

Reprinted

FILED MAR 13 1992

SENATE FILE 2348

BY COMMITTEE ON APPROPRIATIONS

Approved (p. 772)

Passed Senate, Date 3/25/92 (p. 987)

Passed House, Date 4/8/92 (P. 1236)

Vote: Ayes 47 Nays 0

Vote: Ayes 88 Nays 9

Approved

*Stem
Veto*

June 3, 1992

A BILL FOR

1 An Act relating to and making appropriations to the justice
2 system for the fiscal year beginning July 1, 1992, and
3 providing an effective date.

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

- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

1 Section 1. DEPARTMENT OF JUSTICE. There is appropriated
2 from the general fund of the state to the department of
3 justice for the fiscal year beginning July 1, 1992, and ending
4 June 30, 1993, the following amounts, or so much thereof as is
5 necessary, to be used for the purposes designated:

6 1. For the general office of attorney general for
7 salaries, support, maintenance, miscellaneous purposes
8 including odometer fraud enforcement, the farm mediation
9 service program, and legal assistance for farmers, and for not
10 more than the following full-time equivalent positions:

11	\$	4,565,796
12	FTEs	173.00

13 The attorney general shall provide statistics regarding the
14 number of clients served by the farm mediation service, the
15 clients' general financial characteristics, and benefits
16 provided by the farm mediation service to the co-chairpersons
17 and ranking members of the joint justice system appropriations
18 subcommittee and the legislative fiscal bureau on or before
19 January 15, 1993.

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

23	\$	133,074
24	FTEs	4.75

25 In addition to the funds appropriated in this subsection
26 for the fiscal year beginning July 1, 1992, and ending June
27 30, 1993, the attorney general shall provide up to \$41,000 in
28 state matching funds from moneys retained by the attorney
29 general from property forfeited pursuant to section 809.13,
30 for the prosecuting attorney training program, the prosecuting
31 intern program, or both. Counties participating in the
32 prosecuting intern program shall match the state funds.

33 3. In addition to the funds appropriated under subsection
34 1, there is appropriated from the general fund of the state to
35 the department of justice for the fiscal year beginning July

1 1, 1992, and ending June 30, 1993, an amount not exceeding the
2 amount received from damages awarded to the state or a
3 political subdivision of the state by a civil judgment under
4 chapter 553, if the judgment authorizes the use of the award
5 for enforcement purposes, and the amount received from costs
6 or attorney fees awarded the state in state or federal
7 antitrust actions. The appropriation shall be used for the
8 enforcement of the Iowa competition law under chapter 553.
9 Notwithstanding section 8.33, funds received in a previous
10 fiscal year which have not been expended shall be available
11 for expenditure during the fiscal year beginning July 1, 1992.

12 4. In addition to funds appropriated in subsection 1,
13 there is appropriated from the general fund of the state to
14 the department of justice for the fiscal year beginning July
15 1, 1992, and ending June 30, 1993, an amount not exceeding the
16 amount received from damages awarded to the state or a
17 political subdivision of the state by a civil consumer fraud
18 judgment or settlement, if the judgment or settlement
19 authorizes the use of the award for public education on
20 consumer fraud. The appropriation shall be used for public
21 education relating to consumer fraud and for enforcement of
22 section 714.16, and for investigation, prosecution, and
23 consumer education relating to consumer and criminal fraud
24 against older Iowans. Notwithstanding section 8.33, funds
25 received in a previous fiscal year which have not been
26 expended shall be available for expenditure during the fiscal
27 year beginning July 1, 1992.

28 5. For victim assistance grants:
29 \$ 1,294,500

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

34 Notwithstanding section 8.33 or 8.39, any balance remaining
35 from the appropriation made pursuant to this subsection shall

1 not revert to the general fund of the state but shall be
2 available for expenditure during the subsequent fiscal year
3 for the same purpose, and shall not be transferred to any
4 other program.

5 6. For the GASA prosecuting attorney program:
6 \$ 100,039
7 FTEs 3.00

8 7. The balance of the victim compensation fund established
9 under section 912.14 may be used to provide salary and support
10 of not more than 7.00 FTEs and to provide maintenance for the
11 victim compensation functions of the department of justice.

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

22 Sec. 2. OFFICE OF CONSUMER ADVOCATE. There is
23 appropriated from the general fund of the state to the office
24 of consumer advocate of the department of justice for the
25 fiscal year beginning July 1, 1992, and ending June 30, 1993,
26 the following amount, or so much thereof as is necessary, to
27 be used for the purposes designated:

28 For salaries, support, maintenance, miscellaneous purposes,
29 and for not more than the following full-time equivalent
30 positions:
31 \$ 1,943,708
32 FTEs 32.00

33 Sec. 3. BOARD OF PAROLE. There is appropriated from the
34 general fund of the state to the board of parole for the
35 fiscal year beginning July 1, 1992, and ending June 30, 1993,

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

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

10	\$	718,320
11	FTEs	18.00

12 a. The board of parole shall require the board's
13 administrative staff to be cross-trained to assure that each
14 individual on that staff is familiar with all tasks performed
15 by the staff.

16 b. The department of corrections and the board of parole
17 shall review, and implement as necessary, the findings and
18 recommendations contained in the final report prepared by the
19 consultant and presented to the corrections system review task
20 force which was established by 1988 Iowa Acts, chapter 1271,
21 as they relate to the department of corrections and the board
22 of parole. The board shall report to the joint justice system
23 appropriations subcommittee during the 1993 session of the
24 general assembly, at the request of the subcommittee, steps
25 taken to implement any of the recommendations, or the reasons
26 for failing to implement the recommendations.

27 Sec. 4. DEPARTMENT OF CORRECTIONS -- FACILITIES. There is
28 appropriated from the general fund of the state to the
29 department of corrections for the fiscal year beginning July
30 1, 1992, and ending June 30, 1993, the following amounts, or
31 so much thereof as is necessary, to be used for the purposes
32 designated:

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

35 a. For the operation of the Fort Madison correctional

1 facility, including salaries, support, maintenance, employment
2 of 310 correctional officers, miscellaneous purposes, and for
3 not more than the following full-time equivalent positions:

4 \$ 21,036,470
5 FTEs 494.50

6 b. For the operation of the Anamosa correctional facility,
7 including salaries, support, maintenance, employment of 211
8 correctional officers and a part-time chaplain of a minority
9 race, miscellaneous purposes, and for not more than the
10 following full-time equivalent positions:

11 \$ 15,589,728
12 FTEs 352.00

13 Moneys are provided within this appropriation for 2 full-
14 time substance abuse counselors for the Luster Heights
15 facility, for the purpose of certification of a substance
16 abuse program at that facility.

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

21 \$ 14,177,914
22 FTEs 320.80

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

27 \$ 4,857,929
28 FTEs 110.25

29 e. For the operation of the Mt. Pleasant correctional
30 facility, including salaries, support, maintenance, employment
31 of 141 correctional officers and a full-time chaplain to
32 provide religious counseling at the Oakdale and Mt. Pleasant
33 correctional facilities, miscellaneous purposes, and for not
34 more than the following full-time equivalent positions:

35 \$ 11,143,365

1 FTEs 261.34
2 f. For the operation of the Rockwell City correctional
3 facility, including salaries, support, maintenance,
4 miscellaneous purposes, and for not more than the following
5 full-time equivalent positions:
6 \$ 4,860,429
7 FTEs 108.00
8 g. For the operation of the Clarinda correctional
9 facility, including salaries, support, maintenance,
10 miscellaneous purposes, and for not more than the following
11 full-time equivalent positions:
12 \$ 5,356,329
13 FTEs 136.20
14 h. For the operation of the Mitchellville correctional
15 facility, including salaries, support, maintenance,
16 miscellaneous purposes, and for not more than the following
17 full-time equivalent positions:
18 \$ 5,355,474
19 FTEs 132.50
20 2. The department of corrections shall provide a report to
21 the co-chairpersons and ranking members of the joint justice
22 system appropriations subcommittee and the legislative fiscal
23 bureau on or before January 15, 1993, outlining the
24 implementation of the centralized education program for the
25 correctional system. The report shall include a listing of
26 the educational institutions that are involved, the amount of
27 any federal funds received for use with these programs, and
28 any other pertinent information.
29 3. If the inmate tort claim fund for inmate claims of less
30 than \$50 is exhausted during the fiscal year, sufficient funds
31 shall be transferred from the institutional budgets to pay
32 approved tort claims for the balance of the fiscal year. The
33 warden or superintendent of each institution or correctional
34 facility shall designate an employee to receive, investigate,
35 and recommend whether to pay any properly filed inmate tort

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

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

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

14 There is appropriated from the general fund of the state to
15 the department of corrections for the fiscal year beginning
16 July 1, 1992, and ending June 30, 1993, the following amounts,
17 or so much thereof as is necessary, to be used for the
18 purposes designated:

19 1. For general administration, including salaries,
20 support, maintenance, employment of an education director and
21 clerk to administer a centralized education program for the
22 correctional system, miscellaneous purposes, and for not more
23 than the following full-time equivalent positions:

24	\$	2,014,344
25	FTEs	41.52

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

32 2. For reimbursement of counties for temporary confinement
33 of work release and parole violators, as provided in sections
34 246.908, 901.7, and 906.17 and for offenders confined pursuant
35 to section 246.513:

1 \$ 241,875

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

4 \$ 348,300

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

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

12 \$ 361,988

13 FTEs 8.19

14 5. For annual payment relating to the financial
15 arrangement for the construction of expansion in prison
16 capacity as provided in 1989 Iowa Acts, chapter 316, section
17 7, subsection 6:

18 \$ 625,860

19 6. For annual payment relating to the financial
20 arrangement for the construction of expansion in prison
21 capacity as provided in 1990 Iowa Acts, chapter 1257, section
22 24:

23 \$ 3,169,163

24 Sec. 6. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL
25 SERVICES.

26 1. There is appropriated from the general fund of the
27 state to the department of corrections for the fiscal year
28 beginning July 1, 1992, and ending June 30, 1993, the
29 following amounts, or so much thereof as is necessary, to be
30 allocated as follows:

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

34 \$ 5,534,630

35 (1) The district department shall continue the intensive

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

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

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

15 \$ 4,288,557

16 (1) The district department shall continue the sex
17 offender treatment program established within the district in
18 1988 Iowa Acts, chapter 1271, section 6, subsection 1,
19 paragraph "b".

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

24 c. For the third judicial district department of
25 correctional services, the following amount, or so much
26 thereof as is necessary:

27 \$ 2,757,653

28 (1) The district department shall continue the sex
29 offender treatment program established within the district in
30 1988 Iowa Acts, chapter 1271, section 6, subsection 1,
31 paragraph "c", and the intensive supervision program
32 established within the district in 1990 Iowa Acts, chapter
33 1268, section 6, subsection 3, paragraph "d".

34 (2) The district department, in cooperation with the chief
35 judge of the judicial district, shall continue the

1 implementation of a plan to divert low-risk offenders to the
2 least restrictive sanction available.

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

6 \$ 1,899,653

7 (1) The district department shall continue the sex
8 offender treatment program established within the district in
9 1988 Iowa Acts, chapter 1271, section 6, subsection 1,
10 paragraph "d".

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

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

18 \$ 7,493,279

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

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

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

31 \$ 5,540,423

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

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

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

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

12 \$ 3,922,795

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

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

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

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

32 \$ 3,373,835

33 (1) The district department shall continue the intensive
34 supervision program established within the district in 1988
35 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph

1 "h", and shall continue the sex offender treatment program
2 established within the district in 1989 Iowa Acts, chapter
3 316, section 8, subsection 1, paragraph "h".

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

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

12 \$ 88,098

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

17 3. The department of corrections shall continue to
18 contract with a judicial district department of correctional
19 services to provide for the rental of electronic monitoring
20 equipment which shall be available statewide.

21 4. Each judicial district department of correctional
22 services and the department of corrections shall continue the
23 treatment alternatives to street crime programs established in
24 1989 Iowa Acts, chapter 225, section 9.

25 5. The first, sixth, and eighth judicial district
26 departments of correctional services and the department of
27 corrections shall continue the job training and development
28 grant programs established in 1989 Iowa Acts, chapter 316,
29 section 7, subsection 2.

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

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

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

8 Sec. 7. JUDICIAL DEPARTMENT. There is appropriated from
9 the general fund of the state to the judicial department for
10 the fiscal year beginning July 1, 1992, and ending June 30,
11 1993, the following amounts, or so much thereof as is
12 necessary, to be used for the purposes designated:

13 1. For salaries of supreme court justices, appellate court
14 judges, district court judges, district associate judges,
15 judicial magistrates and staff, state court administrator,
16 clerk of the supreme court, district court administrators,
17 clerks of the district court, including fully compensating
18 clerks of the district court, trial court supervisors, trial
19 court technicians II, and financial supervisors I and II for
20 the full 40-hour workweek, juvenile court officers, board of
21 law examiners and board of examiners of shorthand reporters
22 and judicial qualifications commission, receipt and
23 disbursement of child support payments, reimbursement of the
24 auditor of state for expenses incurred in completing audits of
25 the offices of the clerks of the district court during the
26 fiscal year beginning July 1, 1992, and maintenance,
27 equipment, and miscellaneous purposes:

28 \$ 73,203,747

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

35 b. The judicial department shall submit monthly financial

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

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

13 d. Of the funds appropriated in this subsection, not more
14 than \$1,800,000 may be transferred into the revolving fund
15 established pursuant to section 602.1302, subsection 3, to be
16 used for the payment of jury and witness fees and mileage.

17 2. For the juvenile victim restitution program:
18 \$ 100,000

19 3. For the implementation of the pilot program for
20 mandatory mediation of contested issues of child custody and
21 visitation established in this Act:
22 \$ 100,000

23 Sec. 8. IOWA COURT INFORMATION SYSTEM. There is
24 appropriated from the general fund of the state to the
25 judicial department for the fiscal year beginning July 1,
26 1992, and ending June 30, 1993, the following amount, or so
27 much thereof as is necessary, to be used for the purpose
28 designated:

29 For the Iowa court information system:
30 \$ 875,000

31 a. The judicial department shall not change the
32 appropriations from the amounts appropriated under this
33 section, unless notice of the revisions is given prior to
34 their effective date to the legislative fiscal bureau. The
35 notice shall include information on the department's rationale

1 for making the changes and details concerning the work load
2 and performance measures upon which the changes are based.

3 b. The judicial department shall provide a report
4 semiannually to the co-chairpersons and ranking members of the
5 joint justice system appropriations subcommittee and the
6 legislative fiscal bureau specifying the amounts of fines,
7 surcharges, and court costs collected using the Iowa court
8 information system. The report shall demonstrate and specify
9 how the Iowa court information system is used to improve the
10 collection process. The report shall also compare fines,
11 surcharges, and court costs collected in selected counties
12 which are using an automated system versus at least three
13 counties which are not using an automated system.

14 Sec. 9. AUTOMATED DATA SYSTEM. The department of
15 corrections, judicial district departments of correctional
16 services, board of parole, and the judicial department shall
17 continue to develop an automated data system for use in the
18 sharing of information between the department of corrections,
19 judicial district departments of correctional services, board
20 of parole, and the judicial department. The information to be
21 shared shall concern any individual who may, as the result of
22 an arrest or infraction of any law, be subject to the
23 jurisdiction of the department of corrections, judicial
24 district departments of correctional services, or board of
25 parole.

26 Sec. 10. Section 13.25, Code 1991, is amended to read as
27 follows:

28 13.25 REPEAL OF FARM MEDIATION AND LEGAL ASSISTANCE
29 PROVISIONS.

30 This subchapter is repealed on July 1, ~~1993~~ 1995.

31 Sec. 11. Section 218.94, Code 1991, is amended to read as
32 follows:

33 218.94 DIRECTOR MAY BUY AND SELL REAL ESTATE -- OPTIONS.

34 1. The director of the department of human services shall
35 have full power to secure options to purchase real estate, to

1 acquire and sell real estate, and to grant utility easements,
2 for the proper uses of ~~said~~ the institutions, except as
3 otherwise provided in subsection 3. Real estate shall be
4 acquired and sold and utility easements granted, upon such
5 terms and conditions as the director may determine, except
6 that the sale of farmland shall be subject to approval by the
7 general assembly as provided in subsection 3. Upon sale of
8 the real estate, the proceeds shall be deposited with the
9 treasurer of state and credited to the general fund of the
10 state. There is hereby appropriated from the general fund of
11 the state a sum equal to the proceeds so deposited and
12 credited to the general fund of the state to the department of
13 human services, which may be used to purchase other real
14 estate or for capital improvements upon property under the
15 director's control.

16 2. The costs incident to securing of options, acquisition
17 and sale of real estate and granting of utility easements,
18 including, but not limited to, appraisals, invitations for
19 offers, abstracts, and other necessary costs, may be paid from
20 moneys appropriated for support and maintenance to the
21 institution at which such real estate is located. Such fund
22 shall be reimbursed from the proceeds of the sale.

23 3. a. As used in this section, unless the context
24 otherwise requires, "farmland" means land suitable for
25 agricultural purposes.

26 b. Notwithstanding any other provisions of law to the
27 contrary, and in addition to any other restrictions that may
28 be imposed, the director shall not sell an interest in
29 farmland unless the general assembly has approved the sale.
30 Approval by the general assembly shall be obtained by passage
31 of a joint resolution.

32 Sec. 12. Section 246.317, Code 1991, is amended to read as
33 follows:

34 246.317 DIRECTOR MAY BUY AND SELL REAL ESTATE -- OPTIONS.

35 1. The director, subject to the approval of the board and

1 the requirements of subsection 3, may secure options to
2 purchase real estate and acquire and sell real estate for the
3 proper uses of the institutions. Real estate shall be
4 acquired and sold upon terms and conditions the director
5 recommends subject to the approval of the board, except that
6 the sale of farmland shall be subject to approval by the
7 general assembly as provided in subsection 3. Upon sale of
8 the real estate, the proceeds shall be deposited with the
9 treasurer of state and credited to the general fund of the
10 state. There is appropriated from the general fund of the
11 state to the department a sum equal to the proceeds so
12 deposited and credited to the general fund of the state which
13 may be used to purchase other real estate or for capital
14 improvements upon property under the director's supervision.

15 2. The costs incident to the securing of options and
16 acquisition and sale of real estate including, but not limited
17 to, appraisals, invitations for offers, abstracts, and other
18 necessary costs, may be paid from moneys appropriated for
19 support and maintenance to the institution at which the real
20 estate is located. The fund shall be reimbursed from the
21 proceeds of the sale.

22 3. a. As used in this section, unless the context
23 otherwise requires, "farmland" means land suitable for
24 agricultural purposes.

25 b. Notwithstanding any other provisions to the contrary,
26 and in addition to any other restrictions that may be imposed,
27 the director shall not sell an interest in farmland unless the
28 general assembly has approved the sale. Approval by the
29 general assembly shall be obtained by passage of a joint
30 resolution.

31 Sec. 13. Section 246.706, unnumbered paragraph 1, Code
32 Supplement 1991, is amended to read as follows:

33 A revolving farm fund is created in the state treasury in
34 which the department shall deposit receipts from agricultural
35 products, nursery stock, agricultural land rentals, and the

1 sale of livestock. However, before any agricultural operation
2 is phased out, the department which proposes to discontinue
3 this operation shall notify the governor, chairpersons and
4 ranking members of the house and senate appropriations
5 committees, and cochairpersons and ranking members of the
6 subcommittee in the senate and house of representatives which
7 has handled the appropriation for this department in the past
8 session of the general assembly. Before the department sells
9 farmland under the control of the department, the director
10 shall notify the governor, chairpersons and ranking members of
11 the house and senate appropriations committees, and
12 cochairpersons and ranking members of the joint appropriations
13 subcommittee that handled the appropriation for the department
14 during the past session of the general assembly, and obtain
15 approval of the general assembly as required in section
16 218.94, subsection 3, or section 246.317, subsection 3. The
17 department may pay from the fund for the operation,
18 maintenance, and improvement of farms and agricultural or
19 nursery property under the control of the department. A
20 purchase order for five thousand dollars or less payable from
21 the fund is exempt from the general purchasing requirements of
22 chapter 18. Notwithstanding section 8.33, unencumbered or
23 unobligated receipts in the revolving farm fund at the end of
24 a fiscal year shall not revert to the general fund of the
25 state.

26 Sec. 14. Section 598.41, subsection 2, unnumbered
27 paragraph 2, Code 1991, is amended to read as follows:

28 The court may order the costs of custody mediation
29 counseling ~~shall~~ to be paid in full or in part by the parties
30 and taxed as court costs.

31 Sec. 15. NEW SECTION. 598.43 MEDIATION OF CHILD CUSTODY
32 AND VISITATION DISPUTES.

33 1. In addition to joint custody mediation which may be
34 ordered pursuant to section 598.41, subsection 2, in a
35 proceeding under this chapter involving either a temporary or

1 permanent child custody or visitation determination, the court
2 may order mediation to be conducted by either a juvenile court
3 officer or a private mediator.

4 The supreme court shall prescribe rules establishing
5 procedures to be used in mediation proceedings under this
6 section.

7 2. The court shall not require mediation if one or more of
8 the following conditions exist:

9 a. The court determines that there is no reasonable
10 possibility that mediation will promote settlement of the
11 issues in dispute.

12 b. The court determines there is a substantial allegation
13 of direct physical or significant emotional harm to a party or
14 to a child.

15 c. The court determines that mediation will otherwise fail
16 to serve the best interests of the child.

17 d. The court determines that a verified petition alleging
18 domestic abuse has been filed by a party pursuant to chapter
19 236.

20 e. The court determines that a child in need of assistance
21 petition has been filed pursuant to chapter 232, division III,
22 concerning a child for whom a custody or visitation
23 determination is necessary.

24 If the court determines that mediation is inappropriate
25 pursuant to this subsection, the court shall state its find-
26 ings and conclusions in writing.

27 3. All mediation proceedings shall be held in private and
28 shall be confidential. All verbal or written communications
29 from either or both parties to the mediator or between the
30 parties in the presence of the mediator in a proceeding under
31 this section are absolutely privileged and inadmissible in
32 court, except that there shall be no privilege as to
33 communications made in furtherance of a crime or fraud, and no
34 grant of immunity from criminal conduct shall be inferred from
35 the confidentiality established in this section.

1 Sec. 16. Section 654A.17, Code 1991, is amended to read as
2 follows:

3 654A.17 REPEAL OF CHAPTER.

4 This chapter is repealed on July 1, ~~1993~~ 1995.

5 Sec. 17. Section 654B.12, Code 1991, is amended to read as
6 follows:

7 654B.12 REPEAL OF CHAPTER.

8 This chapter is repealed on July 1, ~~1993~~ 1995.

9 Sec. 18. 1990 Iowa Acts, chapter 1224, section 1,
10 unnumbered paragraph 1, as amended by 1991 Iowa Acts, chapter
11 267, section 422, is amended to read as follows:

12 In order to implement this Act, the department of human
13 services and the judicial department shall mutually agree on a
14 schedule to complete the transfer of support payment
15 collection and disbursement responsibilities from the
16 collection services center to the clerks of the district
17 court. The schedule shall provide for the completion of the
18 transfer of the responsibilities for all affected orders by
19 June 30, ~~1993~~ 1994. The following procedure shall be used for
20 any order affected by the initial transfer of
21 responsibilities:

22 Sec. 19. LEGISLATIVE FINDINGS. The general assembly finds
23 that the determination of child custody and visitation
24 arrangements in a dissolution of marriage is an issue of great
25 importance to the social and emotional welfare of the children
26 and parents involved and that mediation has proven to be a
27 less adversarial means of decision making regarding child
28 custody and visitation in a dissolution case. The general
29 assembly finds that a pilot program of mediation relating to
30 the issues of child custody and visitation in dissolution
31 cases should be established under the supervision of the
32 supreme court.

33 Sec. 20. PILOT PROGRAM FOR MEDIATION OF CHILD CUSTODY AND
34 VISITATION ISSUES IN DISSOLUTION CASES ESTABLISHED.

35 1. The supreme court shall establish a pilot program for

1 mandatory mediation of child custody and visitation issues in
2 dissolution cases pursuant to chapter 598. However, mediation
3 shall not be mandatory and shall not be ordered if the
4 conditions set forth in section 598.43, subsection 2, apply.
5 The pilot program shall be established in Linn county for a
6 period of two years, beginning July 1, 1992, and ending June
7 30, 1994.

8 Proceedings under the program shall be conducted pursuant
9 to section 598.43 and the rules for mediation proceedings
10 prescribed by the supreme court.

11 2. The supreme court shall submit a report to the general
12 assembly by January 1, 1995. The report shall contain recom-
13 mendations regarding the use of mediation in child custody and
14 visitation matters on a statewide basis in proceedings brought
15 under chapter 598. The report shall also include an evalua-
16 tion of the program as directed by the supreme court.

17 3. In a proceeding under chapter 598 involving either a
18 temporary or permanent child custody or visitation determina-
19 tion, the court shall order mediation at no cost to the
20 parties.

21 4. Notwithstanding section 668A.1, subsection 2, paragraph
22 "b", Code 1991, the executive council shall disburse to the
23 state court administrator up to \$50,000 for the fiscal year
24 beginning July 1, 1992, and ending June 30, 1993, from the
25 civil reparations trust fund to be used for the costs of
26 participation in the pilot program by persons who are
27 indigent.

28 Sec. 21. IOWA COURT INFORMATION SYSTEM STUDY. The
29 legislative council is requested to establish an interim study
30 committee to hire a consultant to provide a performance and
31 systems analysis of the Iowa court information system. The
32 interim study committee shall select the consultant in
33 consultation with the judicial department. The consultant
34 shall submit a report to the legislative council through the
35 interim study committee, the judicial department, the co-

1 chairpersons and ranking members of the joint justice system
2 appropriations subcommittee, and the legislative fiscal bureau
3 on or before December 10, 1992.

4 Sec. 22. EFFECTIVE DATE. Section 1, subsections 3 and 4,
5 of this Act, relating to Iowa competition law or antitrust
6 actions and to civil consumer fraud actions, and section 18 of
7 this Act amending 1990 Iowa Acts, chapter 1224, section 1,
8 unnumbered paragraph 1, as amended, pertaining to the schedule
9 to complete the transfer of support payment collection and
10 disbursement responsibilities, being deemed of immediate
11 importance, take effect upon enactment.

12

EXPLANATION

13 The bill makes appropriations for the fiscal year beginning
14 July 1, 1992, to the department of justice, the board of
15 parole, the department of corrections, the judicial
16 department, and other components of the justice system.

17 The changes to sections 13.25, 654A.17, and 654B.12 extend
18 the repeal of the farm mediation service programs concerning
19 creditor disputes and nuisances, as well as the farm mediation
20 and legal assistance provisions in subchapter II of chapter
21 13, from July 1, 1993, to July 1, 1995.

22 The changes to sections 218.94, 246.317, and 246.706
23 prohibit the departments of human services and corrections
24 from selling farmland unless the general assembly has approved
25 the sale, through passage of a joint resolution.

26 The bill extends the deadline provided in the 1990 Iowa
27 Acts, as amended by the 1991 Iowa Acts, pertaining to the
28 schedule to complete the transfer of support payment
29 collection and disbursement responsibilities from the
30 collection services center to the clerks of the district
31 court. The bill extends the deadline for completion of the
32 transfer pertaining to a schedule agreed upon by the
33 department of human services and the judicial department, from
34 June 30, 1993, to June 30, 1994. This provision is effective
35 upon enactment.

1 The changes to section 598.41 alter a provision in current
2 law that the costs of custody mediation counseling shall be
3 paid in full or in part by the parties and taxed as court
4 costs, and instead, provides that the court may order these
5 costs to be paid in full or in part by the parties and taxed
6 as costs. The addition of a new section 598.43 further
7 provides that in addition to joint custody mediation, in a
8 proceeding for dissolution of marriage involving either a
9 temporary or permanent child custody or visitation
10 determination, the court may order mediation to be conducted
11 by either a juvenile court officer or a private mediator.
12 However, the bill provides that the court shall not require
13 mediation under certain circumstances, including the best
14 interests of the child. The bill further provides some
15 procedures for these mediation proceedings, and requires the
16 supreme court to prescribe rules. The bill also establishes a
17 pilot program for mediation of child custody and visitation
18 issues in Linn county. Under the pilot project, mediation is
19 mandatory unless the court finds that certain circumstances
20 apply. Under the bill, the pilot program shall be established
21 from July 1, 1992, to June 30, 1994, with the supreme court
22 submitting a report to the general assembly by January 1,
23 1995. In dissolution matters involving a temporary or
24 permanent child custody or visitation determination under the
25 pilot project, the court shall order the mediation at no cost
26 to the parties.

27 Under the bill, in addition to the appropriation of
28 \$100,000 from the general fund to the judicial department for
29 the implementation of the pilot program for mediation of child
30 custody and visitation issues, the bill provides that for the
31 1993 fiscal year, the executive council shall disburse to the
32 state court administrator up to \$50,000 from the civil
33 reparations trust fund, to be used for the costs of
34 participation in the program by persons who are indigent.

35 The bill also requests the legislative council to establish

1 an interim study committee to hire a consultant to provide a
2 performance and systems analysis of the Iowa court information
3 system (ICIS). The bill requires the consultant to provide a
4 report by December 10, 1992.

5 The bill provides an immediate effective date for
6 provisions pertaining to the nonreversion of funds received in
7 a previous fiscal year from judgments and settlements awarded
8 to the state in antitrust and consumer fraud actions.

9 The provision of the bill which requires counties
10 installing new telephone systems to provide them to the
11 judicial department at no cost may include a state mandate as
12 defined in section 25B.3.

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35