

CHAPTER 1270

APPROPRIATION FOR LEGAL ASSISTANCE FOR FARMERS

S.F. 2050

AN ACT appropriating funds to the office of the attorney general to fund the legal assistance for farmers program and providing an effective date.

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

Section 1. There is appropriated from the general fund of the state to the office of the attorney general for the fiscal year beginning July 1, 1987, and ending June 30, 1988, the sum of sixty thousand (60,000) dollars, or so much thereof as is necessary, to be used for the legal assistance for farmers program.

Notwithstanding section 8.33, funds appropriated by this section which are unexpended or unencumbered shall carry forward for the fiscal year beginning July 1, 1988, and ending June 30, 1989, to be used for the same purpose as originally appropriated.

Sec. 2. This Act, being deemed of immediate importance, takes effect upon its enactment.

Approved April 11, 1988

CHAPTER 1271

APPROPRIATIONS AND DUTIES RELATED TO THE JUSTICE SYSTEM

H.F. 2443

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

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

Section 1. There is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 1988, and ending June 30, 1989, 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 and support of not more than one hundred forty-eight full-time equivalent positions, maintenance, and miscellaneous purposes:

..... \$ 3,692,010

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

..... \$ 87,277

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

..... \$ 44,955

4. In addition to the funds appropriated under subsection 1, there is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 1988, and ending June 30, 1989, an amount not exceeding ninety-five thousand (95,000) dollars to be used for the enforcement of the Iowa competition law under chapter 553. The expenditure of the funds appropriated under this subsection is contingent upon receipt by the general fund of the state of an amount at least equal to either the expenditures from damages awarded to the state or a political subdivision of the state by a civil judgment under chapter 553, if

the judgment authorizes the use of the award for enforcement purposes or costs or attorneys fees awarded the state in state or federal antitrust actions.

5. In addition to funds appropriated under subsection 1, there is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 1988, and ending June 30, 1989, an amount not exceeding fifty thousand (50,000) dollars to be used for public education relating to consumer fraud and for enforcement of section 714.16. The expenditure of the funds appropriated under this subsection is contingent upon receipt by the general fund of the state of an amount at least equal to the expenditures from damages awarded to the state or a political subdivision of the state by a civil consumer fraud judgment, if the judgment authorizes the use of the award for public education on consumer fraud. Notwithstanding section 8.33, funds received in a previous fiscal year which have not been expended shall be credited to this fiscal year.

6. For the farm mediation service program:
..... \$ 200,000

7. For the legal assistance for farmers program:
..... \$ 60,000

Sec. 2. There is appropriated from the utilities trust fund to the office of consumer advocate of the department of justice for the fiscal year beginning July 1, 1988 and ending June 30, 1989, the sum of one million one hundred forty-four thousand eight hundred fifty-six (1,144,856) dollars, or so much thereof as is necessary, for salaries and support of not more than twenty-one full-time equivalent positions, maintenance, and operational purposes of the office.

Sec. 3. There is appropriated from the general fund of the state to the board of parole for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the following amount, or so much thereof as is necessary, for salaries and support of not more than eighteen full-time equivalent positions, maintenance and miscellaneous purposes:
..... \$ 613,000

Sec. 4. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

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

a. For the operation of the Fort Madison correctional facility, including salaries and support of not more than four hundred seventy-seven point five full-time equivalent positions, maintenance, and miscellaneous purposes, the sum of seventeen million one hundred twenty-six thousand three hundred sixty-five (17,126,365) dollars, and as a condition, limitation, and qualification of this appropriation, the facility shall employ two hundred ninety correctional officers.

b. For the operation of the Anamosa correctional facility, including salaries and support of not more than three hundred nine full-time equivalent positions, maintenance, and miscellaneous purposes, the sum of eleven million nine hundred twenty-five thousand five (11,925,005) dollars, and as a condition, limitation, and qualification of this appropriation, the facility shall employ one hundred seventy-eight correctional officers.

c. For the operation of the Oakdale correctional facility, including salaries and support of not more than two hundred forty-four point five full-time equivalent positions, maintenance, and miscellaneous purposes, the sum of eight million three hundred eighty thousand seven hundred sixty-five (8,380,765) dollars, and as a condition, limitation, and qualification of this appropriation, the facility shall employ one hundred twenty-four correctional officers.

d. For the operation of the Newton correctional facility, including salaries and support of not more than fifty-six full-time equivalent positions, maintenance, and miscellaneous purposes, the sum of two million one hundred eight thousand one hundred seventy-two (2,108,172) dollars, and as a condition, limitation, and qualification of this appropriation, the facility shall employ eighteen correctional officers.

e. For the operation of the Mt. Pleasant correctional facility, including salaries and support of not more than two hundred fifty-two point two eight full-time equivalent positions, maintenance, and miscellaneous purposes, the sum of nine million one hundred six thousand seven hundred eighty-seven (9,106,787) dollars, and as a condition, limitation, and qualification of this appropriation, the facility shall employ one hundred thirty-four correctional officers.

f. For the operation of the Rockwell City correctional facility, including salaries and support of not more than sixty-four full-time equivalent positions, maintenance, and miscellaneous purposes, the sum of two million two hundred forty-four thousand four hundred eighty-one (2,244,481) dollars, and as a condition, limitation, and qualification of this appropriation, the facility shall employ thirty-six correctional officers.

g. For the operation of the Clarinda correctional facility, including salaries and support of not more than one hundred two point six five full-time equivalent positions, maintenance, and miscellaneous purposes, the sum of three million two hundred eighty thousand two hundred thirty-two (3,280,232) dollars, and as a condition, limitation, and qualification of this appropriation, the facility shall employ fifty-nine correctional officers.

h. For the operation of the Mitchellville correctional facility, including salaries and support of not more than eighty-two full-time equivalent positions, maintenance, and miscellaneous purposes, the sum of two million seven hundred thirteen thousand eight hundred forty-one (2,713,841) dollars, and as a condition, limitation, and qualification of this appropriation, the facility shall employ forty-four correctional officers.

2. The department of corrections shall provide a report to the co-chairpersons and ranking members of the justice system appropriations subcommittee and the legislative fiscal bureau on or before January 15, 1989, detailing the amount of money to be pooled by the institutions for educational programs, which educational institutions will be involved, the amount of any federal funds received for use with these programs, and any other pertinent information.

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

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

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

Sec. 5. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the following amounts, or so much thereof as is necessary, for the purposes designated:

1. For general administration, including salaries and support of not more than thirty-seven point five two full-time equivalent positions, maintenance, and miscellaneous purposes:

..... \$ 1,693,744

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

The department of corrections and the board of parole shall review the implementation of, and the participation of this state under, the interstate probation and parole compact including, but not limited to the method of administration under the compact. The report shall be filed with the co-chairpersons and ranking members of the justice system appropriations subcommittee, the executive council, and the legislative fiscal bureau on or before January 15, 1989.

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

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

..... \$ 119,580

3. For federal prison reimbursement and miscellaneous contracts:

..... \$ 300,000

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

4. For salaries and support of not more than six point three one full-time equivalent positions, maintenance, and miscellaneous purposes at the correctional training center at Mt. Pleasant:

..... \$ 279,731

5. For repairs to roofs and related expenses at the correctional institutions:

..... \$ 115,584

Sec. 6.

1. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 1988, and ending June 30, 1989, or so much thereof as is necessary, the following amounts allocated as follows:

a. For the first judicial district department of correctional services for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the sum of three million one hundred sixty-four thousand nine hundred forty (3,164,940) dollars, or so much thereof as is necessary, and as a condition, limitation, and qualification of this appropriation, sixty thousand four hundred twenty (60,420) dollars shall be used for intensive supervision programs established within the district.

b. For the second judicial district department of correctional services for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the sum of two million five hundred sixty-four thousand two hundred seventy-eight (2,564,278) dollars, or so much thereof as is necessary, and as a condition, limitation, and qualification of this appropriation, ninety-seven thousand three hundred eighty-four (97,384) dollars shall be used for sex offender programs established within the district.

c. For the third judicial district department of correctional services for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the sum of one million four hundred seventy thousand seven hundred eighty-two (1,470,782) dollars, or so much thereof as is necessary, and as a condition, limitation, and qualification of this appropriation, twenty-four thousand (24,000) dollars shall be used for sex offender programs established within the district.

d. For the fourth judicial district department of correctional services for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the sum of one million three hundred eighty-two

thousand one (1,382,001) dollars, or so much thereof as is necessary, and as a condition, limitation, and qualification of this appropriation, sixteen thousand three hundred forty (16,340) dollars shall be used for sex offender programs established within the district.

e. For the fifth judicial district department of correctional services for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the sum of four million four hundred forty thousand nine hundred sixty-nine (4,440,969) dollars, or so much thereof as is necessary, and as a condition, limitation, and qualification of this appropriation, one hundred seventy thousand fifty-eight (170,058) dollars shall be used for intensive supervision programs established within the district.

f. For the sixth judicial district department of correctional services for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the sum of three million two hundred thirty-two thousand one hundred seventy-eight (3,232,178) dollars, or so much thereof as is necessary, and as a condition, limitation, and qualification of this appropriation, one hundred four thousand two hundred fifty-nine (104,259) dollars shall be used for intensive supervision programs established within the district.

g. For the seventh judicial district department of correctional services for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the sum of two million seven hundred thirty-eight thousand twenty-eight (2,738,028) dollars, or so much thereof as is necessary, and as a condition, limitation, and qualification of this appropriation, seventy-three thousand six hundred ninety-six (73,696) dollars shall be used for intensive supervision programs established within the district.

h. For the eighth judicial district department of correctional services for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the sum of one million three hundred thirty-three thousand seven hundred nineteen (1,333,719) dollars, or so much thereof as is necessary, and as a condition, limitation, and qualification of this appropriation, seventy-three thousand seven hundred fifty-two (73,752) dollars shall be used for intensive supervision programs established within the district.

i. To the department of corrections for the assistance and support of each judicial district department of correctional services, the following amount:

..... \$ 86,445

2. The department of corrections shall not change the appropriations either to the district departments of correctional services or to the correctional institutions from the amounts appropriated under this section and section 4 of this Act, unless notice of the revisions is given prior to their effective date to the legislative fiscal bureau. The notice shall include information on the department's rationale for making the changes and details concerning the workload and performance measures upon which the changes are based.

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

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

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

Sec. 7. There is appropriated from the general fund of the state to the judicial department for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

COURTS AND ADMINISTRATION

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, maintenance, equipment and miscellaneous purposes:

..... \$ 58,159,405

2. For salaries, support, maintenance, and miscellaneous purposes necessary to provide adult indigent defense and the cost of juvenile proceedings including attorney and witness fees:

..... \$ 8,000,000

3. For the juvenile victim restitution program:

..... \$ 115,000

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

4. For salaries, support, maintenance, and miscellaneous purposes necessary to fund the cost of juvenile proceedings including attorney and witness fees:

..... \$ 1,500,000

Sec. 8. Of the funds appropriated by section 7, subsection 1, of this Act, not more than one million six hundred thousand (1,600,000) dollars may be transferred into the revolving fund established pursuant to section 602.1302, subsection 4, to be used for the payment of jury and witness fees and mileage.

Sec. 9. A public office providing indigent defense which is in existence on June 30, 1988, shall not be abolished during the period beginning June 30, 1988, and ending June 30, 1989, unless done at the request of the chief judge of the judicial district.

Sec. 10. Section 602.1301, subsection 2, paragraph a, Code 1987, is amended to read as follows:

a. As early as possible, but not later than December 1, the supreme court shall submit to the legislative fiscal bureau the annual budget request and detailed supporting information for the judicial department. The submission shall be designed to assist the legislative fiscal bureau in its preparation for legislative consideration of the budget request. The information submitted shall contain and be arranged in a format substantially similar to ~~part II of the governor's budget message as the format specified in by the director of management and used by all department and establishments in transmitting to the director estimates of their expenditure requirements pursuant to section 8.22 8.23.~~ The supreme court shall also make use of the department of management's automated budget system when submitting information to the director of management to assist the director in the transmittal of information as required under section 8.35A.

Sec. 11. 1987 Iowa Acts, chapter 234, section 304, subsection 2, unnumbered paragraph 1, is amended to read as follows:

In addition to the funds appropriated in subsection 1, there is appropriated one thousand five hundred (1,500) dollars for an inmate tort claim fund for inmate claims of less than twenty-five dollars. The amount appropriated to the inmate tort claim fund is not subject to reversion under section 8.33. If the fund 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.

Sec. 12. In order to achieve full-time equivalent position levels, the number of filled positions may exceed the number of full-time equivalent positions during parts of the fiscal year

to compensate for time periods when the number of filled positions is below the number of full-time equivalent positions. For purposes of this section, a full-time equivalent position equals two thousand eighty hours in one fiscal year.

Sec. 13. All federal grants to and the federal receipts of the agencies to whom funds are appropriated under this Act are appropriated for the purposes set forth in the federal grants or receipts unless otherwise provided by the general assembly.

Sec. 14. The legislative council shall create a corrections task force to review and assess the state's corrections system. The task force shall address how to achieve the maximum safety for the public in the most cost-effective and efficient manner for the taxpayers and citizens of Iowa. The task force shall be composed of five members of the senate, five members of the house of representatives, one member representing the board of parole, one member representing the department of corrections and one member representing the judicial district department of correctional services. The task force is authorized to contract with consultants and experts within the corrections area to review and assess the state's corrections system for the purpose of recommending a long-term master plan. The plan shall include two-year, five-year, and ten-year goals and a comprehensive ten-year master plan for the corrections system. This plan shall include a study and evaluation of the custody classification system regarding the availability of minimum, medium, and maximum security beds in the correctional institutions and the availability of beds within the judicial district departments of correctional services. The study shall compare recommended classification levels of the national institute of corrections and the federal board of parole. The classification study shall include the development of a profile of the state's prison population, a determination of whether an identifiable group of inmates exists which could be placed in alternative correctional programs without increased risk to the public safety, an examination of the current aggregate custody needs involving the state's prison population so that preliminary estimates may be made of prison capacity needs by custody level, and a determination of the overuse or underuse of bed space at the various custody levels.

The master plan shall also include an evaluation of the risk assessment model used by the board of parole in comparison with other available models including the Rand study model.

The master plan shall include recommendations relating to sentencing patterns and practices, release criteria, and resource allocation. The plan shall also include evaluation and recommendations for use of diversion and community service programs and the use of alternative and intermediate sanction programs, such as intensive supervision and electronic monitoring. Recommendations shall also be made as to institutional staffing levels and training programs for corrections officers. Correctional policy alternatives with cost-benefit analyses regarding those alternatives shall be provided. The plan shall project prison population for the next five years and if necessary make recommendations concerning the construction and maintenance of additional prison space. Any recommendations for additional space shall include the location or locations of additional correctional bed space and to the extent intermediate or alternative sanctions can reduce the need for any additional space. The plan shall also address programs targeted toward OWI offenders, substance abusers, and sex offenders, and shall include the cost-effectiveness of lease purchase arrangements to build any new prison space. The task force shall recommend a five-year to ten-year maintenance program for the correctional institutions in this state.

The task force shall report to the legislative council and the general assembly by January 15, 1989, its determinations and findings concerning the custody classification system and the risk assessment model used by the board of parole. The master plan shall be completed and a report made to the legislative council and the general assembly by January 1, 1990.

Sec. 15. Sections 9 and 11 of this Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 13, 1988

CHAPTER 1272

**APPROPRIATIONS AND FEES FOR AGRICULTURE
AND LAND STEWARDSHIP AND NATURAL RESOURCES DEPARTMENTS**

H.F. 2440

AN ACT relating to and making appropriations to the department of agriculture and land stewardship and the department of natural resources, and providing for an increase in certain fees.

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

Section 1. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP. There is appropriated from the general fund of the state and the trust funds indicated to the department of agriculture and land stewardship for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADMINISTRATIVE DIVISION

- a. From the general fund for salaries, support, maintenance, and miscellaneous purposes:

	\$ 968,311
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- b. From the fertilizer fund to be transferred to the administration division:

	\$ 51,100
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- c. From the dairy trade practice fund to be transferred to the administration division:

	\$ 86,813
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- d. From the commercial feed fund to be transferred to the administration division:

	\$ 51,100
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- e. Of the amount appropriated from the general fund of the state under paragraph "a" of this subsection, sixty thousand (60,000) dollars shall be allocated for the operations of the statistics bureau.
- f. The department of agriculture and land stewardship shall establish annual subscription fees for the regular and periodic publications of the department. However, the subscription fee for a publication by the farm commodity division relating to a livestock market summary shall not exceed ten dollars and a publication by the farm commodity division relating to sheep clippings shall not exceed four dollars. Fees collected from subscribers shall be deposited in the general fund of the state.
- g. The department of agriculture and land stewardship shall fund, from moneys appropriated to the department under paragraph "a" for the salary and support of the currently untitled position within the administrative division, the salary and support of the position of programming and planning administrator II.
- h. Funds appropriated by this subsection are for the salaries and support of not more than forty-two point twenty-four full-time equivalent positions.