

Sec. 16. DEPARTMENT OF PUBLIC HEALTH. There is appropriated from the general fund of the state to the board of dental examiners of the department of public health for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the board of dental examiners to pay the necessary expenses of the members of the dental hygiene committee created in section 153.33A and administrative costs relating to the committee:

..... \$ 42,000

Sec. 17. VITAL RECORDS. The vital records modernization project as enacted in 1993 Iowa Acts, chapter 55, section 1, as amended by 1994 Iowa Acts, chapter 1068, section 8, as amended by 1997 Iowa Acts, chapter 203, section 9, and as amended by 1998 Iowa Acts, chapter 1221, section 9, shall be extended until June 30, 2000, and the increased fees to be collected pursuant to that project shall continue to be collected until June 30, 2000.

Sec. 18. COMMUNITY ACTION AGENCY STUDY. The legislative council is requested to establish an interim study committee to evaluate and review whether community action agencies are maximizing opportunities to match funding for community service block grants received by the division of community action agencies of the department of human rights pursuant to Code chapter 216A.

Sec. 19. OPERATING A MOTOR VEHICLE WHILE INTOXICATED COURSE REQUIREMENT STUDY. The legislative council is requested to establish an interim study committee to evaluate courses required for persons who have committed an operating a motor vehicle while intoxicated offense. The study should include a review of courses offered through the community colleges, either alone or in conjunction with local licensed substance abuse agencies, and include consideration of the practice of combining juveniles and adults in the same course, authorizing, and ensuring the availability of expertise to offer separate courses geared toward juveniles and adults, the potential mixed message sent to recovering alcohol or drug abusers who should be receiving a zero tolerance for use directive, enrollment procedures, course fees and costs, and course evaluation.

Sec. 20. EFFECTIVE DATES. Section 16 of this Act, relating to a supplemental appropriation for the board of dental examiners of the Iowa department of public health, being deemed of immediate importance, takes effect upon enactment. Section 17 of this Act, relating to the vital records modernization project, being deemed of immediate importance, takes effect upon enactment.

Approved May 18, 1999

CHAPTER 202
APPROPRIATIONS — JUSTICE SYSTEM
S.F. 468

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

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

Section 1. DEPARTMENT OF JUSTICE. There is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 1999, and ending June 30, 2000, 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:

.....	\$	8,192,153
.....	FTEs	190.50

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

.....	\$	298,825
.....	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, 1999, and ending June 30, 2000, 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, 1999, and ending June 30, 2000, an amount not exceeding \$150,000 to be used for public education relating to consumer fraud and for enforcement of section 714.16, and an amount not exceeding \$75,000 for investigation, prosecution, and consumer education relating to consumer and criminal fraud against older Iowans. The funds appropriated in this subsection are contingent upon receipt by the general fund of the state of an amount at least equal to the expenditure amount from damages awarded to the state or a political subdivision of the state by a civil consumer fraud judgment or settlement, if the judgment or settlement authorizes the use of the award for public education on consumer fraud. However, if the funds received as a result of these judgments and settlements are in excess of \$225,000, the excess funds shall not be appropriated to the department of justice pursuant to this subsection.

5. For victim assistance grants:

.....	\$	1,935,806
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a. The funds appropriated in this subsection shall be used to provide grants to care providers providing services to crime victims of domestic abuse or to crime victims of rape and sexual assault.

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

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

7. The balance of the victim compensation fund established in section 915.94 may be used to provide salary and support of not more than 17.00 FTEs and to provide maintenance for the victim compensation functions of the department of justice.

8. The department of justice shall submit monthly financial statements to the legislative fiscal bureau and the department of management containing all appropriated accounts in the same manner as provided in the monthly financial status reports and personal services usage reports of the department of revenue and finance. The monthly financial statements

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

9. a. The department of justice, in submitting budget estimates for the fiscal year commencing July 1, 2000, 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, 1998, and actual and expected reimbursements for the fiscal year commencing July 1, 1999.

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, 2000.

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

..... \$ 700,000

In addition to moneys appropriated in this subsection, the executive council is authorized, in its discretion, to disburse from the civil reparations trust fund created in section 668A.1 an additional amount, not to exceed \$250,000, to the department of justice for use as legal services for persons in poverty grants as provided in section 13.34.

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, 2000, 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, 1999, and ending June 30, 2000, 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 to the environmental crime fund 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, 1999, and ending June 30, 2000, 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:

.....	\$	2,623,170
.....	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, 1999, and ending June 30, 2000, 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:

.....	\$	28,459,808
.....	FTEs	502.00

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

.....	\$	23,133,514
.....	FTEs	394.25

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

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:

.....	\$	19,962,613
.....	FTEs	338.80

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:

.....	\$	22,013,346
.....	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:

.....	\$	20,529,274
.....	FTEs	337.26

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

.....	\$	6,912,836
.....	FTEs	121.00

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:

.....	\$	17,440,368
.....	FTEs	292.75

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:

.....	\$	10,844,420
.....	FTEs	198.96

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:

.....	\$	21,715,253
.....	FTEs	350.04

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:

.....	\$	524,038
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k. For federal prison reimbursement, reimbursements for out-of-state placements, and miscellaneous contracts:

.....	\$	341,334
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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, 1999, and ending June 30, 2000, 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:

.....	\$	4,416,916
.....	FTEs	37.18

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

It is the intent of the general assembly that as a condition of receiving the appropriation provided in this subsection, the department of corrections shall not enter into a new contract, unless the contract is a renewal of an existing contract, for the expenditure of moneys in excess of \$100,000 during the fiscal year beginning July 1, 1999, for the privatization of services performed by the department using state employees as of July 1, 1999, or for the

* Item veto; see message at end of the Act

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

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

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

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

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:

.....	\$	486,847
.....	FTEs	8.07

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

.....	\$	3,180,815
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4. For educational programs for inmates at state penal institutions:

.....	\$	3,294,775
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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 purposes designated in this subsection until the close of the succeeding fiscal year.

5. The department of corrections shall submit a report to the general assembly on January 1, 2000, concerning progress made in implementing the requirements of section 904.701, concerning hard labor by inmates.

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, 1999, 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, 1999, 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, 2000, concerning moneys recouped from inmate earnings for the reimbursement of operational expenses of the applicable facility during the fiscal year beginning July 1, 1998, 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 each member of the joint appropriations subcommittee on the justice system and the legislative fiscal bureau on a monthly basis concerning moneys recouped from inmate earnings for the reimbursement of operational expenses for each correctional institution and district department during the previous calendar month.

8. The department of corrections shall submit a report to the general assembly by January 10, 2000, concerning the medical treatment of inmates at the Fort Madison correctional facility. The study shall examine the current method of providing medical treatment and care to inmates through a contract with a private entity and shall particularly study the costs associated with providing care through the private contract and the level of care provided to inmates pursuant to that contract. The department shall compare the costs and care provided at Fort Madison with the costs and care provided at other correctional facilities that do not provide the care through a private contract. In addition, the department shall solicit input from medical care professionals, including those professionals within the department and others, if applicable, concerning the level of care provided to inmates at Fort Madison and to solicit suggestions for providing a high level of care at the facility at reasonable cost. The study shall include a report of the findings and recommendations of the department.

9. It is the intent of the general assembly that the department of corrections, in submitting its proposed budget request for the fiscal year beginning July 1, 2000, exclude requests for full-time equivalent positions, and the moneys for those positions, which would otherwise be included for the sole purpose of providing the department with additional moneys to operate the department and not for the purpose of providing additional full-time equivalent positions. In addition, the department of corrections shall submit a report to the general assembly by January 31, 2000, listing full-time equivalent positions authorized by this Act and not filled during the period from July 1, 1999, to January 1, 2000. For any position that is unfilled as of January 1, 2000, the department shall indicate why the position remains unfilled, whether the department intends to fill the position, and, if applicable, what efforts are being made, or will be made, to fill the position.

Sec. 6. DEPARTMENT OF CORRECTIONS — PRISON INFRASTRUCTURE FUND. Notwithstanding sections 8.33, 8.39, and 602.8108A, the department of corrections shall direct the treasurer of state to transfer on June 30, 1999, \$1,500,000 of the unused balance of moneys in the Iowa prison infrastructure fund created in section 602.8108A, to

* Item veto; see message at end of the Act

the department of corrections and the moneys transferred are appropriated to be used for the purposes designated:

1. For one-time start-up costs for equipment and furnishings at the Iowa correctional institution for women:

..... \$ 500,000

2. For one-time start-up costs for equipment and furnishings at the Fort Dodge correctional facility:

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

Sec. 7. DEPARTMENT OF CORRECTIONS — SUPPLEMENTAL APPROPRIATIONS. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 1998, and ending June 30, 1999, to supplement the appropriation made in 1998 Iowa Acts, chapter 1222, section 4, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For payment of contracts to house female prisoners out of state:

..... \$ 547,000

2. For the establishment of a 100-bed special needs unit for women at the Mt. Pleasant correctional facility:

..... \$ 284,000

3. For offset of revenue budgeted for private sector employment of inmates:

..... \$ 762,756

Sec. 8. 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, 1999, and ending June 30, 2000, 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:

..... \$ 8,286,344

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:

..... \$ 6,671,873

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:

..... \$ 4,003,837

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:

..... \$ 3,096,242

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:

..... \$ 11,493,706

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:

..... \$ 8,619,394

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:

..... \$ 5,094,102

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

..... \$ 4,899,801

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

..... \$ 83,576

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

6. Each judicial district department of correctional services shall provide a report concerning the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system and the legislative fiscal bureau, on or before January 15, 2000.

7. 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.

8. Each judicial district department of correctional services shall submit a report to the general assembly by January 8, 2000, concerning what action, if any, the district department has taken in order to implement, or not implement, an intermediate criminal sanctions program as provided by section 901B.1. If the district department has implemented such a program, the report shall include information as to the effectiveness of the program.

Sec. 9. CORRECTIONAL INSTITUTIONS — VOCATIONAL TRAINING.

1. The state prison industries board and the department of corrections shall continue the implementation of a plan to enhance vocational training opportunities within the correctional institutions listed in section 904.102, as provided in 1993 Iowa Acts, chapter 171, section 12. The plan shall provide for increased vocational training opportunities within the correctional institutions, including the possibility of approving community college credit for inmates working in prison industries. The department of corrections shall provide a

report concerning the implementation of the plan to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system and the legislative fiscal bureau, on or before January 15, 2000.

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, 2000, concerning the efforts made by each correctional facility in maintaining vocational education programs for inmates.

Sec. 10. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.

1. As used in this section, unless the context otherwise requires, "state agency" means the government of the state of Iowa, including but not limited to all executive departments, agencies, boards, bureaus, and commissions, the judicial 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, 2000, 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, 1998, and ending June 30, 1999.

Sec. 11. 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, 1999, and ending June 30, 2000, the following amount, or so much thereof as is necessary, for the purposes designated:

..... \$ 33,790,652

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:

..... \$ 13,389,276
..... FTEs 201.00

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

..... \$ 20,401,376

Sec. 12. JUDICIAL BRANCH. There is appropriated from the general fund of the state to the judicial branch for the fiscal year beginning July 1, 1999, and ending June 30, 2000, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For salaries of supreme court justices, appellate court judges, district court judges, district associate judges, judicial magistrates and staff, state court administrator, clerk of the supreme court, district court administrators, clerks of the district court, juvenile court officers, board of law examiners and board of examiners of shorthand reporters and judicial qualifications commission, receipt and disbursement of child support payments, reimbursement of the auditor of state for expenses incurred in completing audits of the offices of the clerks of the district court during the fiscal year beginning July 1, 1999, and maintenance, equipment, and miscellaneous purposes:

..... \$ 105,040,435

a. The judicial branch, except for purposes of internal processing, shall use the current state budget system, the state payroll system, and the Iowa finance and accounting system in administration of programs and payments for services, and shall not duplicate the state payroll, accounting, and budgeting systems.

b. The judicial branch shall submit monthly financial statements to the legislative fiscal bureau and the department of management containing all appropriated accounts in the same manner as provided in the monthly financial status reports and personal services usage reports of the department of revenue and finance. The monthly financial statements shall include a comparison of the dollars and percentage spent of budgeted versus actual revenues and expenditures on a cumulative basis for full-time equivalent positions and dollars.

c. The judicial branch shall continue to assist in the development and implementation of a justice data warehouse which shall include in the Iowa court information system starting with appointments of counsel made on or after July 1, 1999, the means to identify any case where the court has determined indigence, and whether the case is handled by a public defender or other court-appointed counsel.

d. Of the funds appropriated in this subsection, not more than \$1,897,728 may be transferred into the revolving fund established pursuant to section 602.1302, subsection 3, to be used for the payment of jury and witness fees and mileage.

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

f. It is the intent of the general assembly that the offices of the clerks of the district court operate in all ninety-nine counties and be accessible to the public as much as is reasonably possible in order to address the relative needs of the citizens of each county.

g. In addition to the requirements for transfers under section 8.39, the judicial branch shall not change the appropriations from the amounts appropriated to the branch in this Act, unless notice of the revisions is given prior to their effective date to the legislative fiscal bureau. The notice shall include information on the branch's rationale for making the changes and details concerning the work load and performance measures upon which the changes are based.

h. The judicial branch shall provide to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system and to the legislative fiscal bureau by January 15, 2000, an annual report concerning the operation and use of the Iowa court information system and any recommendations to improve the utilization of the system. The annual report shall include information specifying the amounts of fines, surcharges, and court costs collected using the system and how the system is used to improve the collection process. The report shall also include information concerning efforts made by the judicial branch to facilitate the sharing of vital sentencing and other information with other state departments and governmental agencies involved in the criminal justice system through the Iowa court information system. In addition, the judicial branch shall submit a semiannual update to the co-chairpersons and ranking members specifying the amounts of fines, surcharges, and court costs collected using the Iowa court information system since the last report.

i. Of the funds appropriated in this subsection, the judicial branch shall use not more than \$679,843 for an additional 4 district court judges, 4 court reporters, 3 court attendants, and 1 legal assistant. The additional district court judges shall be authorized and assigned as follows:

(1) Beginning July 1, 1999, three of the additional district court judges shall be authorized and shall be assigned, one each, to judicial election subdistricts one-B and five-C and to judicial election district 7.

(2) Beginning January 1, 2000, one of the additional district court judges shall be authorized and shall be assigned to judicial election subdistrict five-C.

j. The judicial branch shall provide a report to the general assembly by January 1, 2000, concerning the amounts received and expended from the enhanced court collections fund created in section 602.1304 and the court technology and modernization fund created in section 602.8108, subsection 4, during the fiscal year beginning July 1, 1998, and ending June 30, 1999, and the plans for expenditures from each fund during the fiscal year beginning July 1, 1999, and ending June 30, 2000.

k. The judicial branch shall conduct a study on the method of allocating district court judges and district associate judges and shall submit a report to the general assembly by January 1, 2000, with its findings and recommendations. In conducting its study, the judicial branch shall examine the current method of allocating district court judges and district associate judges as provided in Code sections 602.6201 and 602.6301, and shall make findings and recommendations as to whether or not the methods provided in those sections represent the best mechanism for allocating judges amongst judicial districts and counties.

2. For the juvenile victim restitution program:

..... \$ 210,291

Sec. 13. ENHANCED COURT COLLECTIONS FUND. Notwithstanding section 602.1304, subsection 2, for the fiscal year beginning July 1, 1999, and ending June 30, 2000, the maximum deposit amount for the enhanced court collections fund shall be \$5,000,000. For succeeding fiscal years, the maximum deposit amount shall be determined in accordance with section 602.1304, subsection 2, and the maximum deposit amount shall not be increased due to the increase made in this section.

Sec. 14. JUDICIAL RETIREMENT FUND. There is appropriated from the general fund of the state to the judicial retirement fund for the fiscal year beginning July 1, 1999, and ending June 30, 2000, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

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

..... \$ 4,202,697

Sec. 15. INDIGENT DEFENSE COSTS. The supreme court shall submit a written report for the preceding fiscal year no later than January 1, 2000, indicating the amounts collected pursuant to section 815.9A, relating to recovery of indigent defense costs. The report shall include the total amount collected by all courts, as well as the amounts collected by each judicial district. The supreme court shall also submit a written report quarterly indicating the number of criminal and juvenile filings which occur in each judicial district for purposes of estimating indigent defense costs. A copy of each report shall be provided to the public defender, the department of management, and the legislative fiscal bureau. The judicial branch shall continue to assist in the development of an automated data system for use in the sharing of information utilizing the generic program interface for legislative and executive branch uses.

Sec. 16. IOWA CORRECTIONS OFFENDER NETWORK DATA SYSTEM. The department of corrections shall submit a report to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system and the legislative fiscal bureau, on or before January 15, 2000, 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.

Sec. 17. 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,

1999, and ending June 30, 2000, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For salaries, support, maintenance, miscellaneous purposes, including jailer training and technical assistance, and for not more than the following full-time equivalent positions:	\$	1,329,629
.....	FTEs	30.55

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. 18. 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, 1999, and ending June 30, 2000, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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

.....	\$	1,018,547
.....	FTEs	18.00

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. 19. 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, 1999, and ending June 30, 2000, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. MILITARY DIVISION

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

.....	\$	4,696,387
.....	FTEs	224.76

If there is a surplus in the general fund of the state for the fiscal year ending June 30, 2000, 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:

.....	\$	898,541
.....	FTEs	25.25

Sec. 20. 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, 1999,

and ending June 30, 2000, 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:

.....	\$	2,474,051
.....	FTEs	38.80

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:

.....	\$	11,759,610
.....	FTEs	227.50

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, 1999, and one special agent for each racing facility which becomes operational during the fiscal year which begins July 1, 1999. One additional gaming enforcement officer, up to a total of four per boat, may be employed for each riverboat that has extended operations to 24 hours and has not previously operated with a 24-hour schedule. Positions authorized in this paragraph are in addition to the full-time equivalent positions authorized in this subsection.

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

.....	\$	2,845,587
.....	FTEs	48.00

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

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

.....	\$	1,629,621
.....	FTEs	31.80

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

.....	\$	1,307,615
.....	FTEs	27.00

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:

.....	\$	37,090,282
.....	FTEs	574.25

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

..... \$ 269,425

8. An employee of the department of public safety who retires after July 1, 1999, but prior to June 30, 2000, 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.

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

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

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

..... \$ 357,036
..... FTEs 4.00

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

If 1999 Iowa Acts, Senate File 376, or other legislation transferring the medical examiner office and associated appropriations, is enacted,* the moneys appropriated in this subsection shall instead be appropriated as provided in that Act.

11. The department of public safety shall conduct a study, and submit a report of its findings and recommendations, to the general assembly by January 10, 2000, concerning the feasibility of providing members of the Iowa state patrol with cellular, or other similar wireless, telephones and accompanying service. In conducting its study, the department shall examine and include findings on the cost of providing the telephones and service to members of the state patrol and on what type of telephone and service would be the most effective in assisting members of the state patrol. The department shall consult with members of the Iowa state patrol in conducting its study.

Sec. 21. Section 423.24, subsection 2, Code 1999, is amended to read as follows:

2. Notwithstanding any other provision of this section that provides that all revenue derived from the use tax on motor vehicles, trailers, and motor vehicle accessories and equipment as collected pursuant to section 423.7 shall be deposited and credited to the road use tax fund, twenty percent of the revenues shall be credited and deposited as follows: one-half to the road use tax fund and one-half to the primary road fund to be used for the commercial and industrial highway network, ~~except to the extent that the department directs that moneys are deposited in the highway safety patrol fund created in section 80.41 to fund the appropriations made from the highway safety patrol fund in accordance with the provisions of section 80.41. The department shall determine the amount of moneys to be credited under this subsection to the highway safety patrol fund and shall deposit that amount into the highway safety patrol fund.~~

Sec. 22. Section 602.6201, subsection 10, Code 1999, is amended to read as follows:

10. Notwithstanding the formula for determining the number of judgeships in this section, the number of district judges shall not exceed one hundred ~~twelve~~ sixteen during the period commencing July 1, ~~1997~~ 1999.

* Senate File 376 not enacted

*Sec. 23. Section 904.508A, Code 1999, is amended to read as follows:
904.508A INMATE TELEPHONE REBATE FUND.

The department is authorized to establish and maintain an inmate telephone rebate fund in each institution for the deposit of moneys received for inmate telephone rebates. All funds deposited in this fund shall be used for the benefit of inmates. The director shall adopt rules providing for the disbursement of moneys from the fund. The rules shall provide that all disbursements of moneys from the fund shall be subject to approval, in writing, by a committee comprised of the director, a deputy director for the department as designated by the director, and the citizens' aide, or designee of the citizens' aide.*

Sec. 24. 1995 Iowa Acts, chapter 220, section 20, subsection 4, is amended by striking the subsection.

Sec. 25. 1998 Iowa Acts, chapter 1101, section 15, subsection 2, 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 the fiscal year beginning July 1, 1998, and ~~ending June 30, for the fiscal year beginning July 1, 1999~~, 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 the fiscal year beginning July 1, 1998, and ~~ending June 30, for the fiscal year beginning July 1, 1999~~, an amount shall be transferred 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. 26. 1998 Iowa Acts, chapter 1222, section 25, subsection 3, is amended to read as follows:

3. For the installation of perimeter fencing and physical plant improvements at the Mt. Pleasant correctional facility:

..... \$ 300,000

Sec. 27. Section 80.41, Code 1999, is repealed.

Sec. 28. EFFECTIVE DATES.

1. Section 7 of this Act, providing for supplemental appropriations to the department of corrections, being deemed of immediate importance, takes effect upon enactment.

2. Section 26 of this Act, amending 1998 Iowa Acts, chapter 1222, being deemed of immediate importance, takes effect upon enactment.

Approved May 21, 1999, with exceptions noted.

THOMAS J. VILSACK, Governor

Dear Mr. Secretary:

I hereby transmit Senate File 468, an act relating to and making appropriations to the justice system and providing effective dates.

* Item veto; see message at end of the Act

I am unable to approve the items designated as Section 4, subsection 3, and Section 5, subsection 9 in their entirety. Section 4, subsection 3 requires the Department of Corrections to timely fill all correctional positions and Section 5, subsection 9 requires the Department of Corrections to exclude positions and money in the proposed budget for fiscal year 2001 that would otherwise be for operation of the department. This language fails to account for the difficult circumstances that necessitate flexibility for the department in managing its operations to maintain public safety.

I am unable to approve the item designated as Section 23, in its entirety. This item would create a new committee, and include the Citizens' Aide/Ombudsman in the disbursements of moneys from the fund created in Iowa Code 904.508A. Having a centralized committee to approve all expenditures may indeed provide for a better overall departmental use and reporting of the funds. However, this language may also create a future conflict of interest with regards to the statutory role of the Citizens' Aide/Ombudsman and a separation of power issue between the Executive and Legislative branches. Therefore, I have asked the Iowa Board of Corrections to examine the issue and implement a future policy direction that would ensure both the correct use and reporting of these funds.

For the above reasons, I hereby respectfully approve Senate File 468 with the exceptions noted above.

Sincerely,
THOMAS J. VILSACK, Governor

CHAPTER 203

APPROPRIATIONS — HUMAN SERVICES

H.F. 760

AN ACT relating to appropriations for the department of human services and including other provisions and appropriations involving human services and health care, and providing effective dates.

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

DIVISION I — APPROPRIATIONS

Section 1. **SOCIAL SERVICES BLOCK GRANT SUPPLEMENTATION.** There is appropriated from the fund created in section 8.41 to the department of human services for the fiscal year beginning July 1, 1998, and ending June 30, 1999, from moneys received under the federal temporary assistance for needy families block grant, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For supplementation of the federal social services block grant appropriation in 1998 Iowa Acts, chapter 1210, section 12, due to the federal reduction in this block grant and the corresponding decrease pursuant to 1998 Iowa Acts, chapter 1210, section 16:

..... \$ 3,239,179

The moneys appropriated in this section are allocated for the indicated programs and functions within the department as follows:

1. General administration:
..... \$ 205,971