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SSB-1261

Appropriation

Succeeded By  
SENATE/HOUSE FILE HF 530

BY (PROPOSED COMMITTEE ON  
APPROPRIATIONS BILL BY JOINT  
APPROPRIATIONS SUBCOMMITTEE  
ON JUSTICE SYSTEM)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to and making appropriations to the justice  
2 system, making related statutory changes, and providing an  
3 effective date.

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

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DIVISION I

REGULAR APPROPRIATIONS

Section 1. DEPARTMENT OF JUSTICE. There is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 2001, and ending June 30, 2002, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

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

.....	\$	7,900,519
.....	FTEs	200.50

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

.....	\$	304,943
.....	FTEs	6.00

3. In addition to the funds appropriated in subsection 1, there is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 2001, and ending June 30, 2002, an amount not exceeding \$200,000 to be used for the enforcement of the Iowa competition law. The funds appropriated in this subsection are contingent upon receipt by the general fund of the state of an amount at least equal to the expenditure amount from either damages awarded to the state or a political subdivision of the state by a civil judgment under chapter 553, if the judgment authorizes the use of the award for enforcement purposes or costs or attorneys fees awarded the state in state or federal antitrust actions. However, if the amounts received as a result of these judgments are in excess of \$200,000, the excess amounts shall not be appropriated to the department of justice pursuant to this subsection.

1 4. In addition to the funds appropriated in subsection 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, 2001, and ending June 30, 2002, an amount not exceeding  
 5 \$400,000 to be used for public education relating to consumer  
 6 fraud and for enforcement of section 714.16, and an amount not  
 7 exceeding \$75,000 for investigation, prosecution, and consumer  
 8 education relating to consumer and criminal fraud against  
 9 older Iowans. The funds appropriated in this subsection are  
 10 contingent upon receipt by the general fund of the state of an  
 11 amount at least equal to the expenditure amount from damages  
 12 awarded to the state or a political subdivision of the state  
 13 by a civil consumer fraud judgment or settlement, if the  
 14 judgment or settlement authorizes the use of the award for  
 15 public education on consumer fraud. However, if the funds  
 16 received as a result of these judgments and settlements are in  
 17 excess of \$475,000, the excess funds shall not be appropriated  
 18 to the department of justice pursuant to this subsection.

19 5. For victim assistance grants:  
 20 ..... \$ 1,918,384

21 a. The funds appropriated in this subsection shall be used  
 22 to provide grants to care providers providing services to  
 23 crime victims of domestic abuse or to crime victims of rape  
 24 and sexual assault.

25 b. Notwithstanding sections 8.33 and 8.39, moneys  
 26 appropriated in this subsection that remain unencumbered or  
 27 unobligated at the close of the fiscal year shall not revert  
 28 but shall remain available for expenditure during the  
 29 subsequent fiscal year for the same purpose, and shall not be  
 30 transferred to any other program.

31 6. For the GASA prosecuting attorney program and for not  
 32 more than the following full-time equivalent positions:  
 33 ..... \$ 132,037  
 34 ..... FTEs 2.00

35 7. The balance of the victim compensation fund established

1 in section 915.94 may be used to provide salary and support of  
2 not more than 20.00 FTEs and to provide maintenance for the  
3 victim compensation functions of the department of justice.  
4 However, the balance of the fund may also be used to provide  
5 salary and support for an additional 2.00 FTEs if either 2001  
6 Iowa Acts, Senate File 259 or 2001 Iowa Acts, House File 684  
7 is enacted.

8 8. The department of justice shall submit monthly  
9 financial statements to the legislative fiscal bureau and the  
10 department of management containing all appropriated accounts  
11 in the same manner as provided in the monthly financial status  
12 reports and personal services usage reports of the department  
13 of revenue and finance. The monthly financial statements  
14 shall include comparisons of the moneys and percentage spent  
15 of budgeted to actual revenues and expenditures on a  
16 cumulative basis for full-time equivalent positions and  
17 available moneys.

18 9. The department of justice and the department of  
19 corrections shall assist local regional jail development  
20 authorities in issuing a report regarding the development of  
21 regional jails. The report shall include but is not limited  
22 to the following: the design capacity, policy considerations,  
23 governance and management structure, staffing needs, food  
24 services, estimated design and construction costs, and  
25 evaluating cost sharing between the state, participating  
26 counties, and other political subdivisions. The report is due  
27 on or before February 1, 2002.

28 10. a. The department of justice, in submitting budget  
29 estimates for the fiscal year commencing July 1, 2002,  
30 pursuant to section 8.23, shall include a report of funding  
31 from sources other than amounts appropriated directly from the  
32 general fund of the state to the department of justice or to  
33 the office of consumer advocate. These funding sources shall  
34 include, but are not limited to, reimbursements from other  
35 state agencies, commissions, boards, or similar entities, and

1 reimbursements from special funds or internal accounts within  
2 the department of justice. The department of justice shall  
3 report actual reimbursements for the fiscal year commencing  
4 July 1, 2000, and actual and expected reimbursements for the  
5 fiscal year commencing July 1, 2001.

6 b. The department of justice shall include the report  
7 required under paragraph "a", as well as information regarding  
8 any revisions occurring as a result of reimbursements actually  
9 received or expected at a later date, in a report to the co-  
10 chairpersons and ranking members of the joint appropriations  
11 subcommittee on the justice system and the legislative fiscal  
12 bureau. The department of justice shall submit the report on  
13 or before January 15, 2002.

14 11. For legal services for persons in poverty grants as  
15 provided in section 13.34:

16 ..... \$ 450,000

17 As a condition for accepting a grant funded pursuant to  
18 this subsection, an organization receiving a grant shall  
19 submit a report to the general assembly by January 1, 2002,  
20 concerning the use of any grants received during the previous  
21 fiscal year and efforts made by the organization to find  
22 alternative sources of revenue to replace any reductions in  
23 federal funding for the organization.

24 Sec. 2. DEPARTMENT OF JUSTICE -- ENVIRONMENTAL CRIMES  
25 INVESTIGATION AND PROSECUTION -- FUNDING. There is  
26 appropriated from the environmental crime fund of the  
27 department of justice, consisting of court-ordered fines and  
28 penalties awarded to the department arising out of the  
29 prosecution of environmental crimes, to the department of  
30 justice for the fiscal year beginning July 1, 2001, and ending  
31 June 30, 2002, an amount not exceeding \$20,000 to be used by  
32 the department, at the discretion of the attorney general, for  
33 the investigation and prosecution of environmental crimes,  
34 including the reimbursement of expenses incurred by county,  
35 municipal, and other local governmental agencies cooperating

1 with the department in the investigation and prosecution of  
2 environmental crimes.

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

12 Notwithstanding section 8.33, moneys appropriated in this  
13 section that remain unexpended or unobligated at the close of  
14 the fiscal year shall not revert but shall remain available  
15 for expenditure for the purpose designated until the close of  
16 the succeeding fiscal year.

17 Sec. 3. OFFICE OF CONSUMER ADVOCATE. There is  
18 appropriated from the general fund of the state to the office  
19 of consumer advocate of the department of justice for the  
20 fiscal year beginning July 1, 2001, and ending June 30, 2002,  
21 the following amount, or so much thereof as is necessary, to  
22 be used for the purposes designated:

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

26 .....	\$	2,690,067
27 .....	FTEs	32.00

28 Sec. 4. DEPARTMENT OF CORRECTIONS -- FACILITIES. There is  
29 appropriated from the general fund of the state to the  
30 department of corrections for the fiscal year beginning July  
31 1, 2001, and ending June 30, 2002, the following amounts, or  
32 so much thereof as is necessary, to be used for the purposes  
33 designated:

34 1. For the operation of adult correctional institutions,  
35 reimbursement of counties for certain confinement costs, and

1 federal prison reimbursement, to be allocated as follows:

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

6 ..... \$ 27,622,191  
7 ..... FTEs 525.50

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

14 ..... \$ 23,446,284  
15 ..... FTEs 403.50

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

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

24 ..... \$ 21,501,082  
25 ..... FTEs 337.80

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

30 ..... \$ 22,944,479  
31 ..... FTEs 392.25

32 e. For the operation of the Mt. Pleasant correctional  
33 facility, including salaries, support, maintenance, employment  
34 of correctional officers and a full-time chaplain to provide  
35 religious counseling at the Oakdale and Mt. Pleasant

1 correctional facilities, miscellaneous purposes, and for not  
2 more than the following full-time equivalent positions:

3 ..... \$ 21,667,807  
4 ..... FTEs 341.09

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

9 ..... \$ 7,148,555  
10 ..... FTEs 119.00

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

15 ..... \$ 17,925,620  
16 ..... FTEs 294.75

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

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

26 ..... \$ 12,203,736  
27 ..... FTEs 236.00

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

32 ..... \$ 25,274,461  
33 ..... FTEs 413.00

34 j. For reimbursement of counties for temporary confinement  
35 of work release and parole violators, as provided in sections

1 901.7, 904.908, and 906.17 and for offenders confined pursuant  
2 to section 904.513:

3 ..... \$ 791,438

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

6 ..... \$ 318,568

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

10 2. a. If the inmate tort claim fund for inmate claims of  
11 less than \$100 is exhausted during the fiscal year, sufficient  
12 funds shall be transferred from the institutional budgets to  
13 pay approved tort claims for the balance of the fiscal year.  
14 The warden or superintendent of each institution or  
15 correctional facility shall designate an employee to receive,  
16 investigate, and recommend whether to pay any properly filed  
17 inmate tort claim for less than the above amount. The  
18 designee's recommendation shall be approved or denied by the  
19 warden or superintendent and forwarded to the department of  
20 corrections for final approval and payment. The amounts  
21 appropriated to this fund pursuant to 1987 Iowa Acts, chapter  
22 234, section 304, subsection 2, are not subject to reversion  
23 under section 8.33.

24 b. Tort claims denied at the institution shall be  
25 forwarded to the state appeal board for their consideration as  
26 if originally filed with that body. This procedure shall be  
27 used in lieu of chapter 669 for inmate tort claims of less  
28 than \$100.

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

33 Sec. 5. DEPARTMENT OF CORRECTIONS -- ADMINISTRATION.  
34 There is appropriated from the general fund of the state to  
35 the department of corrections for the fiscal year beginning

1 July 1, 2001, and ending June 30, 2002, the following amounts,  
2 or so much thereof as is necessary, to be used for the  
3 purposes designated:

4 1. For general administration, including salaries,  
5 support, maintenance, employment of an education director and  
6 clerk to administer a centralized education program for the  
7 correctional system, miscellaneous purposes, and for not more  
8 than the following full-time equivalent positions:

9 .....	\$	2,315,093
10 .....	FTEs	37.18

11 a. The department shall monitor the use of the  
12 classification model by the judicial district departments of  
13 correctional services and has the authority to override a  
14 district department's decision regarding classification of  
15 community-based clients. The department shall notify a  
16 district department of the reasons for the override.

17 b. It is the intent of the general assembly that as a  
18 condition of receiving the appropriation provided in this  
19 subsection, the department of corrections shall not, except as  
20 otherwise provided in paragraph "c", enter into a new  
21 contract, unless the contract is a renewal of an existing  
22 contract, for the expenditure of moneys in excess of \$100,000  
23 during the fiscal year beginning July 1, 2001, for the  
24 privatization of services performed by the department using  
25 state employees as of July 1, 2001, or for the privatization  
26 of new services by the department, without prior consultation  
27 with any applicable state employee organization affected by  
28 the proposed new contract and prior notification of the  
29 cochairpersons and ranking members of the joint appropriations  
30 subcommittee on the justice system.

31 c. It is the intent of the general assembly that each  
32 lease negotiated by the department of corrections with a  
33 private corporation for the purpose of providing private  
34 industry employment of inmates in a correctional institution  
35 shall prohibit the private corporation from utilizing inmate

1 labor for partisan political purposes for any person seeking  
2 election to public office in this state and that a violation  
3 of this requirement shall result in a termination of the lease  
4 agreement.

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

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

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

28 .....	\$	473,479
29 .....	FTEs	8.07

30 3. For educational programs for inmates at state penal  
31 institutions:

32 .....	\$	3,075,014
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33 It is the intent of the general assembly that moneys  
34 appropriated in this subsection shall be used solely for the  
35 purpose indicated and that the moneys shall not be transferred

1 for any other purpose. In addition, it is the intent of the  
2 general assembly that the department shall consult with the  
3 community colleges in the areas in which the institutions are  
4 located to utilize moneys appropriated in this subsection to  
5 fund the high school completion, high school equivalency  
6 diploma, adult literacy, and adult basic education programs in  
7 a manner so as to maintain these programs at the institutions.

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

13 Notwithstanding section 8.33, moneys appropriated in this  
14 subsection that remain unobligated or unexpended at the close  
15 of the fiscal year shall not revert but shall remain available  
16 for expenditure only for the purpose designated in this  
17 subsection until the close of the succeeding fiscal year.

18 4. For the development of the departmentalwide Iowa  
19 corrections offender network (ICON) data system:

20 ..... \$ 559,980

21 5. The department of corrections shall submit a report to  
22 the cochairpersons and ranking members of the joint  
23 appropriations subcommittee on the justice system and the  
24 legislative fiscal bureau, on or before January 15, 2002,  
25 concerning the development and implementation of the Iowa  
26 corrections offender network (ICON) data system. The report  
27 shall include a description of the system and functions, a  
28 plan for implementation of the system, including a timeline,  
29 resource and staffing requirements for the system, and a  
30 current status and progress report concerning the  
31 implementation of the system. In addition, the report shall  
32 specifically address the ability of the system to receive and  
33 transmit data between prisons, community-based corrections  
34 district departments, the judicial branch, board of parole,  
35 the criminal and juvenile justice planning division of the

1 department of human rights, the department of public safety,  
2 and other applicable governmental agencies. The report should  
3 include a detailed discussion of the cooperation with other  
4 state agencies and the judicial branch in the development and  
5 implementation of the system.

6 6. The department of corrections shall annually provide a  
7 report to the legislative fiscal bureau regarding the amount  
8 of moneys deposited in the infrastructure account of the Iowa  
9 state industries revolving fund during the fiscal year, the  
10 infrastructure projects funded by the moneys, and the amount  
11 transferred to the general fund of the state from the account  
12 at the close of the fiscal year.

13 7. It is the intent of the general assembly that the  
14 department of corrections shall continue to operate the  
15 correctional farms under the control of the department at the  
16 same or greater level of participation and involvement as  
17 existed as of January 1, 2001, shall not enter into any rental  
18 agreement or contract concerning any farmland under the  
19 control of the department that is not subject to a rental  
20 agreement or contract as of January 1, 2001, without prior  
21 legislative approval, and shall further attempt to provide job  
22 opportunities at the farms for inmates. The department shall  
23 attempt to provide job opportunities at the farms for inmates  
24 by encouraging labor-intensive farming or gardening where  
25 appropriate, using inmates to grow produce and meat for  
26 institutional consumption, researching the possibility of  
27 instituting food canning and cook-and-chill operations, and  
28 exploring opportunities for organic farming and gardening,  
29 livestock ventures, horticulture, and specialized crops.

30 8. The department of corrections shall submit a report to  
31 the general assembly by January 1, 2002, concerning moneys  
32 recouped from inmate earnings for the reimbursement of  
33 operational expenses of the applicable facility during the  
34 fiscal year beginning July 1, 2000, for each correctional  
35 institution and judicial district department of correctional

1 services. In addition, each correctional institution and  
2 judicial district department of correctional services shall  
3 continue to submit a report to the legislative fiscal bureau  
4 on a monthly basis concerning moneys recouped from inmate  
5 earnings pursuant to sections 904.702, 904.809, and 905.14.

6 Sec. 6. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL  
7 SERVICES.

8 1. There is appropriated from the general fund of the  
9 state to the department of corrections for the fiscal year  
10 beginning July 1, 2001, and ending June 30, 2002, the  
11 following amounts, or so much thereof as is necessary, to be  
12 allocated as follows:

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

18 ..... \$ 8,870,274

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

24 ..... \$ 6,740,702

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

30 ..... \$ 4,033,736

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

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1 ..... \$ 3,829,927

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

7 ..... \$ 11,823,192

8 f. For the sixth judicial district department of  
9 correctional services, including the treatment and supervision  
10 of probation and parole violators who have been released from  
11 the department of corrections violator program, the following  
12 amount, or so much thereof as is necessary:

13 ..... \$ 8,941,214

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

19 ..... \$ 5,157,571

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

25 ..... \$ 5,033,178

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

30 ..... \$ 78,119

31 2. Each judicial district department of correctional  
32 services shall continue programs and plans established within  
33 that district to provide for intensive supervision, sex  
34 offender treatment, diversion of low-risk offenders to the  
35 least restrictive sanction available, job development, and

1 expanded use of intermediate criminal sanctions.

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

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

10 5. The governor's office of drug control policy shall  
11 consider federal grants made to the department of corrections  
12 for the benefit of each of the eight judicial district  
13 departments of correctional services as local government  
14 grants, as defined pursuant to federal regulations.

15 6. A drug court established in a judicial district  
16 department of correctional services shall only be offered to  
17 offenders if an adjudication of guilt has been entered, and  
18 felony offenses shall be given priority over misdemeanors.

19 7. The department of corrections and the eight judicial  
20 district departments of correctional services shall submit a  
21 combined comprehensive report on the violator program and the  
22 violator aftercare program to the cochairpersons and ranking  
23 members of the joint appropriations subcommittee on the  
24 justice system and to the legislative fiscal bureau by  
25 December 1, 2001. The report shall include a description of  
26 the program and each judicial district's criteria for  
27 admission to the violator program at the Newton correctional  
28 facility and the Iowa correctional institution for women, the  
29 number of beds in the program, and the number of offenders  
30 placed in the program for the fiscal years beginning July 1,  
31 1999, and ending June 30, 2001. The report shall also contain  
32 actual expenditures related to the program for each fiscal  
33 year of the fiscal period beginning July 1, 1999, and ending  
34 June 30, 2001, the budgeted expenditures for each fiscal year  
35 of the fiscal period beginning July 1, 1999, and ending June

1 30, 2001, by revenue source, the characteristics of each  
2 offender including the offender's race and gender, the number  
3 of FTE positions used for the program, and quantitative  
4 measures analyzing the success of the program.

5 8. In addition to the requirements of section 8.39, the  
6 department of corrections shall not make an intradepartmental  
7 transfer of moneys appropriated to the department, unless  
8 notice of the intradepartmental transfer is given prior to its  
9 effective date to the legislative fiscal bureau. The notice  
10 shall include information on the department's rationale for  
11 making the transfer and details concerning the work load and  
12 performance measures upon which the transfers are based.

13 9. The department of corrections and the eight judicial  
14 district departments of correctional services shall submit a  
15 combined comprehensive report on the use of intermediate  
16 criminal sanctions program pursuant to chapter 901B to the  
17 cochairpersons and ranking members of the joint appropriations  
18 subcommittee on the justice system, and to the legislative  
19 fiscal bureau by January 15, 2002. The report shall include a  
20 description of the program and the criteria used for placement  
21 at each intermediate sanction level or sublevel of the  
22 corrections continuum within each district plan, the number of  
23 offenders placed at each intermediate sanction level or  
24 sublevel in each district for each fiscal year of the fiscal  
25 period beginning July 1, 1999, and ending June 30, 2001, the  
26 number of offenders expected to be placed in the program for  
27 the fiscal year beginning July 1, 2001, and ending June 30,  
28 2002, and the capacity for each level and sublevel within the  
29 continuum. The report shall also contain actual expenditures  
30 related to the continuum for each fiscal year of the fiscal  
31 period beginning July 1, 1999, and ending June 30, 2001, the  
32 budgeted expenditures for each fiscal year of the fiscal  
33 period beginning July 1, 1999, and ending June 30, 2001, by  
34 revenue source, the characteristics of each offender including  
35 the offender's race and gender at each level and sublevel, the

1 number of FTE positions working in positions related to the  
2 continuum, and quantitative measures analyzing the success of  
3 the program.

4 10. The department of corrections in cooperation with the  
5 second, third, fourth, and fifth judicial district departments  
6 of correctional services, shall implement procedures to  
7 provide continuing evaluation of the drug courts. The  
8 evaluation shall include a description of the two models  
9 currently being used by the judicial districts, a description  
10 of the program, criteria for admission, program capacity,  
11 number of offenders in the program by offense class, program  
12 expenditures, and quantitative outcome measures including  
13 successful completion and recidivism rates.

14 Sec. 7. CORRECTIONAL INSTITUTIONS -- VOCATIONAL TRAINING.

15 1. The state prison industries board and the department of  
16 corrections shall continue the implementation of a plan to  
17 enhance vocational training opportunities within the  
18 correctional institutions listed in section 904.102, as  
19 provided in 1993 Iowa Acts, chapter 171, section 12. The plan  
20 shall provide for increased vocational training opportunities  
21 within the correctional institutions, including the  
22 possibility of approving community college credit for inmates  
23 working in prison industries. The department of corrections  
24 shall provide a report concerning the implementation of the  
25 plan to the cochairpersons and ranking members of the joint  
26 appropriations subcommittee on the justice system and the  
27 legislative fiscal bureau, on or before January 15, 2002.

28 2. It is the intent of the general assembly that each  
29 correctional facility make all reasonable efforts to maintain  
30 vocational education programs for inmates and to identify  
31 available funding sources to continue these programs. The  
32 department of corrections shall submit a report to the general  
33 assembly by January 1, 2002, concerning the efforts made by  
34 each correctional facility in maintaining vocational education  
35 programs for inmates.

1 3. The department of corrections shall submit a report on  
 2 inmate labor to the general assembly, the cochairpersons, and  
 3 the ranking members of the joint appropriations subcommittee  
 4 on the justice system, and to the legislative fiscal bureau by  
 5 January 15, 2002. The report shall specifically address the  
 6 progress the department has made in implementing the  
 7 requirements of section 904.701, inmate labor on capital  
 8 improvement projects, community work crews, and private-sector  
 9 employment.

10 4. Each month the department shall provide a status report  
 11 regarding private-sector employment to the legislative fiscal  
 12 bureau beginning on July 1, 2001. The report shall include  
 13 the number of offenders employed in the private sector, the  
 14 combined number of hours worked by the offenders, and the  
 15 total amount of allowances, and the distribution of allowances  
 16 pursuant to section 904.702, including any moneys deposited in  
 17 the general fund of the state.

18 Sec. 8. STATE PUBLIC DEFENDER. There is appropriated from  
 19 the general fund of the state to the office of the state  
 20 public defender of the department of inspections and appeals  
 21 for the fiscal year beginning July 1, 2001, and ending June  
 22 30, 2002, the following amount, or so much thereof as is  
 23 necessary, for the purposes designated:

24 ..... \$ 34,607,759

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

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

30 ..... \$ 14,267,794  
 31 ..... FTEs 202.00

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

35 ..... \$ 20,339,965

1     Sec. 9. IOWA LAW ENFORCEMENT ACADEMY. There is  
2 appropriated from the general fund of the state to the Iowa  
3 law enforcement academy for the fiscal year beginning July 1,  
4 2001, and ending June 30, 2002, the following amount, or so  
5 much thereof as is necessary, to be used for the purposes  
6 designated:

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

11 ..... \$ 1,306,546  
12 ..... FTEs 29.05

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

17     2. The Iowa law enforcement academy may select at least  
18 five automobiles of the department of public safety, division  
19 of the Iowa state patrol, prior to turning over the  
20 automobiles to the state fleet administrator to be disposed of  
21 by public auction and the Iowa law enforcement academy may  
22 exchange any automobile owned by the academy for each  
23 automobile selected if the selected automobile is used in  
24 training law enforcement officers at the academy. However,  
25 any automobile exchanged by the academy shall be substituted  
26 for the selected vehicle of the department of public safety  
27 and sold by public auction with the receipts being deposited  
28 in the depreciation fund to the credit of the department of  
29 public safety, division of the Iowa state patrol.

30     Sec. 10. BOARD OF PAROLE. There is appropriated from the  
31 general fund of the state to the board of parole for the  
32 fiscal year beginning July 1, 2001, and ending June 30, 2002,  
33 the following amount, or so much thereof as is necessary, to  
34 be used for the purposes designated:

35     For salaries, support, maintenance, miscellaneous purposes,

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

3 .....	\$	1,019,507
4 .....	FTEs	16.50

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

10 Sec. 11. DEPARTMENT OF PUBLIC DEFENSE. There is  
11 appropriated from the general fund of the state to the  
12 department of public defense for the fiscal year beginning  
13 July 1, 2001, and ending June 30, 2002, the following amounts,  
14 or so much thereof as is necessary, to be used for the  
15 purposes designated:

16 1. MILITARY DIVISION

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

20 .....	\$	5,190,924
21 .....	FTEs	259.76

22 If there is a surplus in the general fund of the state for  
23 the fiscal year ending June 30, 2002, within 60 days after the  
24 close of the fiscal year, the military division may incur up  
25 to an additional \$500,000 in expenditures from the surplus  
26 prior to transfer of the surplus pursuant to section 8.57.

27 2. EMERGENCY MANAGEMENT DIVISION

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

31 .....	\$	1,051,608
32 .....	FTEs	25.25

33 Sec. 12. DEPARTMENT OF PUBLIC SAFETY. There is  
34 appropriated from the general fund of the state to the  
35 department of public safety for the fiscal year beginning July

1 1, 2001, and ending June 30, 2002, the following amounts, or  
2 so much thereof as is necessary, to be used for the purposes  
3 designated:

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

7 .....	\$ 2,449,533
8 .....	FTEs 39.80

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

16 .....	\$ 11,931,266
17 .....	FTEs 233.50

18 The division of criminal investigation is authorized an  
19 additional 2.00 FTEs for the establishment of an elderly crime  
20 unit if federal funding is obtained. If federal funding is  
21 obtained and then subsequently discontinued, the additional  
22 2.00 FTEs shall be eliminated.

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

28 The department of public safety, with the approval of the  
29 department of management, may employ no more than two special  
30 agents and four gaming enforcement officers for each  
31 additional riverboat regulated after July 1, 2001, and one  
32 special agent for each racing facility which becomes  
33 operational during the fiscal year which begins July 1, 2001.  
34 One additional gaming enforcement officer, up to a total of  
35 four per boat, may be employed for each riverboat that has

1 extended operations to 24 hours and has not previously  
2 operated with a 24-hour schedule. Positions authorized in  
3 this paragraph are in addition to the full-time equivalent  
4 positions otherwise authorized in this subsection.

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

12 .....	\$	3,501,690
13 .....	FTEs	61.00

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

16 .....	\$	129,804
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17 4. a. For the state fire marshal's office, including the  
18 state's contribution to the peace officers' retirement,  
19 accident, and disability system provided in chapter 97A in the  
20 amount of 17 percent of the salaries for which the funds are  
21 appropriated, and for not more than the following full-time  
22 equivalent positions:

23 .....	\$	1,831,002
24 .....	FTEs	36.80

25 b. For the state fire marshal's office, for fire  
26 protection services as provided through the state fire service  
27 and emergency response council as created in the department,  
28 and for not more than the following full-time equivalent  
29 positions:

30 .....	\$	606,460
31 .....	FTEs	12.00

32 5. For the capitol police division, including the state's  
33 contribution to the peace officers' retirement, accident, and  
34 disability system provided in chapter 97A in the amount of 17  
35 percent of the salaries for which the funds are appropriated

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

3 ..... \$ 1,240,582  
4 ..... FTEs 26.00

5 6. For the division of the Iowa state patrol of the  
6 department of public safety, for salaries, support,  
7 maintenance, workers' compensation costs, and miscellaneous  
8 purposes, including the state's contribution to the peace  
9 officers' retirement, accident, and disability system provided  
10 in chapter 97A in the amount of 17 percent of the salaries for  
11 which the funds are appropriated, and for not more than the  
12 following full-time equivalent positions:

13 ..... \$ 35,760,633  
14 ..... FTEs 567.25

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

17 ..... \$ 239,743

18 8. For deposit in the public safety law enforcement sick-  
19 leave benefit fund established under section 80.40, for all  
20 departmental employees eligible to receive benefits for  
21 accrued sick leave under the collective bargaining agreement:

22 ..... \$ 288,139

23 9. An employee of the department of public safety who  
24 retires after July 1, 2001, but prior to June 30, 2002, is  
25 eligible for payment of life or health insurance premiums as  
26 provided for in the collective bargaining agreement covering  
27 the public safety bargaining unit at the time of retirement if  
28 that employee previously served in a position which would have  
29 been covered by the agreement. The employee shall be given  
30 credit for the service in that prior position as though it  
31 were covered by that agreement. The provisions of this  
32 subsection shall not operate to reduce any retirement benefits  
33 an employee may have earned under other collective bargaining  
34 agreements or retirement programs.

35 10. For costs associated with the training and equipment

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1 needs of volunteer fire fighters and for not more than the  
2 following full-time equivalent positions:

3 .....	\$	573,154
4 .....	FTEs	1.00

5 Notwithstanding section 8.33, moneys appropriated in this  
6 subsection that remain unobligated or unexpended at the close  
7 of the fiscal year shall not revert but shall remain available  
8 for expenditure only for the purpose designated in this  
9 subsection until the close of the succeeding fiscal year.

10 DIVISION II

11 SUPPLEMENTAL APPROPRIATION

12 Sec. 13. SUPPLEMENTAL APPROPRIATION TO THE FORT MADISON  
13 CORRECTIONAL FACILITY. There is appropriated from the general  
14 fund of the state to the department of corrections for the  
15 fiscal year beginning July 1, 2000, and ending June 30, 2001,  
16 the following amount, or so much thereof as is necessary, to  
17 be used for the purposes designated, in addition to the  
18 appropriation made for those purposes in 2000 Iowa Acts,  
19 chapter 1229, section 4:

20 For compliance at the Fort Madison correctional facility,  
21 including salaries, support, maintenance, and miscellaneous  
22 purposes:

23 .....	\$	2,000,000
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24 Notwithstanding section 8.33, moneys appropriated in this  
25 section that remain unencumbered or unobligated at the close  
26 of the fiscal year shall not revert but shall remain available  
27 for expenditure in subsequent fiscal years for the purposes  
28 specified in the section.

29 Sec. 14. EFFECTIVE DATE. This division of this Act, being  
30 deemed of immediate importance, takes effect upon enactment.

31 DIVISION III

32 CODE CHANGES

33 Sec. 15. Section 18.6, subsection 16, Code 2001, is  
34 amended by striking the subsection.

35 Sec. 16. Section 18.120, Code 2001, is amended to read as

1 follows:

2 18.120 REPLACEMENT FUND.

3 1. The state fleet administrator shall maintain a  
4 depreciation fund for the purchase of replacement motor  
5 vehicles and additions to the fleet. The state fleet  
6 administrator's records shall show the total funds deposited  
7 by and credited to each department or agency thereof. At the  
8 end of each month, the state fleet administrator shall render  
9 a statement to each state department or agency thereof for  
10 additions to the fleet and total depreciation credited to that  
11 department or agency. Such depreciation expense shall be paid  
12 by the state departments or agencies in the same manner as  
13 other expenses of such department are paid, and shall be  
14 deposited in the depreciation fund to the credit of the  
15 department or agency thereof. The funds credited to each  
16 department or agency thereof shall remain the property of the  
17 department or agency. However, at the end of each biennium,  
18 the state fleet administrator shall cause to revert to the  
19 fund from which it accumulated any unassigned depreciation.

20 2. The department of corrections is not obligated to pay  
21 the depreciation expense otherwise required by this section.

22 Sec. 17. NEW SECTION. 80.42 SICK LEAVE BENEFITS FUND.

23 1. A sick leave benefits fund is established in the office  
24 of the treasurer of state under the control of the department  
25 of public safety. The moneys annually credited to the fund  
26 are appropriated to the department to pay health and life  
27 insurance monthly premium costs for retired departmental  
28 employees and beneficiaries who are eligible to receive  
29 benefits for accrued sick leave under the collective  
30 bargaining agreement with the state police officers council or  
31 pursuant to section 70A.23.

32 2. Notwithstanding section 12C.7, subsection 2, interest  
33 or earnings on moneys credited to the sick leave benefits fund  
34 shall be credited to the sick leave benefits fund.

35 Notwithstanding section 8.33, moneys credited to the sick

1 leave benefits fund at the end of a fiscal year shall not  
2 revert to any other fund but shall remain in the fund for  
3 purposes of the fund.

4 3. Notwithstanding section 8.39, if funds are needed to  
5 pay monthly premium costs as provided for in subsection 1,  
6 sufficient funds may be transferred and credited to the sick  
7 leave benefits fund from any moneys appropriated to the  
8 department.

9 Sec. 18. Section 904.315, Code 2001, is amended to read as  
10 follows:

11 904.315 CONTRACTS FOR IMPROVEMENTS.

12 The director of the department of general services shall,  
13 in writing, let all contracts for authorized improvements  
14 costing in excess of twenty-five thousand dollars under  
15 chapter 18. Upon prior authorization by the director,  
16 improvements costing five thousand dollars or less may be made  
17 by the superintendent of any institution.

18 A contract is not required for improvements at a state  
19 institution where the labor of inmates is to-be used if-the  
20 ~~contract-is-not-for-a-construction,-reconstruction,~~  
21 ~~demolition,-or-repair-project-or-improvement-with-an-estimated~~  
22 ~~cost-in-excess-of-twenty-five-thousand-dollars.~~

23 Sec. 19. Section 904.513, subsection 2, Code 2001, is  
24 amended to read as follows:

25 2. Upon request by the director a county shall provide  
26 temporary confinement for offenders allegedly violating the  
27 conditions of assignment to a program under this chapter, if  
28 space is available in the county. The department shall  
29 negotiate a reimbursement rate with each county. The amount  
30 to be reimbursed shall be determined by multiplying the number  
31 of days a person is confined by the average daily cost of  
32 confining a person in the county facility as negotiated with  
33 the department. The average daily cost shall not include  
34 administrative costs. A county holding offenders in jail due  
35 to insufficient space in a community residential facility

1 shall be reimbursed as provided in this subsection. Payment  
2 shall be made upon submission of a voucher executed by the  
3 sheriff and approved by the director.

4 Sec. 20. Section 904.809, subsection 5, paragraph c,  
5 subparagraph (3), Code 2001, is amended to read as follows:

6 (3) Any balance remaining after the deductions made under  
7 subparagraphs (1) and (2) shall represent the costs of the  
8 inmate's incarceration and shall be deposited, effective July  
9 1, ~~2000~~, in the general fund of the state 2001, in the  
10 infrastructure account of the Iowa state industries revolving  
11 fund established in section 904.813.

12 Sec. 21. Section 904.813, subsection 4, Code 2001, is  
13 amended to read as follows:

14 4. The fund established by this section shall not revert  
15 to the general fund of the state at the end of any annual or  
16 biennial period and the investment proceeds earned from the  
17 balance of the fund shall be credited to the fund and used for  
18 the purposes provided for in this section. However, an  
19 infrastructure account is established in the fund for deposit  
20 of net revenues from inmate labor under section 904.809 and  
21 moneys in the account that remain unobligated or unencumbered  
22 at the close of the fiscal year shall be transferred to the  
23 general fund of the state.

24 Sec. 22. Section 904.908, subsection 2, Code 2001, is  
25 amended to read as follows:

26 2. The Iowa department of corrections shall negotiate a  
27 reimbursement rate with each county for the temporary  
28 confinement of alleged violators of work release conditions  
29 who are in the custody of the director of the Iowa department  
30 of corrections or who are housed or supervised by the judicial  
31 district department of correctional services. The amount to  
32 be reimbursed shall be determined by multiplying the number of  
33 days a person is confined by the average daily cost of  
34 confining a person in the county facility as negotiated with  
35 the department. The average daily cost shall not include

1 administrative costs. Payment shall be made upon submission  
2 of a voucher executed by the sheriff and approved by the  
3 director of the Iowa department of corrections.

4 Sec. 23. Section 906.17, subsection 2, Code 2001, is  
5 amended to read as follows:

6 2. The Iowa department of corrections shall reimburse a  
7 county for the temporary confinement of alleged parole  
8 violators. The amount to be reimbursed shall be determined by  
9 multiplying the number of days confined by the average daily  
10 cost of confining a person in the county facility as  
11 negotiated by the department. The average daily cost shall  
12 not include administrative costs. Payment shall be made upon  
13 submission of a voucher executed by the sheriff and approved  
14 by the director of the Iowa department of corrections.

15 Sec. 24. 1998 Iowa Acts, chapter 1101, section 15,  
16 subsection 2, as amended by 1999 Iowa Acts, chapter 202,  
17 section 25, and as amended by 2000 Iowa Acts, chapter 1229,  
18 section 25, is amended to read as follows:

19 2. a. There is appropriated from surcharge moneys  
20 received by the E911 administrator and deposited into the  
21 wireless E911 emergency communications fund, for each fiscal  
22 year in the fiscal period beginning July 1, 1998, and ending  
23 June 30, ~~2001~~ 2002, an amount not to exceed two hundred  
24 thousand dollars to be used for the implementation, support,  
25 and maintenance of the functions of the E911 administrator.  
26 The amount appropriated in this paragraph includes any amounts  
27 necessary to reimburse the division of emergency management of  
28 the department of public defense pursuant to paragraph "b".

29 b. Notwithstanding the distribution formula in section  
30 34A.7A, as enacted in this Act, and prior to any such  
31 distribution, of the initial surcharge moneys received by the  
32 E911 administrator and deposited into the wireless E911  
33 emergency communications fund, for each fiscal year in the  
34 fiscal period beginning July 1, 1998, and ending June 30, ~~2001~~  
35 2002, an amount is appropriated to the division of emergency

1 management of the department of public defense as necessary to  
2 reimburse the division for amounts expended for the  
3 implementation, support, and maintenance of the E911  
4 administrator, including the E911 administrator's salary.

5 EXPLANATION

6 This bill makes appropriations for the 2001-2002 fiscal  
7 year to the departments of justice, corrections, public  
8 defense, and public safety, Iowa law enforcement academy,  
9 office of public defender, and the board of parole.

10 The bill makes a supplemental appropriation to the Fort  
11 Madison correctional facility for the 2000-2001 fiscal year.  
12 The supplemental appropriation takes effect upon enactment.

13 The bill permits the department of public safety to add  
14 2.00 FTEs for the prevention of crime against the elderly,  
15 provided that federal grant money has been secured. The bill  
16 provides that the additional 2.00 FTEs are to be eliminated if  
17 the federal money is discontinued.

18 The bill requires drug courts to be offered only to  
19 offenders if an adjudication of guilt has been entered, and  
20 that the drug courts shall give priority to felony offenses  
21 over misdemeanors.

22 The bill provides that the department of corrections in  
23 cooperation with the judicial districts shall implement  
24 procedures to evaluate the drug courts.

25 The bill requires the department of justice and the  
26 department of corrections assist local regional jail  
27 development authorities in issuing a report regarding the  
28 development of regional jails.

29 The bill also makes several statutory changes. The bill  
30 extends the use of wireless E911 emergency communications fund  
31 moneys for purposes of the emergency management division for  
32 another fiscal year.

33 The bill permits the department of general services to use  
34 inmate labor for improvements at state institutions if the  
35 estimated cost of the project exceeds \$25,000.

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1 The bill provides that the department of corrections is not  
2 required to pay the depreciation expense from the depreciation  
3 replacement fund for replacements and additions to the motor  
4 vehicle fleet.

5 The bill appropriates \$288,139 to a sick leave benefits  
6 fund created in new Code section 80.42, to be paid upon the  
7 retirement or disability of department of public safety  
8 employees or beneficiaries who are eligible to receive monthly  
9 an accrued sick leave benefit. The bill also provides that  
10 unobligated funds and any accrued interest do not revert to  
11 the general fund of the state, and the department may transfer  
12 moneys to the sick leave benefits fund, to meet anticipated  
13 accrued sick leave benefits which may be paid to employees  
14 during the fiscal year.

15 The bill provides that when the department of corrections  
16 reimburse a county for confinement of state offenders, the  
17 amount to be reimbursed shall be determined by multiplying the  
18 number of days the person is confined by the average daily  
19 cost to confine the offender excluding administrative costs.

20 The bill provides that the net revenues from inmate labor  
21 under Code section 904.809 shall be deposited into a separate  
22 account in the Iowa state industries revolving fund. The bill  
23 provides that any moneys in the account that remain  
24 unobligated or unencumbered at the close of the fiscal year  
25 shall be transferred to the general fund of the state.  
26 Current law provides that net revenues from inmate labor shall  
27 be deposited in the general fund of the state.

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REPRINTED

5-4/24/01 Motion to R/C by  
McKean  
2-4/26/01 Motion to R/C  
W/Drawn  
FILED APR 18 2001

SENATE FILE 530  
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 1261)

Passed Senate, Date <sup>(P. 1280)</sup> 4-24-01 Passed House, Date <sup>(P. 1685)</sup> 5/1/01  
Vote: Ayes 29 Nays 20 Vote: Ayes 56 Nays 41  
Approved May 30, 2001  
*Steve Vito*

A BILL FOR

1 An Act relating to and making appropriations to the justice  
2 system, making related statutory changes, and providing an  
3 effective date.

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

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DIVISION I

REGULAR APPROPRIATIONS

Section 1. DEPARTMENT OF JUSTICE. There is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 2001, and ending June 30, 2002, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the general office of attorney general for salaries, support, maintenance, miscellaneous purposes including odometer fraud enforcement, and for not more than the following full-time equivalent positions  
..... \$ 7,900,519  
..... FTEs 200.50

2. For the prosecuting attorney training program for salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:  
..... \$ 304,943  
..... FTEs 6.00

3. In addition to the funds appropriated in subsection 1, there is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 2001, and ending June 30, 2002, an amount not exceeding \$200,000 to be used for the enforcement of the Iowa competition law. The funds appropriated in this subsection are contingent upon receipt by the general fund of the state of an amount at least equal to the expenditure amount from either damages awarded to the state or a political subdivision of the state by a civil judgment under chapter 553, if the judgment authorizes the use of the award for enforcement purposes or costs or attorneys fees awarded the state in state or federal antitrust actions. However, if the amounts received as a result of these judgments are in excess of \$200,000, the excess amounts shall not be appropriated to the department of justice pursuant to this subsection.

1 4. In addition to the funds appropriated in subsection 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, 2001, and ending June 30, 2002, an amount not exceeding  
5 \$400,000 to be used for public education relating to consumer  
6 fraud and for enforcement of section 714.16, and an amount not  
7 exceeding \$75,000 for investigation, prosecution, and consumer  
8 education relating to consumer and criminal fraud against  
9 older Iowans. The funds appropriated in this subsection are  
10 contingent upon receipt by the general fund of the state of an  
11 amount at least equal to the expenditure amount from damages  
12 awarded to the state or a political subdivision of the state  
13 by a civil consumer fraud judgment or settlement, if the  
14 judgment or settlement authorizes the use of the award for  
15 public education on consumer fraud. However, if the funds  
16 received as a result of these judgments and settlements are in  
17 excess of \$475,000, the excess funds shall not be appropriated  
18 to the department of justice pursuant to this subsection.

19 5. For victim assistance grants:  
20 ..... \$ 1,918,384

21 a. The funds appropriated in this subsection shall be used  
22 to provide grants to care providers providing services to  
23 crime victims of domestic abuse or to crime victims of rape  
24 and sexual assault.

25 b. Notwithstanding sections 8.33 and 8.39, moneys  
26 appropriated in this subsection that remain unencumbered or  
27 unobligated at the close of the fiscal year shall not revert  
28 but shall remain available for expenditure during the  
29 subsequent fiscal year for the same purpose, and shall not be  
30 transferred to any other program.

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

33 .....	\$	132,037
34 .....	FTEs	2.00

35 7. The balance of the victim compensation fund established

1 in section 915.94 may be used to provide salary and support of  
2 not more than 20.00 FTEs and to provide maintenance for the  
3 victim compensation functions of the department of justice.  
4 However, the balance of the fund may also be used to provide  
5 salary and support for an additional 2.00 FTEs if either 2001  
6 Iowa Acts, Senate File 259 or 2001 Iowa Acts, House File 684  
7 is enacted.

8 8. The department of justice shall submit monthly  
9 financial statements to the legislative fiscal bureau and the  
10 department of management containing all appropriated accounts  
11 in the same manner as provided in the monthly financial status  
12 reports and personal services usage reports of the department  
13 of revenue and finance. The monthly financial statements  
14 shall include comparisons of the moneys and percentage spent  
15 of budgeted to actual revenues and expenditures on a  
16 cumulative basis for full-time equivalent positions and  
17 available moneys.

18 9. The department of justice and the department of  
19 corrections shall assist local regional jail development  
20 authorities in issuing a report regarding the development of  
21 regional jails. The report shall include but is not limited  
22 to the following: the design capacity, policy considerations,  
23 governance and management structure, staffing needs, food  
24 services, estimated design and construction costs, and  
25 evaluating cost sharing between the state, participating  
26 counties, and other political subdivisions. The report is due  
27 on or before February 1, 2002.

28 10. a. The department of justice, in submitting budget  
29 estimates for the fiscal year commencing July 1, 2002,  
30 pursuant to section 8.23, shall include a report of funding  
31 from sources other than amounts appropriated directly from the  
32 general fund of the state to the department of justice or to  
33 the office of consumer advocate. These funding sources shall  
34 include, but are not limited to, reimbursements from other  
35 state agencies, commissions, boards, or similar entities, and

1 reimbursements from special funds or internal accounts within  
2 the department of justice. The department of justice shall  
3 report actual reimbursements for the fiscal year commencing  
4 July 1, 2000, and actual and expected reimbursements for the  
5 fiscal year commencing July 1, 2001.

6 b. The department of justice shall include the report  
7 required under paragraph "a", as well as information regarding  
8 any revisions occurring as a result of reimbursements actually  
9 received or expected at a later date, in a report to the co-  
10 chairpersons and ranking members of the joint appropriations  
11 subcommittee on the justice system and the legislative fiscal  
12 bureau. The department of justice shall submit the report on  
13 or before January 15, 2002.

14 11. For legal services for persons in poverty grants as  
15 provided in section 13.34:

16 ..... \$ 450,000

17 As a condition for accepting a grant funded pursuant to  
18 this subsection, an organization receiving a grant shall  
19 submit a report to the general assembly by January 1, 2002,  
20 concerning the use of any grants received during the previous  
21 fiscal year and efforts made by the organization to find  
22 alternative sources of revenue to replace any reductions in  
23 federal funding for the organization.

24 Sec. 2. DEPARTMENT OF JUSTICE -- ENVIRONMENTAL CRIMES  
25 INVESTIGATION AND PROSECUTION -- FUNDING. There is  
26 appropriated from the environmental crime fund of the  
27 department of justice, consisting of court-ordered fines and  
28 penalties awarded to the department arising out of the  
29 prosecution of environmental crimes, to the department of  
30 justice for the fiscal year beginning July 1, 2001, and ending  
31 June 30, 2002, an amount not exceeding \$20,000 to be used by  
32 the department, at the discretion of the attorney general, for  
33 the investigation and prosecution of environmental crimes,  
34 including the reimbursement of expenses incurred by county,  
35 municipal, and other local governmental agencies cooperating

1 with the department in the investigation and prosecution of  
2 environmental crimes.

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

12 Notwithstanding section 8.33, moneys appropriated in this  
13 section that remain unexpended or unobligated at the close of  
14 the fiscal year shall not revert but shall remain available  
15 for expenditure for the purpose designated until the close of  
16 the succeeding fiscal year.

17 Sec. 3. OFFICE OF CONSUMER ADVOCATE. There is  
18 appropriated from the general fund of the state to the office  
19 of consumer advocate of the department of justice for the  
20 fiscal year beginning July 1, 2001, and ending June 30, 2002,  
21 the following amount, or so much thereof as is necessary, to  
22 be used for the purposes designated:

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

26 .....	\$	2,690,067
27 .....	FTEs	32.00

28 Sec. 4. DEPARTMENT OF CORRECTIONS -- FACILITIES. There is  
29 appropriated from the general fund of the state to the  
30 department of corrections for the fiscal year beginning July  
31 1, 2001, and ending June 30, 2002, the following amounts, or  
32 so much thereof as is necessary, to be used for the purposes  
33 designated:

34 1. For the operation of adult correctional institutions,  
35 reimbursement of counties for certain confinement costs, and

1 federal prison reimbursement, to be allocated as follows:

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

6 ..... \$ 27,622,191  
7 ..... FTEs 525.50

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

14 ..... \$ 23,446,284  
15 ..... FTEs 403.50

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

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

24 ..... \$ 21,501,082  
25 ..... FTEs 337.80

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

30 ..... \$ 22,944,479  
31 ..... FTEs 392.25

32 e. For the operation of the Mt. Pleasant correctional  
33 facility, including salaries, support, maintenance, employment  
34 of correctional officers and a full-time chaplain to provide  
35 religious counseling at the Oakdale and Mt. Pleasant

1 correctional facilities, miscellaneous purposes, and for not  
2 more than the following full-time equivalent positions:  
3 ..... \$ 21,667,807  
4 ..... FTEs 341.09

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

9 ..... \$ 7,148,555  
10 ..... FTEs 119.00

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

15 ..... \$ 17,925,620  
16 ..... FTEs 294.75

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

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

26 ..... \$ 12,203,736  
27 ..... FTEs 236.00

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

32 ..... \$ 25,274,461  
33 ..... FTEs 413.00

34 j. For reimbursement of counties for temporary confinement  
35 of work release and parole violators, as provided in sections

1 901.7, 904.908, and 906.17 and for offenders confined pursuant  
2 to section 904.513:

3 ..... \$ 791,438

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

6 ..... \$ 318,568

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

10 2. a. If the inmate tort claim fund for inmate claims of  
11 less than \$100 is exhausted during the fiscal year, sufficient  
12 funds shall be transferred from the institutional budgets to  
13 pay approved tort claims for the balance of the fiscal year.  
14 The warden or superintendent of each institution or  
15 correctional facility shall designate an employee to receive,  
16 investigate, and recommend whether to pay any properly filed  
17 inmate tort claim for less than the above amount. The  
18 designee's recommendation shall be approved or denied by the  
19 warden or superintendent and forwarded to the department of  
20 corrections for final approval and payment. The amounts  
21 appropriated to this fund pursuant to 1987 Iowa Acts, chapter  
22 234, section 304, subsection 2, are not subject to reversion  
23 under section 8.33.

24 b. Tort claims denied at the institution shall be  
25 forwarded to the state appeal board for their consideration as  
26 if originally filed with that body. This procedure shall be  
27 used in lieu of chapter 669 for inmate tort claims of less  
28 than \$100.

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

33 Sec. 5. DEPARTMENT OF CORRECTIONS -- ADMINISTRATION.  
34 There is appropriated from the general fund of the state to  
35 the department of corrections for the fiscal year beginning

1 July 1, 2001, and ending June 30, 2002, the following amounts,  
2 or so much thereof as is necessary, to be used for the  
3 purposes designated:

4 1. For general administration, including salaries,  
5 support, maintenance, employment of an education director and  
6 clerk to administer a centralized education program for the  
7 correctional system, miscellaneous purposes, and for not more  
8 than the following full-time equivalent positions:

9 .....	\$	2,315,093
10 .....	FTEs	37.18

11 a. The department shall monitor the use of the  
12 classification model by the judicial district departments of  
13 correctional services and has the authority to override a  
14 district department's decision regarding classification of  
15 community-based clients. The department shall notify a  
16 district department of the reasons for the override.

17 b. It is the intent of the general assembly that as a  
18 condition of receiving the appropriation provided in this  
19 subsection, the department of corrections shall not, except as  
20 otherwise provided in paragraph "c", enter into a new  
21 contract, unless the contract is a renewal of an existing  
22 contract, for the expenditure of moneys in excess of \$100,000  
23 during the fiscal year beginning July 1, 2001, for the  
24 privatization of services performed by the department using  
25 state employees as of July 1, 2001, or for the privatization  
26 of new services by the department, without prior consultation  
27 with any applicable state employee organization affected by  
28 the proposed new contract and prior notification of the  
29 cochairpersons and ranking members of the joint appropriations  
30 subcommittee on the justice system.

31 c. It is the intent of the general assembly that each  
32 lease negotiated by the department of corrections with a  
33 private corporation for the purpose of providing private  
34 industry employment of inmates in a correctional institution  
35 shall prohibit the private corporation from utilizing inmate

1 labor for partisan political purposes for any person seeking  
2 election to public office in this state and that a violation  
3 of this requirement shall result in a termination of the lease  
4 agreement.

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

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

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

28 .....	\$	473,479
29 .....	FTEs	8.07

30 3. For educational programs for inmates at state penal  
31 institutions:

32 .....	\$	3,075,014
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33 It is the intent of the general assembly that moneys  
34 appropriated in this subsection shall be used solely for the  
35 purpose indicated and that the moneys shall not be transferred

1 for any other purpose. In addition, it is the intent of the  
2 general assembly that the department shall consult with the  
3 community colleges in the areas in which the institutions are  
4 located to utilize moneys appropriated in this subsection to  
5 fund the high school completion, high school equivalency  
6 diploma, adult literacy, and adult basic education programs in  
7 a manner so as to maintain these programs at the institutions.

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

13 Notwithstanding section 8.33, moneys appropriated in this  
14 subsection that remain unobligated or unexpended at the close  
15 of the fiscal year shall not revert but shall remain available  
16 for expenditure only for the purpose designated in this  
17 subsection until the close of the succeeding fiscal year.

18 4. For the development of the departmentalwide Iowa  
19 corrections offender network (ICON) data system:

20 ..... \$ 559,980

21 5. The department of corrections shall submit a report to  
22 the cochairpersons and ranking members of the joint  
23 appropriations subcommittee on the justice system and the  
24 legislative fiscal bureau, on or before January 15, 2002,  
25 concerning the development and implementation of the Iowa  
26 corrections offender network (ICON) data system. The report  
27 shall include a description of the system and functions, a  
28 plan for implementation of the system, including a timeline,  
29 resource and staffing requirements for the system, and a  
30 current status and progress report concerning the  
31 implementation of the system. In addition, the report shall  
32 specifically address the ability of the system to receive and  
33 transmit data between prisons, community-based corrections  
34 district departments, the judicial branch, board of parole,  
35 the criminal and juvenile justice planning division of the

1 department of human rights, the department of public safety,  
2 and other applicable governmental agencies. The report should  
3 include a detailed discussion of the cooperation with other  
4 state agencies and the judicial branch in the development and  
5 implementation of the system.

6 6. The department of corrections shall annually provide a  
7 report to the legislative fiscal bureau regarding the amount  
8 of moneys deposited in the infrastructure account of the Iowa  
9 state industries revolving fund during the fiscal year, the  
10 infrastructure projects funded by the moneys, and the amount  
11 transferred to the general fund of the state from the account  
12 at the close of the fiscal year.

13 7. It is the intent of the general assembly that the  
14 department of corrections shall continue to operate the  
15 correctional farms under the control of the department at the  
16 same or greater level of participation and involvement as  
17 existed as of January 1, 2001, shall not enter into any rental  
18 agreement or contract concerning any farmland under the  
19 control of the department that is not subject to a rental  
20 agreement or contract as of January 1, 2001, without prior  
21 legislative approval, and shall further attempt to provide job  
22 opportunities at the farms for inmates. The department shall  
23 attempt to provide job opportunities at the farms for inmates  
24 by encouraging labor-intensive farming or gardening where  
25 appropriate, using inmates to grow produce and meat for  
26 institutional consumption, researching the possibility of  
27 instituting food canning and cook-and-chill operations, and  
28 exploring opportunities for organic farming and gardening,  
29 livestock ventures, horticulture, and specialized crops.

30 8. The department of corrections shall submit a report to  
31 the general assembly by January 1, 2002, concerning moneys  
32 recouped from inmate earnings for the reimbursement of  
33 operational expenses of the applicable facility during the  
34 fiscal year beginning July 1, 2000, for each correctional  
35 institution and judicial district department of correctional

1 services. In addition, each correctional institution and  
2 judicial district department of correctional services shall  
3 continue to submit a report to the legislative fiscal bureau  
4 on a monthly basis concerning moneys recouped from inmate  
5 earnings pursuant to sections 904.702, 904.809, and 905.14.

6 Sec. 6. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL  
7 SERVICES.

8 1. There is appropriated from the general fund of the  
9 state to the department of corrections for the fiscal year  
10 beginning July 1, 2001, and ending June 30, 2002, the  
11 following amounts, or so much thereof as is necessary, to be  
12 allocated as follows:

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

18 ..... \$ 8,870,274

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

24 ..... \$ 6,740,702

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

30 ..... \$ 4,033,736

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

1 ..... \$ 3,829,927

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

7 ..... \$ 11,823,192

8 f. For the sixth judicial district department of  
9 correctional services, including the treatment and supervision  
10 of probation and parole violators who have been released from  
11 the department of corrections violator program, the following  
12 amount, or so much thereof as is necessary:

13 ..... \$ 8,941,214

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

19 ..... \$ 5,157,571

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

25 ..... \$ 5,033,178

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

30 ..... \$ 78,119

31 2. Each judicial district department of correctional  
32 services shall continue programs and plans established within  
33 that district to provide for intensive supervision, sex  
34 offender treatment, diversion of low-risk offenders to the  
35 least restrictive sanction available, job development, and

1 expanded use of intermediate criminal sanctions.

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

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

10 5. The governor's office of drug control policy shall  
11 consider federal grants made to the department of corrections  
12 for the benefit of each of the eight judicial district  
13 departments of correctional services as local government  
14 grants, as defined pursuant to federal regulations.

15 6. A drug court established in a judicial district  
16 department of correctional services shall only be offered to  
17 offenders if an adjudication of guilt has been entered, and  
18 felony offenses shall be given priority over misdemeanors.

19 7. The department of corrections and the eight judicial  
20 district departments of correctional services shall submit a  
21 combined comprehensive report on the violator program and the  
22 violator aftercare program to the cochairpersons and ranking  
23 members of the joint appropriations subcommittee on the  
24 justice system and to the legislative fiscal bureau by  
25 December 1, 2001. The report shall include a description of  
26 the program and each judicial district's criteria for  
27 admission to the violator program at the Newton correctional  
28 facility and the Iowa correctional institution for women, the  
29 number of beds in the program, and the number of offenders  
30 placed in the program for the fiscal years beginning July 1,  
31 1999, and ending June 30, 2001. The report shall also contain  
32 actual expenditures related to the program for each fiscal  
33 year of the fiscal period beginning July 1, 1999, and ending  
34 June 30, 2001, the budgeted expenditures for each fiscal year  
35 of the fiscal period beginning July 1, 1999, and ending June

1 30, 2001, by revenue source, the characteristics of each  
2 offender including the offender's race and gender, the number  
3 of FTE positions used for the program, and quantitative  
4 measures analyzing the success of the program.

5 8. In addition to the requirements of section 8.39, the  
6 department of corrections shall not make an intradepartmental  
7 transfer of moneys appropriated to the department, unless  
8 notice of the intradepartmental transfer is given prior to its  
9 effective date to the legislative fiscal bureau. The notice  
10 shall include information on the department's rationale for  
11 making the transfer and details concerning the work load and  
12 performance measures upon which the transfers are based.

13 9. The department of corrections and the eight judicial  
14 district departments of correctional services shall submit a  
15 combined comprehensive report on the use of intermediate  
16 criminal sanctions program pursuant to chapter 901B to the  
17 cochairpersons and ranking members of the joint appropriations  
18 subcommittee on the justice system, and to the legislative  
19 fiscal bureau by January 15, 2002. The report shall include a  
20 description of the program and the criteria used for placement  
21 at each intermediate sanction level or sublevel of the  
22 corrections continuum within each district plan, the number of  
23 offenders placed at each intermediate sanction level or  
24 sublevel in each district for each fiscal year of the fiscal  
25 period beginning July 1, 1999, and ending June 30, 2001, the  
26 number of offenders expected to be placed in the program for  
27 the fiscal year beginning July 1, 2001, and ending June 30,  
28 2002, and the capacity for each level and sublevel within the  
29 continuum. The report shall also contain actual expenditures  
30 related to the continuum for each fiscal year of the fiscal  
31 period beginning July 1, 1999, and ending June 30, 2001, the  
32 budgeted expenditures for each fiscal year of the fiscal  
33 period beginning July 1, 1999, and ending June 30, 2001, by  
34 revenue source, the characteristics of each offender including  
35 the offender's race and gender at each level and sublevel, the

1 number of FTE positions working in positions related to the  
2 continuum, and quantitative measures analyzing the success of  
3 the program.

4 10. The department of corrections in cooperation with the  
5 second, third, fourth, and fifth judicial district departments  
6 of correctional services, shall implement procedures to  
7 provide continuing evaluation of the drug courts. The  
8 evaluation shall include a description of the two models  
9 currently being used by the judicial districts, a description  
10 of the program, criteria for admission, program capacity,  
11 number of offenders in the program by offense class, program  
12 expenditures, and quantitative outcome measures including  
13 successful completion and recidivism rates.

14 Sec. 7. CORRECTIONAL INSTITUTIONS -- VOCATIONAL TRAINING.

15 1. The state prison industries board and the department of  
16 corrections shall continue the implementation of a plan to  
17 enhance vocational training opportunities within the  
18 correctional institutions listed in section 904.102, as  
19 provided in 1993 Iowa Acts, chapter 171, section 12. The plan  
20 shall provide for increased vocational training opportunities  
21 within the correctional institutions, including the  
22 possibility of approving community college credit for inmates  
23 working in prison industries. The department of corrections  
24 shall provide a report concerning the implementation of the  
25 plan to the cochairpersons and ranking members of the joint  
26 appropriations subcommittee on the justice system and the  
27 legislative fiscal bureau, on or before January 15, 2002.

28 2. It is the intent of the general assembly that each  
29 correctional facility make all reasonable efforts to maintain  
30 vocational education programs for inmates and to identify  
31 available funding sources to continue these programs. The  
32 department of corrections shall submit a report to the general  
33 assembly by January 1, 2002, concerning the efforts made by  
34 each correctional facility in maintaining vocational education  
35 programs for inmates.

1 3. The department of corrections shall submit a report on  
2 inmate labor to the general assembly, the cochairpersons, and  
3 the ranking members of the joint appropriations subcommittee  
4 on the justice system, and to the legislative fiscal bureau by  
5 January 15, 2002. The report shall specifically address the  
6 progress the department has made in implementing the  
7 requirements of section 904.701, inmate labor on capital  
8 improvement projects, community work crews, and private-sector  
9 employment.

10 4. Each month the department shall provide a status report  
11 regarding private-sector employment to the legislative fiscal  
12 bureau beginning on July 1, 2001. The report shall include  
13 the number of offenders employed in the private sector, the  
14 combined number of hours worked by the offenders, and the  
15 total amount of allowances, and the distribution of allowances  
16 pursuant to section 904.702, including any moneys deposited in  
17 the general fund of the state.

18 Sec. 8. STATE PUBLIC DEFENDER. There is appropriated from  
19 the general fund of the state to the office of the state  
20 public defender of the department of inspections and appeals  
21 for the fiscal year beginning July 1, 2001, and ending June  
22 30, 2002, the following amount, or so much thereof as is  
23 necessary, for the purposes designated:

24 ..... \$ 34,607,759

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

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

30 ..... \$ 14,267,794

31 ..... FTEs 202.00

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

35 ..... \$ 20,339,965

1     Sec. 9. IOWA LAW ENFORCEMENT ACADEMY. There is  
2 appropriated from the general fund of the state to the Iowa  
3 law enforcement academy for the fiscal year beginning July 1,  
4 2001, and ending June 30, 2002, the following amount, or so  
5 much thereof as is necessary, to be used for the purposes  
6 designated:

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

11 .....	\$	1,306,546
12 .....	FTEs	29.05

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

17     2. The Iowa law enforcement academy may select at least  
18 five automobiles of the department of public safety, division  
19 of the Iowa state patrol, prior to turning over the  
20 automobiles to the state fleet administrator to be disposed of  
21 by public auction and the Iowa law enforcement academy may  
22 exchange any automobile owned by the academy for each  
23 automobile selected if the selected automobile is used in  
24 training law enforcement officers at the academy. However,  
25 any automobile exchanged by the academy shall be substituted  
26 for the selected vehicle of the department of public safety  
27 and sold by public auction with the receipts being deposited  
28 in the depreciation fund to the credit of the department of  
29 public safety, division of the Iowa state patrol.

30     Sec. 10. BOARD OF PAROLE. There is appropriated from the  
31 general fund of the state to the board of parole for the  
32 fiscal year beginning July 1, 2001, and ending June 30, 2002,  
33 the following amount, or so much thereof as is necessary, to  
34 be used for the purposes designated:

35     For salaries, support, maintenance, miscellaneous purposes,

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

3 ..... \$ 1,019,507  
4 ..... FTEs 16.50

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

10 Sec. 11. DEPARTMENT OF PUBLIC DEFENSE. There is  
11 appropriated from the general fund of the state to the  
12 department of public defense for the fiscal year beginning  
13 July 1, 2001, and ending June 30, 2002, the following amounts,  
14 or so much thereof as is necessary, to be used for the  
15 purposes designated:

16 1. MILITARY DIVISION

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

20 ..... \$ 5,190,924  
21 ..... FTEs 259.76

22 If there is a surplus in the general fund of the state for  
23 the fiscal year ending June 30, 2002, within 60 days after the  
24 close of the fiscal year, the military division may incur up  
25 to an additional \$500,000 in expenditures from the surplus  
26 prior to transfer of the surplus pursuant to section 8.57.

27 2. EMERGENCY MANAGEMENT DIVISION

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

31 ..... \$ 1,051,608  
32 ..... FTEs 25.25

33 Sec. 12. DEPARTMENT OF PUBLIC SAFETY. There is  
34 appropriated from the general fund of the state to the  
35 department of public safety for the fiscal year beginning July

1 1, 2001, and ending June 30, 2002, the following amounts, or  
2 so much thereof as is necessary, to be used for the purposes  
3 designated:

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

7 ..... \$ 2,449,533  
8 ..... FTEs 39.80

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

16 ..... \$ 11,931,266  
17 ..... FTEs 233.50

18 The division of criminal investigation is authorized an  
19 additional 2.00 FTEs for the establishment of an elderly crime  
20 unit if federal funding is obtained. If federal funding is  
21 obtained and then subsequently discontinued, the additional  
22 2.00 FTEs shall be eliminated.

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

28 The department of public safety, with the approval of the  
29 department of management, may employ no more than two special  
30 agents and four gaming enforcement officers for each  
31 additional riverboat regulated after July 1, 2001, and one  
32 special agent for each racing facility which becomes  
33 operational during the fiscal year which begins July 1, 2001.  
34 One additional gaming enforcement officer, up to a total of  
35 four per boat, may be employed for each riverboat that has

1 extended operations to 24 hours and has not previously  
2 operated with a 24-hour schedule. Positions authorized in  
3 this paragraph are in addition to the full-time equivalent  
4 positions otherwise authorized in this subsection.

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

12 ..... \$ 3,501,690  
13 ..... FTEs 61.00

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

16 ..... \$ 129,804

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

23 ..... \$ 1,831,002  
24 ..... FTEs 36.80

25 b. For the state fire marshal's office, for fire  
26 protection services as provided through the state fire service  
27 and emergency response council as created in the department,  
28 and for not more than the following full-time equivalent  
29 positions:

30 ..... \$ 606,460  
31 ..... FTEs 12.00

32 5. For the capitol police division, including the state's  
33 contribution to the peace officers' retirement, accident, and  
34 disability system provided in chapter 97A in the amount of 17  
35 percent of the salaries for which the funds are appropriated

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

3 ..... \$ 1,240,582  
4 ..... FTEs 26.00

5 6. For the division of the Iowa state patrol of the  
6 department of public safety, for salaries, support,  
7 maintenance, workers' compensation costs, and miscellaneous  
8 purposes, including the state's contribution to the peace  
9 officers' retirement, accident, and disability system provided  
10 in chapter 97A in the amount of 17 percent of the salaries for  
11 which the funds are appropriated, and for not more than the  
12 following full-time equivalent positions:

13 ..... \$ 35,760,633  
14 ..... FTEs 567.25

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

17 ..... \$ 239,743

18 8. For deposit in the public safety law enforcement sick-  
19 leave benefit fund established under section 80.42, for all  
20 departmental employees eligible to receive benefits for  
21 accrued sick leave under the collective bargaining agreement:

22 ..... \$ 288,139

23 9. An employee of the department of public safety who  
24 retires after July 1, 2001, but prior to June 30, 2002, is  
25 eligible for payment of life or health insurance premiums as  
26 provided for in the collective bargaining agreement covering  
27 the public safety bargaining unit at the time of retirement if  
28 that employee previously served in a position which would have  
29 been covered by the agreement. The employee shall be given  
30 credit for the service in that prior position as though it  
31 were covered by that agreement. The provisions of this  
32 subsection shall not operate to reduce any retirement benefits  
33 an employee may have earned under other collective bargaining  
34 agreements or retirement programs.

35 10. For costs associated with the training and equipment

1 needs of volunteer fire fighters and for not more than the  
2 following full-time equivalent positions:

3 .....	\$	573,154
4 .....	FTEs	1.00

5 Notwithstanding section 8.33, moneys appropriated in this  
6 subsection that remain unobligated or unexpended at the close  
7 of the fiscal year shall not revert but shall remain available  
8 for expenditure only for the purpose designated in this  
9 subsection until the close of the succeeding fiscal year.

10 DIVISION II

11 SUPPLEMENTAL APPROPRIATION

12 Sec. 13. SUPPLEMENTAL APPROPRIATION TO THE FORT MADISON  
13 CORRECTIONAL FACILITY. There is appropriated from the general  
14 fund of the state to the department of corrections for the  
15 fiscal year beginning July 1, 2000, and ending June 30, 2001,  
16 the following amount, or so much thereof as is necessary, to  
17 be used for the purposes designated, in addition to the  
18 appropriation made for those purposes in 2000 Iowa Acts,  
19 chapter 1229, section 4:

20 For compliance at the Fort Madison correctional facility,  
21 including salaries, support, maintenance, and miscellaneous  
22 purposes:

23 .....	\$	2,000,000
----------	----	-----------

24 Notwithstanding section 8.33, moneys appropriated in this  
25 section that remain unencumbered or unobligated at the close  
26 of the fiscal year shall not revert but shall remain available  
27 for expenditure in subsequent fiscal years for the purposes  
28 specified in the section.

29 Sec. 14. EFFECTIVE DATE. This division of this Act, being  
30 deemed of immediate importance, takes effect upon enactment.

31 DIVISION III

32 CODE CHANGES

33 Sec. 15. Section 18.6, subsection 16, Code 2001, is  
34 amended by striking the subsection.

35 Sec. 16. Section 18.120, Code 2001, is amended to read as

1 follows:

2 18.120 REPLACEMENT FUND.

3 1. The state fleet administrator shall maintain a  
4 depreciation fund for the purchase of replacement motor  
5 vehicles and additions to the fleet. The state fleet  
6 administrator's records shall show the total funds deposited  
7 by and credited to each department or agency thereof. At the  
8 end of each month, the state fleet administrator shall render  
9 a statement to each state department or agency thereof for  
10 additions to the fleet and total depreciation credited to that  
11 department or agency. Such depreciation expense shall be paid  
12 by the state departments or agencies in the same manner as  
13 other expenses of such department are paid, and shall be  
14 deposited in the depreciation fund to the credit of the  
15 department or agency thereof. The funds credited to each  
16 department or agency thereof shall remain the property of the  
17 department or agency. However, at the end of each biennium,  
18 the state fleet administrator shall cause to revert to the  
19 fund from which it accumulated any unassigned depreciation.

20 2. The department of corrections is not obligated to pay  
21 the depreciation expense otherwise required by this section.

22 Sec. 17. NEW SECTION. 80.42 SICK LEAVE BENEFITS FUND.

23 1. A sick leave benefits fund is established in the office  
24 of the treasurer of state under the control of the department  
25 of public safety. The moneys annually credited to the fund  
26 are appropriated to the department to pay health and life  
27 insurance monthly premium costs for retired departmental  
28 employees and beneficiaries who are eligible to receive  
29 benefits for accrued sick leave under the collective  
30 bargaining agreement with the state police officers council or  
31 pursuant to section 70A.23.

32 2. Notwithstanding section 12C.7, subsection 2, interest  
33 or earnings on moneys credited to the sick leave benefits fund  
34 shall be credited to the sick leave benefits fund.  
35 Notwithstanding section 8.33, moneys credited to the sick

1 leave benefits fund at the end of a fiscal year shall not  
2 revert to any other fund but shall remain in the fund for  
3 purposes of the fund.

4 3. Notwithstanding section 8.39, if funds are needed to  
5 pay monthly premium costs as provided for in subsection 1,  
6 sufficient funds may be transferred and credited to the sick  
7 leave benefits fund from any moneys appropriated to the  
8 department.

9 Sec. 18. Section 904.315, Code 2001, is amended to read as  
10 follows:

11 904.315 CONTRACTS FOR IMPROVEMENTS.

12 The director of the department of general services shall,  
13 in writing, let all contracts for authorized improvements  
14 costing in excess of twenty-five thousand dollars under  
15 chapter 18. Upon prior authorization by the director,  
16 improvements costing five thousand dollars or less may be made  
17 by the superintendent of any institution.

18 A contract is not required for improvements at a state  
19 institution where the labor of inmates is to-be used if-the  
20 ~~contract-is-not-for-a-construction,-reconstruction,-~~  
21 ~~demolition,-or-repair-project-or-improvement-with-an-estimated~~  
22 ~~cost-in-excess-of-twenty-five-thousand-dollars.~~

23 Sec. 19. Section 904.513, subsection 2, Code 2001, is  
24 amended to read as follows:

25 2. Upon request by the director a county shall provide  
26 temporary confinement for offenders allegedly violating the  
27 conditions of assignment to a program under this chapter, if  
28 space is available in the county. The department shall  
29 negotiate a reimbursement rate with each county. The amount  
30 to be reimbursed shall be determined by multiplying the number  
31 of days a person is confined by the average daily cost of  
32 confining a person in the county facility as negotiated with  
33 the department. The average daily cost shall not include  
34 administrative costs. A county holding offenders in jail due  
35 to insufficient space in a community residential facility

1 shall be reimbursed as provided in this subsection. Payment  
2 shall be made upon submission of a voucher executed by the  
3 sheriff and approved by the director.

4 Sec. 20. Section 904.809, subsection 5, paragraph c,  
5 subparagraph (3), Code 2001, is amended to read as follows:

6 (3) Any balance remaining after the deductions made under  
7 subparagraphs (1) and (2) shall represent the costs of the  
8 inmate's incarceration and shall be deposited, effective July  
9 1, ~~2000~~, in the general fund of the state 2001, in the  
10 infrastructure account of the Iowa state industries revolving  
11 fund established in section 904.813.

12 Sec. 21. Section 904.813, subsection 4, Code 2001, is  
13 amended to read as follows:

14 4. The fund established by this section shall not revert  
15 to the general fund of the state at the end of any annual or  
16 biennial period and the investment proceeds earned from the  
17 balance of the fund shall be credited to the fund and used for  
18 the purposes provided for in this section. However, an  
19 infrastructure account is established in the fund for deposit  
20 of net revenues from inmate labor under section 904.809 and  
21 moneys in the account that remain unobligated or unencumbered  
22 at the close of the fiscal year shall be transferred to the  
23 general fund of the state.

24 Sec. 22. Section 904.908, subsection 2, Code 2001, is  
25 amended to read as follows:

26 2. The Iowa department of corrections shall negotiate a  
27 reimbursement rate with each county for the temporary  
28 confinement of alleged violators of work release conditions  
29 who are in the custody of the director of the Iowa department  
30 of corrections or who are housed or supervised by the judicial  
31 district department of correctional services. The amount to  
32 be reimbursed shall be determined by multiplying the number of  
33 days a person is confined by the average daily cost of  
34 confining a person in the county facility as negotiated with  
35 the department. The average daily cost shall not include

1 administrative costs. Payment shall be made upon submission  
2 of a voucher executed by the sheriff and approved by the  
3 director of the Iowa department of corrections.

4 Sec. 23. Section 906.17, subsection 2, Code 2001, is  
5 amended to read as follows:

6 2. The Iowa department of corrections shall reimburse a  
7 county for the temporary confinement of alleged parole  
8 violators. The amount to be reimbursed shall be determined by  
9 multiplying the number of days confined by the average daily  
10 cost of confining a person in the county facility as  
11 negotiated by the department. The average daily cost shall  
12 not include administrative costs. Payment shall be made upon  
13 submission of a voucher executed by the sheriff and approved  
14 by the director of the Iowa department of corrections.

15 Sec. 24. 1998 Iowa Acts, chapter 1101, section 15,  
16 subsection 2, as amended by 1999 Iowa Acts, chapter 202,  
17 section 25, and as amended by 2000 Iowa Acts, chapter 1229,  
18 section 25, is amended to read as follows:

19 2. a. There is appropriated from surcharge moneys  
20 received by the E911 administrator and deposited into the  
21 wireless E911 emergency communications fund, for each fiscal  
22 year in the fiscal period beginning July 1, 1998, and ending  
23 June 30, ~~2001~~ 2002, an amount not to exceed two hundred  
24 thousand dollars to be used for the implementation, support,  
25 and maintenance of the functions of the E911 administrator.  
26 The amount appropriated in this paragraph includes any amounts  
27 necessary to reimburse the division of emergency management of  
28 the department of public defense pursuant to paragraph "b".

29 b. Notwithstanding the distribution formula in section  
30 34A.7A, as enacted in this Act, and prior to any such  
31 distribution, of the initial surcharge moneys received by the  
32 E911 administrator and deposited into the wireless E911  
33 emergency communications fund, for each fiscal year in the  
34 fiscal period beginning July 1, 1998, and ending June 30, ~~2001~~  
35 2002, an amount is appropriated to the division of emergency

1 management of the department of public defense as necessary to  
2 reimburse the division for amounts expended for the  
3 implementation, support, and maintenance of the E911  
4 administrator, including the E911 administrator's salary.

5 EXPLANATION

6 This bill makes appropriations for the 2001-2002 fiscal  
7 year to the departments of justice, corrections, public  
8 defense, and public safety, Iowa law enforcement academy,  
9 office of public defender, and the board of parole.

10 The bill makes a supplemental appropriation to the Fort  
11 Madison correctional facility for the 2000-2001 fiscal year.  
12 The supplemental appropriation takes effect upon enactment.

13 The bill permits the department of public safety to add  
14 2.00 FTEs for the prevention of crime against the elderly,  
15 provided that federal grant money has been secured. The bill  
16 provides that the additional 2.00 FTEs are to be eliminated if  
17 the federal money is discontinued.

18 The bill requires drug courts to be offered only to  
19 offenders if an adjudication of guilt has been entered, and  
20 that the drug courts shall give priority to felony offenses  
21 over misdemeanors.

22 The bill provides that the department of corrections in  
23 cooperation with the judicial districts shall implement  
24 procedures to evaluate the drug courts.

25 The bill requires the department of justice and the  
26 department of corrections to assist local regional jail  
27 development authorities in issuing a report regarding the  
28 development of regional jails.

29 The bill also makes several statutory changes. The bill  
30 extends the use of wireless E911 emergency communications fund  
31 moneys for purposes of the emergency management division for  
32 another fiscal year.

33 The bill permits the department of general services to use  
34 inmate labor for improvements at state institutions if the  
35 estimated cost of the project exceeds \$25,000.

1 The bill provides that the department of corrections is not  
2 required to pay the depreciation expense to the depreciation  
3 replacement fund for replacements and additions to the motor  
4 vehicle fleet.

5 The bill appropriates \$288,139 to a sick leave benefits  
6 fund created in new Code section 80.42, to be paid upon the  
7 retirement or disability of department of public safety  
8 employees or beneficiaries who are eligible to receive monthly  
9 an accrued sick leave benefit. The bill also provides that  
10 unobligated funds and any accrued interest do not revert to  
11 the general fund of the state, and the department may transfer  
12 moneys to the sick leave benefits fund, to meet anticipated  
13 accrued sick leave benefits which may be paid to employees  
14 during the fiscal year.

15 The bill provides that when the department of corrections  
16 reimburses a county for confinement of a state offender, the  
17 amount to be reimbursed shall be determined by multiplying the  
18 number of days the offender is confined by the average daily  
19 cost to confine the offender excluding administrative costs.

20 The bill provides that the net revenues from inmate labor  
21 under Code section 904.809 shall be deposited into a separate  
22 account in the Iowa state industries revolving fund. The bill  
23 provides that any moneys in the account that remain  
24 unobligated or unencumbered at the close of the fiscal year  
25 shall be transferred to the general fund of the state.  
26 Current law provides that net revenues from inmate labor shall  
27 be deposited in the general fund of the state.

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SENATE FILE 530

S-3391

1 Amend Senate File 530 as follows:

- 2 1. Page 6, by striking line 6 and inserting the
- 3 following:
- 4 "..... \$ 32,689,447"
- 5 2. Page 6, by striking line 14 and inserting the
- 6 following:
- 7 "..... \$ 24,468,043"
- 8 3. Page 6, by striking line 24 and inserting the
- 9 following:
- 10 "..... \$ 22,399,908"
- 11 4. Page 6, by striking line 30 and inserting the
- 12 following:
- 13 "..... \$ 23,767,363"
- 14 5. Page 7, by striking line 3 and inserting the
- 15 following:
- 16 "..... \$ 22,192,522"
- 17 6. Page 7, by striking line 9 and inserting the
- 18 following:
- 19 "..... \$ 7,418,288"
- 20 7. Page 7, by striking line 15 and inserting the
- 21 following:
- 22 "..... \$ 18,442,768"
- 23 8. Page 7, by striking line 26 and inserting the
- 24 following:
- 25 "..... \$ 12,856,582"
- 26 9. Page 7, by striking line 32 and inserting the
- 27 following:
- 28 "..... \$ 25,963,004"
- 29 10. Page 8, by striking line 6 and inserting the
- 30 following:
- 31 "..... \$ 341,334"

By EUGENE S. FRAISE  
JOHNIE HAMMOND

S-3391 FILED APRIL 18, 2001

*w/r  
4/24/01*

SENATE FILE 530

S-3393

1 Amend Senate File 530 as follows:

- 2 1. Page 18, line 30, by striking the figure
- 3 "14,267,794" and inserting the following:
- 4 "14,793,660".
- 5 2. Page 18, line 35, by striking the figure
- 6 "20,339,965" and inserting the following:
- 7 "19,814,099".

By JEFF ANGELO

S-3393 FILED APRIL 18, 2001

*A. adopted 4/24/01  
B. adopted (R. 1276)*

## SENATE FILE 530

S-3394

1 Amend Senate File 530 as follows:

2 1. Page 2, line 31, by striking the word "GASA"  
3 and inserting the following: "ODCP".

4 2. Page 12, by striking lines 6 through 12.

5 3. Page 18, by inserting after line 17 the  
6 following:

7 "Sec. \_\_\_\_ . STATE AGENCY PURCHASES FROM PRISON  
8 INDUSTRIES.

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

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

23 3. State agencies shall submit to the legislative  
24 fiscal bureau by January 15, 2002, a report of the  
25 dollar value of products and services purchased from  
26 Iowa state industries by the state agency during the  
27 fiscal year beginning July 1, 2000, and ending June  
28 30, 2001."

29 4. Page 21, by striking lines 18 through 22 and  
30 inserting the following: "Of the full-time equivalent  
31 positions authorized in this subsection, the division  
32 of criminal investigation may use 2.00 FTEs for the  
33 establishment of an elderly crime unit if federal  
34 funding is obtained. If federal funding is obtained  
35 and subsequently discontinued, the 2.00 FTEs shall be  
36 eliminated."

37 5. Page 26, line 34, by inserting after the word  
38 "costs" the following: "as defined in the United  
39 States marshal's service cost sheet for detention  
40 services".

41 6. Page 27, by striking lines 4 through 23.

42 7. Page 28, line 1, by inserting after the word  
43 "costs" the following: "as defined in the United  
44 States marshal's service cost sheet for detention  
45 services".

46 8. Page 28, line 12, by inserting after the word  
47 "costs" the following: "as defined in the United  
48 States marshal's service cost sheet for detention  
49 services".

By JEFF ANGELO

S-3394 FILED APRIL 18, 2001

W/D 4/24/01 (p. 1271)

S-3406

1 Amend the Senate amendment, S-3394, to Senate File  
2 530 as follows:  
3 1. Page 1, by striking lines 37 through 40 and  
4 inserting the following:  
5 "\_\_\_\_". Page 26, line 34, by striking the word  
6 "costs" and inserting the following: "support  
7 personnel costs as defined in the United States  
8 marshal's service cost sheet for detention services"."  
9 2. Page 1, by striking lines 42 through 49, and  
10 inserting the following:  
11 "\_\_\_\_". Page 28, line 1, by striking the word  
12 "costs" and inserting the following: "support  
13 personnel costs as defined in the United States  
14 marshal's service cost sheet for detention services".  
15 \_\_\_\_\_. Page 28, line 12, by striking the word  
16 "costs" and inserting the following: "support  
17 personnel costs as defined in the United States  
18 marshal's service cost sheet for detention services"."  
19 3. By renumbering as necessary.

By JEFF ANGELO

S-3406 FILED APRIL 19, 2001

0/0  
4/24/01  
(P 1271)

SENATE FILE 530

S-3420

- 1 Amend Senate File 530 as follows:  
2 1. Page 2, line 31, by striking the word "GASA"  
3 and inserting the following: "ODCP".  
4 2. Page 12, by striking lines 6 through 12.  
5 3. Page 18, by inserting after line 17 the  
6 following:  
7 "Sec. \_\_\_\_ . STATE AGENCY PURCHASES FROM PRISON  
8 INDUSTRIES.  
9 1. As used in this section, unless the context  
10 otherwise requires, "state agency" means the  
11 government of the state of Iowa, including but not  
12 limited to all executive branch departments, agencies,  
13 boards, bureaus, and commissions, the judicial branch,  
14 the general assembly and all legislative agencies,  
15 institutions within the purview of the state board of  
16 regents, and any corporation whose primary function is  
17 to act as an instrumentality of the state.  
18 2. State agencies are hereby encouraged to  
19 purchase products from Iowa state industries, as  
20 defined in section 904.802, when purchases are  
21 required and the products are available from Iowa  
22 state industries.  
23 3. State agencies shall submit to the legislative  
24 fiscal bureau by January 15, 2002, a report of the  
25 dollar value of products and services purchased from  
26 Iowa state industries by the state agency during the  
27 fiscal year beginning July 1, 2000, and ending June  
28 30, 2001."  
29 4. Page 21, by striking lines 18 through 22 and  
30 inserting the following: "Of the full-time equivalent  
31 positions authorized in this subsection, the division  
32 of criminal investigation may use 2.00 FTEs for the  
33 establishment of an elderly crime unit if federal  
34 funding is obtained. If federal funding is obtained  
35 and subsequently discontinued, the 2.00 FTEs shall be  
36 eliminated."  
37 5. Page 26, line 34, by striking the word  
38 "costs." and inserting the following: "support  
39 personnel costs as defined in the United States  
40 marshal's service cost sheet for detention services."  
41 6. Page 27, line 2, by striking the word  
42 "voucher" and inserting the following: "voucher  
43 United States marshal's service cost sheet".  
44 7. Page 27, by striking lines 4 through 23.  
45 8. Page 28, line 1, by striking the word "costs."  
46 and inserting the following: "support personnel costs  
47 as defined in the United States marshal's service cost  
48 sheet for detention services."  
49 9. Page 28, line 2, by striking the word  
50 "voucher" and inserting the following: "voucher

S-3420

**S-3420**

Page 2

- 1 United States marshal's service cost sheet".
- 2 10. Page 28, line 12, by striking the word
- 3 "costs." and inserting the following: "support
- 4 personnel costs as defined in the United States
- 5 marshal's service cost sheet for detention services."
- 6 11. Page 28, line 13, by striking the word
- 7 "voucher" and inserting the following: "~~voucher~~
- 8 United States marshal's service cost sheet".

**By** JEFF ANGELO**S-3420** FILED APRIL 20, 2001*Adopted**4-24-01 (p. 1272)* **SENATE FILE 530****S-3422**

- 1 Amend Senate File 530 as follows:
- 2 1. Page 22, line 24, by striking the figure
- 3 "36.80" and inserting the following: "39.80".

**By** JEFF ANGELO**S-3422** FILED APRIL 20, 2001*W/D 4/24/01 (p. 1277)***SENATE FILE 530****S-3423**

- 1 Amend Senate File 530 as follows:
- 2 1. Page 22, line 24, by striking the figure
- 3 "36.80" and inserting the following: "38.80".

**By** JEFF ANGELO**S-3423** FILED APRIL 23, 2001*Adopted**4/24/01**(p. 1278)*

SENATE FILE 530

S-3424

- 1 Amend Senate File 530 as follows:
- 2 1. Page 24, by striking lines 33 and 34.
- 3 2. Page 26, by striking lines 9 through 22.
- 4 3. By renumbering as necessary.

By STEVE KING MARK ZIEMAN  
 ROBERT E. DVORSKY KITTY REHBERG  
 MICHAEL E. GRONSTAL JERRY BEHN  
 DENNIS H. BLACK MARK SHEARER  
 PATRICK J. DELUHERY BETTY A. SOUKUP  
 WALLY E. HORN PATRICIA HARPER  
 STEVEN D. HANSEN JOHNIE HAMMOND  
 JOE BOLKCOM JACK HOLVECK  
 BILL FINK JOHN P. KIBBIE  
 EUGENE S. FRAISE TOM FLYNN  
 MATT McCOY LARRY McKIBBEN  
 NEAL SCHUERER JoANN JOHNSON  
 RICHARD F. DRAKE PAUL McKINLEY

S-3424 FILED APRIL 23, 2001

*adopted (P. 1279)*  
*4/24/01* SENATE FILE 530

S-3428

- 1 Amend Senate File 530 as follows:
- 2 1. Page 13, by striking line 18 and inserting the
- 3 following:
- 4 "..... \$ 9,310,263"
- 5 2. Page 13, by striking line 24 and inserting the
- 6 following:
- 7 "..... \$ 7,407,017"
- 8 3. Page 13, by striking line 30 and inserting the
- 9 following:
- 10 "..... \$ 4,500,354"
- 11 4. Page 14, by striking line 1 and inserting the
- 12 following:
- 13 "..... \$ 4,240,315"
- 14 5. Page 14, by striking line 7 and inserting the following:
- 15 "..... \$ 12,858,098"
- 16 6. Page 14, by striking line 13 and inserting the
- 17 following:
- 18 "..... \$ 9,380,994"
- 19 7. Page 14, by striking line 19 and inserting the
- 20 following:
- 21 "..... \$ 5,282,938"
- 22 8. Page 14, by striking line 25 and inserting the
- 23 following:
- 24 "..... \$ 5,264,765"
- 25 9. Page 14, by striking line 30 and inserting the
- 26 following:
- 27 "..... \$ 79,948"

By ROBERT E. DVORSKY

S-3428 FILED APRIL 23, 2001

*dist*  
*4/24/01*  
*(P. 1274)*

**SENATE FILE 530**

**S-3429**

- 1 Amend Senate File 530 as follows:
- 2 1. Page 23, line 13, by striking the figure
- 3 "35,760,633" and inserting the following:
- 4 "39,496,793".

**By THOMAS FIEGEN**

**S-3429** FILED APRIL 23, 2001

*lost*  
4/24/01 (P. 1278)

**SENATE FILE 530**

**S-3430**

- 1 Amend Senate File 530 as follows:
- 2 1. Page 21, by striking line 16, and inserting
- 3 the following:
- 4 "..... \$ 12,507,130"
- 5 2. Page 22, by striking line 12, and inserting
- 6 the following:
- 7 "..... \$ 4,019,177"

**By THOMAS FIEGEN**

**S-3430** FILED APRIL 23, 2001

*Lost*  
4/24/01  
(P. 1277)

SENATE FILE 530

S-3431

1 Amend Senate File 530 as follows:  
2 1. Page 6, by striking line 6 and inserting the  
3 following:  
4 "..... \$ 30,130,652"  
5 2. Page 6, by striking line 14 and inserting the  
6 following:  
7 "..... \$ 23,983,834"  
8 3. Page 6, by striking line 24 and inserting the  
9 following:  
10 "..... \$ 21,823,768"  
11 4. Page 6, by striking line 30 and inserting the  
12 following:  
13 "..... \$ 23,310,118"  
14 5. Page 7, by striking line 3 and inserting the  
15 following:  
16 "..... \$ 21,883,802"  
17 6. Page 7, by striking line 9 and inserting the  
18 following:  
19 "..... \$ 7,272,542"  
20 7. Page 7, by striking line 15 and inserting the  
21 following:  
22 "..... \$ 18,142,698"  
23 8. Page 7, by striking line 26 and inserting the  
24 following:  
25 "..... \$ 12,365,583"  
26 9. Page 7, by striking line 32 and inserting the  
27 following:  
28 "..... \$ 25,504,865"  
29 10. Page 8, by striking line 6 and inserting the  
30 following:  
31 "..... \$ 341,334"

By EUGENE S. FRAISE JOHNIE HAMMOND  
MARK SHEARER ROBERT E. DVORSKY

S-3431 FILED APRIL 23, 2001

*dot* 4/24/01  
(P. 1273)

SENATE FILE 530

S-3432

1 Amend Senate File 530 as follows:  
2 1. Page 4, line 16, by striking the figure  
3 "450,000" and inserting the following: "700,000".

By JACK HOLVECK JOHNIE HAMMOND  
ROBERT E. DVORSKY MICHAEL E. GRONSTAL  
MARY A. LUNDBY BETTY A. SOUKUP  
THOMAS FIEGEN MATT McCOY  
MARK SHEARER EUGENE S. FRAISE  
TOM FLYNN JOHN P. KIBBIE  
PATRICK J. DELUHERY STEVEN D. HANSEN  
MIKE CONNOLLY WALLY E. HORN  
BILL FINK DICK L. DEARDEN  
JOE BOLKCOM DENNIS H. BLACK  
PATRICIA HARPER

S-3432 FILED APRIL 23, 2001

4/24/01 (P. 1273)

**SENATE FILE 530****S-3439**

- 1 Amend Senate File 530 as follows:
  - 2 1. Page 13, line 30, by striking the figure
  - 3 "4,033,736" and inserting the following: "4,213,736".
- By STEVEN D. HANSEN**

**S-3439** FILED APRIL 23, 2001

*Adopt*  
*4/24/01 (P.1275)*

**SENATE FILE 530**

**S-3445**

- 1 Amend Senate File 530 as follows:
- 2 1. Page 29, by inserting after line 4 the
- 3 following:
- 4 "Sec. \_\_\_\_ . LEGISLATIVE STUDY -- INVOLUNTARY
- 5 HOSPITALIZATION AND INVOLUNTARY COMMITMENT
- 6 PROCEEDINGS. The legislative council is requested to
- 7 establish a study committee during the 2001 interim on
- 8 issues relating to involuntary hospitalization
- 9 including, but not limited to, both inpatient and
- 10 outpatient commitment proceedings and advanced
- 11 directives. The study committee shall consist of
- 12 legislator members of both political parties from both
- 13 houses of the general assembly, representatives of the
- 14 judicial branch and the department of corrections,
- 15 counties, law enforcement personnel, including police
- 16 officers and sheriffs, mental health consumers, mental
- 17 health advocacy groups, including, but not limited to,
- 18 representatives from the alliance for the mentally ill
- 19 and mental health advocates, representatives from the
- 20 Iowa department of public health, and representatives
- 21 from the psychiatric and psychological services
- 22 community."

**By JACK HOLVECK**  
O. GENE MADDOX

**S-3445** FILED APRIL 23, 2001

*Adopted*  
*4-24-01*  
*(P.1279)*

SENATE FILE 530

S-3472

1 Amend Senate File 530 as follows:

2 1. Page 14, by inserting after line 30 the  
3 following:

4 "\_\_\_\_\_. In addition to the appropriations made in  
5 subsection 1 there is appropriated from the general  
6 fund of the state to the department of corrections for  
7 the fiscal year beginning July 1, 2001, and ending  
8 June 30, 2002, the following amounts, or so much  
9 thereof as is necessary:

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

16 ..... \$ 369,000  
17 ..... FTEs 8.00

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

24 ..... \$ 250,000  
25 ..... FTEs 5.00

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

32 ..... \$ 698,000  
33 ..... FTEs 10.00

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

40 ..... \$ 506,000  
41 ..... FTEs 7.00"

42 2. By renumbering as necessary.

By ROBERT E. DVORSKY  
JOHNIE HAMMOND  
JOE BOLKCOM

S-3472 FILED APRIL 24, 2001

LOST

(P. 1275)

**SENATE FILE 530****S-3476**

1 Amend Senate File 530 as follows:

DIV 2 1. Page 6, line 6, by striking the figure  
 A 3 "27,622,191" and inserting the following:  
 4 "27,742,137".

5 2. Page 6, line 14, by striking the figure  
 6 "23,446,234" and inserting the following:  
 7 "23,591,417".

8 3. Page 6, line 24, by striking the figure  
 9 "21,501,082" and inserting the following:  
 10 "21,564,956".

11 4. Page 6, line 30, by striking the figure  
 12 "22,944,479" and inserting the following:  
 13 "23,023,286".

14 5. Page 7, line 3, by striking the figure  
 15 "21,667,807" and inserting the following:  
 16 "21,677,580".

17 6. Page 7, line 9, by striking the figure  
 18 "7,148,555" and inserting the following: "7,178,143".

19 7. Page 7, line 15, by striking the figure  
 20 "17,925,620" and inserting the following:  
 21 "17,952,898".

22 8. Page 7, line 26, by striking the figure  
 23 "12,203,736" and inserting the following:  
 24 "12,229,337".

DIV 25 9. Page 8, line 3, by striking the figure  
 B 26 "791,438" and inserting the following: "700,438"

27 10. Page 21, line 7, by striking the figure  
 28 "2,449,533" and inserting the following: "2,404,533".

DIV 29 11. Page 23, line 13, by striking the figure  
 A 30 "35,760,633" and inserting the following:  
 31 "36,676,633".

**By** JEFF ANGELO

**S-3476** FILED APRIL 24, 2001

DIV A - ADOPTED; DIV B - ADOPTED

*(p. 1279-1280)*

**SENATE FILE 530****S-3477**

1 Amend Senate File 530 as follows:

2 1. Page 4, line 16, by striking the figure  
 3 "450,000" and inserting the following: "670,000".

**By** JEFF ANGELO

MARY A. LUNDBY

**S-3477** FILED APRIL 24, 2001

ADOPTED

*(p. 1272)*



DIVISION I

REGULAR APPROPRIATIONS

Section 1. DEPARTMENT OF JUSTICE. There is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 2001, and ending June 30, 2002, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

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

.....	\$	7,900,519
.....	FTEs	200.50

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

.....	\$	304,943
.....	FTEs	6.00

3. In addition to the funds appropriated in subsection 1, there is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 2001, and ending June 30, 2002, an amount not exceeding \$200,000 to be used for the enforcement of the Iowa competition law. The funds appropriated in this subsection are contingent upon receipt by the general fund of the state of an amount at least equal to the expenditure amount from either damages awarded to the state or a political subdivision of the state by a civil judgment under chapter 553, if the judgment authorizes the use of the award for enforcement purposes or costs or attorneys fees awarded the state in state or federal antitrust actions. However, if the amounts received as a result of these judgments are in excess of \$200,000, the excess amounts shall not be appropriated to the department of justice pursuant to this subsection.

1 4. In addition to the funds appropriated in subsection 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, 2001, and ending June 30, 2002, an amount not exceeding  
5 \$400,000 to be used for public education relating to consumer  
6 fraud and for enforcement of section 714.16, and an amount not  
7 exceeding \$75,000 for investigation, prosecution, and consumer  
8 education relating to consumer and criminal fraud against  
9 older Iowans. The funds appropriated in this subsection are  
10 contingent upon receipt by the general fund of the state of an  
11 amount at least equal to the expenditure amount from damages  
12 awarded to the state or a political subdivision of the state  
13 by a civil consumer fraud judgment or settlement, if the  
14 judgment or settlement authorizes the use of the award for  
15 public education on consumer fraud. However, if the funds  
16 received as a result of these judgments and settlements are in  
17 excess of \$475,000, the excess funds shall not be appropriated  
18 to the department of justice pursuant to this subsection.

19 5. For victim assistance grants:  
20 ..... \$ 1,918,384

21 a. The funds appropriated in this subsection shall be used  
22 to provide grants to care providers providing services to  
23 crime victims of domestic abuse or to crime victims of rape  
24 and sexual assault.

25 b. Notwithstanding sections 8.33 and 8.39, moneys  
26 appropriated in this subsection that remain unencumbered or  
27 unobligated at the close of the fiscal year shall not revert  
28 but shall remain available for expenditure during the  
29 subsequent fiscal year for the same purpose, and shall not be  
30 transferred to any other program.

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

33 ..... \$ 132,037  
34 ..... FTEs 2.00

35 7. The balance of the victim compensation fund established

1 in section 915.94 may be used to provide salary and support of  
2 not more than 20.00 FTEs and to provide maintenance for the  
3 victim compensation functions of the department of justice.  
4 However, the balance of the fund may also be used to provide  
5 salary and support for an additional 2.00 FTEs if either 2001  
6 Iowa Acts, Senate File 259 or 2001 Iowa Acts, House File 684  
7 is enacted.

8 8. The department of justice shall submit monthly  
9 financial statements to the legislative fiscal bureau and the  
10 department of management containing all appropriated accounts  
11 in the same manner as provided in the monthly financial status  
12 reports and personal services usage reports of the department  
13 of revenue and finance. The monthly financial statements  
14 shall include comparisons of the moneys and percentage spent  
15 of budgeted to actual revenues and expenditures on a  
16 cumulative basis for full-time equivalent positions and  
17 available moneys.

18 9. The department of justice and the department of  
19 corrections shall assist local regional jail development  
20 authorities in issuing a report regarding the development of  
21 regional jails. The report shall include but is not limited  
22 to the following: the design capacity, policy considerations,  
23 governance and management structure, staffing needs, food  
24 services, estimated design and construction costs, and  
25 evaluating cost sharing between the state, participating  
26 counties, and other political subdivisions. The report is due  
27 on or before February 1, 2002.

28 10. a. The department of justice, in submitting budget  
29 estimates for the fiscal year commencing July 1, 2002,  
30 pursuant to section 8.23, shall include a report of funding  
31 from sources other than amounts appropriated directly from the  
32 general fund of the state to the department of justice or to  
33 the office of consumer advocate. These funding sources shall  
34 include, but are not limited to, reimbursements from other  
35 state agencies, commissions, boards, or similar entities, and

1 reimbursements from special funds or internal accounts within  
2 the department of justice. The department of justice shall  
3 report actual reimbursements for the fiscal year commencing  
4 July 1, 2000, and actual and expected reimbursements for the  
5 fiscal year commencing July 1, 2001.

6 b. The department of justice shall include the report  
7 required under paragraph "a", as well as information regarding  
8 any revisions occurring as a result of reimbursements actually  
9 received or expected at a later date, in a report to the co-  
10 chairpersons and ranking members of the joint appropriations  
11 subcommittee on the justice system and the legislative fiscal  
12 bureau. The department of justice shall submit the report on  
13 or before January 15, 2002.

14 11. For legal services for persons in poverty grants as  
15 provided in section 13.34:

16 ..... \$ 670,000

17 As a condition for accepting a grant funded pursuant to  
18 this subsection, an organization receiving a grant shall  
19 submit a report to the general assembly by January 1, 2002,  
20 concerning the use of any grants received during the previous  
21 fiscal year and efforts made by the organization to find  
22 alternative sources of revenue to replace any reductions in  
23 federal funding for the organization.

24 Sec. 2. DEPARTMENT OF JUSTICE -- ENVIRONMENTAL CRIMES  
25 INVESTIGATION AND PROSECUTION -- FUNDING. There is  
26 appropriated from the environmental crime fund of the  
27 department of justice, consisting of court-ordered fines and  
28 penalties awarded to the department arising out of the  
29 prosecution of environmental crimes, to the department of  
30 justice for the fiscal year beginning July 1, 2001, and ending  
31 June 30, 2002, an amount not exceeding \$20,000 to be used by  
32 the department, at the discretion of the attorney general, for  
33 the investigation and prosecution of environmental crimes,  
34 including the reimbursement of expenses incurred by county,  
35 municipal, and other local governmental agencies cooperating

1 with the department in the investigation and prosecution of  
2 environmental crimes.

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

12 Notwithstanding section 8.33, moneys appropriated in this  
13 section that remain unexpended or unobligated at the close of  
14 the fiscal year shall not revert but shall remain available  
15 for expenditure for the purpose designated until the close of  
16 the succeeding fiscal year.

17 Sec. 3. OFFICE OF CONSUMER ADVOCATE. There is  
18 appropriated from the general fund of the state to the office  
19 of consumer advocate of the department of justice for the  
20 fiscal year beginning July 1, 2001, and ending June 30, 2002,  
21 the following amount, or so much thereof as is necessary, to  
22 be used for the purposes designated:

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

26 .....	\$	2,690,067
27 .....	FTEs	32.00

28 Sec. 4. DEPARTMENT OF CORRECTIONS -- FACILITIES. There is  
29 appropriated from the general fund of the state to the  
30 department of corrections for the fiscal year beginning July  
31 1, 2001, and ending June 30, 2002, the following amounts, or  
32 so much thereof as is necessary, to be used for the purposes  
33 designated:

34 1. For the operation of adult correctional institutions,  
35 reimbursement of counties for certain confinement costs, and

1 federal prison reimbursement, to be allocated as follows:

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

6 ..... \$ 27,742,137  
7 ..... FTEs 525.50

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

14 ..... \$ 23,591,417  
15 ..... FTEs 403.50

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

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

24 ..... \$ 21,564,956  
25 ..... FTEs 337.80

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

30 ..... \$ 23,023,286  
31 ..... FTEs 392.25

32 e. For the operation of the Mt. Pleasant correctional  
33 facility, including salaries, support, maintenance, employment  
34 of correctional officers and a full-time chaplain to provide  
35 religious counseling at the Oakdale and Mt. Pleasant

1 correctional facilities, miscellaneous purposes, and for not  
2 more than the following full-time equivalent positions:  
3 ..... \$ 21,677,580  
4 ..... FTEs 341.09

5 f. For the operation of the Rockwell City correctional  
6 facility, including salaries, support, maintenance, employment  
7 of correctional officers, miscellaneous purposes, and for not  
8 more than the following full-time equivalent positions:  
9 ..... \$ 7,178,143  
10 ..... FTEs 119.00

11 g. For the operation of the Clarinda correctional  
12 facility, including salaries, support, maintenance, employment  
13 of correctional officers, miscellaneous purposes, and for not  
14 more than the following full-time equivalent positions:  
15 ..... \$ 17,952,898  
16 ..... FTEs 294.75

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

22 h. For the operation of the Mitchellville correctional  
23 facility, including salaries, support, maintenance, employment  
24 of correctional officers, miscellaneous purposes, and for not  
25 more than the following full-time equivalent positions:  
26 ..... \$ 12,229,337  
27 ..... FTEs 236.00

28 i. For the operation of the Fort Dodge correctional  
29 facility, including salaries, support, maintenance, employment  
30 of correctional officers, miscellaneous purposes, and for not  
31 more than the following full-time equivalent positions:  
32 ..... \$ 25,274,461  
33 ..... FTEs 413.00

34 j. For reimbursement of counties for temporary confinement  
35 of work release and parole violators, as provided in sections

1 901.7, 904.908, and 906.17 and for offenders confined pursuant  
2 to section 904.513:

3 ..... \$ 700,438

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

6 ..... \$ 318,568

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

10 2. a. If the inmate tort claim fund for inmate claims of  
11 less than \$100 is exhausted during the fiscal year, sufficient  
12 funds shall be transferred from the institutional budgets to  
13 pay approved tort claims for the balance of the fiscal year.  
14 The warden or superintendent of each institution or  
15 correctional facility shall designate an employee to receive,  
16 investigate, and recommend whether to pay any properly filed  
17 inmate tort claim for less than the above amount. The  
18 designee's recommendation shall be approved or denied by the  
19 warden or superintendent and forwarded to the department of  
20 corrections for final approval and payment. The amounts  
21 appropriated to this fund pursuant to 1987 Iowa Acts, chapter  
22 234, section 304, subsection 2, are not subject to reversion  
23 under section 8.33.

24 b. Tort claims denied at the institution shall be  
25 forwarded to the state appeal board for their consideration as  
26 if originally filed with that body. This procedure shall be  
27 used in lieu of chapter 669 for inmate tort claims of less  
28 than \$100.

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

33 Sec. 5. DEPARTMENT OF CORRECTIONS -- ADMINISTRATION.

34 There is appropriated from the general fund of the state to  
35 the department of corrections for the fiscal year beginning

1 July 1, 2001, and ending June 30, 2002, the following amounts,  
2 or so much thereof as is necessary, to be used for the  
3 purposes designated:

4 1. For general administration, including salaries,  
5 support, maintenance, employment of an education director and  
6 clerk to administer a centralized education program for the  
7 correctional system, miscellaneous purposes, and for not more  
8 than the following full-time equivalent positions:

9 .....	\$	2,315,093
10 .....	FTEs	37.18

11 a. The department shall monitor the use of the  
12 classification model by the judicial district departments of  
13 correctional services and has the authority to override a  
14 district department's decision regarding classification of  
15 community-based clients. The department shall notify a  
16 district department of the reasons for the override.

17 b. It is the intent of the general assembly that as a  
18 condition of receiving the appropriation provided in this  
19 subsection, the department of corrections shall not, except as  
20 otherwise provided in paragraph "c", enter into a new  
21 contract, unless the contract is a renewal of an existing  
22 contract, for the expenditure of moneys in excess of \$100,000  
23 during the fiscal year beginning July 1, 2001, for the  
24 privatization of services performed by the department using  
25 state employees as of July 1, 2001, or for the privatization  
26 of new services by the department, without prior consultation  
27 with any applicable state employee organization affected by  
28 the proposed new contract and prior notification of the  
29 cochairpersons and ranking members of the joint appropriations  
30 subcommittee on the justice system.

31 c. It is the intent of the general assembly that each  
32 lease negotiated by the department of corrections with a  
33 private corporation for the purpose of providing private  
34 industry employment of inmates in a correctional institution  
35 shall prohibit the private corporation from utilizing inmate

1 labor for partisan political purposes for any person seeking  
2 election to public office in this state and that a violation  
3 of this requirement shall result in a termination of the lease  
4 agreement.

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

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

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

28 .....	\$	473,479
29 .....	FTEs	8.07

30 3. For educational programs for inmates at state penal  
31 institutions:

32 .....	\$	3,075,014
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33 It is the intent of the general assembly that moneys  
34 appropriated in this subsection shall be used solely for the  
35 purpose indicated and that the moneys shall not be transferred

1 for any other purpose. In addition, it is the intent of the  
2 general assembly that the department shall consult with the  
3 community colleges in the areas in which the institutions are  
4 located to utilize moneys appropriated in this subsection to  
5 fund the high school completion, high school equivalency  
6 diploma, adult literacy, and adult basic education programs in  
7 a manner so as to maintain these programs at the institutions.

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

13 Notwithstanding section 8.33, moneys appropriated in this  
14 subsection that remain unobligated or unexpended at the close  
15 of the fiscal year shall not revert but shall remain available  
16 for expenditure only for the purpose designated in this  
17 subsection until the close of the succeeding fiscal year.

18 4. For the development of the departmentalwide Iowa  
19 corrections offender network (ICON) data system:  
20 ..... \$ 559,980

21 5. The department of corrections shall submit a report to  
22 the cochairpersons and ranking members of the joint  
23 appropriations subcommittee on the justice system and the  
24 legislative fiscal bureau, on or before January 15, 2002,  
25 concerning the development and implementation of the Iowa  
26 corrections offender network (ICON) data system. The report  
27 shall include a description of the system and functions, a  
28 plan for implementation of the system, including a timeline,  
29 resource and staffing requirements for the system, and a  
30 current status and progress report concerning the  
31 implementation of the system. In addition, the report shall  
32 specifically address the ability of the system to receive and  
33 transmit data between prisons, community-based corrections  
34 district departments, the judicial branch, board of parole,  
35 the criminal and juvenile justice planning division of the

1 department of human rights, the department of public safety,  
2 and other applicable governmental agencies. The report should  
3 include a detailed discussion of the cooperation with other  
4 state agencies and the judicial branch in the development and  
5 implementation of the system.

\* 6 6. It is the intent of the general assembly that the  
7 department of corrections shall continue to operate the  
8 correctional farms under the control of the department at the  
9 same or greater level of participation and involvement as  
10 existed as of January 1, 2001, shall not enter into any rental  
11 agreement or contract concerning any farmland under the  
12 control of the department that is not subject to a rental  
13 agreement or contract as of January 1, 2001, without prior  
14 legislative approval, and shall further attempt to provide job  
15 opportunities at the farms for inmates. The department shall  
16 attempt to provide job opportunities at the farms for inmates  
17 by encouraging labor-intensive farming or gardening where  
18 appropriate, using inmates to grow produce and meat for  
19 institutional consumption, researching the possibility of  
20 instituting food canning and cook-and-chill operations, and  
21 exploring opportunities for organic farming and gardening,  
22 livestock ventures, horticulture, and specialized crops.

23 7. The department of corrections shall submit a report to  
24 the general assembly by January 1, 2002, concerning moneys  
25 recouped from inmate earnings for the reimbursement of  
26 operational expenses of the applicable facility during the  
27 fiscal year beginning July 1, 2000, for each correctional  
28 institution and judicial district department of correctional  
29 services. In addition, each correctional institution and  
30 judicial district department of correctional services shall  
31 continue to submit a report to the legislative fiscal bureau  
32 on a monthly basis concerning moneys recouped from inmate  
33 earnings pursuant to sections 904.702, 904.809, and 905.14.

34 Sec. 6. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL  
35 SERVICES.

1 1. There is appropriated from the general fund of the  
2 state to the department of corrections for the fiscal year  
3 beginning July 1, 2001, and ending June 30, 2002, the  
4 following amounts, or so much thereof as is necessary, to be  
5 allocated as follows:

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

11 ..... \$ 8,870,274

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

17 ..... \$ 6,740,702

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

23 ..... \$ 4,033,736

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

29 ..... \$ 3,829,927

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

35 ..... \$ 11,823,192

1 f. For the sixth judicial district department of  
2 correctional services, including the treatment and supervision  
3 of probation and parole violators who have been released from  
4 the department of corrections violator program, the following  
5 amount, or so much thereof as is necessary:

6 ..... \$ 8,941,214

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

12 ..... \$ 5,157,571

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

18 ..... \$ 5,033,178

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

23 ..... \$ 78,119

24 2. Each judicial district department of correctional  
25 services shall continue programs and plans established within  
26 that district to provide for intensive supervision, sex  
27 offender treatment, diversion of low-risk offenders to the  
28 least restrictive sanction available, job development, and  
29 expanded use of intermediate criminal sanctions.

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

34 4. Each judicial district department of correctional  
35 services and the department of corrections shall continue the

1 treatment alternatives to street crime programs established in  
2 1989 Iowa Acts, chapter 225, section 9.

3 5. The governor's office of drug control policy shall  
4 consider federal grants made to the department of corrections  
5 for the benefit of each of the eight judicial district  
6 departments of correctional services as local government  
7 grants, as defined pursuant to federal regulations.

8 6. A drug court established in a judicial district  
9 department of correctional services shall only be offered to  
10 offenders if an adjudication of guilt has been entered, and  
11 felony offenses shall be given priority over misdemeanors.

12 7. The department of corrections and the eight judicial  
13 district departments of correctional services shall submit a  
14 combined comprehensive report on the violator program and the  
15 violator aftercare program to the cochairpersons and ranking  
16 members of the joint appropriations subcommittee on the  
17 justice system and to the legislative fiscal bureau by  
18 December 1, 2001. The report shall include a description of  
19 the program and each judicial district's criteria for  
20 admission to the violator program at the Newton correctional  
21 facility and the Iowa correctional institution for women, the  
22 number of beds in the program, and the number of offenders  
23 placed in the program for the fiscal years beginning July 1,  
24 1999, and ending June 30, 2001. The report shall also contain  
25 actual expenditures related to the program for each fiscal  
26 year of the fiscal period beginning July 1, 1999, and ending  
27 June 30, 2001, the budgeted expenditures for each fiscal year  
28 of the fiscal period beginning July 1, 1999, and ending June  
29 30, 2001, by revenue source, the characteristics of each  
30 offender including the offender's race and gender, the number  
31 of FTE positions used for the program, and quantitative  
32 measures analyzing the success of the program.

33 8. In addition to the requirements of section 8.39, the  
34 department of corrections shall not make an intradepartmental  
35 transfer of moneys appropriated to the department, unless

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

6 9. The department of corrections and the eight judicial  
7 district departments of correctional services shall submit a  
8 combined comprehensive report on the use of intermediate  
9 criminal sanctions program pursuant to chapter 901B to the  
10 cochairpersons and ranking members of the joint appropriations  
11 subcommittee on the justice system, and to the legislative  
12 fiscal bureau by January 15, 2002. The report shall include a  
13 description of the program and the criteria used for placement  
14 at each intermediate sanction level or sublevel of the  
15 corrections continuum within each district plan, the number of  
16 offenders placed at each intermediate sanction level or  
17 sublevel in each district for each fiscal year of the fiscal  
18 period beginning July 1, 1999, and ending June 30, 2001, the  
19 number of offenders expected to be placed in the program for  
20 the fiscal year beginning July 1, 2001, and ending June 30,  
21 2002, and the capacity for each level and sublevel within the  
22 continuum. The report shall also contain actual expenditures  
23 related to the continuum for each fiscal year of the fiscal  
24 period beginning July 1, 1999, and ending June 30, 2001, the  
25 budgeted expenditures for each fiscal year of the fiscal  
26 period beginning July 1, 1999, and ending June 30, 2001, by  
27 revenue source, the characteristics of each offender including  
28 the offender's race and gender at each level and sublevel, the  
29 number of FTE positions working in positions related to the  
30 continuum, and quantitative measures analyzing the success of  
31 the program.

32 10. The department of corrections in cooperation with the  
33 second, third, fourth, and fifth judicial district departments  
34 of correctional services, shall implement procedures to  
35 provide continuing evaluation of the drug courts. The

1 evaluation shall include a description of the two models  
2 currently being used by the judicial districts, a description  
3 of the program, criteria for admission, program capacity,  
4 number of offenders in the program by offense class, program  
5 expenditures, and quantitative outcome measures including  
6 successful completion and recidivism rates.

7 Sec. 7. CORRECTIONAL INSTITUTIONS -- VOCATIONAL TRAINING.

8 1. The state prison industries board and the department of  
9 corrections shall continue the implementation of a plan to  
10 enhance vocational training opportunities within the  
11 correctional institutions listed in section 904.102, as  
12 provided in 1993 Iowa Acts, chapter 171, section 12. The plan  
13 shall provide for increased vocational training opportunities  
14 within the correctional institutions, including the  
15 possibility of approving community college credit for inmates  
16 working in prison industries. The department of corrections  
17 shall provide a report concerning the implementation of the  
18 plan to the cochairpersons and ranking members of the joint  
19 appropriations subcommittee on the justice system and the  
20 legislative fiscal bureau, on or before January 15, 2002.

21 2. It is the intent of the general assembly that each  
22 correctional facility make all reasonable efforts to maintain  
23 vocational education programs for inmates and to identify  
24 available funding sources to continue these programs. The  
25 department of corrections shall submit a report to the general  
26 assembly by January 1, 2002, concerning the efforts made by  
27 each correctional facility in maintaining vocational education  
28 programs for inmates.

29 3. The department of corrections shall submit a report on  
30 inmate labor to the general assembly, the cochairpersons, and  
31 the ranking members of the joint appropriations subcommittee  
32 on the justice system, and to the legislative fiscal bureau by  
33 January 15, 2002. The report shall specifically address the  
34 progress the department has made in implementing the  
35 requirements of section 904.701, inmate labor on capital

1 improvement projects, community work crews, and private-sector  
2 employment.

3 4. Each month the department shall provide a status report  
4 regarding private-sector employment to the legislative fiscal  
5 bureau beginning on July 1, 2001. The report shall include  
6 the number of offenders employed in the private sector, the  
7 combined number of hours worked by the offenders, and the  
8 total amount of allowances, and the distribution of allowances  
9 pursuant to section 904.702, including any moneys deposited in  
10 the general fund of the state.

11 Sec. 8. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.

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

20 2. State agencies are hereby encouraged to purchase  
21 products from Iowa state industries, as defined in section  
22 904.802, when purchases are required and the products are  
23 available from Iowa state industries.

24 3. State agencies shall submit to the legislative fiscal  
25 bureau by January 15, 2002, a report of the dollar value of  
26 products and services purchased from Iowa state industries by  
27 the state agency during the fiscal year beginning July 1,  
28 2000, and ending June 30, 2001.

29 Sec. 9. STATE PUBLIC DEFENDER. There is appropriated from  
30 the general fund of the state to the office of the state  
31 public defender of the department of inspections and appeals  
32 for the fiscal year beginning July 1, 2001, and ending June  
33 30, 2002, the following amount, or so much thereof as is  
34 necessary, for the purposes designated:

35 ..... \$ 34,607,759

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

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

6 ..... \$ 14,793,660  
7 ..... FTEs 202.00

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

11 ..... \$ 19,814,099

12 Sec. 10. IOWA LAW ENFORCEMENT ACADEMY. There is  
13 appropriated from the general fund of the state to the Iowa  
14 law enforcement academy for the fiscal year beginning July 1,  
15 2001, and ending June 30, 2002, the following amount, or so  
16 much thereof as is necessary, to be used for the purposes  
17 designated:

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

22 ..... \$ 1,306,546  
23 ..... FTEs 29.05

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

28 2. The Iowa law enforcement academy may select at least  
29 five automobiles of the department of public safety, division  
30 of the Iowa state patrol, prior to turning over the  
31 automobiles to the state fleet administrator to be disposed of  
32 by public auction and the Iowa law enforcement academy may  
33 exchange any automobile owned by the academy for each  
34 automobile selected if the selected automobile is used in  
35 training law enforcement officers at the academy. However,

1 any automobile exchanged by the academy shall be substituted  
2 for the selected vehicle of the department of public safety  
3 and sold by public auction with the receipts being deposited  
4 in the depreciation fund to the credit of the department of  
5 public safety, division of the Iowa state patrol.

6 Sec. 11. BOARD OF PAROLE. There is appropriated from the  
7 general fund of the state to the board of parole for the  
8 fiscal year beginning July 1, 2001, and ending June 30, 2002,  
9 the following amount, or so much thereof as is necessary, to  
10 be used for the purposes designated:

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

14 .....	\$	1,019,507
15 .....	FTEs	16.50

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

21 Sec. 12. DEPARTMENT OF PUBLIC DEFENSE. There is  
22 appropriated from the general fund of the state to the  
23 department of public defense for the fiscal year beginning  
24 July 1, 2001, and ending June 30, 2002, the following amounts,  
25 or so much thereof as is necessary, to be used for the  
26 purposes designated:

27 1. MILITARY DIVISION

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

31 .....	\$	5,190,924
32 .....	FTEs	259.76

33 If there is a surplus in the general fund of the state for  
34 the fiscal year ending June 30, 2002, within 60 days after the  
35 close of the fiscal year, the military division may incur up

1 to an additional \$500,000 in expenditures from the surplus  
2 prior to transfer of the surplus pursuant to section 8.57.

3 2. EMERGENCY MANAGEMENT DIVISION

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

7 .....	\$	1,051,608
8 .....	FTEs	25.25

9 Sec. 13. DEPARTMENT OF PUBLIC SAFETY. There is  
10 appropriated from the general fund of the state to the  
11 department of public safety for the fiscal year beginning July  
12 1, 2001, and ending June 30, 2002, the following amounts, or  
13 so much thereof as is necessary, to be used for the purposes  
14 designated:

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

18 .....	\$	<u>2,404,533</u>
19 .....	FTEs	39.80

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

27 .....	\$	11,931,266
28 .....	FTEs	233.50

29 Of the full-time equivalent positions authorized in this  
30 subsection, the division of criminal investigation may use  
31 2.00 FTEs for the establishment of an elderly crime unit if  
32 federal funding is obtained. If federal funding is obtained  
33 and subsequently discontinued, the 2.00 FTEs shall be  
34 eliminated.

35 Riverboat enforcement costs shall be billed in accordance

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

5 The department of public safety, with the approval of the  
6 department of management, may employ no more than two special  
7 agents and four gaming enforcement officers for each  
8 additional riverboat regulated after July 1, 2001, and one  
9 special agent for each racing facility which becomes  
10 operational during the fiscal year which begins July 1, 2001.  
11 One additional gaming enforcement officer, up to a total of  
12 four per boat, may be employed for each riverboat that has  
13 extended operations to 24 hours and has not previously  
14 operated with a 24-hour schedule. Positions authorized in  
15 this paragraph are in addition to the full-time equivalent  
16 positions otherwise authorized in this subsection.

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

24 ..... \$ 3,501,690  
25 ..... FTEs 61.00

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

28 ..... \$ 129,804

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

35 ..... \$ 1,831,002

1 ..... FTEs 38.80

2 b. For the state fire marshal's office, for fire  
3 protection services as provided through the state fire service  
4 and emergency response council as created in the department,  
5 and for not more than the following full-time equivalent  
6 positions:

7 ..... \$ 606,460

8 ..... FTEs 12.00

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

15 ..... \$ 1,240,582

16 ..... FTEs 26.00

17 6. For the division of the Iowa state patrol of the  
18 department of public safety, for salaries, support,  
19 maintenance, workers' compensation costs, and miscellaneous  
20 purposes, including the state's contribution to the peace  
21 officers' retirement, accident, and disability system provided  
22 in chapter 97A in the amount of 17 percent of the salaries for  
23 which the funds are appropriated, and for not more than the  
24 following full-time equivalent positions:

25 ..... \$ 36,676,633

26 ..... FTEs 567.25

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

29 ..... \$ 239,743

30 8. For deposit in the public safety law enforcement sick-  
31 leave benefit fund established under section 80.42, for all  
32 departmental employees eligible to receive benefits for  
33 accrued sick leave under the collective bargaining agreement:

34 ..... \$ 288,139

35 9. An employee of the department of public safety who

1 retires after July 1, 2001, but prior to June 30, 2002, is  
2 eligible for payment of life or health insurance premiums as  
3 provided for in the collective bargaining agreement covering  
4 the public safety bargaining unit at the time of retirement if  
5 that employee previously served in a position which would have  
6 been covered by the agreement. The employee shall be given  
7 credit for the service in that prior position as though it  
8 were covered by that agreement. The provisions of this  
9 subsection shall not operate to reduce any retirement benefits  
10 an employee may have earned under other collective bargaining  
11 agreements or retirement programs.

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

15 .....	\$	573,154
16 .....	FTEs	1.00

17 Notwithstanding section 8.33, moneys appropriated in this  
18 subsection that remain unobligated or unexpended at the close  
19 of the fiscal year shall not revert but shall remain available  
20 for expenditure only for the purpose designated in this  
21 subsection until the close of the succeeding fiscal year.

22 DIVISION II

23 SUPPLEMENTAL APPROPRIATION

24 Sec. 14. SUPPLEMENTAL APPROPRIATION TO THE FORT MADISON  
25 CORRECTIONAL FACILITY. There is appropriated from the general  
26 fund of the state to the department of corrections for the  
27 fiscal year beginning July 1, 2000, and ending June 30, 2001,  
28 the following amount, or so much thereof as is necessary, to  
29 be used for the purposes designated, in addition to the  
30 appropriation made for those purposes in 2000 Iowa Acts,  
31 chapter 1229, section 4:

32 For compliance at the Fort Madison correctional facility,  
33 including salaries, support, maintenance, and miscellaneous  
34 purposes:

35 .....	\$	2,000,000
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1 Notwithstanding section 8.33, moneys appropriated in this  
2 section that remain unencumbered or unobligated at the close  
3 of the fiscal year shall not revert but shall remain available  
4 for expenditure in subsequent fiscal years for the purposes  
5 specified in the section.

6 Sec. 15. EFFECTIVE DATE. This division of this Act, being  
7 deemed of immediate importance, takes effect upon enactment.

8 DIVISION III  
9 CODE CHANGES

\*10 Sec. 16. Section 18.120, Code 2001, is amended to read as  
11 follows:

12 18.120 REPLACEMENT FUND.

13 1. The state fleet administrator shall maintain a  
14 depreciation fund for the purchase of replacement motor  
15 vehicles and additions to the fleet. The state fleet  
16 administrator's records shall show the total funds deposited  
17 by and credited to each department or agency thereof. At the  
18 end of each month, the state fleet administrator shall render  
19 a statement to each state department or agency thereof for  
20 additions to the fleet and total depreciation credited to that  
21 department or agency. Such depreciation expense shall be paid  
22 by the state departments or agencies in the same manner as  
23 other expenses of such department are paid, and shall be  
24 deposited in the depreciation fund to the credit of the  
25 department or agency thereof. The funds credited to each  
26 department or agency thereof shall remain the property of the  
27 department or agency. However, at the end of each biennium,  
28 the state fleet administrator shall cause to revert to the  
29 fund from which it accumulated any unassigned depreciation.

30 2. The department of corrections is not obligated to pay  
31 the depreciation expense otherwise required by this section.

32 Sec. 17. NEW SECTION. 80.42 SICK LEAVE BENEFITS FUND.

33 1. A sick leave benefits fund is established in the office  
34 of the treasurer of state under the control of the department  
35 of public safety. The moneys annually credited to the fund

1 are appropriated to the department to pay health and life  
2 insurance monthly premium costs for retired departmental  
3 employees and beneficiaries who are eligible to receive  
4 benefits for accrued sick leave under the collective  
5 bargaining agreement with the state police officers council or  
6 pursuant to section 70A.23.

7 2. Notwithstanding section 12C.7, subsection 2, interest  
8 or earnings on moneys credited to the sick leave benefits fund  
9 shall be credited to the sick leave benefits fund.

10 Notwithstanding section 8.33, moneys credited to the sick  
11 leave benefits fund at the end of a fiscal year shall not  
12 revert to any other fund but shall remain in the fund for  
13 purposes of the fund.

14 3. Notwithstanding section 8.39, if funds are needed to  
15 pay monthly premium costs as provided for in subsection 1,  
16 sufficient funds may be transferred and credited to the sick  
17 leave benefits fund from any moneys appropriated to the  
18 department.

19 \* Sec. 18. Section 904.513, subsection 2, Code 2001, is  
20 amended to read as follows:

21 2. Upon request by the director a county shall provide  
22 temporary confinement for offenders allegedly violating the  
23 conditions of assignment to a program under this chapter, if  
24 space is available in the county. The department shall  
25 negotiate a reimbursement rate with each county. The amount  
26 to be reimbursed shall be determined by multiplying the number  
27 of days a person is confined by the average daily cost of  
28 confining a person in the county facility as negotiated with  
29 the department. The average daily cost shall not include  
30 administrative support personnel costs as defined in the  
31 United States marshal's service cost sheet for detention  
32 services. A county holding offenders in jail due to  
33 insufficient space in a community residential facility shall  
34 be reimbursed as provided in this subsection. Payment shall  
35 be made upon submission of a voucher United States marshal's

1 service cost sheet executed by the sheriff and approved by the  
2 director.

\* 3 Sec. 19. Section 904.908, subsection 2, Code 2001, is  
4 amended to read as follows:

5 2. The Iowa department of corrections shall negotiate a  
6 reimbursement rate with each county for the temporary  
7 confinement of alleged violators of work release conditions  
8 who are in the custody of the director of the Iowa department  
9 of corrections or who are housed or supervised by the judicial  
10 district department of correctional services. The amount to  
11 be reimbursed shall be determined by multiplying the number of  
12 days a person is confined by the average daily cost of  
13 confining a person in the county facility as negotiated with  
14 the department. The average daily cost shall not include  
15 administrative support personnel costs as defined in the  
16 United States marshal's service cost sheet for detention  
17 services. Payment shall be made upon submission of a voucher  
18 United States marshal's service cost sheet executed by the  
19 sheriff and approved by the director of the Iowa department of  
20 corrections.

21 Sec. 20. Section 906.17, subsection 2, Code 2001, is  
22 amended to read as follows:

23 2. The Iowa department of corrections shall reimburse a  
24 county for the temporary confinement of alleged parole  
25 violators. The amount to be reimbursed shall be determined by  
26 multiplying the number of days confined by the average daily  
27 cost of confining a person in the county facility as  
28 negotiated by the department. The average daily cost shall  
29 not include administrative support personnel costs as defined  
30 in the United States marshal's service cost sheet for  
31 detention services. Payment shall be made upon submission of  
32 a voucher United States marshal's service cost sheet executed  
33 by the sheriff and approved by the director of the Iowa  
34 department of corrections.

35 Sec. 21. 1998 Iowa Acts, chapter 1101, section 15,

1 subsection 2, as amended by 1999 Iowa Acts, chapter 202,  
2 section 25, and as amended by 2000 Iowa Acts, chapter 1229,  
3 section 25, is amended to read as follows:

4 2. a. There is appropriated from surcharge moneys  
5 received by the E911 administrator and deposited into the  
6 wireless E911 emergency communications fund, for each fiscal  
7 year in the fiscal period beginning July 1, 1998, and ending  
8 June 30, ~~2001~~ 2002, an amount not to exceed two hundred  
9 thousand dollars to be used for the implementation, support,  
10 and maintenance of the functions of the E911 administrator.  
11 The amount appropriated in this paragraph includes any amounts  
12 necessary to reimburse the division of emergency management of  
13 the department of public defense pursuant to paragraph "b".

14 b. Notwithstanding the distribution formula in section  
15 34A.7A, as enacted in this Act, and prior to any such  
16 distribution, of the initial surcharge moneys received by the  
17 E911 administrator and deposited into the wireless E911  
18 emergency communications fund, for each fiscal year in the  
19 fiscal period beginning July 1, 1998, and ending June 30, ~~2001~~  
20 2002, an amount is appropriated to the division of emergency  
21 management of the department of public defense as necessary to  
22 reimburse the division for amounts expended for the  
23 implementation, support, and maintenance of the E911  
24 administrator, including the E911 administrator's salary.

25 Sec. 22. LEGISLATIVE STUDY -- INVOLUNTARY HOSPITALIZATION  
26 AND INVOLUNTARY COMMITMENT PROCEEDINGS. The legislative  
27 council is requested to establish a study committee during the  
28 2001 interim on issues relating to involuntary hospitalization  
29 including, but not limited to, both inpatient and outpatient  
30 commitment proceedings and advanced directives. The study  
31 committee shall consist of legislator members of both  
32 political parties from both houses of the general assembly,  
33 representatives of the judicial branch and the department of  
34 corrections, counties, law enforcement personnel, including  
35 police officers and sheriffs, mental health consumers, mental

1 health advocacy groups, including, but not limited to,  
2 representatives from the alliance for the mentally ill and  
3 mental health advocates, representatives from the Iowa  
4 department of public health, and representatives from the  
5 psychiatric and psychological services community.

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**SENATE FILE 530****H-1818**

1 Amend Senate File 530, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 23, by inserting after line 26 the  
 4 following:  
 5 "It is the intent of the general assembly that of  
 6 the amount appropriated in this subsection the  
 7 department may expend up to \$660,000 and maintain  
 8 10.00 FTEs for the special enforcement team."

**By** RICHARDSON of Warren**H-1818** FILED MAY 1, 2001

*5/1/01 Lost  
(P. 1684)*

**SENATE FILE 530****H-1819**

1 Amend Senate File 530, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 22, line 24, by striking the figure  
 4 "3,501,690" and inserting the following: "4,019,177".

**By** RICHARDSON of Warren**H-1819** FILED MAY 1, 2001

*Lost 5/1/01,  
(P. 1683)*

**SENATE FILE 530****H-1826**

1 Amend Senate File 530, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 23, line 15, by striking the figure  
 4 "1,240,582" and inserting the following: "1,332,428".  
 5 2. Page 23, line 25, by striking the figure  
 6 "36,676,633" and inserting the following:  
 7 "38,164,365".

**By** BELL of Jasper**H-1826** FILED MAY 1, 2001

*Lost  
5/1/01  
(P. 1684)*

**SENATE FILE 530****H-1827**

1 Amend Senate File 530, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 21, line 27, by striking the figure  
 4 "11,931,266" and inserting the following:  
 5 "12,507,130".

**By** BELL of Jasper**H-1827** FILED MAY 1, 2001

*5/1/01 Lost  
(P. 1682)*

## SENATE FILE 530

## H-1828

1 Amend Senate File 530, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 6, line 6, by striking the figure  
4 "27,742,137" and inserting the following:  
5 "30,130,652".  
6 2. Page 6, line 14, by striking the figure  
7 "23,591,417" and inserting the following:  
8 "23,983,834".  
9 3. Page 6, line 24, by striking the figure  
10 "21,564,956" and inserting the following:  
11 "21,823,768".  
12 4. Page 6, line 30, by striking the figure  
13 "23,023,286" and inserting the following:  
14 "23,310,118".  
15 5. Page 7, line 3, by striking the figure  
16 "21,677,580" and inserting the following:  
17 "21,883,802".  
18 6. Page 7, line 9, by striking the figure  
19 "7,178,143" and inserting the following: "7,272,542".  
20 7. Page 7, line 15, by striking the figure  
21 "17,952,898" and inserting the following:  
22 "18,142,698".  
23 8. Page 7, line 26, by striking the figure  
24 "12,229,337" and inserting the following:  
25 "12,365,583".  
26 9. Page 7, line 32, by striking the figure  
27 "25,274,461" and inserting the following:  
28 "25,504,865".

By LARKIN of Lee

H-1828 FILED MAY 1, 2001

*Lost*  
*5/1/01*  
*(p. 1680)*

## SENATE FILE 530

H-1829

1 Amend Senate File 530, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 13, line 11, by striking the figure  
4 "8,870,274" and inserting the following: "9,310,263".  
5 2. Page 13, line 17, by striking the figure  
6 "6,740,702" and inserting the following: "7,407,017".  
7 3. Page 13, line 23, by striking the figure  
8 "4,033,736" and inserting the following: "4,500,354".  
9 4. Page 13, line 29, by striking the figure  
10 "3,829,927" and inserting the following: "4,240,315".  
11 5. Page 13, line 35, by striking the figure  
12 "11,823,192" and inserting the following:  
13 "12,858,098".  
14 6. Page 14, line 6, by striking the figure  
15 "8,941,214" and inserting the following: "9,380,994".  
16 7. Page 14, line 12, by striking the figure  
17 "5,157,571" and inserting the following: "5,282,938".  
18 8. Page 14, line 18, by striking the figure  
19 "5,033,178" and inserting the following: "5,264,765".  
20 9. Page 14, line 23, by striking the figure  
21 "78,119" and inserting the following: "79,948".

By TREMMEL of Wapello

H-1829 FILED MAY 1, 2001

*Lost*  
*5/1/01*  
*(P. 1681)*



THOMAS J. VILSACK  
GOVERNOR

## OFFICE OF THE GOVERNOR

SALLY J. PEDERSON  
LT. GOVERNOR

May 30, 2001

L. 31 2001

The Honorable Chester Culver  
Secretary of State  
Capitol Building  
LOCAL

Dear Mr. Secretary:

I hereby transmit Senate File 530, an Act relating to and making appropriations to the justice system, making related statutory changes, and providing an effective date.

Senate File 530 is a bill I approve with great reluctance. Much of the progress made in the area of safe communities just last year has been eliminated. This will no doubt have a negative impact on the safety of the citizens of this state. The reductions of recently authorized narcotics agents, who along with other law enforcement personnel are on the front lines in this state fighting the battle of illegal drug markets, have been eliminated. Reductions in operational funding of criminal laboratory personnel as well as general criminal operations comes at a time when the processing of criminal evidence and turnaround time is at a critical threshold. Delays and impacts will be felt through out our criminal justice system. The magnitude of the reductions in the Iowa State Patrol will impact the safe travel and timely response to those in need while using our roads. This comes at a time when our roads are carrying the greatest volume of traffic ever!

Within the Department of Corrections budget, many efforts to reduce the demand for future prison growth, implemented during the previous legislative session have also been eliminated or greatly curtailed. The reduction of funding for new drug courts will continue the cycle of the nonviolent drug offenders. The previous legislative work of adding new Community Based Corrections client supervision personnel, whose funding was severely reduced in this bill, will not only impact the safety of citizens in this state, but these short sighted decisions, as implemented, will also over burden an all ready understaffed Community Based Corrections system. Community Based Corrections will be very hard pressed not to impact even further the growing prison population, which has in the month of May, hit the highest level of incarceration in Iowa history. These demands will test and stretch beyond the level of reasonableness our correctional institutions resources given the general fund reduction of over \$6.0 million in funding from the previous year.

Additionally, under-funding in the area of the Indigent Defense legal representation system is also a budget decision that will no-doubt need to be revisited during the next fiscal year. As quoted in the Des Moines Register editorial of 5/16/01 "The state public defenders' office, either with public defenders or private lawyers, must provide legal representation to

the poor. It makes no sense to reduce the Indigent Defense Fund to \$19.8 million from the \$21.2 million. The state will have to somehow come up with additional money needed." These are shortsighted decisions; the people of Iowa expect more of their public servants. The budget I recommended included sound budgeting practices. Investment decisions for future policy outcomes that would have this state preparing for tomorrow's challenges. We must be better prepared for the future, not just react to its problems.

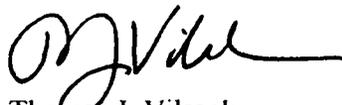
Senate File 530 is therefore, approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the designated portion of Section 6, subsection 7 and the designated portion of Section 6, subsection 9. Both of these items require the Department of Corrections to re-create requested data back to 1999. The ability to manually collect the required data, given the cut backs to the correctional system is very limited and would produce a report of marginal value. I have instructed the Department of Corrections to continue to make best efforts to respond to individual cases as needed.

I am unable to approve the items designated as Sections 18, 19, and 20 in their entirety. These sections involve the reimbursement of temporarily confining a person in a county facility for violations regarding OWI, prison work release, and parole. The proposed language, which intends to require the exclusion of administrative costs, would be a good start at addressing the specific costs to be included in the daily cost reimbursement. However, the proposed language is vague and the United States marshal's service cost sheet does not provide any definition of administrative support personnel costs. This provision may even markedly increase county confinement costs. The Department of Corrections has offered both a proposed bill and alternative clarifying language for consideration that involves paying a proportional share of daily direct security supervision costs. I have directed the Department of Corrections to negotiate further an acceptable daily reimbursement rate with each county.

For the above reasons, I hereby respectfully approve Senate File 530, with the exceptions noted above.

Sincerely,



Thomas J. Vilsack  
Governor

TJV:jmc

cc: Secretary of the Senate  
Chief Clerk of the House

*Item Veto*

SENATE FILE 530

AN ACT

RELATING TO AND MAKING APPROPRIATIONS TO THE JUSTICE SYSTEM,  
MAKING RELATED STATUTORY CHANGES, AND PROVIDING AN EFFECTIVE  
DATE.

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

DIVISION I

REGULAR APPROPRIATIONS

Section 1. DEPARTMENT OF JUSTICE. There is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 2001, and ending June 30, 2002, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

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

..... \$ 7,900,519  
..... FTEs 200.50

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

..... \$ 304,943  
..... FTEs 6.00

3. In addition to the funds appropriated in subsection 1, there is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 2001, and ending June 30, 2002, an amount not exceeding \$200,000 to be used for the enforcement of the Iowa competition law. The funds appropriated in this subsection are contingent upon receipt by the general fund of the state of an amount at least equal to the expenditure amount from either damages awarded to the state or a political subdivision of the state by a civil judgment under chapter 553, if the judgment authorizes the use of the award for enforcement purposes or costs or attorneys fees awarded the state in state or federal antitrust actions. However, if the amounts received as a result of these judgments are in excess of \$200,000, the excess amounts shall not be appropriated to the department of justice pursuant to this subsection.

4. In addition to the funds appropriated in subsection 1, there is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 2001, and ending June 30, 2002, an amount not exceeding \$400,000 to be used for public education relating to consumer fraud and for enforcement of section 714.16, and an amount not exceeding \$75,000 for investigation, prosecution, and consumer education relating to consumer and criminal fraud against older Iowans. The funds appropriated in this subsection are contingent upon receipt by the general fund of the state of an amount at least equal to the expenditure amount from damages awarded to the state or a political subdivision of the state by a civil consumer fraud judgment or settlement, if the

judgment or settlement authorizes the use of the award for public education on consumer fraud. However, if the funds received as a result of these judgments and settlements are in excess of \$475,000, the excess funds shall not be appropriated to the department of justice pursuant to this subsection.

5. For victim assistance grants:

..... \$ 1,918,384

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

b. Notwithstanding sections 8.33 and 8.39, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure during the subsequent fiscal year for the same purpose, and shall not be transferred to any other program.

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

..... \$ 132,037  
..... FTEs 2.00

7. The balance of the victim compensation fund established in section 915.94 may be used to provide salary and support of not more than 20.00 FTEs and to provide maintenance for the victim compensation functions of the department of justice. However, the balance of the fund may also be used to provide salary and support for an additional 2.00 FTEs if either 2001 Iowa Acts, Senate File 259 or 2001 Iowa Acts, House File 684 is enacted.

8. The department of justice shall submit monthly financial statements to the legislative fiscal bureau and the department of management containing all appropriated accounts in the same manner as provided in the monthly financial status reports and personal services usage reports of the department of revenue and finance. The monthly financial statements shall include comparisons of the moneys and percentage spent of budgeted to actual revenues and expenditures on a

cumulative basis for full-time equivalent positions and available moneys.

9. The department of justice and the department of corrections shall assist local regional jail development authorities in issuing a report regarding the development of regional jails. The report shall include but is not limited to the following: the design capacity, policy considerations, governance and management structure, staffing needs, food services, estimated design and construction costs, and evaluating cost sharing between the state, participating counties, and other political subdivisions. The report is due on or before February 1, 2002.

10. a. The department of justice, in submitting budget estimates for the fiscal year commencing July 1, 2002, pursuant to section 8.23, shall include a report of funding from sources other than amounts appropriated directly from the general fund of the state to the department of justice or to the office of consumer advocate. These funding sources shall include, but are not limited to, reimbursements from other state agencies, commissions, boards, or similar entities, and reimbursements from special funds or internal accounts within the department of justice. The department of justice shall report actual reimbursements for the fiscal year commencing July 1, 2000, and actual and expected reimbursements for the fiscal year commencing July 1, 2001.

b. The department of justice shall include the report required under paragraph "a", as well as information regarding any revisions occurring as a result of reimbursements actually received or expected at a later date, in a report to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system and the legislative fiscal bureau. The department of justice shall submit the report on or before January 15, 2002.

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

..... \$ 670,000

As a condition for accepting a grant funded pursuant to this subsection, an organization receiving a grant shall submit a report to the general assembly by January 1, 2002, concerning the use of any grants received during the previous fiscal year and efforts made by the organization to find alternative sources of revenue to replace any reductions in federal funding for the organization.

Sec. 2. DEPARTMENT OF JUSTICE -- ENVIRONMENTAL CRIMES INVESTIGATION AND PROSECUTION -- FUNDING. There is appropriated from the environmental crime fund of the department of justice, consisting of court-ordered fines and penalties awarded to the department arising out of the prosecution of environmental crimes, to the department of justice for the fiscal year beginning July 1, 2001, and ending June 30, 2002, an amount not exceeding \$20,000 to be used by the department, at the discretion of the attorney general, for the investigation and prosecution of environmental crimes, including the reimbursement of expenses incurred by county, municipal, and other local governmental agencies cooperating with the department in the investigation and prosecution of environmental crimes.

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

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

Sec. 3. OFFICE OF CONSUMER ADVOCATE. There is appropriated from the general fund of the state to the office

of consumer advocate of the department of justice for the fiscal year beginning July 1, 2001, and ending June 30, 2002, 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:  
..... \$ 2,690,067  
..... FTEs 32.00

Sec. 4. DEPARTMENT OF CORRECTIONS -- FACILITIES. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 2001, and ending June 30, 2002, 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, reimbursement of counties for certain confinement costs, and federal prison reimbursement, to be allocated as follows:

a. For the operation of the Fort Madison correctional facility, including salaries, support, maintenance, employment of correctional officers, miscellaneous purposes, and for not more than the following full-time equivalent positions:  
..... \$ 27,742,137  
..... FTEs 525.50

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

..... \$ 23,591,417  
..... FTEs 403.50

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

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

..... \$ 21,564,956  
..... FTEs 337.80

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

..... \$ 23,023,286  
..... FTEs 392.25

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

..... \$ 21,677,580  
..... FTEs 341.09

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

..... \$ 7,178,143  
..... FTEs 119.00

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

..... \$ 17,952,898  
..... FTEs 294.75

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

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

..... \$ 12,229,337  
..... FTEs 236.00

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

..... \$ 25,274,461  
..... FTEs 413.00

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

..... \$ 700,438

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

..... \$ 318,568

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

2. a. If the inmate tort claim fund for inmate claims of less than \$100 is exhausted during the fiscal year, sufficient funds shall be transferred from the institutional budgets to pay approved tort claims for the balance of the fiscal year. The warden or superintendent of each institution or correctional facility shall designate an employee to receive, investigate, and recommend whether to pay any properly filed inmate tort claim for less than the above amount. The designee's recommendation shall be approved or denied by the warden or superintendent and forwarded to the department of corrections for final approval and payment. The amounts appropriated to this fund pursuant to 1987 Iowa Acts, chapter 234, section 304, subsection 2, are not subject to reversion under section 8.33.

b. Tort claims denied at the institution shall be forwarded to the state appeal board for their consideration as if originally filed with that body. This procedure shall be used in lieu of chapter 669 for inmate tort claims of less than \$100.

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

Sec. 5. DEPARTMENT OF CORRECTIONS -- ADMINISTRATION. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 2001, and ending June 30, 2002, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

- 1. For general administration, including salaries, support, maintenance, employment of an education director and clerk to administer a centralized education program for the correctional system, miscellaneous purposes, and for not more than the following full-time equivalent positions:
- |       |      |           |
|-------|------|-----------|
| ..... | \$   | 2,315,093 |
| ..... | FTEs | 37.18     |

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

b. It is the intent of the general assembly that as a condition of receiving the appropriation provided in this subsection, the department of corrections shall not, except as otherwise provided in paragraph "c", enter into a new contract, unless the contract is a renewal of an existing contract, for the expenditure of moneys in excess of \$100,000 during the fiscal year beginning July 1, 2001, for the privatization of services performed by the department using state employees as of July 1, 2001, or for the privatization

of new services by the department, without prior consultation with any applicable state employee organization affected by the proposed new contract and prior notification of the cochairpersons and ranking members of the joint appropriations subcommittee on the justice system.

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

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

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

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

..... \$ 473,479  
 ..... FTEs 8.07

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

..... \$ 3,075,014

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

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

Notwithstanding section 8.33, moneys appropriated in this subsection that remain unobligated or unexpended at the close of the fiscal year shall not revert but shall remain available for expenditure only for the purpose designated in this subsection until the close of the succeeding fiscal year.

4. For the development of the departmentwide Iowa corrections offender network (ICON) data system:

..... \$ 559,980

5. The department of corrections shall submit a report to the cochairpersons and ranking members of the joint appropriations subcommittee on the justice system and the legislative fiscal bureau, on or before January 15, 2002, concerning the development and implementation of the Iowa corrections offender network (ICON) data system. The report shall include a description of the system and functions, a plan for implementation of the system, including a timeline, resource and staffing requirements for the system, and a

current status and progress report concerning the implementation of the system. In addition, the report shall specifically address the ability of the system to receive and transmit data between prisons, community-based corrections district departments, the judicial branch, board of parole, the criminal and juvenile justice planning division of the department of human rights, the department of public safety, and other applicable governmental agencies. The report should include a detailed discussion of the cooperation with other state agencies and the judicial branch in the development and implementation of the system.

6. It is the intent of the general assembly that the department of corrections shall continue to operate the correctional farms under the control of the department at the same or greater level of participation and involvement as existed as of January 1, 2001, shall not enter into any rental agreement or contract concerning any farmland under the control of the department that is not subject to a rental agreement or contract as of January 1, 2001, without prior legislative approval, and shall further attempt to provide job opportunities at the farms for inmates. The department shall attempt to provide job opportunities at the farms for inmates by encouraging labor-intensive farming or gardening where appropriate, using inmates to grow produce and meat for institutional consumption, researching the possibility of instituting food canning and cook-and-chill operations, and exploring opportunities for organic farming and gardening, livestock ventures, horticulture, and specialized crops.

7. The department of corrections shall submit a report to the general assembly by January 1, 2002, concerning moneys recouped from inmate earnings for the reimbursement of operational expenses of the applicable facility during the fiscal year beginning July 1, 2000, for each correctional institution and judicial district department of correctional services. In addition, each correctional institution and judicial district department of correctional services shall continue to submit a report to the legislative fiscal bureau

on a monthly basis concerning moneys recouped from inmate earnings pursuant to sections 904.702, 904.809, and 905.14.

Sec. 6. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL SERVICES.

1. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 2001, and ending June 30, 2002, the following amounts, or so much thereof as is necessary, to be allocated as follows:

a. For the first judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, the following amount, or so much thereof as is necessary:
..... \$ 8,870,274

b. For the second judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, the following amount, or so much thereof as is necessary:
..... \$ 6,740,702

c. For the third judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, the following amount, or so much thereof as is necessary:
..... \$ 4,033,736

d. For the fourth judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, the following amount, or so much thereof as is necessary:
..... \$ 3,829,927

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

..... \$ 11,823,192

f. For the sixth judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, the following amount, or so much thereof as is necessary:
..... \$ 8,941,214

g. For the seventh judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, the following amount, or so much thereof as is necessary:
..... \$ 5,157,571

h. For the eighth judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, the following amount, or so much thereof as is necessary:
..... \$ 5,033,178

i. For the department of corrections for the assistance and support of each judicial district department of correctional services, the following amount, or so much thereof as is necessary:
..... \$ 78,119

2. Each judicial district department of correctional services shall continue programs and plans established within that district to provide for intensive supervision, sex offender treatment, diversion of low-risk offenders to the least restrictive sanction available, job development, and expanded use of intermediate criminal sanctions.

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

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

5. The governor's office of drug control policy shall consider federal grants made to the department of corrections for the benefit of each of the eight judicial district departments of correctional services as local government grants, as defined pursuant to federal regulations.

6. A drug court established in a judicial district department of correctional services shall only be offered to offenders if an adjudication of guilt has been entered, and felony offenses shall be given priority over misdemeanors.

7. The department of corrections and the eight judicial district departments of correctional services shall submit a combined comprehensive report on the violator program and the violator aftercare program to the cochairpersons and ranking members of the joint appropriations subcommittee on the justice system and to the legislative fiscal bureau by December 1, 2001.

The report shall include a description of the program and each judicial district's criteria for admission to the violator program at the Newton correctional facility and the Iowa correctional institution for women, the number of beds in the program, and the number of offenders placed in the program for the fiscal years beginning July 1, 1999, and ending June 30, 2001. The report shall also contain actual expenditures related to the program for each fiscal year of the fiscal period beginning July 1, 1999, and ending June 30, 2001, the budgeted expenditures for each fiscal year of the fiscal period beginning July 1, 1999, and ending June 30, 2001, by revenue source, the characteristics of each offender including the offender's race and gender, the number of FTE positions used for the program, and quantitative measures analyzing the success of the program.

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8. In addition to the requirements of section 8.39, the department of corrections shall not make an intradepartmental transfer of moneys appropriated to the department, unless notice of the intradepartmental transfer is given prior to its effective date to the legislative fiscal bureau. The notice shall include information on the department's rationale for making the transfer and details concerning the work load and performance measures upon which the transfers are based.

9. The department of corrections and the eight judicial district departments of correctional services shall submit a combined comprehensive report on the use of intermediate criminal sanctions program pursuant to chapter 901B to the cochairpersons and ranking members of the joint appropriations subcommittee on the justice system, and to the legislative fiscal bureau by January 15, 2002.

The report shall include a description of the program and the criteria used for placement at each intermediate sanction level or sublevel of the corrections continuum within each district plan, the number of offenders placed at each intermediate sanction level or sublevel in each district for each fiscal year of the fiscal period beginning July 1, 1999, and ending June 30, 2001, the number of offenders expected to be placed in the program for the fiscal year beginning July 1, 2001, and ending June 30, 2002, and the capacity for each level and sublevel within the continuum. The report shall also contain actual expenditures related to the continuum for each fiscal year of the fiscal period beginning July 1, 1999, and ending June 30, 2001, the budgeted expenditures for each fiscal year of the fiscal period beginning July 1, 1999, and ending June 30, 2001, by revenue source, the characteristics of each offender including the offender's race and gender at each level and sublevel, the number of FTE positions working in positions related to the continuum, and quantitative measures analyzing the success of the program.

10. The department of corrections in cooperation with the second, third, fourth, and fifth judicial district departments of correctional services, shall implement procedures to provide continuing evaluation of the drug courts. The evaluation shall include a description of the two models currently being used by the judicial districts, a description of the program, criteria for admission, program capacity, number of offenders in the program by offense class, program expenditures, and quantitative outcome measures including successful completion and recidivism rates.

Sec. 7. CORRECTIONAL INSTITUTIONS -- VOCATIONAL TRAINING.

1. The state prison industries board and the department of corrections shall continue the implementation of a plan to enhance vocational training opportunities within the correctional institutions listed in section 904.102, as provided in 1993 Iowa Acts, chapter 171, section 12. The plan shall provide for increased vocational training opportunities within the correctional institutions, including the possibility of approving community college credit for inmates working in prison industries. The department of corrections shall provide a report concerning the implementation of the plan to the cochairpersons and ranking members of the joint appropriations subcommittee on the justice system and the legislative fiscal bureau, on or before January 15, 2002.

2. It is the intent of the general assembly that each correctional facility make all reasonable efforts to maintain vocational education programs for inmates and to identify available funding sources to continue these programs. The department of corrections shall submit a report to the general assembly by January 1, 2002, concerning the efforts made by each correctional facility in maintaining vocational education programs for inmates.

3. The department of corrections shall submit a report on inmate labor to the general assembly, the cochairpersons, and the ranking members of the joint appropriations subcommittee on the justice system, and to the legislative fiscal bureau by January 15, 2002. The report shall specifically address the progress the department has made in implementing the requirements of section 904.701, inmate labor on capital improvement projects, community work crews, and private-sector employment.

4. Each month the department shall provide a status report regarding private-sector employment to the legislative fiscal bureau beginning on July 1, 2001. The report shall include the number of offenders employed in the private sector, the combined number of hours worked by the offenders, and the total amount of allowances, and the distribution of allowances pursuant to section 904.702, including any moneys deposited in the general fund of the state.

Sec. 8. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.

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

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

3. State agencies shall submit to the legislative fiscal bureau by January 15, 2002, a report of the dollar value of products and services purchased from Iowa state industries by the state agency during the fiscal year beginning July 1, 2000, and ending June 30, 2001.

Sec. 9. STATE PUBLIC DEFENDER. There is appropriated from the general fund of the state to the office of the state public defender of the department of inspections and appeals for the fiscal year beginning July 1, 2001, and ending June 30, 2002, the following amount, or so much thereof as is necessary, for the purposes designated:

..... \$ 34,607,759

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

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

..... \$ 14,793,660  
 ..... FTEs 202.00

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

..... \$ 19,814,099

Sec. 10. IOWA LAW ENFORCEMENT ACADEMY. There is appropriated from the general fund of the state to the Iowa law enforcement academy for the fiscal year beginning July 1, 2001, and ending June 30, 2002, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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

..... \$ 1,306,546
..... FTEs 29.05

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

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

Sec. 11. BOARD OF PAROLE. There is appropriated from the general fund of the state to the board of parole for the fiscal year beginning July 1, 2001, and ending June 30, 2002, 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:

..... \$ 1,019,507
..... FTEs 16.50

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

Sec. 12. DEPARTMENT OF PUBLIC DEFENSE. There is appropriated from the general fund of the state to the department of public defense for the fiscal year beginning July 1, 2001, and ending June 30, 2002, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. MILITARY DIVISION

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

..... \$ 5,190,924
..... FTEs 259.76

If there is a surplus in the general fund of the state for the fiscal year ending June 30, 2002, within 60 days after the close of the fiscal year, the military division may incur up to an additional \$500,000 in expenditures from the surplus prior to transfer of the surplus pursuant to section 8.57.

2. EMERGENCY MANAGEMENT DIVISION

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

..... \$ 1,051,608
..... FTEs 25.25

Sec. 13. DEPARTMENT OF PUBLIC SAFETY. There is appropriated from the general fund of the state to the department of public safety for the fiscal year beginning July 1, 2001, and ending June 30, 2002, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

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

.....	\$ 2,404,533
..... FTEs	39.80

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

.....	\$ 11,931,266
..... FTEs	233.50

Of the full-time equivalent positions authorized in this subsection, the division of criminal investigation may use 2.00 FTEs for the establishment of an elderly crime unit if federal funding is obtained. If federal funding is obtained and subsequently discontinued, the 2.00 FTEs shall be eliminated.

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

The department of public safety, with the approval of the department of management, may employ no more than two special agents and four gaming enforcement officers for each additional riverboat regulated after July 1, 2001, and one special agent for each racing facility which becomes operational during the fiscal year which begins July 1, 2001. One additional gaming enforcement officer, up to a total of four per boat, may be employed for each riverboat that has extended operations to 24 hours and has not previously operated with a 24-hour schedule. Positions authorized in this paragraph are in addition to the full-time equivalent positions otherwise authorized in this subsection.

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

.....	\$ 3,501,690
..... FTEs	61.00

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

.....	\$ 129,804
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4. a. For the state fire marshal's office, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of 17 percent of the salaries for which the funds are appropriated, and for not more than the following full-time equivalent positions:

.....	\$ 1,831,002
..... FTEs	38.80

b. For the state fire marshal's office, for fire protection services as provided through the state fire service and emergency response council as created in the department, and for not more than the following full-time equivalent positions:

.....	\$ 606,460
..... FTEs	12.00

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

.....	\$ 1,240,582
..... FTEs	26.00

6. For the division of the Iowa state patrol of the department of public safety, for salaries, support,

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

..... \$ 36,676,633  
..... FTEs 567.25

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

..... \$ 239,743

8. For deposit in the public safety law enforcement sick-leave benefit fund established under section 80.42, for all departmental employees eligible to receive benefits for accrued sick leave under the collective bargaining agreement:

..... \$ 288,139

9. An employee of the department of public safety who retires after July 1, 2001, but prior to June 30, 2002, is eligible for payment of life or health insurance premiums as provided for in the collective bargaining agreement covering the public safety bargaining unit at the time of retirement if that employee previously served in a position which would have been covered by the agreement. The employee shall be given credit for the service in that prior position as though it were covered by that agreement. The provisions of this subsection shall not operate to reduce any retirement benefits an employee may have earned under other collective bargaining agreements or retirement programs.

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

..... \$ 573,154  
..... FTEs 1.00

Notwithstanding section 8.33, moneys appropriated in this subsection that remain unobligated or unexpended at the close of the fiscal year shall not revert but shall remain available for expenditure only for the purpose designated in this subsection until the close of the succeeding fiscal year.

DIVISION II  
SUPPLEMENTAL APPROPRIATION

Sec. 14. SUPPLEMENTAL APPROPRIATION TO THE FORT MADISON CORRECTIONAL FACILITY. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 2000, and ending June 30, 2001, the following amount, or so much thereof as is necessary, to be used for the purposes designated, in addition to the appropriation made for those purposes in 2000 Iowa Acts, chapter 1229, section 4:

For compliance at the Fort Madison correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 2,000,000

Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure in subsequent fiscal years for the purposes specified in the section.

Sec. 15. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION III  
CODE CHANGES

Sec. 16. Section 18.120, Code 2001, is amended to read as follows:

18.120 REPLACEMENT FUND.

1. The state fleet administrator shall maintain a depreciation fund for the purchase of replacement motor vehicles and additions to the fleet. The state fleet administrator's records shall show the total funds deposited by and credited to each department or agency thereof. At the end of each month, the state fleet administrator shall render a statement to each state department or agency thereof for additions to the fleet and total depreciation credited to that department or agency. Such depreciation expense shall be paid by the state departments or agencies in the same manner as other expenses of such department are paid, and shall be

deposited in the depreciation fund to the credit of the department or agency thereof. The funds credited to each department or agency thereof shall remain the property of the department or agency. However, at the end of each biennium, the state fleet administrator shall cause to revert to the fund from which it accumulated any unassigned depreciation.

2. The department of corrections is not obligated to pay the depreciation expense otherwise required by this section.

Sec. 17. NEW SECTION. 80.42 SICK LEAVE BENEFITS FUND.

1. A sick leave benefits fund is established in the office of the treasurer of state under the control of the department of public safety. The moneys annually credited to the fund are appropriated to the department to pay health and life insurance monthly premium costs for retired departmental employees and beneficiaries who are eligible to receive benefits for accrued sick leave under the collective bargaining agreement with the state police officers council or pursuant to section 70A.23.

2. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys credited to the sick leave benefits fund shall be credited to the sick leave benefits fund. Notwithstanding section 8.33, moneys credited to the sick leave benefits fund at the end of a fiscal year shall not revert to any other fund but shall remain in the fund for purposes of the fund.

3. Notwithstanding section 8.39, if funds are needed to pay monthly premium costs as provided for in subsection 1, sufficient funds may be transferred and credited to the sick leave benefits fund from any moneys appropriated to the department.

Sec. 18. Section 904.513, subsection 2, Code 2001, is amended to read as follows:

2. Upon request by the director a county shall provide temporary confinement for offenders allegedly violating the conditions of assignment to a program under this chapter, if space is available in the county. The department shall negotiate a reimbursement rate with each county. The amount

to be reimbursed shall be determined by multiplying the number of days a person is confined by the average daily cost of confining a person in the county facility as negotiated with the department. The average daily cost shall not include administrative support personnel costs as defined in the United States marshal's service cost sheet for detention services. A county holding offenders in jail due to insufficient space in a community residential facility shall be reimbursed as provided in this subsection. Payment shall be made upon submission of a voucher United States marshal's service cost sheet executed by the sheriff and approved by the director.

Sec. 19. Section 904.908, subsection 2, Code 2001, is amended to read as follows:

2. The Iowa department of corrections shall negotiate a reimbursement rate with each county for the temporary confinement of alleged violators of work release conditions who are in the custody of the director of the Iowa department of corrections or who are housed or supervised by the judicial district department of correctional services. The amount to be reimbursed shall be determined by multiplying the number of days a person is confined by the average daily cost of confining a person in the county facility as negotiated with the department. The average daily cost shall not include administrative support personnel costs as defined in the United States marshal's service cost sheet for detention services. Payment shall be made upon submission of a voucher United States marshal's service cost sheet executed by the sheriff and approved by the director of the Iowa department of corrections.

Sec. 20. Section 906.17, subsection 2, Code 2001, is amended to read as follows:

2. The Iowa department of corrections shall reimburse a county for the temporary confinement of alleged parole violators. The amount to be reimbursed shall be determined by multiplying the number of days confined by the average daily cost of confining a person in the county facility as

negotiated by the department. The average daily cost shall not include administrative support personnel costs as defined in the United States marshal's service cost sheet for detention services. Payment shall be made upon submission of a voucher United States marshal's service cost sheet executed by the sheriff and approved by the director of the Iowa department of corrections.

*Handwritten: Veto*

Sec. 21. 1998 Iowa Acts, chapter 1101, section 15, subsection 2, as amended by 1999 Iowa Acts, chapter 202, section 25, and as amended by 2000 Iowa Acts, chapter 1229, section 25, is amended to read as follows:

2. a. There is appropriated from surcharge moneys received by the E911 administrator and deposited into the wireless E911 emergency communications fund, for each fiscal year in the fiscal period beginning July 1, 1998, and ending June 30, ~~2001~~ 2002, an amount not to exceed two hundred thousand dollars to be used for the implementation, support, and maintenance of the functions of the E911 administrator. The amount appropriated in this paragraph includes any amounts necessary to reimburse the division of emergency management of the department of public defense pursuant to paragraph "b".

b. Notwithstanding the distribution formula in section 34A.7A, as enacted in this Act, and prior to any such distribution, of the initial surcharge moneys received by the E911 administrator and deposited into the wireless E911 emergency communications fund, for each fiscal year in the fiscal period beginning July 1, 1998, and ending June 30, ~~2001~~ 2002, an amount is appropriated to the division of emergency management of the department of public defense as necessary to reimburse the division for amounts expended for the implementation, support, and maintenance of the E911 administrator, including the E911 administrator's salary.

Sec. 22. LEGISLATIVE STUDY -- INVOLUNTARY HOSPITALIZATION AND INVOLUNTARY COMMITMENT PROCEEDINGS. The legislative council is requested to establish a study committee during the 2001 interim on issues relating to involuntary hospitalization including, but not limited to, both inpatient and outpatient

commitment proceedings and advanced directives. The study committee shall consist of legislator members of both political parties from both houses of the general assembly, representatives of the judicial branch and the department of corrections, counties, law enforcement personnel, including police officers and sheriffs, mental health consumers, mental health advocacy groups, including, but not limited to, representatives from the alliance for the mentally ill and mental health advocates, representatives from the Iowa department of public health, and representatives from the psychiatric and psychological services community.

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MARY E. KRAMER  
President of the Senate

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BRENT SIEGRIST  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 530, Seventy-ninth General Assembly.

*Handwritten: Veto*  
Approved May 30, 2001

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MICHAEL E. MARSHALL  
Secretary of the Senate

\_\_\_\_\_  
THOMAS J. VILSACK  
Governor