

Reprinted

SENATE FILE 459
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 298.1)

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Vote: Ayes 33 Nays 16 Vote: Ayes 63 Nays 31
Approved May 4, 1995

A BILL FOR

1 An Act relating to and making appropriations to the department of
2 justice, office of consumer advocate, board of parole,
3 department of corrections, judicial district departments of
4 correctional services, judicial department, state public
5 defender, Iowa law enforcement academy, department of public
6 defense, and for the department of public safety's
7 administration, division of criminal investigation and bureau
8 of identification, division of narcotics enforcement,
9 undercover purchases, and the state fire marshal's office, for
10 the fiscal year beginning July 1, 1995, and providing
11 effective dates and retroactive applicability.

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

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S.F. 459

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, 1995, and ending
4 June 30, 1996, 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	\$	5,242,801
11	FTEs	177.50

12 It is the intent of the general assembly that the general
13 office of attorney general shall establish within the office a
14 farm services unit and a juvenile unit within the funds
15 appropriated in this subsection:

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

19	\$	175,000
20	FTEs	4.00

21 a. In addition to the funds appropriated in this
22 subsection for the fiscal year beginning July 1, 1995, and
23 ending June 30, 1996, the attorney general shall provide up to
24 \$41,000 in state matching funds from moneys retained by the
25 attorney general from property forfeited pursuant to section
26 809.13, for the prosecuting attorney training program, the
27 prosecuting intern program, or both. Counties participating
28 in the prosecuting intern program shall match the state funds.

29 b. In addition to the funds appropriated in this
30 subsection for the fiscal year beginning July 1, 1995, and
31 ending June 30, 1996, and the moneys retained by the attorney
32 general pursuant to paragraph "a", the attorney general shall
33 provide up to \$10,000 in state matching funds from moneys
34 retained by the attorney general from property forfeited
35 pursuant to section 809.13, for the office of the prosecuting

1 attorneys training coordinator to use for continuation of the
2 domestic violence response enhancement program established in
3 accordance with 1992 Iowa Acts, chapter 1240, section 1,
4 subsection 2, paragraph "b".

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

9 3. In addition to the funds appropriated in subsection 1,
10 there is appropriated from the general fund of the state to
11 the department of justice for the fiscal year beginning July
12 1, 1995, and ending June 30, 1996, an amount not exceeding
13 \$200,000 to be used for the enforcement of the Iowa
14 competition law. The expenditure of the funds appropriated in
15 this subsection is contingent upon receipt by the general fund
16 of the state of an amount at least equal to either the
17 expenditures from damages awarded to the state or a political
18 subdivision of the state by a civil judgment under chapter
19 553, if the judgment authorizes the use of the award for
20 enforcement purposes or costs or attorneys fees awarded the
21 state in state or federal antitrust actions. However, if the
22 funds received as a result of these judgments are in excess of
23 \$200,000, the excess funds shall not be appropriated to the
24 department of justice pursuant to this subsection.

25 4. In addition to the funds appropriated in subsection 1,
26 there is appropriated from the general fund of the state to
27 the department of justice for the fiscal year beginning July
28 1, 1995, and ending June 30, 1996, an amount not exceeding
29 \$125,000 to be used for public education relating to consumer
30 fraud and for enforcement of section 714.16, and an amount not
31 exceeding \$75,000 for investigation, prosecution, and consumer
32 education relating to consumer and criminal fraud against
33 older Iowans. The expenditure of the funds appropriated in
34 this subsection is contingent upon receipt by the general fund
35 of the state of an amount at least equal to the expenditures

1 from damages awarded to the state or a political subdivision
2 of the state by a civil consumer fraud judgment or settlement,
3 if the judgment or settlement authorizes the use of the award
4 for public education on consumer fraud. However, if the funds
5 received as a result of these judgments and settlements are in
6 excess of \$200,000, the excess funds shall not be appropriated
7 to the department of justice pursuant to this subsection.

8 5. For victim assistance grants:

9 \$ 1,359,806

10 a. The funds appropriated in this subsection shall be used
11 to provide grants to care providers providing services to
12 crime victims of domestic abuse or to crime victims of rape
13 and sexual assault.

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

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

21 \$ 106,451
22 FTEs 3.00

23 7. The balance of the victim compensation fund established
24 under section 912.14 may be used to provide salary and support
25 of not more than 9 FTEs and to provide maintenance for the
26 victim compensation functions of the department of justice.

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

1 available moneys.

2 9. a. The department of justice, in submitting budget
3 estimates pursuant to section 8.23, shall include a report of
4 funding from sources other than amounts appropriated directly
5 from the general fund of the state to the department of
6 justice or to the office of consumer advocate. These funding
7 sources shall include, but are not limited to, reimbursements
8 from other state agencies, commissions, boards, or similar
9 entities, and reimbursements from special funds or internal
10 accounts within the department of justice. The department of
11 justice shall report actual reimbursements for the fiscal year
12 commencing July 1, 1994, and actual and expected
13 reimbursements for the fiscal year commencing July 1, 1995.

14 b. The department of justice shall include the report
15 required under paragraph "a", as well as information regarding
16 any revisions occurring as a result of reimbursements actually
17 received or expected at a later date, in a report to the co-
18 chairpersons and ranking members of the joint appropriations
19 subcommittee on the justice system and the legislative fiscal
20 bureau. The department of justice shall submit the report on
21 or before January 15, 1996.

22 10. For the Iowa coalition against substance abuse, for
23 salaries, support, maintenance, and miscellaneous purposes,
24 and for not more than the following full-time equivalent
25 positions:

26	\$	256,786
27	FTEs	9.00

28 It is the intent of the general assembly that the coalition
29 be established in the office of the attorney general to
30 perform those activities performed in prior fiscal years by
31 the governor's substance abuse prevention coordinator.

32 Sec. 2. OFFICE OF CONSUMER ADVOCATE. There is
33 appropriated from the general fund of the state to the office
34 of consumer advocate of the department of justice for the
35 fiscal year beginning July 1, 1995, and ending June 30, 1996,

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

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

6	\$	2,155,779
7	FTEs	32.00

8 Sec. 3. BOARD OF PAROLE. There is appropriated from the
9 general fund of the state to the board of parole for the
10 fiscal year beginning July 1, 1995, and ending June 30, 1996,
11 the following amount, or so much thereof as is necessary, to
12 be used for the purposes designated:

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

20	\$	805,400
21	FTEs	17.00

22 The board of parole shall require the board's
23 administrative staff to be cross-trained to assure that each
24 individual on that staff is familiar with all tasks performed
25 by the staff.

26 Sec. 4. DEPARTMENT OF CORRECTIONS -- FACILITIES. There is
27 appropriated from the general fund of the state to the
28 department of corrections for the fiscal year beginning July
29 1, 1995, and ending June 30, 1996, the following amounts, or
30 so much thereof as is necessary, to be used for the purposes
31 designated:

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

34 a. For the operation of the Fort Madison correctional
35 facility, including salaries, support, maintenance, employment

1 of 310 correctional officers, miscellaneous purposes, and for
 2 not more than the following full-time equivalent positions:
 3 \$ 25,528,267
 4 FTEs 494.00

5 b. For the operation of the Anamosa correctional facility,
 6 including salaries, support, maintenance, employment of 222
 7 correctional officers and a part-time chaplain to provide
 8 religious counseling to inmates of a minority race,
 9 miscellaneous purposes, and for not more than the following
 10 full-time equivalent positions:
 11 \$ 19,337,558
 12 FTEs 366.25

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

17 c. For the operation of the Oakdale correctional facility,
 18 including salaries, support, maintenance, employment of 159
 19 correctional officers, miscellaneous purposes, and for not
 20 more than the following full-time equivalent positions:
 21 \$ 15,966,313
 22 FTEs 321.80

23 d. For the operation of the Newton correctional facility,
 24 including salaries, support, maintenance, employment of 44
 25 correctional officers, miscellaneous purposes, and for not
 26 more than the following full-time equivalent positions:
 27 \$ 5,687,373
 28 FTEs 116.25

29 e. For the operation of the Mt. Pleasant correctional
 30 facility, including salaries, support, maintenance, employment
 31 of 150 correctional officers and a full-time chaplain to
 32 provide religious counseling at the Oakdale and Mt. Pleasant
 33 correctional facilities, miscellaneous purposes, and for not
 34 more than the following full-time equivalent positions:
 35 \$ 13,869,795

1 FTEs 268.92

2 f. For the operation of the Rockwell City correctional
3 facility, including salaries, support, maintenance, employment
4 of 58 correctional officers, miscellaneous purposes, and for
5 not more than the following full-time equivalent positions:

6 \$ 5,510,246

7 FTEs 111.00

8 g. For the operation of the Clarinda correctional
9 facility, including salaries, support, maintenance, employment
10 of 120.66 correctional officers, miscellaneous purposes, and
11 for not more than the following full-time equivalent
12 positions:

13 \$ 10,768,008

14 FTEs 203.85

15 h. For the operation of the Mitchellville correctional
16 facility, including salaries, support, maintenance, employment
17 of 71.5 correctional officers, miscellaneous purposes, and for
18 not more than the following full-time equivalent positions:

19 \$ 6,288,619

20 FTEs 132.00

21 2. a. If the inmate tort claim fund for inmate claims of
22 less than \$50 is exhausted during the fiscal year, sufficient
23 funds shall be transferred from the institutional budgets to
24 pay approved tort claims for the balance of the fiscal year.
25 The warden or superintendent of each institution or
26 correctional facility shall designate an employee to receive,
27 investigate, and recommend whether to pay any properly filed
28 inmate tort claim for less than the above amount. The
29 designee's recommendation shall be approved or denied by the
30 warden or superintendent and forwarded to the department of
31 corrections for final approval and payment. The amounts
32 appropriated to this fund pursuant to 1987 Iowa Acts, chapter
33 234, section 304, subsection 2, are not subject to reversion
34 under section 8.33.

35 b. Tort claims denied at the institution shall be

1 forwarded to the state appeal board for their consideration as
2 if originally filed with that body. This procedure shall be
3 used in lieu of chapter 669 for inmate tort claims of less
4 than \$50.

5 3. The department of corrections shall construct a 750-bed
6 medium security correctional facility for men on state-owned
7 land. In reviewing the merits of proposals to construct the
8 facility, the department of corrections shall consider the
9 speed of project completion as its top criteria in selecting
10 the site of the facility. Bonds shall be issued under the
11 provisions of sections 16.177 and 602.8108A in an amount not
12 to exceed \$36,000,000.

13 4. The department of corrections is authorized, pursuant
14 to section 16.177, to construct a residential facility and
15 office in Fort Dodge for use by the second judicial district
16 department of correctional services for an amount, exclusive
17 of financing costs, not to exceed \$1,845,071.

18 5. The department of corrections shall issue a request for
19 proposals for the construction of a 50-bed infirmary unit to
20 provide nursing, medical, and other health care related
21 services to inmates, which would only be constructed if the
22 proposal is accepted. The department of corrections shall
23 include specifications concerning the number of correctional
24 beds in the request for proposals and issue the request for
25 proposals in such a manner that responses are due and shall be
26 included in a report submitted by the department to the
27 general assembly on or before January 8, 1996. The department
28 of corrections shall not accept a proposal received in
29 accordance with this subsection without specific authorization
30 through the enactment of legislation to fund the proposal by
31 the Seventy-sixth General Assembly, 1996 Session, or a
32 subsequent general assembly.

33 6. The department of corrections shall issue a request for
34 proposals for the construction of a 250-bed, super-maximum
35 security facility at the Fort Madison correctional facility,

1 which would only be constructed if the proposal is accepted.
2 The department of corrections shall include specifications
3 concerning the number of correctional beds in the request for
4 proposals and issue the request for proposals in such a manner
5 that responses are due and shall be included in a report
6 submitted by the department to the general assembly on or
7 before January 8, 1996. The department of corrections shall
8 not accept a proposal received in accordance with this
9 subsection without specific authorization through the
10 enactment of legislation to fund the proposal by the Seventy-
11 sixth General Assembly, 1996 Session, or a subsequent general
12 assembly.

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

14 There is appropriated from the general fund of the state to
15 the department of corrections for the fiscal year beginning
16 July 1, 1995, and ending June 30, 1996, the following amounts,
17 or so much thereof as is necessary, to be used for the
18 purposes designated:

- 19 1. For general administration, including salaries,
- 20 support, maintenance, employment of an education director and
- 21 clerk to administer a centralized education program for the
- 22 correctional system, miscellaneous purposes, and for not more
- 23 than the following full-time equivalent positions:
- 24 \$ 2,298,531
- 25 FTEs 38.18

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

- 32 2. For reimbursement of counties for temporary confinement
- 33 of work release and parole violators, as provided in sections
- 34 901.7, 904.908, and 906.17 and for offenders confined pursuant
- 35 to section 904.513:

1 \$ 237,038

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

4 \$ 341,334

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

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

12 \$ 384,597

13 FTEs 7.16

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

18 \$ 625,860

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

23 \$ 3,180,990

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

26 1. There is appropriated from the general fund of the
27 state to the department of corrections for the fiscal year
28 beginning July 1, 1995, and ending June 30, 1996, the
29 following amounts, or so much thereof as is necessary, to be
30 allocated as follows:

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

1 \$ 6,648,762

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

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 b. For the second 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 \$ 5,375,715

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

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

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

31 \$ 3,284,176

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

1 established within the district in 1990 Iowa Acts, chapter
2 1268, section 6, subsection 3, paragraph "d".

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

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

12 \$ 2,398,328

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

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

21 e. For the fifth 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 \$ 8,784,368

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 "e", and shall continue to provide for the rental of
31 electronic monitoring equipment.

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

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

6 \$ 6,918,725

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

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

22 g. For the seventh 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 \$ 4,372,318

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 "g", and shall continue the sex offender treatment program
32 established within the district in 1989 Iowa Acts, chapter
33 316, section 8, subsection 1, paragraph "g".

34 (2) The district department shall continue the job
35 development program established within the district in 1990

1 Iowa Acts, chapter 1268, section 6, subsection 7, paragraph
2 "e".

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

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

12 \$ 3,905,921

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

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

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

27 \$ 83,576

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

32 3. Each judicial district department of correctional
33 services and the department of corrections shall continue the
34 treatment alternatives to street crime programs established in
35 1989 Iowa Acts, chapter 225, section 9.

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

6 5. Each judicial district department of correctional
7 services shall provide a report concerning the treatment and
8 supervision of probation and parole violators who have been
9 released from the department of corrections violator program,
10 to the co-chairpersons and ranking members of the joint
11 appropriations subcommittee on the justice system and the
12 legislative fiscal bureau, on or before January 15, 1996.

13 6. It is the intent of the general assembly that each
14 judicial district department of correctional services shall
15 operate the community-based correctional facilities in a
16 manner which provides for a residential population of at least
17 110 percent of the design capacity of the facility.

18 Sec. 7. JUDICIAL DEPARTMENT. There is appropriated from
19 the general fund of the state to the judicial department for
20 the fiscal year beginning July 1, 1995, and ending June 30,
21 1996, the following amounts, or so much thereof as is
22 necessary, to be used for the purposes designated:

23 1. For salaries of supreme court justices, appellate court
24 judges, district court judges, district associate judges,
25 judicial magistrates and staff, state court administrator,
26 clerk of the supreme court, district court administrators,
27 clerks of the district court, trial court supervisors, trial
28 court technicians II, financial supervisors I and II, juvenile
29 court officers, board of law examiners and board of examiners
30 of shorthand reporters and judicial qualifications commission,
31 receipt and disbursement of child support payments,
32 reimbursement of the auditor of state for expenses incurred in
33 completing audits of the offices of the clerks of the district
34 court during the fiscal year beginning July 1, 1995, and
35 maintenance, equipment, and miscellaneous purposes:

1 \$ 87,220,772

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

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

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

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

25 e. Of the funds appropriated in this subsection, the
26 judicial department shall use not more than \$968,716 for an
27 additional 7 district court judges and an additional 7 court
28 reporters. Of the additional district court judges and court
29 reporters, 1 additional district court judge and 1 court
30 reporter shall be assigned one each to judicial election
31 subdistricts one-B and eight-A and to judicial election
32 districts four, six, and seven, and 2 additional district
33 court judges and 2 court reporters shall be assigned to the
34 judicial election subdistrict five-C.

35 f. Of the funds appropriated in this subsection, the

1 judicial department shall use not more than \$507,184 for an
2 additional 4 district associate judges and 4 additional court
3 reporters, with 3 of the additional district associate judges
4 and 3 additional court reporters for Polk county, and 1
5 additional district associate judge and one additional court
6 reporter for Bremer, Floyd, and Hardin counties,
7 notwithstanding the provisions of section 602.6301.

8 g. Of the funds appropriated in this subsection, the
9 judicial department shall use the following amounts for the
10 purposes indicated:

11 (1) For an additional 1 FTE for the expansion of the
12 court-appointed special advocate program, \$43,336.

13 (2) For an additional 4 juvenile court officers, \$133,635.

14 h. It is the intent of the general assembly that the
15 judicial department reduce the amounts expended for travel,
16 office supplies, and printing by 5 percent from the amounts
17 expended for these purposes during the 1994-1995 fiscal year.

18 i. Of the funds appropriated in this subsection, the
19 judicial department shall use not more than \$1,290,000 for
20 increasing the existing capacity of the Iowa court information
21 system by extending the system into 15 additional counties and
22 for the development of a computer software program to allow
23 state agencies to gain access to data in the Iowa court
24 information system. However, the funds shall not be used to
25 expand the applications of the system for purposes other than
26 those for which the system is currently used, and the judicial
27 department shall focus efforts in utilizing the funds referred
28 to in this paragraph upon the collection of delinquent fines,
29 penalties, court costs, fees, surcharges, or similar amounts.
30 The judicial department shall investigate the most efficient
31 way to complete the expansion of the department's entire
32 communication and information management system, and include
33 this information in a report to be submitted to the co-
34 chairpersons and ranking members of the joint appropriations
35 subcommittee on the justice system and the legislative fiscal

1 bureau, on or before January 15, 1996.

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

7 k. The judicial department shall report to the co-
8 chairpersons and ranking members of the joint appropriations
9 subcommittee on the justice system by February 1, 1996,
10 concerning an evaluation of the needs of the court system,
11 particularly resources necessary to meet the increasing
12 demands on the courts. The report shall also identify
13 legislative changes which would reduce or alleviate the
14 workload of the courts.

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

19 2. For the juvenile victim restitution program:
20 \$ 155,396

21 Sec. 8. IOWA COURT INFORMATION SYSTEM. There is
22 appropriated from the general fund of the state to the
23 judicial department for the fiscal year beginning July 1,
24 1995, and ending June 30, 1996, the following amount, or so
25 much thereof as is necessary, to be used for the purpose
26 designated:

27 For the Iowa court information system:
28 \$ 857,500

29 1. In addition to the requirements for transfers under
30 section 8.39, the judicial department shall not change the
31 appropriations from the amounts appropriated in this section,
32 unless notice of the revisions is given prior to their
33 effective date to the legislative fiscal bureau. The notice
34 shall include information on the department's rationale for
35 making the changes and details concerning the work load and

1 performance measures upon which the changes are based.

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

14 b. A report required by this section shall be made by
15 January 15, 1996, for the counties added to the Iowa court
16 information system during the 1994-1995 fiscal year, and by
17 January 15, 1997, for the 15 additional counties added to the
18 system by this Act, indicating whether the counties have
19 reduced uncollected court fines and fees by 50 percent as a
20 result of being added to the system.

21 Sec. 9. ENHANCED COURT COLLECTIONS FUND -- DISTRIBUTION.
22 Of the moneys collected and deposited in the enhanced court
23 collections fund created in section 602.1304, as enacted by
24 this Act, the first \$359,000 deposited in the fund in the
25 fiscal year beginning July 1, 1995, for use by the Iowa court
26 information system shall be expended for the purchase of jury
27 management software. Any additional moneys deposited in the
28 enhanced court collections fund in the fiscal year beginning
29 July 1, 1995, shall not be used for appellate software.

30 Sec. 10. JUDICIAL RETIREMENT FUND. There is appropriated
31 from the general fund of the state to the judicial retirement
32 fund for the fiscal year beginning July 1, 1995, and ending
33 June 30, 1996, the following amount, or so much thereof as is
34 necessary, to be used for the purpose designated:

35 For the state's contribution to the judicial retirement

1 fund established in section 602.9104, in the amount of 23.7
2 percent of the basic salaries of the judges covered under
3 chapter 602, article 9:

4 \$ 3,150,915

5 Sec. 11. INDIGENT DEFENSE COSTS. The supreme court shall
6 submit a written report for the preceding fiscal year no later
7 than January 1 of each year indicating the amounts collected
8 pursuant to section 815.9A, relating to recovery of indigent
9 defense costs. The report shall include the total amount
10 collected by all courts, as well as the amounts collected by
11 each judicial district. The supreme court shall also submit a
12 written report quarterly indicating the number of criminal and
13 juvenile filings which occur in each judicial district for
14 purposes of estimating indigent defense costs. A copy of each
15 report shall be provided to the public defender, the
16 department of management, and the legislative fiscal bureau.
17 The judicial department shall continue to assist in the
18 development of an automated data system for use in the sharing
19 of information utilizing the generic program interface for
20 legislative and executive branch uses.

21 Sec. 12. AUTOMATED DATA SYSTEM. The department of
22 corrections, judicial district departments of correctional
23 services, board of parole, and the judicial department shall
24 continue to develop an automated data system for use in the
25 sharing of information between the department of corrections,
26 judicial district departments of correctional services, board
27 of parole, and the judicial department. The information to be
28 shared shall concern any individual who may, as the result of
29 an arrest or infraction of any law, be subject to the
30 jurisdiction of the department of corrections, judicial
31 district departments of correctional services, or board of
32 parole. The department of corrections, in consultation and
33 cooperation with the judicial district departments of
34 correctional services, the board of parole, and the judicial
35 department, shall provide a report concerning the development

1 of the automated data system to the co-chairpersons and
2 ranking members of the joint appropriations subcommittee on
3 the justice system and the legislative fiscal bureau, on or
4 before January 15, 1996.

5 Sec. 13. CORRECTIONAL INSTITUTIONS -- VOCATIONAL TRAINING.

6 The state prison industries board and the department of
7 corrections shall continue the implementation of a plan to
8 enhance vocational training opportunities within the
9 correctional institutions listed in section 904.102, as
10 provided in 1993 Iowa Acts, chapter 171, section 12. The plan
11 shall provide for increased vocational training opportunities
12 within the correctional institutions, including the
13 possibility of approving community college credit for inmates
14 working in prison industries. The department of corrections
15 shall provide a report concerning the implementation of the
16 plan to the co-chairpersons and ranking members of the joint
17 appropriations subcommittee on the justice system and the
18 legislative fiscal bureau, on or before January 15, 1996.

19 Sec. 14. APPROPRIATIONS TO THE DEPARTMENT OF CORRECTIONS
20 -- MONEYS ENCUMBERED -- PRIORITIES.

21 1. Notwithstanding any other provision of law to the
22 contrary, moneys appropriated to the department of corrections
23 pursuant to 1994 Iowa Acts, chapter 1196, sections 4, 5, and
24 6, shall be considered encumbered pursuant to section 8.33,
25 and shall not revert to the general fund of the state at the
26 end of the fiscal year commencing July 1, 1994. As used in
27 this section, unless the context otherwise requires,
28 "encumbered funds" means the moneys appropriated to the
29 department of corrections pursuant to 1994 Iowa Acts, chapter
30 1196, sections 4, 5, and 6, which would otherwise revert to
31 the general fund of the state after the end of the fiscal year
32 in which the moneys were appropriated, but for the prohibition
33 contained in this section.

34 2. The department of corrections shall use encumbered
35 funds in the fiscal year commencing July 1, 1995, to fund up

1 to an additional 50 FTEs for the employment of correctional
2 officers in the correctional institutions specified in section
3 904.102, and to purchase surveillance cameras and other
4 necessary surveillance equipment for use in correctional
5 institutions. The full-time equivalent positions provided in
6 this section for the employment of correctional officers and
7 the funding provided for the purchase of equipment are in
8 addition to any full-time equivalent positions or equipment
9 funded in section 4 of this Act. The department of
10 corrections shall use its discretion in distributing the
11 additional correctional officers and equipment throughout the
12 correctional facilities. The department of corrections shall
13 file a report with the department of management concerning
14 correctional officer positions filled and critically needed
15 safety equipment purchased from encumbered funds provided
16 under this section. If the department is able to fund an
17 additional 50 FTEs for the employment of correctional officers
18 pursuant to this section and to purchase all critically needed
19 safety equipment, any remaining funds shall be unencumbered
20 and shall revert to the general fund of the state at the end
21 of the fiscal year commencing July 1, 1995.

22 Sec. 15. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.

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

31 2. State agencies are hereby encouraged to purchase
32 products from Iowa state industries, as defined in section
33 904.802, when purchases are required and the products are
34 available from Iowa state industries.

35 Sec. 16. STATE PUBLIC DEFENDER. There is appropriated

1 from the general fund of the state to the office of the state
2 public defender of the department of inspections and appeals
3 for the fiscal year beginning July 1, 1995, and ending June
4 30, 1996, the following amounts, or so much thereof as is
5 necessary, for the purposes designated, and for not more than
6 the following full-time equivalent positions:

7 1. For salaries, support, maintenance, and miscellaneous
8 purposes:

9 \$ 9,020,095
10 FTEs 160.30

11 2. For indigent court-appointed attorney fees for adults
12 and juveniles, notwithstanding section 232.141 and chapter
13 815:

14 \$ 11,751,800

15 The department of inspections and appeals shall design a
16 uniform statewide fee claim form for juvenile court cases for
17 all attorneys to utilize in submitting fee claims to the
18 counties for payment so as to enable the department to compile
19 statewide cost and statistical information. The department
20 may adopt emergency rules to implement this process.

21 Sec. 17. EMERGENCY RULES. If specifically authorized by a
22 provision of this Act, the department of inspections and
23 appeals may adopt administrative rules under section 17A.4,
24 subsection 2, and section 17A.5, subsection 2, paragraph "b",
25 to implement the provisions and the rules shall become
26 effective immediately upon filing, unless a later effective
27 date is specified in the rules. Any rules adopted in
28 accordance with the provisions of this section shall also be
29 published as notice of intended action as provided in section
30 17A.4.

31 Sec. 18. IOWA LAW ENFORCEMENT ACADEMY. There is
32 appropriated from the general fund of the state to the Iowa
33 law enforcement academy for the fiscal year beginning July 1,
34 1995, and ending June 30, 1996, the following amounts, or so
35 much thereof as is necessary, to be used for the purposes

1 designated:

2 1. For salaries, support, maintenance, miscellaneous
3 purposes, including jailer training and technical assistance,
4 and for not more than the following full-time equivalent
5 positions:

6 \$ 1,000,154
7 FTEs 24.00

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

11 \$ 15,000

12 Sec. 19. DEPARTMENT OF PUBLIC DEFENSE. There is
13 appropriated from the general fund of the state to the
14 department of public defense for the fiscal year beginning
15 July 1, 1995, and ending June 30, 1996, the following amounts,
16 or so much thereof as is necessary, to be used for the
17 purposes designated:

18 1. MILITARY DIVISION

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

22 \$ 3,852,724
23 FTEs 212.26

24 If there is a surplus in the general fund of the state for
25 the fiscal year ending June 30, 1996, within 60 days after the
26 closing of the fiscal year, the military division may incur up
27 to an additional \$500,000 in expenditures from the surplus
28 prior to transfer of the surplus pursuant to section 8.57.

29 2. EMERGENCY MANAGEMENT DIVISION

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

33 \$ 486,498
34 FTEs 14.05

35 Sec. 20. DEPARTMENT OF PUBLIC SAFETY. There is

1 appropriated from the general fund of the state to the
2 department of public safety for the fiscal year beginning July
3 1, 1995, and ending June 30, 1996, the following amounts, or
4 so much thereof as is necessary, to be used for the purposes
5 designated:

6 1. For the department's administrative functions,
7 including the medical examiner's office and the criminal
8 justice information system, and for not more than the
9 following full-time equivalent positions:

10 \$ 2,179,251
11 FTEs 40.00

12 2. For the division of criminal investigation and bureau
13 of identification including the state's contribution to the
14 peace officers' retirement, accident, and disability system
15 provided in chapter 97A in the amount of 18 percent of the
16 salaries for which the funds are appropriated, to meet federal
17 fund matching requirements, and for not more than the
18 following full-time equivalent positions:

19 \$ 8,330,089
20 FTEs 166.00

21 The department of public safety, with the approval of the
22 department of management, may employ no more than two special
23 agents and four gaming enforcement officers for each
24 additional riverboat regulated on or after March 31, 1995.

25 3. For the division of narcotics enforcement:

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

32 \$ 2,401,001
33 FTEs 38.00

34 b. Undercover purchases:

35 \$ 139,202

1 4. For the state fire marshal's office, 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 \$ 1,424,236
8 FTEs 31.00

9 5. For the capitol security division, and for not more
10 than the following full-time equivalent positions:

11 \$ 1,164,441
12 FTEs 27.00

13 Sec. 21. Section 99F.10, subsection 4, Code 1995, is
14 amended to read as follows:

15 4. In determining the license fees and state admission
16 fees to be charged as provided under section 99F.4 and this
17 section, the commission shall use the amount appropriated to
18 the commission plus the full cost of auditing 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 costs shall include but are not limited to salary and
23 associated costs incurred by personnel assigned to excursion
24 boat gambling who enforce laws, and rules adopted by the
25 commission.

26 Sec. 22. Section 602.1302, subsection 1, Code 1995, is
27 amended to read as follows:

28 1. Except as otherwise provided by section sections
29 602.1303 and 602.1304 or other applicable law, the expenses of
30 operating and maintaining the department shall be paid out of
31 the general fund of the state from funds appropriated by the
32 general assembly for the department. State funding shall be
33 phased in as provided in section 602.11101.

34 Sec. 23. Section 602.1304, Code 1995, is amended to read
35 as follows:

1 602.1304 REVENUES -- ENHANCED COURT COLLECTIONS FUND.

2 1. Except as provided in article 8 and subsection 2 of
3 this section, all fees and other revenues collected by
4 judicial officers and court employees shall be paid into the
5 general fund of the state.

6 2. a. The enhanced court collections fund is created in
7 the state treasury under the authority of the supreme court.
8 The fund shall be separate from the general fund of the state
9 and the balance in the fund shall not be considered part of
10 the balance of the general fund of the state. Notwithstanding
11 section 8.33, moneys in the fund shall not revert to the
12 general fund, unless and to the extent the total amount of
13 moneys deposited into the fund in a fiscal year would exceed
14 the maximum annual deposit amount established for the
15 collections fund by the general assembly. The initial maximum
16 annual deposit amount for a fiscal year is four million
17 dollars. Notwithstanding section 12C.7, subsection 2,
18 interest or earnings on moneys in the collections fund shall
19 remain in the collections fund and any interest and earnings
20 shall be in addition to the maximum annual deposit amount.

21 b. For each fiscal year, the state revenue estimating
22 conference estimate of the total amount of fees and other
23 revenues collected by judicial officers and court employees
24 for that fiscal year shall be equally and proportionately
25 divided into a quarterly amount. The state revenue estimating
26 conference estimate used shall be the first estimate made
27 following the adjournment of the regular session of the
28 general assembly adjusted as provided in section 8.54,
29 subsection 1. In each quarter of a fiscal year, after
30 revenues collected by judicial officers and court employees
31 equal to that quarterly amount are deposited into the general
32 fund of the state and after the required amount is deposited
33 during the quarter into the Iowa prison infrastructure fund
34 pursuant to section 602.8108A, the director of revenue and
35 finance shall deposit the remaining revenues for that quarter

1 into the enhanced court collections fund in lieu of the
2 general fund. However, after total deposits into the
3 collections fund for the fiscal year are equal to the maximum
4 deposit amount established for the collections fund, remaining
5 revenues for that fiscal year shall be deposited into the
6 general fund.

7 c. Moneys in the collections fund shall be used by the
8 judicial department for the Iowa court information system.

9 Sec. 24. Section 602.6201, subsection 10, Code 1995, is
10 amended to read as follows:

11 10. Notwithstanding the formula for determining the number
12 of judgeships in this section, the number of district judges
13 shall not exceed one hundred ~~one~~ eight during the period
14 commencing July 1, ~~1990~~ 1995.

15 Sec. 25. Section 602.8108A, subsection 1, Code 1995, is
16 amended to read as follows:

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

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

12 Sec. 26. 1993 Iowa Acts, chapter 171, section 11,
13 subsection 4, as amended by 1994 Iowa Acts, chapter 1196,
14 section 23 is amended to read as follows:

15 4. The task force shall submit the plan to the governor
16 and the general assembly on or before January 15, ~~±1995~~ 1996.

17 Sec. 27. EFFECTIVE DATES.

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

22 2. Section 14 of this Act, pertaining to the encumbrance
23 of certain moneys appropriated to the department of correc-
24 tions in the fiscal year commencing July 1, 1994, being deemed
25 of immediate importance, takes effect upon enactment.

26 3. Section 4, subsection 3, and section 25, relating to
27 department of corrections facilities and the prison
28 infrastructure fund, being deemed of immediate importance,
29 take effect upon enactment.

30 4. Section 26 of this Act, dealing with the intermediate
31 criminal sanctions task force, takes effect upon enactment and
32 is retroactively applicable to January 1, 1995.

33 EXPLANATION

34 The bill makes appropriations for the 1995-1996 fiscal year
35 to the departments of justice, corrections, public defense,

1 and certain divisions of public safety, and judicial
2 department, the Iowa law enforcement academy, board of parole,
3 and other public safety activities.

4 The bill provides authorization to the department of
5 corrections to construct a 750 bed medium security
6 correctional facility and provides criteria for the selection
7 of the site of the facility. This authorization takes effect
8 upon enactment. The bill also provides authorization to the
9 department to construct a residential facility in Fort Dodge
10 and also requires the department of corrections to issue
11 requests for proposals as to construction of other facilities.

12 Section 99F.10 is amended to provide that the racing and
13 gaming commission shall use the full cost of the division of
14 criminal investigation's activities concerning gambling boats
15 in setting the license fees and state admission fees for
16 gambling boats.

17 Sections 602.1303 and 602.1304 are amended to establish an
18 enhanced court collections fund which allows the judicial
19 department to use for the Iowa court information system up to
20 \$4 million of fees and other revenues collected by the courts
21 in excess of estimated amounts of collections.

22 Section 602.6201 is amended to reflect the additional
23 district court judges authorized by this bill. Section
24 602.8108A is amended to increase from \$4 million to \$8 million
25 the amount of fees, fines, costs, and forfeited bail collected
26 by clerks of district court to be deposited in the prison
27 infrastructure fund beginning July 1, 1995. The amendment to
28 section 602.8108A takes effect upon enactment.

29 The amendment to 1993 Iowa Acts, chapter 171, provides that
30 the intermediate criminal sanctions task force established in
31 the 1993 Acts shall submit its plan to the governor and the
32 general assembly by January 15, 1996. Under current law, the
33 plan was to be submitted January 15, 1995.

34

35

SENATE FILE 459

S-3243

1 Amend the amendment, S-3241, to Senate File 459, as
2 follows:

3 1. Page 1, by striking lines 2 through 13 and
4 inserting the following:

5 " ". Page 8, line 15, by inserting after the
6 words "Fort Dodge" the following: "or remodel or
7 renovate an existing building for use as a residential
8 facility and office in Fort Dodge,"."

By ROD HALVORSON

S-3243 FILED MARCH 27, 1995

ADOPTED

(P 880)

SENATE FILE 459

S-3244

1 Amend the amendment, S-3240, to Senate File 459 as
2 follows:

3 1. Page 1, by striking lines 2 through 13.

By ANDY MCKEAN

BRAD BANKS

JOHNIE HAMMOND

STEWART IVERSON, JR.

MARY NEUHAUSER

S-3244 FILED MARCH 27, 1995

LOST

(P 885)

SENATE FILE 459

S-3245

1 Amend Senate File 459 as follows:

2 1. Page 8, by striking lines 10 through 17 and
3 inserting the following: "the site of the facility.
4 Bonds shall be issued under the provisions of sections
5 16.177 and 602.8108A to finance the construction of
6 the facility. The cost of constructing the facility,
7 exclusive of financing costs, shall not exceed
8 \$36,000,000.

9 4. The department of corrections is authorized to
10 construct a residential facility and office in Fort
11 Dodge for use by the second judicial district
12 department of correctional services. Bonds may be
13 issued under the provisions of sections 16.177 and
14 602.8108A to finance the construction of the facility.
15 The cost of constructing the facility, exclusive of
16 financing costs, shall not exceed \$1,845,071."

By MICHAEL E. GRONSTAL

LARRY MURPHY

S-3245 FILED MARCH 27, 1995

ADOPTED

(P 888)

SENATE FILE 459

S-3241

1 Amend Senate File 459 as follows:
2 1. Page 8, by striking lines 13 through 17 and
3 inserting the following:
4 "4. The department of corrections shall conduct a
5 study to determine the feasibility, including the
6 costs, of constructing a residential facility and
7 office in Fort Dodge for use by the second judicial
8 district department of correctional services, of
9 adapting or modifying a current building in Fort Dodge
10 for such use, or of extending the current lease of a
11 building in Fort Dodge for such use. The department
12 of corrections shall report its findings to the
13 general assembly by January 15, 1996."

By TONY BISIGNANO

S-3241 FILED MARCH 27, 1995
RULED OUT OF ORDER

SENATE FILE 459

S-3242

1 Amend the amendment, S-3236, to Senate File 459 as
2 follows:
3 1. Page 1, by inserting after line 14 the
4 following:
5 "An employee of the department of public safety who
6 retires after the effective date of this Act but prior
7 to June 30, 1996, is eligible for payment of life or
8 health insurance premiums as provided for in the
9 collective bargaining agreement covering the public
10 safety bargaining unit at the time of retirement if
11 that employee previously served in a position which
12 would have been covered by the agreement. The
13 employee shall be given credit for the service in that
14 prior position as though it were covered by that
15 agreement. The provisions of this paragraph shall not
16 operate to reduce any retirement benefits an employee
17 may have earned under other collective bargaining
18 agreements or retirement programs."

By EUGENE FRAISE

S-3242 FILED MARCH 27, 1995
ADOPTED

(p.879)

SENATE FILE 459

S-3236

1 Amend Senate File 459 as follows:

2 1. Page 26, by inserting after line 12 the
3 following:

4 "6. For the division of highway safety, uniformed
5 force, and radio communications to be used for
6 salaries, support, maintenance, and miscellaneous
7 purposes, including the state's contribution to the
8 peace officers' retirement, accident, and disability
9 system provided in chapter 97A in the amount of 18
10 percent of the salaries for which the funds are
11 appropriated, and for not more than the following
12 full-time equivalent positions:

13 \$ 32,960,467
14 FTEs 553.50

15 7. For costs associated with the maintenance of
16 the automated fingerprint information system (AFIS):
17 \$ 211,576

18 8. For salaries, support, maintenance, and
19 miscellaneous purposes of the pari-mutuel law
20 enforcement agents, including the state's contribution
21 to the peace officers' retirement, accident, and
22 disability system provided in chapter 97A in the
23 amount of 18 percent of the salaries for which the
24 funds are appropriated:

25 \$ 308,602"

26 2. By renumbering as necessary.

By LARRY MURPHY
EUGENE FRAISE

S-3236 FILED MARCH 27, 1995

ADOPTED

(P. 879)

SENATE FILE 459

S-3238

1 Amend Senate File 459 as follows:

2 1. Page 26, by inserting after line 12 the
3 following:

4 "Sec. _____. There is appropriated from the general
5 fund of the state to the historical division of the
6 department of cultural affairs for the fiscal year
7 beginning July 1, 1995, and ending June 30, 1996, the
8 following amount, or so much thereof as is necessary,
9 to be used for the purpose designated:

10 For security services for the state historical
11 building:

12 \$ 90,000"

13 2. By renumbering as necessary.

By JIM LIND
LARRY MURPHY

S-3238 FILED MARCH 27, 1995

WITHDRAWN

(P. 878)

SENATE FILE 459

S-3239

1 Amend the amendment, S-3236, to Senate File 459 as
2 follows:
3 1. Page 1, line 6, by inserting after the word
4 "maintenance," the following: "workers' compensation
5 costs,".

By JIM LIND
LARRY MURPHY
EUGENE FRAISE

(P. 879)
S-3239 FILED MARCH 27, 1995
ADOPTED

SENATE FILE 459

S-3240

1 Amend Senate File 459 as follows:
2 1. Page 26, line 18, by striking the words "full
3 cost of auditing" and inserting the following: "cost
4 of auditing salaries for no more than two special
5 agents and no more than four gaming enforcement
6 officers for each excursion gambling boat for".
7 2. Page 26, by striking lines 22 through 24 and
8 inserting the following: "salary costs shall be
9 limited to sixty-five percent of the salary costs for
10 special agents and sixty-five percent of the salary
11 costs for gaming enforcement for personnel assigned to
12 excursion gambling boats who enforce laws and rules
13 adopted by the".
14 3. Page 29, by inserting after line 16 the
15 following:
16 "Sec. ____ . INTERIM STUDY COMMITTEE. The
17 legislative council is requested to authorize an
18 interim study committee concerning the enforcement of
19 activities on excursion gambling boats."
20 4. By renumbering as necessary.

By LARRY MURPHY

S-3240 FILED MARCH 27, 1995
LOST

(P. 885)

SENATE FILE 459

S-3232

1 Amend Senate File 459 as follows:
2 1. Page 24, by inserting after line 11 as
3 follows:
4 "3. The Iowa law enforcement academy may annually
5 select at least five automobiles of the department of
6 public safety, division of highway safety, uniformed
7 force, and radio communications, prior to turning over
8 the automobiles to the state vehicle dispatcher to be
9 disposed of by public auction and the Iowa law
10 enforcement academy may exchange any automobile owned
11 by the academy for each automobile selected if the
12 selected automobile is used in training law
13 enforcement officers at the academy. However, any
14 automobile exchanged by the academy shall be
15 substituted for the selected vehicle of the department
16 of public safety and sold by public auction with the
17 receipts being deposited in the depreciation fund to
18 the credit of the department of public safety,
19 division of highway safety, uniformed force, and radio
20 communications."

By EUGENE FRAISE

S-3232 FILED MARCH 27, 1995
ADOPTED

(P. 879)

SENATE FILE 459

S-3247

1 Amend the amendment, S-3245, to Senate File 459 as
2 follows:
3 1. Page 1, line 9, by inserting after the word
4 "corrections" the following: "shall issue a request
5 for proposals for the construction of, or the
6 remodeling or renovation of a building for use as a
7 residential facility and office in Fort Dodge by the
8 second judicial district department of corrections.
9 If the proposal is accepted by the department, but in
10 no event earlier than January 30, 1996, the department
11 of corrections".
12 2. Page 1, line 11, by inserting after the word
13 "Dodge" the following: "or remodel or renovate an
14 existing building for use as a residential facility
15 and office in Fort Dodge,".

By ROD HALVORSON
TONY BISIGNANO
MICHAEL E. GRONSTAL

S-3247 FILED MARCH 27, 1995
ADOPTED

(P. 887)

SENATE FILE 459

S-3225

1 Amend Senate File 459 as follows:
 2 1. Page 26, by inserting after line 12 the
 3 following:
 4 "Sec. ____ . Section 16.177, subsection 10, Code
 5 1995, is amended by striking the subsection."
 6 2. By renumbering and correcting internal
 7 references as necessary.

By MICHAEL GRONSTAL

(p. 879)
 S-3225 FILED MARCH 27, 1995
 ADOPTED

SENATE FILE 459

S-3226

1 Amend Senate File 459 as follows:
 2 1. Page 4, by inserting after line 31 the
 3 following:
 4 "11. If Senate File 410 or similar legislation is
 5 enacted into law by the Seventy-sixth General
 6 Assembly, 1995 Regular Session, which establishes a
 7 health education and advocacy program in the
 8 department of justice, then, in addition to the funds
 9 appropriated in subsection 1, there is appropriated
 10 from the general fund of the state to the department
 11 of justice for the fiscal year beginning July 1, 1995,
 12 and ending June 30, 1996, the following amount, or so
 13 much thereof as is necessary, to be used for the
 14 purpose designated:

15 For a health education and advocacy program: \$ 200,000".
 16

By MICHAEL E. GRONSTAL

(p. 878)
 S-3226 FILED MARCH 27, 1995
 ADOPTED

SENATE FILE 459

S-3231

1 Amend Senate File 459 as follows:
 2 1. Page 9, by inserting after line 31 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 not enter into a contract for the expenditure of
 8 moneys in excess of one hundred thousand dollars
 9 during the fiscal year beginning July 1, 1995, for the
 10 privatization of services performed by the department
 11 without prior approval by the general assembly."

By ROBERT DVORSKY MARY KRAMER
 EUGENE FRAISE DICK DEARDEN
 JIM LIND DERRYL McLAREN

(p. 878)
 S-3231 FILED MARCH 27, 1995
 ADOPTED

SENATE FILE 459

S-3219

1 Amend Senate File 459 as follows:

2 1. Page 26, by inserting after line 12 the
3 following:

4 "Sec. 1000. The governor's traffic safety bureau
5 of the department of public safety shall maximize
6 funding to the division of health delivery systems of
7 the Iowa department of public health during the fiscal
8 year beginning July 1, 1995, from the moneys received
9 from the federal highway administration due to the
10 state's failure to enact a mandatory motorcycle helmet
11 law pursuant to the federal Intermodal Surface
12 Transportation Efficiency Act of 1991. The funds
13 shall be allocated to emergency medical services
14 associations for training of emergency medical
15 services personnel and for the purchase of emergency
16 medical equipment. Funding for emergency medical
17 services shall be maximized to the extent that federal
18 highway traffic safety funds are not jeopardized."

19 2. Page 29, by inserting after line 32 the
20 following:

21 "5. Section 1000 of this Act, dealing with the
22 governor's traffic safety bureau, takes effect upon
23 enactment."

24 3. By renumbering as necessary.

By EUGENE FRAISE

(P. 879)

S-3219 FILED MARCH 23, 1995

Adopted 3-27-95

SENATE FILE 459

S-3201

1 Amend Senate File 459 as follows:

2 1. Page 8, line 35, by striking the words "at the
3 Fort Madison correctional facility".

Lost 3-27-95 (P. 878)

By STEWART IVERSON, Jr.
ANDY MCKEAN

S-3201 FILED MARCH 23, 1995

SENATE FILE 459

S-3210

1 Amend Senate File 459 as follows:

2 1. Page 26, line 18, by inserting after the word
3 "auditing" the following: "salaries for".

4 2. Page 26, by striking lines 22 through 24 and
5 inserting the following: "salary costs shall be
6 limited to the salaries for personnel assigned to
7 excursion gambling boats who enforce laws and rules
8 adopted by the".

WITHDRAWN

3-27-95 (P. 880)

By EUGENE FRAISE

S-3210 FILED MARCH 23, 1995

SENATE FILE 459

S-3211

1 Amend Senate File 459 as follows:

2 1. Page 26, line 9, by inserting after the word
3 "division," the following: "including the state's
4 contribution to the peace officers' retirement,
5 accident, and disability system provided in chapter
6 97A in the amount of 18 percent of the salaries for
7 which the funds are appropriated."

Adopted 3-27-95 (P. 879)

By EUGENE FRAISE

S-3211 FILED MARCH 23, 1995

H- 3/28/95 approp.
H- 4-10-95 Amend/Do Pass
W/H- 3811

SENATE FILE 459
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 298.1)

(AS AMENDED AND PASSED BY THE SENATE MARCH 27, 1995)

- New Language by the Senate

Re-Passed Senate, Date 4/25/95 (p.1400) Passed House, Date 4/12/95 (p.1511)
Vote: Ayes 48 Nays 0 Vote: Ayes 63 Nays 31
Approved May 4, 1995 Repassed 4/25/95
Vote 84-9
(p.1874)

A BILL FOR

1 An Act relating to and making appropriations to the department of
2 justice, office of consumer advocate, board of parole,
3 department of corrections, judicial district departments of
4 correctional services, judicial department, state public
5 defender, Iowa law enforcement academy, department of public
6 defense, and for the department of public safety's
7 administration, division of criminal investigation and bureau
8 of identification, division of narcotics enforcement,
9 undercover purchases, and the state fire marshal's office, for
10 the fiscal year beginning July 1, 1995, and providing
11 effective dates and retroactive applicability.

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

Sen. Conf. Comm.

Fraiser, Ch.
Kronstal
Bisignano
Jerverson
Bedfern

Rept. adopted 4/25/95 (p.1599)

Use. Conf. Comm.

Garman, Ch.
Walter
Schulte
Larkin
Bell

Rept. adopted 4/25/95
SF 459 (p.1873)

S.F. 459

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, 1995, and ending
4 June 30, 1996, 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	\$	5,242,801
11	FTEs	177.50

12 It is the intent of the general assembly that the general
13 office of attorney general shall establish within the office a
14 farm services unit and a juvenile unit within the funds
15 appropriated in this subsection:

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

19	\$	175,000
20	FTEs	4.00

21 a. In addition to the funds appropriated in this
22 subsection for the fiscal year beginning July 1, 1995, and
23 ending June 30, 1996, the attorney general shall provide up to
24 \$41,000 in state matching funds from moneys retained by the
25 attorney general from property forfeited pursuant to section
26 809.13, for the prosecuting attorney training program, the
27 prosecuting intern program, or both. Counties participating
28 in the prosecuting intern program shall match the state funds.

29 b. In addition to the funds appropriated in this
30 subsection for the fiscal year beginning July 1, 1995, and
31 ending June 30, 1996, and the moneys retained by the attorney
32 general pursuant to paragraph "a", the attorney general shall
33 provide up to \$10,000 in state matching funds from moneys
34 retained by the attorney general from property forfeited
35 pursuant to section 809.13, for the office of the prosecuting

1 attorneys training coordinator to use for continuation of the
2 domestic violence response enhancement program established in
3 accordance with 1992 Iowa Acts, chapter 1240, section 1,
4 subsection 2, paragraph "b".

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

9 3. In addition to the funds appropriated in subsection 1,
10 there is appropriated from the general fund of the state to
11 the department of justice for the fiscal year beginning July
12 1, 1995, and ending June 30, 1996, an amount not exceeding
13 \$200,000 to be used for the enforcement of the Iowa
14 competition law. The expenditure of the funds appropriated in
15 this subsection is contingent upon receipt by the general fund
16 of the state of an amount at least equal to either the
17 expenditures from damages awarded to the state or a political
18 subdivision of the state by a civil judgment under chapter
19 553, if the judgment authorizes the use of the award for
20 enforcement purposes or costs or attorneys fees awarded the
21 state in state or federal antitrust actions. However, if the
22 funds received as a result of these judgments are in excess of
23 \$200,000, the excess funds shall not be appropriated to the
24 department of justice pursuant to this subsection.

25 4. In addition to the funds appropriated in subsection 1,
26 there is appropriated from the general fund of the state to
27 the department of justice for the fiscal year beginning July
28 1, 1995, and ending June 30, 1996, an amount not exceeding
29 \$125,000 to be used for public education relating to consumer
30 fraud and for enforcement of section 714.16, and an amount not
31 exceeding \$75,000 for investigation, prosecution, and consumer
32 education relating to consumer and criminal fraud against
33 older Iowans. The expenditure of the funds appropriated in
34 this subsection is contingent upon receipt by the general fund
35 of the state of an amount at least equal to the expenditures

1 from damages awarded to the state or a political subdivision
2 of the state by a civil consumer fraud judgment or settlement,
3 if the judgment or settlement authorizes the use of the award
4 for public education on consumer fraud. However, if the funds
5 received as a result of these judgments and settlements are in
6 excess of \$200,000, the excess funds shall not be appropriated
7 to the department of justice pursuant to this subsection.

8 5. For victim assistance grants:
9 \$ 1,359,806

10 a. The funds appropriated in this subsection shall be used
11 to provide grants to care providers providing services to
12 crime victims of domestic abuse or to crime victims of rape
13 and sexual assault.

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

19 6. For the GASA prosecuting attorney program and for not
20 more than the following full-time equivalent positions:
21 \$ 106,451
22 FTEs 3.00

23 7. The balance of the victim compensation fund established
24 under section 912.14 may be used to provide salary and support
25 of not more than 9 FTEs and to provide maintenance for the
26 victim compensation functions of the department of justice.

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

1 available moneys.

2 9. a. The department of justice, in submitting budget
3 estimates pursuant to section 8.23, shall include a report of
4 funding from sources other than amounts appropriated directly
5 from the general fund of the state to the department of
6 justice or to the office of consumer advocate. These funding
7 sources shall include, but are not limited to, reimbursements
8 from other state agencies, commissions, boards, or similar
9 entities, and reimbursements from special funds or internal
10 accounts within the department of justice. The department of
11 justice shall report actual reimbursements for the fiscal year
12 commencing July 1, 1994, and actual and expected
13 reimbursements for the fiscal year commencing July 1, 1995.

14 b. The department of justice shall include the report
15 required under paragraph "a", as well as information regarding
16 any revisions occurring as a result of reimbursements actually
17 received or expected at a later date, in a report to the co-
18 chairpersons and ranking members of the joint appropriations
19 subcommittee on the justice system and the legislative fiscal
20 bureau. The department of justice shall submit the report on
21 or before January 15, 1996.

22 10. For the Iowa coalition against substance abuse, for
23 salaries, support, maintenance, and miscellaneous purposes,
24 and for not more than the following full-time equivalent
25 positions:

26	\$	256,786
27	FTEs	9.00

28 It is the intent of the general assembly that the coalition
29 be established in the office of the attorney general to
30 perform those activities performed in prior fiscal years by
31 the governor's substance abuse prevention coordinator.

32 11. If Senate File 410 or similar legislation is enacted
33 into law by the Seventy-sixth General Assembly, 1995 Regular
34 Session, which establishes a health education and advocacy
35 program in the department of justice, then, in addition to the

1 funds appropriated in subsection 1, there is appropriated from
2 the general fund of the state to the department of justice for
3 the fiscal year beginning July 1, 1995, and ending June 30,
4 1996, the following amount, or so much thereof as is
5 necessary, to be used for the purpose designated:

6 For a health education and advocacy program:
7 \$ 200,000

8 Sec. 2. OFFICE OF CONSUMER ADVOCATE. There is
9 appropriated from the general fund of the state to the office
10 of consumer advocate of the department of justice for the
11 fiscal year beginning July 1, 1995, and ending June 30, 1996,
12 the following amount, or so much thereof as is necessary, to
13 be used for the purposes designated:

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

17 \$ 2,155,779
18 FTEs 32.00

19 Sec. 3. BOARD OF PAROLE. There is appropriated from the
20 general fund of the state to the board of parole for the
21 fiscal year beginning July 1, 1995, and ending June 30, 1996,
22 the following amount, or so much thereof as is necessary, to
23 be used for the purposes designated:

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

31 \$ 805,400
32 FTEs 17.00

33 The board of parole shall require the board's
34 administrative staff to be cross-trained to assure that each
35 individual on that staff is familiar with all tasks performed

1 by the staff.

2 Sec. 4. DEPARTMENT OF CORRECTIONS -- FACILITIES. There is
3 appropriated from the general fund of the state to the
4 department of corrections for the fiscal year beginning July
5 1, 1995, and ending June 30, 1996, the following amounts, or
6 so much thereof as is necessary, to be used for the purposes
7 designated:

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

10 a. For the operation of the Fort Madison correctional
11 facility, including salaries, support, maintenance, employment
12 of 310 correctional officers, miscellaneous purposes, and for
13 not more than the following full-time equivalent positions:
14 \$ 25,528,267
15 FTEs 494.00

16 b. For the operation of the Anamosa correctional facility,
17 including salaries, support, maintenance, employment of 222
18 correctional officers and a part-time chaplain to provide
19 religious counseling to inmates of a minority race,
20 miscellaneous purposes, and for not more than the following
21 full-time equivalent positions:
22 \$ 19,337,558
23 FTEs 366.25

24 Moneys are provided within this appropriation for 2 full-
25 time substance abuse counselors for the Luster Heights
26 facility, for the purpose of certification of a substance
27 abuse program at that facility.

28 c. For the operation of the Oakdale correctional facility,
29 including salaries, support, maintenance, employment of 159
30 correctional officers, miscellaneous purposes, and for not
31 more than the following full-time equivalent positions:
32 \$ 15,966,313
33 FTEs 321.80

34 d. For the operation of the Newton correctional facility,
35 including salaries, support, maintenance, employment of 44

1 correctional officers, miscellaneous purposes, and for not
2 more than the following full-time equivalent positions:

3 \$ 5,687,373
4 FTEs 116.25

5 e. For the operation of the Mt. Pleasant correctional
6 facility, including salaries, support, maintenance, employment
7 of 150 correctional officers and a full-time chaplain to
8 provide religious counseling at the Oakdale and Mt. Pleasant
9 correctional facilities, miscellaneous purposes, and for not
10 more than the following full-time equivalent positions:

11 \$ 13,869,795
12 FTEs 268.92

13 f. For the operation of the Rockwell City correctional
14 facility, including salaries, support, maintenance, employment
15 of 58 correctional officers, miscellaneous purposes, and for
16 not more than the following full-time equivalent positions:

17 \$ 5,510,246
18 FTEs 111.00

19 g. For the operation of the Clarinda correctional
20 facility, including salaries, support, maintenance, employment
21 of 120.66 correctional officers, miscellaneous purposes, and
22 for not more than the following full-time equivalent
23 positions:

24 \$ 10,768,008
25 FTEs 203.85

26 h. For the operation of the Mitchellville correctional
27 facility, including salaries, support, maintenance, employment
28 of 71.5 correctional officers, miscellaneous purposes, and for
29 not more than the following full-time equivalent positions:

30 \$ 6,288,619
31 FTEs 132.00

32 2. a. If the inmate tort claim fund for inmate claims of
33 less than \$50 is exhausted during the fiscal year, sufficient
34 funds shall be transferred from the institutional budgets to
35 pay approved tort claims for the balance of the fiscal year.

1 The warden or superintendent of each institution or
2 correctional facility shall designate an employee to receive,
3 investigate, and recommend whether to pay any properly filed
4 inmate tort claim for less than the above amount. The
5 designee's recommendation shall be approved or denied by the
6 warden or superintendent and forwarded to the department of
7 corrections for final approval and payment. The amounts
8 appropriated to this fund pursuant to 1987 Iowa Acts, chapter
9 234, section 304, subsection 2, are not subject to reversion
10 under section 8.33.

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

16 3. The department of corrections shall construct a 750-bed
17 medium security correctional facility for men on state-owned
18 land. In reviewing the merits of proposals to construct the
19 facility, the department of corrections shall consider the
20 speed of project completion as its top criteria in selecting
21 the site of the facility. Bonds shall be issued under the
22 provisions of sections 16.177 and 602.8108A to finance the
23 construction of the facility. The cost of constructing the
24 facility, exclusive of financing costs, shall not exceed
25 \$36,000,000.

26 4. The department of corrections shall issue a request for
27 proposals for the construction of, or the remodeling or
28 renovation of a building for use as a residential facility and
29 office in Fort Dodge by the second judicial district
30 department of corrections. If the proposal is accepted by the
31 department, but in no event earlier than January 30, 1996, the
32 department of corrections is authorized to construct a
33 residential facility and office in Fort Dodge or remodel or
34 renovate an existing building for use as a residential
35 facility and office in Fort Dodge, for use by the second

1 judicial district department of correctional services. Bonds
2 may be issued under the provisions of sections 16.177 and
3 602.8108A to finance the construction of the facility. The
4 cost of constructing the facility, exclusive of financing
5 costs, shall not exceed \$1,845,071.

6 5. The department of corrections shall issue a request for
7 proposals for the construction of a 50-bed infirmary unit to
8 provide nursing, medical, and other health care related
9 services to inmates, which would only be constructed if the
10 proposal is accepted. The department of corrections shall
11 include specifications concerning the number of correctional
12 beds in the request for proposals and issue the request for
13 proposals in such a manner that responses are due and shall be
14 included in a report submitted by the department to the
15 general assembly on or before January 8, 1996. The department
16 of corrections shall not accept a proposal received in
17 accordance with this subsection without specific authorization
18 through the enactment of legislation to fund the proposal by
19 the Seventy-sixth General Assembly, 1996 Session, or a
20 subsequent general assembly.

21 6. The department of corrections shall issue a request for
22 proposals for the construction of a 250-bed, super-maximum
23 security facility at the Fort Madison correctional facility,
24 which would only be constructed if the proposal is accepted.
25 The department of corrections shall include specifications
26 concerning the number of correctional beds in the request for
27 proposals and issue the request for proposals in such a manner
28 that responses are due and shall be included in a report
29 submitted by the department to the general assembly on or
30 before January 8, 1996. The department of corrections shall
31 not accept a proposal received in accordance with this
32 subsection without specific authorization through the
33 enactment of legislation to fund the proposal by the Seventy-
34 sixth General Assembly, 1996 Session, or a subsequent general
35 assembly.

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

2 There is appropriated from the general fund of the state to
3 the department of corrections for the fiscal year beginning
4 July 1, 1995, and ending June 30, 1996, the following amounts,
5 or so much thereof as is necessary, to be used for the
6 purposes designated:

7 1. For general administration, including salaries,
8 support, maintenance, employment of an education director and
9 clerk to administer a centralized education program for the
10 correctional system, miscellaneous purposes, and for not more
11 than the following full-time equivalent positions:

12	\$	2,298,531
13	FTEs	38.18

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

20 It is the intent of the general assembly that as a
21 condition of receiving the appropriation provided in this
22 subsection, the department of corrections shall not enter into
23 a contract for the expenditure of moneys in excess of one
24 hundred thousand dollars during the fiscal year beginning July
25 1, 1995, for the privatization of services performed by the
26 department without prior approval by the general assembly.

27 2. For reimbursement of counties for temporary confinement
28 of work release and parole violators, as provided in sections
29 901.7, 904.908, and 906.17 and for offenders confined pursuant
30 to section 904.513:

31	\$	237,038
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32 3. For federal prison reimbursement, reimbursements for
33 out-of-state placements, and miscellaneous contracts:

34	\$	341,334
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35 The department of corrections shall use funds appropriated

1 by this subsection to continue to contract for the services of
2 a Muslim imam.

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

7	\$	384,597
8	FTEs	7.16

9 5. For annual payment relating to the financial
10 arrangement for the construction of expansion in prison
11 capacity as provided in 1989 Iowa Acts, chapter 316, section
12 7, subsection 6:

13	\$	625,860
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14 6. For annual payment relating to the financial
15 arrangement for the construction of expansion in prison
16 capacity as provided in 1990 Iowa Acts, chapter 1257, section
17 24:

18	\$	3,180,990
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19 Sec. 6. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL
20 SERVICES.

21 1. There is appropriated from the general fund of the
22 state to the department of corrections for the fiscal year
23 beginning July 1, 1995, and ending June 30, 1996, the
24 following amounts, or so much thereof as is necessary, to be
25 allocated as follows:

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

31	\$	6,648,762
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32 (1) The district department shall continue the intensive
33 supervision program established within the district in 1988
34 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph
35 "a", and the sex offender treatment program established within

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

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

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

12 \$ 5,375,715

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

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

21 c. For the third 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 \$ 3,284,176

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

33 (2) The district department, in cooperation with the chief
34 judge of the judicial district, shall continue the
35 implementation of a plan to divert low-risk offenders to the

1 least restrictive sanction available.

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

7 \$ 2,398,328

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

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

21 \$ 8,784,368

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

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

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

1 \$ 6,918,725

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

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

17 g. For the seventh 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 \$ 4,372,318

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

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

33 (3) The district department, in cooperation with the chief
34 judge of the judicial district, shall continue the
35 implementation of a plan to divert low-risk offenders to the

1 least restrictive sanction available.

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

7 \$ 3,905,921

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

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

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

22 \$ 83,576

23 2. The department of corrections shall continue to
24 contract with a judicial district department of correctional
25 services to provide for the rental of electronic monitoring
26 equipment which shall be available statewide.

27 3. Each judicial district department of correctional
28 services and the department of corrections shall continue the
29 treatment alternatives to street crime programs established in
30 1989 Iowa Acts, chapter 225, section 9.

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

1 5. Each judicial district department of correctional
2 services shall provide a report concerning the treatment and
3 supervision of probation and parole violators who have been
4 released from the department of corrections violator program,
5 to the co-chairpersons and ranking members of the joint
6 appropriations subcommittee on the justice system and the
7 legislative fiscal bureau, on or before January 15, 1996.

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

13 Sec. 7. JUDICIAL DEPARTMENT. There is appropriated from
14 the general fund of the state to the judicial department for
15 the fiscal year beginning July 1, 1995, and ending June 30,
16 1996, the following amounts, or so much thereof as is
17 necessary, to be used for the purposes designated:

18 1. For salaries of supreme court justices, appellate court
19 judges, district court judges, district associate judges,
20 judicial magistrates and staff, state court administrator,
21 clerk of the supreme court, district court administrators,
22 clerks of the district court, trial court supervisors, trial
23 court technicians II, financial supervisors I and II, juvenile
24 court officers, board of law examiners and board of examiners
25 of shorthand reporters and judicial qualifications commission,
26 receipt and disbursement of child support payments,
27 reimbursement of the auditor of state for expenses incurred in
28 completing audits of the offices of the clerks of the district
29 court during the fiscal year beginning July 1, 1995, and
30 maintenance, equipment, and miscellaneous purposes:

31 \$ 87,220,772

32 a. The judicial department, except for purposes of
33 internal processing, shall use the current state budget
34 system, the state payroll system, and the Iowa finance and
35 accounting system in administration of programs and payments

1 for services, and shall not duplicate the state payroll,
2 accounting, and budgeting systems.

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

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

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

20 e. Of the funds appropriated in this subsection, the
21 judicial department shall use not more than \$968,716 for an
22 additional 7 district court judges and an additional 7 court
23 reporters. Of the additional district court judges and court
24 reporters, 1 additional district court judge and 1 court
25 reporter shall be assigned one each to judicial election
26 subdistricts one-B and eight-A and to judicial election
27 districts four, six, and seven, and 2 additional district
28 court judges and 2 court reporters shall be assigned to the
29 judicial election subdistrict five-C.

30 f. Of the funds appropriated in this subsection, the
31 judicial department shall use not more than \$507,184 for an
32 additional 4 district associate judges and 4 additional court
33 reporters, with 3 of the additional district associate judges
34 and 3 additional court reporters for Polk county, and 1
35 additional district associate judge and one additional court

1 reporter for Bremer, Floyd, and Hardin counties,
2 notwithstanding the provisions of section 602.6301.

3 g. Of the funds appropriated in this subsection, the
4 judicial department shall use the following amounts for the
5 purposes indicated:

6 (1) For an additional 1 FTE for the expansion of the
7 court-appointed special advocate program, \$43,336.

8 (2) For an additional 4 juvenile court officers, \$133,635.

9 h. It is the intent of the general assembly that the
10 judicial department reduce the amounts expended for travel,
11 office supplies, and printing by 5 percent from the amounts
12 expended for these purposes during the 1994-1995 fiscal year.

13 i. Of the funds appropriated in this subsection, the
14 judicial department shall use not more than \$1,290,000 for
15 increasing the existing capacity of the Iowa court information
16 system by extending the system into 15 additional counties and
17 for the development of a computer software program to allow
18 state agencies to gain access to data in the Iowa court
19 information system. However, the funds shall not be used to
20 expand the applications of the system for purposes other than
21 those for which the system is currently used, and the judicial
22 department shall focus efforts in utilizing the funds referred
23 to in this paragraph upon the collection of delinquent fines,
24 penalties, court costs, fees, surcharges, or similar amounts.
25 The judicial department shall investigate the most efficient
26 way to complete the expansion of the department's entire
27 communication and information management system, and include
28 this information in a report to be submitted to the co-
29 chairpersons and ranking members of the joint appropriations
30 subcommittee on the justice system and the legislative fiscal
31 bureau, on or before January 15, 1996.

32 j. It is the intent of the general assembly that the
33 offices of the clerks of the district court operate in all
34 ninety-nine counties and be accessible to the public as much
35 as is reasonably possible in order to address the relative

1 needs of the citizens of each county.

2 k. The judicial department shall report to the co-
3 chairpersons and ranking members of the joint appropriations
4 subcommittee on the justice system by February 1, 1996,
5 concerning an evaluation of the needs of the court system,
6 particularly resources necessary to meet the increasing
7 demands on the courts. The report shall also identify
8 legislative changes which would reduce or alleviate the
9 workload of the courts.

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

14 2. For the juvenile victim restitution program:
15 \$ 155,396

16 Sec. 8. IOWA COURT INFORMATION SYSTEM. There is
17 appropriated from the general fund of the state to the
18 judicial department for the fiscal year beginning July 1,
19 1995, and ending June 30, 1996, the following amount, or so
20 much thereof as is necessary, to be used for the purpose
21 designated:

22 For the Iowa court information system:
23 \$ 857,500

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

32 2. a. The judicial department shall provide a report
33 semiannually to the co-chairpersons and ranking members of the
34 joint appropriations subcommittee on the justice system and
35 the legislative fiscal bureau specifying the amounts of fines,

1 surcharges, and court costs collected using the Iowa court
2 information system. The report shall demonstrate and specify
3 how the Iowa court information system is used to improve the
4 collection process. The report shall also compare fines,
5 surcharges, and court costs collected in selected counties
6 which are using an automated system versus the amounts
7 collected in at least three counties which are not using an
8 automated system.

9 b. A report required by this section shall be made by
10 January 15, 1996, for the counties added to the Iowa court
11 information system during the 1994-1995 fiscal year, and by
12 January 15, 1997, for the 15 additional counties added to the
13 system by this Act, indicating whether the counties have
14 reduced uncollected court fines and fees by 50 percent as a
15 result of being added to the system.

16 Sec. 9. ENHANCED COURT COLLECTIONS FUND -- DISTRIBUTION.
17 Of the moneys collected and deposited in the enhanced court
18 collections fund created in section 602.1304, as enacted by
19 this Act, the first \$359,000 deposited in the fund in the
20 fiscal year beginning July 1, 1995, for use by the Iowa court
21 information system shall be expended for the purchase of jury
22 management software. Any additional moneys deposited in the
23 enhanced court collections fund in the fiscal year beginning
24 July 1, 1995, shall not be used for appellate software.

25 Sec. 10. JUDICIAL RETIREMENT FUND. There is appropriated
26 from the general fund of the state to the judicial retirement
27 fund for the fiscal year beginning July 1, 1995, and ending
28 June 30, 1996, the following amount, or so much thereof as is
29 necessary, to be used for the purpose designated:

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

34 \$ 3,150,915

35 Sec. 11. INDIGENT DEFENSE COSTS. The supreme court shall

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

16 Sec. 12. AUTOMATED DATA SYSTEM. The department of
17 corrections, judicial district departments of correctional
18 services, board of parole, and the judicial department shall
19 continue to develop an automated data system for use in the
20 sharing of information between the department of corrections,
21 judicial district departments of correctional services, board
22 of parole, and the judicial department. The information to be
23 shared shall concern any individual who may, as the result of
24 an arrest or infraction of any law, be subject to the
25 jurisdiction of the department of corrections, judicial
26 district departments of correctional services, or board of
27 parole. The department of corrections, in consultation and
28 cooperation with the judicial district departments of
29 correctional services, the board of parole, and the judicial
30 department, shall provide a report concerning the development
31 of the automated data system to the co-chairpersons and
32 ranking members of the joint appropriations subcommittee on
33 the justice system and the legislative fiscal bureau, on or
34 before January 15, 1996.

35 Sec. 13. CORRECTIONAL INSTITUTIONS -- VOCATIONAL TRAINING.

1 The state prison industries board and the department of
2 corrections shall continue the implementation of a plan to
3 enhance vocational training opportunities within the
4 correctional institutions listed in section 904.102, as
5 provided in 1993 Iowa Acts, chapter 171, section 12. The plan
6 shall provide for increased vocational training opportunities
7 within the correctional institutions, including the
8 possibility of approving community college credit for inmates
9 working in prison industries. The department of corrections
10 shall provide a report concerning the implementation of the
11 plan to the co-chairpersons and ranking members of the joint
12 appropriations subcommittee on the justice system and the
13 legislative fiscal bureau, on or before January 15, 1996.

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

16 1. Notwithstanding any other provision of law to the
17 contrary, moneys appropriated to the department of corrections
18 pursuant to 1994 Iowa Acts, chapter 1196, sections 4, 5, and
19 6, shall be considered encumbered pursuant to section 8.33,
20 and shall not revert to the general fund of the state at the
21 end of the fiscal year commencing July 1, 1994. As used in
22 this section, unless the context otherwise requires,
23 "encumbered funds" means the moneys appropriated to the
24 department of corrections pursuant to 1994 Iowa Acts, chapter
25 1196, sections 4, 5, and 6, which would otherwise revert to
26 the general fund of the state after the end of the fiscal year
27 in which the moneys were appropriated, but for the prohibition
28 contained in this section.

29 2. The department of corrections shall use encumbered
30 funds in the fiscal year commencing July 1, 1995, to fund up
31 to an additional 50 FTEs for the employment of correctional
32 officers in the correctional institutions specified in section
33 904.102, and to purchase surveillance cameras and other
34 necessary surveillance equipment for use in correctional
35 institutions. The full-time equivalent positions provided in

1 this section for the employment of correctional officers and
2 the funding provided for the purchase of equipment are in
3 addition to any full-time equivalent positions or equipment
4 funded in section 4 of this Act. The department of
5 corrections shall use its discretion in distributing the
6 additional correctional officers and equipment throughout the
7 correctional facilities. The department of corrections shall
8 file a report with the department of management concerning
9 correctional officer positions filled and critically needed
10 safety equipment purchased from encumbered funds provided
11 under this section. If the department is able to fund an
12 additional 50 FTEs for the employment of correctional officers
13 pursuant to this section and to purchase all critically needed
14 safety equipment, any remaining funds shall be unencumbered
15 and shall revert to the general fund of the state at the end
16 of the fiscal year commencing July 1, 1995.

17 Sec. 15. 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. 16. 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, 1995, and ending June
34 30, 1996, 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 \$ 9,020,095
5 FTEs 160.30

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

9 \$ 11,751,800

10 The department of inspections and appeals shall design a
11 uniform statewide fee claim form for juvenile court cases for
12 all attorneys to utilize in submitting fee claims to the
13 counties for payment so as to enable the department to compile
14 statewide cost and statistical information. The department
15 may adopt emergency rules to implement this process.

16 Sec. 17. EMERGENCY RULES. If specifically authorized by a
17 provision of this Act, the department of inspections and
18 appeals may adopt administrative rules under section 17A.4,
19 subsection 2, and section 17A.5, subsection 2, paragraph "b",
20 to implement the provisions and the rules shall become
21 effective immediately upon filing, unless a later effective
22 date is specified in the rules. Any rules adopted in
23 accordance with the provisions of this section shall also be
24 published as notice of intended action as provided in section
25 17A.4.

26 Sec. 18. IOWA LAW ENFORCEMENT ACADEMY. There is
27 appropriated from the general fund of the state to the Iowa
28 law enforcement academy for the fiscal year beginning July 1,
29 1995, and ending June 30, 1996, the following amounts, or so
30 much thereof as is necessary, to be used for the purposes
31 designated:

32 1. For salaries, support, maintenance, miscellaneous
33 purposes, including jailer training and technical assistance,
34 and for not more than the following full-time equivalent
35 positions:

1 \$ 1,000,154
2 FTEs 24.00

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

6 \$ 15,000

7 3. The Iowa law enforcement academy may annually select at
8 least five automobiles of the department of public safety,
9 division of highway safety, uniformed force, and radio
10 communications, prior to turning over the automobiles to the
11 state vehicle dispatcher to be disposed of by public auction
12 and the Iowa law enforcement academy may exchange any
13 automobile owned by the academy for each automobile selected
14 if the selected automobile is used in training law enforcement
15 officers at the academy. However, any automobile exchanged by
16 the academy shall be substituted for the selected vehicle of
17 the department of public safety and sold by public auction
18 with the receipts being deposited in the depreciation fund to
19 the credit of the department of public safety, division of
20 highway safety, uniformed force, and radio communications.

21 Sec. 19. DEPARTMENT OF PUBLIC DEFENSE. There is
22 appropriated from the general fund of the state to the
23 department of public defense for the fiscal year beginning
24 July 1, 1995, and ending June 30, 1996, the following amounts,
25 or so much thereof as is necessary, to be used for the
26 purposes designated:

27 1. MILITARY DIVISION

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

31 \$ 3,852,724
32 FTEs 212.26

33 If there is a surplus in the general fund of the state for
34 the fiscal year ending June 30, 1996, within 60 days after the
35 closing of the fiscal year, the military division may incur up

1 to an additional \$500,000 in expenditures from the surplus
2 prior to transfer of the surplus pursuant to section 8.57.

3 2. EMERGENCY MANAGEMENT DIVISION

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

7	\$	486,498
8	FTEs	14.05

9 Sec. 20. DEPARTMENT OF PUBLIC SAFETY. There is
10 appropriated from the general fund of the state to the
11 department of public safety for the fiscal year beginning July
12 1, 1995, and ending June 30, 1996, the following amounts, or
13 so much thereof as is necessary, to be used for the purposes
14 designated:

15 1. For the department's administrative functions,
16 including the medical examiner's office and the criminal
17 justice information system, and for not more than the
18 following full-time equivalent positions:

19	\$	2,179,251
20	FTEs	40.00

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

28	\$	8,330,089
29	FTEs	166.00

30 The department of public safety, with the approval of the
31 department of management, may employ no more than two special
32 agents and four gaming enforcement officers for each
33 additional riverboat regulated on or after March 31, 1995.

34 3. For the division of narcotics enforcement:

35 a. The state's contribution to the peace officers'

1 retirement, accident, and disability system provided in
2 chapter 97A in the amount of 18 percent of the salaries for
3 which the funds are appropriated, to meet federal fund
4 matching requirements, and for not more than the following
5 full-time equivalent positions:

6 \$ 2,401,001
7 FTEs 38.00

8 b. Undercover purchases:

9 \$ 139,202

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

16 \$ 1,424,236
17 FTEs 31.00

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

24 \$ 1,164,441
25 FTEs 27.00

26 6. For the division of highway safety, uniformed force,
27 and radio communications to be used for salaries, support,
28 maintenance, workers' compensation costs, and miscellaneous
29 purposes, including the state's contribution to the peace
30 officers' retirement, accident, and disability system provided
31 in chapter 97A in the amount of 18 percent of the salaries for
32 which the funds are appropriated, and for not more than the
33 following full-time equivalent positions:

34 \$ 32,960,467
35 FTEs 553.50

1 An employee of the department of public safety who retires
2 after the effective date of this Act but prior to June 30,
3 1996, is eligible for payment of life or health insurance
4 premiums as provided for in the collective bargaining
5 agreement covering the public safety bargaining unit at the
6 time of retirement if that employee previously served in a
7 position which would have been covered by the agreement. The
8 employee shall be given credit for the service in that prior
9 position as though it were covered by that agreement. The
10 provisions of this paragraph shall not operate to reduce any
11 retirement benefits an employee may have earned under other
12 collective bargaining agreements or retirement programs.

13 7. For costs associated with the maintenance of the
14 automated fingerprint information system (AFIS):
15 \$ 211,576

16 8. For salaries, support, maintenance, and miscellaneous
17 purposes of the pari-mutuel law enforcement agents, including
18 the state's contribution to the peace officers' retirement,
19 accident, and disability system provided in chapter 97A in the
20 amount of 18 percent of the salaries for which the funds are
21 appropriated:
22 \$ 308,602

23 Sec. 21. The governor's traffic safety bureau of the
24 department of public safety shall maximize funding to the
25 division of health delivery systems of the Iowa department of
26 public health during the fiscal year beginning July 1, 1995,
27 from the moneys received from the federal highway
28 administration due to the state's failure to enact a mandatory
29 motorcycle helmet law pursuant to the federal Intermodal
30 Surface Transportation Efficiency Act of 1991. The funds
31 shall be allocated to emergency medical services associations
32 for training of emergency medical services personnel and for
33 the purchase of emergency medical equipment. Funding for
34 emergency medical services shall be maximized to the extent
35 that federal highway traffic safety funds are not jeopardized.

1 Sec. 22. Section 16.177, subsection 10, Code 1995, is
2 amended by striking the subsection.

3 Sec. 23. Section 99F.10, subsection 4, Code 1995, is
4 amended to read as follows:

5 4. In determining the license fees and state admission
6 fees to be charged as provided under section 99F.4 and this
7 section, the commission shall use the amount appropriated to
8 the commission plus the full cost of auditing the division of
9 criminal investigation's excursion gambling boat activities as
10 the basis for determining the amount of revenue to be raised
11 from the license fees and admission fees. The division's
12 costs shall include but are not limited to salary and
13 associated costs incurred by personnel assigned to excursion
14 boat gambling who enforce laws, and rules adopted by the
15 commission.

16 Sec. 24. Section 602.1302, subsection 1, Code 1995, is
17 amended to read as follows:

18 1. Except as otherwise provided by section sections
19 602.1303 and 602.1304 or other applicable law, the expenses of
20 operating and maintaining the department shall be paid out of
21 the general fund of the state from funds appropriated by the
22 general assembly for the department. State funding shall be
23 phased in as provided in section 602.11101.

24 Sec. 25. Section 602.1304, Code 1995, is amended to read
25 as follows:

26 602.1304 REVENUES -- ENHANCED COURT COLLECTIONS FUND.

27 1. Except as provided in article 8 and subsection 2 of
28 this section, all fees and other revenues collected by
29 judicial officers and court employees shall be paid into the
30 general fund of the state.

31 2. a. The enhanced court collections fund is created in
32 the state treasury under the authority of the supreme court.
33 The fund shall be separate from the general fund of the state
34 and the balance in the fund shall not be considered part of
35 the balance of the general fund of the state. Notwithstanding

1 section 8.33, moneys in the fund shall not revert to the
2 general fund, unless and to the extent the total amount of
3 moneys deposited into the fund in a fiscal year would exceed
4 the maximum annual deposit amount established for the
5 collections fund by the general assembly. The initial maximum
6 annual deposit amount for a fiscal year is four million
7 dollars. Notwithstanding section 12C.7, subsection 2,
8 interest or earnings on moneys in the collections fund shall
9 remain in the collections fund and any interest and earnings
10 shall be in addition to the maximum annual deposit amount.

11 b. For each fiscal year, the state revenue estimating
12 conference estimate of the total amount of fees and other
13 revenues collected by judicial officers and court employees
14 for that fiscal year shall be equally and proportionately
15 divided into a quarterly amount. The state revenue estimating
16 conference estimate used shall be the first estimate made
17 following the adjournment of the regular session of the
18 general assembly adjusted as provided in section 8.54,
19 subsection 1. In each quarter of a fiscal year, after
20 revenues collected by judicial officers and court employees
21 equal to that quarterly amount are deposited into the general
22 fund of the state and after the required amount is deposited
23 during the quarter into the Iowa prison infrastructure fund
24 pursuant to section 602.8108A, the director of revenue and
25 finance shall deposit the remaining revenues for that quarter
26 into the enhanced court collections fund in lieu of the
27 general fund. However, after total deposits into the
28 collections fund for the fiscal year are equal to the maximum
29 deposit amount established for the collections fund, remaining
30 revenues for that fiscal year shall be deposited into the
31 general fund.

32 c. Moneys in the collections fund shall be used by the
33 judicial department for the Iowa court information system.

34 Sec. 26. Section 602.6201, subsection 10, Code 1995, is
35 amended to read as follows:

1 10. Notwithstanding the formula for determining the number
2 of judgeships in this section, the number of district judges
3 shall not exceed one hundred one eight during the period
4 commencing July 1, ~~1990~~ 1995.

5 Sec. 27. Section 602.8108A, subsection 1, Code 1995, is
6 amended to read as follows:

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

1 transferred to the general fund.

2 Sec. 28. 1993 Iowa Acts, chapter 171, section 11,
3 subsection 4, as amended by 1994 Iowa Acts, chapter 1196,
4 section 23 is amended to read as follows:

5 4. The task force shall submit the plan to the governor
6 and the general assembly on or before January 15, ~~1995~~ 1996.

7 Sec. 29. EFFECTIVE DATES.

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

12 2. Section 14 of this Act, pertaining to the encumbrance
13 of certain moneys appropriated to the department of correc-
14 tions in the fiscal year commencing July 1, 1994, being deemed
15 of immediate importance, takes effect upon enactment.

16 3. Section 4, subsection 3, and section 27, relating to
17 department of corrections facilities and the prison
18 infrastructure fund, being deemed of immediate importance,
19 take effect upon enactment.

20 4. Section 28 of this Act, dealing with the intermediate
21 criminal sanctions task force, takes effect upon enactment and
22 is retroactively applicable to January 1, 1995.

23 5. Section 21 of this Act, dealing with the governor's
24 traffic safety bureau, takes effect upon enactment.

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SENATE FILE 459

H-3811

1 Amend Senate File 459, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 10, by striking the figure
4 "5,242,801" and inserting the following: "5,142,801". A

5 2. Page 1, line 19, by striking the figure
6 "175,000" and inserting the following: "122,415". B

7 3. By striking page 4, line 22, through page 5,
8 line 7.

9 4. Page 7, by inserting after line 25 the
10 following:

11 "Moneys received by the department of corrections
12 as reimbursement for services provided to the Clarinda C
13 youth corporation are appropriated to the department
14 and shall be used for the purpose of operating the
15 Clarinda correctional facility."

16 5. By striking page 8, line 16, through page 9,
17 line 35. D

18 6. Page 10, by striking lines 20 through 26. E

19 7. Page 11, by inserting after line 18 the
20 following:

21 "7. For educational programs for inmates at state
22 penal institutions:
23 \$ 1,850,600

24 It is the intent of the general assembly that
25 moneys appropriated in this subsection shall be used
26 solely for the purpose indicated and that the moneys
27 shall not be transferred for any other purpose."

28 8. Page 16, by inserting after line 12 the
29 following:

30 "7. In addition to the requirements of section
31 8.39, the department of corrections shall not make an
32 intradepartmental transfer of moneys appropriated to
33 the department, unless notice of the intradepartmental
34 transfer is given prior to its effective date to the
35 legislative fiscal bureau. The notice shall include C
36 information on the department's rationale for making
37 the transfer and details concerning the work load and
38 performance measures upon which the transfers are
39 based."

40 9. Page 22, line 34, by inserting after the word
41 "surveillance" the following: "or safety".

42 10. Page 26, line 28, by striking the figure
43 "8,330,089" and inserting the following: "8,808,350".

44 11. Page 26, line 29, by striking the figure
45 "166.00" and inserting the following: "180.00".

46 12. Page 27, by striking lines 26 through 35 and
47 inserting the following: "6."

48 13. Page 29, by striking lines 1 and 2.

49 14. Page 29, by inserting before line 3 the
50 following:

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Page 2

1 "Sec. ____ . NEW SECTION. 80.41 HIGHWAY SAFETY
2 PATROL FUND.

3 A highway safety patrol fund is created as a
4 separate fund in the state treasury. Interest and
5 other moneys earned by the fund shall be deposited in
6 the fund. The fund shall include moneys credited from
7 the use tax as allocated under section 423.24,
8 subsection 2. The moneys credited to the fund for the
9 fiscal year beginning July 1, 1995, and ending June
10 30, 1996, shall be appropriated as follows:

11 1. Thirty-three million two hundred ten thousand
12 four hundred sixty-seven dollars shall be appropriated
13 to the division of highway safety, uniformed force,
14 and radio communications of the department of public
15 safety to be used for salaries, support, maintenance,
16 and miscellaneous purposes, including workers'
17 compensation expenses and the state's contribution to
18 the peace officers' retirement, accident, and
19 disability system provided in chapter 97A in the
20 amount of eighteen percent of the salaries for which
21 the funds are appropriated.

22 2. Sufficient moneys for the division of highway
23 safety, uniformed force, and radio communications of
24 the department of public safety shall be appropriated
25 for salary adjustment moneys.

26 3. Any revenues remaining shall be credited to the
27 road use tax fund created under section 312.1.

28 It is the intent of the general assembly that
29 moneys be appropriated from the general fund of the
30 state to partially fund the division of highway
31 safety, uniformed force, and radio communications of
32 the department of public safety by fiscal year 1997
33 and to fully fund the division by fiscal year 2001 and
34 each fiscal year thereafter. It is further intended
35 that the fund created in this section be repealed when
36 the highway patrol is fully funded from the general
37 fund of the state and all use tax receipts designated
38 in section 423.24, subsection 2, are deposited in the
39 road use tax fund."

40 15. Page 29, line 8, by striking the words "full
41 cost of auditing" and inserting the following: "cost
42 of auditing salaries for no more than two special
43 agents and no more than four gaming enforcement
44 officers for each excursion gambling boat for".

45 16. Page 29, by striking lines 12 through 14 and
46 inserting the following: "salary costs shall be
47 limited to sixty-five percent of the salary costs for
48 special agents and sixty-five percent of the salary
49 costs for gaming enforcement for personnel assigned to
50 excursion gambling boats who enforce laws and rules

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Page 3

1 adopted by the".

2 17. Page 29, by inserting after line 15 the
3 following:

4 "Sec. _____. Section 423.24, subsection 2, Code
5 1995, is amended to read as follows:

6 2. Twenty percent of all revenue derived from the
7 use tax on motor vehicles, trailers, and motor vehicle
8 accessories and equipment as collected pursuant to
9 section 423.7 shall be deposited in the ~~GAAP-deficit~~
10 ~~reduction-account-established-in-the-department-of~~
11 ~~management-pursuant-to-section-8.57,-subsection-2,~~
12 highway safety patrol fund created in section 80.41,
13 and shall be used in accordance with the provisions of
14 that section."

15 18. By striking page 31, line 5, through page 32,
16 line 1.

17 19. Page 32, by inserting before line 2 the
18 following:

19 "Sec. _____. Section 904.105, subsection 9, Code
20 1995, is amended by striking the subsection.

21 Sec. 100. NEW SECTION. 904.311A PRISON RECYCLING
22 FUND.

23 The Iowa prison recycling fund is created and
24 established as a separate and distinct fund in the
25 state treasury. All moneys remitted to the department
26 for recycling operations in each fiscal year
27 commencing with the fiscal year beginning July 1,
28 1994, shall be deposited in the fund. Notwithstanding
29 section 12C.7, subsection 2, interest or earnings on
30 moneys deposited in the fund shall be credited to the
31 fund. Notwithstanding section 8.33, moneys in the
32 fund shall not revert to the general fund of the state
33 at the close of a fiscal year but shall remain in the
34 fund and be used as directed in this section in the
35 succeeding fiscal year. The treasurer of state shall
36 act as custodian of the fund and disburse moneys from
37 the fund as directed by the department for the purpose
38 of payment of operating expenses for recycling.

39 Sec. _____. NEW SECTION. 904.508A INMATE TELEPHONE
40 REBATE FUND.

41 The department is authorized to establish and
42 maintain an inmate telephone rebate fund in each
43 institution for the deposit of moneys received for
44 inmate telephone rebates. All funds deposited in this
45 fund shall be used for the benefit of inmates. The
46 director shall adopt rules providing for the
47 disbursement of moneys from the fund."

48 20. Page 32, by inserting after line 6 the
49 following:

50 "Sec. _____. INTERIM STUDY COMMITTEE. The

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Page 4

1 legislative council is requested to authorize an
 2 interim study committee concerning the enforcement of
 3 activities on excursion gambling boats."
 4 21. Page 32, by striking lines 16 through 19.
 5 22. Page 32, by inserting after line 24 the
 C 6 following:
 7 "6. Section 100 of this Act, dealing with the Iowa
 8 prison recycling fund, takes effect upon enactment and
 9 is retroactively applicable to July 1, 1994."
 10 23. By renumbering, relettering, or redesignating
 11 and correcting internal references as necessary.

By COMMITTEE ON APPROPRIATIONS
 MILLAGE of Scott, Chairperson

H-3811 FILED APRIL 10, 1995

a/f adopted

SENATE FILE 459

H-3827

1 Amend Senate File 459, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 10, by inserting after line 19 the
 4 following:
 5 "It is the intent of the general assembly that as a
 6 condition of receiving the appropriation provided in
 7 this subsection, the department of corrections shall
 8 not permit the sale or allow the use of any tobacco
 9 products in any correctional facility under the
 10 department's control."
 11 2. Page 29, by inserting after line 15 the
 12 following:
 13 "Sec. ____ . Section 356.36, unnumbered paragraph 1,
 14 Code 1995, is amended to read as follows:
 15 The Iowa department of corrections, in consultation
 16 with the Iowa state sheriff's association, the Iowa
 17 association of chiefs of police and peace officers,
 18 the Iowa league of municipalities, and the Iowa board
 19 of supervisors association, shall draw up minimum
 20 standards for the regulation of jails, alternative
 21 jails, facilities established pursuant to chapter 356A
 22 and municipal holding facilities. The standards shall
 23 include a prohibition on the sale and use of tobacco
 24 products within the jails and facilities. When
 25 completed by the department, the standards shall be
 26 adopted as rules pursuant to chapter 17A."
 27 3. By renumbering as necessary.

By FALLON of Polk
 KREIMAN of Davis

H-3827 FILED APRIL 10, 1995

Foot (p. 1508)

SENATE FILE 459

H-3878

- 1 Amend Senate File 459, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 29, by inserting after line 15 the
4 following:
5 "Sec. ____ . Section 356.36, unnumbered paragraph 1,
6 Code 1995, is amended to read as follows:
7 The Iowa department of corrections, in consultation
8 with the Iowa state sheriff's association, the Iowa
9 association of chiefs of police and peace officers,
10 the Iowa league of municipalities, and the Iowa board
11 of supervisors association, shall draw up minimum
12 standards for the regulation of jails, alternative
13 jails, facilities established pursuant to chapter 356A
14 and municipal holding facilities. The standards shall
15 include a requirement that jails and facilities with
16 two hundred or more inmate beds employ a mental health
17 professional on the staff of that jail or facility.
18 When completed by the department, the standards shall
19 be adopted as rules pursuant to chapter 17A."
20 2. By renumbering as necessary.

By HARPER of Black Hawk

H-3878 FILED APRIL 11, 1995

Not germane (p. 1509)

SENATE FILE 459

H-3888

- 1 Amend the amendment, H-3827, to Senate File 459, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, line 8, by striking the words "not
5 permit" and inserting the following: "adopt rules
6 necessary to implement, by January 1, 2000, a ban on".
7 2. Page 1, line 8, by striking the words "allow
8 the".
9 3. Page 1, line 9, by inserting after the word
10 "any" the following: "building located in a".
11 4. Page 1, by striking lines 11 through 27.

By KREIMAN of Davis

FALLON of Polk

H-3888 FILED APRIL 11, 1995

Adopted (p. 1508)

SENATE FILE 459

H-3868

- 1 Amend the amendment, H-3811, to Senate File 459, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, line 4, by striking the figure
5 "5,142,801" and inserting the following: "5,042,801".
By MILLAGE of Scott

H-3868 FILED APRIL 11, 1995

Lost (p. 1502)

SENATE FILE 459

H-3869

1 Amend Senate File 459 as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 25, line 6, by striking the figure
4 "15,000" and inserting the following: "30,000".
By BELL of Jasper

H-3869 FILED APRIL 11, 1995

Adopted (p. 1508)

SENATE FILE 459

H-3872

1 Amend the amendment, H-3811, to Senate File 459, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 3, by striking lines 19 and 20.
By MURPHY of Dubuque
BELL of Jasper

H-3872 FILED APRIL 11, 1995

Adopted (p. 1504)

SENATE FILE 459

H-3875

1 Amend Senate File 459, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 28, by inserting after line 22 the
4 following:

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

18 10. In addition to other amounts appropriated, for
19 payment to the department of personnel for expenses
20 incurred in administering the merit system on behalf
21 of the division of highway safety, uniformed force,
22 and radio communications:

23 \$ 88,390"

By GARMAN of Story

H-3875 FILED APRIL 11, 1995

Adopted (p. 1509)

SENATE FILE 459

H-3889

1 Amend Senate File 459, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 30, by striking lines 11 through 18 and
4 inserting the following:

5 "b. For each fiscal year, a judicial collection
6 estimate for that fiscal year shall be equally and
7 proportionally divided into a quarterly amount. The
8 judicial collection estimate shall be calculated by
9 using the state revenue estimating conference estimate
10 made by December 15 pursuant to section 8.22A,
11 subsection 3, of the total amount of fines, fees,
12 civil penalties, costs, surcharges, and other revenues
13 collected by judicial officers and court employees for
14 deposit into the general fund of the state. The
15 revenue estimating conference estimate shall be
16 reduced by the maximum amounts allocated to the Iowa
17 prison infrastructure fund pursuant to section
18 602.8108A, and the court technology fund pursuant to
19 section 602.8108, and the remainder shall be the
20 judicial collection estimate."

21 2. Page 30, line 19, by striking the word and
22 figure "subsection 1."

23 3. Page 30, line 24, by inserting after the
24 figure "602.8108A" the following: "and into the court
25 technology fund pursuant to section 602.8108".

26 4. Page 30, line 31, by inserting after the word
27 "fund." the following: "If the revenue estimating
28 conference agrees to a different estimate at a later
29 meeting which projects a lesser amount of revenue than
30 the initial estimate amount used to calculate the
31 judicial collection estimate, the director of revenue
32 and finance shall recalculate the judicial collection
33 estimate accordingly."

By MILLAGE of Scott

H-3889 FILED APRIL 11, 1995

Adopted (p.1510)

SENATE FILE 459

H-3904

1 Amend the amendment, H-3889, to Senate File 459, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, line 33, by inserting the word
5 "accordingly." the following: "If the revenue
6 estimating conference agrees to a different estimate
7 at a later meeting which projects a greater amount of
8 revenue than the initial estimate amount used to
9 calculate the judicial collection estimate, the
10 director of revenue and finance shall recalculate the
11 judicial collection estimate accordingly but only to
12 the extent that the greater amount is due to an
13 increase in the fines, fees, civil penalties, costs,
14 surcharges, or other revenues allowed by law to be
15 collected by judicial officers and court employees."

By MILLAGE of Scott

H-3904 FILED APRIL 12, 1995

ADOPTED (p. 1510)

SENATE FILE 459

H-3906

1 Amend the amendment, H-3811, to Senate File 459, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by inserting after line 39 the
5 following:
6 " ____ . Page 17, by striking lines 23 through 29
7 and inserting the following: "reporters to be
8 assigned pursuant to section 602.6201.""
9 2. Page 1, by inserting before line 40 the
10 following:
11 " ____ . By striking page 17, line 33, through page
12 18, line 2, and inserting the following: "reporters
13 to be assigned pursuant to section 602.6301.""
14 3. By renumbering as necessary.

By DINKLA of Guthrie

H-3906 FILED APRIL 12, 1995

LOST (p. 1504)

HOUSE AMENDMENT TO
SENATE FILE 459

S-3410

1 Amend Senate File 459, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 10, by striking the figure
4 "5,242,801" and inserting the following: "5,142,801".
5 2. Page 1, line 19, by striking the figure
6 "175,000" and inserting the following: "122,415".
7 3. By striking page 4, line 22, through page 5,
8 line 7.
9 4. Page 7, by inserting after line 25 the
10 following:
11 "Moneys received by the department of corrections
12 as reimbursement for services provided to the Clarinda
13 youth corporation are appropriated to the department
14 and shall be used for the purpose of operating the
15 Clarinda correctional facility."
16 5. By striking page 8, line 16, through page 9,
17 line 35.
18 6. Page 10, by striking lines 20 through 26.
19 7. Page 11, by inserting after line 18 the
20 following:
21 "7. For educational programs for inmates at state
22 penal institutions:
23 \$ 1,850,600
24 It is the intent of the general assembly that
25 moneys appropriated in this subsection shall be used
26 solely for the purpose indicated and that the moneys
27 shall not be transferred for any other purpose."
28 8. Page 16, by inserting after line 12 the
29 following:
30 "7. In addition to the requirements of section
31 8.39, the department of corrections shall not make an
32 intradepartmental transfer of moneys appropriated to
33 the department, unless notice of the intradepartmental
34 transfer is given prior to its effective date to the
35 legislative fiscal bureau. The notice shall include
36 information on the department's rationale for making
37 the transfer and details concerning the work load and
38 performance measures upon which the transfers are
39 based."
40 9. Page 22, line 34, by inserting after the word
41 "surveillance" the following: "or safety".
42 10. Page 25, line 6, by striking the figure
43 "15,000" and inserting the following: "30,000".
44 11. Page 26, line 28, by striking the figure
45 "8,330,089" and inserting the following: "8,808,350".
46 12. Page 26, line 29, by striking the figure
47 "166.00" and inserting the following: "180.00".
48 13. Page 27, by striking lines 26 through 35 and
49 inserting the following: "6."
50 14. Page 28, by inserting after line 22 the

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Page 2

1 following:

2 "9. The division of highway safety, uniformed
 3 force, and radio communications may expend an amount
 4 proportional to the costs that are reimbursable from
 5 the highway safety patrol fund created in section
 6 80.41, as enacted by this Act. Spending for these
 7 costs may occur from any unappropriated funds in the
 8 state treasury upon a finding by the department of
 9 management that all of the amounts requested and
 10 approved are reimbursable from the highway safety
 11 patrol fund. Upon payment to the highway safety
 12 patrol fund, the division of highway safety, uniformed
 13 force, and radio communications shall credit the
 14 payments necessary to reimburse the state treasury.

15 10. In addition to other amounts appropriated, for
 16 payment to the department of personnel for expenses
 17 incurred in administering the merit system on behalf
 18 of the division of highway safety, uniformed force,
 19 and radio communications:

20 \$ 88,390"

21 15. Page 29, by striking lines 1 and 2.

22 16. Page 29, by inserting before line 3 the
 23 following:

24 "Sec. ____ . NEW SECTION. 80.41 HIGHWAY SAFETY
 25 PATROL FUND.

26 A highway safety patrol fund is created as a
 27 separate fund in the state treasury. Interest and
 28 other moneys earned by the fund shall be deposited in
 29 the fund. The fund shall include moneys credited from
 30 the use tax as allocated under section 423.24,
 31 subsection 2. The moneys credited to the fund for the
 32 fiscal year beginning July 1, 1995, and ending June
 33 30, 1996, shall be appropriated as follows:

34 1. Thirty-three million two hundred ten thousand
 35 four hundred sixty-seven dollars shall be appropriated
 36 to the division of highway safety, uniformed force,
 37 and radio communications of the department of public
 38 safety to be used for salaries, support, maintenance,
 39 and miscellaneous purposes, including workers'
 40 compensation expenses and the state's contribution to
 41 the peace officers' retirement, accident, and
 42 disability system provided in chapter 97A in the
 43 amount of eighteen percent of the salaries for which
 44 the funds are appropriated.

45 2. Sufficient moneys for the division of highway
 46 safety, uniformed force, and radio communications of
 47 the department of public safety shall be appropriated
 48 for salary adjustment moneys.

49 3. Any revenues remaining shall be credited to the
 50 road use tax fund created under section 312.1.

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Page 3

1 It is the intent of the general assembly that
2 moneys be appropriated from the general fund of the
3 state to partially fund the division of highway
4 safety, uniformed force, and radio communications of
5 the department of public safety by fiscal year 1997
6 and to fully fund the division by fiscal year 2001 and
7 each fiscal year thereafter. It is further intended
8 that the fund created in this section be repealed when
9 the highway patrol is fully funded from the general
10 fund of the state and all use tax receipts designated
11 in section 423.24, subsection 2, are deposited in the
12 road use tax fund."

13 17. Page 29, line 8, by striking the words "full
14 cost of auditing" and inserting the following: "cost
15 of auditing salaries for no more than two special
16 agents and no more than four gaming enforcement
17 officers for each excursion gambling boat for".

18 18. Page 29, by striking lines 12 through 14 and
19 inserting the following: "salary costs shall be
20 limited to sixty-five percent of the salary costs for
21 special agents and sixty-five percent of the salary
22 costs for gaming enforcement for personnel assigned to
23 excursion gambling boats who enforce laws and rules
24 adopted by the".

25 19. Page 29, by inserting after line 15 the
26 following:

27 "Sec. ____ . Section 423.24, subsection 2, Code
28 1995, is amended to read as follows:

29 2. Twenty percent of all revenue derived from the
30 use tax on motor vehicles, trailers, and motor vehicle
31 accessories and equipment as collected pursuant to
32 section 423.7 shall be deposited in the GAAP-defieit
33 reduction-account-established-in-the-department-of
34 management-pursuant-to-section-8-57,-subsection-2,
35 highway safety patrol fund created in section 80.41,
36 and shall be used in accordance with the provisions of
37 that section."

38 20. Page 30, by striking lines 11 through 18 and
39 inserting the following:

40 "b. For each fiscal year, a judicial collection
41 estimate for that fiscal year shall be equally and
42 proportionally divided into a quarterly amount. The
43 judicial collection estimate shall be calculated by
44 using the state revenue estimating conference estimate
45 made by December 15 pursuant to section 8.22A,
46 subsection 3, of the total amount of fines, fees,
47 civil penalties, costs, surcharges, and other revenues
48 collected by judicial officers and court employees for
49 deposit into the general fund of the state. The
50 revenue estimating conference estimate shall be

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Page 4

1 reduced by the maximum amounts allocated to the Iowa
2 prison infrastructure fund pursuant to section
3 602.8108A, and the court technology fund pursuant to
4 section 602.8108, and the remainder shall be the
5 judicial collection estimate."

6 21. Page 30, line 19, by striking the word and
7 figure "subsection 1."

8 22. Page 30, line 24, by inserting after the
9 figure "602.8108A" the following: "and into the court
10 technology fund pursuant to section 602.8108".

11 23. Page 30, line 31, by inserting after the word
12 "fund." the following: "If the revenue estimating
13 conference agrees to a different estimate at a later
14 meeting which projects a lesser amount of revenue than
15 the initial estimate amount used to calculate the
16 judicial collection estimate, the director of revenue
17 and finance shall recalculate the judicial collection
18 estimate accordingly. If the revenue estimating
19 conference agrees to a different estimate at a later
20 meeting which projects a greater amount of revenue
21 than the initial estimate amount used to calculate the
22 judicial collection estimate, the director of revenue
23 and finance shall recalculate the judicial collection
24 estimate accordingly but only to the extent that the
25 greater amount is due to an increase in the fines,
26 fees, civil penalties, costs, surcharges, or other
27 revenues allowed by law to be collected by judicial
28 officers and court employees."

29 24. By striking page 31, line 5, through page 32,
30 line 1.

31 25. Page 32, by inserting before line 2 the
32 following:

33 "Sec. 100. NEW SECTION. 904.311A PRISON RECYCLING
34 FUND.

35 The Iowa prison recycling fund is created and
36 established as a separate and distinct fund in the
37 state treasury. All moneys remitted to the department
38 for recycling operations in each fiscal year
39 commencing with the fiscal year beginning July 1,
40 1994, shall be deposited in the fund. Notwithstanding
41 section 12C.7, subsection 2, interest or earnings on
42 moneys deposited in the fund shall be credited to the
43 fund. Notwithstanding section 8.33, moneys in the
44 fund shall not revert to the general fund of the state
45 at the close of a fiscal year but shall remain in the
46 fund and be used as directed in this section in the
47 succeeding fiscal year. The treasurer of state shall
48 act as custodian of the fund and disburse moneys from
49 the fund as directed by the department for the purpose
50 of payment of operating expenses for recycling.

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Page 5

1 Sec. ____ . NEW SECTION. 904.508A INMATE TELEPHONE
2 REBATE FUND.
3 The department is authorized to establish and
4 maintain an inmate telephone rebate fund in each
5 institution for the deposit of moneys received for
6 inmate telephone rebates. All funds deposited in this
7 fund shall be used for the benefit of inmates. The
8 director shall adopt rules providing for the
9 disbursement of moneys from the fund."

10 26. Page 32, by inserting after line 6 the
11 following:

12 "Sec. ____ . INTERIM STUDY COMMITTEE. The
13 legislative council is requested to authorize an
14 interim study committee concerning the enforcement of
15 activities on excursion gambling boats."

16 27. Page 32, by striking lines 16 through 19.

17 28. Page 32, by inserting after line 24 the
18 following:

19 "6. Section 100 of this Act, dealing with the Iowa
20 prison recycling fund, takes effect upon enactment and
21 is retroactively applicable to July 1, 1994."

22 29. By renumbering, relettering, or redesignating
23 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-3410 FILED APRIL 13, 1995

*Senate refused to concur in as amended
4/20/95 (p. 1326)
House insists 4/20/95 (p. 1745)*

SENATE FILE 459

S-3486

1 Amend the House amendment, S-3410, to Senate File
2 459, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 3, by inserting after line 26 the
5 following:

6 "Sec. ____ . NEW SECTION. 100.55 IOWA FIRE
7 SERVICE TRAINING AND EQUIPMENT FUND.

8 1. An Iowa fire service training and equipment
9 fund is created in the office of the treasurer of
10 state under the authority of the division of fire
11 protection of the department of public safety. The
12 fund consists of all revenues and all other moneys
13 lawfully credited or transferred to the fund. The
14 moneys credited to the fund may be expended by the
15 division for approved training activities and
16 equipment by qualified fire departments,
17 administrative costs associated with the fund, and
18 costs associated with the fire service advisory board,
19 pursuant to rules adopted by the state fire marshal.

20 2. For each fiscal year there is appropriated from
21 the general fund of the state to the Iowa fire service
22 training and equipment fund, the amount of one million
23 dollars.

24 3. Section 8.33 does not apply to moneys in the
25 Iowa fire service training and equipment fund under
26 this section.

27 4. Notwithstanding section 12C.7, interest or
28 earnings on investments or time deposits of the moneys
29 in the Iowa fire service training and equipment fund
30 shall be credited to the Iowa fire service training
31 and equipment fund.

32 Sec. ____ . NEW SECTION. 100.56 FIRE SERVICE
33 ADVISORY BOARD.

34 1. A fire service advisory board is created. The
35 board shall be comprised of seven members appointed by
36 the commissioner of public safety with special
37 expertise in matters pertaining to fire service
38 training and equipment needs. The members shall serve
39 for a term of four years. Any vacancies on the board
40 shall be filled, for the remainder of the term
41 vacated, by appointment by the commissioner.

42 2. The advisory board shall advise and confer with
43 the state fire marshal in matters relating to the Iowa
44 fire service training and equipment fund and shall, at
45 the request of the state fire marshal, hold public
46 hearings and perform such other functions relating to
47 the fund.

48 3. A member may be removed from the board by the
49 commissioner for inefficiency, neglect of duty, or
50 misconduct or malfeasance of office, after receiving

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1 prior written notice and an opportunity to be heard.
2 4. Each member of the board shall receive per diem
3 compensation at the rate specified by section 7E.6,
4 and all necessary expenses incurred, while in the
5 performance of their duties for the board.

6 5. The board shall meet at least once a year and
7 such additional times as requested by the state fire
8 marshal. Four members of the board shall constitute a
9 quorum.

10 6. The state fire marshal shall adopt rules
11 pursuant to chapter 17A providing for the
12 administration and distribution of the Iowa fire
13 service training and equipment fund. The rules shall
14 provide for receiving advice concerning the
15 distribution of moneys in the fund from the fire
16 service advisory board."

17 2. Page 5, by inserting after line 11 the
18 following:

19 ""Sec. ____ . TEMPORARY PROVISIONS. Notwithstanding
20 section 100.56 as enacted by this Act, of the initial
21 appointees to the fire service advisory board, three
22 shall be appointed for a two-year term and four shall
23 be appointed for a four-year term."

24 3. By renumbering as necessary.

By JOHN W. JENSEN

S-3486 FILED APRIL 19, 1995

Adopted 4/20/95 (p.1325)

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 459

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 459, a bill for An Act relating to and making appropriations to the department of justice, office of consumer advocate, board of parole, department of corrections, judicial district departments of correctional services, judicial department, state public defender, Iowa law enforcement academy, department of public defense, and for the department of public safety's administration, division of criminal investigation and bureau of identification, division of narcotics enforcement, undercover purchases, and the state fire marshal's office, for the fiscal year beginning July 1, 1995, and providing effective dates and retroactive applicability, respectfully make the following report:

1. That the House recedes from its amendment, S-3410.
2. That Senate File 459, as amended, passed, and reprinted by the Senate, is amended as follows:
 1. Page 1, line 19, by striking the figure "175,000" and inserting the following: "122,415".
 2. By striking page 4, line 22, through page 5, line 7.
 3. Page 7, by inserting after line 25 the following:

"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."
 4. By striking page 8, line 16, through page 9, line 35, and inserting the following:

"3. The department of corrections shall conduct a study to

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compare the costs and consider the feasibility of leasing an existing building or of constructing, remodeling, or renovating a building for use as a residential facility and office in Fort Dodge by the second judicial district department of corrections. The department of corrections shall submit a report on the study, including the findings and recommendations of the department, to the general assembly on or before January 30, 1996.

4. The department of corrections shall conduct a study to consider the establishment and location of a 50-bed infirmary unit to provide nursing, medical, and other health care-related services to inmates. The department shall submit a report on the study, including the findings and recommendations of the department, to the general assembly on or before January 8, 1996.

5. The department of corrections shall, in consultation with the board of parole, the criminal and juvenile justice planning division of the department of human rights, and the office of the attorney general, conduct a study to consider whether to establish a super-maximum security facility for inmates. The study shall consider the number of beds needed at such a facility, the best location for the facility, whether existing facilities or new construction should be used to establish the facility, and whether constructing or establishing a new facility could result in removal of the court-ordered limit on the number of prison inmates allowed at Fort Madison. The department of corrections shall submit a report on the study, including the findings and recommendations of the department, to the general assembly on or before January 8, 1996."

5. Page 10, line 23, by striking the word "contract" and inserting the following: "new contract, unless the contract is a renewal of an existing contract,".

6. Page 10, by striking line 26 and inserting the following: "department using state employees as of July 1, 1995, or for the privatization of new services by the department, without prior consultation with any applicable

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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."

7. Page 11, by inserting after line 18 the following:

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

..... \$ 1,850,600

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.

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."

8. Page 16, by inserting after line 12 the following:

"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."

9. Page 22, line 34, by inserting after the word "surveillance" the following: "or safety".

10. Page 25, line 6, by striking the figure "15,000" and inserting the following: "30,000".

11. Page 26, line 28, by striking the figure "8,330,089" and inserting the following: "8,883,350".

12. Page 26, line 29, by striking the figure "166.00" and inserting the following: "182.00".

13. Page 27, by striking lines 26 through 35 and inserting the following: "6."

14. Page 29, by striking lines 1 and 2.

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15. Page 29, line 8, by striking the words "full cost of auditing" and inserting the following: "cost of auditing salaries for no more than two special agents and no more than four gaming enforcement officers for each excursion gambling boat for".

16. Page 29, by striking lines 12 through 14 and inserting the following: "salary costs shall be limited to sixty-five percent of the salary costs for special agents and sixty-five percent of the salary costs for gaming enforcement for personnel assigned to excursion gambling boats who enforce laws and rules adopted by the".

17. Page 30, by striking lines 11 through 18 and inserting the following:

"b. For each fiscal year, a judicial collection estimate for that fiscal year shall be equally and proportionally divided into a quarterly amount. The judicial collection estimate shall be calculated by using the state revenue estimating conference estimate made by December 15 pursuant to section 8.22A, subsection 3, of the total amount of fines, fees, civil penalties, costs, surcharges, and other revenues collected by judicial officers and court employees for deposit into the general fund of the state. The revenue estimating conference estimate shall be reduced by the maximum amounts allocated to the Iowa prison infrastructure fund pursuant to section 602.8108A, and the court technology fund pursuant to section 602.8108, and the remainder shall be the judicial collection estimate."

18. Page 30, line 19, by striking the word and figure "subsection 1."

19. Page 30, line 24, by inserting after the figure "602.8108A" the following: "and into the court technology fund pursuant to section 602.8108".

20. Page 30, line 31, by inserting after the word "fund." the following: "If the revenue estimating conference agrees to a different estimate at a later meeting which projects a lesser amount of revenue than the initial estimate amount used to calculate the judicial collection estimate, the director of

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revenue and finance shall recalculate the judicial collection estimate accordingly. If the revenue estimating conference agrees to a different estimate at a later meeting which projects a greater amount of revenue than the initial estimate amount used to calculate the judicial collection estimate, the director of revenue and finance shall recalculate the judicial collection estimate accordingly but only to the extent that the greater amount is due to an increase in the fines, fees, civil penalties, costs, surcharges, or other revenues allowed by law to be collected by judicial officers and court employees."

21. By striking page 31, line 5, through page 32, line 1.

22. Page 32, by inserting before line 2 the following:

"Sec. 100. NEW SECTION. 904.311A PRISON RECYCLING FUND.

The Iowa prison recycling fund is created and established as a separate and distinct fund in the state treasury. All moneys remitted to the department for recycling operations in each fiscal year commencing with the fiscal year beginning July 1, 1994, shall be deposited in the fund. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the fund shall be credited to the fund. Notwithstanding section 8.33, moneys in the fund shall not revert to the general fund of the state at the close of a fiscal year but shall remain in the fund and be used as directed in this section in the succeeding fiscal year. The treasurer of state shall act as custodian of the fund and disburse moneys from the fund as directed by the department for the purpose of payment of operating expenses for recycling.

Sec. ____ . NEW SECTION. 904.508A INMATE TELEPHONE REBATE FUND.

The department is authorized to establish and maintain an inmate telephone rebate fund in each institution for the deposit of moneys received for inmate telephone rebates. All funds deposited in this fund shall be used for the benefit of inmates. The director shall adopt rules providing for the disbursement of moneys from the fund."

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23. Page 32, by inserting after line 6 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."

24. Page 32, by striking lines 16 through 19.

25. Page 32, by inserting after line 24 the following:

"6. Section 100 of this Act, dealing with the Iowa prison recycling fund, takes effect upon enactment and is retroactively applicable to July 1, 1994."

26. By renumbering, relettering, or redesignating and correcting internal references as necessary.

ON THE PART OF THE SENATE:

EUGENE FRAISE, Chairperson
TONY BISIGNANO
MICHAEL E. GRONSTAL
STEWART IVERSON, Jr.
DONALD B. REDFERN

ON THE PART OF THE HOUSE:

TERESA GARMAN, Chairperson
PAUL BELL
RICK LARKIN
LYNN SCHULTE
JERRY WELTER

CCS-459 FILED APRIL 25, 1995

ADOPTED (p. 1399)

*Adopted (p. 1873)**4/25/95*

Fraise
Murphy
Iverson

SSB-298.2

Appropriations

SENATE FILE

BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 298.1)

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to and making appropriations to the department of
2 justice, office of consumer advocate, board of parole,
3 department of corrections, judicial district departments of
4 correctional services, judicial department, state public
5 defender, Iowa law enforcement academy, department of public
6 defense, and for the department of public safety's
7 administration, division of criminal investigation and bureau
8 of identification, division of narcotics enforcement,
9 undercover purchases, and the state fire marshal's office, for
10 the fiscal year beginning July 1, 1995, and providing
11 effective dates and retroactive applicability.

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

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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, 1995, and ending
4 June 30, 1996, 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 \$ 5,242,801
11 FTEs 177.50

12 It is the intent of the general assembly that the general
13 office of attorney general shall establish within the office a
14 farm services unit and a juvenile unit within the funds
15 appropriated in this subsection:

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

19 \$ 175,000
20 FTEs 4.00

21 a. In addition to the funds appropriated in this
22 subsection for the fiscal year beginning July 1, 1995, and
23 ending June 30, 1996, the attorney general shall provide up to
24 \$41,000 in state matching funds from moneys retained by the
25 attorney general from property forfeited pursuant to section
26 809.13, for the prosecuting attorney training program, the
27 prosecuting intern program, or both. Counties participating
28 in the prosecuting intern program shall match the state funds.

29 b. In addition to the funds appropriated in this
30 subsection for the fiscal year beginning July 1, 1995, and
31 ending June 30, 1996, and the moneys retained by the attorney
32 general pursuant to paragraph "a", the attorney general shall
33 provide up to \$10,000 in state matching funds from moneys
34 retained by the attorney general from property forfeited
35 pursuant to section 809.13, for the office of the prosecuting

1 attorneys training coordinator to use for continuation of the
2 domestic violence response enhancement program established in
3 accordance with 1992 Iowa Acts, chapter 1240, section 1,
4 subsection 2, paragraph "b".

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

9 3. In addition to the funds appropriated in subsection 1,
10 there is appropriated from the general fund of the state to
11 the department of justice for the fiscal year beginning July
12 1, 1995, and ending June 30, 1996, an amount not exceeding
13 \$200,000 to be used for the enforcement of the Iowa
14 competition law. The expenditure of the funds appropriated in
15 this subsection is contingent upon receipt by the general fund
16 of the state of an amount at least equal to either the
17 expenditures from damages awarded to the state or a political
18 subdivision of the state by a civil judgment under chapter
19 553, if the judgment authorizes the use of the award for
20 enforcement purposes or costs or attorneys fees awarded the
21 state in state or federal antitrust actions. However, if the
22 funds received as a result of these judgments are in excess of
23 \$200,000, the excess funds shall not be appropriated to the
24 department of justice pursuant to this subsection.

25 4. In addition to the funds appropriated in subsection 1,
26 there is appropriated from the general fund of the state to
27 the department of justice for the fiscal year beginning July
28 1, 1995, and ending June 30, 1996, an amount not exceeding
29 \$125,000 to be used for public education relating to consumer
30 fraud and for enforcement of section 714.16, and an amount not
31 exceeding \$75,000 for investigation, prosecution, and consumer
32 education relating to consumer and criminal fraud against
33 older Iowans. The expenditure of the funds appropriated in
34 this subsection is contingent upon receipt by the general fund
35 of the state of an amount at least equal to the expenditures

1 from damages awarded to the state or a political subdivision
2 of the state by a civil consumer fraud judgment or settlement,
3 if the judgment or settlement authorizes the use of the award
4 for public education on consumer fraud. However, if the funds
5 received as a result of these judgments and settlements are in
6 excess of \$200,000, the excess funds shall not be appropriated
7 to the department of justice pursuant to this subsection.

8 5. For victim assistance grants:

9 \$ 1,359,806

10 a. The funds appropriated in this subsection shall be used
11 to provide grants to care providers providing services to
12 crime victims of domestic abuse or to crime victims of rape
13 and sexual assault.

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

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

21 \$ 106,451
22 FTEs 3.00

23 7. The balance of the victim compensation fund established
24 under section 912.14 may be used to provide salary and support
25 of not more than 9 FTEs and to provide maintenance for the
26 victim compensation functions of the department of justice.

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

1 available moneys.

2 9. a. The department of justice, in submitting budget
3 estimates pursuant to section 8.23, shall include a report of
4 funding from sources other than amounts appropriated directly
5 from the general fund of the state to the department of
6 justice or to the office of consumer advocate. These funding
7 sources shall include, but are not limited to, reimbursements
8 from other state agencies, commissions, boards, or similar
9 entities, and reimbursements from special funds or internal
10 accounts within the department of justice. The department of
11 justice shall report actual reimbursements for the fiscal year
12 commencing July 1, 1994, and actual and expected
13 reimbursements for the fiscal year commencing July 1, 1995.

14 b. The department of justice shall include the report
15 required under paragraph "a", as well as information regarding
16 any revisions occurring as a result of reimbursements actually
17 received or expected at a later date, in a report to the co-
18 chairpersons and ranking members of the joint appropriations
19 subcommittee on the justice system and the legislative fiscal
20 bureau. The department of justice shall submit the report on
21 or before January 15, 1996.

22 10. For the Iowa coalition against substance abuse, for
23 salaries, support, maintenance, and miscellaneous purposes,
24 and for not more than the following full-time equivalent
25 positions:

26	\$	256,786
27	FTEs	9.00

28 It is the intent of the general assembly that the coalition
29 be established in the office of the attorney general to
30 perform those activities performed in prior fiscal years by
31 the governor's substance abuse prevention coordinator.

32 Sec. 2. OFFICE OF CONSUMER ADVOCATE. There is
33 appropriated from the general fund of the state to the office
34 of consumer advocate of the department of justice for the
35 fiscal year beginning July 1, 1995, and ending June 30, 1996,

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

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

6 \$ 2,155,779
7 FTEs 32.00

8 Sec. 3. BOARD OF PAROLE. There is appropriated from the
9 general fund of the state to the board of parole for the
10 fiscal year beginning July 1, 1995, and ending June 30, 1996,
11 the following amount, or so much thereof as is necessary, to
12 be used for the purposes designated:

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

20 \$ 805,400
21 FTEs 17.00

22 The board of parole shall require the board's
23 administrative staff to be cross-trained to assure that each
24 individual on that staff is familiar with all tasks performed
25 by the staff.

26 Sec. 4. DEPARTMENT OF CORRECTIONS -- FACILITIES. There is
27 appropriated from the general fund of the state to the
28 department of corrections for the fiscal year beginning July
29 1, 1995, and ending June 30, 1996, the following amounts, or
30 so much thereof as is necessary, to be used for the purposes
31 designated:

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

34 a. For the operation of the Fort Madison correctional
35 facility, including salaries, support, maintenance, employment

1 of 310 correctional officers, miscellaneous purposes, and for
2 not more than the following full-time equivalent positions:

3 \$ 25,528,267
4 FTEs 494.00

5 b. For the operation of the Anamosa correctional facility,
6 including salaries, support, maintenance, employment of 222
7 correctional officers and a part-time chaplain to provide
8 religious counseling to inmates of a minority race,
9 miscellaneous purposes, and for not more than the following
10 full-time equivalent positions:

11 \$ 19,337,558
12 FTEs 366.25

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

17 c. For the operation of the Oakdale correctional facility,
18 including salaries, support, maintenance, employment of 159
19 correctional officers, miscellaneous purposes, and for not
20 more than the following full-time equivalent positions:

21 \$ 15,966,313
22 FTEs 321.80

23 d. For the operation of the Newton correctional facility,
24 including salaries, support, maintenance, employment of 44
25 correctional officers, miscellaneous purposes, and for not
26 more than the following full-time equivalent positions:

27 \$ 5,687,373
28 FTEs 116.25

29 e. For the operation of the Mt. Pleasant correctional
30 facility, including salaries, support, maintenance, employment
31 of 150 correctional officers and a full-time chaplain to
32 provide religious counseling at the Oakdale and Mt. Pleasant
33 correctional facilities, miscellaneous purposes, and for not
34 more than the following full-time equivalent positions:

35 \$ 13,869,795

1 FTEs 268.92

2 f. For the operation of the Rockwell City correctional
3 facility, including salaries, support, maintenance, employment
4 of 58 correctional officers, miscellaneous purposes, and for
5 not more than the following full-time equivalent positions:

6 \$ 5,510,246

7 FTEs 111.00

8 g. For the operation of the Clarinda correctional
9 facility, including salaries, support, maintenance, employment
10 of 120.66 correctional officers, miscellaneous purposes, and
11 for not more than the following full-time equivalent
12 positions:

13 \$ 10,768,008

14 FTEs 203.85

15 h. For the operation of the Mitchellville correctional
16 facility, including salaries, support, maintenance, employment
17 of 71.5 correctional officers, miscellaneous purposes, and for
18 not more than the following full-time equivalent positions:

19 \$ 6,288,619

20 FTEs 132.00

21 2. a. If the inmate tort claim fund for inmate claims of
22 less than \$50 is exhausted during the fiscal year, sufficient
23 funds shall be transferred from the institutional budgets to
24 pay approved tort claims for the balance of the fiscal year.
25 The warden or superintendent of each institution or
26 correctional facility shall designate an employee to receive,
27 investigate, and recommend whether to pay any properly filed
28 inmate tort claim for less than the above amount. The
29 designee's recommendation shall be approved or denied by the
30 warden or superintendent and forwarded to the department of
31 corrections for final approval and payment. The amounts
32 appropriated to this fund pursuant to 1987 Iowa Acts, chapter
33 234, section 304, subsection 2, are not subject to reversion
34 under section 8.33.

35 b. Tort claims denied at the institution shall be

1 forwarded to the state appeal board for their consideration as
2 if originally filed with that body. This procedure shall be
3 used in lieu of chapter 669 for inmate tort claims of less
4 than \$50.

5 3. The department of corrections shall construct a 750-bed
6 medium security correctional facility for men on state-owned
7 land. In reviewing the merits of proposals to construct the
8 facility, the department of corrections shall consider the
9 speed of project completion as its top criteria in selecting
10 the site of the facility. Bonds shall be issued under the
11 provisions of sections 16.177 and 602.8108A in an amount not
12 to exceed \$36,000,000.

13 4. The department of corrections is authorized, pursuant
14 to section 16.177, to construct a residential facility and
15 office in Fort Dodge for use by the second judicial district
16 department of correctional services for an amount, exclusive
17 of financing costs, not to exceed \$1,845,071.

18 5. The department of corrections shall issue a request for
19 proposals for the construction of a 50-bed infirmary unit to
20 provide nursing, medical, and other health care related
21 services to inmates, which would only be constructed if the
22 proposal is accepted. The department of corrections shall
23 include specifications concerning the number of correctional
24 beds in the request for proposals and issue the request for
25 proposals in such a manner that responses are due and shall be
26 included in a report submitted by the department to the
27 general assembly on or before January 8, 1996. The department
28 of corrections shall not accept a proposal received in
29 accordance with this subsection without specific authorization
30 through the enactment of legislation to fund the proposal by
31 the Seventy-sixth General Assembly, 1996 Session, or a
32 subsequent general assembly.

33 6. The department of corrections shall issue a request for
34 proposals for the construction of a 250-bed, super-maximum
35 security facility at the Fort Madison correctional facility,

1 which would only be constructed if the proposal is accepted.
2 The department of corrections shall include specifications
3 concerning the number of correctional beds in the request for
4 proposals and issue the request for proposals in such a manner
5 that responses are due and shall be included in a report
6 submitted by the department to the general assembly on or
7 before January 8, 1996. The department of corrections shall
8 not accept a proposal received in accordance with this
9 subsection without specific authorization through the
10 enactment of legislation to fund the proposal by the Seventy-
11 sixth General Assembly, 1996 Session, or a subsequent general
12 assembly.

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

14 There is appropriated from the general fund of the state to
15 the department of corrections for the fiscal year beginning
16 July 1, 1995, and ending June 30, 1996, the following amounts,
17 or so much thereof as is necessary, to be used for the
18 purposes designated:

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

24	\$	2,298,531
25	FTEs	38.18

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

32 2. For reimbursement of counties for temporary confinement
33 of work release and parole violators, as provided in sections
34 901.7, 904.908, and 906.17 and for offenders confined pursuant
35 to section 904.513:

1 \$ 237,038

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

4 \$ 341,334

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

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

12 \$ 384,597

13 FTEs 7.16

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

18 \$ 625,860

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

23 \$ 3,180,990

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

26 1. There is appropriated from the general fund of the
27 state to the department of corrections for the fiscal year
28 beginning July 1, 1995, and ending June 30, 1996, the
29 following amounts, or so much thereof as is necessary, to be
30 allocated as follows:

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

1 \$ 6,648,762

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

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 b. For the second 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 \$ 5,375,715

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

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

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

31 \$ 3,284,176

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

1 established within the district in 1990 Iowa Acts, chapter
2 1268, section 6, subsection 3, paragraph "d".

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

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

12 \$ 2,398,328

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

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

21 e. For the fifth 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 \$ 8,784,368

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 "e", and shall continue to provide for the rental of
31 electronic monitoring equipment.

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

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

6 \$ 6,918,725

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

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

22 g. For the seventh 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 \$ 4,372,318

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 "g", and shall continue the sex offender treatment program
32 established within the district in 1989 Iowa Acts, chapter
33 316, section 8, subsection 1, paragraph "g".

34 (2) The district department shall continue the job
35 development program established within the district in 1990

1 Iowa Acts, chapter 1268, section 6, subsection 7, paragraph
2 "e".

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

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

12 \$ 3,905,921

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

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

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

27 \$ 83,576

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

32 3. Each judicial district department of correctional
33 services and the department of corrections shall continue the
34 treatment alternatives to street crime programs established in
35 1989 Iowa Acts, chapter 225, section 9.

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

6 5. Each judicial district department of correctional
7 services shall provide a report concerning the treatment and
8 supervision of probation and parole violators who have been
9 released from the department of corrections violator program,
10 to the co-chairpersons and ranking members of the joint
11 appropriations subcommittee on the justice system and the
12 legislative fiscal bureau, on or before January 15, 1996.

13 6. It is the intent of the general assembly that each
14 judicial district department of correctional services shall
15 operate the community-based correctional facilities in a
16 manner which provides for a residential population of at least
17 110 percent of the design capacity of the facility.

18 Sec. 7. JUDICIAL DEPARTMENT. There is appropriated from
19 the general fund of the state to the judicial department for
20 the fiscal year beginning July 1, 1995, and ending June 30,
21 1996, the following amounts, or so much thereof as is
22 necessary, to be used for the purposes designated:

23 1. For salaries of supreme court justices, appellate court
24 judges, district court judges, district associate judges,
25 judicial magistrates and staff, state court administrator,
26 clerk of the supreme court, district court administrators,
27 clerks of the district court, trial court supervisors, trial
28 court technicians II, financial supervisors I and II, juvenile
29 court officers, board of law examiners and board of examiners
30 of shorthand reporters and judicial qualifications commission,
31 receipt and disbursement of child support payments,
32 reimbursement of the auditor of state for expenses incurred in
33 completing audits of the offices of the clerks of the district
34 court during the fiscal year beginning July 1, 1995, and
35 maintenance, equipment, and miscellaneous purposes:

1 \$ 87,220,772

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

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

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

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

25 e. Of the funds appropriated in this subsection, the
26 judicial department shall use not more than \$968,716 for an
27 additional 7 district court judges and an additional 7 court
28 reporters. Of the additional district court judges and court
29 reporters, 1 additional district court judge and 1 court
30 reporter shall be assigned one each to judicial election
31 subdistricts one-B and eight-A and to judicial election
32 districts four, six, and seven, and 2 additional district
33 court judges and 2 court reporters shall be assigned to the
34 judicial election subdistrict five-C.

35 f. Of the funds appropriated in this subsection, the

1 judicial department shall use not more than \$507,184 for an
2 additional 4 district associate judges and 4 additional court
3 reporters, with 3 of the additional district associate judges
4 and 3 additional court reporters for Polk county, and 1
5 additional district associate judge and one additional court
6 reporter for Bremer, Floyd, and Hardin counties,
7 notwithstanding the provisions of section 602.6301.

8 g. Of the funds appropriated in this subsection, the
9 judicial department shall use the following amounts for the
10 purposes indicated:

11 (1) For an additional 1 FTE for the expansion of the
12 court-appointed special advocate program, \$43,336.

13 (2) For an additional 4 juvenile court officers, \$133,635.

14 h. It is the intent of the general assembly that the
15 judicial department reduce the amounts expended for travel,
16 office supplies, and printing by 5 percent from the amounts
17 expended for these purposes during the 1994-1995 fiscal year.

18 i. Of the funds appropriated in this subsection, the
19 judicial department shall use not more than \$1,290,000 for
20 increasing the existing capacity of the Iowa court information
21 system by extending the system into 15 additional counties and
22 for the development of a computer software program to allow
23 state agencies to gain access to data in the Iowa court
24 information system. However, the funds shall not be used to
25 expand the applications of the system for purposes other than
26 those for which the system is currently used, and the judicial
27 department shall focus efforts in utilizing the funds referred
28 to in this paragraph upon the collection of delinquent fines,
29 penalties, court costs, fees, surcharges, or similar amounts.
30 The judicial department shall investigate the most efficient
31 way to complete the expansion of the department's entire
32 communication and information management system, and include
33 this information in a report to be submitted to the co-
34 chairpersons and ranking members of the joint appropriations
35 subcommittee on the justice system and the legislative fiscal

1 bureau, on or before January 15, 1996.

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

7 k. The judicial department shall report to the co-
8 chairpersons and ranking members of the joint appropriations
9 subcommittee on the justice system by February 1, 1996,
10 concerning an evaluation of the needs of the court system,
11 particularly resources necessary to meet the increasing
12 demands on the courts. The report shall also identify
13 legislative changes which would reduce or alleviate the
14 workload of the courts.

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

19 2. For the juvenile victim restitution program:

20 \$ 155,396

21 Sec. 8. IOWA COURT INFORMATION SYSTEM. There is
22 appropriated from the general fund of the state to the
23 judicial department for the fiscal year beginning July 1,
24 1995, and ending June 30, 1996, the following amount, or so
25 much thereof as is necessary, to be used for the purpose
26 designated:

27 For the Iowa court information system:

28 \$ 857,500

29 1. In addition to the requirements for transfers under
30 section 8.39, the judicial department shall not change the
31 appropriations from the amounts appropriated in this section,
32 unless notice of the revisions is given prior to their
33 effective date to the legislative fiscal bureau. The notice
34 shall include information on the department's rationale for
35 making the changes and details concerning the work load and

1 performance measures upon which the changes are based.

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

14 b. A report required by this section shall be made by
15 January 15, 1996, for the counties added to the Iowa court
16 information system during the 1994-1995 fiscal year, and by
17 January 15, 1997, for the 15 additional counties added to the
18 system by this Act, indicating whether the counties have
19 reduced uncollected court fines and fees by 50 percent as a
20 result of being added to the system.

21 Sec. 9. ENHANCED COURT COLLECTIONS FUND -- DISTRIBUTION.
22 Of the moneys collected and deposited in the enhanced court
23 collections fund created in section 602.1304, as enacted by
24 this Act, the first \$359,000 deposited in the fund in the
25 fiscal year beginning July 1, 1995, for use by the Iowa court
26 information system shall be expended for the purchase of jury
27 management software. Any additional moneys deposited in the
28 enhanced court collections fund in the fiscal year beginning
29 July 1, 1995, shall not be used for appellate software.

30 Sec. 10. JUDICIAL RETIREMENT FUND. There is appropriated
31 from the general fund of the state to the judicial retirement
32 fund for the fiscal year beginning July 1, 1995, and ending
33 June 30, 1996, the following amount, or so much thereof as is
34 necessary, to be used for the purpose designated:

35 For the state's contribution to the judicial retirement

1 fund established in section 602.9104, in the amount of 23.7
2 percent of the basic salaries of the judges covered under
3 chapter 602, article 9:

4 \$ 3,150,915

5 Sec. 11. INDIGENT DEFENSE COSTS. The supreme court shall
6 submit a written report for the preceding fiscal year no later
7 than January 1 of each year indicating the amounts collected
8 pursuant to section 815.9A, relating to recovery of indigent
9 defense costs. The report shall include the total amount
10 collected by all courts, as well as the amounts collected by
11 each judicial district. The supreme court shall also submit a
12 written report quarterly indicating the number of criminal and
13 juvenile filings which occur in each judicial district for
14 purposes of estimating indigent defense costs. A copy of each
15 report shall be provided to the public defender, the
16 department of management, and the legislative fiscal bureau.
17 The judicial department shall continue to assist in the
18 development of an automated data system for use in the sharing
19 of information utilizing the generic program interface for
20 legislative and executive branch uses.

21 Sec. 12. AUTOMATED DATA SYSTEM. The department of
22 corrections, judicial district departments of correctional
23 services, board of parole, and the judicial department shall
24 continue to develop an automated data system for use in the
25 sharing of information between the department of corrections,
26 judicial district departments of correctional services, board
27 of parole, and the judicial department. The information to be
28 shared shall concern any individual who may, as the result of
29 an arrest or infraction of any law, be subject to the
30 jurisdiction of the department of corrections, judicial
31 district departments of correctional services, or board of
32 parole. The department of corrections, in consultation and
33 cooperation with the judicial district departments of
34 correctional services, the board of parole, and the judicial
35 department, shall provide a report concerning the development

1 of the automated data system to the co-chairpersons and
2 ranking members of the joint appropriations subcommittee on
3 the justice system and the legislative fiscal bureau, on or
4 before January 15, 1996.

5 Sec. 13. CORRECTIONAL INSTITUTIONS -- VOCATIONAL TRAINING.

6 The state prison industries board and the department of
7 corrections shall continue the implementation of a plan to
8 enhance vocational training opportunities within the
9 correctional institutions listed in section 904.102, as
10 provided in 1993 Iowa Acts, chapter 171, section 12. The plan
11 shall provide for increased vocational training opportunities
12 within the correctional institutions, including the
13 possibility of approving community college credit for inmates
14 working in prison industries. The department of corrections
15 shall provide a report concerning the implementation of the
16 plan to the co-chairpersons and ranking members of the joint
17 appropriations subcommittee on the justice system and the
18 legislative fiscal bureau, on or before January 15, 1996.

19 Sec. 14. APPROPRIATIONS TO THE DEPARTMENT OF CORRECTIONS
20 -- MONEYS ENCUMBERED -- PRIORITIES.

21 1. Notwithstanding any other provision of law to the
22 contrary, moneys appropriated to the department of corrections
23 pursuant to 1994 Iowa Acts, chapter 1196, sections 4, 5, and
24 6, shall be considered encumbered pursuant to section 8.33,
25 and shall not revert to the general fund of the state at the
26 end of the fiscal year commencing July 1, 1994. As used in
27 this section, unless the context otherwise requires,
28 "encumbered funds" means the moneys appropriated to the
29 department of corrections pursuant to 1994 Iowa Acts, chapter
30 1196, sections 4, 5, and 6, which would otherwise revert to
31 the general fund of the state after the end of the fiscal year
32 in which the moneys were appropriated, but for the prohibition
33 contained in this section.

34 2. The department of corrections shall use encumbered
35 funds in the fiscal year commencing July 1, 1995, to fund up

1 to an additional 50 FTEs for the employment of correctional
2 officers in the correctional institutions specified in section
3 904.102, and to purchase surveillance cameras and other
4 necessary surveillance equipment for use in correctional
5 institutions. The full-time equivalent positions provided in
6 this section for the employment of correctional officers and
7 the funding provided for the purchase of equipment are in
8 addition to any full-time equivalent positions or equipment
9 funded in section 4 of this Act. The department of
10 corrections shall use its discretion in distributing the
11 additional correctional officers and equipment throughout the
12 correctional facilities. The department of corrections shall
13 file a report with the department of management concerning
14 correctional officer positions filled and critically needed
15 safety equipment purchased from encumbered funds provided
16 under this section. If the department is able to fund an
17 additional 50 FTEs for the employment of correctional officers
18 pursuant to this section and to purchase all critically needed
19 safety equipment, any remaining funds shall be unencumbered
20 and shall revert to the general fund of the state at the end
21 of the fiscal year commencing July 1, 1995.

22 Sec. 15. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.

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

31 2. State agencies are hereby encouraged to purchase
32 products from Iowa state industries, as defined in section
33 904.802, when purchases are required and the products are
34 available from Iowa state industries.

35 Sec. 16. STATE PUBLIC DEFENDER. There is appropriated

1 from the general fund of the state to the office of the state
2 public defender of the department of inspections and appeals
3 for the fiscal year beginning July 1, 1995, and ending June
4 30, 1996, the following amounts, or so much thereof as is
5 necessary, for the purposes designated, and for not more than
6 the following full-time equivalent positions:

7 1. For salaries, support, maintenance, and miscellaneous
8 purposes:

9 \$ 9,020,095
10 FTEs 160.30

11 2. For indigent court-appointed attorney fees for adults
12 and juveniles, notwithstanding section 232.141 and chapter
13 815:

14 \$ 11,751,800

15 The department of inspections and appeals shall design a
16 uniform statewide fee claim form for juvenile court cases for
17 all attorneys to utilize in submitting fee claims to the
18 counties for payment so as to enable the department to compile
19 statewide cost and statistical information. The department
20 may adopt emergency rules to implement this process.

21 Sec. 17. EMERGENCY RULES. If specifically authorized by a
22 provision of this Act, the department of inspections and
23 appeals may adopt administrative rules under section 17A.4,
24 subsection 2, and section 17A.5, subsection 2, paragraph "b",
25 to implement the provisions and the rules shall become
26 effective immediately upon filing, unless a later effective
27 date is specified in the rules. Any rules adopted in
28 accordance with the provisions of this section shall also be
29 published as notice of intended action as provided in section
30 17A.4.

31 Sec. 18. IOWA LAW ENFORCEMENT ACADEMY. There is
32 appropriated from the general fund of the state to the Iowa
33 law enforcement academy for the fiscal year beginning July 1,
34 1995, and ending June 30, 1996, the following amounts, or so
35 much thereof as is necessary, to be used for the purposes

1 designated:

2 1. For salaries, support, maintenance, miscellaneous
3 purposes, including jailer training and technical assistance,
4 and for not more than the following full-time equivalent
5 positions:

6 \$ 1,000,154

7 FTEs 24.00

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

11 \$ 15,000

12 Sec. 19. DEPARTMENT OF PUBLIC DEFENSE. There is
13 appropriated from the general fund of the state to the
14 department of public defense for the fiscal year beginning
15 July 1, 1995, and ending June 30, 1996, the following amounts,
16 or so much thereof as is necessary, to be used for the
17 purposes designated:

18 1. MILITARY DIVISION

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

22 \$ 3,852,724

23 FTEs 212.26

24 If there is a surplus in the general fund of the state for
25 the fiscal year ending June 30, 1996, within 60 days after the
26 closing of the fiscal year, the military division may incur up
27 to an additional \$500,000 in expenditures from the surplus
28 prior to transfer of the surplus pursuant to section 8.57.

29 2. EMERGENCY MANAGEMENT DIVISION

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

33 \$ 486,498

34 FTEs 14.05

35 Sec. 20. DEPARTMENT OF PUBLIC SAFETY. There is

1 appropriated from the general fund of the state to the
2 department of public safety for the fiscal year beginning July
3 1, 1995, and ending June 30, 1996, the following amounts, or
4 so much thereof as is necessary, to be used for the purposes
5 designated:

6 1. For the department's administrative functions,
7 including the medical examiner's office and the criminal
8 justice information system, and for not more than the
9 following full-time equivalent positions:

10 \$ 2,179,251
11 FTEs 40.00

12 2. For the division of criminal investigation and bureau
13 of identification including the state's contribution to the
14 peace officers' retirement, accident, and disability system
15 provided in chapter 97A in the amount of 18 percent of the
16 salaries for which the funds are appropriated, to meet federal
17 fund matching requirements, and for not more than the
18 following full-time equivalent positions:

19 \$ 8,330,089
20 FTEs 166.00

21 The department of public safety, with the approval of the
22 department of management, may employ no more than two special
23 agents and four gaming enforcement officers for each
24 additional riverboat regulated on or after March 31, 1995.

25 3. For the division of narcotics enforcement:

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

32 \$ 2,401,001
33 FTEs 38.00

34 b. Undercover purchases:

35 \$ 139,202

1 4. For the state fire marshal's office, 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 \$ 1,424,236
8 FTEs 31.00

9 5. For the capitol security division, and for not more
10 than the following full-time equivalent positions:

11 \$ 1,164,441
12 FTEs 27.00

13 Sec. 21. Section 99F.10, subsection 4, Code 1995, is
14 amended to read as follows:

15 4. In determining the license fees and state admission
16 fees to be charged as provided under section 99F.4 and this
17 section, the commission shall use the amount appropriated to
18 the commission plus the full cost of auditing 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 costs shall include but are not limited to salary and
23 associated costs incurred by personnel assigned to excursion
24 boat gambling who enforce laws, and rules adopted by the
25 commission.

26 Sec. 22. Section 602.1302, subsection 1, Code 1995, is
27 amended to read as follows:

28 1. Except as otherwise provided by section sections
29 602.1303 and 602.1304 or other applicable law, the expenses of
30 operating and maintaining the department shall be paid out of
31 the general fund of the state from funds appropriated by the
32 general assembly for the department. State funding shall be
33 phased in as provided in section 602.11101.

34 Sec. 23. Section 602.1304, Code 1995, is amended to read
35 as follows:

1 602.1304 REVENUES -- ENHANCED COURT COLLECTIONS FUND.

2 1. Except as provided in article 8 and subsection 2 of
3 this section, all fees and other revenues collected by
4 judicial officers and court employees shall be paid into the
5 general fund of the state.

6 2. a. The enhanced court collections fund is created in
7 the state treasury under the authority of the supreme court.
8 The fund shall be separate from the general fund of the state
9 and the balance in the fund shall not be considered part of
10 the balance of the general fund of the state. Notwithstanding
11 section 8.33, moneys in the fund shall not revert to the
12 general fund, unless and to the extent the total amount of
13 moneys deposited into the fund in a fiscal year would exceed
14 the maximum annual deposit amount established for the
15 collections fund by the general assembly. The initial maximum
16 annual deposit amount for a fiscal year is four million
17 dollars. Notwithstanding section 12C.7, subsection 2,
18 interest or earnings on moneys in the collections fund shall
19 remain in the collections fund and any interest and earnings
20 shall be in addition to the maximum annual deposit amount.

21 b. For each fiscal year, the state revenue estimating
22 conference estimate of the total amount of fees and other
23 revenues collected by judicial officers and court employees
24 for that fiscal year shall be equally and proportionately
25 divided into a quarterly amount. The state revenue estimating
26 conference estimate used shall be the first estimate made
27 following the adjournment of the regular session of the
28 general assembly adjusted as provided in section 8.54,
29 subsection 1. In each quarter of a fiscal year, after
30 revenues collected by judicial officers and court employees
31 equal to that quarterly amount are deposited into the general
32 fund of the state and after the required amount is deposited
33 during the quarter into the Iowa prison infrastructure fund
34 pursuant to section 602.8108A, the director of revenue and
35 finance shall deposit the remaining revenues for that quarter

1 into the enhanced court collections fund in lieu of the
2 general fund. However, after total deposits into the
3 collections fund for the fiscal year are equal to the maximum
4 deposit amount established for the collections fund, remaining
5 revenues for that fiscal year shall be deposited into the
6 general fund.

7 c. Moneys in the collections fund shall be used by the
8 judicial department for the Iowa court information system.

9 Sec. 24. Section 602.6201, subsection 10, Code 1995, is
10 amended to read as follows:

11 10. Notwithstanding the formula for determining the number
12 of judgeships in this section, the number of district judges
13 shall not exceed one hundred ~~one~~ eight during the period
14 commencing July 1, ~~1990~~ 1995.

15 Sec. 25. Section 602.8108A, subsection 1, Code 1995, is
16 amended to read as follows:

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

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

12 Sec. 26. 1993 Iowa Acts, chapter 171, section 11,
13 subsection 4, as amended by 1994 Iowa Acts, chapter 1196,
14 section 23 is amended to read as follows:

15 4. The task force shall submit the plan to the governor
16 and the general assembly on or before January 15, ~~1995~~ 1996.

17 Sec. 27. EFFECTIVE DATES.

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

22 2. Section 14 of this Act, pertaining to the encumbrance
23 of certain moneys appropriated to the department of correc-
24 tions in the fiscal year commencing July 1, 1994, being deemed
25 of immediate importance, takes effect upon enactment.

26 3. Section 4, subsection 3, and section 25, relating to
27 department of corrections facilities and the prison
28 infrastructure fund, being deemed of immediate importance,
29 take effect upon enactment.

30 4. Section 26 of this Act, dealing with the intermediate
31 criminal sanctions task force, takes effect upon enactment and
32 is retroactively applicable to January 1, 1995.

33 EXPLANATION

34 The bill makes appropriations for the 1995-1996 fiscal year
35 to the departments of justice, corrections, public defense,

1 and certain divisions of public safety, and judicial
2 department, the Iowa law enforcement academy, board of parole,
3 and other public safety activities.

4 The bill provides authorization to the department of
5 corrections to construct a 750 bed medium security
6 correctional facility and provides criteria for the selection
7 of the site of the facility. This authorization takes effect
8 upon enactment. The bill also provides authorization to the
9 department to construct a residential facility in Fort Dodge
10 and also requires the department of corrections to issue
11 requests for proposals as to construction of other facilities.

12 Section 99F.10 is amended to provide that the racing and
13 gaming commission shall use the full cost of the division of
14 criminal investigation's activities concerning gambling boats
15 in setting the license fees and state admission fees for
16 gambling boats.

17 Sections 602.1303 and 602.1304 are amended to establish an
18 enhanced court collections fund which allows the judicial
19 department to use for the Iowa court information system up to
20 \$4 million of fees and other revenues collected by the courts
21 in excess of estimated amounts of collections.

22 Section 602.6201 is amended to reflect the additional
23 district court judges authorized by this bill. Section
24 602.8108A is amended to increase from \$4 million to \$8 million
25 the amount of fees, fines, costs, and forfeited bail collected
26 by clerks of district court to be deposited in the prison
27 infrastructure fund beginning July 1, 1995. The amendment to
28 section 602.8108A takes effect upon enactment.

29 The amendment to 1993 Iowa Acts, chapter 171, provides that
30 the intermediate criminal sanctions task force established in
31 the 1993 Acts shall submit its plan to the governor and the
32 general assembly by January 15, 1996. Under current law, the
33 plan was to be submitted January 15, 1995.

34

35

Frause
Murphy
Iverson

SSB 298
Approp. SF/HF
Succeeded By _____

SENATE FILE 459

BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
CHAIRPERSON MURPHY)

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to and making appropriations to the department of
2 justice, office of consumer advocate, board of parole,
3 department of corrections, judicial district departments of
4 correctional services, judicial department, state public
5 defender, Iowa law enforcement academy, department of public
6 defense, and for the department of public safety's
7 administration, division of criminal investigation and bureau
8 of identification, division of narcotics enforcement,
9 undercover purchases, and the state fire marshal's office, and
10 the governor's substance abuse prevention coordinator, for the
11 fiscal year beginning July 1, 1995, and providing effective
12 dates and retroactive applicability.

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

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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, 1995, and ending
4 June 30, 1996, 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	\$	5,142,801
11	FTEs	177.50

12 It is the intent of the general assembly that the general
13 office of attorney general shall establish within the office a
14 farm services unit and a juvenile unit within the funds
15 appropriated in this subsection:

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

19	\$	122,415
20	FTEs	4.00

21 a. In addition to the funds appropriated in this
22 subsection for the fiscal year beginning July 1, 1995, and
23 ending June 30, 1996, the attorney general shall provide up to
24 \$41,000 in state matching funds from moneys retained by the
25 attorney general from property forfeited pursuant to section
26 809.13, for the prosecuting attorney training program, the
27 prosecuting intern program, or both. Counties participating
28 in the prosecuting intern program shall match the state funds.

29 b. In addition to the funds appropriated in this
30 subsection for the fiscal year beginning July 1, 1995, and
31 ending June 30, 1996, and the moneys retained by the attorney
32 general pursuant to paragraph "a", the attorney general shall
33 provide up to \$10,000 in state matching funds from moneys
34 retained by the attorney general from property forfeited
35 pursuant to section 809.13, for the office of the prosecuting

1 attorneys training coordinator to use for continuation of the
2 domestic violence response enhancement program established in
3 accordance with 1992 Iowa Acts, chapter 1240, section 1,
4 subsection 2, paragraph "b".

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

9 3. In addition to the funds appropriated in subsection 1,
10 there is appropriated from the general fund of the state to
11 the department of justice for the fiscal year beginning July
12 1, 1995, and ending June 30, 1996, an amount not exceeding
13 \$200,000 to be used for the enforcement of the Iowa
14 competition law. The expenditure of the funds appropriated in
15 this subsection is contingent upon receipt by the general fund
16 of the state of an amount at least equal to either the
17 expenditures from damages awarded to the state or a political
18 subdivision of the state by a civil judgment under chapter
19 553, if the judgment authorizes the use of the award for
20 enforcement purposes or costs or attorneys fees awarded the
21 state in state or federal antitrust actions. However, if the
22 funds received as a result of these judgments are in excess of
23 \$200,000, the excess funds shall not be appropriated to the
24 department of justice pursuant to this subsection.

25 4. In addition to the funds appropriated in subsection 1,
26 there is appropriated from the general fund of the state to
27 the department of justice for the fiscal year beginning July
28 1, 1995, and ending June 30, 1996, an amount not exceeding
29 \$125,000 to be used for public education relating to consumer
30 fraud and for enforcement of section 714.16, and an amount not
31 exceeding \$75,000 for investigation, prosecution, and consumer
32 education relating to consumer and criminal fraud against
33 older Iowans. The expenditure of the funds appropriated in
34 this subsection is contingent upon receipt by the general fund
35 of the state of an amount at least equal to the expenditures

1 from damages awarded to the state or a political subdivision
2 of the state by a civil consumer fraud judgment or settlement,
3 if the judgment or settlement authorizes the use of the award
4 for public education on consumer fraud. However, if the funds
5 received as a result of these judgments and settlements are in
6 excess of \$200,000, the excess funds shall not be appropriated
7 to the department of justice pursuant to this subsection.

8 5. For victim assistance grants:

9 \$ 1,359,806

10 a. The funds appropriated in this subsection shall be used
11 to provide grants to care providers providing services to
12 crime victims of domestic abuse or to crime victims of rape
13 and sexual assault.

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

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

21 \$ 106,451
22 FTEs 3.00

23 7. The balance of the victim compensation fund established
24 under section 912.14 may be used to provide salary and support
25 of not more than 9 FTEs and to provide maintenance for the
26 victim compensation functions of the department of justice.

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

1 available moneys.

2 9. a. The department of justice, in submitting budget
3 estimates pursuant to section 8.23, shall include a report of
4 funding from sources other than amounts appropriated directly
5 from the general fund of the state to the department of
6 justice or to the office of consumer advocate. These funding
7 sources shall include, but are not limited to, reimbursements
8 from other state agencies, commissions, boards, or similar
9 entities, and reimbursements from special funds or internal
10 accounts within the department of justice. The department of
11 justice shall report actual reimbursements for the fiscal year
12 commencing July 1, 1994, and actual and expected
13 reimbursements for the fiscal year commencing July 1, 1995.

14 b. The department of justice shall include the report
15 required under paragraph "a", as well as information regarding
16 any revisions occurring as a result of reimbursements actually
17 received or expected at a later date, in a report to the co-
18 chairpersons and ranking members of the joint appropriations
19 subcommittee on the justice system and the legislative fiscal
20 bureau. The department of justice shall submit the report on
21 or before January 15, 1996.

22 Sec. 2. OFFICE OF CONSUMER ADVOCATE. There is
23 appropriated from the general fund of the state to the office
24 of consumer advocate of the department of justice for the
25 fiscal year beginning July 1, 1995, and ending June 30, 1996,
26 the following amount, or so much thereof as is necessary, to
27 be used for the purposes designated:

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

31	\$	2,155,779
32	FTEs	32.00

33 Sec. 3. BOARD OF PAROLE. There is appropriated from the
34 general fund of the state to the board of parole for the
35 fiscal year beginning July 1, 1995, and ending June 30, 1996,

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

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

10	\$	805,400
11	FTEs	17.00

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

16 Sec. 4. DEPARTMENT OF CORRECTIONS -- FACILITIES. There is
17 appropriated from the general fund of the state to the
18 department of corrections for the fiscal year beginning July
19 1, 1995, and ending June 30, 1996, the following amounts, or
20 so much thereof as is necessary, to be used for the purposes
21 designated:

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

24 a. For the operation of the Fort Madison correctional
25 facility, including salaries, support, maintenance, employment
26 of 310 correctional officers, miscellaneous purposes, and for
27 not more than the following full-time equivalent positions:

28	\$	25,528,267
29	FTEs	494.00

30 b. For the operation of the Anamosa correctional facility,
31 including salaries, support, maintenance, employment of 222
32 correctional officers and a part-time chaplain to provide
33 religious counseling to inmates of a minority race,
34 miscellaneous purposes, and for not more than the following
35 full-time equivalent positions:

1 \$ 19,337,558

2 FTEs 366.25

3 Moneys are provided within this appropriation for 2 full-
4 time substance abuse counselors for the Luster Heights
5 facility, for the purpose of certification of a substance
6 abuse program at that facility.

7 c. For the operation of the Oakdale correctional facility,
8 including salaries, support, maintenance, employment of 159
9 correctional officers, miscellaneous purposes, and for not
10 more than the following full-time equivalent positions:

11 \$ 15,966,313

12 FTEs 321.80

13 d. For the operation of the Newton correctional facility,
14 including salaries, support, maintenance, employment of 44
15 correctional officers, miscellaneous purposes, and for not
16 more than the following full-time equivalent positions:

17 \$ 5,687,373

18 FTEs 116.25

19 e. For the operation of the Mt. Pleasant correctional
20 facility, including salaries, support, maintenance, employment
21 of 150 correctional officers and a full-time chaplain to
22 provide religious counseling at the Oakdale and Mt. Pleasant
23 correctional facilities, miscellaneous purposes, and for not
24 more than the following full-time equivalent positions:

25 \$ 13,869,795

26 FTEs 268.92

27 f. For the operation of the Rockwell City correctional
28 facility, including salaries, support, maintenance, employment
29 of 58 correctional officers, miscellaneous purposes, and for
30 not more than the following full-time equivalent positions:

31 \$ 5,510,246

32 FTEs 111.00

33 g. For the operation of the Clarinda correctional
34 facility, including salaries, support, maintenance, employment
35 of 120.66 correctional officers, miscellaneous purposes, and

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

3 \$ 10,768,008

4 FTEs 203.85

5 h. For the operation of the Mitchellville correctional
6 facility, including salaries, support, maintenance, employment
7 of 71.5 correctional officers, miscellaneous purposes, and for
8 not more than the following full-time equivalent positions:

9 \$ 6,288,619

10 FTEs 132.00

11 2. a. If the inmate tort claim fund for inmate claims of
12 less than \$50 is exhausted during the fiscal year, sufficient
13 funds shall be transferred from the institutional budgets to
14 pay approved tort claims for the balance of the fiscal year.

15 The warden or superintendent of each institution or
16 correctional facility shall designate an employee to receive,
17 investigate, and recommend whether to pay any properly filed
18 inmate tort claim for less than the above amount. The
19 designee's recommendation shall be approved or denied by the
20 warden or superintendent and forwarded to the department of
21 corrections for final approval and payment. The amounts
22 appropriated to this fund pursuant to 1987 Iowa Acts, chapter
23 234, section 304, subsection 2, are not subject to reversion
24 under section 8.33.

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

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

31 There is appropriated from the general fund of the state to
32 the department of corrections for the fiscal year beginning
33 July 1, 1995, and ending June 30, 1996, the following amounts,
34 or so much thereof as is necessary, to be used for the
35 purposes designated:

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

6 \$ 2,298,531
7 FTEs 38.18

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

14 2. For reimbursement of counties for temporary confinement
15 of work release and parole violators, as provided in sections
16 901.7, 904.908, and 906.17 and for offenders confined pursuant
17 to section 904.513:

18 \$ 237,038

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

21 \$ 341,334

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

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

29 \$ 384,597
30 FTEs 7.16

31 5. For annual payment relating to the financial
32 arrangement for the construction of expansion in prison
33 capacity as provided in 1989 Iowa Acts, chapter 316, section
34 7, subsection 6:

35 \$ 625,860

1 6. For annual payment relating to the financial
2 arrangement for the construction of expansion in prison
3 capacity as provided in 1990 Iowa Acts, chapter 1257, section
4 24:

5 \$ 3,180,990

6 Sec. 6. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL
7 SERVICES.

8 1. There is appropriated from the general fund of the
9 state to the department of corrections for the fiscal year
10 beginning July 1, 1995, and ending June 30, 1996, the
11 following amounts, or so much thereof as is necessary, to be
12 allocated as follows:

13 a. For the first 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 \$ 6,648,762

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

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

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

34 \$ 5,375,715

35 (1) The district department shall continue the sex

1 offender treatment program established within the district in
2 1988 Iowa Acts, chapter 1271, section 6, subsection 1,
3 paragraph "b".

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

13 \$ 3,284,176

14 (1) The district department shall continue the sex
15 offender treatment program established within the district in
16 1988 Iowa Acts, chapter 1271, section 6, subsection 1,
17 paragraph "c", and the intensive supervision program
18 established within the district in 1990 Iowa Acts, chapter
19 1268, section 6, subsection 3, paragraph "d".

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

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

29 \$ 2,398,328

30 (1) The district department shall continue the sex
31 offender treatment program established within the district in
32 1988 Iowa Acts, chapter 1271, section 6, subsection 1,
33 paragraph "d".

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

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

3 e. For the fifth 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 \$ 8,784,368

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

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

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

23 \$ 6,918,725

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

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

34 (3) The district department shall continue the
35 implementation of a plan providing for the expanded use of

1 intermediate criminal sanctions, as provided in 1993 Iowa
2 Acts, chapter 171, section 6, subsection 1, paragraph "f",
3 subparagraph (3).

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

9 \$ 4,372,318

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

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

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

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

29 \$ 3,905,921

30 (1) The district department shall continue the intensive
31 supervision program established within the district in 1988
32 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph
33 "h", and shall continue the sex offender treatment program
34 established within the district in 1989 Iowa Acts, chapter
35 316, section 8, subsection 1, paragraph "h".

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

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

9 \$ 83,576

10 2. The department of corrections shall continue to
11 contract with a judicial district department of correctional
12 services to provide for the rental of electronic monitoring
13 equipment which shall be available statewide.

14 3. Each judicial district department of correctional
15 services and the department of corrections shall continue the
16 treatment alternatives to street crime programs established in
17 1989 Iowa Acts, chapter 225, section 9.

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

23 5. Each judicial district department of correctional
24 services shall provide a report concerning the treatment and
25 supervision of probation and parole violators who have been
26 released from the department of corrections violator program,
27 to the co-chairpersons and ranking members of the joint
28 appropriations subcommittee on the justice system and the
29 legislative fiscal bureau, on or before January 15, 1996.

30 6. It is the intent of the general assembly that each
31 judicial district department of correctional services shall
32 operate the community-based correctional facilities in a
33 manner which provides for a residential population of at least
34 110 percent of the design capacity of the facility.

35 Sec. 7. JUDICIAL DEPARTMENT. There is appropriated from

1 the general fund of the state to the judicial department for
2 the fiscal year beginning July 1, 1995, and ending June 30,
3 1996, the following amounts, or so much thereof as is
4 necessary, to be used for the purposes designated:

5 1. For salaries of supreme court justices, appellate court
6 judges, district court judges, district associate judges,
7 judicial magistrates and staff, state court administrator,
8 clerk of the supreme court, district court administrators,
9 clerks of the district court, trial court supervisors, trial
10 court technicians II, financial supervisors I and II, juvenile
11 court officers, board of law examiners and board of examiners
12 of shorthand reporters and judicial qualifications commission,
13 receipt and disbursement of child support payments,
14 reimbursement of the auditor of state for expenses incurred in
15 completing audits of the offices of the clerks of the district
16 court during the fiscal year beginning July 1, 1995, and
17 maintenance, equipment, and miscellaneous purposes:

18 \$ 87,244,771

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

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

34 c. It is the intent of the general assembly that counties
35 installing new telephone systems shall provide those systems

1 to all judicial department offices within the county at no
2 cost.

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

7 e. Of the funds appropriated in this subsection, the
8 judicial department shall use not more than \$968,716 for an
9 additional 7 district court judges and an additional 7 court
10 reporters. Of the additional district court judges and court
11 reporters, 1 additional district court judge and 1 court
12 reporter shall be assigned to each of the first, fourth,
13 sixth, seventh, and eighth judicial districts, and 2
14 additional district court judges and 2 court reporters shall
15 be assigned to the fifth judicial district.

16 f. Of the funds appropriated in this subsection, the
17 judicial department shall use not more than \$507,184 for an
18 additional 4 district associate judges and 4 additional court
19 reporters, with 3 of the additional district associate judges
20 and 3 additional court reporters to be assigned to the fifth
21 judicial district and 1 additional district associate judge
22 and 1 additional court reporter to be assigned to the second
23 judicial district.

24 g. Of the funds appropriated in this subsection, the
25 judicial department shall use the following amounts for the
26 purposes indicated:

27 (1) For an additional 1 FTE for the expansion of the
28 court-appointed special advocate program, \$43,336.

29 (2) For an additional 4 juvenile court officers, \$133,635.

30 h. It is the intent of the general assembly that the
31 judicial department reduce the amounts expended for travel,
32 office supplies, and printing by 5 percent from the amounts
33 expended for these purposes during the 1994-1995 fiscal year.

34 i. Of the funds appropriated in this subsection, the
35 judicial department shall use not more than \$1,290,000 for

1 increasing the existing capacity of the Iowa court information
2 system by extending the system into 15 additional counties and
3 for the development of a computer software program to allow
4 state agencies to gain access to data in the Iowa court
5 information system. However, the funds shall not be used to
6 expand the applications of the system for purposes other than
7 those for which the system is currently used, and the judicial
8 department shall focus efforts in utilizing the funds referred
9 to in this paragraph upon the collection of delinquent fines,
10 penalties, court costs, fees, surcharges, or similar amounts.
11 The judicial department shall investigate the most efficient
12 way to complete the expansion of the department's entire
13 communication and information management system, and include
14 this information in a report to be submitted to the co-
15 chairpersons and ranking members of the joint appropriations
16 subcommittee on the justice system and the legislative fiscal
17 bureau, on or before January 15, 1996.

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

23 k. The judicial department shall report to the co-
24 chairpersons and ranking members of the joint appropriations
25 subcommittee on the justice system by February 1, 1996,
26 concerning an evaluation of the needs of the court system,
27 particularly resources necessary to meet the increasing
28 demands on the courts. The report shall also identify
29 legislative changes which would reduce or alleviate the
30 workload of the courts.

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

35 2. For the juvenile victim restitution program:

1 \$ 155,396

2 Sec. 8. IOWA COURT INFORMATION SYSTEM. There is
3 appropriated from the general fund of the state to the
4 judicial department for the fiscal year beginning July 1,
5 1995, and ending June 30, 1996, the following amount, or so
6 much thereof as is necessary, to be used for the purpose
7 designated:

8 For the Iowa court information system:

9 \$ 857,500

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

18 2. a. The judicial department shall provide a report
19 semiannually to the co-chairpersons and ranking members of the
20 joint appropriations subcommittee on the justice system and
21 the legislative fiscal bureau specifying the amounts of fines,
22 surcharges, and court costs collected using the Iowa court
23 information system. The report shall demonstrate and specify
24 how the Iowa court information system is used to improve the
25 collection process. The report shall also compare fines,
26 surcharges, and court costs collected in selected counties
27 which are using an automated system versus the amounts
28 collected in at least three counties which are not using an
29 automated system.

30 b. A report required by this section shall be made by
31 January 15, 1996, for the counties added to the Iowa court
32 information system during the 1994-1995 fiscal year, and by
33 January 15, 1997, for the 15 additional counties added to the
34 system by this Act, indicating whether the counties have
35 reduced uncollected court fines and fees by 50 percent as a

1 result of being added to the system.

2 Sec. 9. ENHANCED COURT COLLECTIONS FUND -- DISTRIBUTION.

3 Of the moneys collected and deposited in the enhanced court
4 collections fund created in section 602.1304, as enacted by
5 this Act, the first \$359,000 deposited in the fund in the
6 fiscal year beginning July 1, 1995, for use by the Iowa court
7 information system shall be expended for the purchase of jury
8 management software. Any additional moneys deposited in the
9 enhanced court collections fund in the fiscal year beginning
10 July 1, 1995, shall not be used for appellate software.

11 Sec. 10. JUDICIAL RETIREMENT FUND. There is appropriated
12 from the general fund of the state to the judicial retirement
13 fund for the fiscal year beginning July 1, 1995, and ending
14 June 30, 1996, the following amount, or so much thereof as is
15 necessary, to be used for the purpose designated:

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

20 \$ 3,150,915

21 Sec. 11. INDIGENT DEFENSE COSTS. The supreme court shall
22 submit a written report for the preceding fiscal year no later
23 than January 1 of each year indicating the amounts collected
24 pursuant to section 815.9A, relating to recovery of indigent
25 defense costs. The report shall include the total amount
26 collected by all courts, as well as the amounts collected by
27 each judicial district. The supreme court shall also submit a
28 written report quarterly indicating the number of criminal and
29 juvenile filings which occur in each judicial district for
30 purposes of estimating indigent defense costs. A copy of each
31 report shall be provided to the public defender, the
32 department of management, and the legislative fiscal bureau.
33 The judicial department shall continue to assist in the
34 development of an automated data system for use in the sharing
35 of information utilizing the generic program interface for

1 legislative and executive branch uses.

2 Sec. 12. AUTOMATED DATA SYSTEM. The department of
3 corrections, judicial district departments of correctional
4 services, board of parole, and the judicial department shall
5 continue to develop an automated data system for use in the
6 sharing of information between the department of corrections,
7 judicial district departments of correctional services, board
8 of parole, and the judicial department. The information to be
9 shared shall concern any individual who may, as the result of
10 an arrest or infraction of any law, be subject to the
11 jurisdiction of the department of corrections, judicial
12 district departments of correctional services, or board of
13 parole. The department of corrections, in consultation and
14 cooperation with the judicial district departments of
15 correctional services, the board of parole, and the judicial
16 department, shall provide a report concerning the development
17 of the automated data system to the co-chairpersons and
18 ranking members of the joint appropriations subcommittee on
19 the justice system and the legislative fiscal bureau, on or
20 before January 15, 1996.

21 Sec. 13. CORRECTIONAL INSTITUTIONS -- VOCATIONAL TRAINING.
22 The state prison industries board and the department of
23 corrections shall continue the implementation of a plan to
24 enhance vocational training opportunities within the
25 correctional institutions listed in section 904.102, as
26 provided in 1993 Iowa Acts, chapter 171, section 12. The plan
27 shall provide for increased vocational training opportunities
28 within the correctional institutions, including the
29 possibility of approving community college credit for inmates
30 working in prison industries. The department of corrections
31 shall provide a report concerning the implementation of the
32 plan to the co-chairpersons and ranking members of the joint
33 appropriations subcommittee on the justice system and the
34 legislative fiscal bureau, on or before January 15, 1996.

35 Sec. 14. APPROPRIATIONS TO THE DEPARTMENT OF CORRECTIONS

1 -- MONEYS ENCUMBERED -- PRIORITIES.

2 1. Notwithstanding any other provision of law to the
3 contrary, moneys appropriated to the department of corrections
4 pursuant to 1994 Iowa Acts, chapter 1196, sections 4, 5, and
5 6, shall be considered encumbered pursuant to section 8.33,
6 and shall not revert to the general fund of the state at the
7 end of the fiscal year commencing July 1, 1994. As used in
8 this section, unless the context otherwise requires,
9 "encumbered funds" means the moneys appropriated to the
10 department of corrections pursuant to 1994 Iowa Acts, chapter
11 1196, sections 4, 5, and 6, which would otherwise revert to
12 the general fund of the state after the end of the fiscal year
13 in which the moneys were appropriated, but for the prohibition
14 contained in this section.

15 2. The department of corrections shall use encumbered
16 funds in the fiscal year commencing July 1, 1995, to fund up
17 to an additional 50 FTEs for the employment of correctional
18 officers in the correctional institutions specified in section
19 904.102, and to purchase surveillance cameras and other
20 necessary surveillance equipment for use in correctional
21 institutions. The full-time equivalent positions provided in
22 this section for the employment of correctional officers and
23 the funding provided for the purchase of equipment are in
24 addition to any full-time equivalent positions or equipment
25 funded in section 4 of this Act. The department of
26 corrections shall use its discretion in distributing the
27 additional correctional officers and equipment throughout the
28 correctional facilities. The department of corrections shall
29 file a report with the department of management concerning
30 correctional officer positions filled and critically needed
31 safety equipment purchased from encumbered funds provided
32 under this section. If the department is able to fund an
33 additional 50 FTEs for the employment of correctional officers
34 pursuant to this section and to purchase all critically needed
35 safety equipment, any remaining funds shall be unencumbered

1 and shall revert to the general fund of the state at the end
2 of the fiscal year commencing July 1, 1995.

3 Sec. 15. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.

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

12 2. State agencies are hereby encouraged to purchase
13 products from Iowa state industries, as defined in section
14 904.802, when purchases are required and the products are
15 available from Iowa state industries.

16 Sec. 16. STATE PUBLIC DEFENDER. There is appropriated
17 from the general fund of the state to the office of the state
18 public defender of the department of inspections and appeals
19 for the fiscal year beginning July 1, 1995, and ending June
20 30, 1996, the following amounts, or so much thereof as is
21 necessary, for the purposes designated, and for not more than
22 the following full-time equivalent positions:

23 1. For salaries, support, maintenance, and miscellaneous
24 purposes:

25	\$ 9,020,095
26	FTEs 160.30

27 2. For indigent court-appointed attorney fees for adults
28 and juveniles, notwithstanding section 232.141 and chapter
29 815:

30 \$ 11,751,800

31 The department of inspections and appeals shall design a
32 uniform statewide fee claim form for juvenile court cases for
33 all attorneys to utilize in submitting fee claims to the
34 counties for payment so as to enable the department to compile
35 statewide cost and statistical information. The department

1 may adopt emergency rules to implement this process.

2 Sec. 17. EMERGENCY RULES. If specifically authorized by a
3 provision of this Act, the department of inspections and
4 appeals may adopt administrative rules under section 17A.4,
5 subsection 2, and section 17A.5, subsection 2, paragraph "b",
6 to implement the provisions and the rules shall become
7 effective immediately upon filing, unless a later effective
8 date is specified in the rules. Any rules adopted in
9 accordance with the provisions of this section shall also be
10 published as notice of intended action as provided in section
11 17A.4.

12 Sec. 18. IOWA LAW ENFORCEMENT ACADEMY. There is
13 appropriated from the general fund of the state to the Iowa
14 law enforcement academy for the fiscal year beginning July 1,
15 1995, and ending June 30, 1996, the following amounts, or so
16 much thereof as is necessary, to be used for the purposes
17 designated:

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

22 \$ 1,000,154
23 FTEs 24.00

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

27 \$ 14,300

28 Sec. 19. DEPARTMENT OF PUBLIC DEFENSE. There is
29 appropriated from the general fund of the state to the
30 department of public defense for the fiscal year beginning
31 July 1, 1995, and ending June 30, 1996, the following amounts,
32 or so much thereof as is necessary, to be used for the
33 purposes designated:

34 1. MILITARY DIVISION

35 For salaries, support, maintenance, miscellaneous purposes,

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

3 \$ 3,852,724
4 FTEs 212.26

5 If there is a surplus in the general fund of the state for
6 the fiscal year ending June 30, 1996, within 60 days after the
7 closing of the fiscal year, the military division may incur up
8 to an additional \$500,000 in expenditures from the surplus
9 prior to transfer of the surplus pursuant to section 8.57.

10 2. EMERGENCY MANAGEMENT DIVISION

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

14 \$ 486,498
15 FTEs 14.05

16 Sec. 20. DEPARTMENT OF PUBLIC SAFETY. There is
17 appropriated from the general fund of the state to the
18 department of public safety for the fiscal year beginning July
19 1, 1995, and ending June 30, 1996, the following amounts, or
20 so much thereof as is necessary, to be used for the purposes
21 designated:

22 1. For the department's administrative functions,
23 including the medical examiner's office and the criminal
24 justice information system, and for not more than the
25 following full-time equivalent positions:

26 \$ 2,179,251
27 FTEs 40.00

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

35 \$ 8,330,089

1 FTEs 166.00

2 3. For the division of narcotics enforcement:

3 a. The state's contribution to the peace officers'

4 retirement, accident, and disability system provided in

5 chapter 97A in the amount of 18 percent of the salaries for

6 which the funds are appropriated, to meet federal fund

7 matching requirements, and for not more than the following

8 full-time equivalent positions:

9 \$ 2,401,001

10 FTEs 38.00

11 b. Undercover purchases:

12 \$ 139,202

13 4. For the state fire marshal's office, 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 \$ 1,424,236

20 FTEs 31.00

21 5. For the capitol security division, and for not more

22 than the following full-time equivalent positions:

23 \$ 1,164,441

24 FTEs 27.00

25 Sec. 21. GOVERNOR'S SUBSTANCE ABUSE PREVENTION

26 COORDINATOR. There is appropriated from the general fund of

27 the state to the office of the governor's substance abuse pre-

28 vention coordinator for the fiscal year beginning July 1,

29 1995, and ending June 30, 1996, the following amount, or so

30 much thereof as is necessary, to be used for the purposes

31 designated:

32 For salaries, support, maintenance, miscellaneous purposes,

33 and for not more than the following full-time equivalent

34 positions:

35 \$ 328,786

1 FTEs 10.00

2 Sec. 22. Section 99F.10, subsection 4, Code 1995, is
3 amended to read as follows:

4 4. In determining the license fees and state admission
5 fees to be charged as provided under section 99F.4 and this
6 section, the commission shall use the amount appropriated to
7 the commission plus the full cost of auditing the division of
8 criminal investigation's excursion gambling boat activities as
9 the basis for determining the amount of revenue to be raised
10 from the license fees and admission fees. The division's
11 costs shall include but are not limited to salary and
12 associated costs incurred by personnel assigned to excursion
13 boat gambling who enforce laws, and rules adopted by the
14 commission.

15 Sec. 23. Section 602.1302, subsection 1, Code 1995, is
16 amended to read as follows:

17 1. Except as otherwise provided by section sections
18 602.1303 and 602.1304 or other applicable law, the expenses of
19 operating and maintaining the department shall be paid out of
20 the general fund of the state from funds appropriated by the
21 general assembly for the department. State funding shall be
22 phased in as provided in section 602.11101.

23 Sec. 24. Section 602.1304, Code 1995, is amended to read
24 as follows:

25 602.1304 REVENUES -- ENHANCED COURT COLLECTIONS FUND.

26 1. Except as provided in article 8 and subsection 2 of
27 this section, all fees and other revenues collected by
28 judicial officers and court employees shall be paid into the
29 general fund of the state.

30 2. a. The enhanced court collections fund is created in
31 the state treasury under the authority of the supreme court.
32 The fund shall be separate from the general fund of the state
33 and the balance in the fund shall not be considered part of
34 the balance of the general fund of the state. Notwithstanding
35 section 8.33, moneys in the fund shall not revert to the

1 general fund, unless and to the extent the total amount of
2 moneys deposited into the fund in a fiscal year would exceed
3 the maximum annual deposit amount established for the
4 collections fund by the general assembly. The initial maximum
5 annual deposit amount for a fiscal year is four million
6 dollars. Notwithstanding section 12C.7, subsection 2,
7 interest or earnings on moneys in the collections fund shall
8 remain in the collections fund and any interest and earnings
9 shall be in addition to the maximum annual deposit amount.

10 b. For each fiscal year, the state revenue estimating
11 conference estimate of the total amount of fees and other
12 revenues collected by judicial officers and court employees
13 for that fiscal year shall be equally and proportionately
14 divided into a quarterly amount. The state revenue estimating
15 conference estimate used shall be the first estimate made
16 following the adjournment of the regular session of the
17 general assembly adjusted as provided in section 8.54,
18 subsection 1. In each quarter of a fiscal year, after
19 revenues collected by judicial officers and court employees
20 equal to that quarterly amount are deposited into the general
21 fund of the state and after the required amount is deposited
22 during the quarter into the Iowa prison infrastructure fund
23 pursuant to section 602.8108A, the director of revenue and
24 finance shall deposit the remaining revenues for that quarter
25 into the enhanced court collections fund in lieu of the
26 general fund. However, after total deposits into the
27 collections fund for the fiscal year are equal to the maximum
28 deposit amount established for the collections fund, remaining
29 revenues for that fiscal year shall be deposited into the
30 general fund.

31 c. Moneys in the collections fund shall be used by the
32 judicial department for the Iowa court information system.

33 Sec. 25. 1993 Iowa Acts, chapter 171, section 11,
34 subsection 4, as amended by 1994 Iowa Acts, chapter 1196,
35 section 23 is amended to read as follows:

1 4. The task force shall submit the plan to the governor
2 and the general assembly on or before January 15, ~~1995~~ 1996.

3 Sec. 26. EFFECTIVE DATES.

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

8 2. Section 14 of this Act, pertaining to the encumbrance
9 of certain moneys appropriated to the department of correc-
10 tions in the fiscal year commencing July 1, 1994, being deemed
11 of immediate importance, takes effect upon enactment.

12 3. Section 25 of this Act, dealing with the intermediate
13 criminal sanctions task force, takes effect upon enactment and
14 is retroactively applicable to January 1, 1995.

15 EXPLANATION

16 The bill makes appropriations for the 1995-1996 fiscal year
17 to the departments of justice, corrections, public defense,
18 and certain divisions of public safety, and judicial
19 department, the Iowa law enforcement academy, board of parole,
20 and other public safety activities.

21 Section 99F.10 is amended to provide that the racing and
22 gaming commission shall use the full cost of the division of
23 criminal investigation's activities concerning gambling boats
24 in setting the license fees and state admission fees for
25 gambling boats.

26 Sections 602.1303 and 602.1304 are amended to establish an
27 enhanced court collections fund which allows the judicial
28 department to use for the Iowa court information system up to
29 \$4 million of fees and other revenues collected by the courts
30 in excess of estimated amounts of collections.

31 The amendment to 1993 Iowa Acts, chapter 171, provides that
32 the intermediate criminal sanctions task force established in
33 the 1993 Acts shall submit its plan to the governor and the
34 general assembly by January 15, 1996. Under current law, the
35 plan was to be submitted January 15, 1995.

Fraise, Chair
Murphy
Iverson

SSB 298
Appropriations

Succeeded By
SENATE FILE 759
BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
CHAIRPERSON MURPHY)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to and making appropriations to the department of
2 justice, governor's substance abuse prevention coordinator,
3 office of consumer advocate, board of parole, department of
4 corrections, judicial district departments of correctional
5 services, judicial department, state public defender, Iowa law
6 enforcement academy, department of public defense, and for
7 administration, the division of criminal investigation and
8 bureau of identification, the division of narcotics
9 enforcement, for undercover purchases, and for the state's
10 fire marshal's office, of the department of public safety for
11 the fiscal year beginning July 1, 1995, and providing
12 effective dates.

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

14
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2/28/96

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, 1995, and ending
4 June 30, 1996, 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	.....	\$	5,142,801
11	.....	FTEs	177.50

12 It is the intent of the general assembly that the general
13 office of attorney general shall establish within the office a
14 farm services unit and a juvenile unit within the funds
15 appropriated in this subsection:

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

19	.....	\$	122,415
20	.....	FTEs	4.00

21 a. In addition to the funds appropriated in this
22 subsection for the fiscal year beginning July 1, 1995, and
23 ending June 30, 1996, the attorney general shall provide up to
24 \$41,000 in state matching funds from moneys retained by the
25 attorney general from property forfeited pursuant to section
26 809.13, for the prosecuting attorney training program, the
27 prosecuting intern program, or both. Counties participating
28 in the prosecuting intern program shall match the state funds.

29 b. In addition to the funds appropriated in this
30 subsection for the fiscal year beginning July 1, 1995, and
31 ending June 30, 1996, and the moneys retained by the attorney
32 general pursuant to paragraph "a", the attorney general shall
33 provide up to \$10,000 in state matching funds from moneys
34 retained by the attorney general from property forfeited
35 pursuant to section 809.13, for the office of the prosecuting

1 attorneys training coordinator to use for continuation of the
2 domestic violence response enhancement program established in
3 accordance with 1992 Iowa Acts, chapter 1240, section 1,
4 subsection 2, paragraph "b".

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

9 3. In addition to the funds appropriated in subsection 1,
10 there is appropriated from the general fund of the state to
11 the department of justice for the fiscal year beginning July
12 1, 1995, and ending June 30, 1996, an amount not exceeding
13 \$200,000 to be used for the enforcement of the Iowa
14 competition law. The expenditure of the funds appropriated in
15 this subsection is contingent upon receipt by the general fund
16 of the state of an amount at least equal to either the
17 expenditures from damages awarded to the state or a political
18 subdivision of the state by a civil judgment under chapter
19 553, if the judgment authorizes the use of the award for
20 enforcement purposes or costs or attorneys fees awarded the
21 state in state or federal antitrust actions. However, if the
22 funds received as a result of these judgments are in excess of
23 \$200,000, the excess funds shall not be appropriated to the
24 department of justice pursuant to this subsection.

25 4. In addition to the funds appropriated in subsection 1,
26 there is appropriated from the general fund of the state to
27 the department of justice for the fiscal year beginning July
28 1, 1995, and ending June 30, 1996, an amount not exceeding
29 \$125,000 to be used for public education relating to consumer
30 fraud and for enforcement of section 714.16, and an amount not
31 exceeding \$75,000 for investigation, prosecution, and consumer
32 education relating to consumer and criminal fraud against
33 older Iowans. The expenditure of the funds appropriated in
34 this subsection is contingent upon receipt by the general fund
35 of the state of an amount at least equal to the expenditures

1 from damages awarded to the state or a political subdivision
2 of the state by a civil consumer fraud judgment or settlement,
3 if the judgment or settlement authorizes the use of the award
4 for public education on consumer fraud. However, if the funds
5 received as a result of these judgments and settlements are in
6 excess of \$200,000, the excess funds shall not be appropriated
7 to the department of justice pursuant to this subsection.

8 5. For victim assistance grants:

9 \$ 1,359,806

10 a. The funds appropriated in this subsection shall be used
11 to provide grants to care providers providing services to
12 crime victims of domestic abuse or to crime victims of rape
13 and sexual assault.

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

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

21 \$ 106,451
22 FTEs 3.00

23 7. The balance of the victim compensation fund established
24 under section 912.14 may be used to provide salary and support
25 of not more than 9 FTEs and to provide maintenance for the
26 victim compensation functions of the department of justice.

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

1 available moneys.

2 9. a. The department of justice, in submitting budget
3 estimates pursuant to section 8.23, shall include a report of
4 funding from sources other than amounts appropriated directly
5 from the general fund of the state to the department of
6 justice or to the office of consumer advocate. These funding
7 sources shall include, but are not limited to, reimbursements
8 from other state agencies, commissions, boards, or similar
9 entities, and reimbursements from special funds or internal
10 accounts within the department of justice. The department of
11 justice shall report actual reimbursements for the fiscal year
12 commencing July 1, 1994, and actual and expected
13 reimbursements for the fiscal year commencing July 1, 1995.

14 b. The department of justice shall include the report
15 required under paragraph "a", as well as information regarding
16 any revisions occurring as a result of reimbursements actually
17 received or expected at a later date, in a report to the co-
18 chairpersons and ranking members of the joint appropriations
19 subcommittee on the justice system and the legislative fiscal
20 bureau. The department of justice shall submit the report on
21 or before January 15, 1996.

22 Sec. 2. OFFICE OF CONSUMER ADVOCATE. There is
23 appropriated from the general fund of the state to the office
24 of consumer advocate of the department of justice for the
25 fiscal year beginning July 1, 1995, and ending June 30, 1996,
26 the following amount, or so much thereof as is necessary, to
27 be used for the purposes designated:

28 For salaries, support, maintenance, miscellaneous purposes,
29 and for not more than the following full-time equivalent
30 positions:
31 \$ 2,155,779
32 FTEs 32.00

33 Sec. 3. BOARD OF PAROLE. There is appropriated from the
34 general fund of the state to the board of parole for the
35 fiscal year beginning July 1, 1995, and ending June 30, 1996,

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

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

10	\$	805,400
11	FTEs	17.00

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

16 Sec. 4. DEPARTMENT OF CORRECTIONS -- FACILITIES. There is
17 appropriated from the general fund of the state to the
18 department of corrections for the fiscal year beginning July
19 1, 1995, and ending June 30, 1996, the following amounts, or
20 so much thereof as is necessary, to be used for the purposes
21 designated:

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

24 a. For the operation of the Fort Madison correctional
25 facility, including salaries, support, maintenance, employment
26 of 310 correctional officers, miscellaneous purposes, and for
27 not more than the following full-time equivalent positions:

28	\$	25,528,267
29	FTEs	494.00

30 b. For the operation of the Anamosa correctional facility,
31 including salaries, support, maintenance, employment of 222
32 correctional officers and a part-time chaplain to provide
33 religious counseling to inmates of a minority race,
34 miscellaneous purposes, and for not more than the following
35 full-time equivalent positions:

1 \$ 19,337,558

2 FTEs 366.25

3 Moneys are provided within this appropriation for 2 full-
4 time substance abuse counselors for the Luster Heights
5 facility, for the purpose of certification of a substance
6 abuse program at that facility.

7 c. For the operation of the Oakdale correctional facility,
8 including salaries, support, maintenance, employment of 159
9 correctional officers, miscellaneous purposes, and for not
10 more than the following full-time equivalent positions:

11 \$ 15,966,313

12 FTEs 312.80

13 d. For the operation of the Newton correctional facility,
14 including salaries, support, maintenance, employment of 44
15 correctional officers, miscellaneous purposes, and for not
16 more than the following full-time equivalent positions:

17 \$ 5,687,373

18 FTEs 116.25

19 e. For the operation of the Mt. Pleasant correctional
20 facility, including salaries, support, maintenance, employment
21 of 150 correctional officers and a full-time chaplain to
22 provide religious counseling at the Oakdale and Mt. Pleasant
23 correctional facilities, miscellaneous purposes, and for not
24 more than the following full-time equivalent positions:

25 \$ 13,869,795

26 FTEs 268.92

27 f. For the operation of the Rockwell City correctional
28 facility, including salaries, support, maintenance, employment
29 of 58 correctional officers, miscellaneous purposes, and for
30 not more than the following full-time equivalent positions:

31 \$ 5,510,246

32 FTEs 111.00

33 g. For the operation of the Clarinda correctional
34 facility, including salaries, support, maintenance, employment
35 of 120.66 correctional officers, miscellaneous purposes, and

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

3 \$ 10,768,008
4 FTEs 203.85

5 h. For the operation of the Mitchellville correctional
6 facility, including salaries, support, maintenance, employment
7 of 71.5 correctional officers, miscellaneous purposes, and for
8 not more than the following full-time equivalent positions:

9 \$ 6,288,619
10 FTEs 132.00

11 2. a. If the inmate tort claim fund for inmate claims of
12 less than \$50 is exhausted during the fiscal year, sufficient
13 funds shall be transferred from the institutional budgets to
14 pay approved tort claims for the balance of the fiscal year.
15 The warden or superintendent of each institution or
16 correctional facility shall designate an employee to receive,
17 investigate, and recommend whether to pay any properly filed
18 inmate tort claim for less than the above amount. The
19 designee's recommendation shall be approved or denied by the
20 warden or superintendent and forwarded to the department of
21 corrections for final approval and payment. The amounts
22 appropriated to this fund pursuant to 1987 Iowa Acts, chapter
23 234, section 304, subsection 2, are not subject to reversion
24 under section 8.33.

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

30 3. The department of corrections shall construct a 750-bed
31 medium security correctional facility for men on state-owned
32 land as soon as possible following the effective date of this
33 subsection. Bonds shall be issued under the provisions of
34 sections 16.177 and 602.8108A in an amount not to exceed
35 \$36,000,000.

1 4. The department of corrections shall issue a request for
2 proposals for the construction of a 250-bed, super-maximum
3 security facility at the Fort Madison correctional facility,
4 which would only be constructed if the proposal is accepted.
5 The department of corrections shall include specifications
6 concerning the number of correctional beds in the request for
7 proposals and issue the request for proposals in such a manner
8 that responses are due and shall be included in a report
9 submitted by the department to the general assembly on or
10 before January 8, 1996. The department of corrections shall
11 not accept a proposal received in accordance with this sub-
12 section without specific authorization through the enactment
13 of legislation to fund the proposal by the Seventy-sixth
14 General Assembly, 1996 Session, or a subsequent general
15 assembly.

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

17 There is appropriated from the general fund of the state to
18 the department of corrections for the fiscal year beginning
19 July 1, 1995, and ending June 30, 1996, the following amounts,
20 or so much thereof as is necessary, to be used for the
21 purposes designated:

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

27	\$	2,298,531
28	FTEs	38.18

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

35 2. For reimbursement of counties for temporary confinement

1 of work release and parole violators, as provided in sections
2 901.7, 904.908, and 906.17 and for offenders confined pursuant
3 to section 904.513:

4 \$ 237,038

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

7 \$ 341,334

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

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

15 \$ 384,597

16 FTEs 7.16

17 5. For annual payment relating to the financial
18 arrangement for the construction of expansion in prison
19 capacity as provided in 1989 Iowa Acts, chapter 316, section
20 7, subsection 6:

21 \$ 625,860

22 6. For annual payment relating to the financial
23 arrangement for the construction of expansion in prison
24 capacity as provided in 1990 Iowa Acts, chapter 1257, section
25 24:

26 \$ 3,180,990

27 Sec. 6. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL
28 SERVICES.

29 1. There is appropriated from the general fund of the
30 state to the department of corrections for the fiscal year
31 beginning July 1, 1995, and ending June 30, 1996, the
32 following amounts, or so much thereof as is necessary, to be
33 allocated as follows:

34 a. For the first judicial district department of
35 correctional services, including the treatment and supervision

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

4 \$ 6,648,762

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

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

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

20 \$ 5,375,715

21 (1) The district department shall continue the sex
22 offender treatment program established within the district in
23 1988 Iowa Acts, chapter 1271, section 6, subsection 1,
24 paragraph "b".

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

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

34 \$ 3,284,176

35 (1) The district department shall continue the sex

1 offender treatment program established within the district in
2 1988 Iowa Acts, chapter 1271, section 6, subsection 1,
3 paragraph "c", and the intensive supervision program
4 established within the district in 1990 Iowa Acts, chapter
5 1268, section 6, subsection 3, paragraph "d".

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

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

15 \$ 2,398,328

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

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

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

29 \$ 8,784,368

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

35 (2) The district department, in cooperation with the chief

1 judge of the judicial district, shall continue the
2 implementation of a plan to divert low-risk offenders to the
3 least restrictive sanction available.

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

9 \$ 6,918,725

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

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

25 g. For the seventh 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 \$ 4,372,318

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

1 316, section 8, subsection 1, paragraph "g".

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

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

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

15 \$ 3,905,921

16 (1) The district department shall continue the intensive
17 supervision program established within the district in 1988
18 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph
19 "h", and shall continue the sex offender treatment program
20 established within the district in 1989 Iowa Acts, chapter
21 316, section 8, subsection 1, paragraph "h".

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

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

30 \$ 83,576

31 2. The department of corrections shall continue to
32 contract with a judicial district department of correctional
33 services to provide for the rental of electronic monitoring
34 equipment which shall be available statewide.

35 3. Each judicial district department of correctional

1 services and the department of corrections shall continue the
2 treatment alternatives to street crime programs established in
3 1989 Iowa Acts, chapter 225, section 9.

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

9 5. Each judicial district department of correctional
10 services shall provide a report concerning the treatment and
11 supervision of probation and parole violators who have been
12 released from the department of corrections violator program,
13 to the co-chairpersons and ranking members of the joint
14 appropriations subcommittee on the justice system and the
15 legislative fiscal bureau, on or before January 15, 1996.

16 6. It is the intent of the general assembly that each
17 judicial district department of correctional services shall
18 operate the community-based correctional facilities in a
19 manner which provides for a residential population of at least
20 110 percent of the design capacity of the facility.

21 Sec. 7. JUDICIAL DEPARTMENT. There is appropriated from
22 the general fund of the state to the judicial department for
23 the fiscal year beginning July 1, 1995, and ending June 30,
24 1996, the following amounts, or so much thereof as is
25 necessary, to be used for the purposes designated:

26 1. For salaries of supreme court justices, appellate court
27 judges, district court judges, district associate judges,
28 judicial magistrates and staff, state court administrator,
29 clerk of the supreme court, district court administrators,
30 clerks of the district court, trial court supervisors, trial
31 court technicians II, financial supervisors I and II, juvenile
32 court officers, board of law examiners and board of examiners
33 of shorthand reporters and judicial qualifications commission,
34 receipt and disbursement of child support payments,
35 reimbursement of the auditor of state for expenses incurred in

1 completing audits of the offices of the clerks of the district
2 court during the fiscal year beginning July 1, 1995, and
3 maintenance, equipment, and miscellaneous purposes:

4 \$ 87,244,771

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

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

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

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

28 e. Of the funds appropriated in this subsection, the
29 judicial department shall use not more than \$968,716 for an
30 additional 7 district court judges and an additional 7 court
31 reporters. Of the additional district court judges and court
32 reporters, 1 additional district court judge and 1 court
33 reporter shall be assigned to each of the first, fourth,
34 sixth, seventh, and eighth judicial districts, and 2
35 additional district court judges and 2 court reporters shall

1 be assigned to the fifth judicial district.

2 f. Of the funds appropriated in this subsection, the
3 judicial department shall use not more than \$507,184 for an
4 additional 4 district associate judges and 4 additional court
5 reporters, with 3 of the additional district associate judges
6 and 3 additional court reporters to be assigned to the fifth
7 judicial district and 1 additional district associate judge
8 and 1 additional court reporter to be assigned to the second
9 judicial district.

10 g. Of the funds appropriated in this subsection, the
11 judicial department shall use the following amounts for the
12 purposes indicated:

13 (1) For an additional 1 FTE for the expansion of the
14 court-appointed special advocate program, \$43,336.

15 (2) For increasing the amount to juvenile restitution,
16 \$23,999.

17 (3) For an additional 4 juvenile court officers, \$133,635.

18 h. It is the intent of the general assembly that the
19 judicial department reduce the amounts expended for travel,
20 office supplies, and printing by 5 percent from the amounts
21 expended for these purposes during the 1994-1995 fiscal year.

22 i. Of the funds appropriated in this subsection, the
23 judicial department shall use not more than \$1,290,000 for
24 increasing the existing capacity of the Iowa court information
25 system by extending the system into 15 additional counties and
26 for the development of a computer software program to allow
27 state agencies to gain access to data in the Iowa court
28 information system. However, the funds shall not be used to
29 expand the applications of the system for purposes other than
30 those for which the system is currently used, and the judicial
31 department shall focus efforts in utilizing the funds referred
32 to in this paragraph upon the collection of delinquent fines,
33 penalties, court costs, fees, surcharges, or similar amounts.
34 The judicial department shall investigate the most efficient
35 way to complete the expansion of the department's entire

1 communication and information management system, and include
2 this information in a report to be submitted to the co-
3 chairpersons and ranking members of the joint appropriations
4 subcommittee on the justice system and the legislative fiscal
5 bureau, on or before January 15, 1996.

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

11 k. The judicial department shall report to the co-
12 chairpersons and ranking members of the joint appropriations
13 subcommittee on the justice system by February 1, 1996,
14 concerning an evaluation of the needs of the court system,
15 particularly resources necessary to meet the increasing
16 demands on the courts. The report shall also identify
17 legislative changes which would reduce or alleviate the
18 workload of the courts.

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

23 2. For the juvenile victim restitution program:
24 \$ 131,397

25 Sec. 8. IOWA COURT INFORMATION SYSTEM. There is
26 appropriated from the general fund of the state to the
27 judicial department for the fiscal year beginning July 1,
28 1995, and ending June 30, 1996, the following amount, or so
29 much thereof as is necessary, to be used for the purpose
30 designated:

31 For the Iowa court information system:
32 \$ 857,500

33 1. In addition to the requirements for transfers under
34 section 8.39, the judicial department shall not change the
35 appropriations from the amounts appropriated in this section,

1 unless notice of the revisions is given prior to their
2 effective date to the legislative fiscal bureau. The notice
3 shall include information on the department's rationale for
4 making the changes and details concerning the work load and
5 performance measures upon which the changes are based.

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

18 b. A report required by this section shall be made by
19 January 15, 1996, for the counties added to the Iowa court
20 information system during the 1994-1995 fiscal year, and by
21 January 15, 1997, for the 15 additional counties added to the
22 system by this Act, indicating whether the counties have
23 reduced uncollected court fines and fees by 50 percent as a
24 result of being added to the system.

25 Sec. 9. ENHANCED COURT COLLECTIONS FUND -- DISTRIBUTION.
26 Of the moneys collected and deposited in the enhanced court
27 collections fund created in section 602.1304, as enacted by
28 this Act, the first \$359,000 deposited in the fund in the
29 fiscal year beginning July 1, 1995, for use by the Iowa court
30 information system shall be expended for the purchase of jury
31 management software. Any additional moneys deposited in the
32 enhanced court collections fund in the fiscal year beginning
33 July 1, 1995, shall not be used for appellate software.

34 Sec. 10. JUDICIAL RETIREMENT FUND. There is appropriated
35 from the general fund of the state to the judicial retirement

1 fund for the fiscal year beginning July 1, 1995, and ending
2 June 30, 1996, the following amount, or so much thereof as is
3 necessary, to be used for the purpose designated:

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

8 \$ 3,150,915

9 Sec. 11. INDIGENT DEFENSE COSTS. The supreme court shall
10 submit a written report for the preceding fiscal year no later
11 than January 1 of each year indicating the amounts collected
12 pursuant to section 815.9A, relating to recovery of indigent
13 defense costs. The report shall include the total amount
14 collected by all courts, as well as the amounts collected by
15 each judicial district. The supreme court shall also submit a
16 written report quarterly indicating the number of criminal and
17 juvenile filings which occur in each judicial district for
18 purposes of estimating indigent defense costs. A copy of each
19 report shall be provided to the public defender, the
20 department of management, and the legislative fiscal bureau.
21 The judicial department shall continue to assist in the
22 development of an automated data system for use in the sharing
23 of information utilizing the generic program interface for
24 legislative and executive branch uses.

25 Sec. 12. AUTOMATED DATA SYSTEM. The department of
26 corrections, judicial district departments of correctional
27 services, board of parole, and the judicial department shall
28 continue to develop an automated data system for use in the
29 sharing of information between the department of corrections,
30 judicial district departments of correctional services, board
31 of parole, and the judicial department. The information to be
32 shared shall concern any individual who may, as the result of
33 an arrest or infraction of any law, be subject to the
34 jurisdiction of the department of corrections, judicial
35 district departments of correctional services, or board of

1 parole. The department of corrections, in consultation and
2 cooperation with the judicial district departments of
3 correctional services, the board of parole, and the judicial
4 department, shall provide a report concerning the development
5 of the automated data system to the co-chairpersons and
6 ranking members of the joint appropriations subcommittee on
7 the justice system and the legislative fiscal bureau, on or
8 before January 15, 1996.

9 Sec. 13. CORRECTIONAL INSTITUTIONS -- VOCATIONAL TRAINING.

10 The state prison industries board and the department of
11 corrections shall continue the implementation of a plan to
12 enhance vocational training opportunities within the
13 correctional institutions listed in section 904.102, as
14 provided in 1993 Iowa Acts, chapter 171, section 12. The plan
15 shall provide for increased vocational training opportunities
16 within the correctional institutions, including the
17 possibility of approving community college credit for inmates
18 working in prison industries. The department of corrections
19 shall provide a report concerning the implementation of the
20 plan to the co-chairpersons and ranking members of the joint
21 appropriations subcommittee on the justice system and the
22 legislative fiscal bureau, on or before January 15, 1996.

23 Sec. 14. APPROPRIATIONS TO THE DEPARTMENT OF CORRECTIONS
24 -- MONEYS ENCUMBERED -- PRIORITIES.

25 1. Notwithstanding any other provision of law to the
26 contrary, moneys appropriated to the department of corrections
27 pursuant to 1994 Iowa Acts, chapter 1196, sections 4, 5, and
28 6, shall be considered encumbered pursuant to section 8.33,
29 and shall not revert to the general fund of the state at the
30 end of the fiscal year commencing July 1, 1994. As used in
31 this section, unless the context otherwise requires,
32 "encumbered funds" means the moneys appropriated to the
33 department of corrections pursuant to 1994 Iowa Acts, chapter
34 1196, sections 4, 5, and 6, which would otherwise revert to
35 the general fund of the state after the end of the fiscal year

1 in which the moneys were appropriated, but for the prohibition
2 contained in this section.

3 2. The department of corrections shall use encumbered
4 funds in the fiscal year commencing July 1, 1995, to fund up
5 to an additional 50 FTEs for the employment of correctional
6 officers in the correctional institutions specified in section
7 904.102, and to purchase surveillance cameras and other
8 necessary surveillance equipment for use in correctional
9 institutions. The FTEs provided in this section for the
10 employment of correctional officers and the funding provided
11 for the purchase of equipment are in addition to any FTEs or
12 equipment funded in section 4 of this Act. The department of
13 corrections shall use its discretion in distributing the
14 additional correctional officers and equipment throughout the
15 correctional facilities. The department of corrections shall
16 file a report with the department of management concerning
17 correctional officer positions filled and critically needed
18 safety equipment purchased from encumbered funds provided
19 under this section. If the department is able to fund an
20 additional 50 FTEs for the employment of correctional officers
21 pursuant to this section and to purchase all critically needed
22 safety equipment, any remaining funds shall be unencumbered
23 and shall revert to the general fund of the state at the end
24 of the fiscal year commencing July 1, 1995.

25 Sec. 15. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.

26 1. As used in this section, unless the context otherwise
27 requires, "state agency" means the government of the state of
28 Iowa, including but not limited to all executive departments,
29 agencies, boards, bureaus, and commissions, the judicial
30 department, the general assembly and all legislative agencies,
31 institutions within the purview of the state board of regents,
32 and any corporation whose primary function is to act as an
33 instrumentality of the state.

34 2. State agencies are hereby encouraged to purchase
35 products from Iowa state industries, as defined in section

1 904.802, when purchases are required and the products are
2 available from Iowa state industries.

3 Sec. 16. STATE PUBLIC DEFENDER. There is appropriated
4 from the general fund of the state to the office of the state
5 public defender of the department of inspections and appeals
6 for the fiscal year beginning July 1, 1995, and ending June
7 30, 1996, the following amounts, or so much thereof as is
8 necessary, for the purposes designated, and for not more than
9 the following full-time equivalent positions:

10 1. For salaries, support, maintenance, and miscellaneous
11 purposes:

12 \$ 9,020,095
13 FTEs 160.30

14 2. For indigent court-appointed attorney fees for adults
15 and juveniles, notwithstanding section 232.141 and chapter
16 815:

17 \$ 11,751,800

18 The department of inspections and appeals shall design a
19 uniform statewide fee claim form for juvenile court cases for
20 all attorneys to utilize in submitting fee claims to the
21 counties for payment so as to enable the department to compile
22 statewide cost and statistical information. The department
23 may adopt emergency rules to implement this process.

24 Sec. 17. EMERGENCY RULES. If specifically authorized by a
25 provision of this Act, the department of inspections and
26 appeals may adopt administrative rules under section 17A.4,
27 subsection 2, and section 17A.5, subsection 2, paragraph "b",
28 to implement the provisions and the rules shall become
29 effective immediately upon filing, unless a later effective
30 date is specified in the rules. Any rules adopted in
31 accordance with the provisions of this section shall also be
32 published as notice of intended action as provided in section
33 17A.4.

34 Sec. 18. IOWA LAW ENFORCEMENT ACADEMY. There is
35 appropriated from the general fund of the state to the Iowa

1 law enforcement academy for the fiscal year beginning July 1,
2 1995, and ending June 30, 1996, the following amounts, or so
3 much thereof as is necessary, to be used for the purposes
4 designated:

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

9 \$ 1,000,154
10 FTEs 24.00

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

14 \$ 14,300

15 Sec. 19. DEPARTMENT OF PUBLIC DEFENSE. There is
16 appropriated from the general fund of the state to the
17 department of public defense for the fiscal year beginning
18 July 1, 1995, and ending June 30, 1996, the following amounts,
19 or so much thereof as is necessary, to be used for the
20 purposes designated:

21 1. MILITARY DIVISION

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

25 \$ 3,852,724
26 FTEs 212.26

27 If there is a surplus in the general fund of the state for
28 the fiscal year ending June 30, 1996, within 60 days after the
29 closing of the fiscal year, the military division may incur up
30 to an additional \$500,000 in expenditures from the surplus
31 prior to transfer of the surplus pursuant to section 8.57.

32 2. EMERGENCY MANAGEMENT DIVISION

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

1 \$ 486,498

2 FTEs 15.05

3 Sec. 20. DEPARTMENT OF PUBLIC SAFETY. There is
4 appropriated from the general fund of the state to the
5 department of public safety for the fiscal year beginning July
6 1, 1995, and ending June 30, 1996, the following amounts, or
7 so much thereof as is necessary, to be used for the purposes
8 designated:

9 1. For the department's administrative functions,
10 including the medical examiner's office and the criminal
11 justice information system, and for not more than the
12 following full-time equivalent positions:

13 \$ 2,179,251

14 FTEs 40.00

15 2. For the division of criminal investigation and bureau
16 of identification including the state's contribution to the
17 peace officers' retirement, accident, and disability system
18 provided in chapter 97A in the amount of 18 percent of the
19 salaries for which the funds are appropriated, to meet federal
20 fund matching requirements, and for not more than the
21 following full-time equivalent positions:

22 \$ 8,330,089

23 FTEs 166.00

24 3. For the division of narcotics enforcement:

25 a. The state's contribution to the peace officers'
26 retirement, accident, and disability system provided in
27 chapter 97A in the amount of 18 percent of the salaries for
28 which the funds are appropriated, to meet federal fund
29 matching requirements, and for not more than the following
30 full-time equivalent positions:

31 \$ 2,401,001

32 FTEs 38.00

33 b. Undercover purchases:

34 \$ 139,202

35 4. For the state fire marshal's office, including the

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

6 \$ 1,424,236

7 FTEs 31.00

8 5. For the capitol security division, and for not more
9 than the following full-time equivalent positions:

10 \$ 1,164,441

11 FTEs 27.00

12 Sec. 21. GOVERNOR'S SUBSTANCE ABUSE PREVENTION

13 COORDINATOR. There is appropriated from the general fund of
14 the state to the office of the governor's substance abuse pre-
15 vention coordinator for the fiscal year beginning July 1,
16 1995, and ending June 30, 1996, the following amount, or so
17 much thereof as is necessary, to be used for the purposes
18 designated:

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

22 \$ 328,786

23 FTEs 10.00

24 Sec. 22. Section 99F.10, subsection 4, Code 1995, is
25 amended to read as follows:

26 4. In determining the license fees and state admission
27 fees to be charged as provided under section 99F.4 and this
28 section, the commission shall use the amount appropriated to
29 the commission plus the full cost of auditing the division of
30 criminal investigation's excursion gambling boat activities as
31 the basis for determining the amount of revenue to be raised
32 from the license fees and admission fees. The division's
33 costs shall include but are not limited to salary and
34 associated costs incurred by personnel assigned to excursion
35 boat gambling who enforce laws, and rules adopted by the

1 commission.

2 Sec. 23. Section 602.1302, subsection 1, Code 1995, is
3 amended to read as follows:

4 1. Except as otherwise provided by section sections
5 602.1303 and 602.1304 or other applicable law, the expenses of
6 operating and maintaining the department shall be paid out of
7 the general fund of the state from funds appropriated by the
8 general assembly for the department. State funding shall be
9 phased in as provided in section 602.11101.

10 Sec. 24. Section 602.1304, Code 1995, is amended to read
11 as follows:

12 602.1304 REVENUES -- ENHANCED COURT COLLECTIONS FUND.

13 1. Except as provided in article 8 and subsection 2 of
14 this section, all fees and other revenues collected by
15 judicial officers and court employees shall be paid into the
16 general fund of the state.

17 2. a. The enhanced court collections fund is created in
18 the state treasury under the authority of the supreme court.
19 The fund shall be separate from the general fund of the state
20 and the balance in the fund shall not be considered part of
21 the balance of the general fund of the state. Notwithstanding
22 section 8.33, moneys in the fund shall not revert to the
23 general fund, unless and to the extent the total amount of
24 moneys deposited into the fund in a fiscal year would exceed
25 the maximum annual deposit amount established for the
26 collections fund by the general assembly. The initial maximum
27 annual deposit amount for a fiscal year is four million
28 dollars. Notwithstanding section 12C.7, subsection 2,
29 interest or earnings on moneys in the collections fund shall
30 remain in the collections fund and any interest and earnings
31 shall be in addition to the maximum annual deposit amount.

32 b. For each fiscal year, the state revenue estimating
33 conference estimate of the total amount of fees and other
34 revenues collected by judicial officers and court employees
35 for that fiscal year shall be equally and proportionately

1 divided into a quarterly amount. The state revenue estimating
2 conference estimate used shall be the first estimate made
3 following the adjournment of the regular session of the
4 general assembly adjusted as provided in section 8.54,
5 subsection 1. In each quarter of a fiscal year, after
6 revenues collected by judicial officers and court employees
7 equal to that quarterly amount are deposited into the general
8 fund of the state and after the required amount is deposited
9 during the quarter into the Iowa prison infrastructure fund
10 pursuant to section 602.8108A, the director of revenue and
11 finance shall deposit the remaining revenues for that quarter
12 into the enhanced court collections fund in lieu of the
13 general fund. However, after total deposits into the
14 collections fund for the fiscal year are equal to the maximum
15 deposit amount established for the collections fund, remaining
16 revenues for that fiscal year shall be deposited into the
17 general fund.

18 c. Moneys in the collections fund shall be used by the
19 judicial department for the Iowa court information system.

20 Sec. 25. Section 602.8108A, subsection 1, Code 1995, is
21 amended to read as follows:

22 1. The Iowa prison infrastructure fund is created and
23 established as a separate and distinct fund in the state
24 treasury. Notwithstanding any other provision of this chapter
25 to the contrary, the first ~~four~~ eight million dollars of
26 moneys remitted to the treasurer of state from fines, fees,
27 costs, and forfeited bail collected by the clerks of the
28 district court in criminal cases, including those collected
29 for both scheduled and nonscheduled violations, collected in
30 each fiscal year commencing with the fiscal year beginning
31 July 1, 1995, shall be deposited in the fund. Interest and
32 other income earned by the fund shall be deposited in the
33 fund. If the treasurer of state determines pursuant to 1994
34 Iowa Acts, chapter 1196, that bonds can be issued pursuant to
35 this section and section 16.177, then the moneys in the fund

1 are appropriated to and for the purpose of paying the
2 principal of, premium, if any, and interest on bonds issued by
3 the Iowa finance authority under section 16.177. Except as
4 otherwise provided in subsection 2, amounts in the funds shall
5 not be subject to appropriation for any purpose by the general
6 assembly, but shall be used only for the purposes set forth in
7 this section. The treasurer of state shall act as custodian
8 of the fund and disburse amounts contained in it as directed
9 by the department of corrections including the automatic
10 disbursement of funds pursuant to the terms of bond indentures
11 and documents and security provisions to trustees and
12 custodians. The treasurer of state is authorized to invest
13 the funds deposited in the fund subject to any limitations
14 contained in any applicable bond proceedings. Any amounts
15 remaining in the fund at the end of each fiscal year shall be
16 transferred to the general fund.

17 Sec. 26. 1993 Iowa Acts, chapter 171, section 11,
18 subsection 4, as amended by 1994 Iowa Acts, chapter 1196,
19 section 23 is amended to read as follows:

20 4. The task force shall submit the plan to the governor
21 and the general assembly on or before January 15, ~~1995~~ 1996.

22 Sec. 27. EFFECTIVE DATES.

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

27 2. Section 14 of this Act, pertaining to the encumbrance
28 of certain moneys appropriated to the department of correc-
29 tions in the fiscal year commencing July 1, 1994, being deemed
30 of immediate importance, takes effect upon enactment.

31 3. Section 4, subsection 3, and section 25, relating to
32 department of corrections facilities and the prison
33 infrastructure fund, being deemed of immediate importance,
34 takes effect upon enactment.

35

EXPLANATION

1 The bill makes appropriations for the 1995-1996 fiscal year
2 to the departments of justice, corrections, public defense,
3 and certain divisions of public safety, and judicial
4 department, the Iowa law enforcement academy, board of parole,
5 and other public safety activities.

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SENATE FILE 459

AN ACT

RELATING TO AND MAKING APPROPRIATIONS TO THE DEPARTMENT OF JUSTICE, OFFICE OF CONSUMER ADVOCATE, BOARD OF PAROLE, DEPARTMENT OF CORRECTIONS, JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL SERVICES, JUDICIAL DEPARTMENT, STATE PUBLIC DEFENDER, IOWA LAW ENFORCEMENT ACADEMY, DEPARTMENT OF PUBLIC DEFENSE, AND FOR THE DEPARTMENT OF PUBLIC SAFETY'S ADMINISTRATION, DIVISION OF CRIMINAL INVESTIGATION AND BUREAU OF IDENTIFICATION, DIVISION OF NARCOTICS ENFORCEMENT, UNDERCOVER PURCHASES, AND THE STATE FIRE MARSHAL'S OFFICE, FOR THE FISCAL YEAR BEGINNING JULY 1, 1995, AND PROVIDING EFFECTIVE DATES AND RETROACTIVE APPLICABILITY.

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, 1995, and ending June 30, 1996, 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:
- | | | |
|-------|------|-----------|
| ..... | \$ | 5,242,801 |
| ..... | FTEs | 177.50 |

It is the intent of the general assembly that the general office of attorney general shall establish within the office a

farm services unit and a juvenile unit within the funds appropriated in this subsection:

- 2. Prosecuting attorney training program for salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:
- | | | |
|-------|------|---------|
| ..... | \$ | 122,415 |
| ..... | FTEs | 4.00 |

a. In addition to the funds appropriated in this subsection for the fiscal year beginning July 1, 1995, and ending June 30, 1996, 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, 1995, and ending June 30, 1996, 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, 1995, and ending June 30, 1996, an amount not exceeding \$200,000 to be used for the enforcement of the Iowa

competition law. The expenditure of the funds appropriated in this subsection is contingent upon receipt by the general fund of the state of an amount at least equal to either the expenditures from damages awarded to the state or a political subdivision of the state by a civil judgment under chapter 553, if the judgment authorizes the use of the award for enforcement purposes or costs or attorneys fees awarded the state in state or federal antitrust actions. However, if the funds received as a result of these judgments are in excess of \$200,000, the excess funds shall not be appropriated to the department of justice pursuant to this subsection.

4. In addition to the funds appropriated in subsection 1, there is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 1995, and ending June 30, 1996, an amount not exceeding \$125,000 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 \$200,000, the excess funds shall not be appropriated to the department of justice pursuant to this subsection.

5. For victim assistance grants:

..... \$ 1,359,806

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:

..... \$ 106,451
..... 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 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, 1994, and actual and expected reimbursements for the fiscal year commencing July 1, 1995.

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, 1996.

Sec. 2. 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, 1995, and ending June 30, 1996, 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:
..... \$ 2,155,779
..... FTEs 32.00

Sec. 3. 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, 1995, and ending June 30, 1996, 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:
..... \$ 805,400
..... FTEs 17.00

The board of parole shall require the board's administrative staff to be cross-trained to assure that each

individual on that staff is familiar with all tasks performed by the staff.

Sec. 4. DEPARTMENT OF CORRECTIONS -- FACILITIES. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

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

a. For the operation of the Fort Madison correctional facility, including salaries, support, maintenance, employment of 310 correctional officers, miscellaneous purposes, and for not more than the following full-time equivalent positions:
..... \$ 25,528,267
..... FTEs 494.00

b. For the operation of the Anamosa correctional facility, including salaries, support, maintenance, employment of 222 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:
..... \$ 19,337,558
..... FTEs 366.25

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

c. For the operation of the Oakdale correctional facility, including salaries, support, maintenance, employment of 159 correctional officers, miscellaneous purposes, and for not more than the following full-time equivalent positions:
..... \$ 15,966,313
..... FTEs 321.80

d. For the operation of the Newton correctional facility, including salaries, support, maintenance, employment of 44 correctional officers, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 5,687,373
 FTEs 116.25

e. For the operation of the Mt. Pleasant correctional facility, including salaries, support, maintenance, employment of 150 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:

..... \$ 13,869,795
 FTEs 268.92

f. For the operation of the Rockwell City correctional facility, including salaries, support, maintenance, employment of 58 correctional officers, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 5,510,246
 FTEs 111.00

g. For the operation of the Clarinda correctional facility, including salaries, support, maintenance, employment of 120.66 correctional officers, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 10,768,008
 FTEs 203.85

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

h. For the operation of the Mitchellville correctional facility, including salaries, support, maintenance, employment of 71.5 correctional officers, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 6,288,619
 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 conduct a study to compare the costs and consider the feasibility of leasing an existing building or of constructing, remodeling, or renovating a building for use as a residential facility and office in Fort Dodge by the second judicial district department of corrections. The department of corrections shall submit a report on the study, including the findings and recommendations of the department, to the general assembly on or before January 30, 1996.

4. The department of corrections shall conduct a study to consider the establishment and location of a 50-bed infirmary unit to provide nursing, medical, and other health care-related services to inmates. The department shall submit a report on the study, including the findings and

recommendations of the department, to the general assembly on or before January 8, 1996.

5. The department of corrections shall, in consultation with the board of parole, the criminal and juvenile justice planning division of the department of human rights, and the office of the attorney general, conduct a study to consider whether to establish a super-maximum security facility for inmates. The study shall consider the number of beds needed at such a facility, the best location for the facility, whether existing facilities or new construction should be used to establish the facility, and whether constructing or establishing a new facility could result in removal of the court-ordered limit on the number of prison inmates allowed at Fort Madison. The department of corrections shall submit a report on the study, including the findings and recommendations of the department, to the general assembly on or before January 8, 1996.

Sec. 5. DEPARTMENT OF CORRECTIONS -- ADMINISTRATION.

There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 1995, and ending June 30, 1996, 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:
- | | | |
|------------|----|-----------|
| ..... | \$ | 2,298,531 |
| 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, 1995, for the privatization of services performed by the department using state employees as of July 1, 1995, 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.

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:
- | | | |
|------------|----|---------|
| ..... | \$ | 384,597 |
| FTEs | | 7.16 |

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

..... \$ 3,180,990

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

..... \$ 1,850,600

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.

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.

Sec. 6. 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, 1995, and ending June 30, 1996, 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:

..... \$ 6,648,762

(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:

..... \$ 5,375,715

(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:

..... \$ 3,284,176

(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:

..... \$ 2,398,328

(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:

..... \$ 8,784,368

(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:

..... \$ 6,918,725

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

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

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

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:

..... \$ 4,372,318

(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:

..... \$ 3,905,921

(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

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

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

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

5. Each judicial district department of correctional services shall provide a report concerning the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system and the legislative fiscal bureau, on or before January 15, 1996.

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. 7. JUDICIAL DEPARTMENT. There is appropriated from the general fund of the state to the judicial department for the fiscal year beginning July 1, 1995, and ending June 30, 1996, 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, 1995, and maintenance, equipment, and miscellaneous purposes:

..... \$ 87,220,772

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. Of the funds appropriated in this subsection, the judicial department shall use not more than \$968,716 for an additional 7 district court judges and an additional 7 court reporters. Of the additional district court judges and court reporters, 1 additional district court judge and 1 court reporter shall be assigned one each to judicial election subdistricts one-B and eight-A and to judicial election districts four, six, and seven, and 2 additional district

court judges and 2 court reporters shall be assigned to the judicial election subdistrict five-C.

f. Of the funds appropriated in this subsection, the judicial department shall use not more than \$507,184 for an additional 4 district associate judges and 4 additional court reporters, with 3 of the additional district associate judges and 3 additional court reporters for Polk county, and 1 additional district associate judge and one additional court reporter for Bremer, Floyd, and Hardin counties, notwithstanding the provisions of section 602.6301.

g. Of the funds appropriated in this subsection, the judicial department shall use the following amounts for the purposes indicated:

(1) For an additional 1 FTE for the expansion of the court-appointed special advocate program, \$43,336.

(2) For an additional 4 juvenile court officers, \$133,635.

h. It is the intent of the general assembly that the judicial department reduce the amounts expended for travel, office supplies, and printing by 5 percent from the amounts expended for these purposes during the 1994-1995 fiscal year.

i. Of the funds appropriated in this subsection, the judicial department shall use not more than \$1,290,000 for increasing the existing capacity of the Iowa court information system by extending the system into 15 additional counties and for the development of a computer software program to allow state agencies to gain access to data in the Iowa court information system. However, the funds shall not be used to expand the applications of the system for purposes other than those for which the system is currently used, and the judicial department shall focus efforts in utilizing the funds referred to in this paragraph upon the collection of delinquent fines, penalties, court costs, fees, surcharges, or similar amounts. The judicial department shall investigate the most efficient way to complete the expansion of the department's entire communication and information management system, and include

this information in a report to be submitted 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, 1996.

j. 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.

k. The judicial department shall report to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system by February 1, 1996, concerning an evaluation of the needs of the court system, particularly resources necessary to meet the increasing demands on the courts. The report shall also identify legislative changes which would reduce or alleviate the workload of the courts.

1. 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.

2. For the juvenile victim restitution program:

..... \$ 155,396

Sec. 8. IOWA COURT INFORMATION SYSTEM. There is appropriated from the general fund of the state to the judicial department for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the Iowa court information system:

..... \$ 857,500

1. In addition to the requirements for transfers under section 8.39, the judicial department shall not change the appropriations from the amounts appropriated in this section, 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.

2. a. 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 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. The report shall also compare fines, surcharges, and court costs collected in selected counties which are using an automated system versus the amounts collected in at least three counties which are not using an automated system.

b. A report required by this section shall be made by January 15, 1996, for the counties added to the Iowa court information system during the 1994-1995 fiscal year, and by January 15, 1997, for the 15 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.

Sec. 9. ENHANCED COURT COLLECTIONS FUND -- DISTRIBUTION. Of the moneys collected and deposited in the enhanced court collections fund created in section 602.1304, as enacted by this Act, the first \$359,000 deposited in the fund in the fiscal year beginning July 1, 1995, for use by the Iowa court information system shall be expended for the purchase of jury management software. Any additional moneys deposited in the enhanced court collections fund in the fiscal year beginning July 1, 1995, shall not be used for appellate software.

Sec. 10. 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, 1995, and ending

June 30, 1996, 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:

..... \$ 3,150,915

Sec. 11. INDIGENT DEFENSE COSTS. The supreme court shall submit a written report for the preceding fiscal year no later than January 1 of each year 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. 12. 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, 1996.

Sec. 13. 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, 1996.

Sec. 14. 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 1994 Iowa Acts, chapter 1196, 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, 1994. As used in this section, unless the context otherwise requires, "encumbered funds" means the moneys appropriated to the department of corrections pursuant to 1994 Iowa Acts, chapter 1196, 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, 1995, 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 4 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, 1995.

Sec. 15. 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. 16. 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, 1995, and ending June 30, 1996, 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:
 - \$ 9,020,095
 - FTEs 160.30

- 2. For indigent court-appointed attorney fees for adults and juveniles, notwithstanding section 232.141 and chapter 815:
 - \$ 11,751,800

The department of inspections and appeals shall design a uniform statewide fee claim form for juvenile court cases for all attorneys to utilize in submitting fee claims to the counties for payment so as to enable the department to compile statewide cost and statistical information. The department may adopt emergency rules to implement this process.

Sec. 17. EMERGENCY RULES. If specifically authorized by a provision of this Act, the department of inspections and appeals may adopt administrative rules under section 17A.4, subsection 2, and section 17A.5, subsection 2, paragraph "b", to implement the provisions and the rules shall become effective immediately upon filing, unless a later effective date is specified in the rules. Any rules adopted in accordance with the provisions of this section shall also be published as notice of intended action as provided in section 17A.4.

Sec. 18. 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, 1995, and ending June 30, 1996, 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:
..... \$ 1,000,154
..... FTEs 24.00

- 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. 19. DEPARTMENT OF PUBLIC DEFENSE. There is appropriated from the general fund of the state to the department of public defense for the fiscal year beginning July 1, 1995, and ending June 30, 1996, 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:

- \$ 3,852,724
- FTEs 212.26

If there is a surplus in the general fund of the state for the fiscal year ending June 30, 1996, 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:

- \$ 486,498
- FTEs 14.05

Sec. 20. DEPARTMENT OF PUBLIC SAFETY. There is appropriated from the general fund of the state to the department of public safety for the fiscal year beginning July 1, 1995, and ending June 30, 1996, 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:
..... \$ 2,179,251
..... FTEs 40.00

2. For the division of criminal investigation and bureau of identification including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of 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:

..... \$ 8,883,350
 FTEs 182.00

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 on or after March 31, 1995.

3. For the division of narcotics enforcement:

a. 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:

..... \$ 2,401,001
 FTEs 38.00

b. 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:

..... \$ 1,424,236
 FTEs 31.00

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:

..... \$ 1,164,441
 FTEs 27.00

6. An employee of the department of public safety who retires after the effective date of this Act but prior to June

30, 1996, 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 maintenance of the automated fingerprint information system (AFIS):

..... \$ 211,576

8. For salaries, support, maintenance, and miscellaneous purposes of the pari-mutuel law enforcement agents, 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:

..... \$ 308,602

Sec. 21. The governor's traffic safety bureau of the department of public safety shall maximize funding to the division of health delivery systems of the Iowa department of public health during the fiscal year beginning July 1, 1995, from the moneys received from the federal highway administration due to the state's failure to enact a mandatory motorcycle helmet law pursuant to the federal Intermodal Surface Transportation Efficiency Act of 1991. The funds shall be allocated to emergency medical services associations for training of emergency medical services personnel and for the purchase of emergency medical equipment. Funding for emergency medical services shall be maximized to the extent that federal highway traffic safety funds are not jeopardized.

Sec. 22. Section 99F.10, subsection 4, Code 1995, is amended to read as follows:

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

Sec. 23. Section 602.1302, subsection 1, Code 1995, is amended to read as follows:

1. Except as otherwise provided by section sections 602.1303 and 602.1304 or other applicable law, the expenses of operating and maintaining the department shall be paid out of the general fund of the state from funds appropriated by the general assembly for the department. State funding shall be phased in as provided in section 602.11101.

Sec. 24. Section 602.1304, Code 1995, is amended to read as follows:

602.1304 REVENUES -- ENHANCED COURT COLLECTIONS FUND.

1. Except as provided in article 8 and subsection 2 of this section, all fees and other revenues collected by judicial officers and court employees shall be paid into the general fund of the state.

2. a. The enhanced court collections fund is created in the state treasury under the authority of the supreme court. The fund shall be separate from the general fund of the state and the balance in the fund shall not be considered part of the balance of the general fund of the state. Notwithstanding section 8.33, moneys in the fund shall not revert to the

general fund, unless and to the extent the total amount of moneys deposited into the fund in a fiscal year would exceed the maximum annual deposit amount established for the collections fund by the general assembly. The initial maximum annual deposit amount for a fiscal year is four million dollars. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the collections fund shall remain in the collections fund and any interest and earnings shall be in addition to the maximum annual deposit amount.

b. For each fiscal year, a judicial collection estimate for that fiscal year shall be equally and proportionally divided into a quarterly amount. The judicial collection estimate shall be calculated by using the state revenue estimating conference estimate made by December 15 pursuant to section 8.22A, subsection 3, of the total amount of fines, fees, civil penalties, costs, surcharges, and other revenues collected by judicial officers and court employees for deposit into the general fund of the state. The revenue estimating conference estimate shall be reduced by the maximum amounts allocated to the Iowa prison infrastructure fund pursuant to section 602.8108A, and the court technology fund pursuant to section 602.8108, and the remainder shall be the judicial collection estimate. In each quarter of a fiscal year, after revenues collected by judicial officers and court employees equal to that quarterly amount are deposited into the general fund of the state and after the required amount is deposited during the quarter into the Iowa prison infrastructure fund pursuant to section 602.8108A and into the court technology fund pursuant to section 602.8108, the director of revenue and finance shall deposit the remaining revenues for that quarter into the enhanced court collections fund in lieu of the general fund. However, after total deposits into the collections fund for the fiscal year are equal to the maximum deposit amount established for the collections fund, remaining revenues for that fiscal year shall be deposited into the

general fund. If the revenue estimating conference agrees to a different estimate at a later meeting which projects a lesser amount of revenue than the initial estimate amount used to calculate the judicial collection estimate, the director of revenue and finance shall recalculate the judicial collection estimate accordingly. If the revenue estimating conference agrees to a different estimate at a later meeting which projects a greater amount of revenue than the initial estimate amount used to calculate the judicial collection estimate, the director of revenue and finance shall recalculate the judicial collection estimate accordingly but only to the extent that the greater amount is due to an increase in the fines, fees, civil penalties, costs, surcharges, or other revenues allowed by law to be collected by judicial officers and court employees.

c. Moneys in the collections fund shall be used by the judicial department for the Iowa court information system.

Sec. 25. Section 602.6201, subsection 10, Code 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 one eight during the period commencing July 1, ~~1990~~ 1995.

Sec. 26. NEW SECTION. 904.311A PRISON RECYCLING FUND.

The Iowa prison recycling fund is created and established as a separate and distinct fund in the state treasury. All moneys remitted to the department for recycling operations in each fiscal year commencing with the fiscal year beginning July 1, 1994, shall be deposited in the fund. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the fund shall be credited to the fund. Notwithstanding section 8.33, moneys in the fund shall not revert to the general fund of the state at the close of a fiscal year but shall remain in the fund and be used as directed in this section in the succeeding fiscal year. The

treasurer of state shall act as custodian of the fund and disburse moneys from the fund as directed by the department for the purpose of payment of operating expenses for recycling.

Sec. 27. NEW SECTION. 904.508A INMATE TELEPHONE REBATE FUND.

The department is authorized to establish and maintain an inmate telephone rebate fund in each institution for the deposit of moneys received for inmate telephone rebates. All funds deposited in this fund shall be used for the benefit of inmates. The director shall adopt rules providing for the disbursement of moneys from the fund.

Sec. 28. 1993 Iowa Acts, chapter 171, section 11, subsection 4, as amended by 1994 Iowa Acts, chapter 1196, section 23 is amended to read as follows:

4. The task force shall submit the plan to the governor and the general assembly on or before January 15, ~~1995~~ 1996.

Sec. 29. INTERIM STUDY COMMITTEE. The legislative council is requested to authorize an interim study committee concerning the enforcement of activities on excursion gambling boats.

Sec. 30. 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 14 of this Act, pertaining to the encumbrance of certain moneys appropriated to the department of corrections in the fiscal year commencing July 1, 1994, being deemed of immediate importance, takes effect upon enactment.

3. Section 28 of this Act, dealing with the intermediate criminal sanctions task force, takes effect upon enactment and is retroactively applicable to January 1, 1995.

4. Section 21 of this Act, dealing with the governor's traffic safety bureau, takes effect upon enactment.

5. Section 26 of this Act, dealing with the Iowa prison recycling fund, takes effect upon enactment and is retroactively applicable to July 1, 1994.

LEONARD L. BOSWELL
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 459, Seventy-sixth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved May 4, 1995

TERRY E. BRANSTAD
Governor

SF 459