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APPROPRIATIONS CALENDAR

HOUSE FILE 2472
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HSB 745)

Passed House, ^(P.663) Date 3/12/96 Passed Senate, ^(P.1564) Date 5-1-96
Vote: Ayes 91 Nays 4 Vote: Ayes 43 Nays 6
Approved Jim Vetro 5/29/96

A BILL FOR

1 An Act relating to and making appropriations to the justice
2 system and providing effective dates.

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

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HF 2472

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, 1996, and ending
4 June 30, 1997, 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, and for not more than
9 the following full-time equivalent positions:

10	.....	\$	5,643,460
11	.....	FTEs	177.50

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

15	.....	\$	133,759
16	.....	FTEs	4.00

17 a. In addition to the funds appropriated in this
18 subsection for the fiscal year beginning July 1, 1996, and
19 ending June 30, 1997, the attorney general shall provide up to
20 \$41,000 in state matching funds from moneys retained by the
21 attorney general from property forfeited pursuant to section
22 809.13, for the prosecuting attorney training program, the
23 prosecuting intern program, or both. Counties participating
24 in the prosecuting intern program shall match the state funds.

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

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

5 3. In addition to the funds appropriated in subsection 1,
6 there is appropriated from the general fund of the state to
7 the department of justice for the fiscal year beginning July
8 1, 1996, and ending June 30, 1997, an amount not exceeding
9 \$200,000 to be used for the enforcement of the Iowa
10 competition law. The expenditure of the funds appropriated in
11 this subsection is contingent upon receipt by the general fund
12 of the state of an amount at least equal to either the
13 expenditures from damages awarded to the state or a political
14 subdivision of the state by a civil judgment under chapter
15 553, if the judgment authorizes the use of the award for
16 enforcement purposes or costs or attorneys fees awarded the
17 state in state or federal antitrust actions. However, if the
18 funds received as a result of these judgments are in excess of
19 \$200,000, the excess funds shall not be appropriated to the
20 department of justice pursuant to this subsection.

21 4. In addition to the funds appropriated in subsection 1,
22 there is appropriated from the general fund of the state to
23 the department of justice for the fiscal year beginning July
24 1, 1996, and ending June 30, 1997, an amount not exceeding
25 \$125,000 to be used for public education relating to consumer
26 fraud and for enforcement of section 714.16, and an amount not
27 exceeding \$75,000 for investigation, prosecution, and consumer
28 education relating to consumer and criminal fraud against
29 older Iowans. The expenditure of the funds appropriated in
30 this subsection is contingent upon receipt by the general fund
31 of the state of an amount at least equal to the expenditures
32 from damages awarded to the state or a political subdivision
33 of the state by a civil consumer fraud judgment or settlement,
34 if the judgment or settlement authorizes the use of the award
35 for public education on consumer fraud. However, if the funds

1 received as a result of these judgments and settlements are in
2 excess of \$200,000, the excess funds shall not be appropriated
3 to the department of justice pursuant to this subsection.

4 5. For victim assistance grants:
5 \$ 1,359,806

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

10 b. Notwithstanding section 8.33 or 8.39, any balance
11 remaining from the appropriation in this subsection shall not
12 revert to the general fund of the state but shall be available
13 for expenditure during the subsequent fiscal year for the same
14 purpose, and shall not be transferred to any other program.

15 6. For the GASA prosecuting attorney program and for not
16 more than the following full-time equivalent positions:
17 \$ 108,999
18 FTEs 3.00

19 7. The balance of the victim compensation fund established
20 under section 912.14 may be used to provide salary and support
21 of not more than 9.00 FTEs and to provide maintenance for the
22 victim compensation functions of the department of justice.

23 8. The department of justice shall submit monthly
24 financial statements to the legislative fiscal bureau and the
25 department of management containing all appropriated accounts
26 in the same manner as provided in the monthly financial status
27 reports and personal services usage reports of the department
28 of revenue and finance. The monthly financial statements
29 shall include comparisons of the moneys and percentage spent
30 of budgeted to actual revenues and expenditures on a
31 cumulative basis for full-time equivalent positions and
32 available moneys.

33 9. a. The department of justice, in submitting budget
34 estimates pursuant to section 8.23, shall include a report of
35 funding from sources other than amounts appropriated directly

1 from the general fund of the state to the department of
2 justice or to the office of consumer advocate. These funding
3 sources shall include, but are not limited to, reimbursements
4 from other state agencies, commissions, boards, or similar
5 entities, and reimbursements from special funds or internal
6 accounts within the department of justice. The department of
7 justice shall report actual reimbursements for the fiscal year
8 commencing July 1, 1995, and actual and expected
9 reimbursements for the fiscal year commencing July 1, 1996.

10 b. The department of justice shall include the report
11 required under paragraph "a", as well as information regarding
12 any revisions occurring as a result of reimbursements actually
13 received or expected at a later date, in a report to the co-
14 chairpersons and ranking members of the joint appropriations
15 subcommittee on the justice system and the legislative fiscal
16 bureau. The department of justice shall submit the report on
17 or before January 15, 1997.

18 Sec. 2. DEPARTMENT OF JUSTICE -- OBSCENITY ENFORCEMENT.

19 There is appropriated from the victim compensation fund
20 established in section 912.14 to the department of justice for
21 the fiscal year beginning July 1, 1996, and ending June 30,
22 1997, the following amount, or so much thereof as is
23 necessary, to be used for the purpose designated:

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

27	\$	110,000
28	FTEs	2.00

29 The purpose of the appropriation provided in this section
30 is deemed to be a permissible purpose for the use of moneys of
31 the victim compensation fund as established under section
32 912.14.

33 Sec. 3. OFFICE OF CONSUMER ADVOCATE. There is
34 appropriated from the general fund of the state to the office
35 of consumer advocate of the department of justice for the

1 fiscal year beginning July 1, 1996, and ending June 30, 1997,
2 the following amount, or so much thereof as is necessary, to
3 be used for the purposes designated:

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

7 \$ 2,337,189
8 FTEs 32.00

9 Sec. 4. BOARD OF PAROLE. There is appropriated from the
10 general fund of the state to the board of parole for the
11 fiscal year beginning July 1, 1996, and ending June 30, 1997,
12 the following amount, or so much thereof as is necessary, to
13 be used for the purposes designated:

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

21 \$ 827,749
22 FTEs 17.00

23 Sec. 5. DEPARTMENT OF CORRECTIONS -- FACILITIES. There is
24 appropriated from the general fund of the state to the
25 department of corrections for the fiscal year beginning July
26 1, 1996, and ending June 30, 1997, the following amounts, or
27 so much thereof as is necessary, to be used for the purposes
28 designated:

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

31 a. For the operation of the Fort Madison correctional
32 facility, including salaries, support, maintenance, employment
33 of correctional officers, miscellaneous purposes, and for not
34 more than the following full-time equivalent positions:

35 \$ 26,170,099

1 FTEs 495.00

2 b. In addition to the funds appropriated in paragraph "a",
3 for the operation of cellhouse 17 of the Fort Madison
4 correctional facility, including salaries, support,
5 maintenance, employment of correctional officers,
6 miscellaneous purposes, and for not more than the following
7 full-time equivalent positions:

8 \$ 216,363

9 FTEs 3.17

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

16 \$ 19,955,506

17 FTEs 372.75

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

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

26 \$ 16,360,631

27 FTEs 321.30

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

32 \$ 10,233,775

33 FTEs 154.28

34 f. For the operation of the Mt. Pleasant correctional
35 facility, including salaries, support, maintenance, employment

1 of correctional officers and a full-time chaplain to provide
2 religious counseling at the Oakdale and Mt. Pleasant
3 correctional facilities, miscellaneous purposes, and for not
4 more than the following full-time equivalent positions:

5 \$ 14,684,042
6 FTEs 279.32

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

11 \$ 5,656,219
12 FTEs 111.00

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

17 \$ 14,467,836
18 FTEs 246.00

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

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

28 \$ 6,477,098
29 FTEs 132.00

30 2. a. If the inmate tort claim fund for inmate claims of
31 less than \$50 is exhausted during the fiscal year, sufficient
32 funds shall be transferred from the institutional budgets to
33 pay approved tort claims for the balance of the fiscal year.
34 The warden or superintendent of each institution or
35 correctional facility shall designate an employee to receive,

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

9 b. Tort claims denied at the institution shall be
 10 forwarded to the state appeal board for their consideration as
 11 if originally filed with that body. This procedure shall be
 12 used in lieu of chapter 669 for inmate tort claims of less
 13 than \$50.

14 Sec. 6. DEPARTMENT OF CORRECTIONS -- ADMINISTRATION.

15 There is appropriated from the general fund of the state to
 16 the department of corrections for the fiscal year beginning
 17 July 1, 1996, and ending June 30, 1997, the following amounts,
 18 or so much thereof as is necessary, to be used for the
 19 purposes designated:

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

25	\$	2,372,985
26	FTEs	38.18

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

33 It is the intent of the general assembly that as a
 34 condition of receiving the appropriation provided in this
 35 subsection, the department of corrections shall not enter into

1 a new contract, unless the contract is a renewal of an
2 existing contract, for the expenditure of moneys in excess of
3 one hundred thousand dollars during the fiscal year beginning
4 July 1, 1996, for the privatization of services performed by
5 the department using state employees as of July 1, 1996, or
6 for the privatization of new services by the department,
7 without prior consultation with any applicable state employee
8 organization affected by the proposed new contract and prior
9 notification of the co-chairpersons and ranking members of the
10 joint appropriations subcommittee on the justice system.

11 2. For reimbursement of counties for temporary confinement
12 of work release and parole violators, as provided in sections
13 901.7, 904.908, and 906.17 and for offenders confined pursuant
14 to section 904.513:

15 \$ 237,038

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

18 \$ 341,334

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

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

26 \$ 458,074

27 FTEs 8.16

28 5. For annual payment relating to the financial
29 arrangement for the construction of expansion in prison
30 capacity as provided in 1989 Iowa Acts, chapter 316, section
31 7, subsection 6:

32 \$ 625,860

33 6. For annual payment relating to the financial
34 arrangement for the construction of expansion in prison
35 capacity as provided in 1990 Iowa Acts, chapter 1257, section

1 24:

2 \$ 3,179,500

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

5 \$ 2,250,600

6 It is the intent of the general assembly that moneys
7 appropriated in this subsection shall be used solely for the
8 purpose indicated and that the moneys shall not be transferred
9 for any other purpose.

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

15 Sec. 7. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL
16 SERVICES.

17 1. There is appropriated from the general fund of the
18 state to the department of corrections for the fiscal year
19 beginning July 1, 1996, and ending June 30, 1997, the
20 following amounts, or so much thereof as is necessary, to be
21 allocated as follows:

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

27 \$ 6,845,223

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

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

8 \$ 5,632,043

9 (1) The district department shall continue the sex
10 offender treatment program established within the district in
11 1988 Iowa Acts, chapter 1271, section 6, subsection 1,
12 paragraph "b".

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

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

22 \$ 3,384,385

23 (1) The district department shall continue the sex
24 offender treatment program established within the district in
25 1988 Iowa Acts, chapter 1271, section 6, subsection 1,
26 paragraph "c", and the intensive supervision program
27 established within the district in 1990 Iowa Acts, chapter
28 1268, section 6, subsection 3, paragraph "d".

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

33 d. For the fourth judicial district department of
34 correctional services, including the treatment and supervision
35 of probation and parole violators who have been released from

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

3 \$ 2,502,036

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

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

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

17 \$ 9,169,253

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

23 (2) 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 f. For the sixth 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 \$ 7,118,005

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

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

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

18 \$ 4,486,275

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 "g", and shall continue the sex offender treatment program
23 established within the district in 1989 Iowa Acts, chapter
24 316, section 8, subsection 1, paragraph "g".

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

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

33 h. For the eighth judicial district department of
34 correctional services, including the treatment and supervision
35 of probation and parole violators who have been released from

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

3 \$ 4,061,536

4 (1) The district department shall continue the intensive
5 supervision program established within the district in 1988
6 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph
7 "h", and shall continue the sex offender treatment program
8 established within the district in 1989 Iowa Acts, chapter
9 316, section 8, subsection 1, paragraph "h".

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

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

18 \$ 83,576

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

23 3. Each judicial district department of correctional
24 services and the department of corrections shall continue the
25 treatment alternatives to street crime programs established in
26 1989 Iowa Acts, chapter 225, section 9.

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

32 5. Each judicial district department of correctional
33 services shall provide a report concerning the treatment and
34 supervision of probation and parole violators who have been
35 released from the department of corrections violator program,

1 to the co-chairpersons and ranking members of the joint
2 appropriations subcommittee on the justice system and the
3 legislative fiscal bureau, on or before January 15, 1997.

4 6. It is the intent of the general assembly that each
5 judicial district department of correctional services shall
6 operate the community-based correctional facilities in a
7 manner which provides for a residential population of at least
8 110 percent of the design capacity of the facility.

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

17 Sec. 8. JUDICIAL DEPARTMENT. There is appropriated from
18 the general fund of the state to the judicial department for
19 the fiscal year beginning July 1, 1996, and ending June 30,
20 1997, the following amounts, or so much thereof as is
21 necessary, to be used for the purposes designated:

- 22 1. For salaries of supreme court justices, appellate court
23 judges, district court judges, district associate judges,
24 judicial magistrates and staff, state court administrator,
25 clerk of the supreme court, district court administrators,
26 clerks of the district court, trial court supervisors, trial
27 court technicians II, financial supervisors I and II, juvenile
28 court officers, board of law examiners and board of examiners
29 of shorthand reporters and judicial qualifications commission,
30 receipt and disbursement of child support payments,
31 reimbursement of the auditor of state for expenses incurred in
32 completing audits of the offices of the clerks of the district
33 court during the fiscal year beginning July 1, 1996, and
34 maintenance, equipment, and miscellaneous purposes:

35 \$ 90,094,287

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

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

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

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

24 e. The funds appropriated in this subsection shall not be
25 used to expand the applications of the Iowa court information
26 system for purposes other than those for which the system is
27 currently used. The judicial department shall focus efforts
28 upon the collection of delinquent fines, penalties, court
29 costs, fees, surcharges, or similar amounts. The judicial
30 department shall report to the co-chairpersons and ranking
31 members of the joint appropriations subcommittee on the
32 justice system and the legislative fiscal bureau, on or before
33 January 15, 1997, concerning the completion of the
34 department's communication and information management system.

35 f. It is the intent of the general assembly that the

1 offices of the clerks of the district court operate in all
2 ninety-nine counties and be accessible to the public as much
3 as is reasonably possible in order to address the relative
4 needs of the citizens of each county.

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

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

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

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

32 2. For the juvenile victim restitution program:
33 \$ 155,396

34 Sec. 9. COURT TECHNOLOGY AND MODERNIZATION FUND --
35 DISTRIBUTION. Of the moneys collected and deposited in the

1 court technology and modernization fund established in section
2 602.8108, the first \$468,800 deposited in the fund in the
3 fiscal year beginning July 1, 1996, shall be expended for the
4 implementation of a records management program in the clerk of
5 court offices using imaging and CD-ROM technology.

6 Sec. 10. ENHANCED COURT COLLECTIONS FUND -- DISTRIBUTION.

7 Of the moneys collected and deposited in the enhanced court
8 collections fund created in section 602.1304, the first
9 \$857,500 deposited in the fund in the fiscal year beginning
10 July 1, 1996, shall be expended for use by the Iowa court
11 information system.

12 Sec. 11. JUDICIAL RETIREMENT FUND. There is appropriated
13 from the general fund of the state to the judicial retirement
14 fund for the fiscal year beginning July 1, 1996, and ending
15 June 30, 1997, the following amount, or so much thereof as is
16 necessary, to be used for the purpose designated:

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

21 \$ 3,726,422

22 Sec. 12. INDIGENT DEFENSE COSTS. The supreme court shall
23 submit a written report for the preceding fiscal year no later
24 than January 1, 1997, indicating the amounts collected
25 pursuant to section 815.9A, relating to recovery of indigent
26 defense costs. The report shall include the total amount
27 collected by all courts, as well as the amounts collected by
28 each judicial district. The supreme court shall also submit a
29 written report quarterly indicating the number of criminal and
30 juvenile filings which occur in each judicial district for
31 purposes of estimating indigent defense costs. A copy of each
32 report shall be provided to the public defender, the
33 department of management, and the legislative fiscal bureau.
34 The judicial department shall continue to assist in the
35 development of an automated data system for use in the sharing

1 of information utilizing the generic program interface for
2 legislative and executive branch uses.

3 Sec. 13. AUTOMATED DATA SYSTEM. The department of
4 corrections, judicial district departments of correctional
5 services, board of parole, and the judicial department shall
6 continue to develop an automated data system for use in the
7 sharing of information between the department of corrections,
8 judicial district departments of correctional services, board
9 of parole, and the judicial department. The information to be
10 shared shall concern any individual who may, as the result of
11 an arrest or infraction of any law, be subject to the
12 jurisdiction of the department of corrections, judicial
13 district departments of correctional services, or board of
14 parole. The department of corrections, in consultation and
15 cooperation with the judicial district departments of
16 correctional services, the board of parole, and the judicial
17 department, shall provide a report concerning the development
18 of the automated data system to the co-chairpersons and
19 ranking members of the joint appropriations subcommittee on
20 the justice system and the legislative fiscal bureau, on or
21 before January 15, 1997.

22 Sec. 14. CORRECTIONAL INSTITUTIONS -- VOCATIONAL TRAINING.
23 The state prison industries board and the department of
24 corrections shall continue the implementation of a plan to
25 enhance vocational training opportunities within the
26 correctional institutions listed in section 904.102, as
27 provided in 1993 Iowa Acts, chapter 171, section 12. The plan
28 shall provide for increased vocational training opportunities
29 within the correctional institutions, including the
30 possibility of approving community college credit for inmates
31 working in prison industries. The department of corrections
32 shall provide a report concerning the implementation of the
33 plan to the co-chairpersons and ranking members of the joint
34 appropriations subcommittee on the justice system and the
35 legislative fiscal bureau, on or before January 15, 1997.

1 It is the intent of the general assembly that each
2 correctional facility make all reasonable efforts to maintain
3 vocational education programs for inmates and to identify
4 available funding sources to continue these programs.

5 Sec. 15. APPROPRIATIONS TO THE DEPARTMENT OF CORRECTIONS
6 -- MONEYS ENCUMBERED -- PRIORITIES.

7 1. Notwithstanding any other provision of law to the
8 contrary, moneys appropriated to the department of corrections
9 pursuant to 1995 Iowa Acts, chapter 207, sections 4, 5, and 6,
10 shall be considered encumbered pursuant to section 8.33, and
11 shall not revert to the general fund of the state at the end
12 of the fiscal year commencing July 1, 1995. As used in this
13 section, unless the context otherwise requires, "encumbered
14 funds" means the moneys appropriated to the department of
15 corrections pursuant to 1995 Iowa Acts, chapter 207, sections
16 4, 5, and 6, which would otherwise revert to the general fund
17 of the state after the end of the fiscal year in which the
18 moneys were appropriated, but for the prohibition contained in
19 this section.

20 2. The department of corrections shall use encumbered
21 funds in the fiscal year commencing July 1, 1996, to fund up
22 to an additional 50 FTEs for the employment of correctional
23 officers in the correctional institutions specified in section
24 904.102, and to purchase surveillance cameras and other
25 necessary surveillance or safety equipment for use in
26 correctional institutions. The full-time equivalent positions
27 provided in this section for the employment of correctional
28 officers and the funding provided for the purchase of
29 equipment are in addition to any full-time equivalent
30 positions or equipment funded in section 5 of this Act. The
31 department of corrections shall use its discretion in
32 distributing the additional correctional officers and
33 equipment throughout the correctional facilities. The
34 department of corrections shall file a report with the
35 department of management concerning correctional officer

1 positions filled and critically needed safety equipment
2 purchased from encumbered funds provided under this section.
3 If the department is able to fund an additional 50 FTEs for
4 the employment of correctional officers pursuant to this
5 section and to purchase all critically needed safety
6 equipment, any remaining funds shall be unencumbered and shall
7 revert to the general fund of the state at the end of the
8 fiscal year commencing July 1, 1996.

9 Sec. 16. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.

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

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

22 Sec. 17. STATE PUBLIC DEFENDER. There is appropriated
23 from the general fund of the state to the office of the state
24 public defender of the department of inspections and appeals
25 for the fiscal year beginning July 1, 1996, and ending June
26 30, 1997, the following amounts, or so much thereof as is
27 necessary, for the purposes designated, and for not more than
28 the following full-time equivalent positions:

- 29 1. For salaries, support, maintenance, and miscellaneous
- 30 purposes:
- 31 \$ 10,681,867
- 32 FTEs 189.00

33 2. For court-appointed attorney fees for indigent adults
34 and juveniles, notwithstanding section 232.141 and chapter
35 815:

1 \$ 17,475,074

2 Sec. 18. IOWA LAW ENFORCEMENT ACADEMY. There is
3 appropriated from the general fund of the state to the Iowa
4 law enforcement academy for the fiscal year beginning July 1,
5 1996, and ending June 30, 1997, the following amounts, or so
6 much thereof as is necessary, to be used for the purposes
7 designated:

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

12 \$ 1,063,418
13 FTEs 24.00

14 2. For salaries, support, maintenance, and miscellaneous
15 purposes to provide statewide coordination of the drug abuse
16 resistance education (D.A.R.E.) program:

17 \$ 30,000

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

32 Sec. 19. DEPARTMENT OF PUBLIC DEFENSE. There is
33 appropriated from the general fund of the state to the
34 department of public defense for the fiscal year beginning
35 July 1, 1996, and ending June 30, 1997, the following amounts,

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

3 1. MILITARY DIVISION

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

7	\$	3,910,339
8	FTEs	221.26

9 If there is a surplus in the general fund of the state for
10 the fiscal year ending June 30, 1997, within 60 days after the
11 closing of the fiscal year, the military division may incur up
12 to an additional \$500,000 in expenditures from the surplus
13 prior to transfer of the surplus pursuant to section 8.57.

14 2. EMERGENCY MANAGEMENT DIVISION

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

18	\$	523,971
19	FTEs	14.60

20 Sec. 20. DEPARTMENT OF PUBLIC SAFETY. There is
21 appropriated from the general fund of the state to the
22 department of public safety for the fiscal year beginning July
23 1, 1996, and ending June 30, 1997, the following amounts, or
24 so much thereof as is necessary, to be used for the purposes
25 designated:

26 1. For the department's administrative functions,
27 including the medical examiner's office and the criminal
28 justice information system, and for not more than the
29 following full-time equivalent positions:

30	\$	2,201,438
31	FTEs	39.80

32 2. a. For the division of criminal investigation and
33 bureau of identification including the state's contribution to
34 the peace officers' retirement, accident, and disability
35 system provided in chapter 97A in the amount of 18 percent of

1 the salaries for which the funds are appropriated, to meet
2 federal fund matching requirements, and for not more than the
3 following full-time equivalent positions:

4 \$ 9,462,619
5 FTEs 191.00

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

9 \$ 100,000

10 The department of public safety, with the approval of the
11 department of management, may employ no more than two special
12 agents and four gaming enforcement officers for each
13 additional riverboat regulated after March 31, 1996. One
14 additional gaming enforcement officer, up to a total of four
15 per boat, may be employed for each riverboat that has extended
16 operations to 24 hours and has not previously operated with a
17 24-hour schedule. Positions authorized in this paragraph are
18 in addition to the full-time equivalent positions authorized
19 in this subsection.

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

27 \$ 2,519,162
28 FTEs 41.00

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

31 \$ 139,202

32 4. For the state fire marshal's office, including the
33 state's contribution to the peace officers' retirement,
34 accident, and disability system provided in chapter 97A in the
35 amount of 18 percent of the salaries for which the funds are

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

3	\$	1,458,161
4	FTEs	31.80

5 5. For the capitol security division, including the
6 state's contribution to the peace officers' retirement,
7 accident, and disability system provided in chapter 97A in the
8 amount of 18 percent of the salaries for which the funds are
9 appropriated and for not more than the following full-time
10 equivalent positions:

11	\$	1,207,304
12	FTEs	27.00

13 6. An employee of the department of public safety who
14 retires after July 1, 1996, but prior to June 30, 1997, is
15 eligible for payment of life or health insurance premiums as
16 provided for in the collective bargaining agreement covering
17 the public safety bargaining unit at the time of retirement if
18 that employee previously served in a position which would have
19 been covered by the agreement. The employee shall be given
20 credit for the service in that prior position as though it
21 were covered by that agreement. The provisions of this
22 paragraph shall not operate to reduce any retirement benefits
23 an employee may have earned under other collective bargaining
24 agreements or retirement programs.

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

27	\$	222,155
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28 Sec. 21. HIGHWAY SAFETY PATROL FUND. There is
29 appropriated from the highway safety patrol fund created in
30 section 80.41 to the division of highway safety, uniformed
31 force, and radio communications of the department of public
32 safety, for the fiscal year beginning July 1, 1996, and ending
33 June 30, 1997, the following amount, or so much thereof as is
34 necessary, to be used for the purposes designated:

35 1. For salaries, support, maintenance, workers'

1 compensation costs, and miscellaneous purposes, including the
 2 state's contribution to the peace officers' retirement,
 3 accident, and disability system provided in chapter 97A in the
 4 amount of 18 percent of the salaries for which the funds are
 5 appropriated, and for not more than the following full-time
 6 equivalent positions:

7 \$ 33,719,610
 8 FTEs 554.00

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

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

24 \$ 66,293

25 Sec. 22. DEPARTMENT OF CORRECTIONS -- CORRECTIONAL

26 FACILITY. The department of corrections shall construct a
 27 750-bed medium security correctional facility for men. Bonds
 28 shall be issued under the provisions of sections 16.177 and
 29 602.8108A to finance the construction of the facility. The
 30 cost of constructing the facility, exclusive of financing
 31 costs, shall not exceed \$36,000,000.

32 Notwithstanding any provisions of section 18.6 to the
 33 contrary, the department of corrections may consider the
 34 prison construction projects authorized by 1995 Iowa Acts,
 35 chapter 202, section 9, and this section, as one project for

1 the purposes of bidding, negotiating, and entering into
2 contracts for the authorized prison construction.

3 Sec. 23. DEPARTMENT OF CORRECTIONS -- FORT MADISON
4 CORRECTIONAL FACILITY -- CELLHOUSE 17 RENOVATION. The
5 department of corrections shall renovate cellhouse 17 at the
6 Fort Madison correctional facility. Bonds shall be issued
7 under the provisions of sections 16.177 and 602.8108A to
8 finance the renovation of the facility. The cost of planning,
9 developing, and renovating cellhouse 17, exclusive of
10 financing costs, shall not exceed \$6,500,000.

11 Sec. 24. Section 99F.10, subsection 4, Code Supplement
12 1995, is amended to read as follows:

13 4. In determining the license fees and state admission
14 fees to be charged as provided under section 99F.4 and this
15 section, the commission shall use the amount appropriated to
16 the commission plus the cost of salaries for no more than two
17 special agents and no more than four gaming enforcement
18 officers for each excursion gambling boat for the division of
19 criminal investigation's excursion gambling boat activities as
20 the basis for determining the amount of revenue to be raised
21 from the license fees and admission fees. The division's
22 salary costs shall be limited to ~~sixty-five~~ eighty percent of
23 the salary costs for special agents and ~~sixty-five~~ eighty
24 percent of the salary costs for gaming enforcement for
25 personnel assigned to excursion gambling boats who enforce
26 laws and rules adopted by the commission.

27 Sec. 25. Section 602.1304, subsection 2, paragraph c, Code
28 Supplement 1995, is amended to read as follows:

29 c. Moneys in the collections fund shall be used by the
30 judicial department for the Iowa court information system;
31 records management equipment, services, and projects;
32 electronic legal research equipment, systems, and projects;
33 and the study, development, and implementation of other
34 technological improvements, innovations, and projects that
35 would improve the administration of justice. The moneys in

1 the collection fund may also be used for capital improvements
2 necessitated by the installation or connection with the Iowa
3 court information system, the Iowa communications network, and
4 other technological improvements approved by the department.

5 Sec. 26. Section 602.8108A, Code Supplement 1995, is
6 amended to read as follows:

7 602.8108A PRISON INFRASTRUCTURE FUND.

8 ~~1.~~ The Iowa prison infrastructure fund is created and
9 established as a separate and distinct fund in the state
10 treasury. Notwithstanding any other provision of this chapter
11 to the contrary, the first eight million dollars of moneys
12 remitted to the treasurer of state from fines, fees, costs,
13 and forfeited bail collected by the clerks of the district
14 court in criminal cases, including those collected for both
15 scheduled and nonscheduled violations, collected in each
16 fiscal year commencing with the fiscal year beginning July 1,
17 1995, shall be deposited in the fund. Interest and other
18 income earned by the fund shall be deposited in the fund. If
19 the treasurer of state determines pursuant to 1994 Iowa Acts,
20 chapter 1196, that bonds can be issued pursuant to this
21 section and section 16.177, then the moneys in the fund are
22 appropriated to and for the purpose of paying the principal
23 of, premium, if any, and interest on bonds issued by the Iowa
24 finance authority under section 16.177. ~~Except as otherwise~~
25 ~~provided in subsection 2~~ Notwithstanding sections 8.33 and
26 8.39, amounts in the funds shall not revert or be transferred
27 to the general fund of the state, be used for any program not
28 designated in this section, or be subject to appropriation for
29 any purpose by the general assembly, but shall be used only
30 for the purposes set forth in this section. The treasurer of
31 state shall act as custodian of the fund and disburse amounts
32 contained in it as directed by the department of corrections
33 including the automatic disbursement of funds pursuant to the
34 terms of bond indentures and documents and security provisions
35 to trustees and custodians. The treasurer of state is

1 authorized to invest the funds deposited in the fund subject
2 to any limitations contained in any applicable bond
3 proceedings. ~~Any amounts remaining in the fund at the end of~~
4 ~~each fiscal year shall be transferred to the general fund.~~

5 ~~2.--If the treasurer of state determines that bonds cannot~~
6 ~~be issued pursuant to this section and section 16.177, the~~
7 ~~treasurer of state shall deposit the moneys in the prison~~
8 ~~infrastructure fund into the general fund of the state.~~

9 Sec. 27. Section 904.701, subsection 3, Code Supplement
10 1995, is amended to read as follows:

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

24 Sec. 28. 1995 Iowa Acts, chapter 220, section 20,
25 subsection 1, is amended to read as follows:

26 1. For the fiscal year beginning July 1, 1996, and ending
27 June 30, 1997, ~~\$9,000,000~~ \$8,830,870.

28 Sec. 29. LAW ENFORCEMENT TRAINING SUMMIT -- STUDY.

29 1. The Iowa league of cities and the Iowa state
30 association of counties are requested to convene a law
31 enforcement training summit during the 1996 legislative
32 interim to examine modifications and alternatives to Iowa's
33 current regulations concerning law enforcement training and
34 resources provided for the training. It is requested that
35 participants in the summit include the Iowa police executive

1 forum, Iowa chiefs of police association, Iowa sheriffs and
2 deputies association, and other interested groups concerned
3 with law enforcement training. A report containing the
4 recommendations of the summit is requested to be provided to
5 the studies committee of the legislative council.

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

11 Sec. 30. EFFECTIVE DATES.

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

16 2. Section 15 of this Act, pertaining to the encumbrance
17 of certain moneys appropriated to the department of
18 corrections in the fiscal year commencing July 1, 1995, being
19 deemed of immediate importance, takes effect upon enactment.

20 3. Section 22 of this Act, authorizing the construction of
21 a 750-bed medium security correctional facility for men, being
22 deemed of immediate importance, takes effect upon enactment.

23 4. Section 26 of this Act, dealing with the Iowa prison
24 infrastructure fund, being deemed of immediate importance,
25 takes effect upon enactment.

26 EXPLANATION

27 This bill makes appropriations for the 1996-1997 fiscal
28 year to the departments of justice, corrections, public
29 defense, and public safety, and the judicial department, the
30 Iowa law enforcement academy, and board of parole.

31 The bill also provides that moneys appropriated to the
32 department of corrections for the 1995-1996 fiscal year shall
33 not revert to the general fund. This provision takes effect
34 upon enactment.

35 The bill provides for an appropriation from the victim

1 compensation fund for the establishment of an antiobscenity
2 enforcement unit within the office of the attorney general.

3 The bill authorizes the department of corrections to
4 construct a 750-bed medium security correctional facility for
5 men with financing not to exceed \$36 million. This
6 authorization takes effect upon enactment. The bill also
7 provides that, notwithstanding section 18.6, this project and
8 the prison construction project authorized in 1995 may be
9 considered as one project for purposes of entering into
10 contracts for the construction.

11 The bill authorizes the department of corrections to
12 renovate cellhouse 17 at the Fort Madison correctional
13 facility with the cost of renovation not to exceed \$6.5
14 million.

15 The bill amends section 99F.10 to provide that, in
16 determining the license fees and state admission fees to be
17 charged for gambling boats as provided under sections 99F.4
18 and 99F.10, the commission shall consider 80 percent, rather
19 than the current 65 percent, of the salary costs of special
20 agents and gaming enforcement personnel assigned to gambling
21 boats.

22 The bill amends section 602.1304 to provide that the
23 judicial department is authorized to expend moneys from the
24 enhanced court collections fund for the Iowa court information
25 system, records management equipment, and other technological
26 projects as well as for capital improvements related to
27 technology. Current law provides that this fund be used
28 solely for the Iowa court information system.

29 The bill amends section 602.8108A, concerning the prison
30 infrastructure fund, to provide that any amounts remaining in
31 the fund at the end of a fiscal year shall not revert to the
32 general fund, shall not be transferred, and shall only be
33 used for the purposes provided in the section. This provision
34 takes effect upon enactment.

35 The bill amends section 904.701, regarding inmate hard

1 labor, to include education and all treatment programs in the
2 definition of hard labor.

3 The bill amends 1995 Iowa Acts to reduce the general fund
4 appropriation to the highway safety patrol fund for the 1996-
5 1997 fiscal year from \$9 million to \$8,830,870.

6 The bill also requests the Iowa league of cities and the
7 Iowa state association of counties to convene a law
8 enforcement training summit during the 1996 legislative
9 interim to examine law enforcement training and to submit a
10 report to the legislative council. The legislative council is
11 requested to establish an interim study committee concerning
12 the report of the summit and to consider changes to Iowa's
13 laws regarding law enforcement training in Iowa.

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HOUSE FILE 2472

H-5264

1 Amend House File 2472 as follows:

2 1. Page 28, by inserting after line 4 the
3 following:

4 "Sec. ____ . Section 602.8108, subsection 3, Code
5 1995, is amended by adding the following new
6 paragraph:

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

15 2. Page 29, by inserting after line 23 the ~~WARRANT~~
16 following:

17 "Sec. ____ . Section 911.2, unnumbered paragraph 1,
18 Code 1995, is amended to read as follows:

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

35 3. By renumbering as necessary.

By BELL of Jasper

H-5264 FILED MARCH 11, 1996

Not Germane

3/12/96 (P.661)

HOUSE FILE 2472

H-5270

1 Amend House File 2472 as follows:

2 1. Page 4, by inserting after line 17 the
3 following:4 "____. In addition to the funds appropriated in
5 subsection 1, there is appropriated from the general
6 fund of the state to the department of justice for the
7 fiscal year beginning July 1, 1996, and ending June
8 30, 1997, an amount not exceeding \$170,000 to be used
9 for administering the second injury fund as provided
10 in chapter 85 but only to the extent that there are
11 insufficient moneys in the fund to provide for the
12 administration of the fund."

13 2. By renumbering as necessary.

By MURPHY of Dubuque

H-5270 FILED MARCH 11, 1996

WITHDRAWN 3/12/96 (P. 648)

HOUSE FILE 2472

H-5271

1 Amend House File 2472 as follows:

2 1. Page 9, by inserting after line 10 the
3 following:4 "It is the intent of the general assembly that as a
5 condition of receiving the appropriation in this
6 subsection, the department of corrections shall
7 require that each work shift in a correctional
8 facility directly involved with supervision of inmates
9 have a correctional officer of the same gender as the
10 majority of inmates in that correctional facility."

By MURPHY of Dubuque

H-5271 FILED MARCH 11, 1996

Lost 3/12/96 (P. 649)

HOUSE FILE 2472

H-5272

1 Amend House File 2472 as follows:

2 1. Page 9, by inserting after line 10 the
3 following:4 "It is the intent of the general assembly that the
5 department of general services shall, notwithstanding
6 any provisions of law or rule to the contrary, permit
7 the department of corrections the opportunity to
8 acquire, at no cost, computers that would otherwise be
9 disposed of by the department of general services.
10 The department of corrections shall use computers
11 acquired under this paragraph to provide educational
12 training and programs for inmates."

By MURPHY of Dubuque

H-5272 FILED MARCH 11, 1996

Adopted 3-12-96
(P. 650)

HOUSE FILE 2472

H-5273

1 Amend House File 2472 as follows:

2 1. Page 9, by inserting after line 10 the
3 following:

4 "It is the intent of the general assembly that as a
5 condition of receiving the appropriation provided in
6 this subsection, the department of corrections shall
7 permit an inmate in any correctional facility under
8 the department's control to make toll-free local
9 telephone calls subject only to reasonable
10 restrictions adopted by the superintendent of each
11 correctional facility concerning the frequency and
12 time of making toll-free local telephone calls."

A

13 2. Page 27, by inserting after line 26 the
14 following:

15 "Sec. ____ . Section 356.36, unnumbered paragraph 1,
16 Code Supplement 1995, is amended to read as follows:

17 The Iowa department of corrections, in consultation
18 with the Iowa state sheriff's association, the Iowa
19 association of chiefs of police and peace officers,
20 the Iowa league of cities, and the Iowa board of
21 supervisors association, shall draw up minimum
22 standards for the regulation of jails, alternative
23 jails, facilities established pursuant to chapter
24 356A, and municipal holding facilities. The standards
25 shall allow an inmate to make toll-free local
26 telephone calls subject only to reasonable
27 restrictions on the frequency and time of making toll-
28 free local telephone calls. When completed by the
29 department, the standards shall be adopted as rules
30 pursuant to chapter 17A."

B.

31 3. By renumbering as necessary.

By FALLON of Polk

H-5273 FILED MARCH 11, 1996

A. Lost 3-12-96 } (P. 651)
B. Withdrawn

HOUSE FILE 2472

H-5274

1 Amend House File 2472 as follows:

2 1. Page 15, by striking line 35 and inserting the
3 following:

4 "..... \$ 90,166,787".

5 2. Page 17, by inserting after line 31 the
6 following:

7 "____. Of the moneys appropriated in this
8 subsection, the judicial department shall use \$72,500
9 for an additional 2.00 FTEs for the expansion of the
10 court-appointed special advocate program."

11 3. By renumbering as necessary.

By KREIMAN of Davis
MURPHY of Dubuque

H-5274 FILED MARCH 11, 1996

Lost 3/12/96 (P. 652)

HOUSE FILE 2472

H-5275

1 Amend House File 2472 as follows:
 2 1. Page 26, by striking lines 7 and 8 and
 3 inserting the following:
 4 "..... S 34,396,129
 5 FTEs 566.00
 6 It is the intent of the general assembly that, of
 7 the moneys appropriated in this subsection, the
 8 department shall expend the amount necessary to
 9 provide the state match for adding twelve state
 10 troopers through the federal community-oriented
 11 policing services program."

By MYERS of Johnson

H-5275 FILED MARCH 11, 1996

Lost 3/12/96 (P.655)

HOUSE FILE 2472

H-5276

1 Amend House File 2472 as follows:
 2 1. Page 29, by inserting after line 8 the
 3 following:
 4 "Sec. ____ . Section 692.2, subsection 1, paragraph
 5 j, Code Supplement 1995, is amended to read as
 6 follows:
 7 j. A person or the person's attorney but only with
 8 regard to the person's own criminal history data,
 9 subject to the identification and-fee requirements of
 10 section-692.27-subsection-67-and section 692.3. A
 11 person may request in writing that a certified copy of
 12 the person's own criminal history record be sent
 13 directly to a potential employer.
 14 Sec. ____ . Section 692.2, subsection 6, unnumbered
 15 paragraph 1, Code Supplement 1995, is amended to read
 16 as follows:
 17 The department may charge a fee to any nonlaw-
 18 enforcement agency to conduct criminal history record
 19 checks and otherwise administer this section and other
 20 sections of the Code providing access to criminal
 21 history records. The fee shall be set by the
 22 commissioner of public safety equal to the cost
 23 incurred not to exceed twenty dollars for each
 24 individual check requested. However, no fee shall be
 25 charged to a person requesting a copy of that person's
 26 own criminal history data, if that person requests
 27 that the copy be sent directly to a potential
 28 employer. Notwithstanding any other limitation, the
 29 department is authorized to use revenues generated
 30 from the fee to employ clerical personnel to process
 31 criminal history checks for nonlaw-enforcement
 32 purposes."
 33 2. By renumbering as necessary.

By FALLON of Polk

H-5276 FILED MARCH 11, 1996

WITHDRAWN
3/12/96 (P.663)

HOUSE FILE 2472

H-5277

1 Amend House File 2472 as follows:

2 1. Page 27, by inserting after line 10 the
3 following:

4 "Sec. ____ . DEPARTMENT OF CORRECTIONS -- SUPER
5 MAXIMUM CORRECTIONAL FACILITY. The department of
6 corrections shall construct a super maximum security
7 correctional facility for men at the Fort Madison
8 correctional facility. The facility shall include 150
9 super maximum security beds and 100 maximum security
10 beds. Bonds shall be issued under the provisions of
11 sections 16.177 and 602.8108A to finance the
12 construction of the facility. The cost of planning,
13 developing, and constructing the facility, exclusive
14 of financing costs, shall not exceed \$31,000,000."

15 2. Page 28, line 11, by inserting after the word
16 "dollars" the following: "and, beginning July 1,
17 1997, the first eleven million one hundred thousand
18 dollars,".

19 3. By renumbering as necessary.

By LARKIN of Lee

H-5277 FILED MARCH 11, 1996

Root 3-12-96 (P. 659)

HOUSE FILE 2472

H-5278

1 Amend House File 2472 as follows:

2 1. Page 27, by inserting after line 10 the
3 following:

4 "Sec. ____ . Section 80B.11, subsection 9,
5 unnumbered paragraph 1, Code 1995, is amended to read
6 as follows:

7 9. Minimum qualifications for instructors in law
8 enforcement and jailer training schools. The
9 qualifications shall provide that an instructor shall
10 not lose their status as a certified instructor based
11 upon their retirement from the active police force or
12 upon their leaving the Iowa law enforcement academy if
13 the instructor otherwise remains qualified and the
14 instructor remains a member of a police reserve unit."

15 2. By renumbering as necessary.

By SHOULTZ of Black Hawk

H-5278 FILED MARCH 11, 1996

Root 3/12/96 (P. 660)

HOUSE FILE 2472

H-5279

- 1 Amend House File 2472 as follows:
- 2 1. Page 29, line 33, by inserting after the word
- 3 "training" the following: ", including training at
- 4 regional police academies,".
- 5 2. Page 30, by inserting after line 10 the
- 6 following:
- 7 "Sec. 100. MORATORIUM ON LAW ENFORCEMENT TRAINING
- 8 REGULATIONS. The Iowa law enforcement academy shall
- 9 not modify any certification requirements in existence
- 10 as of March 15, 1996, concerning regional police
- 11 academies until January 15, 1997."
- 12 3. Page 30, by inserting after line 25 the
- 13 following:
- 14 "Sec. _____. Section 100 of this Act, providing a
- 15 moratorium on law enforcement training regulations,
- 16 being deemed of immediate importance, takes effect
- 17 upon enactment."
- 18 4. By renumbering as necessary.

By SHOULTZ of Black Hawk

H-5279 FILED MARCH 11, 1996

WITHDRAWN 3/12/96 (P.663)

HOUSE FILE 2472

H-5281

- 1 Amend House File 2472 as follows:
- 2 1. Page 29, by inserting after line 23 the
- 3 following:
- 4 "Sec. _____. Section 912.14, Code 1995, is amended
- 5 to read as follows:
- 6 912.14 VICTIM COMPENSATION FUND.
- 7 A victim compensation fund is established as a
- 8 separate fund in the state treasury. Moneys deposited
- 9 in the fund shall be administered by the department
- 10 and dedicated to and used for the purposes of section
- 11 709.10 and this chapter. In addition, the department
- 12 may use moneys from the fund for the purposes of
- 13 section 236.15 and for the award of funds to programs
- 14 that provide services and support to victims of
- 15 domestic abuse or sexual assault as provided in
- 16 chapter 236. Notwithstanding section 8.33, any
- 17 balance in the fund on June 30 of any fiscal year
- 18 shall not revert to the general fund of the state."
- 19 2. By renumbering as necessary.

By GARMAN of Story

H-5281 FILED MARCH 11, 1996

Adopted
3/12/96
(P.662)

HOUSE FILE 2472

H-5282

- 1 Amend House File 2472 as follows:
- 2 1. By striking page 26, line 32, through page 27,
- 3 line 2.

By KOENIGS of Mitchell	TAYLOR of Linn
MYERS of Johnson	HOLVECK of Polk
BURNETT of Story	MAY of Worth
BERNAU of Story	WEIGEL of Chickasaw
WISE of Lee	SHOULTZ of Black Hawk
BRAMMER of Linn	MUNDIE of Webster *
CONNORS of Polk	SCHRADER of Marion
OLLIE of Clinton	

** Sponsor Withdrawn
3-12-96
(P. 645)*

H-5282 FILED MARCH 11, 1996

Adopt 3/12/96 (P. 658)

HOUSE FILE 2472

H-5283

- 1 Amend House File 2472 as follows:
- 2 1. Page 29, by inserting after line 23 the
- 3 following:
- 4 "Sec. ____ . Section 912.6, Code Supplement 1995, is
- 5 amended by adding the following new subsection:
- 6 NEW SUBSECTION. 6A. In the event of a victim's
- 7 death, reasonable charges incurred for health care for
- 8 the victim's spouse, children, parents, siblings, or
- 9 persons related by blood or affinity to the victim not
- 10 to exceed three thousand dollars per survivor."
- 11 2. By renumbering as necessary.

By WEIGEL of Chickasaw

H-5283 FILED MARCH 11, 1996

*Adopted 3-12-96
(P. 663)*

HOUSE FILE 2472

H-5284

- 1 Amend House File 2472 as follows:
- 2 1. Page 28, line 5, by inserting after the figure
- 3 "602.8108A," the following: "subsection 1,".
- 4 2. Page 28, line 8, by striking the figure "17"
- 5 and inserting the following: "1."
- 6 3. Page 28, line 11, by inserting after the word
- 7 "dollars" the following: "and, beginning July 1,
- 8 1997, the first nine million two hundred thousand
- 9 dollars,".
- 10 4. Page 28, by striking lines 24 through 28 and
- 11 inserting the following: "finance authority under
- 12 section 16.177. Except as otherwise provided in
- 13 subsection 2, amounts in the funds shall not be
- 14 subject to appropriation for".
- 15 5. Page 29, by striking lines 3 through 8 and
- 16 inserting the following: "proceedings. Any amounts
- 17 remaining in the fund at the end of each fiscal year
- 18 shall be transferred to the general fund of the
- 19 state."

By GARMAN of Story

H-5284 FILED MARCH 11, 1996

Adopted 3-12-96 (P. 661)

HOUSE FILE 2472

H-5292

1 Amend House File 2472 as follows:

2 1. Page 6, by striking lines 26 and 27 and
3 inserting the following:

4 "..... \$ 16,535,631
5 FTEs 326.30"

By MASCHER of Johnson

H-5292 FILED MARCH 11, 1996

Lost 3/12/96 (P.649)

HOUSE FILE 2472

H-5293

1 Amend House File 2472 as follows:

2 1. Page 15, by striking line 35 and inserting the
3 following:

4 "..... \$
5 91,238,766".

6 2. Page 17, by inserting after line 31 the
7 following:

8 "____. Of the funds appropriated in this
9 subsection, the judicial department shall use not more
10 than \$1,144,479 for an additional 7.00 district court
11 judges, an additional 7.00 court reporters, and an
12 additional 5.25 full-time equivalent court attendants.
13 Of the additional district court judges, court
14 reporters, and court attendants, 1.00 additional
15 district court judge, 1.00 court reporter, and .75
16 full-time equivalent court attendant shall be assigned
17 each to judicial election districts 2A, 2B, and 3B,
18 and 2.00 additional district court judges, 2.00 court
19 reporters, and 1.50 full-time equivalent court
20 attendants shall be assigned each to judicial election
21 districts 5A and 5C, notwithstanding the provisions of
22 section 602.6201, subsection 3."

23 3. Page 28, by inserting after line 4 the
24 following:

25 "Sec. ____ Section 602.6201, subsection 10, Code
26 Supplement 1995, is amended to read as follows:

27 10. Notwithstanding the formula for determining
28 the number of judgeships in this section, the number
29 of district judges shall not exceed one hundred eight
30 fifteen during the period commencing July 1, 1995
31 1996."

32 4. By renumbering as necessary.

By BELL of Jasper

H-5293 FILED MARCH 11, 1996

*Lost
3/12/96
(P.653)*

HOUSE FILE 2472

H-5294

- 1 Amend House File 2472 as follows:
- 2 1. Page 24, by striking line 31 and inserting the
- 3 following:
- 4 "..... \$ 200,000"

By HOLVECK of Polk

H-5294 FILED MARCH 11, 1996

Lost 3/12/96 (P.654)

HOUSE FILE 2472

H-5295

- 1 Amend House File 2472 as follows:
- 2 1. Page 26, by inserting after line 24 the
- 3 following:
- 4 "Sec. ____ . DEPARTMENT OF PUBLIC SAFETY -- HIGHWAY
- 5 PATROL. There is appropriated from the general fund
- 6 of the state to the department of public safety,
- 7 division of highway safety, uniformed force, and radio
- 8 communications, the following amounts, for the purpose
- 9 of replacing radio communications equipment for the
- 10 department, for the fiscal years indicated:
- 11 1. For the fiscal year beginning July 1, 1996, and
- 12 ending June 30, 1997, \$2,607,025.
- 13 2. For the fiscal year beginning July 1, 1997, and
- 14 ending June 30, 1998, \$2,607,025.
- 15 3. For the fiscal year beginning July 1, 1998, and
- 16 ending June 30, 1999, \$2,607,025."
- 17 2. By renumbering as necessary.

By MASCHER of Johnson

H-5295 FILED MARCH 11, 1996

Lost 3/12/96 (P.656)

HOUSE FILE 2472

H-5296

- 1 Amend House File 2472 as follows:
- 2 1. Page 26, line 27, by striking the word
- 3 "medium" and inserting the following: "minimum".
- 4 2. Page 26, line 31, by striking the figure
- 5 "36,000,000" and inserting the following:
- 6 "24,000,000".
- 7 3. Page 27, by inserting after line 2 the
- 8 following:
- 9 "Sec. ____ . DEPARTMENT OF CORRECTIONS -- JUVENILE
- 10 DETENTION FACILITY. The department of corrections
- 11 shall construct a 250-bed juvenile detention facility.
- 12 Bonds shall be issued under the provisions of sections
- 13 16.177 and 602.8108A to finance the construction of
- 14 the facility. The cost of constructing the facility,
- 15 exclusive of financing costs, shall not exceed
- 16 \$12,000,000."
- 17 4. By renumbering as necessary.

By SCHRADER of Marion

H-5296 FILED MARCH 11, 1996

WITHDRAWN

3/12/96

(P.657)

HOUSE FILE 2472

H-5297

- 1 Amend House File 2472 as follows:
- 2 1. Page 1, by striking lines 15 and 16 and
- 3 inserting the following:
- 4 "..... \$ 259,407
- 5 FTEs 6.00"
- 6 2. Page 2, line 4, by inserting after the word
- 7 "techniques" the following: ", and shall use a
- 8 portion of the funds appropriated in this subsection
- 9 for the coordination and implementation of specialized
- 10 services concerning crimes against persons".
- 11 3. Page 4, by striking lines 18 through 32.
- 12 4. By renumbering as necessary.

By JOCHUM of Dubuque
BURNETT of Story

H-5297 FILED MARCH 11, 1996

WITHDRAWN
3-12-96 (p. 648)

HOUSE FILE 2472

H-5298

- 1 Amend House File 2472 as follows:
- 2 1. By striking page 26, line 25, through page 27,
- 3 line 2.
- 4 2. Page 30, by inserting after line 10 the
- 5 following:
- 6 "Sec. ____ CRIMINAL SANCTIONS STUDY. The
- 7 legislative council is requested to create a study
- 8 committee concerning the effectiveness and costs of
- 9 the criminal justice system, with a focus on
- 10 appropriate sanctions to be imposed on individuals
- 11 convicted of a criminal offense, and shall make
- 12 findings and proposed legislative solutions. The
- 13 committee shall consider the long-term trends in
- 14 prison populations based on the current criminal code
- 15 and the costs associated with these trends. The
- 16 committee shall examine alternative criminal
- 17 sanctions, including increased use of community-based
- 18 corrections, in providing a cost-effective criminal
- 19 justice system. The committee shall also examine
- 20 methods for providing restitution for victims of
- 21 crimes."
- 22 3. Page 30, by striking lines 20 through 22.
- 23 4. By renumbering as necessary.

By FALLON of Polk

H-5298 FILED MARCH 11, 1996

Last
3-12-96
(p. 659)

HOUSE FILE 2472

H-5299

1 Amend House File 2472 as follows:
 2 1. Page 29, by inserting after line 8 the
 3 following:
 4 "Sec. ____ . NEW SECTION. 904.310B EMPLOYEE
 5 CANTEENS.
 6 The director may establish a canteen at an
 7 institution under the director's jurisdiction for the
 8 sale of items to peace officers or employees of the
 9 institution. Inmates may be employed at the canteen.
 10 The department may establish a permanent operating
 11 fund for each canteen which shall consist of receipts
 12 from the sale of items from the canteen. Any moneys
 13 in the fund over the amount needed to conduct normal
 14 business transactions, to reimburse any accounts which
 15 have subsidized the canteen, and to pay employees of
 16 the canteen, including inmate-employees, shall be used
 17 to pay for activities held on behalf of the employees
 18 of the institution, for employee scholarships, or for
 19 other activities or programs which directly benefit
 20 the employees of the institution. An employee's
 21 purchase of goods from an inmate employed in the
 22 canteen shall not be considered a violation of section
 23 721.12."
 24 2. By renumbering as necessary.

By LARKIN of Lee

H-5299 FILED MARCH 11, 1996

Lost 3/12/96 (P. 662)

HOUSE FILE 2472

H-5300

1 Amend House File 2472 as follows:
 2 1. Page 1, by striking lines 10 and 11 and
 3 inserting the following:
 4 "..... \$ 5,753,460
 5FTEs 179.50
 6 It is the intent of the general assembly that the
 7 office of attorney general shall establish within the
 8 office an antiobscenity enforcement until within the
 9 funds appropriated in this subsection."
 10 2. Page 4, by striking lines 18 through 32.
 11 3. By renumbering as necessary.

By WITT of Black Hawk MASCHER of Johnson
 DODERER of Johnson SCHRADER of Marion
 NELSON of Pottawattamie SHOULTZ of Black Hawk
 MAY of Worth HARPER of Black Hawk
 OLLIE of Clinton

H-5300 FILED MARCH 11, 1996

Lost 3-12-96 (P. 648)

HOUSE FILE 2472

H-5312

1 Amend the amendment, H-5284, to House File 2472 as
 2 follows:
 3 1. Page 1, by inserting after line 1 the
 4 following:
 5 "_____. Page 22, by inserting after line 1 the
 6 following:
 7 "Sec. 100. STATE PUBLIC DEFENDER -- SUPPLEMENTAL
 8 APPROPRIATION. There is appropriated from the general
 9 fund of the state to the office of the state public
 10 defender of the department of inspections and appeals
 11 for the fiscal year beginning July 1, 1995, and ending
 12 June 30, 1996, to supplement the appropriation made in
 13 1995 Iowa Acts, chapter 207, section 16, subsection 2,
 14 the following amount, or so much thereof as is
 15 necessary, to be used for the purpose designated:
 16 For court-appointed attorney fees for indigent
 17 adults and juveniles, as specified in law by the
 18 general assembly:
 19 \$ 6,400,000"
 20 2. Page 1, by inserting after line 19 the
 21 following:
 22 "_____. Page 30, by inserting after line 19 the
 23 following:
 24 "_____. Section 100 of this Act, providing a
 25 supplemental appropriation to the state public
 26 defender, being deemed of immediate importance, takes
 27 effect upon enactment."

By MILLAGE of Scott

H-5312 FILED MARCH 12, 1996
WITHDRAWN

(p.661)

3/13/96
S-3/20/96 Amended/Do Pass
w/ S-5465
S-3/21/96 Motion to R/C vote by
Bartz, Murphy, Redfern
S-3/25/96 Motion to
R/C Prevailed

HOUSE FILE **2472**
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HSB 745)

(As Amended and Passed by the House, March 12, 1996)

Passed House, Date 5/1/96 (p.2082) Failed (p.972)
Passed Senate, Date 3/21/96
Vote: Ayes 93 Nays 1 Vote: Ayes 24 Nays 22
Approved Item Vets 5-29-96

(p.1013) Passed 3-25-96
vote 39-7
A BILL FOR (p.1564) Repassed 5-1-96
vote 43-6

1 An Act relating to and making appropriations to the justice
2 system and providing effective dates.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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House Amendments _____

House Conf. Comm.
4-1-96
Garnon
Neston
Schultz
Bell
Larkin

Senate Conf. Comm.
4-1-96
Frais
Drouley
Husak
Redfern
Ingram

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, 1996, and ending
4 June 30, 1997, 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, and for not more than
9 the following full-time equivalent positions:

10	.....	\$	5,643,460
11	.....	FTEs	177.50

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

15	.....	\$	133,759
16	.....	FTEs	4.00

17 a. In addition to the funds appropriated in this
18 subsection for the fiscal year beginning July 1, 1996, and
19 ending June 30, 1997, the attorney general shall provide up to
20 \$41,000 in state matching funds from moneys retained by the
21 attorney general from property forfeited pursuant to section
22 809.13, for the prosecuting attorney training program, the
23 prosecuting intern program, or both. Counties participating
24 in the prosecuting intern program shall match the state funds.

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

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

5 3. In addition to the funds appropriated in subsection 1,
6 there is appropriated from the general fund of the state to
7 the department of justice for the fiscal year beginning July
8 1, 1996, and ending June 30, 1997, an amount not exceeding
9 \$200,000 to be used for the enforcement of the Iowa
10 competition law. The expenditure of the funds appropriated in
11 this subsection is contingent upon receipt by the general fund
12 of the state of an amount at least equal to either the
13 expenditures from damages awarded to the state or a political
14 subdivision of the state by a civil judgment under chapter
15 553, if the judgment authorizes the use of the award for
16 enforcement purposes or costs or attorneys fees awarded the
17 state in state or federal antitrust actions. However, if the
18 funds received as a result of these judgments are in excess of
19 \$200,000, the excess funds shall not be appropriated to the
20 department of justice pursuant to this subsection.

21 4. In addition to the funds appropriated in subsection 1,
22 there is appropriated from the general fund of the state to
23 the department of justice for the fiscal year beginning July
24 1, 1996, and ending June 30, 1997, an amount not exceeding
25 \$125,000 to be used for public education relating to consumer
26 fraud and for enforcement of section 714.16, and an amount not
27 exceeding \$75,000 for investigation, prosecution, and consumer
28 education relating to consumer and criminal fraud against
29 older Iowans. The expenditure of the funds appropriated in
30 this subsection is contingent upon receipt by the general fund
31 of the state of an amount at least equal to the expenditures
32 from damages awarded to the state or a political subdivision
33 of the state by a civil consumer fraud judgment or settlement,
34 if the judgment or settlement authorizes the use of the award
35 for public education on consumer fraud. However, if the funds

1 received as a result of these judgments and settlements are in
2 excess of \$200,000, the excess funds shall not be appropriated
3 to the department of justice pursuant to this subsection.

4 5. For victim assistance grants:

5 \$ 1,359,806

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

10 b. Notwithstanding section 8.33 or 8.39, any balance
11 remaining from the appropriation in this subsection shall not
12 revert to the general fund of the state but shall be available
13 for expenditure during the subsequent fiscal year for the same
14 purpose, and shall not be transferred to any other program.

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

17 \$ 108,999
18 FTEs 3.00

19 7. The balance of the victim compensation fund established
20 under section 912.14 may be used to provide salary and support
21 of not more than 9.00 FTEs and to provide maintenance for the
22 victim compensation functions of the department of justice.

23 8. The department of justice shall submit monthly
24 financial statements to the legislative fiscal bureau and the
25 department of management containing all appropriated accounts
26 in the same manner as provided in the monthly financial status
27 reports and personal services usage reports of the department
28 of revenue and finance. The monthly financial statements
29 shall include comparisons of the moneys and percentage spent
30 of budgeted to actual revenues and expenditures on a
31 cumulative basis for full-time equivalent positions and
32 available moneys.

33 9. a. The department of justice, in submitting budget
34 estimates pursuant to section 8.23, shall include a report of
35 funding from sources other than amounts appropriated directly

1 from the general fund of the state to the department of
 2 justice or to the office of consumer advocate. These funding
 3 sources shall include, but are not limited to, reimbursements
 4 from other state agencies, commissions, boards, or similar
 5 entities, and reimbursements from special funds or internal
 6 accounts within the department of justice. The department of
 7 justice shall report actual reimbursements for the fiscal year
 8 commencing July 1, 1995, and actual and expected
 9 reimbursements for the fiscal year commencing July 1, 1996.

10 b. The department of justice shall include the report
 11 required under paragraph "a", as well as information regarding
 12 any revisions occurring as a result of reimbursements actually
 13 received or expected at a later date, in a report to the co-
 14 chairpersons and ranking members of the joint appropriations
 15 subcommittee on the justice system and the legislative fiscal
 16 bureau. The department of justice shall submit the report on
 17 or before January 15, 1997.

18 Sec. 2. DEPARTMENT OF JUSTICE -- OBSCENITY ENFORCEMENT.

19 There is appropriated from the victim compensation fund
 20 established in section 912.14 to the department of justice for
 21 the fiscal year beginning July 1, 1996, and ending June 30,
 22 1997, the following amount, or so much thereof as is
 23 necessary, to be used for the purpose designated:

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

27	\$	110,000
28	FTEs	2.00

29 The purpose of the appropriation provided in this section
 30 is deemed to be a permissible purpose for the use of moneys of
 31 the victim compensation fund as established under section
 32 912.14.

33 Sec. 3. OFFICE OF CONSUMER ADVOCATE. There is
 34 appropriated from the general fund of the state to the office
 35 of consumer advocate of the department of justice for the

1 fiscal year beginning July 1, 1996, and ending June 30, 1997,
2 the following amount, or so much thereof as is necessary, to
3 be used for the purposes designated:

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

7 \$ 2,337,189
8 FTEs 32.00

9 Sec. 4. BOARD OF PAROLE. There is appropriated from the
10 general fund of the state to the board of parole for the
11 fiscal year beginning July 1, 1996, and ending June 30, 1997,
12 the following amount, or so much thereof as is necessary, to
13 be used for the purposes designated:

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

21 \$ 827,749
22 FTEs 17.00

23 Sec. 5. DEPARTMENT OF CORRECTIONS -- FACILITIES. There is
24 appropriated from the general fund of the state to the
25 department of corrections for the fiscal year beginning July
26 1, 1996, and ending June 30, 1997, the following amounts, or
27 so much thereof as is necessary, to be used for the purposes
28 designated:

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

31 a. For the operation of the Fort Madison correctional
32 facility, including salaries, support, maintenance, employment
33 of correctional officers, miscellaneous purposes, and for not
34 more than the following full-time equivalent positions:

35 \$ 26,170,099

1 FTEs 495.00

2 b. In addition to the funds appropriated in paragraph "a",
3 for the operation of cellhouse 17 of the Fort Madison
4 correctional facility, including salaries, support,
5 maintenance, employment of correctional officers,
6 miscellaneous purposes, and for not more than the following
7 full-time equivalent positions:

8 \$ 216,363
9 FTEs 3.17

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

16 \$ 19,955,506
17 FTEs 372.75

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

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

26 \$ 16,360,631
27 FTEs 321.30

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

32 \$ 10,233,775
33 FTEs 154.28

34 f. For the operation of the Mt. Pleasant correctional
35 facility, including salaries, support, maintenance, employment

1 of correctional officers and a full-time chaplain to provide
2 religious counseling at the Oakdale and Mt. Pleasant
3 correctional facilities, miscellaneous purposes, and for not
4 more than the following full-time equivalent positions:

5 \$ 14,684,042
6 FTEs 279.32

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

11 \$ 5,656,219
12 FTEs 111.00

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

17 \$ 14,467,836
18 FTEs 246.00

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

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

28 \$ 6,477,098
29 FTEs 132.00

30 2. a. If the inmate tort claim fund for inmate claims of
31 less than \$50 is exhausted during the fiscal year, sufficient
32 funds shall be transferred from the institutional budgets to
33 pay approved tort claims for the balance of the fiscal year.
34 The warden or superintendent of each institution or
35 correctional facility shall designate an employee to receive,

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

9 b. Tort claims denied at the institution shall be
10 forwarded to the state appeal board for their consideration as
11 if originally filed with that body. This procedure shall be
12 used in lieu of chapter 669 for inmate tort claims of less
13 than \$50.

14 Sec. 6. DEPARTMENT OF CORRECTIONS -- ADMINISTRATION.

15 There is appropriated from the general fund of the state to
16 the department of corrections for the fiscal year beginning
17 July 1, 1996, and ending June 30, 1997, the following amounts,
18 or so much thereof as is necessary, to be used for the
19 purposes designated:

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

25	\$	2,372,985
26	FTEs	38.18

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

33 It is the intent of the general assembly that as a
34 condition of receiving the appropriation provided in this
35 subsection, the department of corrections shall not enter into

1 a new contract, unless the contract is a renewal of an
2 existing contract, for the expenditure of moneys in excess of
3 one hundred thousand dollars during the fiscal year beginning
4 July 1, 1996, for the privatization of services performed by
5 the department using state employees as of July 1, 1996, or
6 for the privatization of new services by the department,
7 without prior consultation with any applicable state employee
8 organization affected by the proposed new contract and prior
9 notification of the co-chairpersons and ranking members of the
10 joint appropriations subcommittee on the justice system.

11 It is the intent of the general assembly that the
12 department of general services shall, notwithstanding any
13 provisions of law or rule to the contrary, permit the
14 department of corrections the opportunity to acquire, at no
15 cost, computers that would otherwise be disposed of by the
16 department of general services. The department of corrections
17 shall use computers acquired under this paragraph to provide
18 educational training and programs for inmates.

19 2. For reimbursement of counties for temporary confinement
20 of work release and parole violators, as provided in sections
21 901.7, 904.908, and 906.17 and for offenders confined pursuant
22 to section 904.513:

23 \$ 237,038

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

26 \$ 341,334

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

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

34 \$ 458,074

35 FTEs 8.16

1 5. For annual payment relating to the financial
2 arrangement for the construction of expansion in prison
3 capacity as provided in 1989 Iowa Acts, chapter 316, section
4 7, subsection 6:

5 \$ 625,860

6 6. For annual payment relating to the financial
7 arrangement for the construction of expansion in prison
8 capacity as provided in 1990 Iowa Acts, chapter 1257, section
9 24:

10 \$ 3,179,500

11 7. For educational programs for inmates at state penal
12 institutions:

13 \$ 2,250,600

14 It is the intent of the general assembly that moneys
15 appropriated in this subsection shall be used solely for the
16 purpose indicated and that the moneys shall not be transferred
17 for any other purpose.

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

23 Sec. 7. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL
24 SERVICES.

25 1. There is appropriated from the general fund of the
26 state to the department of corrections for the fiscal year
27 beginning July 1, 1996, and ending June 30, 1997, the
28 following amounts, or so much thereof as is necessary, to be
29 allocated as follows:

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

35 \$ 6,845,223

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

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

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

16 \$ 5,632,043

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

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

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

30 \$ 3,384,385

31 (1) The district department shall continue the sex
32 offender treatment program established within the district in
33 1988 Iowa Acts, chapter 1271, section 6, subsection 1,
34 paragraph "c", and the intensive supervision program
35 established within the district in 1990 Iowa Acts, chapter

1 1268, section 6, subsection 3, paragraph "d".

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

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

11 \$ 2,502,036.

12 (1) The district department shall continue the sex
13 offender treatment program established within the district in
14 1988 Iowa Acts, chapter 1271, section 6, subsection 1,
15 paragraph "d".

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

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

25 \$ 9,169,253

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

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

35 f. For the sixth judicial district department of

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

5 \$ 7,118,005

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

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

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

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

26 \$ 4,486,275

27 (1) The district department shall continue the intensive
28 supervision program established within the district in 1988
29 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph
30 "g", and shall continue the sex offender treatment program
31 established within the district in 1989 Iowa Acts, chapter
32 316, section 8, subsection 1, paragraph "g".

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

1 "e".

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

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

11 \$ 4,061,536

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

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

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

26 \$ 83,576

27 2. The department of corrections shall continue to
28 contract with a judicial district department of correctional
29 services to provide for the rental of electronic monitoring
30 equipment which shall be available statewide.

31 3. Each judicial district department of correctional
32 services and the department of corrections shall continue the
33 treatment alternatives to street crime programs established in
34 1989 Iowa Acts, chapter 225, section 9.

35 4. The governor's alliance on substance abuse shall

1 consider federal grants made to the department of corrections
2 for the benefit of each of the eight judicial district
3 departments of correctional services as local government
4 grants, as defined pursuant to federal regulations.

5 5. Each judicial district department of correctional
6 services shall provide a report concerning the treatment and
7 supervision of probation and parole violators who have been
8 released from the department of corrections violator program,
9 to the co-chairpersons and ranking members of the joint
10 appropriations subcommittee on the justice system and the
11 legislative fiscal bureau, on or before January 15, 1997.

12 6. It is the intent of the general assembly that each
13 judicial district department of correctional services shall
14 operate the community-based correctional facilities in a
15 manner which provides for a residential population of at least
16 110 percent of the design capacity of the facility.

17 7. In addition to the requirements of section 8.39, the
18 department of corrections shall not make an intradepartmental
19 transfer of moneys appropriated to the department, unless
20 notice of the intradepartmental transfer is given prior to its
21 effective date to the legislative fiscal bureau. The notice
22 shall include information on the department's rationale for
23 making the transfer and details concerning the work load and
24 performance measures upon which the transfers are based.

25 Sec. 8. JUDICIAL DEPARTMENT. There is appropriated from
26 the general fund of the state to the judicial department for
27 the fiscal year beginning July 1, 1996, and ending June 30,
28 1997, the following amounts, or so much thereof as is
29 necessary, to be used for the purposes designated:

30 1. For salaries of supreme court justices, appellate court
31 judges, district court judges, district associate judges,
32 judicial magistrates and staff, state court administrator,
33 clerk of the supreme court, district court administrators,
34 clerks of the district court, trial court supervisors, trial
35 court technicians II, financial supervisors I and II, juvenile

1 court officers, board of law examiners and board of examiners
 2 of shorthand reporters and judicial qualifications commission,
 3 receipt and disbursement of child support payments,
 4 reimbursement of the auditor of state for expenses incurred in
 5 completing audits of the offices of the clerks of the district
 6 court during the fiscal year beginning July 1, 1996, and
 7 maintenance, equipment, and miscellaneous purposes:

8 \$ 90,094,287

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

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

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

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

32 e. The funds appropriated in this subsection shall not be
 33 used to expand the applications of the Iowa court information
 34 system for purposes other than those for which the system is
 35 currently used. The judicial department shall focus efforts

1 upon the collection of delinquent fines, penalties, court
2 costs, fees, surcharges, or similar amounts. The judicial
3 department shall report to the co-chairpersons and ranking
4 members of the joint appropriations subcommittee on the
5 justice system and the legislative fiscal bureau, on or before
6 January 15, 1997, concerning the completion of the
7 department's communication and information management system.

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

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

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

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

33 A report required by this paragraph shall be made by
34 January 15, 1997, for the counties added to the Iowa court
35 information system during the 1995-1996 fiscal year, and by

1 January 15, 1998, for the additional counties added to the
2 system by this Act, indicating whether the counties have
3 reduced uncollected court fines and fees by 50 percent as a
4 result of being added to the system.

5 2. For the juvenile victim restitution program:
6 \$ 155,396

7 Sec. 9. COURT TECHNOLOGY AND MODERNIZATION FUND --
8 DISTRIBUTION. Of the moneys collected and deposited in the
9 court technology and modernization fund established in section
10 602.8108, the first \$468,800 deposited in the fund in the
11 fiscal year beginning July 1, 1996, shall be expended for the
12 implementation of a records management program in the clerk of
13 court offices using imaging and CD-ROM technology.

14 Sec. 10. ENHANCED COURT COLLECTIONS FUND -- DISTRIBUTION.
15 Of the moneys collected and deposited in the enhanced court
16 collections fund created in section 602.1304, the first
17 \$857,500 deposited in the fund in the fiscal year beginning
18 July 1, 1996, shall be expended for use by the Iowa court
19 information system.

20 Sec. 11. JUDICIAL RETIREMENT FUND. There is appropriated
21 from the general fund of the state to the judicial retirement
22 fund for the fiscal year beginning July 1, 1996, and ending
23 June 30, 1997, the following amount, or so much thereof as is
24 necessary, to be used for the purpose designated:

25 For the state's contribution to the judicial retirement
26 fund established in section 602.9104, in the amount of 23.7
27 percent of the basic salaries of the judges covered under
28 chapter 602, article 9:
29 \$ 3,726,422

30 Sec. 12. INDIGENT DEFENSE COSTS. The supreme court shall
31 submit a written report for the preceding fiscal year no later
32 than January 1, 1997, indicating the amounts collected
33 pursuant to section 815.9A, relating to recovery of indigent
34 defense costs. The report shall include the total amount
35 collected by all courts, as well as the amounts collected by

1 each judicial district. The supreme court shall also submit a
2 written report quarterly indicating the number of criminal and
3 juvenile filings which occur in each judicial district for
4 purposes of estimating indigent defense costs. A copy of each
5 report shall be provided to the public defender, the
6 department of management, and the legislative fiscal bureau.
7 The judicial department shall continue to assist in the
8 development of an automated data system for use in the sharing
9 of information utilizing the generic program interface for
10 legislative and executive branch uses.

11 Sec. 13. AUTOMATED DATA SYSTEM. The department of
12 corrections, judicial district departments of correctional
13 services, board of parole, and the judicial department shall
14 continue to develop an automated data system for use in the
15 sharing of information between the department of corrections,
16 judicial district departments of correctional services, board
17 of parole, and the judicial department. The information to be
18 shared shall concern any individual who may, as the result of
19 an arrest or infraction of any law, be subject to the
20 jurisdiction of the department of corrections, judicial
21 district departments of correctional services, or board of
22 parole. The department of corrections, in consultation and
23 cooperation with the judicial district departments of
24 correctional services, the board of parole, and the judicial
25 department, shall provide a report concerning the development
26 of the automated data system to the co-chairpersons and
27 ranking members of the joint appropriations subcommittee on
28 the justice system and the legislative fiscal bureau, on or
29 before January 15, 1997.

30 Sec. 14. CORRECTIONAL INSTITUTIONS -- VOCATIONAL TRAINING.
31 The state prison industries board and the department of
32 corrections shall continue the implementation of a plan to
33 enhance vocational training opportunities within the
34 correctional institutions listed in section 904.102, as
35 provided in 1993 Iowa Acts, chapter 171, section 12. The plan

1 shall provide for increased vocational training opportunities
2 within the correctional institutions, including the
3 possibility of approving community college credit for inmates
4 working in prison industries. The department of corrections
5 shall provide a report concerning the implementation of the
6 plan to the co-chairpersons and ranking members of the joint
7 appropriations subcommittee on the justice system and the
8 legislative fiscal bureau, on or before January 15, 1997.

9 It is the intent of the general assembly that each
10 correctional facility make all reasonable efforts to maintain
11 vocational education programs for inmates and to identify
12 available funding sources to continue these programs.

13 Sec. 15. APPROPRIATIONS TO THE DEPARTMENT OF CORRECTIONS
14 -- MONEYS ENCUMBERED -- PRIORITIES.

15 1. Notwithstanding any other provision of law to the
16 contrary, moneys appropriated to the department of corrections
17 pursuant to 1995 Iowa Acts, chapter 207, sections 4, 5, and 6,
18 shall be considered encumbered pursuant to section 8.33, and
19 shall not revert to the general fund of the state at the end
20 of the fiscal year commencing July 1, 1995. As used in this
21 section, unless the context otherwise requires, "encumbered
22 funds" means the moneys appropriated to the department of
23 corrections pursuant to 1995 Iowa Acts, chapter 207, sections
24 4, 5, and 6, which would otherwise revert to the general fund
25 of the state after the end of the fiscal year in which the
26 moneys were appropriated, but for the prohibition contained in
27 this section.

28 2. The department of corrections shall use encumbered
29 funds in the fiscal year commencing July 1, 1996, to fund up
30 to an additional 50 FTEs for the employment of correctional
31 officers in the correctional institutions specified in section
32 904.102, and to purchase surveillance cameras and other
33 necessary surveillance or safety equipment for use in
34 correctional institutions. The full-time equivalent positions
35 provided in this section for the employment of correctional

1 officers and the funding provided for the purchase of
2 equipment are in addition to any full-time equivalent
3 positions or equipment funded in section 5 of this Act. The
4 department of corrections shall use its discretion in
5 distributing the additional correctional officers and
6 equipment throughout the correctional facilities. The
7 department of corrections shall file a report with the
8 department of management concerning correctional officer
9 positions filled and critically needed safety equipment
10 purchased from encumbered funds provided under this section.
11 If the department is able to fund an additional 50 FTEs for
12 the employment of correctional officers pursuant to this
13 section and to purchase all critically needed safety
14 equipment, any remaining funds shall be unencumbered and shall
15 revert to the general fund of the state at the end of the
16 fiscal year commencing July 1, 1996.

17 Sec. 16. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.

18 1. As used in this section, unless the context otherwise
19 requires, "state agency" means the government of the state of
20 Iowa, including but not limited to all executive departments,
21 agencies, boards, bureaus, and commissions, the judicial
22 department, the general assembly and all legislative agencies,
23 institutions within the purview of the state board of regents,
24 and any corporation whose primary function is to act as an
25 instrumentality of the state.

26 2. State agencies are hereby encouraged to purchase
27 products from Iowa state industries, as defined in section
28 904.802, when purchases are required and the products are
29 available from Iowa state industries.

30 Sec. 17. STATE PUBLIC DEFENDER. There is appropriated
31 from the general fund of the state to the office of the state
32 public defender of the department of inspections and appeals
33 for the fiscal year beginning July 1, 1996, and ending June
34 30, 1997, the following amounts, or so much thereof as is
35 necessary, for the purposes designated, and for not more than

1 the following full-time equivalent positions:

2 1. For salaries, support, maintenance, and miscellaneous
3 purposes:

4 \$ 10,681,867
5 FTEs 189.00

6 2. For court-appointed attorney fees for indigent adults
7 and juveniles, notwithstanding section 232.141 and chapter
8 815:

9 \$ 17,475,074

10 Sec. 18. IOWA LAW ENFORCEMENT ACADEMY. There is
11 appropriated from the general fund of the state to the Iowa
12 law enforcement academy for the fiscal year beginning July 1,
13 1996, and ending June 30, 1997, the following amounts, or so
14 much thereof as is necessary, to be used for the purposes
15 designated:

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

20 \$ 1,063,418
21 FTEs 24.00

22 2. For salaries, support, maintenance, and miscellaneous
23 purposes to provide statewide coordination of the drug abuse
24 resistance education (D.A.R.E.) program:

25 \$ 30,000

26 3. The Iowa law enforcement academy may annually select at
27 least five automobiles of the department of public safety,
28 division of highway safety, uniformed force, and radio
29 communications, prior to turning over the automobiles to the
30 state vehicle dispatcher to be disposed of by public auction
31 and the Iowa law enforcement academy may exchange any
32 automobile owned by the academy for each automobile selected
33 if the selected automobile is used in training law enforcement
34 officers at the academy. However, any automobile exchanged by
35 the academy shall be substituted for the selected vehicle of

1 the department of public safety and sold by public auction
2 with the receipts being deposited in the depreciation fund to
3 the credit of the department of public safety, division of
4 highway safety, uniformed force, and radio communications.

5 Sec. 19. DEPARTMENT OF PUBLIC DEFENSE. There is
6 appropriated from the general fund of the state to the
7 department of public defense for the fiscal year beginning
8 July 1, 1996, and ending June 30, 1997, the following amounts,
9 or so much thereof as is necessary, to be used for the
10 purposes designated:

11 1. MILITARY DIVISION

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

15	\$	3,910,339
16	FTEs	221.26

17 If there is a surplus in the general fund of the state for
18 the fiscal year ending June 30, 1997, within 60 days after the
19 closing of the fiscal year, the military division may incur up
20 to an additional \$500,000 in expenditures from the surplus
21 prior to transfer of the surplus pursuant to section 8.57.

22 2. EMERGENCY MANAGEMENT DIVISION

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

26	\$	523,971
27	FTEs	14.60

28 Sec. 20. DEPARTMENT OF PUBLIC SAFETY. There is
29 appropriated from the general fund of the state to the
30 department of public safety for the fiscal year beginning July
31 1, 1996, and ending June 30, 1997, the following amounts, or
32 so much thereof as is necessary, to be used for the purposes
33 designated:

34 1. For the department's administrative functions,
35 including the medical examiner's office and the criminal

1 justice information system, and for not more than the
2 following full-time equivalent positions:

3 \$ 2,201,438
4 FTEs 39.80

5 2. a. For the division of criminal investigation and
6 bureau of identification including the state's contribution to
7 the peace officers' retirement, accident, and disability
8 system provided in chapter 97A in the amount of 18 percent of
9 the salaries for which the funds are appropriated, to meet
10 federal fund matching requirements, and for not more than the
11 following full-time equivalent positions:

12 \$ 9,462,619
13 FTEs 191.00

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

17 \$ 100,000

18 The department of public safety, with the approval of the
19 department of management, may employ no more than two special
20 agents and four gaming enforcement officers for each
21 additional riverboat regulated after March 31, 1996. One
22 additional gaming enforcement officer, up to a total of four
23 per boat, may be employed for each riverboat that has extended
24 operations to 24 hours and has not previously operated with a
25 24-hour schedule. Positions authorized in this paragraph are
26 in addition to the full-time equivalent positions authorized
27 in this subsection.

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

35 \$ 2,519,162

1 FTEs 41.00

2 b. For the division of narcotics enforcement for
3 undercover purchases:
4 \$ 139,202

5 4. For the state fire marshal's office, including the
6 state's contribution to the peace officers' retirement,
7 accident, and disability system provided in chapter 97A in the
8 amount of 18 percent of the salaries for which the funds are
9 appropriated, and for not more than the following full-time
10 equivalent positions:

11 \$ 1,458,161

12 FTEs 31.80

13 5. For the capitol security division, including the
14 state's contribution to the peace officers' retirement,
15 accident, and disability system provided in chapter 97A in the
16 amount of 18 percent of the salaries for which the funds are
17 appropriated and for not more than the following full-time
18 equivalent positions:

19 \$ 1,207,304

20 FTEs 27.00

21 6. An employee of the department of public safety who
22 retires after July 1, 1996, but prior to June 30, 1997, is
23 eligible for payment of life or health insurance premiums as
24 provided for in the collective bargaining agreement covering
25 the public safety bargaining unit at the time of retirement if
26 that employee previously served in a position which would have
27 been covered by the agreement. The employee shall be given
28 credit for the service in that prior position as though it
29 were covered by that agreement. The provisions of this
30 paragraph shall not operate to reduce any retirement benefits
31 an employee may have earned under other collective bargaining
32 agreements or retirement programs.

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

35 \$ 222,155

1 Sec. 21. HIGHWAY SAFETY PATROL FUND. There is
2 appropriated from the highway safety patrol fund created in
3 section 80.41 to the division of highway safety, uniformed
4 force, and radio communications of the department of public
5 safety, for the fiscal year beginning July 1, 1996, and ending
6 June 30, 1997, the following amount, or so much thereof as is
7 necessary, to be used for the purposes designated:

8 1. For salaries, support, maintenance, workers'
9 compensation costs, and miscellaneous purposes, including the
10 state's contribution to the peace officers' retirement,
11 accident, and disability system provided in chapter 97A in the
12 amount of 18 percent of the salaries for which the funds are
13 appropriated, and for not more than the following full-time
14 equivalent positions:

15 \$ 33,719,610
16 FTEs 554.00

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

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

32 \$ 66,293

33 Sec. 22. DEPARTMENT OF CORRECTIONS -- CORRECTIONAL
34 FACILITY. The department of corrections shall construct a
35 750-bed medium security correctional facility for men. Bonds

1 shall be issued under the provisions of sections 16.177 and
2 602.8108A to finance the construction of the facility. The
3 cost of constructing the facility, exclusive of financing
4 costs, shall not exceed \$36,000,000.

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

11 Sec. 23. DEPARTMENT OF CORRECTIONS -- FORT MADISON
12 CORRECTIONAL FACILITY -- CELLHOUSE 17 RENOVATION. The
13 department of corrections shall renovate cellhouse 17 at the
14 Fort Madison correctional facility. Bonds shall be issued
15 under the provisions of sections 16.177 and 602.8108A to
16 finance the renovation of the facility. The cost of planning,
17 developing, and renovating cellhouse 17, exclusive of
18 financing costs, shall not exceed \$6,500,000.

19 Sec. 24. Section 99F.10, subsection 4, Code Supplement
20 1995, is amended to read as follows:

21 4. In determining the license fees and state admission
22 fees to be charged as provided under section 99F.4 and this
23 section, the commission shall use the amount appropriated to
24 the commission plus the cost of salaries for no more than two
25 special agents and no more than four gaming enforcement
26 officers for each excursion gambling boat for the division of
27 criminal investigation's excursion gambling boat activities as
28 the basis for determining the amount of revenue to be raised
29 from the license fees and admission fees. The division's
30 salary costs shall be limited to ~~sixty-five~~ eighty percent of
31 the salary costs for special agents and ~~sixty-five~~ eighty
32 percent of the salary costs for gaming enforcement for
33 personnel assigned to excursion gambling boats who enforce
34 laws and rules adopted by the commission.

35 Sec. 25. Section 602.1304, subsection 2, paragraph c, Code

1 Supplement 1995, is amended to read as follows:

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

13 Sec. 26. Section 602.8108A, subsection 1, Code Supplement
14 1995, is amended to read as follows:

15 602.8108A PRISON INFRASTRUCTURE FUND.

16 1. The Iowa prison infrastructure fund is created and
17 established as a separate and distinct fund in the state
18 treasury. Notwithstanding any other provision of this chapter
19 to the contrary, the first eight million dollars and,
20 beginning July 1, 1997, the first nine million two hundred
21 thousand dollars, of moneys remitted to the treasurer of state
22 from fines, fees, costs, and forfeited bail collected by the
23 clerks of the district court in criminal cases, including
24 those collected for both scheduled and nonscheduled
25 violations, collected in each fiscal year commencing with the
26 fiscal year beginning July 1, 1995, shall be deposited in the
27 fund. Interest and other income earned by the fund shall be
28 deposited in the fund. If the treasurer of state determines
29 pursuant to 1994 Iowa Acts, chapter 1196, that bonds can be
30 issued pursuant to this section and section 16.177, then the
31 moneys in the fund are appropriated to and for the purpose of
32 paying the principal of, premium, if any, and interest on
33 bonds issued by the Iowa finance authority under section
34 16.177. Except as otherwise provided in subsection 2, amounts
35 in the funds shall not be subject to appropriation for any

1 purpose by the general assembly, but shall be used only for
2 the purposes set forth in this section. The treasurer of
3 state shall act as custodian of the fund and disburse amounts
4 contained in it as directed by the department of corrections
5 including the automatic disbursement of funds pursuant to the
6 terms of bond indentures and documents and security provisions
7 to trustees and custodians. The treasurer of state is
8 authorized to invest the funds deposited in the fund subject
9 to any limitations contained in any applicable bond
10 proceedings. Any amounts remaining in the fund at the end of
11 each fiscal year shall be transferred to the general fund of
12 the state.

13 Sec. 27. Section 904.701, subsection 3, Code Supplement
14 1995, is amended to read as follows:

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

28 Sec. 28. Section 912.14, Code 1995, is amended to read as
29 follows:

30 912.14 VICTIM COMPENSATION FUND.

31 A victim compensation fund is established as a separate
32 fund in the state treasury. Moneys deposited in the fund
33 shall be administered by the department and dedicated to and
34 used for the purposes of section 709.10 and this chapter. In
35 addition, the department may use moneys from the fund for the

1 purposes of section 236.15 and for the award of funds to
2 programs that provide services and support to victims of
3 domestic abuse or sexual assault as provided in chapter 236.
4 Notwithstanding section 8.33, any balance in the fund on June
5 30 of any fiscal year shall not revert to the general fund of
6 the state.

7 Sec. 29. Section 912.6, Code Supplement 1995, is amended
8 by adding the following new subsection:

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

14 Sec. 30. 1995 Iowa Acts, chapter 220, section 20,
15 subsection 1, is amended to read as follows:

16 1. For the fiscal year beginning July 1, 1996, and ending
17 June 30, 1997, \$9,000,000 \$8,830,870.

18 Sec. 31. LAW ENFORCEMENT TRAINING SUMMIT -- STUDY.

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

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

1 Sec. 32. EFFECTIVE DATES.

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

6 2. Section 15 of this Act, pertaining to the encumbrance
7 of certain moneys appropriated to the department of
8 corrections in the fiscal year commencing July 1, 1995, being
9 deemed of immediate importance, takes effect upon enactment.

10 3. Section 22 of this Act, authorizing the construction of
11 a 750-bed medium security correctional facility for men, being
12 deemed of immediate importance, takes effect upon enactment.

13 4. Section 26 of this Act, dealing with the Iowa prison
14 infrastructure fund, being deemed of immediate importance,
15 takes effect upon enactment.

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HOUSE FILE 2472

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1 Amend House File 2472, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "DIVISION I - JUSTICE SYSTEM APPROPRIATIONS".

6 2. Page 1, by striking line 11 and inserting the
7 following:

8 "..... FTEs 178.50

9 It is the intent of the general assembly that of
10 the funds appropriated in this subsection, not more
11 than \$50,000 shall be used to establish an office of
12 veterans advocate as provided in section 13.22, as
13 enacted by this Act."

14 3. Page 1, by striking lines 12 through 19 and
15 inserting the following:

16 "2. a. The attorney general shall provide up to".

17 4. Page 1, by striking lines 25 through 27 and
18 inserting the following:

19 "b. In addition to the moneys retained by the
20 attorney".

21 5. Page 2, line 2, by striking the words "in this
22 subsection" and inserting the following: "to the
23 prosecuting attorneys training coordinator pursuant to
24 section 321.218A, as enacted in this Act,".

25 6. Page 2, line 25, by striking the figure
26 "125,000" and inserting the following: "150,000".

27 7. Page 3, line 2, by striking the figure
28 "200,000" and inserting the following: "225,000".

29 8. Page 4, by inserting after line 17 the
30 following:

31 "c. The office of the attorney general shall carry
32 out a study of concentration in the livestock industry
33 in Iowa. The findings of the study may include
34 recommendations for legislation or other actions, and
35 shall be reported to the general assembly on or before
36 February 7, 1997.

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

40 \$ 1,000,000

41 The appropriation in this subsection is reduced to
42 the extent of the amounts appropriated to the office
43 of the attorney general for legal services grants as
44 provided in section 321.218A, as enacted by this Act.

45 Sec. ____ . DEPARTMENT OF JUSTICE -- ENVIRONMENTAL
46 CRIMES INVESTIGATION AND PROSECUTION -- FUNDING.

47 There is appropriated from the environmental crime
48 fund of the department of justice, consisting of
49 court-ordered fines and penalties awarded to the
50 department arising out of the prosecution of

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1 environmental crimes, to the department of justice for
 2 the fiscal year beginning July 1, 1996, and ending
 3 June 30, 1997, an amount not exceeding \$20,000 to be
 4 used by the department, at the discretion of the
 5 attorney general, for the investigation and
 6 prosecution of environmental crimes, including the
 7 reimbursement of expenses incurred by county,
 8 municipal, and other local governmental agencies
 9 cooperating with the department in the investigation
 10 and prosecution of environmental crimes.

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

22 Notwithstanding section 8.33, moneys appropriated
 23 in this section which remain unexpended or unobligated
 24 at the close of the fiscal year shall not revert to
 25 the general fund of the state but shall remain
 26 available for expenditure for the designated purpose
 27 in the succeeding fiscal year."

28 9. Page 4, by striking lines 18 through 32.

29 10. By striking page 5, line 35, through page 6,
 30 line 1, and inserting the following:

31 "..... \$ 26,220,099
 32 FTEs 496.00"

33 11. Page 6, line 6, by inserting after the word
 34 "purposes," the following: "including not more than
 35 \$500,000 for necessary expenses in planning for the
 36 construction of a 150 bed super maximum security
 37 correctional facility during the fiscal year beginning
 38 July 1, 1997, at a location determined by the
 39 department of corrections,".

40 12. Page 6, by striking lines 8 and 9 and
 41 inserting the following:

42 "..... \$ 1,149,089
 43 FTEs 9.50"

44 13. Page 6, by striking lines 16 and 17 and
 45 inserting the following:

46 "..... \$ 20,125,506
 47 FTEs 376.75"

48 14. Page 6, by striking lines 26 and 27 and
 49 inserting the following:

50 "..... \$ 16,635,631

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1 FTEs 328.30"

2 15. Page 6, by striking lines 32 and 33 and

3 inserting the following:

4 "..... \$ 10,333,775

5 FTEs 156.28"

6 16. Page 7, by striking lines 5 and 6 and

7 inserting the following:

8 "..... \$ 14,909,042

9 FTEs 285.32"

10 17. Page 7, by striking lines 11 and 12 and

11 inserting the following:

12 "..... \$ 5,791,219

13 FTEs 114.00"

14 18. Page 7, by striking lines 17 and 18 and

15 inserting the following:

16 "..... \$ 14,537,836

17 FTEs 248.00"

18 19. Page 7, by striking lines 28 and 29 and

19 inserting the following:

20 "..... \$ 6,612,098

21 FTEs 135.00"

22 20. Page 10, by striking line 13 and inserting

23 the following:

24 "..... \$ 2,450,600"

25 21. Page 10, line 17, by inserting after the word

26 "purpose." the following: "In addition, it is the

27 intent of the general assembly that the department

28 shall coordinate with the community colleges in the

29 areas in which the institutions are located to utilize

30 moneys appropriated in this subsection to fund the

31 high school completion, high school equivalency

32 diploma, adult literacy, and adult basic education

33 programs in a manner so as to maintain these programs

34 at the institutions."

35 22. Page 10, by inserting after line 22 the

36 following:

37 "_____. For funding of the Ford Associates'

38 successful training empowerment process (STEP) inmate

39 education program:

40 \$ 60,000

41 _____. For funding of the criminal justice program

42 at the University of Northern Iowa:

43 \$ 175,000"

44 23. Page 10, by striking line 35 and inserting

45 the following:

46 "..... \$ 7,257,414"

47 24. Page 11, by striking line 16 and inserting

48 the following:

49 "..... \$ 5,744,594"

50 25. Page 12, by striking line 11 and inserting

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Page 4

1 the following:

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

3 26. Page 12, by striking line 25 and inserting

4 the following:

5 "..... \$ 9,248,170"

6 27. Page 13, line 3, by inserting after the word

7 "program," the following: "and for not more than

8 \$200,000 to be used for an addition to the Fasches

9 Center in Cedar Rapids,".

10 28. Page 13, by striking line 5 and inserting the

11 following:

12 "..... \$ 7,725,401"

13 29. Page 13, by inserting after line 20 the

14 following:

15 "(4) The district department is authorized to
16 enter into financial arrangements for and to construct
17 an addition to the Fasches Center for the purposes of
18 adding staff offices."

19 30. Page 14, by striking line 11 and inserting

20 the following:

21 "..... \$ 4,243,087"

22 31. Page 14, by inserting after line 26 the

23 following:

24 "(1) If funds are appropriated for the purposes
25 of this lettered paragraph, the first and second
26 judicial district departments of correctional services
27 shall establish a pilot project in each judicial
28 district department of correctional services to
29 provide targeted services to offenders convicted of a
30 serious or aggravated misdemeanor. The moneys
31 appropriated for the pilot project shall be evenly
32 divided between the first and second judicial district
33 departments of correctional services.

34 (2) It is the intent of the general assembly that
35 the projects will target offenders who are at high
36 risk to recidivate and will evaluate the progress of
37 participants. The district court and the department
38 of corrections shall cooperate with the first and
39 second judicial district departments of correctional
40 services in carrying out the pilot projects and shall
41 assist in obtaining grants and private resources to
42 supplement this appropriation. The district
43 departments of correctional services shall file a
44 report to the legislative fiscal bureau by January 15,
45 1998, on the result of the pilot project in their
46 judicial district."

47 32. Page 16, by striking line 8 and inserting the

48 following:

49 "..... \$ 91,769,430"

50 33. Page 18, by inserting after line 4 the

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1 following:

2 "j. Of the funds appropriated in this subsection,
3 the judicial department shall use not more than
4 \$1,056,000 for an additional 6.00 district court
5 judges, and an additional 10.75 full-time equivalent
6 court reporters and court attendants. Of the
7 additional district court judges, 1.00 additional
8 district court judge shall be assigned to judicial
9 election districts 2A, 2B, 3B, and 5C and 2.00
10 additional district court judges shall be assigned to
11 judicial election district 5A, notwithstanding the
12 provisions of section 602.6201, subsection 3.

13 k. Of the funds appropriated in this subsection,
14 the judicial department shall use \$262,989 for an
15 additional 3 juvenile court officers, 3 juvenile court
16 specialists, and clerical workers.

17 l. Of the funds appropriated in this subsection,
18 the judicial department shall use \$140,154 to increase
19 the salary of all associate juvenile judges and
20 associate probate judges to the same salary level as a
21 district associate judge.

22 m. Of the funds appropriated in this subsection,
23 the judicial department shall use \$216,000 to increase
24 the salary of district associate judges by \$4,000."

25 34. Page 18, by striking lines 7 through 19 and
26 inserting the following:

27 "Sec. ____ . IOWA COURT INFORMATION SYSTEM. There
28 is appropriated from the general fund of the state to
29 the judicial department for the fiscal year beginning
30 July 1, 1996, and ending June 30, 1997, the following
31 amount, or so much thereof as is necessary, to be used
32 for the purpose designated:

33 For the Iowa court information system:
34 \$ 857,500"

35 35. Page 18, by striking line 29 and inserting
36 the following:

37 "..... \$ 3,150,915"

38 36. Page 20, line 10, by striking the words "make
39 all reasonable efforts to" and inserting the
40 following: "shall maintain, in coordination with
41 local community colleges".

42 37. Page 20, by striking lines 11 and 12 and
43 inserting the following: "the vocational education
44 programs for inmates in each institution."

45 38. Page 22, by striking lines 4 and 5 and
46 inserting the following:

47 "..... \$ 9,926,841
48 FTES 174.65"

49 39. Page 22, by striking line 9 and inserting the
50 following:

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1 "..... \$ 14,420,000"

2 40. Page 22, by striking line 20 and inserting

3 the following:

4 "..... \$ 1,038,418"

5 41. Page 23, by striking lines 26 and 27 and

6 inserting the following:

7 "..... \$ 574,137

8 FTEs 15.60"

9 42. Page 24, by striking lines 3 and 4 and

10 inserting the following:

11 "..... \$ 2,171,438

12 FTEs 38.80"

13 43. Page 25, by inserting after line 35 the

14 following:

15 " . For costs associated with the training of

16 fire fighters:

17 \$ 1,000,000

18 . For the state medical examiner, for the

19 purpose of establishing an office of the state medical

20 examiner within the department of public safety, and

21 for not more than the following full-time equivalent

22 positions:

23 \$ 332,500

24 FTEs 4.00"

25 44. Page 26, by striking lines 15 and 16 and

26 inserting the following:

27 "..... \$ 34,396,129

28 FTEs 566.00

29 It is the intent of the general assembly that, of

30 the funds appropriated in this subsection, the

31 division shall expend the amount necessary to provide

32 the state match for adding twelve state troopers

33 through the federal community-oriented policing

34 services program. It is the intent of the general

35 assembly that once federal moneys for this program

36 end, the division shall present proposals to the

37 governor and the general assembly for continued

38 funding of the state troopers described in this

39 paragraph and for consideration of reducing the number

40 of state troopers through attrition, by the same

41 number as the number of troopers added through the

42 federal program."

43 45. Page 27, line 9, by inserting after the word

44 "into" the following: "professional services".

45 46. Page 27, by inserting after line 18 the

46 following:

47 "Sec. . NEW SECTION. 13.32 VETERANS ADVOCATE.

48 The attorney general shall appoint a competent

49 attorney to the office of veterans advocate. The

50 veterans advocate is to be housed in the office of the

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1 attorney general. The advocate shall be an honorably
2 discharged member of the armed forces of the United
3 States. The advocate's term of office is for four
4 years. The term begins and ends in the same manner as
5 set forth in section 69.19.

6 Sec. ____ . NEW SECTION. 13.33 DUTIES OF VETERANS
7 ADVOCATE.

8 The veterans advocate shall do all of the
9 following:

10 1. Assist the commission of veterans affairs
11 created in section 35A.2 in the carrying out of its
12 duties.

13 2. Assist the veterans of the state in obtaining
14 the benefits to which they are entitled.

15 3. Assist the veterans of the state in gaining
16 admission to the Iowa veterans home in a timely
17 manner.

18 4. Provide assistance to the county commissions of
19 veterans affairs created in chapter 35B in the
20 carrying out of their duties.

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

23 Each commissioner shall be ~~an honorably discharged~~
24 ~~soldier, sailor, marine, airman, or coast-guard member~~
25 a veteran, as defined in section 35.1, and be a
26 resident of the city county in which the memorial hall
27 or monument is located ~~or live within the county if~~
28 ~~the memorial hall or monument is located outside of a~~
29 ~~city or is a joint memorial as provided in this~~
30 ~~chapter."~~

31 47. Page 27, by striking lines 19 through 34.

32 48. Page 28, by inserting after line 12 the
33 following:

34 "Sec. ____ . Section 602.6201, subsection 10, Code
35 Supplement 1995, is amended to read as follows:

36 10. Notwithstanding the formula for determining
37 the number of judgeships in this section, the number
38 of district judges shall not exceed one hundred ~~eight~~
39 fourteen during the period commencing July 1, ~~1995~~
40 1996."

41 49. Page 30, by striking lines 14 through 17.

42 50. Page 31, by inserting after line 15 the
43 following:

44 "DIVISION II
45 LOCAL CORRECTIONS INFRASTRUCTURE GRANT PROGRAM

46 Sec. ____ . NEW SECTION. 905A.1 DEFINITIONS.

47 For the purposes of this chapter, unless the
48 context otherwise requires:

49 1. "Division" means the division of criminal and
50 juvenile justice planning of the department of human

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1 rights.

2 2. "Government" means a community-based
3 correctional program as defined in section 905.1, or a
4 city, school district or accredited nonpublic school,
5 or county which expends funds for incarceration or
6 supervision of individuals charged with or convicted
7 of a felony, an aggravated misdemeanor, or a serious
8 misdemeanor, or for crime prevention activities.

9 3. "Judicial election district" means a judicial
10 election district described in section 602.6109.

11 Sec. ____ . NEW SECTION. 905A.2 LOCAL CORRECTIONS
12 INFRASTRUCTURE GRANT PROGRAM.

13 1. A local corrections infrastructure grant
14 program is created in the division. The division
15 shall adopt administrative rules pursuant to chapter
16 17A as necessary to administer the program in
17 accordance with this chapter. The rules shall include
18 but are not limited to provisions for auditing of
19 grant expenditures.

20 2. The division shall develop a request for
21 proposals for the grant program and assist judicial
22 election districts in developing proposals in response
23 to the request. The division shall not accept more
24 than one proposal from a judicial election district
25 for each of the grant groupings. For the fiscal year
26 beginning July 1, 1997, grants shall be awarded in
27 accordance with this chapter in the following two
28 groupings:

29 a. Twenty-five million dollars to one or more
30 governments or groups of governments in judicial
31 election districts, divided proportionately according
32 to the judicial election districts' relative
33 proportion of the state's general population.

34 b. Nine million dollars to one or more governments
35 or groups of governments representing judicial
36 election districts, awarded according to criteria
37 developed by the task force based upon the relative
38 amount of criminal activity in the judicial election
39 district, the innovative nature of the proposal
40 submitted by the government or group of governments,
41 and the statewide need for the project proposed to be
42 developed.

43 3. A proposal for a grant under this chapter is
44 subject to all of the following conditions:

45 a. A judicial election district may combine with
46 one or more other judicial election districts in
47 developing a proposal or may propose a joint project
48 in separate proposals.

49 b. A proposal shall be for one or more
50 infrastructure or school-based crime prevention

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1 projects or combination of projects relating to one or
2 more of the following purposes:

3 (1) A county jail.

4 (2) A regional or multicounty jail.

5 (3) A county juvenile detention or shelter care
6 home, including retirement of outstanding debt for
7 such a home.

8 (4) A regional or multicounty juvenile detention
9 or shelter care home.

10 (5) A community-based correctional program
11 facility.

12 (6) A school-based crime prevention program.

13 c. Grant moneys under this chapter shall not be
14 used for purposes other than infrastructure.

15 d. The division may accept or reject a proposal in
16 whole or in part.

17 e. A proposal must address the need for the
18 proposed project, degree of urgency for the project,
19 location of the project, provisions for the
20 governments within the judicial election district to
21 access the project, and the performance measures to be
22 used to evaluate the project.

23 f. The submission date for proposals under
24 subsection 2, paragraph "a" shall be on or before
25 February 17, 1997, and the submission date for
26 proposals under subsection 2, paragraph "b" shall be
27 on or before April 18, 1997. However, for good cause
28 shown, the division may extend the submission date for
29 proposals under subsection 2, paragraph "a". It is
30 the intent of the general assembly that the grant
31 award process be complete by June 30, 1997, and awards
32 made in the fiscal year beginning July 1, 1997.
33 However, the division may delay final approval of a
34 grant proposal which is approved in part while full
35 approval of the proposal is pending.

36 4. The office of the attorney general, the
37 department of education, and the university of
38 northern Iowa's criminology program shall work with
39 the division in implementing a public planning process
40 to assist the governments in judicial election
41 districts in developing a proposal, developing
42 technical assistance materials for the grant program,
43 developing the request for proposals, developing
44 proposed scoring tools, and producing model
45 performance measures and other evaluation processes
46 for grant program projects. The public planning
47 process shall include but is not limited to public
48 meetings in each of the judicial election districts.

49 Sec. ____ . NEW SECTION. 905A.3 TASK FORCE.

50 1. The division shall establish and convene a

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1 local corrections infrastructure grant program task
2 force to assist the division in scoring and evaluating
3 grant proposals and other assistance deemed necessary
4 by the division.

5 2. The membership of the task force shall include
6 but is not limited to representatives of the
7 following:

- 8 a. County sheriffs.
- 9 b. Police chiefs.
- 10 c. Office of the attorney general.
- 11 d. District judges.
- 12 e. Juvenile court judges.
- 13 f. Probation officers.
- 14 g. Juvenile court officers.
- 15 h. County supervisors.
- 16 i. City council members.
- 17 j. Criminal and juvenile justice planning advisory
18 council.
- 19 k. Juvenile services providers.
- 20 l. Community-based correctional programs.
- 21 m. County attorneys.
- 22 n. The Iowa state police association.
- 23 o. Local school officials.
- 24 p. Other members deemed necessary by the division
25 or task force.

26 3. Members of the task force are eligible for
27 reimbursement of actual and necessary expenses
28 incurred in the performance of their official duties.
29 The task force shall elect a chairperson and other
30 officers deemed necessary by the task force.

31 Sec. ____ . NEW SECTION. 905A.4 PAYMENT OF GRANTS.

32 A grant awarded under section 905A.2 shall be paid
33 from the proceeds of bonds issued under section 16.177
34 or other moneys available to the division. A project
35 approved by the division for a grant under this
36 chapter is deemed to be approved by the general
37 assembly for purposes of issuing bonds under section
38 16.177. The department of corrections shall pledge
39 amounts in the Iowa prison infrastructure fund
40 established under section 602.8108A as security for
41 the payment of principal of, premium, if any, and
42 interest on the bonds.

43 Sec. ____ . GRANT PROGRAM IMPLEMENTATION. There is
44 appropriated from the general fund of the state to the
45 department of human rights, division of criminal and
46 juvenile justice planning, for the fiscal year
47 beginning July 1, 1996, and ending June 30, 1997, the
48 following amount, or so much thereof as is necessary,
49 to be used for the purposes designated:

50 For technical assistance and staffing associated

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1 with the development of the local corrections
2 infrastructure grant program enacted by this Act,
3 including salaries, support, maintenance,
4 miscellaneous purposes, and for not more than the
5 following full-time equivalent positions:

6	\$	200,000
7	FTEs	2.00

8 Sec. ____ JUVENILE CRIME PREVENTION. There is
9 appropriated from the general fund of the state to the
10 department of economic development for the fiscal year
11 beginning July 1, 1996, and ending June 30, 1997, the
12 following amount, or so much thereof as is necessary,
13 to be used for the purposes designated:

14 For continuing the juvenile crime prevention summer
15 youth employment program through the job training
16 partnership Act service delivery areas:

17	\$	800,000
----------	----	---------

18 Sec. ____ EFFECTIVE DATE. This division of this
19 Act, being deemed of immediate importance, takes
20 effect upon enactment.

21 DIVISION III

22 CIVIL PENALTIES, FINES, SURCHARGES, AND WITHHOLDING

23 Sec. ____ NEW SECTION. 13.34 LEGAL SERVICES FOR
24 PERSONS IN POVERTY GRANT PROGRAM.

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

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

40 a. Be a nonprofit organization incorporated in
41 this state.

42 b. Has lost or will lose funding due to a
43 reduction in federal funding for the legal services
44 corporation for federal fiscal year 1995-1996.

45 c. Employ attorneys admitted to practice before
46 the Iowa supreme court and the United States district
47 courts.

48 d. Employ attorneys and staff qualified to address
49 legal problems experienced by eligible individuals.

50 3. The contracting nonprofit organization shall do

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1 all of the following:
2 a. Offer direct representation of eligible
3 individuals in litigation and administrative cases, in
4 accordance with priorities established by the
5 organizations board.
6 b. Offer technical support to eligible
7 individuals.
8 c. Involve private attorneys through volunteer
9 lawyer projects to represent eligible individuals.
10 d. Utilize, to the fullest extent feasible,
11 existing resources of accredited law schools within
12 this state to provide consulting assistance to
13 attorneys in the practice of law in their
14 representation of persons in poverty.
15 e. Assist, to the fullest extent feasible,
16 accredited law schools within this state in enhancing
17 the schools' expertise in the practice of law
18 representing persons in poverty so that all attorneys
19 within the state will have a resource available to
20 provide training and experience in the practice of law
21 representing persons in poverty.
22 f. Cooperate, to the fullest extent feasible, with
23 existing informational and referral networks among
24 persons in poverty, providers of assistance to persons
25 in poverty, and others concerned with assistance to
26 persons in poverty.

27 4. The contracting nonprofit organization is not a
28 state agency for the purposes of chapters 19A, 20, and
29 669.

30 5. An individual is eligible to obtain legal
31 representation and legal assistance from the
32 contracting nonprofit organization if the eligible
33 individual meets all of the following criteria:
34 a. The eligible individual is a resident of this
35 state.
36 b. The eligible individual is financially unable
37 to acquire legal assistance, in accordance with
38 criteria established by the organization's board.

39 Sec. ____ . NEW SECTION. 321.218A CIVIL PENALTY --
40 DISPOSITION -- REINSTATEMENT.

41 When the department revokes a person's motor
42 vehicle license or nonresident operating privilege
43 under this chapter upon receipt of a record of
44 conviction of the person, the department shall assess
45 the person a civil penalty of two hundred dollars.
46 The money collected by the department under this
47 section shall be transmitted to the treasurer of state
48 who shall deposit one-half of the money in the victim
49 compensation fund established in section 912.14. Of
50 the remaining moneys collected during any fiscal year,

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1 the treasurer shall transmit the first three hundred
2 thousand dollars to the office of the prosecuting
3 attorneys training coordinator as established in
4 chapter 13A, shall transmit the next seven hundred
5 thousand dollars to the office of the attorney general
6 to be used to implement the contract to provide legal
7 services to persons in poverty in accordance with
8 section 13.34, and shall deposit any additional moneys
9 collected during that fiscal year in the general fund
10 of the state. A temporary restricted license shall
11 not be issued or a motor vehicle license or
12 nonresident operating privilege reinstated until the
13 civil penalty has been paid.

14 Sec. ____ . NEW SECTION. 321A.32A CIVIL PENALTY --
15 DISPOSITION -- REINSTATEMENT.

16 When the department revokes a person's motor
17 vehicle license or nonresident operating privilege
18 under this chapter upon receipt of a record of
19 conviction of the person, the department shall assess
20 the person a civil penalty of two hundred dollars.
21 The money collected by the department under this
22 section shall be transmitted to the treasurer of state
23 who shall deposit one-half of the money in the victim
24 compensation fund established in section 912.14 and
25 one-half of the money shall be deposited in the
26 general fund of the state. A temporary restricted
27 license shall not be issued or a motor vehicle license
28 or nonresident operating privilege reinstated until
29 the civil penalty has been paid.

30 Sec. ____ . Section 331.302, subsection 2, Code
31 1995, is amended to read as follows:

32 2. A county shall not provide a penalty in excess
33 of a one hundred dollar fine or in excess of thirty
34 days imprisonment for the violation of an ordinance.
35 The criminal penalty surcharge required by section
36 911.2 and the jail, courthouse security, and detention
37 facility surcharge required by section 911A.2 shall be
38 added to a county fine and ~~is~~ are not a part of the
39 county's penalty.

40 Sec. ____ . Section 364.3, subsection 2, Code 1995,
41 is amended to read as follows:

42 2. A city shall not provide a penalty in excess of
43 a one hundred dollar fine or in excess of thirty days
44 imprisonment for the violation of an ordinance. An
45 amount equal to ten percent of all fines collected by
46 cities shall be deposited in the account established
47 in section 602.8108. However, one hundred percent of
48 all fines collected by a city pursuant to section
49 321.236, subsection 1, shall be retained by the city.
50 The criminal penalty surcharge required by section

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1 911.2 and the jail, courthouse security, and detention
2 facility surcharge required by section 911A.2 shall be
3 added to a city fine and is are not a part of the
4 city's penalty.

5 Sec. _____. Section 602.8107, subsection 2,
6 paragraph b, Code Supplement 1995, is amended to read
7 as follows:

8 b. Fines or penalties and ~~criminal-penalty~~
9 surcharges.

10 Sec. _____. Section 602.8107, subsection 4,
11 unnumbered paragraph 2, Code Supplement 1995, is
12 amended to read as follows:

13 This subsection does not apply to amounts collected
14 for victim restitution, the victim compensation fund,
15 criminal penalty surcharge, jail, courthouse security,
16 and detention facility surcharge, or amounts collected
17 as a result of procedures initiated under subsection 5
18 or under section 421.17, subsection 25.

19 Sec. _____. Section 805.8, subsection 1, Code
20 Supplement 1995, is amended to read as follows:

21 1. APPLICATION. Except as otherwise indicated,
22 violations of sections of the Code specified in this
23 section are scheduled violations, and the scheduled
24 fine for each of those violations is as provided in
25 this section, whether the violation is of state law or
26 of a county or city ordinance. The criminal penalty
27 surcharge required by section 911.2 and the jail,
28 courthouse security, and detention facility surcharge
29 required by section 911A.2 shall be added to the
30 scheduled fine.

31 Sec. _____. Section 805.8, subsection 11, unnumbered
32 paragraph 1, Code Supplement 1995, is amended to read
33 as follows:

34 For violations of section 142B.6 or 453A.2,
35 subsection 2, the scheduled fine is twenty-five
36 dollars, and is a civil penalty, and the criminal
37 penalty surcharge under section 911.2 and the jail,
38 courthouse security, and detention facility surcharge
39 under section 911A.2 shall not be added to the
40 penalty, and the court costs pursuant to section
41 805.9, subsection 6, shall not be imposed. If the
42 civil penalty assessed for a violation of section
43 142B.6 is not paid in a timely manner, a citation
44 shall be issued for the violation in the manner
45 provided in section 804.1. However, a person under
46 age eighteen shall not be detained in a secure
47 facility for failure to pay the civil penalty. The
48 complainant shall not be charged a filing fee.

49 Sec. _____. Section 902.9, unnumbered paragraph 2,
50 Code 1995, is amended to read as follows:

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1 The criminal penalty surcharge required by section
2 911.2 and the jail, courthouse security, and detention
3 facility surcharge required by section 911A.2 shall be
4 added to a fine imposed on a class "C" or class "D"
5 felon, as provided by ~~that section~~ those sections, and
6 ~~is are~~ not a part of or subject to the maximums set in
7 this section.

8 Sec. _____. Section 903.1, subsection 4, Code 1995,
9 is amended to read as follows:

10 4. The criminal penalty surcharge required by
11 section 911.2 and the jail, courthouse security, and
12 detention facility surcharge required by section
13 911A.2 shall be added to a fine imposed on a
14 misdemeanor, and ~~is are~~ not a part of or subject to
15 the maximums set in this section.

16 Sec. _____. NEW SECTION. 907.14 PAYMENT IN LIEU OF
17 FINE.

18 When the court has deferred judgment the court may
19 order the defendant to pay an amount in lieu of a fine
20 in a case where a minimum fine would otherwise be
21 ordered. Payments in lieu of fines shall be ordered,
22 enforced, and administered as fines under chapter 909.

23 Sec. _____. Section 909.3, Code 1995, is amended by
24 adding the following new subsection:

25 NEW SUBSECTION. 3. If the court orders a fine to
26 be paid as provided by subsection 2, the court shall
27 require the defendant to execute a mandatory wage
28 assignment that would ensure payment of the fine
29 within twelve months of the date the wage assignment
30 becomes effective. The wage assignment shall be
31 enforced if the defendant fails to make payment as
32 provided in subsection 2.

33 A mandatory wage assignment executed pursuant to
34 this section is not subject to the limitation on
35 garnishment provided in sections 537.5105 and 642.21,
36 and is not subject to the limitation on assignment of
37 benefits under chapter 96 as provided in section
38 96.15. However, a wage assignment executed under this
39 subsection shall be enforced only after an order for
40 income withholding pursuant to chapter 252D or a
41 court-ordered wage assignment for purposes of support
42 is entered and enforced. A wage assignment executed
43 under this subsection shall be limited as specified in
44 15 U.S.C. § 1673(b).

45 Sec. _____. Section 909.8, Code 1995, is amended to
46 read as follows:

47 909.8 PAYMENT AND COLLECTION PROVISIONS APPLY TO
48 CRIMINAL-PENALTY-SURCHARGE SURCHARGES.

49 The provisions of this chapter governing the
50 payment and collection of a fine, except section

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1 909.3A, also apply to the payment and collection of a
2 criminal penalty surcharge imposed pursuant to chapter
3 911 and the jail, courthouse security, and detention
4 facility surcharge imposed pursuant to section 911A.2.
5 Sec. _____. Section 909.10, subsection 1, Code 1995,
6 is amended to read as follows:

7 1. As used in this section, unless the context
8 otherwise requires, "delinquent amounts" means a fine,
9 court-imposed court costs in a criminal proceeding, or
10 criminal surcharge imposed pursuant to section 911.2,
11 or jail, courthouse security, and detention facility
12 surcharge imposed pursuant to section 911A.2, which
13 remains unpaid after two years from the date that the
14 fine, court costs, or surcharge was imposed, and which
15 is not collected by the county attorney pursuant to
16 section 602.8107. However, if the fine may be paid in
17 installments pursuant to section 909.3, the fine is
18 not a delinquent amount unless the installment remains
19 unpaid after two years from the date the installment
20 was due.

21 Sec. _____. NEW SECTION. 911A.1 JAIL, COURTHOUSE
22 SECURITY, AND DETENTION FACILITY SURCHARGE
23 ESTABLISHED.

24 A jail, courthouse security, and detention facility
25 surcharge shall be levied against certain law
26 violators as provided in section 911A.2. The
27 surcharge shall be used as provided in section 911A.3.

28 Sec. _____. NEW SECTION. 911A.2 SURCHARGE.

29 When a court imposes a fine or forfeiture for a
30 violation of a state law, or of a city or county
31 ordinance except an ordinance regulating the parking
32 of motor vehicles, the court shall assess an
33 additional penalty in the form of a surcharge equal to
34 ten dollars. In the event of multiple offenses, the
35 surcharge shall be based upon the total number of
36 offenses. When a fine or forfeiture is suspended in
37 whole or in part, the surcharge shall not be reduced.

38 The surcharge is subject to the provisions of
39 chapter 909 governing the payment and collection of
40 fines, as provided in section 909.8.

41 Sec. _____. NEW SECTION. 911A.3 DISPOSITION OF
42 SURCHARGE.

43 1. When a court assesses a surcharge under section
44 911A.2, notwithstanding any other provision of the
45 Code to the contrary, proceeds from the surcharge
46 shall be appropriated and transferred to the treasurer
47 of the county in which the citation was issued to be
48 deposited in the county general fund and used only for
49 courthouse security and the improvement, expansion,
50 operation, or construction of a jail or juvenile

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1 detention facility.

2 2. At any time and for the purposes specified in
3 subsection 1, a county may transfer proceeds received
4 and deposited pursuant to this section to a contiguous
5 county or a county that has a relationship with the
6 transferring county concerning the use of a jail or
7 juvenile detention facility in the recipient county."

8 51. Title page, line 2, by inserting after the
9 word "system," the following: "imposing civil
10 penalties and surcharges on criminal fines and
11 forfeitures,".

12 52. By renumbering, relettering, or redesignating
13 and correcting internal references as necessary.

By COMMITTEE ON APPROPRIATIONS
LARRY MURPHY, Chairperson

S-5465 FILED MARCH 20, 1996

adopted 3/21/96
(p. 97)

HOUSE FILE 2472

S-5477

1 Amend House File 2472, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 28, line 20, by striking the words "nine
 4 million two hundred" and inserting the following:
 5 "twelve million four hundred fifty".

By MICHAEL E. GRONSTAL

S-5477 FILED MARCH 21, 1996

ADOPTED (P. 969)

HOUSE FILE 2472

S-5484

1 Amend House File 2472, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. By striking page 26, line 34, through page 27,
 4 line 4, and inserting the following: "FACILITY.
 5 There is appropriated from the general fund of the
 6 state to the department of corrections for the fiscal
 7 year beginning July 1, 1996, and ending June 30, 1997,
 8 the following amount, or so much thereof as is
 9 necessary, to be used for the purpose designated:
 10 For the construction of a 750-bed medium security
 11 correctional facility for men:
 12 \$ 36,000,000
 13 Notwithstanding section 8.33, moneys appropriated
 14 in this section which remain unexpended or unobligated
 15 at the close of the fiscal year shall not revert to
 16 the general fund of the state but shall remain
 17 available for expenditure for the designated purpose
 18 in the succeeding fiscal year."
 19 2. Page 27, line 12, by striking the word "The".
 20 3. Page 27, by striking lines 13 through 18 and
 21 inserting the following:
 22 "There is appropriated from the general fund of the
 23 state to the department of corrections for the fiscal
 24 year beginning July 1, 1996, and ending June 30, 1997,
 25 the following amount, or so much thereof as is
 26 necessary, to be used for the purpose designated:
 27 For the renovation of cellhouse 17 at the Fort
 28 Madison correctional facility:
 29 \$ 6,500,000
 30 Notwithstanding section 8.33, moneys appropriated
 31 in this section which remain unexpended or unobligated
 32 at the close of the fiscal year shall not revert to
 33 the general fund of the state but shall remain
 34 available for expenditure for the designated purpose
 35 in the succeeding fiscal year."

By STEWART IVERSON, Jr.

S-5484 FILED MARCH 21, 1996

LOST

(P. 968)

HOUSE FILE 2472

S-5472

1 Amend House File 2472, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 27, by inserting before line 35 the
4 following:

5 "Sec. ____ . Section 232.22, subsection 6, Code
6 Supplement 1995, is amended to read as follows:

7 6. If the court has waived its jurisdiction over
8 the child for the alleged commission of a forcible
9 felony offense pursuant to section 232.45 or 232.45A,
10 and there is a serious risk that the child may commit
11 an act which would inflict serious bodily harm on
12 another person, the child may be held in the county
13 jail, ~~notwithstanding section 356.3~~. However,
14 wherever possible the child shall be held in sight and
15 sound separation from adult offenders. A child held
16 in the county jail under this subsection shall have
17 all the rights of adult postarrest or pretrial
18 detainees.

19 Sec. ____ . Section 356.3, Code 1995, is amended to
20 read as follows:

21 356.3 MINORS SEPARATELY CONFINED.

22 Any sheriff, city marshal, or chief of police,
23 having in the officer's care or custody any prisoner
24 person under the age of eighteen years who has not
25 been waived to criminal court for the alleged
26 commission of a forcible felony, shall keep such
27 prisoner separate and apart, and prevent communication
28 by such prisoner with prisoners above that age, while
29 such prisoners are not under the personal supervision
30 of such officer, if suitable buildings or jails are
31 provided for that purpose, unless such prisoner is
32 likely to or does exercise an immoral influence over
33 other minors with whom the prisoner may be imprisoned.
34 ~~---A person under the age of eighteen years prosecuted~~
35 ~~under chapter 232 and not waived to criminal court~~
36 ~~shall be confined~~ confine the person in a jail only
37 under the conditions provided in chapter 232 section
38 232.22.

39 A person under the age of eighteen years who has
40 been waived to criminal court may be confined in a
41 jail in accordance with section 232.22, subsection 6.

42 Any officer having charge of prisoners who without
43 just cause or excuse neglects or refuses to perform
44 the duties imposed on the officer by this section may
45 be suspended or removed from office therefor."

46 2. By renumbering as necessary.

By BRAD BANKS

S-5472 FILED MARCH 21, 1996

RULED OUT OF ORDER

(p. 969)

HOUSE FILE 2472

S-5486

1 Amend House File 2472, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 29, by inserting after line 27 the
 4 following:
 5 "Sec. ____ . Section 910A.7A, Code 1995, is amended
 6 to read as follows:
 7 910A.7A NOTIFICATION BY DEPARTMENT OF JUSTICE.
 8 The department of justice shall notify a registered
 9 victim of ~~all-dispositional-orders-of-a-case-currently~~
 10 ~~on-appeal~~ the filing of an appeal, all dispositional
 11 orders in the appeal, and the outcome of the appeal of
 12 a case in which the victim was involved."

13 2. By renumbering as necessary.
 By PATRICK J. DELUHERY RANDAL J. GIANNETTO
 MAGGIE TINSMAN ANDY MCKEAN
 JOHNIE HAMMOND

S-5486 FILED MARCH 21, 1996
ADOPTED

(P. 969)

HOUSE FILE 2472

S-5491

1 Amend the amendment, S-5465, to House File 2472, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 1, by striking lines 14 through 24.
 5 2. Page 1, by striking lines 37 through 44.
 6 3. By striking page 7, line 44, through page 17,
 7 line 11.

By BRAD BANKS

S-5491 FILED MARCH 21, 1996
RULED OUT OF ORDER

(P. 968)

HOUSE FILE 2472

S-5492

1 Amend the amendment, S-5465, to House File 2472, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. By striking page 5, line 49, through page 6,
 5 line 1.
 6 2. By renumbering as necessary.

By STEWART IVERSON, Jr.

S-5492 FILED MARCH 21, 1996
LOST

(P. 967)

HOUSE FILE 2472

S-5485

1 Amend the amendment, S-5465, to House File 2472, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 1, by striking lines 37 through 44.
 5 2. Page 2, by striking lines 33 through 39.
 6 3. Page 2, line 42, by striking the figure
 7 "1,149,089" and inserting the following: "649,089".
 8 4. Page 2, by striking lines 46 and 47 and
 9 inserting the following:
 10 ""..... \$ 20,055,506
 11 FTEs 374.75"
 12 5. By striking page 2, line 50, through page 3,
 13 line 1, and inserting the following:
 14 ""..... \$ 16,460,631
 15 FTEs 323.30"
 16 6. Page 3, by striking lines 8 and 9 and
 17 inserting the following:
 18 ""..... \$ 14,734,042
 19 FTEs 280.32"
 20 7. Page 3, by striking lines 12 and 13 and
 21 inserting the following:
 22 ""..... \$ 5,756,219
 23 FTEs 113.00"
 24 8. Page 3, by striking lines 16 and 17 and
 25 inserting the following:
 26 ""..... \$ 14,467,83
 27 FTEs 246.
 28 9. Page 3, by striking lines 20 and 21 and
 29 inserting the following:
 30 ""..... \$ 6,577,098
 31 FTEs 134.00"
 32 10. Page 4, line 49, by striking the figure
 33 "91,769,430" and inserting the following:
 34 "90,713,430".
 35 11. Page 5, by striking lines 2 through 12.
 36 12. Page 6, line 1, by striking the figure
 37 "14,420,000" and inserting the following:
 38 "16,336,000".

By STEWART IVERSON, Jr.

S-5485 FILED MARCH 21, 1996
WITHDRAWN (P.967)

HOUSE FILE 2472

S-5495

1 Amend Senate amendment, S-5465, to House File 2472,
 2 as amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 17, line 1, by inserting after the word
 5 "facility." the following: "However, proceeds from
 6 the surcharge imposed in a city which operates a jail
 7 shall be appropriated and transferred to the city
 8 general fund for use only for operation of the jail."

By ELAINE SZYMONIAK

S-5495 FILED MARCH 21, 1996
ADOPTED

(P.968)

HOUSE FILE 2472

S-5498

1 Amend House File 2472, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 28, by inserting after line 12 the
 4 following:
 5 "Sec. ____ . Section 602.8108, subsection 3, Code
 6 1995, is amended by adding the following new
 7 paragraph:
 8 NEW PARAGRAPH. c. Notwithstanding provisions of
 9 this subsection to the contrary, all moneys collected
 10 from the drug abuse resistance education surcharge
 11 provided in section 911.2 shall be remitted to the
 12 treasurer of state for deposit in the general fund of
 13 the state and the amount deposited is appropriated to
 14 the Iowa law enforcement academy for use by the drug
 15 abuse resistance education program."
 16 2. Page 29, by inserting after line 27 the
 17 following:
 18 "Sec. ____ . Section 911.2, unnumbered paragraph 1,
 19 Code 1995, is amended to read as follows:
 20 When a court imposes a fine or forfeiture for a
 21 violation of a state law, or of a city or county
 22 ordinance except an ordinance regulating the parking
 23 of motor vehicles, the court shall assess an
 24 additional penalty in the form of a surcharge equal to
 25 thirty percent of the fine or forfeiture imposed. An
 26 additional drug abuse resistance education surcharge
 27 of five dollars shall be assessed by the court if the
 28 violation arose out of a violation of an offense
 29 provided for in chapter 321J or chapter 124, division
 30 IV. In the event of multiple offenses, the surcharge
 31 shall be based upon the total amount of fines or
 32 forfeitures imposed for all offenses. When a fine or
 33 forfeiture is suspended in whole or in part, the
 34 surcharge shall be reduced in proportion to the amount
 35 suspended."
 36 3. By renumbering as necessary.

By EUGENE FRAISE LARRY MURPHY
 EMIL J. HUSAK JOHN P. KIBBIE
 PATRICK J. DELUHERY

S-5498 FILED MARCH 21, 1996

ADOPTED (P.969)

HOUSE FILE 2472

S-5499

1 Amend the amendment, S-5465, to House File 2472, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 4, by striking lines 22 through 46.
 5 2. By renumbering as necessary.

By JOHNIE HAMMOND

S-5499 FILED MARCH 21, 1996

WITHDRAWN (P.967)

HOUSE FILE 2472

S-5500

- 1 Amend House File 2472, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 30, by inserting after line 35 the
- 4 following:
- 5 "Sec. ____ . MORATORIUM ON PRISON CONSTRUCTION. It
- 6 is the intent of the general assembly that no
- 7 additional prison construction not otherwise provided
- 8 in this Act be authorized or planned until on or after
- 9 January 1, 1998."
- 10 2. By renumbering as necessary.

By ANDY McKEAN
 JOHNIE HAMMOND
 MARY A. LUNDBY

S-5500 FILED MARCH 21, 1996

LOST (p. 970)

HOUSE FILE 2472

S-5503

- 1 Amend the amendment, S-5465, to House File 2472, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 2, by striking lines 33 through 39.
- 5 2. Page 2, line 42, by striking the figure
- 6 "1,149,089" and inserting the following: "649,089".
- 7 3. By renumbering as necessary.

By MARY LUNDBY

S-5503 FILED MARCH 21, 1996

LOST (p. 971)

HOUSE FILE 2472

S-5505

- 1 Amend House File 2472, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 4, by inserting after line 17 the
- 4 following:
- 5 "Sec. ____ . DOMESTIC ABUSE. There is appropriated
- 6 from the general fund of the state to the department
- 7 of justice for the fiscal year beginning July 1, 1996,
- 8 and ending June 30, 1997, the following amount, or so
- 9 much thereof as is necessary, to be used for the
- 10 purpose designated:
- 11 For victims of domestic abuse to be used for
- 12 emergency shelter services as provided in section
- 13 236.15:
- 14 \$ 1,000,000"
- 15 2. By renumbering as necessary.

By MAGGIE TINSMAN
 STEWART IVERSON, Jr.

S-5505 FILED MARCH 21, 1996

LOST (p. 971)

HOUSE FILE 2472

S-5493

1 Amend the amendment, S-5465, to House File 2472, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, by striking lines 37 through 44.

5 2. Page 2, by striking lines 33 through 39.

6 3. Page 2, line 42, by striking the figure
7 "1,149,089" and inserting the following: "649,089".

8 4. Page 2, by striking lines 46 and 47 and
9 inserting the following:

10 "" \$ 20,055,506
11 FTEs 374.75""

12 5. By striking page 2, line 50, through page 3,
13 line 1, and inserting the following:

14 "" \$ 16,460,631
15 FTEs 323.30""

16 6. Page 3, by striking lines 8 and 9 and
17 inserting the following:

18 "" \$ 14,734,042
19 FTEs 280.32""

20 7. Page 3, by striking lines 12 and 13 and
21 inserting the following:

22 "" \$ 5,756,219
23 FTEs 113.00""

24 8. Page 3, by striking lines 16 and 17 and
25 inserting the following:

26 "" \$ 14,467,836
27 FTEs 246.00""

28 9. Page 3, by striking lines 20 and 21 and
29 inserting the following:

30 "" \$ 6,577,098
31 FTEs 134.00""

32 10. Page 4, line 49, by striking the figure
33 "91,769,430" and inserting the following:

34 "90,713,430".

35 11. Page 5, by striking lines 2 through 12.

36 12. Page 6, line 1, by striking the figure
37 "14,420,000" and inserting the following:

38 "17,475,074".

By STEWART IVERSON, Jr.

S-5493 FILED MARCH 21, 1996
WITHDRAWN

(p. 967)

HOUSE FILE 2472

S-5512

1 Amend the amendment, S-5465, to House File 2472, as
2 amended, passed, and reprinted by the House, as
3 follows:

- 4 1. Page 3, by striking lines 41 through 43.
- 5 2. Page 5, by striking lines 9 through 11 and
6 inserting the following: "election districts 1A, 2A,
7 2B, 3B, 5C, and 7, notwithstanding the".

By EUGENE FRAISE

S-5512 FILED MARCH 25, 1996
RULED OUT OF ORDER

SENATE AMENDMENT TO HOUSE FILE 2472

H-5575

1 Amend House File 2472, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "DIVISION I - JUSTICE SYSTEM APPROPRIATIONS".

6 2. Page 1, by striking line 11 and inserting the
7 following:

8 "..... FTEs 178.50

9 It is the intent of the general assembly that of
10 the funds appropriated in this subsection, not more
11 than \$50,000 shall be used to establish an office of
12 veterans advocate as provided in section 13.22, as
13 enacted by this Act."

14 3. Page 1, by striking lines 12 through 19 and
15 inserting the following:

16 "2. a. The attorney general shall provide up to".

17 4. Page 1, by striking lines 25 through 27 and
18 inserting the following:

19 "b. In addition to the moneys retained by the
20 attorney".

21 5. Page 2, line 2, by striking the words "in this
22 subsection" and inserting the following: "to the
23 prosecuting attorneys training coordinator pursuant to
24 section 321.218A, as enacted in this Act,".

25 6. Page 2, line 25, by striking the figure
26 "125,000" and inserting the following: "150,000".

27 7. Page 3, line 2, by striking the figure
28 "200,000" and inserting the following: "225,000".

29 8. Page 4, by inserting after line 17 the
30 following:

31 "c. The office of the attorney general shall carry
32 out a study of concentration in the livestock industry
33 in Iowa. The findings of the study may include
34 recommendations for legislation or other actions, and
35 shall be reported to the general assembly on or before
36 February 7, 1997.

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

40 \$ 1,000,000

41 The appropriation in this subsection is reduced to
42 the extent of the amounts appropriated to the office
43 of the attorney general for legal services grants as
44 provided in section 321.218A, as enacted by this Act.

45 Sec. . DEPARTMENT OF JUSTICE -- ENVIRONMENTAL
46 CRIMES INVESTIGATION AND PROSECUTION -- FUNDING.

47 There is appropriated from the environmental crime
48 fund of the department of justice, consisting of
49 court-ordered fines and penalties awarded to the
50 department arising out of the prosecution of

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1 environmental crimes, to the department of justice for
2 the fiscal year beginning July 1, 1996, and ending
3 June 30, 1997, an amount not exceeding \$20,000 to be
4 used by the department, at the discretion of the
5 attorney general, for the investigation and
6 prosecution of environmental crimes, including the
7 reimbursement of expenses incurred by county,
8 municipal, and other local governmental agencies
9 cooperating with the department in the investigation
10 and prosecution of environmental crimes.

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

22 Notwithstanding section 8.33, moneys appropriated
23 in this section which remain unexpended or unobligated
24 at the close of the fiscal year shall not revert to
25 the general fund of the state but shall remain
26 available for expenditure for the designated purpose
27 in the succeeding fiscal year."

28 9. Page 4, by striking lines 18 through 32.

29 10. By striking page 5, line 35, through page 6,
30 line 1, and inserting the following:

31 "..... \$ 26,220,099
32 FTEs 496.00"

33 11. Page 6, line 6, by inserting after the word
34 "purposes," the following: "including not more than
35 \$500,000 for necessary expenses in planning for the
36 construction of a 150 bed super maximum security
37 correctional facility during the fiscal year beginning
38 July 1, 1997, at a location determined by the
39 department of corrections,".

40 12. Page 6, by striking lines 8 and 9 and
41 inserting the following:

42 "..... \$ 1,149,089
43 FTEs 9.50"

44 13. Page 6, by striking lines 16 and 17 and
45 inserting the following:

46 "..... \$ 20,125,506
47 FTEs 376.75"

48 14. Page 6, by striking lines 26 and 27 and
49 inserting the following:

50 "..... \$ 16,635,631

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Page 3

1 FTEs 328.30"

2 15. Page 6, by striking lines 32 and 33 and

3 inserting the following:

4 "..... \$ 10,333,775

5 FTEs 156.28"

6 16. Page 7, by striking lines 5 and 6 and

7 inserting the following:

8 "..... \$ 14,909,042

9 FTEs 285.32"

10 17. Page 7, by striking lines 11 and 12 and

11 inserting the following:

12 "..... \$ 5,791,219

13 FTEs 114.00"

14 18. Page 7, by striking lines 17 and 18 and

15 inserting the following:

16 "..... \$ 14,537,836

17 FTEs 248.00"

18 19. Page 7, by striking lines 28 and 29 and

19 inserting the following:

20 "..... \$ 6,612,098

21 FTEs 135.00"

22 20. Page 10, by striking line 13 and inserting

23 the following:

24 "..... \$ 2,450,600"

25 21. Page 10, line 17, by inserting after the word

26 "purpose." the following: "In addition, it is the

27 intent of the general assembly that the department

28 shall coordinate with the community colleges in the

29 areas in which the institutions are located to utilize

30 moneys appropriated in this subsection to fund the

31 high school completion, high school equivalency

32 diploma, adult literacy, and adult basic education

33 programs in a manner so as to maintain these programs

34 at the institutions."

35 22. Page 10, by inserting after line 22 the

36 following:

37 "____. For funding of the Ford Associates'

38 successful training empowerment process (STEP) inmate

39 education program:

40 \$ 60,000

41 _____. For funding of the criminal justice program

42 at the University of Northern Iowa:

43 \$ 175,000"

44 23. Page 10, by striking line 35 and inserting

45 the following:

46 "..... \$ 7,257,414"

47 24. Page 11, by striking line 16 and inserting

48 the following:

49 "..... \$ 5,744,594"

50 25. Page 12, by striking line 11 and inserting

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Page 4

1 the following:

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

3 26. Page 12, by striking line 25 and inserting

4 the following:

5 "..... \$ 9,248,170"

6 27. Page 13, line 3, by inserting after the word

7 "program," the following: "and for not more than

8 \$200,000 to be used for an addition to the Fasches

9 Center in Cedar Rapids,".

10 28. Page 13, by striking line 5 and inserting the

11 following:

12 "..... \$ 7,725,401"

13 29. Page 13, by inserting after line 20 the

14 following:

15 "(4) The district department is authorized to

16 enter into financial arrangements for and to construct

17 an addition to the Fasches Center for the purposes of

18 adding staff offices."

19 30. Page 14, by striking line 11 and inserting

20 the following:

21 "..... \$ 4,243,087"

22 31. Page 14, by inserting after line 26 the

23 following:

24 "(1) If funds are appropriated for the purposes

25 of this lettered paragraph, the first and second

26 judicial district departments of correctional services

27 shall establish a pilot project in each judicial

28 district department of correctional services to

29 provide targeted services to offenders convicted of a

30 serious or aggravated misdemeanor. The moneys

31 appropriated for the pilot project shall be evenly

32 divided between the first and second judicial district

33 departments of correctional services.

34 (2) It is the intent of the general assembly that

35 the projects will target offenders who are at high

36 risk to recidivate and will evaluate the progress of

37 participants. The district court and the department

38 of corrections shall cooperate with the first and

39 second judicial district departments of correctional

40 services in carrying out the pilot projects and shall

41 assist in obtaining grants and private resources to

42 supplement this appropriation. The district

43 departments of correctional services shall file a

44 report to the legislative fiscal bureau by January 15,

45 1998, on the result of the pilot project in their

46 judicial district."

47 32. Page 16, by striking line 8 and inserting the

48 following:

49 "..... \$ 91,769,430"

50 33. Page 18, by inserting after line 4 the

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Page 5

1 following:

2 "j. Of the funds appropriated in this subsection,
 3 the judicial department shall use not more than
 4 \$1,056,000 for an additional 6.00 district court
 5 judges, and an additional 10.75 full-time equivalent
 6 court reporters and court attendants. Of the
 7 additional district court judges, 1.00 additional
 8 district court judge shall be assigned to judicial
 9 election districts 2A, 2B, 3B, and 5C and 2.00
 10 additional district court judges shall be assigned to
 11 judicial election district 5A, notwithstanding the
 12 provisions of section 602.6201, subsection 3.

13 k. Of the funds appropriated in this subsection,
 14 the judicial department shall use \$262,989 for an
 15 additional 3 juvenile court officers, 3 juvenile court
 16 specialists, and clerical workers.

17 l. Of the funds appropriated in this subsection,
 18 the judicial department shall use \$140,154 to increase
 19 the salary of all associate juvenile judges and
 20 associate probate judges to the same salary level as a
 21 district associate judge.

22 m. Of the funds appropriated in this subsection,
 23 the judicial department shall use \$216,000 to increase
 24 the salary of district associate judges by \$4,000."

25 34. Page 18, by striking lines 7 through 19 and
 26 inserting the following:

27 "Sec. ____ . IOWA COURT INFORMATION SYSTEM. There
 28 is appropriated from the general fund of the state to
 29 the judicial department for the fiscal year beginning
 30 July 1, 1996, and ending June 30, 1997, the following
 31 amount, or so much thereof as is necessary, to be used
 32 for the purpose designated:

33 For the Iowa court information system:
 34 \$ 857,500"

35 35. Page 18, by striking line 29 and inserting
 36 the following:

37 "..... \$ 3,150,915"

38 36. Page 20, line 10, by striking the words "make
 39 all reasonable efforts to" and inserting the
 40 following: "shall maintain, in coordination with
 41 local community colleges".

42 37. Page 20, by striking lines 11 and 12 and
 43 inserting the following: "the vocational education
 44 programs for inmates in each institution."

45 38. Page 22, by striking lines 4 and 5 and
 46 inserting the following:

47 "..... \$ 9,926,841
 48 FTEs 174.65"

49 39. Page 22, by striking line 9 and inserting the
 50 following:

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Page 6

1 "..... \$ 14,420,000"
 2 40. Page 22, by striking line 20 and inserting
 3 the following:

4 "..... \$ 1,038,418"
 5 41. Page 23, by striking lines 26 and 27 and
 6 inserting the following:

7 "..... \$ 574,137
 8 FTEs 15.60"
 9 42. Page 24, by striking lines 3 and 4 and

10 inserting the following:
 11 "..... \$ 2,171,438
 12 FTEs 38.80"

13 43. Page 25, by inserting after line 35 the
 14 following:
 15 " . For costs associated with the training of
 16 fire fighters:

17 \$ 1,000,000
 18 . For the state medical examiner, for the

19 purpose of establishing an office of the state medical
 20 examiner within the department of public safety, and
 21 for not more than the following full-time equivalent
 22 positions:

23 \$ 332,500
 24 FTEs 4.00"

25 44. Page 26, by striking lines 15 and 16 and
 26 inserting the following:
 27 "..... \$ 34,396,129
 28 FTEs 566.00

29 It is the intent of the general assembly that, of
 30 the funds appropriated in this subsection, the
 31 division shall expend the amount necessary to provide
 32 the state match for adding twelve state troopers
 33 through the federal community-oriented policing
 34 services program. It is the intent of the general
 35 assembly that once federal moneys for this program
 36 end, the division shall present proposals to the
 37 governor and the general assembly for continued
 38 funding of the state troopers described in this
 39 paragraph and for consideration of reducing the number
 40 of state troopers through attrition, by the same
 41 number as the number of troopers added through the
 42 federal program."

43 45. Page 27, line 9, by inserting after the word
 44 "into" the following: "professional services".

45 46. Page 27, by inserting after line 18 the
 46 following:

47 "Sec. . NEW SECTION. 13.32 VETERANS ADVOCATE.
 48 The attorney general shall appoint a competent
 49 attorney to the office of veterans advocate. The
 50 veterans advocate is to be housed in the office of the

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1 attorney general. The advocate shall be an honorably
2 discharged member of the armed forces of the United
3 States. The advocate's term of office is for four
4 years. The term begins and ends in the same manner as
5 set forth in section 69.19.

6 Sec. _____. NEW SECTION. 13.33 DUTIES OF VETERANS
7 ADVOCATE.

8 The veterans advocate shall do all of the
9 following:

10 1. Assist the commission of veterans affairs
11 created in section 35A.2 in the carrying out of its
12 duties.

13 2. Assist the veterans of the state in obtaining
14 the benefits to which they are entitled.

15 3. Assist the veterans of the state in gaining
16 admission to the Iowa veterans home in a timely
17 manner.

18 4. Provide assistance to the county commissions of
19 veterans affairs created in chapter 35B in the
20 carrying out of their duties.

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

23 Each commissioner shall be ~~an-honorably-discharged~~
24 ~~soldier,-sailor,-marine,-airman,-or-coast-guard-member~~
25 a veteran, as defined in section 35.1, and be a
26 resident of the city county in which the memorial hall
27 or monument is located ~~or-live-within-the-county-if~~
28 ~~the-memorial-hall-or-monument-is-located-outside-of-a~~
29 ~~city-or-is-a-joint-memorial-as-provided-in-this~~
30 ~~chapter."~~

31 47. Page 27, by striking lines 19 through 34.

32 48. Page 28, by inserting after line 12 the
33 following:

34 "Sec. _____. Section 602.6201, subsection 10, Code
35 Supplement 1995, is amended to read as follows:

36 10. Notwithstanding the formula for determining
37 the number of judgeships in this section, the number
38 of district judges shall not exceed one hundred ~~eight~~
39 ~~fourteen~~ during the period commencing July 1, 1995
40 1996."

41 49. Page 28, by inserting after line 12 the
42 following:

43 "Sec. _____. Section 602.8108, subsection 3, Code
44 1995, is amended by adding the following new
45 paragraph:

46 NEW PARAGRAPH. c. Notwithstanding provisions of
47 this subsection to the contrary, all moneys collected
48 from the drug abuse resistance education surcharge
49 provided in section 911.2 shall be remitted to the
50 treasurer of state for deposit in the general fund of

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1 the state and the amount deposited is appropriated to
2 the Iowa law enforcement academy for use by the drug
3 abuse resistance education program."

4 50. Page 28, line 20, by striking the words "nine
5 million two hundred" and inserting the following:
6 "twelve million four hundred fifty".

7 51. Page 29, by inserting after line 27 the
8 following:

9 "Sec. _____. Section 910A.7A, Code 1995, is amended
10 to read as follows:

11 910A.7A NOTIFICATION BY DEPARTMENT OF JUSTICE.

12 The department of justice shall notify a registered
13 victim of ~~all-dispositional-orders-of-a-case-currently~~
14 ~~on-appeal~~ the filing of an appeal, all dispositional
15 orders in the appeal, and the outcome of the appeal of
16 a case in which the victim was involved."

17 52. Page 29, by inserting after line 27 the
18 following:

19 "Sec. _____. Section 911.2, unnumbered paragraph 1,
20 Code 1995, is amended to read as follows:

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

37 53. Page 30, by striking lines 14 through 17.

38 54. Page 31, by inserting after line 15 the
39 following:

"DIVISION II

LOCAL CORRECTIONS INFRASTRUCTURE GRANT PROGRAM

42 Sec. _____. NEW SECTION. 905A.1 DEFINITIONS.

43 For the purposes of this chapter, unless the
44 context otherwise requires:

45 1. "Division" means the division of criminal and
46 juvenile justice planning of the department of human
47 rights.

48 2. "Government" means a community-based
49 correctional program as defined in section 905.1, or a
50 city, school district or accredited nonpublic school,

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1 or county which expends funds for incarceration or
2 supervision of individuals charged with or convicted
3 of a felony, an aggravated misdemeanor, or a serious
4 misdemeanor, or for crime prevention activities.

5 3. "Judicial election district" means a judicial
6 election district described in section 602.6109.

7 Sec. ____ . NEW SECTION. 905A.2 LOCAL CORRECTIONS
8 INFRASTRUCTURE GRANT PROGRAM.

9 1. A local corrections infrastructure grant
10 program is created in the division. The division
11 shall adopt administrative rules pursuant to chapter
12 17A as necessary to administer the program in
13 accordance with this chapter. The rules shall include
14 but are not limited to provisions for auditing of
15 grant expenditures.

16 2. The division shall develop a request for
17 proposals for the grant program and assist judicial
18 election districts in developing proposals in response
19 to the request. The division shall not accept more
20 than one proposal from a judicial election district
21 for each of the grant groupings. For the fiscal year
22 beginning July 1, 1997, grants shall be awarded in
23 accordance with this chapter in the following two
24 groupings:

25 a. Twenty-five million dollars to one or more
26 governments or groups of governments in judicial
27 election districts, divided proportionately according
28 to the judicial election districts' relative
29 proportion of the state's general population.

30 b. Nine million dollars to one or more governments
31 or groups of governments representing judicial
32 election districts, awarded according to criteria
33 developed by the task force based upon the relative
34 amount of criminal activity in the judicial election
35 district, the innovative nature of the proposal
36 submitted by the government or group of governments,
37 and the statewide need for the project proposed to be
38 developed.

39 3. A proposal for a grant under this chapter is
40 subject to all of the following conditions:

41 a. A judicial election district may combine with
42 one or more other judicial election districts in
43 developing a proposal or may propose a joint project
44 in separate proposals.

45 b. A proposal shall be for one or more
46 infrastructure or school-based crime prevention
47 projects or combination of projects relating to one or
48 more of the following purposes:

49 (1) A county jail.

50 (2) A regional or multicounty jail.

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1 (3) A county juvenile detention or shelter care
2 home, including retirement of outstanding debt for
3 such a home.

4 (4) A regional or multicounty juvenile detention
5 or shelter care home.

6 (5) A community-based correctional program
7 facility.

8 (6) A school-based crime prevention program.

9 c. Grant moneys under this chapter shall not be
10 used for purposes other than infrastructure.

11 d. The division may accept or reject a proposal in
12 whole or in part.

13 e. A proposal must address the need for the
14 proposed project, degree of urgency for the project,
15 location of the project, provisions for the
16 governments within the judicial election district to
17 access the project, and the performance measures to be
18 used to evaluate the project.

19 f. The submission date for proposals under
20 subsection 2, paragraph "a" shall be on or before
21 February 17, 1997, and the submission date for
22 proposals under subsection 2, paragraph "b" shall be
23 on or before April 18, 1997. However, for good cause
24 shown, the division may extend the submission date for
25 proposals under subsection 2, paragraph "a". It is
26 the intent of the general assembly that the grant
27 award process be complete by June 30, 1997, and awards
28 made in the fiscal year beginning July 1, 1997.
29 However, the division may delay final approval of a
30 grant proposal which is approved in part while full
31 approval of the proposal is pending.

32 4. The office of the attorney general, the
33 department of education, and the university of
34 northern Iowa's criminology program shall work with
35 the division in implementing a public planning process
36 to assist the governments in judicial election
37 districts in developing a proposal, developing
38 technical assistance materials for the grant program,
39 developing the request for proposals, developing
40 proposed scoring tools, and producing model
41 performance measures and other evaluation processes
42 for grant program projects. The public planning
43 process shall include but is not limited to public
44 meetings in each of the judicial election districts.

45 Sec. ____ . NEW SECTION. 905A.3 TASK FORCE.

46 1. The division shall establish and convene a
47 local corrections infrastructure grant program task
48 force to assist the division in scoring and evaluating
49 grant proposals and other assistance deemed necessary
50 by the division.

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1 2. The membership of the task force shall include
2 but is not limited to representatives of the
3 following:

- 4 a. County sheriffs.
- 5 b. Police chiefs.
- 6 c. Office of the attorney general.
- 7 d. District judges.
- 8 e. Juvenile court judges.
- 9 f. Probation officers.
- 10 g. Juvenile court officers.
- 11 h. County supervisors.
- 12 i. City council members.
- 13 j. Criminal and juvenile justice planning advisory
14 council.
- 15 k. Juvenile services providers.
- 16 l. Community-based correctional programs.
- 17 m. County attorneys.
- 18 n. The Iowa state police association.
- 19 o. Local school officials.
- 20 p. Other members deemed necessary by the division
21 or task force.

22 3. Members of the task force are eligible for
23 reimbursement of actual and necessary expenses
24 incurred in the performance of their official duties.
25 The task force shall elect a chairperson and other
26 officers deemed necessary by the task force.

27 Sec. ____ . NEW SECTION: 905A.4 PAYMENT OF GRANTS.

28 A grant awarded under section 905A.2 shall be paid
29 from the proceeds of bonds issued under section 16.177
30 or other moneys available to the division. A project
31 approved by the division for a grant under this
32 chapter is deemed to be approved by the general
33 assembly for purposes of issuing bonds under section
34 16.177. The department of corrections shall pledge
35 amounts in the Iowa prison infrastructure fund
36 established under section 602.8108A as security for
37 the payment of principal of, premium, if any, and
38 interest on the bonds.

39 Sec. ____ . GRANT PROGRAM IMPLEMENTATION. There is
40 appropriated from the general fund of the state to the
41 department of human rights, division of criminal and
42 juvenile justice planning, for the fiscal year
43 beginning July 1, 1996, and ending June 30, 1997, the
44 following amount, or so much thereof as is necessary,
45 to be used for the purposes designated:

46 For technical assistance and staffing associated
47 with the development of the local corrections
48 infrastructure grant program enacted by this Act,
49 including salaries, support, maintenance,
50 miscellaneous purposes, and for not more than the

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1 following full-time equivalent positions:

2 \$ 200,000

3 FTEs 2.00

4 Sec. ____ . JUVENILE CRIME PREVENTION. There is
5 appropriated from the general fund of the state to the
6 department of economic development for the fiscal year
7 beginning July 1, 1996, and ending June 30, 1997, the
8 following amount, or so much thereof as is necessary,
9 to be used for the purposes designated:

10 For continuing the juvenile crime prevention summer
11 youth employment program through the job training
12 partnership Act service delivery areas:

13 \$ 800,000

14 Sec. ____ . EFFECTIVE DATE. This division of this
15 Act, being deemed of immediate importance, takes
16 effect upon enactment.

17 DIVISION III

18 CIVIL PENALTIES, FINES, SURCHARGES, AND WITHHOLDING

19 Sec. ____ . NEW SECTION. 13.34 LEGAL SERVICES FOR
20 PERSONS IN POVERTY GRANT PROGRAM.

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

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

36 a. Be a nonprofit organization incorporated in
37 this state.

38 b. Has lost or will lose funding due to a
39 reduction in federal funding for the legal services
40 corporation for federal fiscal year 1995-1996.

41 c. Employ attorneys admitted to practice before
42 the Iowa supreme court and the United States district
43 courts.

44 d. Employ attorneys and staff qualified to address
45 legal problems experienced by eligible individuals.

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

48 a. Offer direct representation of eligible
49 individuals in litigation and administrative cases, in
50 accordance with priorities established by the

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1 organizations board.
2 b. Offer technical support to eligible
3 individuals.
4 c. Involve private attorneys through volunteer
5 lawyer projects to represent eligible individuals.
6 d. Utilize, to the fullest extent feasible,
7 existing resources of accredited law schools within
8 this state to provide consulting assistance to
9 attorneys in the practice of law in their
10 representation of persons in poverty.
11 e. Assist, to the fullest extent feasible,
12 accredited law schools within this state in enhancing
13 the schools' expertise in the practice of law
14 representing persons in poverty so that all attorneys
15 within the state will have a resource available to
16 provide training and experience in the practice of law
17 representing persons in poverty.
18 f. Cooperate, to the fullest extent feasible, with
19 existing informational and referral networks among
20 persons in poverty, providers of assistance to persons
21 in poverty, and others concerned with assistance to
22 persons in poverty.
23 4. The contracting nonprofit organization is not a
24 state agency for the purposes of chapters 19A, 20, and
25 669.
26 5. An individual is eligible to obtain legal
27 representation and legal assistance from the
28 contracting nonprofit organization if the eligible
29 individual meets all of the following criteria:
30 a. The eligible individual is a resident of this
31 state.
32 b. The eligible individual is financially unable
33 to acquire legal assistance, in accordance with
34 criteria established by the organization's board.
35 Sec. ____ . NEW SECTION. 321.218A CIVIL PENALTY --
36 DISPOSITION -- REINSTATEMENT.
37 When the department revokes a person's motor
38 vehicle license or nonresident operating privilege
39 under this chapter upon receipt of a record of
40 conviction of the person, the department shall assess
41 the person a civil penalty of two hundred dollars.
42 The money collected by the department under this
43 section shall be transmitted to the treasurer of state
44 who shall deposit one-half of the money in the victim
45 compensation fund established in section 912.14. Of
46 the remaining moneys collected during any fiscal year,
47 the treasurer shall transmit the first three hundred
48 thousand dollars to the office of the prosecuting
49 attorneys training coordinator as established in
50 chapter 13A, shall transmit the next seven hundred

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1 thousand dollars to the office of the attorney general
2 to be used to implement the contract to provide legal
3 services to persons in poverty in accordance with
4 section 13.34, and shall deposit any additional moneys
5 collected during that fiscal year in the general fund
6 of the state. A temporary restricted license shall
7 not be issued or a motor vehicle license or
8 nonresident operating privilege reinstated until the
9 civil penalty has been paid.

10 Sec. ____ . NEW SECTION. 321A.32A CIVIL PENALTY --
11 DISPOSITION -- REINSTATEMENT.

12 When the department revokes a person's motor
13 vehicle license or nonresident operating privilege
14 under this chapter upon receipt of a record of
15 conviction of the person, the department shall assess
16 the person a civil penalty of two hundred dollars.
17 The money collected by the department under this
18 section shall be transmitted to the treasurer of state
19 who shall deposit one-half of the money in the victim
20 compensation fund established in section 912.14 and
21 one-half of the money shall be deposited in the
22 general fund of the state. A temporary restricted
23 license shall not be issued or a motor vehicle license
24 or nonresident operating privilege reinstated until
25 the civil penalty has been paid.

26 Sec. ____ . Section 331.302, subsection 2, Code
27 1995, is amended to read as follows:

28 2. A county shall not provide a penalty in excess
29 of a one hundred dollar fine or in excess of thirty
30 days imprisonment for the violation of an ordinance.
31 The criminal penalty surcharge required by section
32 911.2 and the jail, courthouse security, and detention
33 facility surcharge required by section 911A.2 shall be
34 added to a county fine and is are not a part of the
35 county's penalty.

36 Sec. ____ . Section 364.3, subsection 2, Code 1995,
37 is amended to read as follows:

38 2. A city shall not provide a penalty in excess of
39 a one hundred dollar fine or in excess of thirty days
40 imprisonment for the violation of an ordinance. An
41 amount equal to ten percent of all fines collected by
42 cities shall be deposited in the account established
43 in section 602.8108. However, one hundred percent of
44 all fines collected by a city pursuant to section
45 321.236, subsection 1, shall be retained by the city.
46 The criminal penalty surcharge required by section
47 911.2 and the jail, courthouse security, and detention
48 facility surcharge required by section 911A.2 shall be
49 added to a city fine and is are not a part of the
50 city's penalty.

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1 Sec. _____. Section 602.8107, subsection 2,
2 paragraph b, Code Supplement 1995, is amended to read
3 as follows:

4 b. Fines or penalties and ~~criminal-penalty~~
5 surcharges.

6 Sec. _____. Section 602.8107, subsection 4,
7 unnumbered paragraph 2, Code Supplement 1995, is
8 amended to read as follows:

9 This subsection does not apply to amounts collected
10 for victim restitution, the victim compensation fund,
11 criminal penalty surcharge, jail, courthouse security,
12 and detention facility surcharge, or amounts collected
13 as a result of procedures initiated under subsection 5
14 or under section 421.17, subsection 25.

15 Sec. _____. Section 805.8, subsection 1, Code
16 Supplement 1995, is amended to read as follows:

17 1. APPLICATION. Except as otherwise indicated,
18 violations of sections of the Code specified in this
19 section are scheduled violations, and the scheduled
20 fine for each of those violations is as provided in
21 this section, whether the violation is of state law or
22 of a county or city ordinance. The criminal penalty
23 surcharge required by section 911.2 and the jail,
24 courthouse security, and detention facility surcharge
25 required by section 911A.2 shall be added to the
26 scheduled fine.

27 Sec. _____. Section 805.8, subsection 11, unnumbered
28 paragraph 1, Code Supplement 1995, is amended to read
29 as follows:

30 For violations of section 142B.6 or 453A.2,
31 subsection 2, the scheduled fine is twenty-five
32 dollars, and is a civil penalty, and the criminal
33 penalty surcharge under section 911.2 and the jail,
34 courthouse security, and detention facility surcharge
35 under section 911A.2 shall not be added to the
36 penalty, and the court costs pursuant to section
37 805.9, subsection 6, shall not be imposed. If the
38 civil penalty assessed for a violation of section
39 142B.6 is not paid in a timely manner, a citation
40 shall be issued for the violation in the manner
41 provided in section 804.1. However, a person under
42 age eighteen shall not be detained in a secure
43 facility for failure to pay the civil penalty. The
44 complainant shall not be charged a filing fee.

45 Sec. _____. Section 902.9, unnumbered paragraph 2,
46 Code 1995, is amended to read as follows:

47 The criminal penalty surcharge required by section
48 911.2 and the jail, courthouse security, and detention
49 facility surcharge required by section 911A.2 shall be
50 added to a fine imposed on a class "C" or class "D"

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1 felon, as provided by ~~that-section~~ those sections, and
2 ~~is are~~ not a part of or subject to the maximums set in
3 this section.

4 Sec. _____. Section 903.1, subsection 4, Code 1995,
5 is amended to read as follows:

6 4. The criminal penalty surcharge required by
7 section 911.2 and the jail, courthouse security, and
8 detention facility surcharge required by section
9 911A.2 shall be added to a fine imposed on a
10 misdemeanor, and ~~is are~~ not a part of or subject to
11 the maximums set in this section.

12 Sec. _____. NEW SECTION. 907.14 PAYMENT IN LIEU OF
13 FINE.

14 When the court has deferred judgment the court may
15 order the defendant to pay an amount in lieu of a fine
16 in a case where a minimum fine would otherwise be
17 ordered. Payments in lieu of fines shall be ordered,
18 enforced, and administered as fines under chapter 909.

19 Sec. _____. Section 909.3, Code 1995, is amended by
20 adding the following new subsection:

21 NEW SUBSECTION. 3. If the court orders a fine to
22 be paid as provided by subsection 2, the court shall
23 require the defendant to execute a mandatory wage
24 assignment that would ensure payment of the fine
25 within twelve months of the date the wage assignment
26 becomes effective. The wage assignment shall be
27 enforced if the defendant fails to make payment as
28 provided in subsection 2.

29 A mandatory wage assignment executed pursuant to
30 this section is not subject to the limitation on
31 garnishment provided in sections 537.5105 and 642.21,
32 and is not subject to the limitation on assignment of
33 benefits under chapter 96 as provided in section
34 96.15. However, a wage assignment executed under this
35 subsection shall be enforced only after an order for
36 income withholding pursuant to chapter 252D or a
37 court-ordered wage assignment for purposes of support
38 is entered and enforced. A wage assignment executed
39 under this subsection shall be limited as specified in
40 15 U.S.C. § 1673(b).

41 Sec. _____. Section 909.8, Code 1995, is amended to
42 read as follows:

43 909.8 PAYMENT AND COLLECTION PROVISIONS APPLY TO
44 ~~CRIMINAL-PENALTY-SURCHARGE~~ SURCHARGES.

45 The provisions of this chapter governing the
46 payment and collection of a fine, except section
47 909.3A, also apply to the payment and collection of a
48 criminal penalty surcharge imposed pursuant to chapter
49 911 and the jail, courthouse security, and detention
50 facility surcharge imposed pursuant to section 911A.2.

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1 Sec. _____. Section 909.10, subsection 1, Code 1995,
2 is amended to read as follows:

3 1. As used in this section, unless the context
4 otherwise requires, "delinquent amounts" means a fine,
5 court-imposed court costs in a criminal proceeding, or
6 criminal surcharge imposed pursuant to section 911.2,
7 or jail, courthouse security, and detention facility
8 surcharge imposed pursuant to section 911A.2, which
9 remains unpaid after two years from the date that the
10 fine, court costs, or surcharge was imposed, and which
11 is not collected by the county attorney pursuant to
12 section 602.8107. However, if the fine may be paid in
13 installments pursuant to section 909.3, the fine is
14 not a delinquent amount unless the installment remains
15 unpaid after two years from the date the installment
16 was due.

17 Sec. _____. NEW SECTION. 911A.1 JAIL, COURTHOUSE
18 SECURITY, AND DETENTION FACILITY SURCHARGE
19 ESTABLISHED.

20 A jail, courthouse security, and detention facility
21 surcharge shall be levied against certain law
22 violators as provided in section 911A.2. The
23 surcharge shall be used as provided in section 911A.3.

24 Sec. _____. NEW SECTION. 911A.2 SURCHARGE.

25 When a court imposes a fine or forfeiture for a
26 violation of a state law, or of a city or county
27 ordinance except an ordinance regulating the parking
28 of motor vehicles, the court shall assess an
29 additional penalty in the form of a surcharge equal to
30 ten dollars. In the event of multiple offenses, the
31 surcharge shall be based upon the total number of
32 offenses. When a fine or forfeiture is suspended in
33 whole or in part, the surcharge shall not be reduced.

34 The surcharge is subject to the provisions of
35 chapter 909 governing the payment and collection of
36 fines, as provided in section 909.8.

37 Sec. _____. NEW SECTION. 911A.3 DISPOSITION OF
38 SURCHARGE.

39 1. When a court assesses a surcharge under section
40 911A.2, notwithstanding any other provision of the
41 Code to the contrary, proceeds from the surcharge
42 shall be appropriated and transferred to the treasurer
43 of the county in which the citation was issued to be
44 deposited in the county general fund and used only for
45 courthouse security and the improvement, expansion,
46 operation, or construction of a jail or juvenile
47 detention facility. However, proceeds from the
48 surcharge imposed in a city which operates a jail
49 shall be appropriated and transferred to the city
50 general fund for use only for operation of the jail.

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1 2. At any time and for the purposes specified in
 2 subsection 1, a county may transfer proceeds received
 3 and deposited pursuant to this section to a contiguous
 4 county or a county that has a relationship with the
 5 transferring county concerning the use of a jail or
 6 juvenile detention facility in the recipient county."

7 55. Title page, line 2, by inserting after the
 8 word "system," the following: "imposing civil
 9 penalties and surcharges on criminal fines and
 10 forfeitures,".

11 56. By renumbering, relettering, or redesignating
 12 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-5575 FILED MARCH 26, 1996

House ~~*Proposed*~~ *Refused*
 4-1-96
 (P. 1189)

Senate *Insists*
 4-1-96
 (P. 1162)

REPORT OF THE CONFERENCE COMMITTEE
ON HOUSE FILE 2472

To the Speaker of the House of Representatives and the President of the Senate:

We, the undersigned members of the conference committee appointed to resolve the differences between the House of Representatives and the Senate on House File 2472, a bill for An Act relating to and making appropriations to the justice system and providing effective dates, respectfully make the following report:

1. That the Senate recedes from its amendment, H-5575.

2. That House File 2472, as amended, passed, and reprinted by the House, is amended as follows:

1. Page 1, by striking lines 10 and 11 and inserting the following:

"..... \$ 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."

2. Page 1, by striking lines 15 and 16 and inserting the following:

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

3. Page 2, line 25, by striking the figure "125,000" and inserting the following: "150,000".

4. Page 3, line 2, by striking the figure "200,000" and inserting the following: "225,000".

5. Page 3, by striking line 5 and inserting the following:

"..... \$ 1,759,806"

6. Page 4, by inserting after line 17 the following:

"10. For legal services for persons in poverty grants as

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provided in section 13.34, as enacted in this Act:

..... \$ 950,000

Sec. ____ . 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."

7. Page 4, by striking lines 19 and 20 and inserting the following: "There is appropriated from the general fund of the state to the department of justice for".

8. Page 4, by striking lines 29 through 32.

9. Page 8, by inserting after line 13 the following:

" ____ . The department of corrections shall continue the

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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."

10. Page 10, by striking lines 6 through 10.

11. Page 10, by striking line 13 and inserting the following:

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

12. Page 10, line 17, by inserting after the word "purpose." the following: "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."

13. Page 10, by inserting after line 22 the following:

"___ . For funding of the criminal justice program at the university of northern Iowa:

..... \$ 175,000

___ . For increased inmate costs at the institutions:

..... \$ 278,000

___ . 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

___ . 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

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904.701, concerning hard labor by inmates."

14. Page 10, by striking line 35 and inserting the following:

"..... \$ 7,036,820"

15. Page 12, by striking line 11 and inserting the following:

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

16. Page 13, by inserting after line 20 the following:

"(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."

17. Page 14, by striking line 11 and inserting the following:

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

18. Page 14, by inserting after line 26 the following:

"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"

19. Page 16, by striking line 8 and inserting the following:

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

20. Page 18, by inserting after line 4 the following:

"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.

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(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."

21. Page 18, line 10, by striking the words "the first".

22. Page 20, line 12, by inserting after the word "programs." the following: "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."

23. Page 22, by striking line 20 and inserting the following:

"..... \$ 1,068,418"

24. Page 22, by inserting after line 21 the following:

"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."

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25. Page 24, by striking lines 3 and 4 and inserting the following:

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

26. Page 24, by striking lines 12 and 13 and inserting the following:

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

27. Page 25, by striking lines 33 through 35.

28. Page 26, by inserting before line 1 the following:

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

..... \$ 875,000

___. 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."

29. Page 26, by striking lines 15 and 16 and inserting the following:

"..... \$ 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."

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30. Page 27, line 9, by inserting after the word "into" the following: "professional services".

31. Page 27, by inserting after line 18 the following:

"Sec. ____ . 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. ____ . 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. ____ . 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:

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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.

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.

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b. The eligible individual is financially unable to acquire legal assistance, in accordance with criteria established by the organization's board.

Sec. _____. 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.~~"

32. Page 27, by striking lines 19 through 34.

33. Page 28, by inserting after line 12 the following:

"Sec. _____. 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. _____. 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."

34. Page 28, line 20, by striking the words "two hundred" and inserting the following: "five hundred".

35. Page 29, by inserting after line 27 the following:

"Sec. _____. 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

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Page 10

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."

36. Page 30, by striking lines 14 through 17.

37. Page 30, by inserting after line 35 the following:

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

Sec. ____ . 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,

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

Sec. ____ . 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

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development of the programs of the state task force on local corrections infrastructure and crime prevention as enacted by this Act:

..... \$ 150,000"

38. Title page, line 2, by inserting after the word "system" the following: ", creating a drug abuse resistance education surcharge,".

39. By renumbering as necessary.

ON THE PART OF THE HOUSE:

TERESA GARMAN, Chairperson
PAUL BELL
DAVE HEATON
RICK LARKIN
LYNN SCHULTE

ON THE PART OF THE SENATE:

EUGENE FRAISE, Chairperson
ROBERT DVORSKY
EMIL J. HUSAK
STEWART IVERSON, Jr.
DONALD B. REDFERN

CCH-2472.1 FILED MAY 1, 1996

Adopted 5/1/96
(P.2081)

adopted 5/1/96
(P.1564)

HSB 745

APPROPRIATIONS

HOUSE FILE

SF (E) 2472

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

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to and making appropriations to the justice
2 system and providing effective dates.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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Succeeded By

1 Section 12 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, 1996, and ending
4 June 30, 1997, 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, and for not more than
9 the following full-time equivalent positions:

10 \$ 5,643,460
11 FTEs 177.50

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

15 \$ 133,759
16 FTEs 4.00

17 a. In addition to the funds appropriated in this
18 subsection for the fiscal year beginning July 1, 1996, and
19 ending June 30, 1997, the attorney general shall provide up to
20 \$41,000 in state matching funds from moneys retained by the
21 attorney general from property forfeited pursuant to section
22 809.13, for the prosecuting attorney training program, the
23 prosecuting intern program, or both. Counties participating
24 in the prosecuting intern program shall match the state funds.

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

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

5 3. In addition to the funds appropriated in subsection 1,
6 there is appropriated from the general fund of the state to
7 the department of justice for the fiscal year beginning July
8 1, 1996, and ending June 30, 1997, an amount not exceeding
9 \$200,000 to be used for the enforcement of the Iowa
10 competition law. The expenditure of the funds appropriated in
11 this subsection is contingent upon receipt by the general fund
12 of the state of an amount at least equal to either the
13 expenditures from damages awarded to the state or a political
14 subdivision of the state by a civil judgment under chapter
15 553, if the judgment authorizes the use of the award for
16 enforcement purposes or costs or attorneys fees awarded the
17 state in state or federal antitrust actions. However, if the
18 funds received as a result of these judgments are in excess of
19 \$200,000, the excess funds shall not be appropriated to the
20 department of justice pursuant to this subsection.

21 4. In addition to the funds appropriated in subsection 1,
22 there is appropriated from the general fund of the state to
23 the department of justice for the fiscal year beginning July
24 1, 1996, and ending June 30, 1997, an amount not exceeding
25 \$125,000 to be used for public education relating to consumer
26 fraud and for enforcement of section 714.16, and an amount not
27 exceeding \$75,000 for investigation, prosecution, and consumer
28 education relating to consumer and criminal fraud against
29 older Iowans. The expenditure of the funds appropriated in
30 this subsection is contingent upon receipt by the general fund
31 of the state of an amount at least equal to the expenditures
32 from damages awarded to the state or a political subdivision
33 of the state by a civil consumer fraud judgment or settlement,
34 if the judgment or settlement authorizes the use of the award
35 for public education on consumer fraud. However, if the funds

1 received as a result of these judgments and settlements are in
2 excess of \$200,000, the excess funds shall not be appropriated
3 to the department of justice pursuant to this subsection.

4 5. For victim assistance grants:

5 \$ 1,359,806

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

10 b. Notwithstanding section 8.33 or 8.39, any balance
11 remaining from the appropriation in this subsection shall not
12 revert to the general fund of the state but shall be available
13 for expenditure during the subsequent fiscal year for the same
14 purpose, and shall not be transferred to any other program.

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

17 \$ 108,999

18 FTEs 3.00

19 7. The balance of the victim compensation fund established
20 under section 912.14 may be used to provide salary and support
21 of not more than 9.00 FTEs and to provide maintenance for the
22 victim compensation functions of the department of justice.

23 8. The department of justice shall submit monthly
24 financial statements to the legislative fiscal bureau and the
25 department of management containing all appropriated accounts
26 in the same manner as provided in the monthly financial status
27 reports and personal services usage reports of the department
28 of revenue and finance. The monthly financial statements
29 shall include comparisons of the moneys and percentage spent
30 of budgeted to actual revenues and expenditures on a
31 cumulative basis for full-time equivalent positions and
32 available moneys.

33 9. a. The department of justice, in submitting budget
34 estimates pursuant to section 8.23, shall include a report of
35 funding from sources other than amounts appropriated directly

1 from the general fund of the state to the department of
2 justice or to the office of consumer advocate. These funding
3 sources shall include, but are not limited to, reimbursements
4 from other state agencies, commissions, boards, or similar
5 entities, and reimbursements from special funds or internal
6 accounts within the department of justice. The department of
7 justice shall report actual reimbursements for the fiscal year
8 commencing July 1, 1995, and actual and expected
9 reimbursements for the fiscal year commencing July 1, 1996.

10 b. The department of justice shall include the report
11 required under paragraph "a", as well as information regarding
12 any revisions occurring as a result of reimbursements actually
13 received or expected at a later date, in a report to the co-
14 chairpersons and ranking members of the joint appropriations
15 subcommittee on the justice system and the legislative fiscal
16 bureau. The department of justice shall submit the report on
17 or before January 15, 1997.

18 Sec. 2. DEPARTMENT OF JUSTICE -- OBSCENITY ENFORCEMENT.

19 There is appropriated from the victim compensation fund
20 established in section 912.14 to the department of justice for
21 the fiscal year beginning July 1, 1996, and ending June 30,
22 1997, the following amount, or so much thereof as is
23 necessary, to be used for the purpose designated:

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

27	\$	110,000
28	FTEs	2.00

29 The purpose of the appropriation provided in this section
30 is deemed to be a permissible purpose for the use of moneys of
31 the victim compensation fund as established under section
32 912.14.

33 Sec. 3. OFFICE OF CONSUMER ADVOCATE. There is
34 appropriated from the general fund of the state to the office
35 of consumer advocate of the department of justice for the

S.F. _____ H.F. _____

1 fiscal year beginning July 1, 1996, and ending June 30, 1997,
2 the following amount, or so much thereof as is necessary, to
3 be used for the purposes designated:

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

7 \$ 2,337,189
8 FTEs 32.00

9 Sec. 4. BOARD OF PAROLE. There is appropriated from the
10 general fund of the state to the board of parole for the
11 fiscal year beginning July 1, 1996, and ending June 30, 1997,
12 the following amount, or so much thereof as is necessary, to
13 be used for the purposes designated:

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

21 \$ 827,749
22 FTEs 17.00

23 Sec. 5. DEPARTMENT OF CORRECTIONS -- FACILITIES. There is
24 appropriated from the general fund of the state to the
25 department of corrections for the fiscal year beginning July
26 1, 1996, and ending June 30, 1997, the following amounts, or
27 so much thereof as is necessary, to be used for the purposes
28 designated:

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

31 a. For the operation of the Fort Madison correctional
32 facility, including salaries, support, maintenance, employment
33 of correctional officers, miscellaneous purposes, and for not
34 more than the following full-time equivalent positions:

35 \$ 26,170,099

1 FTEs 495.00

2 b. In addition to the funds appropriated in paragraph "a",
3 for the operation of cellhouse 17 of the Fort Madison
4 correctional facility, including salaries, support,
5 maintenance, employment of correctional officers,
6 miscellaneous purposes, and for not more than the following
7 full-time equivalent positions:

8 \$ 216,363

9 FTEs 3.17

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

16 \$ 19,955,506

17 FTEs 372.75

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

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

26 \$ 16,360,631

27 FTEs 321.30

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

32 \$ 10,233,775

33 FTEs 154.28

34 f. For the operation of the Mt. Pleasant correctional
35 facility, including salaries, support, maintenance, employment

1 of correctional officers and a full-time chaplain to provide
2 religious counseling at the Oakdale and Mt. Pleasant
3 correctional facilities, miscellaneous purposes, and for not
4 more than the following full-time equivalent positions:

5 \$ 14,684,042
6 FTEs 279.32

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

11 \$ 5,656,219
12 FTEs 111.00

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

17 \$ 14,467,836
18 FTEs 246.00

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

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

28 \$ 6,477,098
29 FTEs 132.00

30 2. a. If the inmate tort claim fund for inmate claims of
31 less than \$50 is exhausted during the fiscal year, sufficient
32 funds shall be transferred from the institutional budgets to
33 pay approved tort claims for the balance of the fiscal year.
34 The warden or superintendent of each institution or
35 correctional facility shall designate an employee to receive,

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

9 b. Tort claims denied at the institution shall be
10 forwarded to the state appeal board for their consideration as
11 if originally filed with that body. This procedure shall be
12 used in lieu of chapter 669 for inmate tort claims of less
13 than \$50.

14 Sec. 6. DEPARTMENT OF CORRECTIONS -- ADMINISTRATION.

15 There is appropriated from the general fund of the state to
16 the department of corrections for the fiscal year beginning
17 July 1, 1996, and ending June 30, 1997, the following amounts,
18 or so much thereof as is necessary, to be used for the
19 purposes designated:

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

25	\$	2,372,985
26	FTEs	38.18

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

33 It is the intent of the general assembly that as a
34 condition of receiving the appropriation provided in this
35 subsection, the department of corrections shall not enter into

1 a new contract, unless the contract is a renewal of an
2 existing contract, for the expenditure of moneys in excess of
3 one hundred thousand dollars during the fiscal year beginning
4 July 1, 1996, for the privatization of services performed by
5 the department using state employees as of July 1, 1996, or
6 for the privatization of new services by the department,
7 without prior consultation with any applicable state employee
8 organization affected by the proposed new contract and prior
9 notification of the co-chairpersons and ranking members of the
10 joint appropriations subcommittee on the justice system.

11 2. For reimbursement of counties for temporary confinement
12 of work release and parole violators, as provided in sections
13 901.7, 904.908, and 906.17 and for offenders confined pursuant
14 to section 904.513:

15 \$ 237,038

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

18 \$ 341,334

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

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

26 \$ 458,074

27 FTEs 8.16

28 5. For annual payment relating to the financial
29 arrangement for the construction of expansion in prison
30 capacity as provided in 1989 Iowa Acts, chapter 316, section
31 7, subsection 6:

32 \$ 625,860

33 6. For annual payment relating to the financial
34 arrangement for the construction of expansion in prison
35 capacity as provided in 1990 Iowa Acts, chapter 1257, section

1 24:

2 \$ 3,179,500

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

5 \$ 2,250,600

6 It is the intent of the general assembly that moneys
7 appropriated in this subsection shall be used solely for the
8 purpose indicated and that the moneys shall not be transferred
9 for any other purpose.

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

15 Sec. 7. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL
16 SERVICES.

17 1. There is appropriated from the general fund of the
18 state to the department of corrections for the fiscal year
19 beginning July 1, 1996, and ending June 30, 1997, the
20 following amounts, or so much thereof as is necessary, to be
21 allocated as follows:

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

27 \$ 6,845,223

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

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

8 \$ 5,632,043

9 (1) The district department shall continue the sex
10 offender treatment program established within the district in
11 1988 Iowa Acts, chapter 1271, section 6, subsection 1,
12 paragraph "b".

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

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

22 \$ 3,384,385

23 (1) The district department shall continue the sex
24 offender treatment program established within the district in
25 1988 Iowa Acts, chapter 1271, section 6, subsection 1,
26 paragraph "c", and the intensive supervision program
27 established within the district in 1990 Iowa Acts, chapter
28 1268, section 6, subsection 3, paragraph "d".

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

33 d. For the fourth judicial district department of
34 correctional services, including the treatment and supervision
35 of probation and parole violators who have been released from

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

3 \$ 2,502,036

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

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

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

17 \$ 9,169,253

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

23 (2) 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 f. For the sixth 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 \$ 7,118,005

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

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

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

18 \$ 4,486,275

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 "g", and shall continue the sex offender treatment program
23 established within the district in 1989 Iowa Acts, chapter
24 316, section 8, subsection 1, paragraph "g".

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

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

33 h. For the eighth judicial district department of
34 correctional services, including the treatment and supervision
35 of probation and parole violators who have been released from

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

3 \$ 4,061,536

4 (1) The district department shall continue the intensive
5 supervision program established within the district in 1988
6 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph
7 "h", and shall continue the sex offender treatment program
8 established within the district in 1989 Iowa Acts, chapter
9 316, section 8, subsection 1, paragraph "h".

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

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

18 \$ 83,576

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

23 3. Each judicial district department of correctional
24 services and the department of corrections shall continue the
25 treatment alternatives to street crime programs established in
26 1989 Iowa Acts, chapter 225, section 9.

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

32 5. Each judicial district department of correctional
33 services shall provide a report concerning the treatment and
34 supervision of probation and parole violators who have been
35 released from the department of corrections violator program,

1 to the co-chairpersons and ranking members of the joint
2 appropriations subcommittee on the justice system and the
3 legislative fiscal bureau, on or before January 15, 1997.

4 6. It is the intent of the general assembly that each
5 judicial district department of correctional services shall
6 operate the community-based correctional facilities in a
7 manner which provides for a residential population of at least
8 110 percent of the design capacity of the facility.

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

17 Sec. 8. JUDICIAL DEPARTMENT. There is appropriated from
18 the general fund of the state to the judicial department for
19 the fiscal year beginning July 1, 1996, and ending June 30,
20 1997, the following amounts, or so much thereof as is
21 necessary, to be used for the purposes designated:

22 1. For salaries of supreme court justices, appellate court
23 judges, district court judges, district associate judges,
24 judicial magistrates and staff, state court administrator,
25 clerk of the supreme court, district court administrators,
26 clerks of the district court, trial court supervisors, trial
27 court technicians II, financial supervisors I and II, juvenile
28 court officers, board of law examiners and board of examiners
29 of shorthand reporters and judicial qualifications commission,
30 receipt and disbursement of child support payments,
31 reimbursement of the auditor of state for expenses incurred in
32 completing audits of the offices of the clerks of the district
33 court during the fiscal year beginning July 1, 1996, and
34 maintenance, equipment, and miscellaneous purposes:

35 \$ 90,094,287

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

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

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

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

24 e. The funds appropriated in this subsection shall not be
25 used to expand the applications of the Iowa court information
26 system for purposes other than those for which the system is
27 currently used. The judicial department shall focus efforts
28 upon the collection of delinquent fines, penalties, court
29 costs, fees, surcharges, or similar amounts. The judicial
30 department shall report to the co-chairpersons and ranking
31 members of the joint appropriations subcommittee on the
32 justice system and the legislative fiscal bureau, on or before
33 January 15, 1997, concerning the completion of the
34 department's communication and information management system.

35 f. It is the intent of the general assembly that the

1 offices of the clerks of the district court operate in all
2 ninety-nine counties and be accessible to the public as much
3 as is reasonably possible in order to address the relative
4 needs of the citizens of each county.

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

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

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

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

32 2. For the juvenile victim restitution program:

33 \$ 155,396

34 Sec. 9. COURT TECHNOLOGY AND MODERNIZATION FUND --

35 DISTRIBUTION. Of the moneys collected and deposited in the

1 court technology and modernization fund established in section
2 602.8108, the first \$468,800 deposited in the fund in the
3 fiscal year beginning July 1, 1996, shall be expended for the
4 implementation of a records management program in the clerk of
5 court offices using imaging and CD-ROM technology.

6 Sec. 10. ENHANCED COURT COLLECTIONS FUND -- DISTRIBUTION.
7 Of the moneys collected and deposited in the enhanced court
8 collections fund created in section 602.1304, the first
9 \$857,500 deposited in the fund in the fiscal year beginning
10 July 1, 1996, shall be expended for use by the Iowa court
11 information system.

12 Sec. 11. JUDICIAL RETIREMENT FUND. There is appropriated
13 from the general fund of the state to the judicial retirement
14 fund for the fiscal year beginning July 1, 1996, and ending
15 June 30, 1997, the following amount, or so much thereof as is
16 necessary, to be used for the purpose designated:

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

21 \$ 3,726,422

22 Sec. 12. INDIGENT DEFENSE COSTS. The supreme court shall
23 submit a written report for the preceding fiscal year no later
24 than January 1, 1997, indicating the amounts collected
25 pursuant to section 815.9A, relating to recovery of indigent
26 defense costs. The report shall include the total amount
27 collected by all courts, as well as the amounts collected by
28 each judicial district. The supreme court shall also submit a
29 written report quarterly indicating the number of criminal and
30 juvenile filings which occur in each judicial district for
31 purposes of estimating indigent defense costs. A copy of each
32 report shall be provided to the public defender, the
33 department of management, and the legislative fiscal bureau.
34 The judicial department shall continue to assist in the
35 development of an automated data system for use in the sharing

1 of information utilizing the generic program interface for
2 legislative and executive branch uses.

3 Sec. 13. AUTOMATED DATA SYSTEM. The department of
4 corrections, judicial district departments of correctional
5 services, board of parole, and the judicial department shall
6 continue to develop an automated data system for use in the
7 sharing of information between the department of corrections,
8 judicial district departments of correctional services, board
9 of parole, and the judicial department. The information to be
10 shared shall concern any individual who may, as the result of
11 an arrest or infraction of any law, be subject to the
12 jurisdiction of the department of corrections, judicial
13 district departments of correctional services, or board of
14 parole. The department of corrections, in consultation and
15 cooperation with the judicial district departments of
16 correctional services, the board of parole, and the judicial
17 department, shall provide a report concerning the development
18 of the automated data system to the co-chairpersons and
19 ranking members of the joint appropriations subcommittee on
20 the justice system and the legislative fiscal bureau, on or
21 before January 15, 1997.

22 Sec. 14. CORRECTIONAL INSTITUTIONS -- VOCATIONAL TRAINING.
23 The state prison industries board and the department of
24 corrections shall continue the implementation of a plan to
25 enhance vocational training opportunities within the
26 correctional institutions listed in section 904.102, as
27 provided in 1993 Iowa Acts, chapter 171, section 12. The plan
28 shall provide for increased vocational training opportunities
29 within the correctional institutions, including the
30 possibility of approving community college credit for inmates
31 working in prison industries. The department of corrections
32 shall provide a report concerning the implementation of the
33 plan to the co-chairpersons and ranking members of the joint
34 appropriations subcommittee on the justice system and the
35 legislative fiscal bureau, on or before January 15, 1997.

1 It is the intent of the general assembly that each
2 correctional facility make all reasonable efforts to maintain
3 vocational education programs for inmates and to identify
4 available funding sources to continue these programs.

5 Sec. 15. APPROPRIATIONS TO THE DEPARTMENT OF CORRECTIONS
6 -- MONEYS ENCUMBERED -- PRIORITIES.

7 1. Notwithstanding any other provision of law to the
8 contrary, moneys appropriated to the department of corrections
9 pursuant to 1995 Iowa Acts, chapter 207, sections 4, 5, and 6,
10 shall be considered encumbered pursuant to section 8.33, and
11 shall not revert to the general fund of the state at the end
12 of the fiscal year commencing July 1, 1995. As used in this
13 section, unless the context otherwise requires, "encumbered
14 funds" means the moneys appropriated to the department of
15 corrections pursuant to 1995 Iowa Acts, chapter 207, sections
16 4, 5, and 6, which would otherwise revert to the general fund
17 of the state after the end of the fiscal year in which the
18 moneys were appropriated, but for the prohibition contained in
19 this section.

20 2. The department of corrections shall use encumbered
21 funds in the fiscal year commencing July 1, 1996, to fund up
22 to an additional 50 FTEs for the employment of correctional
23 officers in the correctional institutions specified in section
24 904.102, and to purchase surveillance cameras and other
25 necessary surveillance or safety equipment for use in
26 correctional institutions. The full-time equivalent positions
27 provided in this section for the employment of correctional
28 officers and the funding provided for the purchase of
29 equipment are in addition to any full-time equivalent
30 positions or equipment funded in section 5 of this Act. The
31 department of corrections shall use its discretion in
32 distributing the additional correctional officers and
33 equipment throughout the correctional facilities. The
34 department of corrections shall file a report with the
35 department of management concerning correctional officer

1 positions filled and critically needed safety equipment
2 purchased from encumbered funds provided under this section.
3 If the department is able to fund an additional 50 FTEs for
4 the employment of correctional officers pursuant to this
5 section and to purchase all critically needed safety
6 equipment, any remaining funds shall be unencumbered and shall
7 revert to the general fund of the state at the end of the
8 fiscal year commencing July 1, 1996.

9 Sec. 16. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.

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

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

22 Sec. 17. STATE PUBLIC DEFENDER. There is appropriated
23 from the general fund of the state to the office of the state
24 public defender of the department of inspections and appeals
25 for the fiscal year beginning July 1, 1996, and ending June
26 30, 1997, the following amounts, or so much thereof as is
27 necessary, for the purposes designated, and for not more than
28 the following full-time equivalent positions:

29 1. For salaries, support, maintenance, and miscellaneous
30 purposes:

31	\$ 10,681,867
32	FTEs 189.00

33 2. For court-appointed attorney fees for indigent adults
34 and juveniles, notwithstanding section 232.141 and chapter
35 815:

1 \$ 17,475,074

2 Sec. 18. IOWA LAW ENFORCEMENT ACADEMY. There is
3 appropriated from the general fund of the state to the Iowa
4 law enforcement academy for the fiscal year beginning July 1,
5 1996, and ending June 30, 1997, the following amounts, or so
6 much thereof as is necessary, to be used for the purposes
7 designated:

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

12 \$ 1,063,418
13 FTEs 24.00

14 2. For salaries, support, maintenance, and miscellaneous
15 purposes to provide statewide coordination of the drug abuse
16 resistance education (D.A.R.E.) program:

17 \$ 30,000

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

32 Sec. 19. DEPARTMENT OF PUBLIC DEFENSE. There is
33 appropriated from the general fund of the state to the
34 department of public defense for the fiscal year beginning
35 July 1, 1996, and ending June 30, 1997, the following amounts,

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

3 1. MILITARY DIVISION

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

7	\$	3,910,339
8	FTEs	221.26

9 If there is a surplus in the general fund of the state for
10 the fiscal year ending June 30, 1997, within 60 days after the
11 closing of the fiscal year, the military division may incur up
12 to an additional \$500,000 in expenditures from the surplus
13 prior to transfer of the surplus pursuant to section 8.57.

14 2. EMERGENCY MANAGEMENT DIVISION

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

18	\$	523,971
19	FTEs	14.60

20 Sec. 20. DEPARTMENT OF PUBLIC SAFETY. There is
21 appropriated from the general fund of the state to the
22 department of public safety for the fiscal year beginning July
23 1, 1996, and ending June 30, 1997, the following amounts, or
24 so much thereof as is necessary, to be used for the purposes
25 designated:

26 1. For the department's administrative functions,
27 including the medical examiner's office and the criminal
28 justice information system, and for not more than the
29 following full-time equivalent positions:

30	\$	2,201,438
31	FTEs	39.80

32 2. a. For the division of criminal investigation and
33 bureau of identification including the state's contribution to
34 the peace officers' retirement, accident, and disability
35 system provided in chapter 97A in the amount of 18 percent of

1 the salaries for which the funds are appropriated, to meet
2 federal fund matching requirements, and for not more than the
3 following full-time equivalent positions:

4 \$ 9,462,619
5 FTEs 191.00

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

9 \$ 100,000

10 The department of public safety, with the approval of the
11 department of management, may employ no more than two special
12 agents and four gaming enforcement officers for each
13 additional riverboat regulated after March 31, 1996. One
14 additional gaming enforcement officer, up to a total of four
15 per boat, may be employed for each riverboat that has extended
16 operations to 24 hours and has not previously operated with a
17 24-hour schedule. Positions authorized in this paragraph are
18 in addition to the full-time equivalent positions authorized
19 in this subsection.

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

27 \$ 2,519,162
28 FTEs 41.00

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

31 \$ 139,202

32 4. For the state fire marshal's office, including the
33 state's contribution to the peace officers' retirement,
34 accident, and disability system provided in chapter 97A in the
35 amount of 18 percent of the salaries for which the funds are

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

3 \$ 1,458,161
4 FTEs 31.80

5 5. For the capitol security division, including the
6 state's contribution to the peace officers' retirement,
7 accident, and disability system provided in chapter 97A in the
8 amount of 18 percent of the salaries for which the funds are
9 appropriated and for not more than the following full-time
10 equivalent positions:

11 \$ 1,207,304
12 FTEs 27.00

13 6. An employee of the department of public safety who
14 retires after July 1, 1996, but prior to June 30, 1997, is
15 eligible for payment of life or health insurance premiums as
16 provided for in the collective bargaining agreement covering
17 the public safety bargaining unit at the time of retirement if
18 that employee previously served in a position which would have
19 been covered by the agreement. The employee shall be given
20 credit for the service in that prior position as though it
21 were covered by that agreement. The provisions of this
22 paragraph shall not operate to reduce any retirement benefits
23 an employee may have earned under other collective bargaining
24 agreements or retirement programs.

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

27 \$ 222,155

28 Sec. 21. HIGHWAY SAFETY PATROL FUND. There is
29 appropriated from the highway safety patrol fund created in
30 section 80.41 to the division of highway safety, uniformed
31 force, and radio communications of the department of public
32 safety, for the fiscal year beginning July 1, 1996, and ending
33 June 30, 1997, the following amount, or so much thereof as is
34 necessary, to be used for the purposes designated:

35 1. For salaries, support, maintenance, workers'

1 compensation costs, and miscellaneous purposes, including the
2 state's contribution to the peace officers' retirement,
3 accident, and disability system provided in chapter 97A in the
4 amount of 18 percent of the salaries for which the funds are
5 appropriated, and for not more than the following full-time
6 equivalent positions:

7 \$ 33,719,610
8 FTEs 554.00

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

20 3. For payment to the department of personnel for expenses
21 incurred in administering the merit system on behalf of the
22 division of highway safety, uniformed force, and radio com-
23 munications:

24 \$ 66,293

25 Sec. 22. DEPARTMENT OF CORRECTIONS -- CORRECTIONAL
26 FACILITY. The department of corrections shall construct a
27 750-bed medium security correctional facility for men. Bonds
28 shall be issued under the provisions of sections 16.177 and
29 602.8108A to finance the construction of the facility. The
30 cost of constructing the facility, exclusive of financing
31 costs, shall not exceed \$36,000,000.

32 Sec. 23. DEPARTMENT OF CORRECTIONS -- FORT MADISON
33 CORRECTIONAL FACILITY -- CELLHOUSE 17 RENOVATION. The
34 department of corrections shall renovate cellhouse 17 at the
35 Fort Madison correctional facility. Bonds shall be issued

1 under the provisions of sections 16.177 and 602.8108A to
2 finance the renovation of the facility. The cost of planning,
3 developing, and renovating cellhouse 17, exclusive of
4 financing costs, shall not exceed \$6,500,000.

5 Sec. 24. Section 99F.10, subsection 4, Code Supplement
6 1995, is amended to read as follows:

7 4. In determining the license fees and state admission
8 fees to be charged as provided under section 99F.4 and this
9 section, the commission shall use the amount appropriated to
10 the commission plus the cost of salaries for no more than two
11 special agents and no more than four gaming enforcement
12 officers for each excursion gambling boat for the division of
13 criminal investigation's excursion gambling boat activities as
14 the basis for determining the amount of revenue to be raised
15 from the license fees and admission fees. The division's
16 salary costs shall be limited to ~~sixty-five~~ eighty percent of
17 the salary costs for special agents and ~~sixty-five~~ eighty
18 percent of the salary costs for gaming enforcement for
19 personnel assigned to excursion gambling boats who enforce
20 laws and rules adopted by the commission.

21 Sec. 25. Section 602.1304, subsection 2, paragraph c, Code
22 Supplement 1995, is amended to read as follows:

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

34 Sec. 26. Section 602.8108A, Code Supplement 1995, is
35 amended to read as follows:

1 602.8108A PRISON INFRASTRUCTURE FUND.

2 ~~17~~ The Iowa prison infrastructure fund is created and
3 established as a separate and distinct fund in the state
4 treasury. Notwithstanding any other provision of this chapter
5 to the contrary, the first eight million dollars of moneys
6 remitted to the treasurer of state from fines, fees, costs,
7 and forfeited bail collected by the clerks of the district
8 court in criminal cases, including those collected for both
9 scheduled and nonscheduled violations, collected in each
10 fiscal year commencing with the fiscal year beginning July 1,
11 1995, shall be deposited in the fund. Interest and other
12 income earned by the fund shall be deposited in the fund. If
13 the treasurer of state determines pursuant to 1994 Iowa Acts,
14 chapter 1196, that bonds can be issued pursuant to this
15 section and section 16.177, then the moneys in the fund are
16 appropriated to and for the purpose of paying the principal
17 of, premium, if any, and interest on bonds issued by the Iowa
18 finance authority under section 16.177. ~~Except-as-otherwise~~
19 ~~provided-in-subsection-2~~ Notwithstanding sections 8.33 and
20 8.39, amounts in the funds shall not revert or be transferred
21 to the general fund of the state, be used for any program not
22 designated in this section, or be subject to appropriation for
23 any purpose by the general assembly, but shall be used only
24 for the purposes set forth in this section. The treasurer of
25 state shall act as custodian of the fund and disburse amounts
26 contained in it as directed by the department of corrections
27 including the automatic disbursement of funds pursuant to the
28 terms of bond indentures and documents and security provisions
29 to trustees and custodians. The treasurer of state is
30 authorized to invest the funds deposited in the fund subject
31 to any limitations contained in any applicable bond
32 proceedings. ~~Any-amounts-remaining-in-the-fund-at-the-end-of~~
33 ~~each-fiscal-year-shall-be-transferred-to-the-general-fund-~~
34 ~~2---If-the-treasurer-of-state-determines-that-bonds-cannot~~
35 ~~be-issued-pursuant-to-this-section-and-section-16-177-the~~

1 ~~treasurer-of-state-shall-deposit-the-moneys-in-the-prison~~
2 ~~infrastructure-fund-into-the-general-fund-of-the-state.~~

3 Sec. 27. Section 904.701, subsection 3, Code Supplement
4 1995, is amended to read as follows:

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

18 Sec. 28. 1995 Iowa Acts, chapter 220, section 20,
19 subsection 1, is amended to read as follows:

20 1. For the fiscal year beginning July 1, 1996, and ending
21 June 30, 1997, ~~\$9,000,000~~ \$8,830,870.

22 Sec. 29. LAW ENFORCEMENT TRAINING SUMMIT -- STUDY.

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

35 2. The legislative council is requested to create a study

1 committee to receive the report and recommendations of the law
2 enforcement training summit and to determine whether changes
3 should be made to Iowa's laws regarding law enforcement
4 training in Iowa.

5 Sec. 30. EFFECTIVE DATES.

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

10 2. Section 15 of this Act, pertaining to the encumbrance
11 of certain moneys appropriated to the department of correc-
12 tions in the fiscal year commencing July 1, 1995, being deemed
13 of immediate importance, takes effect upon enactment.

14 3. Section 22 of this Act, authorizing the construction of
15 a 750-bed medium security correctional facility for men, being
16 deemed of immediate importance, takes effect upon enactment.

17 4. Section 26 of this Act, dealing with the Iowa prison
18 infrastructure fund, being deemed of immediate importance,
19 takes effect upon enactment.

20 EXPLANATION

21 This bill makes appropriations for the 1996-1997 fiscal
22 year to the departments of justice, corrections, public
23 defense, and public safety, and the judicial department, the
24 Iowa law enforcement academy, and board of parole.

25 The bill also provides that moneys appropriated to the
26 department of corrections for the 1995-1996 fiscal year shall
27 not revert to the general fund. This provision takes effect
28 upon enactment.

29 The bill provides for an appropriation from the victim
30 compensation fund for the establishment of an antiobscenity
31 enforcement unit within the office of the attorney general.

32 The bill authorizes the department of corrections to
33 construct a 750-bed medium security correctional facility for
34 men with financing not to exceed \$36 million. This
35 authorization takes effect upon enactment.

1 The bill authorizes the department of corrections to
2 renovate cellhouse 17 at the Fort Madison correctional
3 facility with the cost of renovation not to exceed \$6.5
4 million.

5 The bill amends section 99F.10 to provide that, in
6 determining the license fees and state admission fees to be
7 charged for gambling boats as provided under sections 99F.4
8 and 99F.10, the commission shall consider 80 percent, rather
9 than the current 65 percent, of the salary costs of special
10 agents and gaming enforcement personnel assigned to gambling
11 boats.

12 The bill amends section 602.1304 to provide that the
13 judicial department is authorized to expend moneys from the
14 enhanced court collections fund for the Iowa court information
15 system, records management equipment, and other technological
16 projects as well as for capital improvements related to
17 technology. Current law provides that this fund be used
18 solely for the Iowa court information system.

19 The bill amends section 602.8108A, concerning the prison
20 infrastructure fund, to provide that any amounts remaining in
21 the fund at the end of a fiscal year shall not revert to the
22 general fund, shall not be transferred, and shall only be
23 used for the purposes provided in the section. This provision
24 takes effect upon enactment.

25 The bill amends section 904.701, regarding inmate hard
26 labor, to include education and all treatment programs in the
27 definition of hard labor.

28 The bill amends 1995 Iowa Acts to reduce the general fund
29 appropriation to the highway safety patrol fund for the 1996-
30 1997 fiscal year from \$9 million to \$8,830,870.

31 The bill also requests the Iowa league of cities and the
32 Iowa state association of counties to convene a law
33 enforcement training summit during the 1996 legislative
34 interim to examine law enforcement training and to submit a
35 report to the legislative council. The legislative council is

1 requested to establish an interim study committee concerning
2 the report of the summit and to consider changes to Iowa's
3 laws regarding law enforcement training in Iowa.

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OFFICE OF THE GOVERNOR

STATE CAPITOL
DES MOINES, IOWA 50319

515 281-5211

TERRY E. BRANSTAD
GOVERNOR

May 29, 1996

RECEIVED

MAY 31 1996

LEGISLATIVE SERVICE
BUREAU

The Honorable Paul Pate
Secretary of State
State Capitol Building
LOCAL

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.

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.

The Honorable Paul Pate
May 29, 1996
Page 2 .

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

TEB/ps

cc: Secretary of the Senate
Chief Clerk of the House

Item Deleted

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

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.

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.

veto

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

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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

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

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:

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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.

Vetoed

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:

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

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

..... \$ 341,334

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

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

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

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

8. For increased inmate costs at the institutions:

..... \$ 278,000

Added

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 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

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"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.

U. J. ...

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 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.

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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

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

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

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

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

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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.
- 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-tive-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

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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

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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 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.

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

RON J. CORBETT
Speaker of the House

LEONARD L. BOSWELL
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2472, Seventy-sixth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved *Item Detrod*
May 29, 1996

TERRY E. BRANSTAD
Governor