 alternatives to street crimes program, and \$350,000
 26 shall be used to fund pilot projects to reduce
 revocation rates to prison."

13. Page 22, line 9, by striking the word
 29 "quarterly" and inserting the following: "monthly".

30 14. By striking page 22, line 12, through page
 31 23, line 33.

32 15. Page 24, by striking lines 27 through 31.

33 16. Page 25, line 12, by striking the figure
 34 "68,425,664" and inserting the following:
 35 "70,425,664".

36 17. Page 25, by inserting after line 30, the
 37 following:

38 "The judicial department shall submit monthly
 39 financial statements to the legislative fiscal bureau
 40 and the department of management containing all
 41 appropriated accounts in the same manner as provided
 42 in the monthly financial status reports and personal
 43 services usage reports of the department of revenue
 44 and finance. The monthly financial statements shall
 45 include a comparison of the dollars and percentage
 46 spent of budgeted versus actual revenues and
 47 expenditures on a cumulative basis for full-time
 48 equivalent positions and dollars."

49 18. Page 26, by striking line 13, and inserting
 50 the following:

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Page 5

1 " \$ 1,500,000

2 As a condition, limitation, and qualification of
3 this appropriation, the judicial department shall not
4 duplicate the state payroll, accounting, and budgeting
5 systems, and shall use the current state systems.

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

11 \$ 136,000

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

14 19. Page 26, line 15, by inserting after the
15 figure "2533" the following: ", if".

16 20. Page 26, line 17, by striking the figure
17 "265,000" and inserting the following: "400,000".

18 21. Page 26, by striking lines 18 through 24 and
19 inserting the following:

20 "3. Notwithstanding section 602.5205, for expenses
21 of judges of the court of appeals located outside the
22 seat of government:

23 \$ 7,500".

24 22. Page 27, line 3, by inserting after the
25 figure "2468" the following: ", if".

26 23. Page 27, line 6, by striking the figure
27 "100,000" and inserting the following: "150,000".

28 24. Page 27, by striking lines 8 through 11.

29 25. Page 28, by striking lines 11 through 30.

30 26. Page 29, by striking lines 8 through 14, and
31 inserting the following:

32 "Sec. 101.

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

39 Sec. ____ . Section 911.2, Code 1989, is amended to
40 read as follows:

41 911.2 SURCHARGE.

42 When a court imposes a fine or forfeiture for a
43 violation of a state law, or of a city or county
44 ordinance except an ordinance regulating the parking
45 of motor vehicles, the court shall assess an
46 additional penalty in the form of a surcharge equal to
47 ~~fifteen~~ twenty percent of the fine or forfeiture
48 imposed. In the event of multiple offenses, the
49 surcharge shall be based upon the total amount of
50 fines or forfeitures imposed for all offenses. When a

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Page 6

1 fine or forfeiture is suspended in whole or in part,
2 the surcharge shall be reduced in proportion to the
3 amount suspended.

4 The surcharge is subject to the provisions of
5 chapter 909 governing the payment and collection of
6 fines, as provided in section 909.8.

7 Sec. ____ Section 911.3, Code 1989, is amended to
8 read as follows:

9 911.3 DISPOSITION OF SURCHARGE.

10 When a court assesses a surcharge under section
11 911.2, the clerk of the district court shall transmit
12 ninety twenty-five percent of the surcharge collected
13 to the treasurer of state to be deposited pursuant to
14 section 321J.17. Ninety percent of the remainder of
15 the surcharge collected shall be transmitted to the
16 treasurer of state by the fifteenth day of the
17 following month. The treasurer of state shall deposit
18 one third of the that money in the law enforcement
19 training reimbursement fund established under section
20 384.15 and the remaining two thirds of the that money
21 in the general fund of the state. The clerk of the
22 district court shall transmit ten percent of the
23 remainder of the surcharge to the county treasurer or
24 shall remit ten percent of the remainder of the
25 surcharge to the city that was the plaintiff in any
26 action for deposit in the general fund of the city.

27 Sec. ____.

28 Section 101 of this Act, being deemed of immediate
29 importance, takes effect upon enactment."

30 27. By renumbering as necessary.

By COMMITTEE ON APPROPRIATIONS
JOCHUM of Dubuque, Chairperson

H-5685 FILED MARCH 14, 1990

Adopted 3/23 (p 1394)

SENATE FILE 2408

H-5586

- 1 Amend Senate File 2408, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 27, by striking lines 8 through 11.
- 4 2. Renumber as necessary.

By MAULSBY of Calhoun
BRANSTAD of Winnebago
SPENNER of Henry
EDDIE of Buena Vista
GRUHN of Dickinson
MUHLBAUER of Crawford
STUELAND of Clinton
PELETT of Cass
SCHNEKLOTH of Scott
IVERSON of Wright

BEAMAN of Clarke
BENNETT of Ida
PETERSEN of Muscatine
MERTZ of Kossuth
PLASIER of Sioux
HARBOR of Mills
HALVORSON of Clayton
FOGARTY of Palo Alto
HIBBARD of Madison

H-5586 FILED MARCH 8, 1990

Placed o/c 3/23 (p. 1394)

SENATE FILE 2408

H-5693

- 1 Amend Senate File 2408 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Title page, line 2, by inserting after the
- 4 word "system" the following: "and providing effective
- 5 dates".

By KNAPP of Dubuque

H-5693 FILED MARCH 14, 1990

Adopted 3/25 (p. 1395)

SENATE FILE 2408

H-5756

- 1 Amend the amendment, H-5685, to Senate File 2408,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 5, by striking lines 3 through 5 and
- 5 inserting the following: "this appropriation, the
- 6 judicial department's payroll, accounting, and
- 7 budgeting systems shall be compatible with the state
- 8 payroll, accounting, and budgeting systems, for
- 9 appropriation of state funds, and the department's
- 10 automated system shall provide this information to the
- 11 state's payroll, accounting, and budgeting systems as
- 12 prescribed in section 602.1301, subsection 2,
- 13 paragraph "a".

By PETERSON of Carroll

H-5756 FILED MARCH 19, 1990

w/d 3/23 (p. 1394)

SENATE FILE 2408

H-5777

1 Amend the amendment, H-5685, to Senate File 2408,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 5, by striking lines 16 through 20 and
5 inserting the following:
6 "_____. Page 26, by inserting after line 24 the
7 following:
8 "_____. Notwithstanding section 602.5205, for
9 expenses".
10 2. Renumber as necessary.

By WISE of Lee

SHEARER of Louisa

SPEAR of Lee

SPENNER of Henry

COHOON of Des Moines

H-5777 FILED MARCH 20, 1990

w/d 3/23 (p 1394)

SENATE FILE 2408

H-5784

1 Amend Senate File 2408 as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 27, by inserting after line 11, the
4 following:
5 "Sec. _____. Section 602.1205, Code 1989, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. 3. The supreme court shall
8 prescribe rules relating to the filing or submission
9 of documents to the judicial department and all courts
10 of the state by requiring that such documents be
11 printed on recycled paper. The rules shall also
12 provide that documents within the judicial department
13 and documents disseminated by the department shall be
14 printed on recycled paper."
15 2. Page 29, by inserting after line 14, the
16 following:
17 "Sec. _____.
18 The supreme court shall require that documents to
19 which section 602.1205, subsection 3, applies shall be
20 printed on recyclable paper by January 1, 1991."
21 3. Renumber as necessary.

By SHOULTZ of Black Hawk

H-5784 FILED MARCH 21, 1990

w/d 3/23 (p 1394)

SENATE FILE 2408

H-5858

1 Amend amendment, H-5685, to Senate File 2408, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

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

6 "_____. Page 5, line 4, by striking the figure
7 "20,428,846" and inserting the following:
8 "20,365,000.

9 _____. Page 5, by striking lines 6 through 9.

10 _____. Page 5, line 14, by striking the figure
11 "15,171,304" and inserting the following:
12 "15,171,000".

13 _____. Page 5, by striking lines 16 through 23.

14 _____. Page 5, line 24, by striking the figure
15 "(3)".

A 16 _____. Page 5, line 32, by striking the figure
17 "10,781,134" and inserting the following:
18 "10,781,000".

19 _____. By striking page 5, line 34, through page 6,
20 line 3.

21 _____. Page 6, line 8, by striking the figure
22 "3,145,434" and inserting the following: "2,912,000".

23 _____. Page 6, by striking lines 10 through 12.

24 _____. Page 6, line 17, by striking the figure
25 "10,933,204" and inserting the following:
26 "10,875,000".

27 _____. Page 6, by striking lines 19 through 25.

28 _____. Page 6, line 30, by striking the figure
29 "3,013,272" and inserting the following: "2,877,000".

30 _____. Page 6, by striking lines 32 through 35.

31 _____. Page 7, line 5, by striking the figure
32 "4,479,443" and inserting the following: "4,196,000".

33 _____. Page 7, by striking lines 7 through 9.

34 _____. Page 7, line 14, by striking the figure
35 "3,679,450" and inserting the following: "3,679,000".

36 _____. Page 7, by striking lines 16 through 19.

37 _____. Page 9, line 25, by striking the figure
38 "366,476" and inserting the following: "366,000".

39 _____. Page 9, by striking lines 27 through 29."

40 2. Page 1, by striking lines 25 through 37, and
41 inserting the following:

42 "..... \$ 4,447,000".

43 3. By striking page 1, line 43, through page 2,
44 line 1, and inserting the following:

B 45 "..... \$ 3,295,000".

46 4. Page 2 by striking lines 7 through 16, and
47 inserting the following:

48 "..... \$ 2,008,000".

49 Page 2, by striking lines 22 through 26, and
50 inserting the following:

H-5858

Page 2

1	".....	\$	1,816,000".
B 2	6. Page 2, by striking lines 32 through 44, and		
3	inserting the following:		
4	".....	\$	5,959,000".
5	7. By striking page 2, line 50, through page 3,		
C 6	line 18, and inserting the following:		
7	".....	\$	4,745,000".
8	8. Page 3, by striking lines 24 through 38 and		
9	inserting the following:		
10	".....	\$	3,444,000".
11	9. By striking page 3, line 44, through page 4,		
12	line 12, and inserting the following:		
B 13	".....	\$	2,353,000".
14	10. Page 4, by striking lines 18 through 27, and		
15	inserting the following:		
16	".....	\$	1,175,000".
17	11. Renumber as necessary.		

By CLARK of Cerro Gordo

H-5858 FILED MARCH 23, 1990

DIVISION A & C OUT OF ORDER, DIVISION B LOST (p.1392)

D - Adopted (p. 1392) E, F - Adopted (p. 1393)

SENATE FILE 2408

H-5835

1 Amend the amendment, H-5685, to Senate File 2408,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

A 4 1. Page 1, by striking lines 3 and 4, and
5 inserting the following:
6 "_____. Page 1, by striking lines 11 and 12, and
7 inserting the following:
8 "..... \$ 4,705,733
9 FTEs 166.00".

B 10 2. Page 1, by inserting after line 10, the
11 following:
12 "_____. Page 2, line 20, by striking the figure
13 "580,000" and inserting the following: "540,000".
14 "_____. Page 2, line 22, by striking the figure
15 "480,000" and inserting the following: "440,000".

C 16 3. Page 1, by inserting after line 14, the
17 following:
18 "_____. Page 5, by striking lines 4 and 5, and
19 inserting the following:
20 "..... \$ 20,398,056
21 FTEs 501.50".

22 "_____. Page 5, by striking lines 8 and 9, and
23 inserting the following: "officers, and an additional
24 counselor."
25 "_____. Page 5, by striking lines 32 and 33, and
26 inserting the following:
27 "..... \$ 10,689,482
28 FTEs 258.50".

29 "_____. Page 6, line 1, by striking the figure "4"
30 and inserting the following: "3".
31 "_____. Page 6, by striking lines 8 and 9, and
32 inserting the following:
33 "..... \$ 3,114,302
34 FTEs 71.00".

35 "_____. Page 6, by striking lines 30 and 31, and
36 inserting the following:
37 "..... \$ 2,993,389
38 FTEs 73.00".

39 "_____. Page 7, by striking lines 5 and 6, and
40 inserting the following:
41 "..... \$ 4,451,237
42 FTEs 118.30".

43 4. Page 1, line 25, by striking the figure
44 "5,066,185" and inserting the following: "4,893,530".
45 5. Page 1, by striking lines 28 through 32, and
46 inserting the following: "the intensive supervisor
47 program, \$296,103 shall be used to provide additional
48 staff for field services, \$90,000 shall be used to
49 contract for aptitude and job-related interest
50 assessment, career exploration, the individualized

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Page 2

- 1 employability development plan, and job placement with
2 a private entity which is not controlled or
3 administered by any state agency or any political
4 subdivision of the state, and which has a minimum of
5 fifteen years of service experience with offender and
6 exoffender populations,".
- 7 6. Page 1, line 43, by striking the figure
8 "4,361,509" and inserting the following: "3,941,218".
- 9 7. Page 1, line 46, by striking the figure
10 "527,448" and inserting the following: "242,696".
- 11 8. Page 2, line 7, by striking the figure
12 "2,186,002" and inserting the following: "2,127,489".
- 13 9. Page 2, line 9, by striking the figure
14 "26,847" and inserting the following: "18,278".
- 15 10. Page 2, line 12, by striking the figure
16 "117,047" and inserting the following: "76,303".
- 17 11. Page 2, line 22, by striking the figure
18 "1,896,028" and inserting the following: "1,858,405".
- 19 12. Page 2, line 32, by striking the figure
20 "6,432,399" and inserting the following: "6,074,027".
- 21 13. Page 2, by striking lines 34 through 41, and
22 inserting the following: "this appropriation,
23 \$410,348 shall be used to expand the intensive
24 supervision program, \$86,294 shall be used to".
- 25 14. Page 2, line 50, by striking the figure
26 "5,855,058" and inserting the following: "5,290,375".
- 27 15. Page 3, line 3, by striking the figure
28 "307,466" and inserting the following: "179,814".
- 29 16. Page 3, by striking lines 5 through 9 and
30 inserting the following: "\$337,733 shall be used to
31 provide staff for the".
- 32 17. Page 3, line 24, by striking the figure
33 "3,982,495" and inserting the following: "3,690,848".
- 34 18. Page 3, by striking lines 27 through 29 and
35 inserting the following: "additional staff for field
36 services, \$57,131 shall be used to expand the".
- 37 19. Page 3, line 44, by striking the figure
38 "3,030,795" and inserting the following: "2,751,570".
- 39 20. Page 3, line 47, by striking the figure
40 "74,955" and inserting the following: "43,384".
- 41 21. Page 3, line 49, by striking the figure
42 "654,337" and inserting the following: "570,035".
- 43 22. Page 4, line 3, by inserting after the word
44 "program," the following: "and".
- 45 23. Page 4, by striking lines 7 through 12 and
46 inserting the following: "Assembly."
- 47 24. Page 4, line 18, by striking the figure
48 "787,250" and inserting the following: "637,250".
- 49 25. Page 4, line 25, by striking the figure
50 "350,000" and inserting the following: "200,000".

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Page 3

- 1 26. Page 4, by striking line 35 and inserting the
2 following: ""70,272,600".
3 27. Page 4, by inserting after line 35, the
4 following:
5 "____. Page 25, by striking lines 27 and 28, and
6 inserting the following: "payments, and".
7 28. Page 4, by inserting after line 37 the
8 following:
9 ""As a condition, limitation, and qualification of
10 this appropriation, the judicial department shall not
11 duplicate the state payroll, accounting, and budgeting
12 systems, and shall use the current state budget
13 system, the state payroll system, and the Iowa finance
14 and accounting system in administration of programs
15 and payments for services."
16 29. Page 5, line 5, by striking the word
17 "systems." and inserting the following: "budget
18 system, the state payroll system, and the Iowa finance
19 and accounting system in administration of programs
20 and payments for services."
21 30. Page 5, by striking lines 26 and 27.
22 31. Renumber as necessary.

By KNAPP of Dubuque
JOCHUM of Dubuque

H-5835 FILED MARCH 22, 1990

A, B, C - Adopted (p. 1390)
D, E, F - Adopted (p. 1293)
G - Adopted (p. 1394)

SENATE FILE 2408

H-5849

1 Amend Senate File 2408 as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 27, by inserting after line 11, the
4 following:

5 "Sec. ____ . NEW SECTION. 566A.12 RECORDS.

6 A cemetery subject to any trust requirements under
7 this chapter shall file a copy of its report to the
8 district court with the consumer protection division
9 of the department of justice within seven days of
10 filing the report with the district court, but in any
11 event, not later than March 1 of each year. The
12 cemetery shall maintain accurate records of all
13 receipts, expenditures, interest or earnings, and
14 disbursements relating to funds held in trust. The
15 cemetery shall make the records available to the
16 attorney general, upon request, for examination at any
17 reasonable time.

18 Sec. ____ . NEW SECTION. 566A.13 VIOLATIONS AND
19 PENALTIES.

20 A violation of this chapter or rules adopted by the
21 attorney general pursuant to this chapter is a
22 violation of section 714.16, subsection 2, paragraph
23 "a". The remedies and penalties provided by section
24 714.16, including but not limited to provisions
25 relating to injunctive relief and penalties, apply to
26 a violation of this chapter or the rules adopted
27 pursuant to this chapter."

28 2. Title page, line 2, by inserting after the
29 word "system" the following: "and providing
30 penalties".

31 3. By renumbering as necessary.

By DODERER of Johnson
HOLVECK of Polk

H-5849 FILED MARCH 23, 1990

ADOPTED (p 1395)

HOUSE AMENDMENT TO
SENATE FILE 2408

S-5838

1 Amend Senate File 2408 as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 11 and 12, and
4 inserting the following:

5 "..... \$ 4,705,733
6 FTEs 166.00".

7 2. Page 2, line 5, by inserting after the figure
8 "714.16", the following: "and \$25,000 for the
9 attorney general's task force on fraud against older
10 Iowans to be used for investigation, prosecution, and
11 consumer education relating to consumer and criminal
12 fraud against older persons".

13 3. Page 2, line 20, by striking the figure
14 "580,000" and inserting the following: "540,000".

15 4. Page 2, line 22, by striking the figure
16 "480,000" and inserting the following: "440,000".

17 5. Page 3, by striking lines 5 and 6, and
18 inserting the following:

19 "..... \$ 2,049,789
20 FTEs 32.00".

21 6. Page 5, by striking lines 4 and 5, and
22 inserting the following:

23 "..... \$ 20,398,056
24 FTEs 501.50".

25 7. Page 5, by striking lines 8 and 9, and
26 inserting the following: "officers, and an additional
27 counselor.""

28 8. Page 5, by striking lines 32 and 33, and
29 inserting the following:

30 "..... \$ 10,689,482
31 FTEs 258.50".

32 9. Page 6, line 1, by striking the figure "4" and
33 inserting the following: "3".

34 10. Page 6, by striking lines 8 and 9, and
35 inserting the following:

36 "..... \$ 3,114,302
37 FTEs 71.00".

38 11. Page 6, by striking lines 30 and 31, and
39 inserting the following:

40 "..... \$ 2,993,389
41 FTEs 73.00".

42 12. Page 7, by striking lines 5 and 6, and
43 inserting the following:

44 "..... \$ 4,451,237
45 FTEs 118.30".

46 13. Page 10, by striking lines 1 through 35, and
47 inserting the following:

48 "There is appropriated from the general fund of the
49 state to the department of corrections for the fiscal
50 year beginning July 1, 1990, and ending June 30, 1991,

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Page 2

1 the following amounts, or so much thereof as is
2 necessary, to be allocated as follows:

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

6 S 4,893,530

7 As a condition, limitation, and qualification of
8 this appropriation, \$55,328 shall be used to expand
9 the intensive supervision program, \$296,103 shall be
10 used to provide additional staff for field services,
11 \$90,000 shall be used to contract for aptitude and
12 job-related interest assessment, career exploration,
13 the individualized employability development plan, and
14 job placement with a private entity which is not
15 controlled or administered by any state agency or any
16 political subdivision of the state, and which has a
17 minimum of fifteen years of service experience with
18 offender and ex-offender populations, \$53,519 shall be
19 used to continue funding of the treatment alternatives
20 to street crimes program, and \$77,733 shall be used to
21 continue the job development grant program established
22 by House File 772 enacted during the 1989 Session of
23 the General Assembly."

24 14. By striking page 11, line 18 through page 12,
25 line 8, and inserting the following:

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

29 S 3,941,218

30 As a condition, limitation, and qualification of
31 this appropriation, \$99,505 shall be used to replace
32 federal funds for job development, \$242,696 shall be
33 used to provide additional staff for residential
34 services, \$305,319 shall be used for additional staff
35 for field services, and \$85,333 shall be used to
36 continue funding the treatment alternatives to street
37 crimes program."

38 15. By striking page 12, line 23, through page
39 13, line 12, and inserting the following:

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

43 S 2,127,489

44 As a condition, limitation, and qualification of
45 this appropriation, \$18,278 shall be used to provide
46 additional staff for 25 additional beds authorized
47 during the 1989 Session of the General Assembly,
48 \$76,303 shall be used to provide additional staff for
49 field services, \$62,327 shall be used to provide for
50 the intensive supervision program, and \$38,567 shall

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Page 3

1 be used to continue the treatment alternatives to
2 street crimes program."

3 16. By striking page 13, line 27, through page
4 14, line 2, and inserting the following:

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

8 \$ 1,858,405

9 As a condition, limitation, and qualification of
10 this appropriation, \$42,158 shall be used to continue
11 funding of the treatment alternatives to street crimes
12 program."

13 17. By striking page 14, line 17, through page
14 15, line 20, and inserting the following:

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

18 \$ 6,074,027

19 As a condition, limitation, and qualification of
20 this appropriation, \$410,348 shall be used to expand
21 the intensive supervision program, \$86,294 shall be
22 used to establish a tactical unit, and \$109,182 shall
23 be used to continue funding of the treatment
24 alternatives to street crimes program."

25 18. By striking page 16, line 1 through page 17,
26 line 13, and inserting the following:

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

30 \$ 5,290,375

31 As a condition, limitation, and qualification of
32 this appropriation, \$609,228 shall be used to provide
33 additional staff for field services, \$179,814 shall be
34 used to expand the intensive supervision program,
35 \$337,733 shall be used to provide staff for the
36 additional beds at the Cedar Rapids residential
37 facility as authorized during the 1989 Session of the
38 General Assembly, \$68,432 shall be used to establish a
39 home work release program, \$35,100 shall be used to
40 continue funding of the treatment alternatives to
41 street crimes program, and \$77,733 shall be used to
42 continue funding of the job development grant program
43 established in House File 772 enacted during the 1989
44 Session of the General Assembly."

45 19. By striking page 17, line 31 through page 18,
46 line 27, and inserting the following:

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

50 \$ 3,690,848

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Page 4

1 As a condition, limitation, and qualification of
 2 this appropriation, \$260,003 shall be used to provide
 3 additional staff for field services, \$57,131 shall be
 4 used to expand the intensive supervision program,
 5 \$55,890 shall be used to continue funding for the
 6 treatment alternatives to street crimes program, and
 7 \$90,000 shall be used to continue to contract for job
 8 development with a private entity which is not
 9 controlled or administered by any state agency or any
 10 political subdivision of the state, and which has a
 11 minimum of 15 years of service experience with
 12 offender and ex-offender populations."

13 20. By striking page 19, line 12, through page
 14 20, line 13, and inserting the following:

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

18 \$ 2,751,570

19 As a condition, limitation, and qualification of
 20 this appropriation, \$299,190 shall be used to provide
 21 additional staff for field services, \$43,384 shall be
 22 used to provide additional staff for residential
 23 services, \$570,035 shall be used to provide staff for
 24 additional beds at the Ottumwa facility authorized
 25 during the 1989 Session of the General Assembly,
 26 \$61,979 shall be used to continue funding of the
 27 treatment alternatives to street crimes program, and
 28 \$77,733 shall be used to continue funding of the job
 29 development grant program established in House File
 30 772 enacted during the 1989 Session of the General
 31 Assembly."

32 21. By striking page 20, line 34, through page
 33 21, line 16, and inserting the following: "following
 34 amounts, or so much thereof as is necessary, for the
 35 assistance and support of each judicial district
 36 department of correctional services:

37 \$ 637,250

38 As a condition, limitation, and qualification of
 39 this appropriation, \$85,272 shall be used to provide
 40 staff to expand the intensive supervision program in
 41 conjunction with electronic monitoring established
 42 within the districts, \$150,180 shall be used to
 43 provide additional staff for the treatment
 44 alternatives to street crimes program, and \$200,000
 45 shall be used to fund pilot projects to reduce
 46 revocation rates to prison."

47 22. Page 22, line 9, by striking the word
 48 "quarterly" and inserting the following: "monthly".

49 23. By striking page 22, line 12, through page
 50 23, line 33.

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Page 5

1 24. Page 24, by striking lines 27 through 31.

2 25. Page 25, line 12, by striking the figure
3 "68,425,664" and inserting the following:

4 "70,272,600".

5 26. Page 25, by striking lines 27 and 28, and
6 inserting the following: "payments, and".

7 27. Page 25, by inserting after line 30, the
8 following:

9 "As a condition, limitation, and qualification of
10 this appropriation, the judicial department shall not
11 duplicate the state payroll, accounting, and budgeting
12 systems, and shall use the current state budget
13 system, the state payroll system, and the Iowa finance
14 and accounting system in administration of programs
15 and payments for services.

16 "The judicial department shall submit monthly
17 financial statements to the legislative fiscal bureau
18 and the department of management containing all
19 appropriated accounts in the same manner as provided
20 in the monthly financial status reports and personal
21 services usage reports of the department of revenue
22 and finance. The monthly financial statements shall
23 include a comparison of the dollars and percentage
24 spent of budgeted versus actual revenues and
25 expenditures on a cumulative basis for full-time
26 equivalent positions and dollars."

27 28. Page 26, by striking line 13, and inserting
28 the following:

29 "..... \$ 1,500,000

30 As a condition, limitation, and qualification of
31 this appropriation, the judicial department shall not
32 duplicate the state payroll, accounting, and budgeting
33 systems, and shall use the current state budget
34 system, the state payroll system, and the Iowa finance
35 and accounting system in administration of programs
36 and payments for services.

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

42 \$ 136,000

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

45 29. Page 26, line 15, by inserting after the
46 figure "2533" the following: ", if".

47 30. Page 26, line 17, by striking the figure
48 "265,000" and inserting the following: "400,000".

49 31. Page 26, by striking lines 18 through 24 and
50 inserting the following:

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Page 6

1 "3. Notwithstanding section 602.5205, for expenses
 2 of judges of the court of appeals located outside the
 3 seat of government:
 4 \$ 7,500".

5 32. Page 27, line 3, by inserting after the
 6 figure "2468" the following: ", if".

7 33. Page 27, by striking lines 8 through 11.

8 34. Page 27, by inserting after line 11, the
 9 following:

10 "Sec. NEW SECTION. 566A.12 RECORDS.

11 A cemetery subject to any trust requirements under
 12 this chapter shall file a copy of its report to the
 13 district court with the consumer protection division
 14 of the department of justice within seven days of
 15 filing the report with the district court, but in any
 16 event, not later than March 1 of each year. The
 17 cemetery shall maintain accurate records of all
 18 receipts, expenditures, interest or earnings, and
 19 disbursements relating to funds held in trust. The
 20 cemetery shall make the records available to the
 21 attorney general, upon request, for examination at any
 22 reasonable time.

23 Sec. NEW SECTION. 566A.13 VIOLATIONS AND
 24 PENALTIES.

25 A violation of this chapter or rules adopted by the
 26 attorney general pursuant to this chapter is a
 27 violation of section 714.16, subsection 2, paragraph
 28 "a". The remedies and penalties provided by section
 29 714.16, including but not limited to provisions
 30 relating to injunctive relief and penalties, apply to
 31 a violation of this chapter or the rules adopted
 32 pursuant to this chapter."

33 35. Page 28, by striking lines 11 through 30.

34 36. Page 29, by striking lines 8 through 14, and
 35 inserting the following:

36 "Sec. 101.

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

43 Sec. Section 911.2, Code 1989, is amended to
 44 read as follows:

45 911.2 SURCHARGE.

46 When a court imposes a fine or forfeiture for a
 47 violation of a state law, or of a city or county
 48 ordinance except an ordinance regulating the parking
 49 of motor vehicles, the court shall assess an
 50 additional penalty in the form of a surcharge equal to

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Page 7

1 ~~fifteen~~ twenty percent of the fine or forfeiture
2 imposed. In the event of multiple offenses, the
3 surcharge shall be based upon the total amount of
4 fines or forfeitures imposed for all offenses. When a
5 fine or forfeiture is suspended in whole or in part,
6 the surcharge shall be reduced in proportion to the
7 amount suspended.

8 The surcharge is subject to the provisions of
9 chapter 909 governing the payment and collection of
10 fines, as provided in section 909.8.

11 Sec. _____. Section 911.3, Code 1989, is amended to
12 read as follows:

13 911.3 DISPOSITION OF SURCHARGE.

14 When a court assesses a surcharge under section
15 911.2, the clerk of the district court shall transmit
16 ninety twenty-five percent of the surcharge collected
17 to the treasurer of state to be deposited pursuant to
18 section 321J.17. Ninety percent of the remainder of
19 the surcharge collected shall be transmitted to the
20 treasurer of state by the fifteenth day of the
21 following month. The treasurer of state shall deposit
22 one third of ~~the~~ that money in the law enforcement
23 training reimbursement fund established under section
24 384.15 and the remaining two thirds of ~~the~~ that money
25 in the general fund of the state. The clerk of the
26 district court shall transmit ten percent of the
27 remainder of the surcharge to the county treasurer or
28 shall remit ten percent of the remainder of the
29 surcharge to the city that was the plaintiff in any
30 action for deposit in the general fund of the city.

31 Sec. _____.

32 Section 101 of this Act, being deemed of immediate
33 importance, takes effect upon enactment."

34 37. Title page, line 2, by inserting after the
35 word "system" the following: "and providing
36 penalties".

37 38. Title page, line 2, by inserting after the
38 word "system" the following: "and providing effective
39 dates".

40 39. By renumbering, relettering, or redesignating
41 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-5838 FILED APRIL 2, 1990

Senate amended & Concurred 4/3 (p. 1499)

SENATE FILE 2408

S-5856

- 1 Amend the House amendment, S-5838, to Senate File
2 2408, as amended, passed, and reprinted by the Senate,
3 as follows:
- 4 1. Page 2, line 14, by striking the word
5 "placement" and inserting the following: "retention
6 skills".
- 7 2. Page 2, line 16, by striking the words "which
8 has" and inserting the following: "which have
9 programs with".
- 10 3. Page 7, by inserting after line 33, the
11 following:
12 "____. Page 29, by inserting before line 15, the
13 following:
14 "Sec. ____ . 1990 Iowa Acts, Senate File 2212,
15 section 23, is amended by adding the following new
16 unnumbered paragraph:
17 NEW UNNUMBERED PARAGRAPH. Notwithstanding section
18 8.33, the moneys appropriated in this section that
19 remain unencumbered and unobligated on June 30, 1991,
20 shall not revert to the general fund but shall remain
21 available for expenditure for the purposes designated
22 during the fiscal year beginning July 1, 1991."
23 4. Renumber as necessary.

By JOE WELSH
RICHARD VANDE HOEF

S-5856 FILED APRIL 3, 1990
RULED OUT OF ORDER (p. 1496.)

SENATE FILE 2408

S-5854

1 Amend the House amendment, S-5838, to Senate File
2 2408, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 5, by striking lines 9 through 15, and
5 inserting the following:

6 "As a condition, limitation, and qualification of
7 this appropriation, the judicial department, except
8 for purposes of internal processing, shall use the
9 current state budget system, the state payroll system,
10 and the Iowa finance and accounting system in
11 administration of programs and payments for services,
12 and shall not duplicate the state payroll, accounting,
13 and budgeting systems."

14 2. Page 5, by striking lines 31 through 36 and
15 inserting the following: "this appropriation, the
16 judicial department, except for purposes of internal
17 processing, shall use the current state budget system,
18 the state payroll system, and the Iowa finance and
19 accounting system in administration of programs and
20 payments for services, and shall not duplicate the
21 state payroll, accounting, and budgeting systems."

By MIKE CONNOLLY

S-5854 FILED APRIL 3, 1990

ADOPTED (p.1496)

SENATE FILE 2408

S-5855

1 Amend the House amendment, S-5838, to Senate File
2 2408, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 4, by striking lines 45 and 46, and
5 inserting the following: "shall be used to contract
6 with a private entity or entities not controlled or
7 administered by any state agency or any political
8 subdivision of the state, which have programs with at
9 least fifteen years experience with offender and ex-
10 offender populations, and shall be used to enhance job
11 skills through career exploration, individualized
12 employability plans, and job retention skills."

By JOE WELSH

RICHARD VANDE HOEF

S-5855 FILED APRIL 3, 1990

RULED OUT OF ORDER (p.1496)

SENATE FILE 2408

S-5868

1 Amend the House amendment, S-5838, to Senate File
2 2408, as amended, passed, and reprinted by the Senate,
3 as follows:

DIV. 4 1. Page 1, line 46, by striking the figure "35"
B 5 and inserting the following: "5".

6 2. Page 2, by striking lines 5 through 23, and
7 inserting the following: "much thereof as is
8 necessary:".

9 _____. Page 10, line 8, by striking the figure
10 "4,345,072" and inserting the following: "4,320,847".

11 _____. Page 10, by striking lines 14 through 18.

12 _____. Page 10, by striking lines 24 through 28 and
13 inserting the following:

14 "_____. For contracting for aptitude and job-related
15 interest assessment, career exploration, the
16 individualized employability development plan, and job
17 placement with a private entity which is not
18 controlled or administered by any state agency or any
19 political subdivision of the state, and which has a
20 minimum of fifteen years of service experience with
21 offender and ex-offender populations:

22 \$ 90,000".

23 3. Page 2, by striking lines 24 and 25, and
24 inserting the following:

25 "_____. Page 11, by striking lines 18 through 22
26 and inserting the following:".

27 4. Page 2, by striking lines 28 through 39, and
28 inserting the following: "much thereof as is
29 necessary:".

30 _____. Page 11, line 25, by striking the figure
31 "3,343,904" and inserting the following: "3,208,365".

32 _____. Page 11, by striking lines 34 and 35, and
33 inserting the following:

34 \$ 242,696
35 FTES 8.53".

36 _____. Page 12, by striking lines 23 through 27,
37 and inserting the following:".

38 5. By striking page 2, line 42 through page 3,
39 line 4, and inserting the following: "much thereof as
40 is necessary:".

41 "_____. Page 12, line 30, by striking the figure
42 "1,941,214" and inserting the following: "1,932,014".

43 _____. Page 12, by striking lines 34 and 35, and
44 inserting the following:

45 \$ 18,278
46 FTES .50".

47 _____. Page 13, by striking lines 3 and 4, and
48 inserting the following:

49 \$ 76,303
50 FTES 2.07".

S-5868

Page 2

DIV. 1 _____ . Page 13, by striking lines 27 through 31,
 B 2 and inserting the following:"
 3 6. Page 3, by striking lines 7 through 14, and
 4 inserting the following: "much thereof as is
 5 necessary:"
 6 _____ . Page 13, line 34, by striking the figure
 7 "1,853,870" and inserting the following: "1,816,247".
 8 _____ . Page 14, by striking lines 17 through 21,
 9 and inserting the following:"
 10 7. Page 3, by striking lines 17 through 26, and
 11 inserting the following: "much thereof as is
 12 necessary:"
 13 _____ . Page 14, line 24, by striking figure
 14 "5,563,123" and inserting the following: "5,468,203".
 15 _____ . Page 14, by striking lines 25 through 33.
 16 _____ . Page 15, by striking lines 4 through 12.
 17 _____ . Page 16, by striking lines 1 through 5, and
 18 inserting the following:"
 19 8. Page 3, by striking lines 29 through 46, and
 20 inserting the following: "much thereof as is
 21 necessary:"
 22 _____ . Page 16, line 8, by striking the figure
 23 "4,008,274" and inserting the following: "3,982,335".
 24 _____ . Page 16, by striking lines 17 through 30,
 25 and inserting the following:
 26 "..... \$ 179,814
 27 FTES 3.49".
 28 _____ . By striking page 16, line 35 through page
 29 17, line 1, and inserting the following:
 30 "..... \$ 337,733
 31 FTES 7.70".
 32 _____ . Page 17, by striking lines 31 through 35,
 33 and inserting the following:"
 34 9. By striking page 3, line 49 through page 4,
 35 line 14, and inserting the following: "much thereof
 36 as is necessary:"
 37 _____ . Page 18, by striking lines 9 through 13.
 38 _____ . Page 18, by striking lines 17 and 18, and
 39 inserting the following:
 40 "..... \$ 57,131
 41 FTES 1.00".
 42 _____ . Page 19, by striking lines 12 through 16,
 43 and inserting the following:"
 44 10. Page 4, by striking lines 17 through 46, and
 45 inserting the following: "much thereof as is
 46 necessary:"
 47 _____ . Page 19, line 19, by striking the figure
 48 "1,772,601" and inserting the following: "1,699,249".
 49 _____ . Page 19, by striking lines 28 and 29, and
 50 inserting the following:

S-5868

Page 3

DIV. 1	"....."	\$	43,384
B 2	"....."	FTEs	1.23".
3	Page 19, by striking lines 34 and 35, and		
4	inserting the following:		
5	"....."	\$	570,035
6	"....."	FTEs	13.28".
7	Page 21, line 16, by striking the figure		
8	"584,632" and inserting the following: "200,000".		
<hr/>			
DIV. 9	11. Page 5, by striking lines 37 through 44.		
A 10	12. Page 5, by striking lines 49 and 50, and		
11	inserting the following:		
12	".....". Page 26, by inserting after line 31, the		
13	following:".		
14	13. Page 6, by striking lines 8 through 32.		
15	14. By striking page 6, line 43 through page 7,		
16	line 30.		
<hr/>			
17	15. Renumber as necessary.		

By EUGENE FRAISE
JOE WELSH

S-5868 FILED APRIL 3, 1990

DIV. A-WITHDRAWN, DIV. B-ADOPTED (p. 1496)

SENATE FILE 2408

S-5866

- 1 Amend the House amendment, S-5838, to Senate File
- 2 2408, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 6, by striking lines 8 through 32.
- 5 2. By striking page 6, line 43, through page 7,
- 6 line 30.
- 7 3. Page 7, by striking lines 34 through 36.
- 8 4. Renumber as necessary.

By EUGENE FRAISE
JOE WELSH

S-5866 FILED APRIL 3, 1990

ADOPTED (p. 1496)

SENATE FILE 2408

S-5864.

1 Amend the House amendment, S-5838, to Senate File
2 2408, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, by inserting after line 45, the
5 following:

6 "_____. Page 8, line 25, by striking the words "an
7 education" and inserting the following: "a
8 correctional education administrator".

9 _____ Page 8, line 26, by striking the word
10 "director".

11 _____ Page 8, line 27, by inserting after the word
12 "institutions." the following: "The department is
13 authorized to implement the condition contained in
14 this paragraph immediately upon enactment.""

15 2. Page 7, by inserting after line 33 the
16 following:

17 "_____. Page 29, by inserting after line 17 the
18 following:

19 "Sec. _____.

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

28 4. By renumbering as necessary.

By DONALD V. DOYLE

RICHARD J. VARN

RICHARD VANDE HOEF

EUGENE FRAISE

S-5864 FILED APRIL 3, 1990
ADOPTED as amended by 5875 (p. 1499)

SENATE FILE 2408

S-5875

1 Amend the amendment, S-5864, to the House
2 amendment, S-5838, to Senate File 2408, as amended,
3 passed and reprinted by the Senate, as follows:
4 1. Page 1, by striking lines 6 through 10.

By DONALD V. DOYLE

S-5875 FILED APRIL 3, 1990
ADOPTED (p. 1497)

SENATE FILE 2408

S-5876

1 Amend the House amendment, S-5838, to Senate File
2 2408, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 2, line 14, by striking the word
5 "placement" and inserting the following: "retention
6 skills".

7 2. Page 2, line 16, by striking the words "which
8 has" and inserting the following: "which have
9 programs with".

10 3. Page 7, by inserting after line 33, the
11 following:

12 "_____. Page 29, by inserting before line 15, the
13 following:

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

17 NEW UNNUMBERED PARAGRAPH. Notwithstanding section
18 8.33, the moneys appropriated in this section that
19 remain unencumbered and unobligated on June 30, 1990,
20 shall not revert to the general fund but shall remain
21 available for expenditure for the purposes designated
22 during the fiscal year beginning July 1, 1990."

23 4. Renumber as necessary.

By JOE WELSH
RICHARD VANDE HOEF

S-5876 FILED APRIL 3, 1990
RULED OUT OF ORDER (p. 14 9 1/2)

SENATE FILE 2408

S-5878

1 Amend the House amendment, S-5838, to Senate File
2 2408, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 7, by inserting after line 33, the
5 following:

6 "_____. Page 29, by inserting before line 15, the
7 following:

8 "Sec. _____. 1990 Iowa Acts, Senate File 2212,
9 section 23, is amended by adding the following new
10 unnumbered paragraph:

11 NEW UNNUMBERED PARAGRAPH. Notwithstanding section
12 8.33, the moneys appropriated in this section that
13 remain unencumbered and unobligated on June 30, 1990,
14 shall not revert to the general fund but shall remain
15 available for expenditure for the purposes designated
16 during the fiscal year beginning July 1, 1990."

17 4. Renumber as necessary.

By JOE WELSH

S-5878 FILED APRIL 3, 1990
ADOPTED (p. 14 9 1/2)

SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE FILE 2408
H-6091

1 Amend the House amendment, S-5838, to Senate File
2 2408, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, by inserting after line 45, the
5 following:

6 "____. Page 8, line 27, by inserting after the
7 word "institutions." the following: "The department
8 is authorized to implement the condition contained in
9 this paragraph immediately upon enactment."

10 2. Page 1, line 46, by striking the figure "35"
11 and inserting the following: "5".

12 3. Page 2, by striking lines 5 through 23, and
13 inserting the following: "much thereof as is
14 necessary:

15 _____. Page 10, line 8, by striking the figure
16 "4,345,072" and inserting the following: "4,320,847".

17 _____. Page 10, by striking lines 14 through 18.

18 _____. Page 10, by striking lines 24 through 28 and
19 inserting the following:

20 "____. For contracting for aptitude and job-related
21 interest assessment, career exploration, the
22 individualized employability development plan, and job
23 placement with a private entity which is not
24 controlled or administered by any state agency or any
25 political subdivision of the state, and which has a
26 minimum of fifteen years of service experience with
27 offender and ex-offender populations:

28 \$ 90,000".

29 4. Page 2, by striking lines 24 and 25, and
30 inserting the following:

31 "____. Page 11, by striking lines 18 through 22
32 and inserting the following:"

33 5. Page 2, by striking lines 28 through 39, and
34 inserting the following: "much thereof as is
35 necessary:

36 _____. Page 11, line 25, by striking the figure
37 "3,343,904" and inserting the following: "3,208,365".

38 _____. Page 11, by striking lines 34 and 35, and
39 inserting the following:

40 "..... \$ 242,696
41 FTEs 8.53".

42 _____. Page 12, by striking lines 23 through 27,
43 and inserting the following:"

44 6. By striking page 2, line 42 through page 3,
45 line 4, and inserting the following: "much thereof as
46 is necessary:

47 _____. Page 12, line 30, by striking the figure
48 "1,941,214" and inserting the following: "1,932,014".

49 _____. Page 12, by striking lines 34 and 35, and
50 inserting the following:

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Page 2

1	".....	\$	18,278
2	FTEs	.50".
3	Page 13, by striking lines 3 and 4, and		
4	inserting the following:		
5	".....	\$	76,303
6	.....	FTEs	2.07".
7	Page 13, by striking lines 27 through 31,		
8	and inserting the following: "."		
9	7. Page 3, by striking lines 7 through 14, and		
10	inserting the following: "much thereof as is		
11	necessary:		
12	Page 13, line 34, by striking the figure		
13	"1,853,870" and inserting the following: "1,816,247".		
14	Page 14, by striking lines 17 through 21,		
15	and inserting the following: "		
16	8. Page 3, by striking lines 17 through 26, and		
17	inserting the following: "much thereof as is		
18	necessary:		
19	Page 14, line 24, by striking figure		
20	"5,563,123" and inserting the following: "5,468,203".		
21	Page 14, by striking lines 25 through 33.		
22	Page 15, by striking lines 4 through 12.		
23	Page 16, by striking lines 1 through 5, and		
24	inserting the following: "		
25	9. Page 3, by striking lines 29 through 46, and		
26	inserting the following: "much thereof as is		
27	necessary:		
28	Page 16, line 8, by striking the figure		
29	"4,008,274" and inserting the following: "3,982,335".		
30	Page 16, by striking lines 17 through 30,		
31	and inserting the following:		
32	".....	\$	179,814
33	.....	FTEs	3.49".
34	By striking page 16, line 35 through page		
35	17, line 1, and inserting the following:		
36	".....	\$	337,733
37	.....	FTEs	7.70".
38	Page 17, by striking lines 31 through 35,		
39	and inserting the following: "		
40	10. By striking page 3, line 49 through page 4,		
41	line 14, and inserting the following: "much thereof		
42	as is necessary:		
43	Page 18, by striking lines 9 through 13.		
44	Page 18, by striking lines 17 and 18, and		
45	inserting the following:		
46	".....	\$	57,131
47	.....	FTEs	1.00".
48	Page 19, by striking lines 12 through 16,		
49	and inserting the following: "		
50	11. Page 4, by striking lines 17 through 46, and		

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Page 3

1 inserting the following: "much thereof as is
2 necessary:

3 . Page 19, line 19, by striking the figure
4 "1,772,601" and inserting the following: "1,699,249".

5 . Page 19, by striking lines 28 and 29, and
6 inserting the following:

7 "..... \$ 43,384
8 FTEs 1.23".

9 . Page 19, by striking lines 34 and 35, and
10 inserting the following:

11 "..... \$ 570,035
12 FTEs 13.28".

13 . Page 21, line 16, by striking the figure
14 "584,632" and inserting the following: "200,000".

15 12. Page 5, by striking lines 9 through 15, and
16 inserting the following:

17 "As a condition, limitation, and qualification of
18 this appropriation, the judicial department, except
19 for purposes of internal processing, shall use the
20 current state budget system, the state payroll system,
21 and the Iowa finance and accounting system in
22 administration of programs and payments for services,
23 and shall not duplicate the state payroll, accounting,
24 and budgeting systems."

25 13. Page 5, by striking lines 31 through 36 and
26 inserting the following: "this appropriation, the
27 judicial department, except for purposes of internal
28 processing, shall use the current state budget system,
29 the state payroll system, and the Iowa finance and
30 accounting system in administration of programs and
31 payments for services, and shall not duplicate the
32 state payroll, accounting, and budgeting systems."

33 14. Page 6, by striking lines 8 through 32.

34 15. By striking page 6, line 43, through page 7,
35 line 30.

36 16. Page 7, by inserting after line 33, the
37 following:

38 " . Page 29, by inserting before line 15, the
39 following:

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

43 NEW UNNUMBERED PARAGRAPH. Notwithstanding section
44 8.33, the moneys appropriated in this section that
45 remain unencumbered and unobligated on June 30, 1990,
46 shall not revert to the general fund but shall remain
47 available for expenditure for the purposes designated
48 during the fiscal year beginning July 1, 1990."

49 17. Page 7, by inserting after line 33 the
50 following:

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Page 4

- 1 "____. Page 29, by inserting after line 17 the
- 2 following:
- 3 "Sec. ____.
- 4 Section 5, subsection 1, unnumbered paragraph 2, of
- 5 this Act, which relates to the employment of a
- 6 correctional education administrator, being deemed of
- 7 immediate importance, takes effect upon enactment and
- 8 the department shall immediately commence the process
- 9 for employing the administrator and the department of
- 10 management shall authorize expenditures to be incurred
- 11 in commencing this process.""
- 12 18. Page 7, by striking lines 34 through 36.
- 13 19. By renumbering, relettering, or redesignating
- 14 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-6091 FILED APRIL 3, 1990

Have concurred 4/4 (p. 1884)



OFFICE OF THE GOVERNOR

STATE CAPITOL

DES MOINES, IOWA 50319

515 281-5211

TERRY E. BRANSTAD
GOVERNOR

May 7, 1990

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

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

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

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

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

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

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

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

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

I am unable to approve the items designated as Sections 12 and 13, in their entirety. These sections would have directed the Department of Human Services to enter into a cooperative agreement with the Judicial Department by May 1, 1990, for reimbursement and incentive payments to the Judicial Department for activities eligible for federal financial participation. Federal regulations mandate that the federal government review all cooperative agreements and expenditures pertaining to

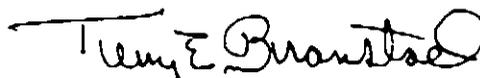
The Honorable Elaine Baxter
May 7, 1990
Page 3

incentive payments. Further, the state must justify and demonstrate the benefits to the child support enforcement program resulting from a cooperative agreement. If the cooperative agreement is not cost effective, it may result in a decrease in incentives paid to the state thereby creating a negative fiscal impact on Iowa. It is premature to authorize such an agreement between the Department of Human Services and the Judicial Department because Senate File 2408, Section 12, does not provide adequate time to meet these federal mandates and determine the costs and benefits of such a cooperative agreement. Further, it is impossible to meet the May 1, 1990, effective date since that date has already passed.

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

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

Sincerely,



Terry E. Branstad
Governor

TEB/ps

cc: Secretary of the Senate
Chief Clerk of the House

Item VETO
Portions highlighted
in PINK

SENATE FILE 2408

AN ACT
RELATING TO AND MAKING APPROPRIATIONS TO THE JUSTICE SYSTEM
AND PROVIDING EFFECTIVE DATES.

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

Section 1.

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

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

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

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

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

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

..... \$ 44,955

4. In addition to the funds appropriated under subsection 1, there is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 1990, and ending June 30, 1991, an amount not exceeding \$95,000 to be used for the enforcement of the Iowa competition law under chapter 553. The expenditure of the funds

appropriated under this subsection is contingent upon receipt by the general fund of the state of an amount at least equal to either the expenditures from damages awarded to the state or a political subdivision of the state by a civil judgment under chapter 553, if the judgment authorizes the use of the award for enforcement purposes or costs or attorneys fees awarded the state in state or federal antitrust actions.

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

6. For the farm mediation service program:
..... \$ 200,000
7. For the legal assistance for farmers program:
..... \$ 225,000
8. For victim assistance grants:
..... \$ 540,000

As a condition, limitation, and qualification of this appropriation, \$440,000 shall be used to provide grants to care providers providing services to crime victims of domestic

abuse, and \$100,000 shall be used to provide grants to care providers providing services to crime victims of rape and sexual assault.

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

Sec. 2.

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

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

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

The office of consumer advocate may expend additional funds, including funds for outside consultants, if those additional expenditures are actual expenses which exceed the funds budgeted for utilities investigations and directly result from investigations of utilities. Before the office expends or encumbers an amount in excess of the funds budgeted for investigations, the director of the department of management shall approve the expenditure or encumbrance. Before approval is given, the director of the department of management shall determine that the investigation expenses exceed the funds budgeted by the general assembly to the office of consumer advocate and that the office does not have other funds from which investigation expenses can be paid. Upon approval of the director of the department of management, the office may expend and encumber funds for excess investigation expenses. The amounts necessary to fund the excess investigation expenses shall be collected from those

utilities being investigated which caused the excess expenditures, and the collections shall be treated as repayment receipts as defined in section 8.2, subsection 5.

Sec. 3.

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

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

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

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

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

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

session, at the request of the subcommittee, steps taken to implement any of those recommendations, or the reasons for failing to implement such recommendations.

Sec. 4.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

time equivalent positions to maintain a licensed substance abuse program.

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

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

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

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

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

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

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

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

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

2. The department of corrections shall provide a report to the co-chairpersons and ranking members of the justice system appropriations subcommittee and the legislative fiscal bureau on or before January 15, 1991, outlining the implementation of

the centralized education program at the institutions. The report shall include a listing of the educational institutions that are involved, the amount of any federal funds received for use with these programs, and any other pertinent information.

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

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

Sec. 5.

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

1. For general administration, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:	
.....	\$ 2,145,174
..... FTEs	42.52

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

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

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

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

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

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

..... \$ 215,000

3. For federal prison reimbursement and miscellaneous contracts:

..... \$ 360,000

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

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

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

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

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

..... \$ 625,860
Sec. 6.

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

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

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

..... \$ 4,320,847

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

..... \$ 55,328
..... PTEs 1.66

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

..... \$ 296,103

SF 2408

..... PTEs 10.00

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

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

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

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

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

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

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

b. For replacement of federal funds for a job development program and for not more than the following full-time equivalent positions:
..... \$ 99,505

..... PTEs 3.00

c. For additional funding for residential minimum staffing and for not more than the following full-time equivalent positions:
..... \$ 242,696

..... PTEs 8.53

d. For additional funding for minimum staffing in field services and for not more than the following full-time equivalent positions:
..... \$ 305,319

..... PTEs 8.02

e. For continued funding of the treatment alternatives to street crime program:
..... \$ 85,333

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

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

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

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

..... \$ 1,932,014

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

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

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

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

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

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

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

..... \$ 38,567

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

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

proposed diversion programs and the number of offenders likely to be diverted to the lowest sanction available.

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

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

..... \$ 1,016,247

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

..... \$ 42,158

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

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

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

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

..... \$ 5,468,203

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

..... \$ 410,348

..... FTEs 6.26

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

..... \$ 86,294
 PTEs 2.00

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

..... \$ 109,182

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

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

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

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

..... \$ 3,982,335

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

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

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

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

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

..... \$ 337,733
 PTEs 7.70

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

..... \$ 68,432
 PTEs 2.00

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

..... \$ 35,100

g. For the job development grant program established in House File 772 enacted during the 1989 session of the general assembly:

..... \$ 77,733

The district department shall continue the intensive supervision program established within the district in 1988 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph "f", and shall continue the sex offender program established within the district in 1989 Iowa Acts, chapter 116, section 8, subsection 1, paragraph "f".

The district department of correctional services, in cooperation with the chief judge of the judicial district, shall develop a plan to divert low-risk offenders to the least restrictive sanction available. The plan shall be designed to take into consideration the impact upon the local communities within the district. The plan shall be implemented by October

1, 1990. The district shall report to the joint justice system appropriations subcommittee and to the department of corrections by October 1, 1990, including the types of proposed diversion programs and the number of offenders likely to be diverted to the lowest sanction available.

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

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

..... \$ 3,227,824

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

..... \$ 260,003

..... PTEs 8.83

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

..... \$ 57,131

..... PTEs 1.00

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

..... \$ 55,890

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

..... \$ 90,000

The district department shall continue the intensive supervision program established within the district in 1988 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph "g", and shall continue the intensive supervision program established within the district for sex offenders and other

high-risk clients, and the sex offender treatment program established within the district in 1989 Iowa Acts, chapter 316, section 8, subsection 1, paragraph "g".

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

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

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

..... \$ 1,699,249

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

..... \$ 299,190

..... FTEs 8.40

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

..... \$ 43,384

..... FTEs 1.23

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

..... \$ 570,035

..... PTEs 13.28

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

..... \$ 61,979

f. For the job development grant program established in House File 772 enacted during the 1989 session of the general assembly:

..... \$ 77,733

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

..... \$ 90,000

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

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

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

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

..... \$ 201,798

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

..... \$ 85,272

..... FTEs 1.37

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

..... \$ 150,180

..... FTEs 4.25

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

..... \$ 200,000

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

As a condition, limitation, and qualification of the additional amounts appropriated to the departments of

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

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

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

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

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

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

Sec. 7.

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

1. For salaries of supreme court justices, appellate court judges, district court judges, district associate judges, judicial magistrates and staff, state court administrator, clerk of the supreme court, district court administrators, clerks of the district court, juvenile court officers, board of law examiners and board of examiners of shorthand reporters and judicial qualifications commission, receipt and disbursement of child support payments, and maintenance, equipment, and miscellaneous purposes:

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

As a condition, limitation, and qualification of this appropriation, the department shall reimburse the auditor of state for expenses incurred in completing audits of the offices of the clerks of the district court during the fiscal year beginning July 1, 1990.

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

As a condition, limitation, and qualification of this appropriation, the judicial department, except for purposes of internal processing, shall use the current state budget system, the state payroll system, and the Iowa finance and accounting system in administration of programs and payments for services, and shall not duplicate the state payroll, accounting, and budgeting systems.

The judicial department shall submit monthly financial statements to the legislative fiscal bureau and the department of management containing all appropriated accounts in the same manner as provided in the monthly financial status reports and personal services usage reports of the department of revenue and finance. The monthly financial statements shall include a comparison of the dollars and percentage spent of budgeted versus actual revenues and expenditures on a cumulative basis for full-time equivalent positions and dollars.

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

2. For the juvenile victim restitution program:

..... \$ 100,000

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

Sec. 8.

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

1. For the Iowa court information system:

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

As a condition, limitation, and qualification of this appropriation, the judicial department, except for purposes of internal processing, shall use the current state budget system, the state payroll system, and the Iowa finance and accounting system in administration of programs and payments for services, and shall not duplicate the state payroll, accounting, and budgeting systems.

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

..... \$ 136,000

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

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

..... \$ 400,000

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

..... \$ 7,500

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

Sec. 9.

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

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

.....	\$	100,000
.....	FTEs	4.00

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

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

- a. Child support operations.
- b. Appellate courts.
- c. Central administration.
- d. District court administration.

- e. Judges and magistrates.
- f. Court reporters.
- g. Juvenile court officers.
- h. District court clerks.
- i. Jury and witness fees.

Sec. 11.

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

Sec. 12.

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

Sec. 13.

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

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

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

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

Sec. 16.

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

JO ANN ZIMMERMAN
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 2408, Seventy-third General Assembly.

Item Veto
Approved 5/7/90, 1990

JOHN F. DWYER
Secretary of the Senate

TERRY E. BRANSTAD
Governor