

I am unable to approve the designated portion of Section 30. This item would allow community college cash reserve funds to be used for purposes other than temporary cash shortages. The purpose for the cash reserves is to alleviate temporary cash shortages and the reserves should remain available for that purpose or be returned to the property taxpayers of the community college district.

I am unable to approve Section 44, in its entirety. This item would require the Regents' institutions to report annually the purposes for which certain indirect cost recovery receipts are used. This information is available and has been provided when requested, therefore it is not necessary to impose an annual reporting requirement on the institutions.

I am unable to approve Section 45, in its entirety. This item would establish requirements for purchases of Prison Industry products by the Regents that are different than those applying to all other agencies. All state agencies are encouraged to purchase and use Prison Industry products whenever possible. Any exceptions to such purchases should apply in the same way across state government.

I am unable to approve Section 55, subsection 2, in its entirety. This item would appropriate funds out of Phase I teachers' salary dollars to pay for the costs of a new program which was not recommended in my budget. These resources should rather be used for their intended purpose of improving the competitiveness of beginning teachers' salaries.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 2477 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD, Governor

CHAPTER 1216
APPROPRIATIONS - JUSTICE SYSTEM
H.F. 2472

AN ACT relating to and making appropriations to the justice system, creating a drug abuse resistance education surcharge, 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, 1996, and ending June 30, 1997, 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:

.....	\$	5,693,460
.....	FTEs	178.50

It is the intent of the general assembly that of the funds appropriated in this subsection, not more than \$50,000 shall be used to establish an office of veterans advocate as provided in section 13.32, as enacted by this Act.

*Item veto; see message at end of the Act

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

.....	\$	250,000
.....	FTEs	6.00

a. In addition to the funds appropriated in this subsection for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the attorney general shall provide up to \$41,000 in state matching funds from moneys retained by the attorney general from property forfeited pursuant to section 809.13, for the prosecuting attorney training program, the prosecuting intern program, or both. Counties participating in the prosecuting intern program shall match the state funds.

b. In addition to the funds appropriated in this subsection for the fiscal year beginning July 1, 1996, and ending June 30, 1997, and the moneys retained by the attorney general pursuant to paragraph "a", the attorney general shall provide up to \$10,000 in state matching funds from moneys retained by the attorney general from property forfeited pursuant to section 809.13, for the office of the prosecuting attorneys training coordinator to use for continuation of the domestic violence response enhancement program established in accordance with 1992 Iowa Acts, chapter 1240, section 1, subsection 2, paragraph "b".

c. The prosecuting attorneys training program shall use a portion of the funds appropriated in this subsection for educating and training prosecuting attorneys, as defined in section 13A.1, in alternative dispute resolution techniques.

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, 1996, and ending June 30, 1997, an amount not exceeding \$200,000 to be used for the enforcement of the Iowa competition law. The expenditure of the funds appropriated in 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. However, if the funds received as a result of these judgments are in excess of \$200,000, the excess funds 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, 1996, and ending June 30, 1997, 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 expenditure of the funds appropriated in 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 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:

.....	\$	1,759,806
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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 section 8.33 or 8.39, any balance remaining from the appropriation in this subsection shall not revert to the general fund of the state but shall be 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:

.....	\$	108,999
.....	FTEs	3.00

7. The balance of the victim compensation fund established under section 912.14 may be used to provide salary and support of not more than 9.00 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 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, 1995, and actual and expected reimbursements for the fiscal year commencing July 1, 1996.

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, 1997.

10. For legal services for persons in poverty grants as provided in section 13.34, as enacted in this Act:

.....	\$	950,000
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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, 1996, and ending June 30, 1997, 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 expenditure of the funds appropriated in this section is 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 which remain unexpended or unobligated at the close of the fiscal year shall not revert to the general fund of the state but shall remain available for expenditure for the designated purpose in the succeeding fiscal year.

Sec. 3. DEPARTMENT OF JUSTICE – OBSCENITY ENFORCEMENT. There is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For establishing an antiobscenity enforcement unit within the general office of attorney general, and for not more than the following full-time equivalent positions:

.....	\$	110,000
.....	FTEs	2.00

Sec. 4. 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, 1996, and ending June 30, 1997, 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:

.....	\$	2,337,189
.....	FTEs	32.00

Sec. 5. 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, 1996, and ending June 30, 1997, 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:

.....	\$	827,749
.....	FTEs	17.00

Sec. 6. 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, 1996, and ending June 30, 1997, 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, support, maintenance, employment of correctional officers, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	26,170,099
.....	FTEs	495.00

b. In addition to the funds appropriated in paragraph "a", for the operation of cellhouse 17 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:

.....	\$	216,363
.....	FTEs	3.17

c. 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:

.....	\$	19,955,506
.....	FTEs	372.75

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.

d. 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:

.....	\$	16,360,631
.....	FTEs	321.30

e. 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:

.....	\$	10,233,775
.....	FTEs	154.28

f. 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:

.....	\$	14,684,042
.....	FTEs	279.32

g. 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:

.....	\$	5,656,219
.....	FTEs	111.00

h. 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:

.....	\$	14,467,836
.....	FTEs	246.00

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.

i. 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:

.....	\$	6,477,098
.....	FTEs	132.00

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

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 \$50.

3. The department of corrections shall continue the development of the concept of a super-maximum security facility for inmates, including, but not limited to, details on the number of beds, staffing, operations, and the process for classifying inmates for incarceration at such a facility. The department shall explain the staffing, classification, and structured differences between a super-maximum security facility for inmates and any other type of facility in the corrections system.

Sec. 7. 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, 1996, and ending June 30, 1997, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

*Item veto; see message at end of the Act

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:

.....	\$	2,372,985
.....	FTEs	38.18

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 one hundred thousand dollars during the fiscal year beginning July 1, 1996, for the privatization of services performed by the department using state employees as of July 1, 1996, 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 co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system.

It is the intent of the general assembly that 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.

2. 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:

.....	\$	237,038
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3. 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 by this subsection to continue to contract for the services of a Muslim imam.

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

.....	\$	458,074
.....	FTEs	8.16

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

.....	\$	625,860
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6. For educational programs for inmates at state penal institutions:

.....	\$	2,350,600
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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.

Notwithstanding section 8.33, moneys appropriated in this subsection which remain unobligated or unexpended at the close of the fiscal year shall not revert to the general fund of the state but shall remain available only for the purposes designated in this subsection in the succeeding fiscal year.

- 7. For funding of the criminal justice program at the university of northern Iowa:

	\$	175,000
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- *8. For increased inmate costs at the institutions:

	\$	278,000*
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- 9. For additional correctional officers to be assigned to adult correctional institutions under the control of the department, and may be used for implementation of requirements of section 904.701, and for not more than the following full-time equivalent positions:

	\$	770,000
	FTEs	22.00
- 10. The department of corrections shall submit a report to the general assembly on January 1, 1997, concerning progress made in implementing the requirements of section 904.701, concerning hard labor by inmates.

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, 1996, and ending June 30, 1997, 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:

\$ 7,036,820

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

(2) The district department, in cooperation with the chief judge of the judicial district, shall continue the implementation of a plan to divert low-risk offenders to the least restrictive sanction available.

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:

\$ 5,632,043

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

(2) The district department, in cooperation with the chief judge of the judicial district, shall continue the implementation of a plan to divert low-risk offenders to the least restrictive sanction available.

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:

\$ 3,384,385

(1) The district department shall continue the sex offender treatment program established within the district in 1988 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph "c", and the intensive supervision program established within the district in 1990 Iowa Acts, chapter 1268, section 6, subsection 3, paragraph "d".

(2) The district department, in cooperation with the chief judge of the judicial district, shall continue the implementation of a plan to divert low-risk offenders to the least restrictive sanction available.

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

*Item veto; see message at end of the Act

department of corrections violator program, the following amount, or so much thereof as is necessary:

..... \$ 2,551,754

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

(2) The district department, in cooperation with the chief judge of the judicial district, shall continue the implementation of a plan to divert low-risk offenders to the least restrictive sanction available.

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:

..... \$ 9,169,253

(1) The district department shall continue the intensive supervision program established within the district in 1988 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph "e", and shall continue to provide for the rental of electronic monitoring equipment.

(2) The district department, in cooperation with the chief judge of the judicial district, shall continue the implementation of a plan to divert low-risk offenders to the least restrictive sanction available.

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:

..... \$ 7,118,005

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

(2) The district department, in cooperation with the chief judge of the judicial district, shall continue the implementation of a plan to divert low-risk offenders to the least restrictive sanction available.

(3) The district department shall continue the implementation of a plan providing for the expanded use of intermediate criminal sanctions, as provided in 1993 Iowa Acts, chapter 171, section 6, subsection 1, paragraph "f", subparagraph (3).

(4) The district department is authorized to enter into financial arrangements for and to construct an addition to the Faches Center for the purposes of adding staff offices.

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:

..... \$ 4,486,275

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

(2) The district department shall continue the job development program established within the district in 1990 Iowa Acts, chapter 1268, section 6, subsection 7, paragraph "e".

(3) The district department, in cooperation with the chief judge of the judicial district, shall continue the implementation of a plan to divert low-risk offenders to the least restrictive sanction available.

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:

..... \$ 4,120,221

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

(2) The district department, in cooperation with the chief judge of the judicial district, shall continue the implementation of a plan to divert low-risk offenders to the least restrictive sanction available.

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

**j. For the department of corrections for the assistance and support of the judicial district departments of correctional services for use in implementing the requirements for inmate hard labor, the following amount, or so much thereof as is necessary:*

..... \$ 100,000*

2. 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.

3. 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.

4. 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.

5. 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, 1997.

6. It is the intent of the general assembly that each judicial district department of correctional services shall operate the community-based correctional facilities in a manner which provides for a residential population of at least 110 percent of the design capacity of the facility.

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.

Sec. 9. JUDICIAL DEPARTMENT. There is appropriated from the general fund of the state to the judicial department for the fiscal year beginning July 1, 1996, and ending June 30, 1997, 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, trial court supervisors, trial court technicians II, financial supervisors I and II, 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

*Item veto; see message at end of the Act

during the fiscal year beginning July 1, 1996, and maintenance, equipment, and miscellaneous purposes:

..... \$ 90,815,119

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

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

c. It is the intent of the general assembly that counties installing new telephone systems shall provide those systems to all judicial department offices within the county at no cost.

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 funds appropriated in this subsection shall not be used to expand the applications of the Iowa court information system for purposes other than those for which the system is currently used. The judicial department shall focus efforts upon the collection of delinquent fines, penalties, court costs, fees, surcharges, or similar amounts. The judicial department shall 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, 1997, concerning the completion of the department's communication and information management system.

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. The judicial department shall use a portion of the funds appropriated in this subsection for educating and training the appropriate court personnel in alternative dispute resolution techniques.

h. In addition to the requirements for transfers under section 8.39, the judicial department shall not change the appropriations from the amounts appropriated to the department 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 department's rationale for making the changes and details concerning the work load and performance measures upon which the changes are based.

i. The judicial department shall provide a report semiannually to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system and to the legislative fiscal bureau specifying the amounts of fines, surcharges, and court costs collected using the Iowa court information system. The report shall demonstrate and specify how the Iowa court information system is used to improve the collection process.

A report required by this paragraph shall be made by January 15, 1997, for the counties added to the Iowa court information system during the 1995-1996 fiscal year, and by January 15, 1998, for the additional counties added to the system by this Act, indicating whether the counties have reduced uncollected court fines and fees by 50 percent as a result of being added to the system.

j. Of the funds appropriated in this subsection, the judicial department shall use not more than \$108,999 for an additional 3.00 district court judges as provided in this paragraph:

(1) Beginning January 1, 1997, one additional district court judge is authorized and shall be assigned to a judicial election district in the fifth judicial district as determined by the chief judge of the fifth judicial district.

(2) Beginning June 1, 1997, one additional district court judge is authorized and shall be assigned to a judicial election district in the fifth judicial district as determined by the chief judge of the fifth judicial district.

(3) Beginning June 1, 1997, one additional district court judge is authorized and shall be assigned to a judicial election district in the second judicial district as determined by the chief judge of the second judicial district.

k. Of the funds appropriated in this subsection, the judicial department shall use \$297,833 for an additional 4 juvenile court officers, 3 juvenile court specialists, and 3 clerical workers.

l. Of the funds appropriated in this subsection, the judicial department shall use \$140,000 to increase the salary of all associate juvenile judges and associate probate judges.

m. Of the funds appropriated in this subsection, the judicial department shall use \$174,000 for an additional 4.75 FTEs for the expansion of the court-appointed special advocate program.

n. The judicial department shall provide a report to the general assembly by January 1, 1997, concerning the amounts received and expended from the enhanced court collections fund created in section 602.1304 during the fiscal year beginning July 1, 1995, and ending June 30, 1996, and the plans for expenditures during the fiscal year beginning July 1, 1996, and ending June 30, 1997.

2. For the juvenile victim restitution program:

..... \$ 155,396

Sec. 10. COURT TECHNOLOGY AND MODERNIZATION FUND - DISTRIBUTION. Of the moneys collected and deposited in the court technology and modernization fund established in section 602.8108, \$468,800 deposited in the fund in the fiscal year beginning July 1, 1996, shall be expended for the implementation of a records management program in the clerk of court offices using imaging and CD-ROM technology.

Sec. 11. ENHANCED COURT COLLECTIONS FUND - DISTRIBUTION. Of the moneys collected and deposited in the enhanced court collections fund created in section 602.1304, the first \$857,500 deposited in the fund in the fiscal year beginning July 1, 1996, shall be expended for use by the Iowa court information system.

Sec. 12. 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, 1996, and ending June 30, 1997, 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:

..... \$ 3,726,422

Sec. 13. INDIGENT DEFENSE COSTS. The supreme court shall submit a written report for the preceding fiscal year no later than January 1, 1997, 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 department 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. 14. AUTOMATED DATA SYSTEM. The department of corrections, judicial district departments of correctional services, board of parole, and the judicial department shall continue to develop an automated data system for use in the sharing of information between the

department of corrections, judicial district departments of correctional services, board of parole, and the judicial department. The information to be shared shall concern any individual who may, as the result of an arrest or infraction of any law, be subject to the jurisdiction of the department of corrections, judicial district departments of correctional services, or board of parole. The department of corrections, in consultation and cooperation with the judicial district departments of correctional services, the board of parole, and the judicial department, shall provide a report concerning the development of the automated data system 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, 1997.

Sec. 15. CORRECTIONAL INSTITUTIONS - VOCATIONAL TRAINING. 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, 1997.

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, 1997, concerning the efforts made by each correctional facility in maintaining vocational education programs for inmates.

Sec. 16. APPROPRIATIONS TO THE DEPARTMENT OF CORRECTIONS - MONEYS ENCUMBERED - PRIORITIES.

1. Notwithstanding any other provision of law to the contrary, moneys appropriated to the department of corrections pursuant to 1995 Iowa Acts, chapter 207, sections 4, 5, and 6, shall be considered encumbered pursuant to section 8.33, and shall not revert to the general fund of the state at the end of the fiscal year commencing July 1, 1995. As used in this section, unless the context otherwise requires, "encumbered funds" means the moneys appropriated to the department of corrections pursuant to 1995 Iowa Acts, chapter 207, sections 4, 5, and 6, which would otherwise revert to the general fund of the state after the end of the fiscal year in which the moneys were appropriated, but for the prohibition contained in this section.

2. The department of corrections shall use encumbered funds in the fiscal year commencing July 1, 1996, to fund up to an additional 50 FTEs for the employment of correctional officers in the correctional institutions specified in section 904.102, and to purchase surveillance cameras and other necessary surveillance or safety equipment for use in correctional institutions. The full-time equivalent positions provided in this section for the employment of correctional officers and the funding provided for the purchase of equipment are in addition to any full-time equivalent positions or equipment funded in section 6 of this Act. The department of corrections shall use its discretion in distributing the additional correctional officers and equipment throughout the correctional facilities. The department of corrections shall file a report with the department of management concerning correctional officer positions filled and critically needed safety equipment purchased from encumbered funds provided under this section. If the department is able to fund an additional 50 FTEs for the employment of correctional officers pursuant to this section and to purchase all critically needed safety equipment, any remaining funds shall be unencumbered and shall revert to the general fund of the state at the end of the fiscal year commencing July 1, 1996.

Sec. 17. 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 department, 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.

Sec. 18. 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, 1996, and ending June 30, 1997, the following amounts, or so much thereof as is necessary, for the purposes designated, and for not more than the following full-time equivalent positions:

1. For salaries, support, maintenance, and miscellaneous purposes:		
.....	\$	10,681,867
.....	FTEs	189.00
2. For court-appointed attorney fees for indigent adults and juveniles, notwithstanding section 232.141 and chapter 815:		
.....	\$	17,475,074

Sec. 19. 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, 1996, and ending June 30, 1997, 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:		
.....	\$	1,068,418
.....	FTEs	24.00

It is the intent of the general assembly that the Iowa law enforcement academy use its own equipment for copying and printing to the maximum extent possible to reduce the costs for these services.

2. For salaries, support, maintenance, and miscellaneous purposes to provide statewide coordination of the drug abuse resistance education (D.A.R.E.) program:		
.....	\$	30,000
3. The Iowa law enforcement academy may annually select at least five automobiles of the department of public safety, division of highway safety, uniformed force, and radio communications, prior to turning over the automobiles to the state vehicle dispatcher 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 highway safety, uniformed force, and radio communications.		

Sec. 20. 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, 1996, and ending June 30, 1997, 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:		
.....	\$	3,910,339
.....	FTEs	221.26

If there is a surplus in the general fund of the state for the fiscal year ending June 30, 1997, within 60 days after the closing 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:

.....	\$	523,971
.....	FTEs	14.60

Sec. 21. 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, 1996, and ending June 30, 1997, 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 medical examiner's office and the criminal justice information system, and for not more than the following full-time equivalent positions:

.....	\$	2,171,438
.....	FTEs	38.80

2. a. 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 18 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:

.....	\$	9,392,619
.....	FTEs	190.00

b. In addition to the funds appropriated in paragraph "a", for overtime costs for employees of the division of criminal investigation and bureau of identification:

.....	\$	100,000
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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 March 31, 1996. 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 18 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:

.....	\$	2,519,162
.....	FTEs	41.00

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 18 percent of the salaries for which the funds are appropriated, and for not more than the following full-time equivalent positions:

.....	\$	1,458,161
.....	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 18

percent of the salaries for which the funds are appropriated and for not more than the following full-time equivalent positions:

.....	\$	1,207,304
.....	FTEs	27.00

6. An employee of the department of public safety who retires after July 1, 1996, but prior to June 30, 1997, 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 paragraph shall not operate to reduce any retirement benefits an employee may have earned under other collective bargaining agreements or retirement programs.

7. For costs associated with the training of volunteer fire fighters:

.....	\$	875,000
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8. For the state medical examiner, for the purpose of establishing an office of the state medical examiner within the department of public safety, and for not more than the following full-time equivalent positions:

.....	\$	332,500
.....	FTEs	4.00

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

Sec. 22. HIGHWAY SAFETY PATROL FUND. There is appropriated from the highway safety patrol fund created in section 80.41 to the division of highway safety, uniformed force, and radio communications of the department of public safety, for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

1. 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 18 percent of the salaries for which the funds are appropriated, and for not more than the following full-time equivalent positions:

.....	\$	34,396,129
.....	FTEs	566.00

It is the intent of the general assembly that, of the funds appropriated in this subsection, the division shall expend the amount necessary to provide the state match for adding twelve state troopers through the federal community-oriented policing services program. It is the intent of the general assembly that once federal moneys for this program end, the division shall present proposals to the governor and the general assembly for continued funding of the state troopers described in this paragraph and for consideration of reducing the number of state troopers through attrition, by the same number as the number of troopers added through the federal program.

2. The division of highway safety, uniformed force, and radio communications may expend an amount proportional to the costs that are reimbursable from the highway safety patrol fund created in section 80.41. Spending for these costs may occur from any unappropriated funds in the state treasury upon a finding by the department of management that all of the amounts requested and approved are reimbursable from the highway safety patrol fund. Upon payment to the highway safety patrol fund, the division of highway safety, uniformed force, and radio communications shall credit the payments necessary to reimburse the state treasury.

3. For payment to the department of personnel for expenses incurred in administering the merit system on behalf of the division of highway safety, uniformed force, and radio communications:

.....	\$	66,293
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Sec. 23. DEPARTMENT OF CORRECTIONS – CORRECTIONAL FACILITY. The department of corrections shall construct a 750-bed medium security correctional facility for men. Bonds shall be issued under the provisions of sections 16.177 and 602.8108A to finance the construction of the facility. The cost of constructing the facility, exclusive of financing costs, shall not exceed \$36,000,000.

Notwithstanding any provisions of section 18.6 to the contrary, the department of corrections may consider the prison construction projects authorized by 1995 Iowa Acts, chapter 202, section 9, and this section, as one project for the purposes of bidding, negotiating, and entering into professional services contracts for the authorized prison construction.

Sec. 24. DEPARTMENT OF CORRECTIONS – FORT MADISON CORRECTIONAL FACILITY – CELLHOUSE 17 RENOVATION. The department of corrections shall renovate cellhouse 17 at the Fort Madison correctional facility. Bonds shall be issued under the provisions of sections 16.177 and 602.8108A to finance the renovation of the facility. The cost of planning, developing, and renovating cellhouse 17, exclusive of financing costs, shall not exceed \$6,500,000.

*Sec. 25. NEW SECTION. 13.32 VETERANS ADVOCATE.

*The attorney general shall appoint an attorney to the office of veterans advocate. The veterans advocate is to be housed in the office of the attorney general. The advocate shall be an honorably discharged member of the armed forces of the United States. The advocate's term of office is for four years. The term begins and ends in the same manner as set forth in section 69.19.**

*Sec. 26. NEW SECTION. 13.33 DUTIES OF VETERANS ADVOCATE.

The veterans advocate shall do all of the following:

1. *Assist the commission of veterans affairs created in section 35A.2 in the carrying out of its duties.*
2. *Assist the veterans of the state in obtaining the benefits to which they are entitled.*
3. *Assist the veterans of the state in gaining admission to the Iowa veterans home in a timely manner.*
4. *Provide assistance to the county commissions of veterans affairs created in chapter 35B in the carrying out of their duties.**

Sec. 27. NEW SECTION. 13.34 LEGAL SERVICES FOR PERSONS IN POVERTY GRANT PROGRAM.

1. For the purposes of this section, "eligible individual" means an individual or household with an annual income which is less than one hundred twenty-five percent of the poverty guidelines established by the United States office of management and budget. The attorney general shall contract with an eligible nonprofit organization to provide legal assistance to eligible individuals in poverty. The contract shall be awarded within thirty days after May 30, 1996. The contract may be terminated by the attorney general after a hearing upon written notice and for good cause.

2. A nonprofit organization must comply with all of the following to be eligible for a contract under this section:

- a. Be a nonprofit organization incorporated in this state.
- b. Has lost or will lose funding due to a reduction in federal funding for the legal services corporation for federal fiscal year 1995-1996.
- c. Employ attorneys admitted to practice before the Iowa supreme court and the United States district courts.
- d. Employ attorneys and staff qualified to address legal problems experienced by eligible individuals.

3. The contracting nonprofit organization shall do all of the following:

- a. Offer direct representation of eligible individuals in litigation and administrative cases, in accordance with priorities established by the organizations board.

*Item veto; see message at end of the Act

- b. Offer technical support to eligible individuals.
 - c. Involve private attorneys through volunteer lawyer projects to represent eligible individuals.
 - d. Utilize, to the fullest extent feasible, existing resources of accredited law schools within this state to provide consulting assistance to attorneys in the practice of law in their representation of persons in poverty.
 - e. Assist, to the fullest extent feasible, accredited law schools within this state in enhancing the schools' expertise in the practice of law representing persons in poverty so that all attorneys within the state will have a resource available to provide training and experience in the practice of law representing persons in poverty.
 - f. Cooperate, to the fullest extent feasible, with existing informational and referral networks among persons in poverty, providers of assistance to persons in poverty, and others concerned with assistance to persons in poverty.
4. The contracting nonprofit organization is not a state agency for the purposes of chapters 19A, 20, and 669.
5. An individual is eligible to obtain legal representation and legal assistance from the contracting nonprofit organization if the eligible individual meets all of the following criteria:
- a. The eligible individual is a resident of this state.
 - b. The eligible individual is financially unable to acquire legal assistance, in accordance with criteria established by the organization's board.

Sec. 28. Section 37.10, unnumbered paragraph 1, Code 1995, is amended to read as follows:

Each commissioner shall be an honorably discharged soldier, sailor, marine, airman, or coast guard member and be a resident of the city county in which the memorial hall or monument is located ~~or live within the county if the memorial hall or monument is located outside of a city or is a joint memorial as provided in this chapter.~~

Sec. 29. Section 602.1304, subsection 2, paragraph c, Code Supplement 1995, is amended to read as follows:

c. Moneys in the collections fund shall be used by the judicial department for the Iowa court information system; ~~records management equipment, services, and projects; electronic legal research equipment, systems, and projects; and the study, development, and implementation of other technological improvements, innovations, and projects that would improve the administration of justice.~~ The moneys in the collection fund may also be used for capital improvements necessitated by the installation or connection with the Iowa court information system, the Iowa communications network, and other technological improvements approved by the department.

Sec. 30. Section 602.6201, subsection 10, Code Supplement 1995, 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 ~~eight~~ eleven during the period commencing July 1, ~~1995~~ 1996.

Sec. 31. Section 602.8108, subsection 3, Code 1995, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. Notwithstanding provisions of this subsection to the contrary, all moneys collected from the drug abuse resistance education surcharge provided in section 911.2 shall be remitted to the treasurer of state for deposit in the general fund of the state and the amount deposited is appropriated to the Iowa law enforcement academy for use by the drug abuse resistance education program.

Sec. 32. Section 602.8108A, subsection 1, Code Supplement 1995, is amended to read as follows:

602.8108A PRISON INFRASTRUCTURE FUND.

1. The Iowa prison infrastructure fund is created and established as a separate and distinct fund in the state treasury. Notwithstanding any other provision of this chapter to the contrary, the first eight million dollars and, beginning July 1, 1997, the first nine million five hundred thousand dollars, of moneys remitted to the treasurer of state from fines, fees, costs, and forfeited bail collected by the clerks of the district court in criminal cases, including those collected for both scheduled and nonscheduled violations, collected in each fiscal year commencing with the fiscal year beginning July 1, 1995, shall be deposited in the fund. Interest and other income earned by the fund shall be deposited in the fund. If the treasurer of state determines pursuant to 1994 Iowa Acts, chapter 1196, that bonds can be issued pursuant to this section and section 16.177, then the moneys in the fund are appropriated to and for the purpose of paying the principal of, premium, if any, and interest on bonds issued by the Iowa finance authority under section 16.177. Except as otherwise provided in subsection 2, amounts in the funds shall not be subject to appropriation for any purpose by the general assembly, but shall be used only for the purposes set forth in this section. The treasurer of state shall act as custodian of the fund and disburse amounts contained in it as directed by the department of corrections including the automatic disbursement of funds pursuant to the terms of bond indentures and documents and security provisions to trustees and custodians. The treasurer of state is authorized to invest the funds deposited in the fund subject to any limitations contained in any applicable bond proceedings. Any amounts remaining in the fund at the end of each fiscal year shall be transferred to the general fund of the state.

Sec. 33. Section 904.701, subsection 3, Code Supplement 1995, is amended to read as follows:

3. For purposes of this section, "hard labor" means physical or mental labor which is performed for a period of time which shall average, as nearly as possible, forty hours each week, and may include useful and productive work, chain gangs, menial labor, ~~substance abuse or sex offender treatment or education programs~~, any training necessary to perform any work required, and, if possible, work providing an inmate with marketable vocational skills. "Hard labor" does not include labor which is dangerous to an inmate's life or health, is unduly painful, or is required to be performed under conditions that would violate occupational safety and health standards applicable to such labor if performed by a person who is not an inmate.

Sec. 34. Section 911.2, unnumbered paragraph 1, Code 1995, is amended to read as follows:

When a court imposes a fine or forfeiture for a violation of a state law, or of a city or county ordinance except an ordinance regulating the parking of motor vehicles, the court shall assess an additional penalty in the form of a surcharge equal to thirty percent of the fine or forfeiture imposed. An additional drug abuse resistance education surcharge of five dollars shall be assessed by the court if the violation arose out of a violation of an offense provided for in chapter 321J or chapter 124, division IV. In the event of multiple offenses, the surcharge shall be based upon the total amount of fines or forfeitures imposed for all offenses. When a fine or forfeiture is suspended in whole or in part, the surcharge shall be reduced in proportion to the amount suspended.

Sec. 35. Section 912.14, Code 1995, is amended to read as follows:

912.14 VICTIM COMPENSATION FUND.

A victim compensation fund is established as a separate fund in the state treasury. Moneys deposited in the fund shall be administered by the department and dedicated to and used for the purposes of section 709.10 and this chapter. In addition, the department may use moneys from the fund for the purposes of section 236.15 and for the award of funds to programs that provide services and support to victims of domestic abuse or sexual assault as provided in chapter 236. Notwithstanding section 8.33, any balance in the fund on June 30 of any fiscal year shall not revert to the general fund of the state.

Sec. 36. Section 912.6, Code Supplement 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 6A. In the event of a victim's death, reasonable charges incurred for health care for the victim's spouse, children, parents, siblings, or persons related by blood or affinity to the victim not to exceed three thousand dollars per survivor.

**Sec. 37. LAW ENFORCEMENT TRAINING SUMMIT – STUDY.*

1. *The Iowa league of cities and the Iowa state association of counties are requested to convene a law enforcement training summit during the 1996 legislative interim to examine modifications and alternatives to Iowa's current regulations concerning law enforcement training and resources provided for the training. It is requested that participants in the summit include the Iowa police executive forum, Iowa chiefs of police association, Iowa sheriffs and deputies association, and other interested groups concerned with law enforcement training. A report containing the recommendations of the summit is requested to be provided to the studies committee of the legislative council.*

2. *The legislative council is requested to create a study committee to receive the report and recommendations of the law enforcement training summit and to determine whether changes should be made to Iowa's laws regarding law enforcement training in Iowa.**

Sec. 38. **INTERIM STUDY COMMITTEE.** The legislative council is requested to authorize an interim study committee concerning the enforcement of activities on excursion gambling boats.

**Sec. 39. LOCAL CORRECTIONS INFRASTRUCTURE AND CRIME PREVENTION TASK FORCE – REPORT – STUDY.*

1. a. *If money is appropriated for this purpose, the office of the attorney general shall establish and chair a state task force on local corrections infrastructure and crime prevention. The state task force shall include representation from the division of criminal and juvenile justice planning of the department of human rights, the department of corrections, the department of education, and the university of northern Iowa's criminology program.*

b. *The office of the attorney general, in consultation with the state task force, shall implement a public planning process to assist in the formation of a local task force in each judicial election district and to assist the task force in developing recommendations and proposals for corrections, juvenile justice, and school-based infrastructure projects. The membership of each local task force shall include, but is not limited to, representation from the department of corrections, county sheriffs, police chiefs, district judges, juvenile court judges, juvenile court officers, county supervisors, city council members, criminal and juvenile justice planning advisory council members, where applicable, juvenile services providers, community-based correctional program employees, county attorneys, and local school officials. Each local task force shall submit a report of its recommendations and proposals to the office of the attorney general for consideration by the state task force. The report shall take into consideration ongoing local or state operational expenses related to any facility to be remodeled or constructed under the recommendations of the report. Each local task force shall also develop its recommendations in coordination with other state and local planning initiatives.*

c. *Upon receipt of the reports of each local task force, the state task force shall review the recommendations and proposals in each report, make its own recommendations and proposals based on these reports, and compile a report containing the recommendations and proposals of each local task force and the state task force which is requested to be submitted to the studies committee of the legislative council by December 1, 1996.*

2. *The legislative council is requested to create a study committee to receive the report submitted by the state task force on local corrections infrastructure and crime prevention. The study committee shall review the report and make recommendations concerning recommendations and proposals for corrections, juvenile justice, and school-based infrastructure projects, to include consideration of establishing a grant program and funding mechanism for these*

**Item veto; see message at end of the Act*

projects. The study committee shall submit a report of its findings and recommendations to the general assembly by January 1, 1997.*

**Sec. 40. TASK FORCE IMPLEMENTATION. There is appropriated from the general fund of the state to the department of justice, for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purposes designated:*

For retaining an independent consultant to provide technical assistance and staffing associated with the development of the programs of the state task force on local corrections infrastructure and crime prevention as enacted by this Act:

..... \$ 150,000*

Sec. 41. EFFECTIVE DATES.

1. Section 1, subsections 3 and 4 of this Act, relating to Iowa competition law or antitrust actions and to civil consumer fraud actions, being deemed of immediate importance, take effect upon enactment.

2. Section 16 of this Act, pertaining to the encumbrance of certain moneys appropriated to the department of corrections in the fiscal year commencing July 1, 1995, being deemed of immediate importance, takes effect upon enactment.

3. Section 23 of this Act, authorizing the construction of a 750-bed medium security correctional facility for men, being deemed of immediate importance, takes effect upon enactment.

4. Section 32 of this Act, dealing with the Iowa prison infrastructure fund, being deemed of immediate importance, takes effect upon enactment.

Approved May 29, 1996, except the items which I hereby disapprove and which are designated as Section 1, subsection 1, unnumbered and unlettered paragraph 2 in its entirety; Section 6, subsection 3 in its entirety; Section 7, subsection 8 in its entirety; Section 8, subsection 1, paragraph j in its entirety; Sections 25 and 26 in their entirety; Section 37 in its entirety; and Sections 39 and 40 in their entirety. My reasons for vetoing these items are delineated in the item veto message pertaining to this Act to the Secretary of State this same date, a copy of which is attached hereto.

TERRY E. BRANSTAD, Governor

Dear Mr. Secretary:

I hereby transmit House File 2472, an Act relating to and making appropriations to the justice system, creating a drug abuse resistance education surcharge, and providing effective dates.

House File 2472 is therefore approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the item designated as Section 1, subsection 1, unnumbered and unlettered paragraph 2, and Sections 25 and 26, in their entirety. These items would establish and fund a new office within the Attorney General's office to assist with veteran-related issues. The proposed duties of the office are among the services already performed by the Commission on Veterans Affairs and the county Commissions of Veterans Affairs. We should be doing all we can to support our veterans and to assure they receive the assistance they deserve. It appears, however, that this new office would merely duplicate services provided by existing agencies, and for that reason should not be approved. As a result of this action, the \$50,000 appropriated for this purpose will remain unspent and will revert to the general fund at the end of the fiscal year that begins on July 1, 1996, and ends on June 30, 1997.

* Item veto; see message at end of the Act

I am unable to approve the item designated as Section 6, subsection 3, in its entirety. This item would require the Department of Corrections to study and report on the need for a super-maximum security facility. Funding is provided in this bill to remodel Cellhouse 17 in Fort Madison making more maximum security prison space available to house some of our most dangerous offenders. Until the impact of the Fort Madison Cellhouse remodeling is done and can be properly evaluated, it would be premature to plan for the development of a super-max facility.

I am unable to approve the item designated as Section 7, subsection 8, in its entirety. This item would appropriate \$278,000 for prison-related costs that is in addition to funding provided for the same purposes elsewhere in the bill. The funding otherwise provided is at a level consistent with my budget recommendations and is adequate to cover the department's needs.

I am unable to approve the item designated as Section 8, subsection 1, paragraph j, in its entirety. This item would provide \$100,000 more for Corrections' programs than was recommended in my budget. The funding otherwise provided in the bill is adequate to cover the costs of the programs.

I am unable to approve the item designated as Section 37, in its entirety. This item would direct the Iowa League of Cities and the Iowa State Association of Counties to review and make recommendations relating to law enforcement training programs. This process would duplicate efforts already being made by the Iowa Law Enforcement Academy to review the training programs and to make recommendations for necessary changes. I have been assured that all organizations having an interest in the programs will be consulted in the course of the ILEA's review.

I am unable to approve the items designated as Sections 39 and 40, in their entirety. These items would establish a multi-layered task force to review crime and corrections issues and provide funding in the amount of \$150,000 to support it. The process proposed in the bill is cumbersome and costly, and would not produce the best recommendations within the given time frame.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 2472 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD, *Governor*