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SENATE FILE **533**
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 252)

Passed Senate, Date ^(p.1055) 4-8-97 Passed House, Date 4-17-97 (p.1341)
Vote: Ayes 47 Nays 0 Vote: Ayes 95 Nays 3
Approved ~~_____~~ May 9, 1997

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A BILL FOR

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

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

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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, 1997, and ending
4 June 30, 1998, 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	\$	6,995,561
11	FTEs	177.50

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

15	\$	269,392
16	FTEs	6.00

17 a. In addition to the funds appropriated in this
18 subsection for the fiscal year beginning July 1, 1997, and
19 ending June 30, 1998, the attorney general shall provide up to
20 \$41,000 in state matching funds from moneys retained by the
21 attorney general from property forfeited pursuant to section
22 809A.17, for the prosecuting attorney training program, the
23 prosecuting intern program, or both. Counties participating
24 in the prosecuting intern program shall match the state funds.

25 b. In addition to the funds appropriated in this
26 subsection for the fiscal year beginning July 1, 1997, and
27 ending June 30, 1998, and the moneys retained by the attorney
28 general pursuant to paragraph "a", the attorney general shall
29 provide up to \$10,000 in state matching funds from moneys
30 retained by the attorney general from property forfeited
31 pursuant to section 809A.17, for the office of the prosecuting
32 attorneys training coordinator to use for continuation of the
33 domestic violence response enhancement program established in
34 accordance with 1992 Iowa Acts, chapter 1240, section 1,
35 subsection 2, paragraph "b".

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

5 3. In addition to the funds appropriated in subsection 1,
6 there is appropriated from the general fund of the state to
7 the department of justice for the fiscal year beginning July
8 1, 1997, and ending June 30, 1998, an amount not exceeding
9 \$200,000 to be used for the enforcement of the Iowa
10 competition law. The expenditure of the funds appropriated in
11 this subsection is contingent upon receipt by the general fund
12 of the state of an amount at least equal to either the
13 expenditures from damages awarded to the state or a political
14 subdivision of the state by a civil judgment under chapter
15 553, if the judgment authorizes the use of the award for
16 enforcement purposes or costs or attorneys fees awarded the
17 state in state or federal antitrust actions. However, if the
18 funds received as a result of these judgments are in excess of
19 \$200,000, the excess funds shall not be appropriated to the
20 department of justice pursuant to this subsection.

21 4. In addition to the funds appropriated in subsection 1,
22 there is appropriated from the general fund of the state to
23 the department of justice for the fiscal year beginning July
24 1, 1997, and ending June 30, 1998, an amount not exceeding
25 \$150,000 to be used for public education relating to consumer
26 fraud and for enforcement of section 714.16, and an amount not
27 exceeding \$75,000 for investigation, prosecution, and consumer
28 education relating to consumer and criminal fraud against
29 older Iowans. The expenditure of the funds appropriated in
30 this subsection is contingent upon receipt by the general fund
31 of the state of an amount at least equal to the expenditures
32 from damages awarded to the state or a political subdivision
33 of the state by a civil consumer fraud judgment or settlement,
34 if the judgment or settlement authorizes the use of the award
35 for public education on consumer fraud. However, if the funds

1 received as a result of these judgments and settlements are in
2 excess of \$225,000, the excess funds shall not be appropriated
3 to the department of justice pursuant to this subsection.

4 5. For victim assistance grants:
5 \$ 1,759,806

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

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

15 6. For the GASA prosecuting attorney program and for not
16 more than the following full-time equivalent positions:
17 \$ 121,259
18 FTEs 2.00

19 7. The balance of the victim compensation fund established
20 under section 912.14 may be used to provide salary and support
21 of not more than 13.00 FTEs and to provide maintenance for the
22 victim compensation functions of the department of justice.

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

33 9. a. The department of justice, in submitting budget
34 estimates for the fiscal year commencing July 1, 1998,
35 pursuant to section 8.23, shall include a report of funding

1 from sources other than amounts appropriated directly from the
2 general fund of the state to the department of justice or to
3 the office of consumer advocate. These funding sources shall
4 include, but are not limited to, reimbursements from other
5 state agencies, commissions, boards, or similar entities, and
6 reimbursements from special funds or internal accounts within
7 the department of justice. The department of justice shall
8 report actual reimbursements for the fiscal year commencing
9 July 1, 1996, and actual and expected reimbursements for the
10 fiscal year commencing July 1, 1997.

11 b. The department of justice shall include the report
12 required under paragraph "a", as well as information regarding
13 any revisions occurring as a result of reimbursements actually
14 received or expected at a later date, in a report to the co-
15 chairpersons and ranking members of the joint appropriations
16 subcommittee on the justice system and the legislative fiscal
17 bureau. The department of justice shall submit the report on
18 or before January 15, 1998.

19 10. For legal services for persons in poverty grants as
20 provided in section 13.34:
21 \$ 500,000

22 As a condition for accepting a grant funded pursuant to
23 this subsection, an organization receiving a grant shall
24 submit a report to the general assembly by January 1, 1998,
25 concerning the use of any grants received during the previous
26 fiscal year and efforts made by the organization to find
27 alternative sources of revenue to replace any reductions in
28 federal funding for the organization.

29 Sec. 2. DEPARTMENT OF JUSTICE -- ENVIRONMENTAL CRIMES
30 INVESTIGATION AND PROSECUTION -- FUNDING. There is
31 appropriated from the environmental crime fund of the
32 department of justice, consisting of court-ordered fines and
33 penalties awarded to the department arising out of the
34 prosecution of environmental crimes, to the department of
35 justice for the fiscal year beginning July 1, 1997, and ending

1 June 30, 1998, an amount not exceeding \$20,000 to be used by
2 the department, at the discretion of the attorney general, for
3 the investigation and prosecution of environmental crimes,
4 including the reimbursement of expenses incurred by county,
5 municipal, and other local governmental agencies cooperating
6 with the department in the investigation and prosecution of
7 environmental crimes.

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

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

23 Sec. 3. OFFICE OF CONSUMER ADVOCATE. There is
24 appropriated from the general fund of the state to the office
25 of consumer advocate of the department of justice for the
26 fiscal year beginning July 1, 1997, and ending June 30, 1998,
27 the following amount, or so much thereof as is necessary, to
28 be used for the purposes designated:

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

32	\$	2,372,826
33	FTEs	32.00

34 Sec. 4. DEPARTMENT OF CORRECTIONS -- FACILITIES. There is
35 appropriated from the general fund of the state to the

1 department of corrections for the fiscal year beginning July
2 1, 1997, and ending June 30, 1998, the following amounts, or
3 so much thereof as is necessary, to be used for the purposes
4 designated:

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

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

11 \$ 27,618,153
12 FTEs 507.97

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

19 \$ 20,888,037
20 FTEs 384.75

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

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

29 \$ 17,284,751
30 FTEs 334.30

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

35 \$ 19,251,272

1 FTEs 375.75

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

8 \$ 14,911,431

9 FTEs 289.32

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

14 \$ 5,950,292

15 FTEs 115.00

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

20 \$ 15,441,395

21 FTEs 263.00

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

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

31 \$ 7,138,684

32 FTEs 146.00

33 i. For the operation of the Fort Dodge correctional
34 facility, including salaries, support, maintenance, employment
35 of correctional officers, miscellaneous purposes, and for not

1 more than the following full-time equivalent positions:
 2 \$ 9,540,122
 3 FTEs 149.00

4 2. a. If the inmate tort claim fund for inmate claims of
 5 less than \$100 is exhausted during the fiscal year, sufficient
 6 funds shall be transferred from the institutional budgets to
 7 pay approved tort claims for the balance of the fiscal year.
 8 The warden or superintendent of each institution or
 9 correctional facility shall designate an employee to receive,
 10 investigate, and recommend whether to pay any properly filed
 11 inmate tort claim for less than the above amount. The
 12 designee's recommendation shall be approved or denied by the
 13 warden or superintendent and forwarded to the department of
 14 corrections for final approval and payment. The amounts
 15 appropriated to this fund pursuant to 1987 Iowa Acts, chapter
 16 234, section 304, subsection 2, are not subject to reversion
 17 under section 8.33.

18 b. Tort claims denied at the institution shall be
 19 forwarded to the state appeal board for their consideration as
 20 if originally filed with that body. This procedure shall be
 21 used in lieu of chapter 669 for inmate tort claims of less
 22 than \$100.

23 3. The department of corrections is authorized to
 24 construct a 200-bed living unit at the Mitchellville
 25 correctional facility utilizing federal grant moneys received
 26 by the department for this purpose.

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

28 There is appropriated from the general fund of the state to
 29 the department of corrections for the fiscal year beginning
 30 July 1, 1997, and ending June 30, 1998, the following amounts,
 31 or so much thereof as is necessary, to be used for the
 32 purposes designated:

33 1. For general administration, including salaries,
 34 support, maintenance, employment of an education director and
 35 clerk to administer a centralized education program for the

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

3 \$ 2,024,844
4 FTEs 37.18

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

11 It is the intent of the general assembly that as a
12 condition of receiving the appropriation provided in this
13 subsection, the department of corrections shall not enter into
14 a new contract, unless the contract is a renewal of an
15 existing contract, for the expenditure of moneys in excess of
16 \$100,000 during the fiscal year beginning July 1, 1997, for
17 the privatization of services performed by the department
18 using state employees as of July 1, 1997, or for the
19 privatization of new services by the department, without prior
20 consultation with any applicable state employee organization
21 affected by the proposed new contract and prior notification
22 of the co-chairpersons and ranking members of the joint
23 appropriations subcommittee on the justice system.

24 The department of general services may, notwithstanding any
25 provisions of law or rule to the contrary, permit the
26 department of corrections the opportunity to acquire, at no
27 cost, computers that would otherwise be disposed of by the
28 department of general services. The department of corrections
29 shall use computers acquired under this paragraph to provide
30 educational training and programs for inmates.

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

35 \$ 524,038

1 3. For federal prison reimbursement, reimbursements for
2 out-of-state placements, and miscellaneous contracts:
3 \$ 341,334

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

7 4. For salaries, support, maintenance, miscellaneous
8 purposes, and for not more than the following full-time
9 equivalent positions at the correctional training center at
10 Mt. Pleasant:
11 \$ 463,128
12 FTEs 8.16

13 5. For annual payment relating to the financial
14 arrangement for the construction of expansion in prison
15 capacity as provided in 1989 Iowa Acts, chapter 316, section
16 7, subsection 6:
17 \$ 625,860

18 6. For annual payment relating to the financial
19 arrangement for the construction of expansion in prison
20 capacity as provided in 1990 Iowa Acts, chapter 1257, section
21 24:
22 \$ 3,186,275

23 7. For educational programs for inmates at state penal
24 institutions:
25 \$ 2,950,600

26 It is the intent of the general assembly that moneys
27 appropriated in this subsection shall be used solely for the
28 purpose indicated and that the moneys shall not be transferred
29 for any other purpose. In addition, it is the intent of the
30 general assembly that the department shall consult with the
31 community colleges in the areas in which the institutions are
32 located to utilize moneys appropriated in this subsection to
33 fund the high school completion, high school equivalency
34 diploma, adult literacy, and adult basic education programs in
35 a manner so as to maintain these programs at the institutions.

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

6 8. The department of corrections shall submit a report to
7 the general assembly on January 1, 1998, concerning progress
8 made in implementing the requirements of section 904.701,
9 concerning hard labor by inmates.

10 9. The department of corrections shall study and consider
11 the adoption of new guidelines concerning the transportation
12 of inmates. The study may consider the use of the federal
13 marshal transportation services. The department shall submit
14 a report to the general assembly by January 15, 1998,
15 concerning the results of the study, including information
16 concerning the costs associated with the recommendations.

17 10. The department of corrections shall study and consider
18 the implementation of a computer database to provide inmate
19 case management and offender profiling to better identify,
20 track, and assist inmates of the correctional institutions.

21 11. It is the intent of the general assembly that the
22 department of corrections connect all of its correctional
23 facilities to the Iowa communications network (ICN).

24 12. It is the intent of the general assembly that the
25 department of corrections shall continue to operate the
26 correctional farms at Fort Madison as minimum security living
27 units and shall further attempt to provide meaningful job
28 opportunities for inmates at the living units.

29 Sec. 6. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL
30 SERVICES.

31 1. There is appropriated from the general fund of the
32 state to the department of corrections for the fiscal year
33 beginning July 1, 1997, and ending June 30, 1998, the
34 following amounts, or so much thereof as is necessary, to be
35 allocated as follows:

1 a. For the first 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 \$ 7,157,999

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

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 b. For the second 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 \$ 5,729,149

23 (1) The district department shall continue the sex
24 offender treatment program established within the district in
25 1988 Iowa Acts, chapter 1271, section 6, subsection 1,
26 paragraph "b".

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 c. For the third 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 \$ 3,465,497

2 (1) The district department shall continue the sex
3 offender treatment program established within the district in
4 1988 Iowa Acts, chapter 1271, section 6, subsection 1,
5 paragraph "c", and the intensive supervision program
6 established within the district in 1990 Iowa Acts, chapter
7 1268, section 6, subsection 3, paragraph "d".

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

12 d. For the fourth 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 \$ 2,664,415

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 "d".

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 e. For the fifth 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 \$ 9,339,723

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 "e", and shall continue to provide for the rental of

1 electronic monitoring equipment.

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

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

11 \$ 7,271,360

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

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

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

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

32 \$ 4,599,542

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

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

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

8 (3) 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 h. For the eighth 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 \$ 4,286,894

18 (1) The district department shall continue the intensive
19 supervision program established within the district in 1988
20 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph
21 "h", and shall continue the sex offender treatment program
22 established within the district in 1989 Iowa Acts, chapter
23 316, section 8, subsection 1, paragraph "h".

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

28 i. For the department of corrections for the assistance
29 and support of each judicial district department of
30 correctional services, the following amount, or so much
31 thereof as is necessary:

32 \$ 83,576

33 2. The department of corrections shall continue to
34 contract with a judicial district department of correctional
35 services to provide for the rental of electronic monitoring

1 equipment which shall be available statewide.

2 3. Each judicial district department of correctional
3 services and the department of corrections shall continue the
4 treatment alternatives to street crime programs established in
5 1989 Iowa Acts, chapter 225, section 9.

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

11 5. Each judicial district department of correctional
12 services shall provide a report concerning the treatment and
13 supervision of probation and parole violators who have been
14 released from the department of corrections violator program,
15 to the co-chairpersons and ranking members of the joint
16 appropriations subcommittee on the justice system and the
17 legislative fiscal bureau, on or before January 15, 1998.

18 6. It is the intent of the general assembly that each
19 judicial district department of correctional services shall
20 operate the community-based correctional facilities in a
21 manner which provides for a residential population of at least
22 110 percent of the design capacity of the facility.

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

31 Sec. 7. CORRECTIONAL INSTITUTIONS -- VOCATIONAL TRAINING.

32 The state prison industries board and the department of
33 corrections shall continue the implementation of a plan to
34 enhance vocational training opportunities within the
35 correctional institutions listed in section 904.102, as

1 provided in 1993 Iowa Acts, chapter 171, section 12. The plan
2 shall provide for increased vocational training opportunities
3 within the correctional institutions, including the
4 possibility of approving community college credit for inmates
5 working in prison industries. The department of corrections
6 shall provide a report concerning the implementation of the
7 plan to the co-chairpersons and ranking members of the joint
8 appropriations subcommittee on the justice system and the
9 legislative fiscal bureau, on or before January 15, 1998.

10 It is the intent of the general assembly that each
11 correctional facility make all reasonable efforts to maintain
12 vocational education programs for inmates and to identify
13 available funding sources to continue these programs. The
14 department of corrections shall submit a report to the general
15 assembly by January 1, 1998, concerning the efforts made by
16 each correctional facility in maintaining vocational education
17 programs for inmates.

18 Sec. 8. APPROPRIATIONS TO THE DEPARTMENT OF CORRECTIONS --
19 MONEYS ENCUMBERED -- PRIORITIES.

20 1. Notwithstanding any other provision of law to the
21 contrary, moneys appropriated to the department of corrections
22 pursuant to 1996 Iowa Acts, chapter 1216, sections 6, 7, and
23 8, shall be considered encumbered pursuant to section 8.33,
24 and shall not revert to the general fund of the state
25 following the close of the fiscal year commencing July 1,
26 1996. As used in this section, unless the context otherwise
27 requires, "encumbered funds" means the moneys appropriated to
28 the department of corrections pursuant to 1996 Iowa Acts,
29 chapter 1216, sections 6, 7, and 8, which would otherwise
30 revert to the general fund of the state following the close of
31 the fiscal year in which the moneys were appropriated, but for
32 the prohibition contained in this section.

33 2. The department of corrections shall use encumbered
34 funds in the fiscal year commencing July 1, 1997, to fund up
35 to an additional 50 FTEs for the employment of correctional

1 officers in the correctional institutions specified in section
2 904.102, and to purchase surveillance cameras and other
3 necessary surveillance or safety equipment for use in
4 correctional institutions. The full-time equivalent positions
5 authorized in this section for the employment of correctional
6 officers and the funding provided for the purchase of
7 equipment are in addition to any full-time equivalent
8 positions authorized or equipment funded in section 4 of this
9 Act, providing appropriations for department of corrections
10 facilities. The department of corrections shall use its
11 discretion in distributing the additional correctional
12 officers and equipment throughout the correctional facilities.
13 The department of corrections shall file a report with the
14 department of management concerning correctional officer
15 positions filled and critically needed safety equipment
16 purchased from encumbered funds provided under this section.
17 If the department is able to fund an additional 50 FTEs for
18 the employment of correctional officers pursuant to this
19 section and to purchase all critically needed safety
20 equipment, any remaining funds shall be unencumbered and shall
21 revert to the general fund of the state at the close of the
22 fiscal year commencing July 1, 1997.

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

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

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

1 3. State agencies shall submit to the legislative fiscal
2 bureau by January 15, 1998, a report of the dollar value of
3 products and services purchased from Iowa state industries by
4 the state agency during the fiscal year beginning July 1,
5 1996, and ending June 30, 1997.

6 Sec. 10. STATE PUBLIC DEFENDER. There is appropriated
7 from the general fund of the state to the office of the state
8 public defender of the department of inspections and appeals
9 for the fiscal year beginning July 1, 1997, and ending June
10 30, 1998, the following amount, or so much thereof as is
11 necessary, for the purposes designated:

12 \$ 33,087,035

13 The funds appropriated and full-time equivalent positions
14 authorized in this section are allocated as follows:

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

18 \$ 12,300,519
19 FTEs 199.00

20 2. For the fees of court-appointed attorneys for indigent
21 adults and juveniles, notwithstanding section 232.141 and
22 chapter 815:

23 \$ 20,786,516

24 Sec. 11. JUDICIAL DEPARTMENT. There is appropriated from
25 the general fund of the state to the judicial department for
26 the fiscal year beginning July 1, 1997, and ending June 30,
27 1998, the following amounts, or so much thereof as is
28 necessary, to be used for the purposes designated:

29 1. For salaries of supreme court justices, appellate court
30 judges, district court judges, district associate judges,
31 judicial magistrates and staff, state court administrator,
32 clerk of the supreme court, district court administrators,
33 clerks of the district court, juvenile court officers, board
34 of law examiners and board of examiners of shorthand reporters
35 and judicial qualifications commission, receipt and

1 disbursement of child support payments, reimbursement of the
2 auditor of state for expenses incurred in completing audits of
3 the offices of the clerks of the district court during the
4 fiscal year beginning July 1, 1997, and maintenance,
5 equipment, and miscellaneous purposes:

6 \$ 95,267,213

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

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

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

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

30 e. The judicial department shall focus efforts upon the
31 collection of delinquent fines, penalties, court costs, fees,
32 surcharges, or similar amounts.

33 f. It is the intent of the general assembly that the
34 offices of the clerks of the district court operate in all
35 ninety-nine counties and be accessible to the public as much

1 as is reasonably possible in order to address the relative
2 needs of the citizens of each county.

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

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

19 The report required by this lettered paragraph shall be
20 made by January 15, 1998, for the additional counties added to
21 the system by 1996 Iowa Acts, chapter 1216, indicating whether
22 the counties have reduced uncollected court fines and fees by
23 50 percent as a result of being added to the system.

24 i. The judicial department shall provide a report to the
25 general assembly by January 1, 1998, concerning the amounts
26 received and expended from the enhanced court collections fund
27 created in section 602.1304 and the court technology and
28 modernization fund created in section 602.8108, subsection 4,
29 during the fiscal year beginning July 1, 1996, and ending June
30 30, 1997, and the plans for expenditures from each fund during
31 the fiscal year beginning July 1, 1997, and ending June 30,
32 1998.

33 2. For the juvenile victim restitution program:
34 \$ 155,396

35 Sec. 12. COURT TECHNOLOGY AND MODERNIZATION FUND --

1 DISTRIBUTION. Of the moneys collected and deposited in the
2 court technology and modernization fund established in section
3 602.8108 in the fiscal year beginning July 1, 1997, \$58,333
4 shall be expended for the implementation of the criminal
5 justice improvement network (CJIN) and up to \$45,000 shall be
6 expended for the data warehousing project.

7 Sec. 13. ENHANCED COURT COLLECTIONS FUND -- DISTRIBUTION.

8 Of the moneys collected and deposited in the enhanced court
9 collections fund created in section 602.1304, the first
10 \$50,000 deposited in the fund in the fiscal year beginning
11 July 1, 1997, shall be expended by the judicial department to
12 provide federal matching funds for the Iowa supreme court
13 improvement project for child in need of assistance cases.

14 Sec. 14. JUDICIAL RETIREMENT FUND. There is appropriated

15 from the general fund of the state to the judicial retirement
16 fund for the fiscal year beginning July 1, 1997, and ending
17 June 30, 1998, the following amount, or so much thereof as is
18 necessary, to be used for the purpose designated:

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

23 \$ 3,806,457

24 Sec. 15. INDIGENT DEFENSE COSTS. The supreme court shall

25 submit a written report for the preceding fiscal year no later
26 than January 1, 1998, indicating the amounts collected
27 pursuant to section 815.9A, relating to recovery of indigent
28 defense costs. The report shall include the total amount
29 collected by all courts, as well as the amounts collected by
30 each judicial district. The supreme court shall also submit a
31 written report quarterly indicating the number of criminal and
32 juvenile filings which occur in each judicial district for
33 purposes of estimating indigent defense costs. A copy of each
34 report shall be provided to the public defender, the
35 department of management, and the legislative fiscal bureau.

1 The judicial department shall continue to assist in the
2 development of an automated data system for use in the sharing
3 of information utilizing the generic program interface for
4 legislative and executive branch uses.

5 Sec. 16. AUTOMATED DATA SYSTEM. The department of
6 corrections, judicial district departments of correctional
7 services, board of parole, and the judicial department shall
8 continue to develop an automated data system for use in the
9 sharing of information between the department of corrections,
10 judicial district departments of correctional services, board
11 of parole, and the judicial department. The information to be
12 shared shall concern any individual who may, as the result of
13 an arrest or infraction of any law, be subject to the
14 jurisdiction of the department of corrections, judicial
15 district departments of correctional services, or board of
16 parole. The department of corrections, in consultation and
17 cooperation with the judicial district departments of
18 correctional services, the board of parole, and the judicial
19 department, shall provide a report concerning the development
20 of the automated data system to the co-chairpersons and
21 ranking members of the joint appropriations subcommittee on
22 the justice system and the legislative fiscal bureau, on or
23 before January 15, 1998.

24 Sec. 17. IOWA LAW ENFORCEMENT ACADEMY. There is
25 appropriated from the general fund of the state to the Iowa
26 law enforcement academy for the fiscal year beginning July 1,
27 1997, and ending June 30, 1998, the following amounts, or so
28 much thereof as is necessary, to be used for the purposes
29 designated:

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

34	\$	1,145,287
35	FTEs	27.55

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

4 \$ 30,000

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

19 Sec. 18. 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, 1997, and ending June 30, 1998,
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 \$ 924,802

32 FTEs 18.00

33 A portion of the funds appropriated in this section shall
34 be used to start a pilot program for probation violations in
35 the sixth judicial district department of correctional

1 services. Data shall be maintained to evaluate the pilot
2 program.

3 Sec. 19. DEPARTMENT OF PUBLIC DEFENSE. There is
4 appropriated from the general fund of the state to the
5 department of public defense for the fiscal year beginning
6 July 1, 1997, and ending June 30, 1998, the following amounts,
7 or so much thereof as is necessary, to be used for the
8 purposes designated:

9 1. MILITARY DIVISION

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

13	\$	4,253,196
14	FTEs	227.26

15 If there is a surplus in the general fund of the state for
16 the fiscal year ending June 30, 1998, within 60 days after the
17 close of the fiscal year, the military division may incur up
18 to an additional \$500,000 in expenditures from the surplus
19 prior to transfer of the surplus pursuant to section 8.57.

20 2. EMERGENCY MANAGEMENT DIVISION

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

24	\$	590,971
25	FTEs	15.25

26 Sec. 20. DEPARTMENT OF PUBLIC SAFETY. There is
27 appropriated from the general fund of the state to the
28 department of public safety for the fiscal year beginning July
29 1, 1997, and ending June 30, 1998, the following amounts, or
30 so much thereof as is necessary, to be used for the purposes
31 designated:

32 1. For the department's administrative functions,
33 including the criminal justice information system, and for not
34 more than the following full-time equivalent positions:

35	\$	2,272,374
----------	----	-----------

1 FTEs 38.80

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

9 \$ 9,975,859

10 FTEs 198.00

11 Riverboat enforcement costs shall be billed in accordance
12 with section 99F.10, subsection 4. The costs shall be not
13 more than the department's estimated expenditures, including
14 salary adjustment, for riverboat enforcement for the fiscal
15 year.

16 The department of public safety, with the approval of the
17 department of management, may employ no more than two special
18 agents and four gaming enforcement officers for each
19 additional riverboat regulated after March 31, 1997, and one
20 special agent for each racing facility which becomes
21 operational during the fiscal year which begins July 1, 1997.
22 One additional gaming enforcement officer, up to a total of
23 four per boat, may be employed for each riverboat that has
24 extended operations to 24 hours and has not previously
25 operated with a 24-hour schedule. Positions authorized in
26 this paragraph are in addition to the full-time equivalent
27 positions authorized in this subsection.

28 3. a. For the division of narcotics enforcement,
29 including the state's contribution to the peace officers'
30 retirement, accident, and disability system provided in
31 chapter 97A in the amount of 17 percent of the salaries for
32 which the funds are appropriated, to meet federal fund
33 matching requirements, and for not more than the following
34 full-time equivalent positions:

35 \$ 2,573,278

1 FTEs 41.00
2 b. For the division of narcotics enforcement for
3 undercover purchases:
4 \$ 139,202
5 4. For the state fire marshal's office, including the
6 state's contribution to the peace officers' retirement,
7 accident, and disability system provided in chapter 97A in the
8 amount of 17 percent of the salaries for which the funds are
9 appropriated, and for not more than the following full-time
10 equivalent positions:
11 \$ 1,513,605
12 FTEs 31.80
13 5. For the capitol security division, including the
14 state's contribution to the peace officers' retirement,
15 accident, and disability system provided in chapter 97A in the
16 amount of 17 percent of the salaries for which the funds are
17 appropriated and for not more than the following full-time
18 equivalent positions:
19 \$ 1,244,094
20 FTEs 27.00
21 6. For costs associated with the maintenance of the
22 automated fingerprint information system (AFIS):
23 \$ 233,265
24 7. An employee of the department of public safety who
25 retires after July 1, 1997, but prior to June 30, 1998, is
26 eligible for payment of life or health insurance premiums as
27 provided for in the collective bargaining agreement covering
28 the public safety bargaining unit at the time of retirement if
29 that employee previously served in a position which would have
30 been covered by the agreement. The employee shall be given
31 credit for the service in that prior position as though it
32 were covered by that agreement. The provisions of this
33 paragraph shall not operate to reduce any retirement benefits
34 an employee may have earned under other collective bargaining
35 agreements or retirement programs.

1 8. For costs associated with the training of eligible
2 volunteer fire fighters:
3 \$ 548,792

4 For purposes of this subsection, "eligible volunteer fire
5 fighters" means fire fighters from fire departments serving
6 cities of less than 35,000 population in which no more than
7 one of the fire fighters is paid.

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

13 9. For costs associated with supplies and support for DNA
14 testing:
15 \$ 100,000

16 10. For the state medical examiner and for not more than
17 the following full-time equivalent positions:
18 \$ 341,959
19 FTEs 4.00

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

23 Sec. 21. HIGHWAY SAFETY PATROL FUND. There is
24 appropriated from the highway safety patrol fund created in
25 section 80.41 to the division of highway safety, uniformed
26 force, and radio communications of the department of public
27 safety, for the fiscal year beginning July 1, 1997, and ending
28 June 30, 1998, the following amounts, or so much thereof as is
29 necessary, to be used for the purposes designated:

30 1. For salaries, support, maintenance, workers'
31 compensation costs, and miscellaneous purposes, including the
32 state's contribution to the peace officers' retirement,
33 accident, and disability system provided in chapter 97A in the
34 amount of 17 percent of the salaries for which the funds are
35 appropriated, and for not more than the following full-time

1 equivalent positions:

2 \$ 35,099,662

3 FTEs 568.00

4 It is the intent of the general assembly that, of the funds
5 appropriated in this subsection, the division shall expend the
6 amount necessary to provide the state match for the additional
7 state troopers hired through the federal community-oriented
8 policing services program and authorized pursuant to 1996 Iowa
9 Acts, chapter 1216, section 22. It is the intent of the
10 general assembly that once federal moneys for this program
11 end, the division shall present proposals to the governor and
12 the general assembly for continued funding of the state
13 troopers described in this paragraph and for consideration of
14 reducing the number of state troopers through attrition, by
15 the same number as the number of troopers added through the
16 federal program.

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

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

32 \$ 44,195

33 Sec. 22. DEPARTMENT OF CORRECTIONS -- FACILITY REMODELING
34 FUND. Notwithstanding sections 8.33, 8.39, and 602.8108A, the
35 department of corrections shall direct the treasurer of state

1 to transfer on June 30, 1997, \$1,600,000 of the unused balance
2 of funds in the Iowa prison infrastructure fund created in
3 section 602.8108A, to a facility remodeling fund created in
4 the state treasury and under the control of the department of
5 corrections. Moneys in the facility remodeling fund shall be
6 used by the department solely for the purpose of remodeling a
7 structure in the fifth judicial district department of
8 correctional services for use as a residential facility.

9 Sec. 23. Section 602.1304, subsection 2, paragraphs b and
10 c, Code 1997, are amended to read as follows:

11 b. For each fiscal year, a judicial collection estimate
12 for that fiscal year shall be equally and proportionally
13 divided into a quarterly amount. The judicial collection
14 estimate shall be calculated by using the state revenue
15 estimating conference estimate made by December 15 pursuant to
16 section 8.22A, subsection 3, of the total amount of fines,
17 fees, civil penalties, costs, surcharges, and other revenues
18 collected by judicial officers and court employees for deposit
19 into the general fund of the state. The revenue estimating
20 conference estimate shall be reduced by the maximum amounts
21 allocated to the Iowa prison infrastructure fund pursuant to
22 section 602.8108A, and the court technology and modernization
23 fund pursuant to section 602.8108, and the road use tax fund
24 pursuant to section 602.8108, subsection 5, and the remainder
25 shall be the judicial collection estimate. In each quarter of
26 a fiscal year, after revenues collected by judicial officers
27 and court employees equal to that quarterly amount are
28 deposited into the general fund of the state and after the
29 required amount is deposited during the quarter into the Iowa
30 prison infrastructure fund pursuant to section 602.8108A and
31 into the court technology and modernization fund pursuant to
32 section 602.8108, the director of revenue and finance shall
33 deposit the remaining revenues for that quarter into the
34 enhanced court collections fund in lieu of the general fund.
35 However, after total deposits into the collections fund for

1 the fiscal year are equal to the maximum deposit amount
2 established for the collections fund, remaining revenues for
3 that fiscal year shall be deposited into the general fund. If
4 the revenue estimating conference agrees to a different
5 estimate at a later meeting which projects a lesser amount of
6 revenue than the initial estimate amount used to calculate the
7 judicial collection estimate, the director of revenue and
8 finance shall recalculate the judicial collection estimate
9 accordingly. If the revenue estimating conference agrees to a
10 different estimate at a later meeting which projects a greater
11 amount of revenue than the initial estimate amount used to
12 calculate the judicial collection estimate, the director of
13 revenue and finance shall recalculate the judicial collection
14 estimate accordingly but only to the extent that the greater
15 amount is due to an increase in the fines, fees, civil
16 penalties, costs, surcharges, or other revenues allowed by law
17 to be collected by judicial officers and court employees.

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

30 Sec. 24. Section 602.6201, subsection 10, Code 1997, is
31 amended to read as follows:

32 10. Notwithstanding the formula for determining the number
33 of judgeships in this section, the number of district judges
34 shall not exceed one hundred ~~eleven~~ twelve during the period
35 commencing July 1, ~~1996~~ 1997.

1 Sec. 25. 1995 Iowa Acts, chapter 166, section 2, is
2 amended to read as follows:

3 SEC. 2. DEVELOPMENT OF PLAN AND TRANSITION TO FULL WORK
4 PROGRAMMING BY DEPARTMENT. Notwithstanding section 1 of this
5 Act, the department of corrections shall not be required to
6 fully implement the requirements of section 904.701, until
7 July 1, ~~1997~~ 1998. However, the department shall develop and
8 implement a plan in consultation with state and local agencies
9 and members of the private sector, which provides for the
10 incremental implementation of the hard labor requirements
11 contained in section 904.701, for each inmate who is
12 physically and mentally able to perform hard labor and does
13 not present an unreasonable security status, and who is not
14 currently engaged in labor meeting the requirements. The plan
15 shall provide for implementation of hard labor work programs
16 during the interval of time between the effective date of this
17 Act and July 1, ~~1997~~ 1998, with full implementation of the
18 requirements of section 904.701 by July 1, ~~1997~~ 1998, and may
19 provide for the performance of work by inmates both inside and
20 outside of the institutions under the control of the
21 department. The plan shall include a procedure for the
22 determination of suitability of an inmate for the performance
23 of hard labor and, if an inmate is found to be suitable, the
24 placement of the inmate in an appropriate hard labor program.
25 In selecting and developing work programs which are included
26 within the plan, the department shall choose work programs
27 which would require minimal additional administrative costs,
28 which minimize the need for additional personnel, and which
29 minimize the security risks to the general public. The
30 department shall submit a report to the general assembly on
31 January 1, ~~1996~~ 1998, outlining the progress made towards
32 implementation of this Act. The department shall also file a
33 copy of the completed plan with the general assembly on
34 January 1, ~~1997~~ 1999.

35 Sec. 26. 1996 Iowa Acts, chapter 1216, section 7,

1 subsection 7, is amended to read as follows:

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

4 \$ 175,000

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

10 Sec. 27. LEGAL REPRESENTATION OF INDIGENTS -- STUDY. The
11 legislative council is requested to establish an interim
12 committee to study issues concerning the provision of legal
13 representation to indigents. The interim committee shall
14 submit a report and recommendations to the general assembly by
15 January 1, 1998.

16 Sec. 28. SENTENCING STUDY. The legislative council is
17 requested to establish an interim study committee to review
18 current criminal penalties and sentencing practices, including
19 but not limited to the effects of mandatory minimum penalties
20 on sentencing practices and the effects of sentencing
21 practices on inmate populations at state and adult and
22 residential community-based correctional facilities. The
23 committee shall also conduct a comparative assessment of the
24 relative penalties imposed for various crimes based not only
25 on the threat posed by the prohibited criminal conduct, but
26 also by the risk generally associated with particular criminal
27 offenders.

28 Sec. 29. EFFECTIVE DATES.

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

33 2. Section 8 of this Act, relating to the encumbrance of
34 certain moneys appropriated to the department of corrections
35 for the fiscal year commencing July 1, 1996, being deemed of

1 immediate importance, takes effect upon enactment.

2 3. Section 22 of this Act, relating to the Iowa prison
3 infrastructure fund and the facility remodeling fund, being
4 deemed of immediate importance, takes effect upon enactment.

5 4. Section 26 of this Act, relating to the funding of the
6 criminal justice program at the university of northern Iowa,
7 being deemed of immediate importance, takes effect upon
8 enactment.

9

EXPLANATION

10 This bill makes appropriations for the 1997-1998 fiscal
11 year to the departments of justice, corrections, public
12 defense, and public safety, and judicial department, Iowa law
13 enforcement academy, office of public defender, and board of
14 parole.

15 The bill also authorizes an additional district court judge
16 commencing July 1, 1997.

17 The bill also establishes a facility remodeling fund from
18 unused funds in the Iowa prison infrastructure fund for the
19 purpose of remodeling a facility in the fifth judicial
20 district department of correctional services.

21 The bill makes changes to the Code provisions concerning
22 the enhanced court collections fund by providing that the
23 revenue estimating conference shall subtract amounts allocated
24 to the road use tax fund pursuant to Code section 602.8108 in
25 determining the judicial collection estimate.

26 The bill also delays the implementation of the inmate hard
27 labor bill adopted in 1995. The bill also provides that any
28 unused funds from the appropriation to the University of
29 Northern Iowa criminal justice program for the fiscal year
30 beginning July 1, 1996, shall not revert to the general fund
31 at the close of the fiscal year. The bill also requests the
32 legislative council to establish legislative interim
33 committees concerning the legal representation of indigents
34 and sentencing.

35

SENATE FILE 533

S-3369

- 1 Amend Senate File 533 as follows:
2 1. Page 31, by inserting after line 35 the
3 following:
4 "Sec. ____ . Section 905.12, unnumbered paragraph 2,
5 Code 1997, is amended to read as follows:
6 Any balance remaining after deductions and payments
7 shall be credited to the resident's personal account
8 at the district department and shall be paid to the
9 resident upon release. The ~~deputy director of the~~
10 ~~department of corrections responsible for community-~~
11 ~~based correctional programs~~ shall establish a plan to
12 comply with the provisions of court orders entered
13 pursuant to this section."
14 2. By renumbering as necessary.

By ROBERT DVORSKY
EUGENE FRAISE

S-3369 FILED APRIL 7, 1997

*Adopted 4-8-97**(P.1052)* SENATE FILE 533

S-3370

- 1 Amend Senate File 533 as follows:
2 1. Page 28, line 1, by inserting after the word
3 "training" the following: "and personal protective
4 equipment needs".
5 2. Page 28, by striking lines 6 and 7 and
6 inserting the following: "cities and benefited fire
7 districts."
8 Of the moneys appropriated in this subsection, no
9 more than fifty percent shall be used for the personal
10 protective equipment needs of fire fighters."

By ROBERT DVORSKY
EUGENE FRAISE

S-3370 FILED APRIL 7, 1997

*Adopt 4-8-97**(P.1051)*

SENATE FILE 533

S-3367

1 Amend Senate File 533 follows:

2 1. Page 24, by inserting after line 18 the
3 following:4 "4. The Iowa law enforcement academy shall provide
5 training to officers by utilizing the Iowa
6 communications network and shall seek cooperative
7 efforts with board of regents institutions, private
8 colleges, and community colleges, in providing
9 training to officers."

10 2. By renumbering as necessary.

11

WITHDRAWN 4/8/97 By ROBERT DVORSKY
(P. 1053)

S-3367 FILED APRIL 7, 1997

SENATE FILE 533

S-3368

1 Amend Senate File 533 as follows:

2 1. Page 2, line 9, by inserting after the words
3 "enforcement of" the following: ", and public
4 education relating to,".5 2. Page 2, line 12, by striking the word
6 "either".7 3. Page 2, line 13, by inserting after the word
8 "damages" the following: ", civil penalties, or other
9 sums".10 4. Page 2, lines 14 and 15, by striking the words
11 and figure "under chapter 553" and inserting the
12 following: "or settlement".13 5. Page 2, line 15, by inserting after the word
14 "judgment" the following: "or settlement".15 6. Page 2, line 16, by inserting after the word
16 "purposes" the following: ", public education,".17 7. Page 2, line 17, by striking the word
18 "actions" and inserting the following: "judgments or
19 settlements".20 8. Page 2, line 18, by inserting after the word
21 "judgments" the following: "or settlements".22 9. Page 2, line 32, by inserting after the word
23 "damages" the following: ", civil penalties, or other
24 sums".25 10. Page 2, line 33, by striking the words
26 "consumer fraud".27 11. Page 2, line 35, by striking the words "on
28 consumer fraud" and inserting the following: ",
29 enforcement purposes, or costs or attorney fees
30 awarded the state in state or federal consumer fraud
31 judgments or settlements".By ROBERT DVORSKY
EUGENE FRAISE

S-3368 FILED APRIL 7, 1997

WITHDRAWN

4-8-97

(P. 1044)

SENATE FILE 533

S-3400

1 Amend Senate File 533 as follows:

2 1. Page 7, by inserting after line 9 the

3 following:

4 "In addition to the amount appropriated in this

5 paragraph, there shall be an additional appropriation

6 to the Mt. Pleasant correctional facility in an amount

7 not to exceed \$243,000 that represents the difference

8 between \$243,000 and the revenues recouped from inmate

9 earnings by the facility as of January 1, 1998."

By TOM VILSACK

S-3400 FILED APRIL 7, 1997

lost 4/8/97 (p.1041)

SENATE FILE 533

S-3401

1 Amend Senate File 533 as follows:

2 1. Page 19, by inserting after line 23 the

3 following:

4 "Notwithstanding any contrary provision of section

5 815.7, the fees authorized for attorneys appointed to

6 represent indigent or partially indigent persons who

7 are not under contract with the state public defender

8 shall be calculated based upon an hourly rate that

9 shall not exceed fifty-five dollars per hour, unless

10 the offense charged is a class "A" or class "B"

11 felony, in which case the hourly rate shall not exceed

12 sixty dollars per hour."

By ROBERT DVORSKY

S-3401 FILED APRIL 7, 1997

WITHDRAWN

4-8-97

(p.1050)

S-3373

1 Amend Senate File 533 as follows:

2 1. Page 33, by inserting after line 9 the
3 following:

4 "Sec. 101. 1996 Iowa Acts, chapter 1216, section
5 21, subsection 7, is amended to read as follows:

6 7. For costs associated with the training and
7 personal protective equipment needs of volunteer fire
8 fighters:

9 \$

875,000

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

16 Of the moneys appropriated in this subsection, no
17 more than fifty percent shall be used for the personal
18 protective equipment needs of fire fighters."

19 2. Page 34, by inserting after line 8 the
20 following:

21 "5. Section 101 of this Act, relating to funding
22 for training and equipment needs of volunteer fire
23 fighters, being deemed of immediate importance, takes
24 effect upon enactment."

25 3. By renumbering as necessary.

By ROBERT DVORSKY
EUGENE FRAISE

WITHDRAWN
4-8-97 (P.1052)

S-3373 FILED APRIL 7, 1997

S-3365

1 Amend Senate File 533 as follows:

2 1. Page 8, by inserting after line 26 the
3 following:

4 "4. The department of corrections shall issue a
5 request for proposals for the construction of a
6 supermaximum security correctional facility at a
7 location determined by the department, which would
8 only be constructed if the proposal is accepted. The
9 department of corrections shall include specifications
10 concerning the number of correctional beds in the
11 request for proposals and issue the request for
12 proposals in such a manner that responses are due and
13 shall be included in a report submitted by the
14 department to the general assembly on or before
15 January 12, 1998. The department of corrections shall
16 not accept a proposal received in accordance with this
17 subsection without specific authorization through the
18 enactment of legislation to fund the proposal."

19 2. By renumbering as necessary.

By EUGENE FRAISE
STEVEN D. HANSEN

S-3365 FILED APRIL 7, 1997

Lost
4-8-97 (P.1045)

SENATE FILE 533

S-3371

- 1 Amend Senate File 533 as follows:
- 2 1. Page 19, by inserting after line 5 the
- 3 following:
- 4 "4. Notwithstanding section 8.33, and in addition
- 5 to moneys authorized to be encumbered for use by a
- 6 state agency pursuant to section 8.62, moneys
- 7 appropriated for the fiscal year beginning July 1,
- 8 1997, to a state agency, except the department of
- 9 corrections, and in an amount equal to the amount the
- 10 state agency expended for purchases from Iowa state
- 11 industries during the fiscal year beginning July 1,
- 12 1997, shall not revert to the general fund of the
- 13 state. A state agency shall expend moneys that do not
- 14 revert to the general fund pursuant to this subsection
- 15 in the fiscal year commencing July 1, 1998, for
- 16 technological enhancements. An agency expending
- 17 moneys for the fiscal year beginning July 1, 1998,
- 18 under this subsection, shall report in detail, as
- 19 provided in section 8.62, subsection 3, how the moneys
- 20 were expended. Moneys under this subsection which
- 21 remain unexpended on June 30, 1999, shall be deposited
- 22 in the cash reserve fund created in section 8.56."
- 23 2. By renumbering as necessary.

By EUGENE FRAISE
ROBERT DVORSKY

Adopted (p.1049)
4-8-97
S-3371 FILED APRIL 7, 1997

SENATE FILE 533

S-3372

- 1 Amend Senate File 533 as follows:
- 2 1. Page 16, by striking lines 18 through 22.
- 3 2. By renumbering as necessary.

By ROBERT DVORSKY

S-3372 FILED APRIL 7, 1997

Adopted 4-8-97
(p.1046)

SENATE FILE 533

S-3394

- 1 Amend Senate File 533 as follows:
- 2 1. Page 24, by striking line 4 and inserting the
- 3 following:
- 4 "..... \$ 220,000"

By DENNIS H. BLACK

S-3394 FILED APRIL 7, 1997

Lost 4-8-97
(p.1050)

SENATE FILE 533

S-3378

1 Amend Senate File 533 as follows:

2 1. Page 4, by striking line 21 and inserting the
3 following:

4 "..... \$ 950,000"

5 2. Page 19, by striking line 23 and inserting the
6 following:

7 "..... \$ 20,336,516"

By MICHAEL E. GRONSTAL
MARY LOU FREEMAN

MARY LUNDBY
ROBERT DVORSKY

S-3378 FILED APRIL 7, 1997

4-8-97 (p. 1044) SENATE FILE 533

S-3379

1 Amend Senate File 533 as follows:

2 1. Page 20, by striking lines 22 through 25.

3 2. By renumbering as necessary.

By O. GENE MADDOX

S-3379 FILED APRIL 7, 1997

Adopted 4-8-97
(p. 1050) SENATE FILE 533

S-3380

1 Amend Senate File 533 as follows:

2 1. Page 8, by inserting after line 3 the
3 following:

4 "It is the intent of the general assembly that the
5 department of corrections make all reasonable efforts,
6 including use of any available funds, to commence
7 operations at the Fort Dodge correctional facility as
8 soon as possible."

By ROD HALVORSON
ROBERT E. DVORSKY
EUGENE S. FRAISE

S-3380 FILED APRIL 7, 1997

Lost 4/8/97
(p. 1045)

SENATE FILE 533

S-3377

1 Amend Senate File 533 as follows:

2 1. Page 31, by inserting after line 35 the
3 following:

4 "Sec. ____ . Section 904.706, unnumbered paragraph
5 1, Code 1997, is amended to read as follows:

6 A revolving farm fund is created in the state
7 treasury in which the department shall deposit
8 receipts from agricultural products, nursery stock,
9 agricultural land rentals, and the sale of livestock.
10 ~~However, before any agricultural operation is phased~~
11 ~~out, the department which proposes to discontinue this~~
12 ~~operation shall notify the governor, chairpersons and~~
13 ~~ranking members of the house and senate appropriations~~
14 ~~committees, and cochairpersons and ranking members of~~
15 ~~the subcommittee in the senate and house of~~
16 ~~representatives which has handled the appropriation~~
17 ~~for this department in the past session of the general~~
18 ~~assembly. Before the department sells farmland under~~
19 ~~the control of the department, the director shall~~
20 ~~notify the governor, chairpersons and ranking members~~
21 ~~of the house and senate appropriations committees, and~~
22 ~~cochairpersons and ranking members of the joint~~
23 ~~appropriations subcommittee that handled the~~
24 ~~appropriation for the department during the past~~
25 ~~session of the general assembly. The department shall~~
26 not phase out or discontinue any agricultural
27 operation or sell any farmland under the control of
28 the department that existed as of January 1, 1997. In
29 addition, no sale or discontinuance of operations
30 shall cause the level of activity or inmate
31 participation to fall below the level of activity or
32 participation which was in effect on January 1, 1997.
33 The department may pay from the fund for the
34 operation, maintenance, and improvement of farms and
35 agricultural or nursery property under the control of
36 the department. A purchase order for five thousand
37 dollars or less payable from the fund is exempt from
38 the general purchasing requirements of chapter 18.
39 Notwithstanding section 8.33, unencumbered or
40 unobligated receipts in the revolving farm fund at the
41 end of a fiscal year shall not revert to the general
42 fund of the state."

43 2. By renumbering as necessary.

By EUGENE FRAISE
ANDY McKEAN
ROBERT DVORSKY

S-3377 FILED APRIL 7, 1997

Adopted 4-8-97
(p. 1052)

SENATE FILE 533

S-3396

1 Amend Senate File 533 as follows:

2 1. Page 11, by inserting after line 28 the
3 following:

4 "Sec. ____ . INMATE TELEPHONE REBATE FUND --
5 DISTRIBUTION.

6 Notwithstanding contrary provisions of section
7 904.508A, there is appropriated from the inmate
8 telephone rebate fund created in section 904.508A for
9 the fiscal year beginning July 1, 1997, and ending
10 June 30, 1998, the following amounts, or so much
11 thereof as is necessary, to be used for the purposes
12 designated, and in the following priority:

13 1. To the department of corrections, for the
14 hiring of 12 additional correctional officers:

15 \$ 444,000

16 Of the additional correctional officers authorized
17 pursuant to this subsection, four officers each shall
18 be assigned to the Oakdale correctional facility, the
19 Mt. Pleasant correctional facility, and the Clarinda
20 correctional facility.

21 2. To the department of corrections, for the
22 operation of adult correctional institutions but only
23 to the extent necessary to ensure that correctional
24 officers authorized by section 5 of this Act shall be
25 hired and not laid off based on an inability to recoup
26 sufficient revenues from inmate earnings:

27 \$ 813,580

28 3. To the department of corrections, for
29 educational programs for inmates at state penal
30 institutions:

31 \$ 100,000

32 4. To the department of corrections, for the
33 implementation of a computer database to provide
34 inmate case management and offender profiling:

35 \$ 100,000

36 5. To the department of justice, for victim
37 assistance grants:

38 \$ 100,000

39 6. To the department of corrections and the
40 judicial district departments of correctional
41 services, for connecting all of its correctional
42 facilities and institutions to the Iowa communications
43 network (ICN):

44 \$ 100,000"

45 2. By renumbering as necessary.

By ROBERT DVORSKY
TOM VILSACK
EUGENE FRAISE

S-3396 FILED APRIL 7, 1997

Last 4/8/97

(p. 1041)

SENATE FILE 533

S-3386

1 Amend Senate File 533 as follows:

2 1. Page 16, by inserting after line 30 the
3 following:

4 "8. a. In addition to the moneys allocated in
5 subsection 1, paragraph "a", an additional amount as
6 determined by this paragraph, but in no event greater
7 than \$292,919, shall be allocated to the first
8 judicial district department of correctional services
9 to provide a day programming center in the district
10 but only if the additional amount equals or exceeds
11 \$150,000. The additional amount shall be an amount
12 that represents one-half of the total of money
13 appropriated but not obligated or expended by the
14 department of corrections for purposes of renovating
15 cellhouse 17 at the Fort Madison correctional facility
16 and for the operation of the Fort Dodge correctional
17 facility, as determined by the department of
18 management. Notwithstanding section 8.33, additional
19 moneys allocated in this paragraph which remain
20 unobligated or unexpended at the close of the fiscal
21 year shall not revert to the general fund of the state
22 but shall remain available only for the purpose
23 designated in this paragraph in the succeeding fiscal
24 year.

25 b. In addition to the moneys allocated in
26 subsection 1, paragraph "b", an additional amount as
27 determined by this paragraph, but in no event greater
28 than \$262,942, shall be allocated to the second
29 judicial district department of correctional services
30 to provide a day programming center in the district
31 but only if the additional amount equals or exceeds
32 \$150,000. The additional amount shall be an amount
33 that represents one-half of the total of money
34 appropriated but not obligated or expended by the
35 department of corrections for purposes of renovating
36 cellhouse 17 at the Fort Madison correctional facility
37 and for the operation of the Fort Dodge correctional
38 facility, as determined by the department of
39 management. Notwithstanding section 8.33, additional
40 moneys allocated in this paragraph which remain
41 unobligated or unexpended at the close of the fiscal
42 year shall not revert to the general fund of the state
43 but shall remain available only for the purpose
44 designated in this paragraph in the succeeding fiscal
45 year."

46 2. By renumbering as necessary.

By MERLIN E. BARTZ
TOM FLYNN

S-3386 FILED APRIL 7, 1997

Adopted
4/8/97
(p. 1047)

Motion to R/c by Johnson
Motion to R/c Reversal Lost

4-8-97 (p. 1048)
4/8/97 (p. 1049)

SENATE FILE 533

3430

1 Amend Senate File 533 as follows:
 2 1. Page 4, by inserting after line 28 the
 3 following:
 4 "In addition to moneys appropriated in this
 5 subsection, the executive council is authorized, in
 6 its discretion, to disburse from the civil reparations
 7 trust fund created in section 668A.1 an additional
 8 amount, not to exceed \$450,000, to the department of
 9 justice for use as legal services for persons in
 10 poverty grants as provided in section 13.34."
 By O. GENE MADDOX ROBERT E. DVORSKY
 DERRYL McLAREN NANCY BOETTGER
 MARY LOU FREEMAN ANDY McKEAN
 MAGGIE TINSMAN MARY E. KRAMER
 MARY A. LUNDBY TOM FLYNN

S-3430 FILED APRIL 8, 1997

ADOPTED (P. 1044)

4-8-97

SENATE FILE 533

S-3434

1 Amend Senate File 533 as follows:
 2 1. Page 11, by inserting after line 28 the
 3 following:
 4 "13. It is the intent of the general assembly that
 5 the department of corrections shall provide that
 6 inmates in correctional facilities under the control
 7 of the department shall not have access to cable
 8 television in the inmate's cell or in other areas in
 9 which inmates have access. The department of
 10 corrections may permit access to cable television in
 11 correctional facilities under the control of the
 12 department."
 13 2. By renumbering as necessary.
 By BILL FINK MARY NEUHAUSER
 MIKE CONNOLLY DENNIS H. BLACK
 EUGENE S. FRAISE MICHAEL E. GRONSTAL
 PATRICK J. DELUHERY DON GETTINGS
 STEVEN D. HANSEN WILLIAM D. PALMER
 JOHN P. KIBBIE PATTY JUDGE
 DICK L. DEARDEN WALLY E. HORN
 MATT MCCOY

S-3434 FILED APRIL 8, 1997

ADOPTED (P. 1053)

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SENATE FILE 533

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1 Amend Senate File 533 as follows:

2 1. Page 26, by inserting after line 27 the
3 following:

4 "Of the funds appropriated in this subsection, the
5 division shall use such moneys as are necessary to
6 assist the state racing and gaming commission in
7 ensuring compliance with the purse allocation
8 provisions of section 99F.6."

9 2. Page 30, by inserting after line 8 the
10 following:

11 "Sec. ____ . Section 99F.6, subsection 4, paragraph
12 a, Code 1997, is amended to read as follows:

13 a. Before a license is granted, the division of
14 criminal investigation of the department of public
15 safety shall conduct a thorough background
16 investigation of the applicant for a license to
17 operate a gambling game operation on an excursion
18 gambling boat. The applicant shall provide
19 information on a form as required by the division of
20 criminal investigation. A qualified sponsoring
21 organization licensed to operate gambling games under
22 this chapter shall distribute the receipts of all
23 gambling games, less reasonable expenses, charges,
24 taxes, fees, and deductions allowed under this
25 chapter, as winnings to players or participants or
26 shall distribute the receipts for educational, civic,
27 public, charitable, patriotic, or religious uses as
28 defined in section 99B.7, subsection 3, paragraph "b".
29 However, if a licensee who is also licensed to conduct
30 pari-mutuel wagering at a horse racetrack has unpaid
31 debt from the pari-mutuel racetrack operations, the
32 first receipts of the gambling games operated within
33 the racetrack enclosure less reasonable operating
34 expenses, taxes, and fees allowed under this chapter
35 shall be first used to pay the annual indebtedness.
36 The commission shall authorize, subject to the debt
37 payments for horse racetracks and the provisions of
38 paragraph "b" for dog racetracks, a licensee who is
39 also licensed to conduct pari-mutuel dog or horse
40 racing to use receipts from gambling games within the
41 racetrack enclosure to supplement purses for races
42 particularly for Iowa-bred horses pursuant to an
43 agreement which shall be negotiated between the
44 licensee and representatives of the dog or horse
45 owners. For a licensee who is also licensed to
46 conduct pari-mutuel horse racing, the supplement to
47 the horse race purses shall be an amount equal to
48 fifteen percent of the annual adjusted gross receipts
49 received from gambling games and, of the total sum
50 allocated to supplement horse race purses, twenty

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1 percent shall be used to supplement the purses of
2 Iowa-bred horses. A qualified sponsoring organization
3 shall not make a contribution to a candidate,
4 political committee, candidate's committee, state
5 statutory political committee, county statutory
6 political committee, national political party, or
7 fund-raising event as these terms are defined in
8 section 56.2. The membership of the board of
9 directors of a qualified sponsoring organization shall
10 represent a broad interest of the communities."

11 3. By renumbering as necessary.

By JACK RIFE

S-3432 FILED APRIL 8, 1997

WITHDRAWN 4-8-97

(P.1061)

SENATE FILE 533

S-3433

1 Amend Senate File 533 as follows:

2 1. Page 11, by inserting after line 28 the
3 following:

4 "13. It is the intent of the general assembly that
5 the department of corrections shall implement a
6 restorative justice plan in each correctional facility
7 under the control of the department by July 1, 1998."

8 2. By renumbering as necessary.

By JOHNIE HAMMOND
STEVEN D. HANSEN

S-3433 FILED APRIL 8, 1997

LOST

(P.1046)

SENATE FILE 533

3435

Amend Senate File 533 as follows:

1. Page 30, by inserting after line 8 the following:

"Sec. ____ . Section 331.302, subsection 2, Code 1997, is amended to read as follows:

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

Sec. ____ . Section 364.3, subsection 2, Code 1997, is amended to read as follows:

2. A city shall not provide a penalty in excess of a one hundred dollar fine or in excess of thirty days imprisonment for the violation of an ordinance. An amount equal to ten percent of all fines collected by cities shall be deposited in the account established in section 602.8108. However, one hundred percent of all fines collected by a city pursuant to section 321.236, subsection 1, shall be retained by the city. The criminal penalty surcharge required by section 911.2 and the jail, courthouse security, and detention facility surcharge required by section 911A.2 shall be added to a city fine and ~~is~~ are not a part of the city's penalty."

2. Page 31, by inserting after line 35 the following:

"Sec. ____ . Section 602.8107, subsection 2, paragraph b, Code 1997, is amended to read as follows:

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

Sec. ____ . Section 602.8107, subsection 4, unnumbered paragraph 2, Code 1997, is amended to read as follows:

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

Sec. ____ . Section 805.8, subsection 1, Code 1997, is amended to read as follows:

1. APPLICATION. Except as otherwise indicated, violations of sections of the Code specified in this section are scheduled violations, and the scheduled fine for each of those violations is as provided in this section, whether the violation is of state law or

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of a county or city ordinance. The criminal penalty surcharge required by section 911.2 and the jail, courthouse security, and detention facility surcharge required by section 911A.2 shall be added to the scheduled fine.

Sec. _____. Section 805.8, subsection 11, unnumbered paragraph 1, Code 1997, is amended to read as follows:

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

Sec. _____. Section 902.9, unnumbered paragraph 2, Code 1997, is amended to read as follows:

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

Sec. _____. Section 903.1, subsection 4, Code 1997, is amended to read as follows:

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

Sec. 101. NEW SECTION. 905A.1 DEFINITIONS.

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

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

2. "Government" means a community-based correctional program as defined in section 905.1, or a city, school district or accredited nonpublic school, or county which expends funds for incarceration or supervision of individuals charged with or convicted

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of a felony, an aggravated misdemeanor, or a serious misdemeanor, or for crime prevention activities.

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

Sec. 102. NEW SECTION. 905A.2 LOCAL CORRECTIONS INFRASTRUCTURE GRANT PROGRAM.

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

2. The division shall develop a request for proposals for the grant program and assist judicial election districts in developing proposals in response to the request. The division shall not accept more than one proposal from a judicial election district for each of the grant groupings. For the fiscal year beginning July 1, 1998, grants shall be awarded in accordance with this chapter in the following two groupings:

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

b. Nine million dollars to one or more governments or groups of governments representing judicial election districts, awarded according to criteria developed by the task force established pursuant to section 905A.3 based upon the relative amount of criminal activity in the judicial election district, the innovative nature of the proposal submitted by the government or group of governments, and the statewide need for the project proposed to be developed.

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

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

b. A proposal shall be for one or more infrastructure or school-based crime prevention projects or combination of projects relating to one or more of the following purposes:

(1) A county jail.

(2) A regional or multicounty jail.

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

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- 2 (4) A regional or multicounty juvenile detention
3 or shelter care home.
- 4 (5) A community-based correctional program
5 facility.
- 6 (6) A school-based crime prevention program.
- 7 (7) A runaway assessment center.
- 8 c. Grant moneys under this chapter shall not be
9 used for purposes other than infrastructure.
- 10 d. The division may accept or reject a proposal in
11 whole or in part.
- 12 e. A proposal must address the need for the
13 proposed project, degree of urgency for the project,
14 location of the project, provisions for the
15 governments within the judicial election district to
16 access the project, and the performance measures to be
17 used to evaluate the project.
- 18 f. The submission date for proposals under
19 subsection 2, paragraph "a" shall be on or before
20 February 16, 1998, and the submission date for
21 proposals under subsection 2, paragraph "b" shall be
22 on or before April 17, 1998. However, for good cause
23 shown, the division may extend the submission date for
24 proposals under subsection 2, paragraph "a". It is
25 the intent of the general assembly that the grant
26 award process be complete by June 30, 1998, and awards
27 made in the fiscal year beginning July 1, 1998.
28 However, the division may delay final approval of a
29 grant proposal which is approved in part while full
30 approval of the proposal is pending.
- 31 4. The office of the attorney general, the
32 department of education, and the university of
33 northern Iowa's criminology program shall work with
34 the division in implementing a public planning process
35 to assist the governments in judicial election
36 districts in developing a proposal, developing
37 technical assistance materials for the grant program,
38 developing the request for proposals, developing
39 proposed scoring tools, and producing model
40 performance measures and other evaluation processes
41 for grant program projects. The public planning
42 process shall include but is not limited to public
43 meetings in each of the judicial election districts.
- 44 Sec. 103. NEW SECTION. 905A.3 TASK FORCE.
- 45 1. The division shall establish and convene a
46 local corrections infrastructure grant program task
47 force to assist the division in scoring and evaluating
48 grant proposals and other assistance deemed necessary
49 by the division.
- 50 2. The membership of the task force shall include
51 but is not limited to representatives of the

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following:

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

20 3. Members of the task force are eligible for
21 reimbursement of actual and necessary expenses
22 incurred in the performance of their official duties.
23 The task force shall elect a chairperson and other
24 officers deemed necessary by the task force.

25 Sec. 104. NEW SECTION. 905A.4 PAYMENT OF GRANTS.

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

37 Sec. ____ . NEW SECTION. 907.14 PAYMENT IN LIEU OF
38 FINE.

39 When the court has deferred judgment the court may
40 order the defendant to pay an amount in lieu of a fine
41 in a case where a minimum fine would otherwise be
42 ordered. Payments in lieu of fines shall be ordered,
43 enforced, and administered as fines under chapter 909.

44 Sec. ____ . Section 909.3, Code 1997, is amended by
45 adding the following new subsection:

46 NEW SUBSECTION. 3. If the court orders a fine to
47 be paid as provided by subsection 2, the court shall
48 require the defendant to execute a mandatory wage
49 assignment that would ensure payment of the fine
50 within twelve months of the date the wage assignment

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becomes effective. The wage assignment shall be enforced if the defendant fails to make payment as provided in subsection 2.

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

Sec. ____ . Section 909.8, Code 1997, is amended to read as follows:

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

The provisions of this chapter governing the payment and collection of a fine, except section 909.3A, also apply to the payment and collection of a criminal penalty surcharge imposed pursuant to chapter 911 and the jail, courthouse security, and detention facility surcharge imposed pursuant to section 911A.2.

Sec. ____ . Section 909.10, subsection 1, Code 1997, is amended to read as follows:

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

Sec. ____ . NEW SECTION. 911A.1 JAIL, COURTHOUSE SECURITY, AND DETENTION FACILITY SURCHARGE ESTABLISHED.

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

Sec. ____ . NEW SECTION. 911A.2 SURCHARGE.

When a court imposes a fine or forfeiture for a

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1 violation of a state law, or of a city or county
 2 ordinance except an ordinance regulating the parking
 3 of motor vehicles, the court shall assess an
 4 additional penalty in the form of a surcharge equal to
 5 ten dollars. In the event of multiple offenses, the
 6 surcharge shall be based upon the total number of
 7 offenses. When a fine or forfeiture is suspended in
 8 whole or in part, the surcharge shall not be reduced.

9 The surcharge is subject to the provisions of
 10 chapter 909 governing the payment and collection of
 11 fines, as provided in section 909.8.

12 Sec. ____ . NEW SECTION. 911A.3 DISPOSITION OF
 13 SURCHARGE.

14 1. When a court assesses a surcharge under section
 15 911A.2, notwithstanding any other provision of the
 16 Code to the contrary, proceeds from the surcharge
 17 shall be appropriated and transferred to the treasurer
 18 of the county in which the citation was issued to be
 19 deposited in the county general fund and used only for
 20 courthouse security and the improvement, expansion,
 21 operation, or construction of a jail or juvenile
 22 detention facility.

23 2. At any time and for the purposes specified in
 24 subsection 1, a county may transfer proceeds received
 25 and deposited pursuant to this section to a contiguous
 26 county or a county that has a relationship with the
 27 transferring county concerning the use of a jail or
 28 juvenile detention facility in the recipient county."

29 3. Page 33, by inserting after line 27 the
 30 following:

31 "Sec. 201. GRANT PROGRAM IMPLEMENTATION. There is
 32 appropriated from the general fund of the state to the
 33 department of human rights, division of criminal and
 34 juvenile justice planning, for the fiscal year
 35 beginning July 1, 1997, and ending June 30, 1998, the
 36 following amount, or so much thereof as is necessary,
 37 to be used for the purposes designated:

38 For technical assistance and staffing associated
 39 with the development of the local corrections
 40 infrastructure grant program enacted by this Act,
 41 including salaries, support, maintenance,
 42 miscellaneous purposes, and for not more than the
 43 following full-time equivalent positions:

44	\$	200,000
45	FTEs	2.00"

46 4. Page 34, by inserting after line 8 the
 47 following:

48 "Sections 101 through 104 and 201 of this Act,
 49 relating to local corrections infrastructure, being
 50 deemed of immediate importance, take effect upon

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enactment."

2 5. By renumbering as necessary.

By STEVEN D. HANSEN
PATRICK J. DELUHERY
TOM FLYNN

MATT McCOY
JOHN P. KIBBIE

S-3435 FILED APRIL 8, 1997

LOST 4-8-97
(P. 1052)

SENATE FILE 533

S-3436

1 Amend the amendment, S-3434, to Senate File 533 as
2 follows:

3 1. Page 1, line 5, by inserting after the word
4 "corrections" the following: ", to the extent
5 permissible by law,".

By STEWART IVERSON, Jr.

S-3436 FILED APRIL 8, 1997

ADOPTED

(P.1053)

SENATE FILE 533

S-3438

1 Amend Senate File 533 as follows:

2 1. Page 33, by inserting after line 9 the
3 following:

4 "Sec. 101. 1996 Iowa Acts, chapter 1216, section
5 21, subsection 7, is amended to read as follows:

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

8 \$ 875,000

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

By ROBERT E. DVORSKY
O. GENE MADDOX

S-3438 FILED APRIL 8, 1997

ADOPTED 4-8-97

(P.1054)

H. 4/16/97 Amend/Do Pass
W/H 1756

SENATE FILE 533
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 252)

(AS AMENDED AND PASSED BY THE SENATE APRIL 8, 1997)

_____ - New Language by the Senate

* - Language Stricken by the Senate

Re-Passed Senate, Date 4/23/97 (p. 1355) Passed House, Date 4-17-97 (p. 1341)

Vote: Ayes 47 Nays 1 Vote: Ayes 95 Nays 3

Approved May 9, 1997

Re-Passed
97-3 4/23/97
(p. 1482)

~~Stem
Peto~~

A BILL FOR

- 1 An Act relating to and making appropriations to the justice
- 2 system and providing effective dates.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4
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S.F. 533

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, 1997, and ending
4 June 30, 1998, 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	\$	6,995,561
11	FTEs	177.50

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

15	\$	269,392
16	FTEs	6.00

17 a. In addition to the funds appropriated in this
18 subsection for the fiscal year beginning July 1, 1997, and
19 ending June 30, 1998, the attorney general shall provide up to
20 \$41,000 in state matching funds from moneys retained by the
21 attorney general from property forfeited pursuant to section
22 809A.17, for the prosecuting attorney training program, the
23 prosecuting intern program, or both. Counties participating
24 in the prosecuting intern program shall match the state funds.

25 b. In addition to the funds appropriated in this
26 subsection for the fiscal year beginning July 1, 1997, and
27 ending June 30, 1998, and the moneys retained by the attorney
28 general pursuant to paragraph "a", the attorney general shall
29 provide up to \$10,000 in state matching funds from moneys
30 retained by the attorney general from property forfeited
31 pursuant to section 809A.17, for the office of the prosecuting
32 attorneys training coordinator to use for continuation of the
33 domestic violence response enhancement program established in
34 accordance with 1992 Iowa Acts, chapter 1240, section 1,
35 subsection 2, paragraph "b".

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

5 3. In addition to the funds appropriated in subsection 1,
6 there is appropriated from the general fund of the state to
7 the department of justice for the fiscal year beginning July
8 1, 1997, and ending June 30, 1998, an amount not exceeding
9 \$200,000 to be used for the enforcement of the Iowa
10 competition law. The expenditure of the funds appropriated in
11 this subsection is contingent upon receipt by the general fund
12 of the state of an amount at least equal to either the
13 expenditures from damages awarded to the state or a political
14 subdivision of the state by a civil judgment under chapter
15 553, if the judgment authorizes the use of the award for
16 enforcement purposes or costs or attorneys fees awarded the
17 state in state or federal antitrust actions. However, if the
18 funds received as a result of these judgments are in excess of
19 \$200,000, the excess funds shall not be appropriated to the
20 department of justice pursuant to this subsection.

21 4. In addition to the funds appropriated in subsection 1,
22 there is appropriated from the general fund of the state to
23 the department of justice for the fiscal year beginning July
24 1, 1997, and ending June 30, 1998, an amount not exceeding
25 \$150,000 to be used for public education relating to consumer
26 fraud and for enforcement of section 714.16, and an amount not
27 exceeding \$75,000 for investigation, prosecution, and consumer
28 education relating to consumer and criminal fraud against
29 older Iowans. The expenditure of the funds appropriated in
30 this subsection is contingent upon receipt by the general fund
31 of the state of an amount at least equal to the expenditures
32 from damages awarded to the state or a political subdivision
33 of the state by a civil consumer fraud judgment or settlement,
34 if the judgment or settlement authorizes the use of the award
35 for public education on consumer fraud. However, if the funds

1 received as a result of these judgments and settlements are in
2 excess of \$225,000, the excess funds shall not be appropriated
3 to the department of justice pursuant to this subsection.

4 5. For victim assistance grants:

5 \$ 1,759,806

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

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

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

17 \$ 121,259
18 FTEs 2.00

19 7. The balance of the victim compensation fund established
20 under section 912.14 may be used to provide salary and support
21 of not more than 13.00 FTEs and to provide maintenance for the
22 victim compensation functions of the department of justice.

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

33 9. a. The department of justice, in submitting budget
34 estimates for the fiscal year commencing July 1, 1998,
35 pursuant to section 8.23, shall include a report of funding

1 from sources other than amounts appropriated directly from the
2 general fund of the state to the department of justice or to
3 the office of consumer advocate. These funding sources shall
4 include, but are not limited to, reimbursements from other
5 state agencies, commissions, boards, or similar entities, and
6 reimbursements from special funds or internal accounts within
7 the department of justice. The department of justice shall
8 report actual reimbursements for the fiscal year commencing
9 July 1, 1996, and actual and expected reimbursements for the
10 fiscal year commencing July 1, 1997.

11 b. The department of justice shall include the report
12 required under paragraph "a", as well as information regarding
13 any revisions occurring as a result of reimbursements actually
14 received or expected at a later date, in a report to the co-
15 chairpersons and ranking members of the joint appropriations
16 subcommittee on the justice system and the legislative fiscal
17 bureau. The department of justice shall submit the report on
18 or before January 15, 1998.

19 10. For legal services for persons in poverty grants as
20 provided in section 13.34:

21 \$ 500,000

22 As a condition for accepting a grant funded pursuant to
23 this subsection, an organization receiving a grant shall
24 submit a report to the general assembly by January 1, 1998,
25 concerning the use of any grants received during the previous
26 fiscal year and efforts made by the organization to find
27 alternative sources of revenue to replace any reductions in
28 federal funding for the organization.

29 In addition to moneys appropriated in this subsection, the
30 executive council is authorized, in its discretion, to
31 disburse from the civil reparations trust fund created in
32 section 668A.1 an additional amount, not to exceed \$450,000,
33 to the department of justice for use as legal services for
34 persons in poverty grants as provided in section 13.34.

35 Sec. 2. DEPARTMENT OF JUSTICE -- ENVIRONMENTAL CRIMES

1 INVESTIGATION AND PROSECUTION -- FUNDING. There is
2 appropriated from the environmental crime fund of the
3 department of justice, consisting of court-ordered fines and
4 penalties awarded to the department arising out of the
5 prosecution of environmental crimes, to the department of
6 justice for the fiscal year beginning July 1, 1997, and ending
7 June 30, 1998, an amount not exceeding \$20,000 to be used by
8 the department, at the discretion of the attorney general, for
9 the investigation and prosecution of environmental crimes,
10 including the reimbursement of expenses incurred by county,
11 municipal, and other local governmental agencies cooperating
12 with the department in the investigation and prosecution of
13 environmental crimes.

14 The expenditure of the funds appropriated in this section
15 is contingent upon receipt by the environmental crime fund of
16 the department of justice of an amount at least equal to the
17 appropriations made in this section and received from
18 contributions, court-ordered restitution as part of judgments
19 in criminal cases, and consent decrees entered into as part of
20 civil or regulatory enforcement actions. However, if the
21 funds received during the fiscal year are in excess of
22 \$20,000, the excess funds shall be deposited in the general
23 fund of the state.

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

29 Sec. 3. OFFICE OF CONSUMER ADVOCATE. There is
30 appropriated from the general fund of the state to the office
31 of consumer advocate of the department of justice for the
32 fiscal year beginning July 1, 1997, and ending June 30, 1998,
33 the following amount, or so much thereof as is necessary, to
34 be used for the purposes designated:

35 For salaries, support, maintenance, miscellaneous purposes,

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

3 \$ 2,372,826
4 FTEs 32.00

5 Sec. 4. DEPARTMENT OF CORRECTIONS -- FACILITIES. There is
6 appropriated from the general fund of the state to the
7 department of corrections for the fiscal year beginning July
8 1, 1997, and ending June 30, 1998, the following amounts, or
9 so much thereof as is necessary, to be used for the purposes
10 designated:

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

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

17 \$ 27,618,153
18 FTEs 507.97

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

25 \$ 20,888,037
26 FTEs 384.75

27 Moneys are provided within this appropriation for two full-
28 time substance abuse counselors for the Luster Heights
29 facility, for the purpose of certification of a substance
30 abuse program at that facility.

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

35 \$ 17,284,751

1 FTEs 334.30

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

6 \$ 19,251,272

7 FTEs 375.75

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

14 \$ 14,911,431

15 FTEs 289.32

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

20 \$ 5,950,292

21 FTEs 115.00

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

26 \$ 15,441,395

27 FTEs 263.00

28 Moneys received by the department of corrections as
29 reimbursement for services provided to the Clarinda youth
30 corporation are appropriated to the department and shall be
31 used for the purpose of operating the Clarinda correctional
32 facility.

33 h. For the operation of the Mitchellville correctional
34 facility, including salaries, support, maintenance, employment
35 of correctional officers, miscellaneous purposes, and for not

1 more than the following full-time equivalent positions:
2 \$ 7,138,684
3 FTEs 146.00

4 i. For the operation of the Fort Dodge correctional
5 facility, including salaries, support, maintenance, employment
6 of correctional officers, miscellaneous purposes, and for not
7 more than the following full-time equivalent positions:

8 \$ 9,540,122
9 FTEs 149.00

10 2. a. If the inmate tort claim fund for inmate claims of
11 less than \$100 is exhausted during the fiscal year, sufficient
12 funds shall be transferred from the institutional budgets to
13 pay approved tort claims for the balance of the fiscal year.
14 The warden or superintendent of each institution or
15 correctional facility shall designate an employee to receive,
16 investigate, and recommend whether to pay any properly filed
17 inmate tort claim for less than the above amount. The
18 designee's recommendation shall be approved or denied by the
19 warden or superintendent and forwarded to the department of
20 corrections for final approval and payment. The amounts
21 appropriated to this fund pursuant to 1987 Iowa Acts, chapter
22 234, section 304, subsection 2, are not subject to reversion
23 under section 8.33.

24 b. Tort claims denied at the institution shall be
25 forwarded to the state appeal board for their consideration as
26 if originally filed with that body. This procedure shall be
27 used in lieu of chapter 669 for inmate tort claims of less
28 than \$100.

29 3. The department of corrections is authorized to
30 construct a 200-bed living unit at the Mitchellville
31 correctional facility utilizing federal grant moneys received
32 by the department for this purpose.

33 Sec. 5. DEPARTMENT OF CORRECTIONS -- ADMINISTRATION.
34 There is appropriated from the general fund of the state to
35 the department of corrections for the fiscal year beginning

1 July 1, 1997, and ending June 30, 1998, the following amounts,
2 or so much thereof as is necessary, to be used for the
3 purposes designated:

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

9	\$	2,024,844
10	FTEs	37.18

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

17 It is the intent of the general assembly that as a
18 condition of receiving the appropriation provided in this
19 subsection, the department of corrections shall not enter into
20 a new contract, unless the contract is a renewal of an
21 existing contract, for the expenditure of moneys in excess of
22 \$100,000 during the fiscal year beginning July 1, 1997, for
23 the privatization of services performed by the department
24 using state employees as of July 1, 1997, or for the
25 privatization of new services by the department, without prior
26 consultation with any applicable state employee organization
27 affected by the proposed new contract and prior notification
28 of the co-chairpersons and ranking members of the joint
29 appropriations subcommittee on the justice system.

30 The department of general services may, notwithstanding any
31 provisions of law or rule to the contrary, permit the
32 department of corrections the opportunity to acquire, at no
33 cost, computers that would otherwise be disposed of by the
34 department of general services. The department of corrections
35 shall use computers acquired under this paragraph to provide

1 educational training and programs for inmates.

2 2. For reimbursement of counties for temporary confinement
3 of work release and parole violators, as provided in sections
4 901.7, 904.908, and 906.17 and for offenders confined pursuant
5 to section 904.513:

6 \$ 524,038

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

9 \$ 341,334

10 The department of corrections shall use funds appropriated
11 in this subsection to continue to contract for the services of
12 a Muslim imam.

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

17 \$ 463,128

18 FTEs 8.16

19 5. For annual payment relating to the financial
20 arrangement for the construction of expansion in prison
21 capacity as provided in 1989 Iowa Acts, chapter 316, section
22 7, subsection 6:

23 \$ 625,860

24 6. For annual payment relating to the financial
25 arrangement for the construction of expansion in prison
26 capacity as provided in 1990 Iowa Acts, chapter 1257, section
27 24:

28 \$ 3,186,275

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

31 \$ 2,950,600

32 It is the intent of the general assembly that moneys
33 appropriated in this subsection shall be used solely for the
34 purpose indicated and that the moneys shall not be transferred
35 for any other purpose. In addition, it is the intent of the

1 general assembly that the department shall consult with the
2 community colleges in the areas in which the institutions are
3 located to utilize moneys appropriated in this subsection to
4 fund the high school completion, high school equivalency
5 diploma, adult literacy, and adult basic education programs in
6 a manner so as to maintain these programs at the institutions.

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

12 8. The department of corrections shall submit a report to
13 the general assembly on January 1, 1998, concerning progress
14 made in implementing the requirements of section 904.701,
15 concerning hard labor by inmates.

16 9. The department of corrections shall study and consider
17 the adoption of new guidelines concerning the transportation
18 of inmates. The study may consider the use of the federal
19 marshal transportation services. The department shall submit
20 a report to the general assembly by January 15, 1998,
21 concerning the results of the study, including information
22 concerning the costs associated with the recommendations.

23 10. The department of corrections shall study and consider
24 the implementation of a computer database to provide inmate
25 case management and offender profiling to better identify,
26 track, and assist inmates of the correctional institutions.

27 11. It is the intent of the general assembly that the
28 department of corrections connect all of its correctional
29 facilities to the Iowa communications network (ICN).

30 12. It is the intent of the general assembly that the
31 department of corrections shall continue to operate the
32 correctional farms at Fort Madison as minimum security living
33 units and shall further attempt to provide meaningful job
34 opportunities for inmates at the living units.

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

1 department of corrections, to the extent permissible by law,
2 shall provide that inmates in correctional facilities under
3 the control of the department shall not have access to cable
4 television in the inmate's cell or in other areas in which
5 inmates have access. The department of corrections may permit
6 access to cable television in correctional facilities under
7 the control of the department.

8 Sec. 6. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL
9 SERVICES.

10 1. There is appropriated from the general fund of the
11 state to the department of corrections for the fiscal year
12 beginning July 1, 1997, and ending June 30, 1998, the
13 following amounts, or so much thereof as is necessary, to be
14 allocated as follows:

15 a. For the first 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 \$ 7,157,999

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

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 b. For the second 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 \$ 5,729,149

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

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 c. For the third 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 \$ 3,465,497

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 "c", and the intensive supervision program
20 established within the district in 1990 Iowa Acts, chapter
21 1268, section 6, subsection 3, paragraph "d".

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 d. For the fourth 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 \$ 2,664,415

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 "d".

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

10 \$ 9,339,723

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

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

25 \$ 7,271,360

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

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

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

11 \$ 4,599,542

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

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

22 (3) 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 h. For the eighth 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 \$ 4,286,894

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 "h", and shall continue the sex offender treatment program

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

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

11 \$ 83,576

12 2. The department of corrections shall continue to
13 contract with a judicial district department of correctional
14 services to provide for the rental of electronic monitoring
15 equipment which shall be available statewide.

16 3. Each judicial district department of correctional
17 services and the department of corrections shall continue the
18 treatment alternatives to street crime programs established in
19 1989 Iowa Acts, chapter 225, section 9.

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

25 5. Each judicial district department of correctional
26 services shall provide a report concerning the treatment and
27 supervision of probation and parole violators who have been
28 released from the department of corrections violator program,
29 to the co-chairpersons and ranking members of the joint
30 appropriations subcommittee on the justice system and the
31 legislative fiscal bureau, on or before January 15, 1998.

* 32 6. In addition to the requirements of section 8.39, the
33 department of corrections shall not make an intradepartmental
34 transfer of moneys appropriated to the department, unless
35 notice of the intradepartmental transfer is given prior to its

1 effective date to the legislative fiscal bureau. The notice
2 shall include information on the department's rationale for
3 making the transfer and details concerning the work load and
4 performance measures upon which the transfers are based.

5 Sec. 7. 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, 1998.

19 It is the intent of the general assembly that each
20 correctional facility make all reasonable efforts to maintain
21 vocational education programs for inmates and to identify
22 available funding sources to continue these programs. The
23 department of corrections shall submit a report to the general
24 assembly by January 1, 1998, concerning the efforts made by
25 each correctional facility in maintaining vocational education
26 programs for inmates.

27 Sec. 8. APPROPRIATIONS TO THE DEPARTMENT OF CORRECTIONS --
28 MONEYS ENCUMBERED -- PRIORITIES.

29 1. Notwithstanding any other provision of law to the
30 contrary, moneys appropriated to the department of corrections
31 pursuant to 1996 Iowa Acts, chapter 1216, sections 6, 7, and
32 8, shall be considered encumbered pursuant to section 8.33,
33 and shall not revert to the general fund of the state
34 following the close of the fiscal year commencing July 1,
35 1996. As used in this section, unless the context otherwise

1 requires, "encumbered funds" means the moneys appropriated to
2 the department of corrections pursuant to 1996 Iowa Acts,
3 chapter 1216, sections 6, 7, and 8, which would otherwise
4 revert to the general fund of the state following the close of
5 the fiscal year in which the moneys were appropriated, but for
6 the prohibition contained in this section.

7 2. The department of corrections shall use encumbered
8 funds in the fiscal year commencing July 1, 1997, to fund up
9 to an additional 50 FTEs for the employment of correctional
10 officers in the correctional institutions specified in section
11 904.102, and to purchase surveillance cameras and other
12 necessary surveillance or safety equipment for use in
13 correctional institutions. The full-time equivalent positions
14 authorized in this section for the employment of correctional
15 officers and the funding provided for the purchase of
16 equipment are in addition to any full-time equivalent
17 positions authorized or equipment funded in section 4 of this
18 Act, providing appropriations for department of corrections
19 facilities. The department of corrections shall use its
20 discretion in distributing the additional correctional
21 officers and equipment throughout the correctional facilities.
22 The department of corrections shall file a report with the
23 department of management concerning correctional officer
24 positions filled and critically needed safety equipment
25 purchased from encumbered funds provided under this section.
26 If the department is able to fund an additional 50 FTEs for
27 the employment of correctional officers pursuant to this
28 section and to purchase all critically needed safety
29 equipment, any remaining funds shall be unencumbered and shall
30 revert to the general fund of the state at the close of the
31 fiscal year commencing July 1, 1997.

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

33 1. As used in this section, unless the context otherwise
34 requires, "state agency" means the government of the state of
35 Iowa, including but not limited to all executive departments,

1 agencies, boards, bureaus, and commissions, the judicial
2 department, the general assembly and all legislative agencies,
3 institutions within the purview of the state board of regents,
4 and any corporation whose primary function is to act as an
5 instrumentality of the state.

6 2. State agencies are hereby encouraged to purchase
7 products from Iowa state industries, as defined in section
8 904.802, when purchases are required and the products are
9 available from Iowa state industries.

10 3. State agencies shall submit to the legislative fiscal
11 bureau by January 15, 1998, a report of the dollar value of
12 products and services purchased from Iowa state industries by
13 the state agency during the fiscal year beginning July 1,
14 1996, and ending June 30, 1997.

15 4. Notwithstanding section 8.33, and in addition to moneys
16 authorized to be encumbered for use by a state agency pursuant
17 to section 8.62, moneys appropriated for the fiscal year
18 beginning July 1, 1997, to a state agency, except the
19 department of corrections, and in an amount equal to the
20 amount the state agency expended for purchases from Iowa state
21 industries during the fiscal year beginning July 1, 1997,
22 shall not revert to the general fund of the state. A state
23 agency shall expend moneys that do not revert to the general
24 fund pursuant to this subsection in the fiscal year commencing
25 July 1, 1998, for technological enhancements. An agency
26 expending moneys for the fiscal year beginning July 1, 1998,
27 under this subsection, shall report in detail, as provided in
28 section 8.62, subsection 3, how the moneys were expended.
29 Moneys under this subsection which remain unexpended on June
30 30, 1999, shall be deposited in the cash reserve fund created
31 in section 8.56.

32 Sec. 10. STATE PUBLIC DEFENDER. There is appropriated
33 from the general fund of the state to the office of the state
34 public defender of the department of inspections and appeals
35 for the fiscal year beginning July 1, 1997, and ending June

1 30, 1998, the following amount, or so much thereof as is
2 necessary, for the purposes designated:

3 \$ 33,087,035

4 The funds appropriated and full-time equivalent positions
5 authorized in this section are allocated as follows:

6 1. For salaries, support, maintenance, and miscellaneous
7 purposes, and for not more than the following full-time
8 equivalent positions:

9 \$ 12,300,519

10 FTEs 199.00

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

14 \$ 20,786,516

15 Sec. 11. JUDICIAL DEPARTMENT. There is appropriated from
16 the general fund of the state to the judicial department for
17 the fiscal year beginning July 1, 1997, and ending June 30,
18 1998, the following amounts, or so much thereof as is
19 necessary, to be used for the purposes designated:

20 1. For salaries of supreme court justices, appellate court
21 judges, district court judges, district associate judges,
22 judicial magistrates and staff, state court administrator,
23 clerk of the supreme court, district court administrators,
24 clerks of the district court, juvenile court officers, board
25 of law examiners and board of examiners of shorthand reporters
26 and judicial qualifications commission, receipt and
27 disbursement of child support payments, reimbursement of the
28 auditor of state for expenses incurred in completing audits of
29 the offices of the clerks of the district court during the
30 fiscal year beginning July 1, 1997, and maintenance,
31 equipment, and miscellaneous purposes:

32 \$ 95,267,213

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

1 accounting system in administration of programs and payments
2 for services, and shall not duplicate the state payroll,
3 accounting, and budgeting systems.

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

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

17 d. The judicial department shall focus efforts upon the
18 collection of delinquent fines, penalties, court costs, fees,
19 surcharges, or similar amounts.

20 e. It is the intent of the general assembly that the
21 offices of the clerks of the district court operate in all
22 ninety-nine counties and be accessible to the public as much
23 as is reasonably possible in order to address the relative
24 needs of the citizens of each county.

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

33 g. The judicial department shall provide a report
34 semiannually to the co-chairpersons and ranking members of the
35 joint appropriations subcommittee on the justice system and to

1 the legislative fiscal bureau specifying the amounts of fines,
2 surcharges, and court costs collected using the Iowa court
3 information system. The report shall demonstrate and specify
4 how the Iowa court information system is used to improve the
5 collection process.

6 The report required by this lettered paragraph shall be
7 made by January 15, 1998, for the additional counties added to
8 the system by 1996 Iowa Acts, chapter 1216, indicating whether
9 the counties have reduced uncollected court fines and fees by
10 50 percent as a result of being added to the system.

11 h. The judicial department shall provide a report to the
12 general assembly by January 1, 1998, concerning the amounts
13 received and expended from the enhanced court collections fund
14 created in section 602.1304 and the court technology and
15 modernization fund created in section 602.8108, subsection 4,
16 during the fiscal year beginning July 1, 1996, and ending June
17 30, 1997, and the plans for expenditures from each fund during
18 the fiscal year beginning July 1, 1997, and ending June 30,
19 1998.

20 2. For the juvenile victim restitution program:
21 \$ 155,396

22 Sec. 12. COURT TECHNOLOGY AND MODERNIZATION FUND --
23 DISTRIBUTION. Of the moneys collected and deposited in the
24 court technology and modernization fund established in section
25 602.8108 in the fiscal year beginning July 1, 1997, \$58,333
26 shall be expended for the implementation of the criminal
27 justice improvement network (CJIN) and up to \$45,000 shall be
28 expended for the data warehousing project.

29 Sec. 13. ENHANCED COURT COLLECTIONS FUND -- DISTRIBUTION.
30 Of the moneys collected and deposited in the enhanced court
31 collections fund created in section 602.1304, the first
32 \$50,000 deposited in the fund in the fiscal year beginning
33 July 1, 1997, shall be expended by the judicial department to
34 provide federal matching funds for the Iowa supreme court
35 improvement project for child in need of assistance cases.

1 Sec. 14. JUDICIAL RETIREMENT FUND. There is appropriated
2 from the general fund of the state to the judicial retirement
3 fund for the fiscal year beginning July 1, 1997, and ending
4 June 30, 1998, the following amount, or so much thereof as is
5 necessary, to be used for the purpose designated:

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

10 \$ 3,806,457

11 Sec. 15. INDIGENT DEFENSE COSTS. The supreme court shall
12 submit a written report for the preceding fiscal year no later
13 than January 1, 1998, indicating the amounts collected
14 pursuant to section 815.9A, relating to recovery of indigent
15 defense costs. The report shall include the total amount
16 collected by all courts, as well as the amounts collected by
17 each judicial district. The supreme court shall also submit a
18 written report quarterly indicating the number of criminal and
19 juvenile filings which occur in each judicial district for
20 purposes of estimating indigent defense costs. A copy of each
21 report shall be provided to the public defender, the
22 department of management, and the legislative fiscal bureau.
23 The judicial department shall continue to assist in the
24 development of an automated data system for use in the sharing
25 of information utilizing the generic program interface for
26 legislative and executive branch uses.

27 Sec. 16. AUTOMATED DATA SYSTEM. The department of
28 corrections, judicial district departments of correctional
29 services, board of parole, and the judicial department shall
30 continue to develop an automated data system for use in the
31 sharing of information between the department of corrections,
32 judicial district departments of correctional services, board
33 of parole, and the judicial department. The information to be
34 shared shall concern any individual who may, as the result of
35 an arrest or infraction of any law, be subject to the

1 jurisdiction of the department of corrections, judicial
2 district departments of correctional services, or board of
3 parole. The department of corrections, in consultation and
4 cooperation with the judicial district departments of
5 correctional services, the board of parole, and the judicial
6 department, shall provide a report concerning the development
7 of the automated data system to the co-chairpersons and
8 ranking members of the joint appropriations subcommittee on
9 the justice system and the legislative fiscal bureau, on or
10 before January 15, 1998.

11 Sec. 17. IOWA LAW ENFORCEMENT ACADEMY. There is
12 appropriated from the general fund of the state to the Iowa
13 law enforcement academy for the fiscal year beginning July 1,
14 1997, and ending June 30, 1998, the following amounts, or so
15 much thereof as is necessary, to be used for the purposes
16 designated:

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

21	\$	1,145,287
22	FTEs	27.55

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

26	\$	30,000
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27 3. The Iowa law enforcement academy may annually select at
28 least five automobiles of the department of public safety,
29 division of highway safety, uniformed force, and radio
30 communications, prior to turning over the automobiles to the
31 state vehicle dispatcher to be disposed of by public auction
32 and the Iowa law enforcement academy may exchange any
33 automobile owned by the academy for each automobile selected
34 if the selected automobile is used in training law enforcement
35 officers at the academy. However, any automobile exchanged by

1 the academy shall be substituted for the selected vehicle of
2 the department of public safety and sold by public auction
3 with the receipts being deposited in the depreciation fund to
4 the credit of the department of public safety, division of
5 highway safety, uniformed force, and radio communications.

6 Sec. 18. BOARD OF PAROLE. There is appropriated from the
7 general fund of the state to the board of parole for the
8 fiscal year beginning July 1, 1997, and ending June 30, 1998,
9 the following amount, or so much thereof as is necessary, to
10 be used for the purposes designated:

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

18	\$	924,802
19	FTEs	18.00

20 A portion of the funds appropriated in this section shall
21 be used to start a pilot program for probation violations in
22 the sixth judicial district department of correctional
23 services. Data shall be maintained to evaluate the pilot
24 program.

25 Sec. 19. DEPARTMENT OF PUBLIC DEFENSE. There is
26 appropriated from the general fund of the state to the
27 department of public defense for the fiscal year beginning
28 July 1, 1997, and ending June 30, 1998, the following amounts,
29 or so much thereof as is necessary, to be used for the
30 purposes designated:

31 1. MILITARY DIVISION

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

35	\$	4,253,196
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1 FTEs 227.26

2 If there is a surplus in the general fund of the state for
3 the fiscal year ending June 30, 1998, within 60 days after the
4 close of the fiscal year, the military division may incur up
5 to an additional \$500,000 in expenditures from the surplus
6 prior to transfer of the surplus pursuant to section 8.57.

7 2. EMERGENCY MANAGEMENT DIVISION

8 For salaries, support, maintenance, miscellaneous purposes,
9 and for not more than the following full-time equivalent
10 positions:

11 \$ 590,971
12 FTEs 15.25

13 Sec. 20. DEPARTMENT OF PUBLIC SAFETY. There is
14 appropriated from the general fund of the state to the
15 department of public safety for the fiscal year beginning July
16 1, 1997, and ending June 30, 1998, the following amounts, or
17 so much thereof as is necessary, to be used for the purposes
18 designated:

19 1. For the department's administrative functions,
20 including the criminal justice information system, and for not
21 more than the following full-time equivalent positions:

22 \$ 2,272,374
23 FTEs 38.80

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

31 \$ 9,975,859
32 FTEs 198.00

33 Riverboat enforcement costs shall be billed in accordance
34 with section 99F.10, subsection 4. The costs shall be not
35 more than the department's estimated expenditures, including

1 salary adjustment, for riverboat enforcement for the fiscal
2 year.

3 The department of public safety, with the approval of the
4 department of management, may employ no more than two special
5 agents and four gaming enforcement officers for each
6 additional riverboat regulated after March 31, 1997, and one
7 special agent for each racing facility which becomes
8 operational during the fiscal year which begins July 1, 1997.

9 One additional gaming enforcement officer, up to a total of
10 four per boat, may be employed for each riverboat that has
11 extended operations to 24 hours and has not previously
12 operated with a 24-hour schedule. Positions authorized in
13 this paragraph are in addition to the full-time equivalent
14 positions authorized in this subsection.

15 3. a. For the division of narcotics enforcement,
16 including the state's contribution to the peace officers'
17 retirement, accident, and disability system provided in
18 chapter 97A in the amount of 17 percent of the salaries for
19 which the funds are appropriated, to meet federal fund
20 matching requirements, and for not more than the following
21 full-time equivalent positions:

22	\$	2,573,278
23	FTEs	41.00

24 b. For the division of narcotics enforcement for
25 undercover purchases:

26	\$	139,202
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27 4. For the state fire marshal's office, including the
28 state's contribution to the peace officers' retirement,
29 accident, and disability system provided in chapter 97A in the
30 amount of 17 percent of the salaries for which the funds are
31 appropriated, and for not more than the following full-time
32 equivalent positions:

33	\$	1,513,605
34	FTEs	31.80

35 5. For the capitol security division, 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 17 percent of the salaries for which the funds are
4 appropriated and for not more than the following full-time
5 equivalent positions:

6 \$ 1,244,094
7 FTEs 27.00

8 6. For costs associated with the maintenance of the
9 automated fingerprint information system (AFIS):

10 \$ 233,265

11 7. An employee of the department of public safety who
12 retires after July 1, 1997, but prior to June 30, 1998, is
13 eligible for payment of life or health insurance premiums as
14 provided for in the collective bargaining agreement covering
15 the public safety bargaining unit at the time of retirement if
16 that employee previously served in a position which would have
17 been covered by the agreement. The employee shall be given
18 credit for the service in that prior position as though it
19 were covered by that agreement. The provisions of this
20 paragraph shall not operate to reduce any retirement benefits
21 an employee may have earned under other collective bargaining
22 agreements or retirement programs.

23 8. For costs associated with the training of eligible
24 volunteer fire fighters:

25 \$ 548,792

26 For purposes of this subsection, "eligible volunteer fire
27 fighters" means fire fighters from fire departments serving
28 cities of less than 35,000 population in which no more than
29 one of the fire fighters is paid.

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

35 9. For costs associated with supplies and support for DNA

1 testing:

2 \$ 100,000

3 10. For the state medical examiner and for not more than
4 the following full-time equivalent positions:

5 \$ 341,959

6 FTEs 4.00

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

10 Sec. 21. HIGHWAY SAFETY PATROL FUND. There is
11 appropriated from the highway safety patrol fund created in
12 section 80.41 to the division of highway safety, uniformed
13 force, and radio communications of the department of public
14 safety, for the fiscal year beginning July 1, 1997, and ending
15 June 30, 1998, the following amounts, or so much thereof as is
16 necessary, to be used for the purposes designated:

17 1. For salaries, support, maintenance, workers'
18 compensation costs, and miscellaneous purposes, 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 17 percent of the salaries for which the funds are
22 appropriated, and for not more than the following full-time
23 equivalent positions:

24 \$ 35,099,662

25 FTEs 568.00

26 It is the intent of the general assembly that, of the funds
27 appropriated in this subsection, the division shall expend the
28 amount necessary to provide the state match for the additional
29 state troopers hired through the federal community-oriented
30 policing services program and authorized pursuant to 1996 Iowa
31 Acts, chapter 1216, section 22. It is the intent of the
32 general assembly that once federal moneys for this program
33 end, the division shall present proposals to the governor and
34 the general assembly for continued funding of the state
35 troopers described in this paragraph and for consideration of

1 reducing the number of state troopers through attrition, by
2 the same number as the number of troopers added through the
3 federal program.

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

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

19 \$ 44,195

20 Sec. 22. DEPARTMENT OF CORRECTIONS -- FACILITY REMODELING
21 FUND. Notwithstanding sections 8.33, 8.39, and 602.8108A, the
22 department of corrections shall direct the treasurer of state
23 to transfer on June 30, 1997, \$1,600,000 of the unused balance
24 of funds in the Iowa prison infrastructure fund created in
25 section 602.8108A, to a facility remodeling fund created in
26 the state treasury and under the control of the department of
27 corrections. Moneys in the facility remodeling fund shall be
28 used by the department solely for the purpose of remodeling a
29 structure in the fifth judicial district department of
30 correctional services for use as a residential facility.

31 Sec. 23. Section 602.1304, subsection 2, paragraphs b and
32 c, Code 1997, are amended to read as follows:

33 b. For each fiscal year, a judicial collection estimate
34 for that fiscal year shall be equally and proportionally
35 divided into a quarterly amount. The judicial collection

1 estimate shall be calculated by using the state revenue
2 estimating conference estimate made by December 15 pursuant to
3 section 8.22A, subsection 3, of the total amount of fines,
4 fees, civil penalties, costs, surcharges, and other revenues
5 collected by judicial officers and court employees for deposit
6 into the general fund of the state. The revenue estimating
7 conference estimate shall be reduced by the maximum amounts
8 allocated to the Iowa prison infrastructure fund pursuant to
9 section 602.8108A, and the court technology and modernization
10 fund pursuant to section 602.8108, and the road use tax fund
11 pursuant to section 602.8108, subsection 5, and the remainder
12 shall be the judicial collection estimate. In each quarter of
13 a fiscal year, after revenues collected by judicial officers
14 and court employees equal to that quarterly amount are
15 deposited into the general fund of the state and after the
16 required amount is deposited during the quarter into the Iowa
17 prison infrastructure fund pursuant to section 602.8108A and
18 into the court technology and modernization fund pursuant to
19 section 602.8108, the director of revenue and finance shall
20 deposit the remaining revenues for that quarter into the
21 enhanced court collections fund in lieu of the general fund.
22 However, after total deposits into the collections fund for
23 the fiscal year are equal to the maximum deposit amount
24 established for the collections fund, remaining revenues for
25 that fiscal year shall be deposited into the general fund. If
26 the revenue estimating conference agrees to a different
27 estimate at a later meeting which projects a lesser amount of
28 revenue than the initial estimate amount used to calculate the
29 judicial collection estimate, the director of revenue and
30 finance shall recalculate the judicial collection estimate
31 accordingly. If the revenue estimating conference agrees to a
32 different estimate at a later meeting which projects a greater
33 amount of revenue than the initial estimate amount used to
34 calculate the judicial collection estimate, the director of
35 revenue and finance shall recalculate the judicial collection

1 estimate accordingly but only to the extent that the greater
 2 amount is due to an increase in the fines, fees, civil
 3 penalties, costs, surcharges, or other revenues allowed by law
 4 to be collected by judicial officers and court employees.

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

17 Sec. 24. Section 602.6201, subsection 10, Code 1997, is
 18 amended to read as follows:

19 10. Notwithstanding the formula for determining the number
 20 of judgeships in this section, the number of district judges
 21 shall not exceed one hundred ~~eleven~~ twelve during the period
 22 commencing July 1, ~~1996~~ 1997.

23 Sec. 25. Section 904.706, unnumbered paragraph 1, Code
 24 1997, is amended to read as follows:

25 A revolving farm fund is created in the state treasury in
 26 which the department shall deposit receipts from agricultural
 27 products, nursery stock, agricultural land rentals, and the
 28 sale of livestock. However, ~~before any agricultural operation~~
 29 ~~is phased out, the department which proposes to discontinue~~
 30 ~~this operation shall notify the governor, chairpersons and~~
 31 ~~ranking members of the house and senate appropriations~~
 32 ~~committees, and cochairpersons and ranking members of the~~
 33 ~~subcommittee in the senate and house of representatives which~~
 34 ~~has handled the appropriation for this department in the past~~
 35 ~~session of the general assembly. -- Before the department sells~~

1 ~~farmland under the control of the department, the director~~
2 ~~shall notify the governor, chairpersons and ranking members of~~
3 ~~the house and senate appropriations committees, and~~
4 ~~cochairpersons and ranking members of the joint appropriations~~
5 ~~subcommittee that handled the appropriation for the department~~
6 ~~during the past session of the general assembly. The~~
7 ~~department shall not phase out or discontinue any agricultural~~
8 ~~operation or sell any farmland under the control of the~~
9 ~~department that existed as of January 1, 1997. In addition,~~
10 ~~no sale or discontinuance of operations shall cause the level~~
11 ~~of activity or inmate participation to fall below the level of~~
12 ~~activity or participation which was in effect on January 1,~~
13 ~~1997. The department may pay from the fund for the operation,~~
14 ~~maintenance, and improvement of farms and agricultural or~~
15 ~~nursery property under the control of the department. A~~
16 ~~purchase order for five thousand dollars or less payable from~~
17 ~~the fund is exempt from the general purchasing requirements of~~
18 ~~chapter 18. Notwithstanding section 8.33, unencumbered or~~
19 ~~unobligated receipts in the revolving farm fund at the end of~~
20 ~~a fiscal year shall not revert to the general fund of the~~
21 ~~state.~~

22 Sec. 26. Section 905.12, unnumbered paragraph 2, Code
23 1997, is amended to read as follows:

24 Any balance remaining after deductions and payments shall
25 be credited to the resident's personal account at the district
26 department and shall be paid to the resident upon release.
27 The deputy director of the department of corrections
28 responsible for community-based correctional programs shall
29 establish a plan to comply with the provisions of court orders
30 entered pursuant to this section.

31 Sec. 27. 1995 Iowa Acts, chapter 166, section 2, is
32 amended to read as follows:

33 SEC. 2. DEVELOPMENT OF PLAN AND TRANSITION TO FULL WORK
34 PROGRAMMING BY DEPARTMENT. Notwithstanding section 1 of this
35 Act, the department of corrections shall not be required to

1 fully implement the requirements of section 904.701, until
 2 July 1, ~~1997~~ 1998. However, the department shall develop and
 3 implement a plan in consultation with state and local agencies
 4 and members of the private sector, which provides for the
 5 incremental implementation of the hard labor requirements
 6 contained in section 904.701, for each inmate who is
 7 physically and mentally able to perform hard labor and does
 8 not present an unreasonable security status, and who is not
 9 currently engaged in labor meeting the requirements. The plan
 10 shall provide for implementation of hard labor work programs
 11 during the interval of time between the effective date of this
 12 Act and July 1, ~~1997~~ 1998, with full implementation of the
 13 requirements of section 904.701 by July 1, ~~1997~~ 1998, and may
 14 provide for the performance of work by inmates both inside and
 15 outside of the institutions under the control of the
 16 department. The plan shall include a procedure for the
 17 determination of suitability of an inmate for the performance
 18 of hard labor and, if an inmate is found to be suitable, the
 19 placement of the inmate in an appropriate hard labor program.
 20 In selecting and developing work programs which are included
 21 within the plan, the department shall choose work programs
 22 which would require minimal additional administrative costs,
 23 which minimize the need for additional personnel, and which
 24 minimize the security risks to the general public. The
 25 department shall submit a report to the general assembly on
 26 January 1, ~~1996~~ 1998, outlining the progress made towards
 27 implementation of this Act. The department shall also file a
 28 copy of the completed plan with the general assembly on
 29 January 1, ~~1997~~ 1999.

30 Sec. 28. 1996 Iowa Acts, chapter 1216, section 7,
 31 subsection 7, is amended to read as follows:

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

34 \$ 175,000

35 Notwithstanding section 8.33, moneys appropriated in this

1 subsection which remain unobligated or unexpended at the close
2 of the fiscal year shall not revert to the general fund of the
3 state but shall remain available only for the purpose
4 designated in this subsection in the succeeding fiscal year.

5 Sec. 29. 1996 Iowa Acts, chapter 1216, section 21,
6 subsection 7, is amended to read as follows:

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

9 \$ 875,000

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

15 Sec. 30. LEGAL REPRESENTATION OF INDIGENTS -- STUDY. The
16 legislative council is requested to establish an interim
17 committee to study issues concerning the provision of legal
18 representation to indigents. The interim committee shall
19 submit a report and recommendations to the general assembly by
20 January 1, 1998.

21 Sec. 31. SENTENCING STUDY. The legislative council is
22 requested to establish an interim study committee to review
23 current criminal penalties and sentencing practices, including
24 but not limited to the effects of mandatory minimum penalties
25 on sentencing practices and the effects of sentencing
26 practices on inmate populations at state and adult and
27 residential community-based correctional facilities. The
28 committee shall also conduct a comparative assessment of the
29 relative penalties imposed for various crimes based not only
30 on the threat posed by the prohibited criminal conduct, but
31 also by the risk generally associated with particular criminal
32 offenders.

33 Sec. 32. EFFECTIVE DATES.

34 1. Section 1, subsections 3 and 4, of this Act, relating
35 to Iowa competition law or antitrust actions and to civil

1 consumer fraud actions, being deemed of immediate importance,
2 take effect upon enactment.

3 2. Section 8 of this Act, relating to the encumbrance of
4 certain moneys appropriated to the department of corrections
5 for the fiscal year commencing July 1, 1996, being deemed of
6 immediate importance, takes effect upon enactment.

7 3. Section 22 of this Act, relating to the Iowa prison
8 infrastructure fund and the facility remodeling fund, being
9 deemed of immediate importance, takes effect upon enactment.

10 4. Section 28 of this Act, relating to the funding of the
11 criminal justice program at the university of northern Iowa,
12 being deemed of immediate importance, takes effect upon
13 enactment.

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SENATE FILE 533

H-1780

1 Amend Senate File 533, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 4, by inserting after line 28 the
4 following:
5 "In addition to the moneys appropriated and
6 disbursed in this subsection and notwithstanding
7 contrary provisions of section 904.508A, there is
8 appropriated to the department of justice from the
9 inmate telephone rebate fund created in section
10 904.508A an additional \$200,000 for use as legal
11 services for persons in poverty grants as provided in
12 section 13.34 for distressed farmer assistance
13 programs."

By REYNOLDS-KNIGHT of Van Buren

H-1780 FILED APRIL 17, 1997
LOST (p. 1327)

SENATE FILE 533

H-1781

1 Amend Senate File 533, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 4, by striking lines 29 through 32 and
4 inserting the following:
5 "In addition to the moneys appropriated in this
6 subsection and notwithstanding contrary provisions of
7 section 904.508A, there is appropriated from the
8 inmate telephone rebate fund created in section
9 904.508A an additional \$450,000".

By MORELAND of Wapello

H-1781 FILED APRIL 17, 1997
LOST (p. 1328)

SENATE FILE 533

H-1769

- 1 Amend Senate File 533, as amended, passed, and
 2 reprinted by the Senate as follows:
 3 1. Page 28, line 23, by inserting after the word
 4 "training" the following: "and equipment needs".
 5 2. Page 35, line 7, by inserting after the word
 6 "training" the following: "and equipment needs".

By GARMAN of Story

REYNOLDS-KNIGHT of Van Buren

H-1769 FILED APRIL 16, 1997

Adopted 4-17-97 (p. 1339)

SENATE FILE 533

H-1756

- 1 Amend Senate File 533, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 5, by striking lines 24 through 28.
 4 2. Page 8, by striking lines 20 through 23 and
 5 inserting the following: "corrections for final
 6 approval and payment."
 7 3. Page 9, line 30, by striking the word "may"
 8 and inserting the following: "shall".
 9 4. Page 11, by striking lines 7 through 11.
 10 5. By striking page 17, line 27, through page 18,
 11 line 31.
 12 6. Page 19, by striking lines 15 through 31.
 13 7. Page 28, line 23, by striking the word
 14 "eligible".
 15 8. Page 28, by striking lines 26 through 29.
 16 9. By striking page 32, line 23, through page 33,
 17 line 21.
 18 10. By striking page 34, line 30, through page
 19 35, line 4.
 20 11. Page 36, by striking lines 3 through 6.
 21 12. Page 36, by striking lines 10 through 13.
 22 13. By renumbering as necessary.

By COMMITTEE ON APPROPRIATIONS

MILLAGE of Scott, Chairperson

H-1756 FILED APRIL 16, 1997

A-Withdrawn, B-Adopted 4-17-97 (p. 1326)

SENATE FILE 533

H-1784

1 Amend Senate File 533, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 12, by inserting after line 7 the
4 following:

5 "14. The department of corrections shall submit a
6 report to the general assembly by January 1, 1998,
7 concerning the receipt and expenditure of moneys by
8 the department from the inmate telephone rebate fund
9 created under section 904.508A and maintained in each
10 institution under the control of the department for
11 the fiscal year beginning July 1, 1996, and ending
12 June 30, 1997. The report shall detail the projects
13 authorized to be funded from the rebate fund, the
14 moneys expended from the fund for each project, and
15 the status of each project authorized, including any
16 anticipated completion date if applicable."

17 2. By renumbering as necessary.

By RICHARDSON of Warren

BELL of Jasper

LARKIN of Lee

MYERS of Johnson

H-1784 FILED APRIL 17, 1997

LOST (p. 1333)

SENATE FILE 533

H-1785

1 Amend Senate File 533, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 13, by inserting after line 25 the
4 following:

5 "(3) In addition to the moneys appropriated in
6 this subsection and notwithstanding contrary
7 provisions of section 904.508A, there is appropriated
8 to the district department from the inmate telephone
9 rebate fund created in section 904.508A an additional
10 \$35,000 to be used for the purposes provided in this
11 subsection."

12 2. By renumbering as necessary.

By WARNSTADT of Woodbury

WHITEAD of Woodbury

H-1785 FILED APRIL 17, 1997

LOST (p. 1333)

SENATE FILE 533

H-1782

1 Amend Senate File 533, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 8, by inserting after line 32 the
4 following:

5 "4. The department of corrections shall issue a
6 request for proposals for the construction of a
7 supermaximum security correctional facility at a
8 location determined by the department, which would
9 only be constructed if the proposal is accepted. The
10 department of corrections shall include specifications
11 concerning the number of correctional beds in the
12 request for proposals and issue the request for
13 proposals in such a manner that responses are due and
14 shall be included in a report submitted by the
15 department to the general assembly on or before
16 January 12, 1998. The department of corrections shall
17 not accept a proposal received in accordance with this
18 subsection without specific authorization through the
19 enactment of legislation to fund the proposal."

20 2. By renumbering as necessary.

By LARKIN of Lee

H-1782 FILED APRIL 17, 1997

LOST (p. 1330)

SENATE FILE 533

H-1783

1 Amend Senate 533, as amended, passed, and reprinted
2 by the Senate, as follows:

3 1. Page 11, by inserting after line 6 the
4 following:

5 "To maximize the funding for educational programs,
6 the department shall establish guidelines and
7 procedures to prioritize the availability of
8 educational and vocational training for inmates based
9 upon the goal of facilitating an inmate's successful
10 release from the correctional institution."

By RICHARDSON of Warren

H-1783 FILED APRIL 17, 1997

LOST (p. 1332)

SENATE FILE 533

H-1788

1 Amend Senate File 533, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 26, by inserting after line 6 the
4 following:

5 "In addition to the moneys appropriated in this
6 subsection and notwithstanding contrary provisions of
7 section 904.508A, there is appropriated to the
8 military division from the inmate telephone rebate
9 fund created in section 904.508A an additional
10 \$200,000 to be used for the purpose of funding the
11 computerized preventive maintenance management system
12 at national guard facilities."

By WARNSTADT of Woodbury

H-1788 FILED APRIL 17, 1997

LOST (p. 1338)

SENATE FILE 533

H-1789

1 Amend Senate File 533, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 27, by inserting after line 26 the
4 following:

5 "In addition to the moneys appropriated in this
6 paragraph and notwithstanding contrary provisions of
7 section 904.508A, there is appropriated for the
8 division of narcotics enforcement from the inmate
9 telephone rebate fund created in section 904.508A an
10 additional \$61,000 to be used for the purposes
11 provided in this paragraph."

By JOCHUM of Dubuque

H-1789 FILED APRIL 17, 1997

LOST (p. 1339)

SENATE FILE 533

H-1790

1 Amend Senate File 533, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 28, by inserting after line 25 the
4 following:

5 "In addition to the moneys appropriated in this
6 subsection and notwithstanding contrary provisions of
7 section 904.508A, there is appropriated to the
8 department of public safety from the inmate telephone
9 rebate fund created in section 904.508A an additional
10 \$326,208 to be used for the purposes provided in this
11 subsection."

By REYNOLDS-KNIGHT of Van Buren
FALCK of Fayette
THOMAS of Clayton

H-1790 FILED APRIL 17, 1997

LOST (p. 1340)

SENATE FILE 533

H-1786

1 Amend Senate File 533, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 22, by inserting after line 19 the
4 following:
5 "i. In addition to the moneys appropriated in this
6 subsection and notwithstanding contrary provisions of
7 section 904.508A, there is appropriated to the
8 judicial department from the inmate telephone rebate
9 fund created in section 904.508A \$175,000 to be used
10 for the purpose of hiring five additional juvenile
11 court officers."
12 2. By renumbering as necessary.

By MYERS of Johnson
FORD of Polk
LARKIN of Lee

SHOULTZ of Black Hawk
CONNORS of Polk

H-1786 FILED APRIL 17, 1997

LOST (p. 1336)

SENATE FILE 533

H-1787

1 Amend Senate File 533, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 24, by inserting after line 26 the
4 following:
5 "In addition to the moneys appropriated in this
6 subsection and notwithstanding contrary provisions of
7 section 904.508A, there is appropriated to the Iowa
8 law enforcement academy from the inmate telephone
9 rebate fund created in section 904.508A an additional
10 \$50,000 to be used for the purposes provided in this
11 subsection.
12 It is the intent of the general assembly that the
13 moneys appropriated in this subsection shall be used
14 for the purpose of providing notebooks and
15 informational materials to students."

By BELL of Jasper
LARKIN of Lee

H-1787 FILED APRIL 17, 1997

LOST (p. 1337)

SENATE FILE 533

H-1811

1 Amend Senate File 533, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 10, by striking line 31 and inserting the
4 following:
5 "..... \$ 3,150,600
6 Of the moneys appropriated in this subsection,
7 \$200,000 shall be used by the department for providing
8 life skills programs to inmates."

By FORD of Polk
FALLON of Polk

H-1811 FILED APRIL 17, 1997

LOST (p. 1331)

SENATE FILE 533

H-1812

1 Amend Senate File 533, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 18, line 32, by inserting after the word
4 "INDUSTRIES" the following: "-- INMATE LABOR".
5 2. Page 19, line 9, by inserting after the word
6 "industries." the following: "In addition, state
7 agencies are encouraged to utilize inmate labor to
8 assist in performing duties of the agency."
9 3. Page 19, line 11, by inserting after the word
10 "report" the following: "of the use, if any, of
11 inmate labor to perform duties of the agency and".

By FORD of Polk

H-1812 FILED APRIL 17, 1997

LOST (p. 1335)

HOUSE AMENDMENT TO
SENATE FILE 533

S-3603

1 Amend Senate File 533, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 9, line 30, by striking the word "may"
4 and inserting the following: "shall".
5 2. Page 19, by striking lines 15 through 31.
6 3. Page 28, line 23, by inserting after the word
7 "training" the following: "and equipment needs".
8 4. Page 28, line 23, by striking the word
9 "eligible".
10 5. Page 28, by striking lines 26 through 29.
11 6. By striking page 32, line 23, through page 33,
12 line 21.
13 7. Page 35, line 7, by inserting after the word
14 "training" the following: "and equipment needs".
15 8. By renumbering, relettering, or redesignating
16 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-3603 FILED APRIL 18, 1997 *Senate as concurred amended* 4/23/97 (p. 1358)

SENATE FILE 533

H-1791

1 Amend Senate File 533, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 29, by inserting after line 2 the
4 following:
5 "In addition to the moneys appropriated in this
6 subsection and notwithstanding contrary provisions of
7 section 904.508A, there is appropriated to the
8 department of public safety from the inmate telephone
9 rebate fund created in section 904.508A an additional
10 \$352,000 to be used for the purpose of creating a DNA
11 profiling unit."

By RICHARDSON of Warren
LARKIN of Lee

H-1791 FILED APRIL 17, 1997

LOST (p. 1341)

SENATE FILE 533

H-1810

1 Amend Senate File 533, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 6, by inserting after line 18 the
4 following:
5 "In addition to the moneys appropriated in this
6 paragraph and notwithstanding contrary provisions of
7 section 904.508A, there is appropriated to the
8 department of corrections from the inmate telephone
9 rebate fund created in section 904.508A an additional
10 \$25,000 for enhancing the library at the correctional
11 facility."
12 2. Page 6, by inserting after line 26 the
13 following:
14 "In addition to the moneys appropriated in this
15 paragraph and notwithstanding contrary provisions of
16 section 904.508A, there is appropriated to the
17 department of corrections from the inmate telephone
18 rebate fund created in section 904.508A an additional
19 \$25,000 for enhancing the library at the correctional
20 facility."

By FORD of Polk
FALLON of Polk

H-1810 FILED APRIL 17, 1997

LOST (p. 1329)

S-3671

1 Amend the House amendment, S-3603, to Senate File
 2 533, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 1, by inserting after line 5 the
 5 following:
 6 " ". Page 24, by inserting after line 26 the
 7 following:
 8 "In addition to the moneys appropriated in this
 9 subsection and notwithstanding contrary provisions of
 10 section 904.508A, there is appropriated to the Iowa
 11 law enforcement academy from the inmate telephone
 12 rebate fund created in section 904.508A an additional
 13 \$90,000 to be used for the purposes provided in this
 14 subsection.""

By DENNIS H. BLACK

S-3671 FILED APRIL 21, 1997 *Last 4/23/97 (p. 1357)*

SENATE FILE 533

S-3637

1 Amend the House amendment, S-3603, to Senate File
 2 533, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 1, by inserting after line 4 the
 5 following:
 6 " ". By striking page 11, line 35, through page
 7 12, line 7 and inserting the following:
 8 "13. The department of corrections, to the extent
 9 permissible by law, shall implement, as soon as
 10 possible but in no event later than July 1, 1997, a
 11 program to limit the availability of television to
 12 inmates in correctional facilities under the control
 13 of the department to channels representing networks or
 14 stations for which under normal circumstances a fee is
 15 not required.""
 16 2. Page 1, by inserting after line 14 the
 17 following:
 18 " ". Page 36, by inserting after line 2 the
 19 following:
 20 " ". Section 5, subsection 13, relating to the
 21 availability of television to inmates in correctional
 22 facilities, being deemed of immediate importance,
 23 takes effect upon enactment.""

By O. GENE MADDOX
 EUGENE S. FRAISE
 BILL FINK

JEFF ANGELO
 ANDY MCKEAN
 ROBERT E. DVORSKY

S-3637 FILED APRIL 21, 1997

Adopted 4/23/97 (p. 1356)

SENATE FILE 533

S-3664

1 Amend the House amendment, S-3603, to Senate File
 2 533, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 1, by inserting after line 2 the
 5 following:
 6 "____. Page 4, by striking lines 29 through 32 and
 7 inserting the following:
 8 "In addition to the moneys appropriated in this
 9 subsection and notwithstanding contrary provisions of
 10 section 904.508A, there is appropriated from the
 11 inmate telephone rebate fund created in section
 12 904.508A an additional \$450,000".

By ROBERT E. DVORSKY
 EUGENE S. FRAISE
 TOM VILSACK
 MICHAEL E. GRONSTAL
 MARY NEUHAUSER

DICK L. DEARDEN
 STEVEN D. HANSEN
 DENNIS H. BLACK
 PATTY JUDGE

S-3664 FILED APRIL 21, 1997 *Adopt 4/23/97 (p. 1354)*

SENATE FILE 533

S-3665

1 Amend the House amendment, S-3603, to Senate File
 2 533, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 1, by inserting after line 4 the
 5 following:
 6 "____. Page 11, by striking lines 32 through 34
 7 and inserting the following: "correctional farms
 8 under the control of the department at the same or
 9 greater level of participation and involvement as
 10 existed as of January 1, 1997, and shall further
 11 attempt to provide meaningful job opportunities at the
 12 farms for inmates.""

By EUGENE S. FRAISE
 ROBERT E. DVORSKY

ANDY MCKEAN
 O. GENE MADDOX

S-3665 FILED APRIL 21, 1997

Adopted 4/23/97 (p. 1366)

SENATE FILE 533

S-3698

1 Amend the House amendment, S-3603, to Senate File
2 533, as amended, passed, and reprinted by the Senate,
3 as follows:

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

6 " . Page 8, by inserting after line 32 the
7 following:

8 "4. The department of corrections shall issue a
9 request for proposals for the construction of a
10 supermaximum security correctional facility at a
11 location determined by the department, which would
12 only be constructed if the proposal is accepted. The
13 department of corrections shall include specifications
14 concerning the number of correctional beds in the
15 request for proposals and issue the request for
16 proposals in such a manner that responses are due and
17 shall be included in a report submitted by the
18 department to the general assembly on or before
19 January 12, 1998. The department of corrections shall
20 not accept a proposal received in accordance with this
21 subsection without specific authorization through the
22 enactment of legislation to fund the proposal."

By EUGENE S. FRAISE
STEVEN D. HANSEN
ROBERT E. DVORSKY
DENNIS H. BLACK

PATTY JUDGE
JOHN P. KIBBIE
DON GETTINGS

S-3698 FILED APRIL 23, 1997

LOST (p. 1355)

SENATE FILE 533

S-3706

1 Amend the House amendment, S-3603, Senate File 533,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

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

6 " . Page 12, by inserting before line 8 the
7 following:

8 "14. It is the intent of the general assembly that
9 the department of corrections shall implement a
10 restorative justice plan in each correctional facility
11 under the control of the department by July 1, 1998."

12 2. By renumbering as necessary.

By ROBERT E. DVORSKY
JOHNIE HAMMOND
STEVEN D. HANSEN

S-3706 FILED APRIL 23, 1997

LOST (p. 1358)

SENATE AMENDMENT TO HOUSE AMENDMENT TO S. F. 533

H-1876

1 Amend the House amendment, S-3603, to Senate File
2 533, as amended, passed, and reprinted by the Senate,
3 as follows:

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

6 " _____. Page 11, by striking lines 32 through 34
7 and inserting the following: "correctional farms
8 under the control of the department at the same or
9 greater level of participation and involvement as
10 existed as of January 1, 1997, and shall further
11 attempt to provide meaningful job opportunities at the
12 farms for inmates.""

13 2. Page 1, by inserting after line 4 the
14 following:

15 " _____. By striking page 11, line 35, through page
16 12, line 7 and inserting the following:

17 "13. The department of corrections, to the extent
18 permissible by law, shall implement, as soon as
19 possible but in no event later than July 1, 1997, a
20 program to limit the availability of television to
21 inmates in correctional facilities under the control
22 of the department to channels representing networks or
23 stations for which under normal circumstances a fee is
24 not required.""

25 3. Page 1, by inserting after line 14 the
26 following:

27 " _____. Page 36, by inserting after line 2 the
28 following:

29 " _____. Section 5, subsection 13, relating to the
30 availability of television to inmates in correctional
31 facilities, being deemed of immediate importance,
32 takes effect upon enactment.""

33 4. By renumbering, relettering, or redesignating
34 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-1876 FILED APRIL 23, 1997

CONCURRED (p. 1483)

Maddox, Chair
McLaren
Duorsky

SSB 252

Appropriations

SENATE/HOUSE FILE SHF 533
BY (PROPOSED COMMITTEE ON APPROPRIATIONS
BILL BY JOINT APPROPRIATIONS SUBCOM-
MITTEE ON JUSTICE SYSTEM)

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 justice
2 system and providing effective dates.

3 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, 1997, and ending
4 June 30, 1998, 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 \$ 6,995,561
11 FTEs 177.50

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

15 \$ 269,392
16 FTEs 6.00

17 a. In addition to the funds appropriated in this
18 subsection for the fiscal year beginning July 1, 1997, and
19 ending June 30, 1998, the attorney general shall provide up to
20 \$41,000 in state matching funds from moneys retained by the
21 attorney general from property forfeited pursuant to section
22 809.13, for the prosecuting attorney training program, the
23 prosecuting intern program, or both. Counties participating
24 in the prosecuting intern program shall match the state funds.

25 b. In addition to the funds appropriated in this
26 subsection for the fiscal year beginning July 1, 1997, and
27 ending June 30, 1998, and the moneys retained by the attorney
28 general pursuant to paragraph "a", the attorney general shall
29 provide up to \$10,000 in state matching funds from moneys
30 retained by the attorney general from property forfeited
31 pursuant to section 809.13, for the office of the prosecuting
32 attorneys training coordinator to use for continuation of the
33 domestic violence response enhancement program established in
34 accordance with 1992 Iowa Acts, chapter 1240, section 1,
35 subsection 2, paragraph "b".

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

5 3. In addition to the funds appropriated in subsection 1,
6 there is appropriated from the general fund of the state to
7 the department of justice for the fiscal year beginning July
8 1, 1997, and ending June 30, 1998, an amount not exceeding
9 \$200,000 to be used for the enforcement of the Iowa
10 competition law. The expenditure of the funds appropriated in
11 this subsection is contingent upon receipt by the general fund
12 of the state of an amount at least equal to either the
13 expenditures from damages awarded to the state or a political
14 subdivision of the state by a civil judgment under chapter
15 553, if the judgment authorizes the use of the award for
16 enforcement purposes or costs or attorneys fees awarded the
17 state in state or federal antitrust actions. However, if the
18 funds received as a result of these judgments are in excess of
19 \$200,000, the excess funds shall not be appropriated to the
20 department of justice pursuant to this subsection.

21 4. In addition to the funds appropriated in subsection 1,
22 there is appropriated from the general fund of the state to
23 the department of justice for the fiscal year beginning July
24 1, 1997, and ending June 30, 1998, an amount not exceeding
25 \$150,000 to be used for public education relating to consumer
26 fraud and for enforcement of section 714.16, and an amount not
27 exceeding \$75,000 for investigation, prosecution, and consumer
28 education relating to consumer and criminal fraud against
29 older Iowans. The expenditure of the funds appropriated in
30 this subsection is contingent upon receipt by the general fund
31 of the state of an amount at least equal to the expenditures
32 from damages awarded to the state or a political subdivision
33 of the state by a civil consumer fraud judgment or settlement,
34 if the judgment or settlement authorizes the use of the award
35 for public education on consumer fraud. However, if the funds

1 received as a result of these judgments and settlements are in
2 excess of \$225,000, the excess funds shall not be appropriated
3 to the department of justice pursuant to this subsection.

4 5. For victim assistance grants:

5 \$ 1,759,806

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

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

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

17 \$ 121,259
18 FTEs 2.00

19 7. The balance of the victim compensation fund established
20 under section 912.14 may be used to provide salary and support
21 of not more than 13.00 FTEs and to provide maintenance for the
22 victim compensation functions of the department of justice.

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

33 9. a. The department of justice, in submitting budget
34 estimates for the fiscal year commencing July 1, 1998,
35 pursuant to section 8.23, shall include a report of funding

1 from sources other than amounts appropriated directly from the
 2 general fund of the state to the department of justice or to
 3 the office of consumer advocate. These funding sources shall
 4 include, but are not limited to, reimbursements from other
 5 state agencies, commissions, boards, or similar entities, and
 6 reimbursements from special funds or internal accounts within
 7 the department of justice. The department of justice shall
 8 report actual reimbursements for the fiscal year commencing
 9 July 1, 1996, and actual and expected reimbursements for the
 10 fiscal year commencing July 1, 1997.

11 b. The department of justice shall include the report
 12 required under paragraph "a", as well as information regarding
 13 any revisions occurring as a result of reimbursements actually
 14 received or expected at a later date, in a report to the co-
 15 chairpersons and ranking members of the joint appropriations
 16 subcommittee on the justice system and the legislative fiscal
 17 bureau. The department of justice shall submit the report on
 18 or before January 15, 1998.

19 10. For legal services for persons in poverty grants as
 20 provided in section 13.34:

21 \$ 475,000

22 As a condition for accepting a grant funded pursuant to
 23 this subsection, an organization receiving a grant shall
 24 submit a report to the general assembly by January 1, 1998,
 25 concerning the use of any grants received during the previous
 26 fiscal year and efforts made by the organization to find
 27 alternative sources of revenue to replace any reductions in
 28 federal funding for the organization.

29 It is the intent of the general assembly that no moneys
 30 shall be appropriated for this purpose for fiscal years
 31 beginning on or after July 1, 1998.

32 Sec. 2. DEPARTMENT OF JUSTICE -- ENVIRONMENTAL CRIMES
 33 INVESTIGATION AND PROSECUTION -- FUNDING. There is
 34 appropriated from the environmental crime fund of the
 35 department of justice, consisting of court-ordered fines and

1 penalties awarded to the department arising out of the
2 prosecution of environmental crimes, to the department of
3 justice for the fiscal year beginning July 1, 1997, and ending
4 June 30, 1998, an amount not exceeding \$20,000 to be used by
5 the department, at the discretion of the attorney general, for
6 the investigation and prosecution of environmental crimes,
7 including the reimbursement of expenses incurred by county,
8 municipal, and other local governmental agencies cooperating
9 with the department in the investigation and prosecution of
10 environmental crimes.

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

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

26 Sec. 3. OFFICE OF CONSUMER ADVOCATE. There is
27 appropriated from the general fund of the state to the office
28 of consumer advocate of the department of justice for the
29 fiscal year beginning July 1, 1997, and ending June 30, 1998,
30 the following amount, or so much thereof as is necessary, to
31 be used for the purposes designated:

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

35 \$ 2,372,826

1 FTEs 32.00

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, 1997, and ending June 30, 1998, 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 correctional officers, miscellaneous purposes, and for not
13 more than the following full-time equivalent positions:

14 \$ 27,618,153
15 FTEs 507.97

16 b. For the operation of the Anamosa correctional facility,
17 including salaries, support, maintenance, employment of
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 \$ 20,888,037
23 FTEs 384.75

24 Moneys are provided within this appropriation for two 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
30 correctional officers, miscellaneous purposes, and for not
31 more than the following full-time equivalent positions:

32 \$ 17,284,751
33 FTEs 334.30

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

1 correctional officers, miscellaneous purposes, and for not
2 more than the following full-time equivalent positions:
3 \$ 19,251,272
4 FTEs 375.75

5 e. For the operation of the Mt. Pleasant correctional
6 facility, including salaries, support, maintenance, employment
7 of correctional officers and a full-time chaplain to provide
8 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 \$ 14,911,431
12 FTEs 289.32

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

17 \$ 5,950,292
18 FTEs 115.00

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

23 \$ 15,441,395
24 FTEs 263.00

25 Moneys received by the department of corrections as
26 reimbursement for services provided to the Clarinda youth
27 corporation are appropriated to the department and shall be
28 used for the purpose of operating the Clarinda correctional
29 facility.

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

34 \$ 7,138,684
35 FTEs 146.00

1 i. For the operation of the Fort Dodge correctional
 2 facility, including salaries, support, maintenance, employment
 3 of correctional officers, miscellaneous purposes, and for not
 4 more than the following full-time equivalent positions:
 5 \$ 9,540,122
 6 FTEs 149.00

7 2. a. If the inmate tort claim fund for inmate claims of
 8 less than \$100 is exhausted during the fiscal year, sufficient
 9 funds shall be transferred from the institutional budgets to
 10 pay approved tort claims for the balance of the fiscal year.
 11 The warden or superintendent of each institution or
 12 correctional facility shall designate an employee to receive,
 13 investigate, and recommend whether to pay any properly filed
 14 inmate tort claim for less than the above amount. The
 15 designee's recommendation shall be approved or denied by the
 16 warden or superintendent and forwarded to the department of
 17 corrections for final approval and payment. The amounts
 18 appropriated to this fund pursuant to 1987 Iowa Acts, chapter
 19 234, section 304, subsection 2, are not subject to reversion
 20 under section 8.33.

21 b. Tort claims denied at the institution shall be
 22 forwarded to the state appeal board for their consideration as
 23 if originally filed with that body. This procedure shall be
 24 used in lieu of chapter 669 for inmate tort claims of less
 25 than \$100.

26 3. The department of corrections is authorized to
 27 construct a 200-bed living unit at the Mitchellville
 28 correctional facility utilizing federal grant moneys received
 29 by the department for this purpose.

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, 1997, and ending June 30, 1998, 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 \$ 2,024,844
7 FTEs 37.18

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 It is the intent of the general assembly that as a
15 condition of receiving the appropriation provided in this
16 subsection, the department of corrections shall not enter into
17 a new contract, unless the contract is a renewal of an
18 existing contract, for the expenditure of moneys in excess of
19 \$100,000 during the fiscal year beginning July 1, 1997, for
20 the privatization of services performed by the department
21 using state employees as of July 1, 1997, or for the
22 privatization of new services by the department, without prior
23 consultation with any applicable state employee organization
24 affected by the proposed new contract and prior notification
25 of the co-chairpersons and ranking members of the joint
26 appropriations subcommittee on the justice system.

27 It is the intent of the general assembly that the
28 department of general services shall, notwithstanding any
29 provisions of law or rule to the contrary, permit the
30 department of corrections the opportunity to acquire, at no
31 cost, computers that would otherwise be disposed of by the
32 department of general services. The department of corrections
33 shall use computers acquired under this paragraph to provide
34 educational training and programs for inmates.

35 2. For reimbursement of counties for temporary confinement

257

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 \$ 524,038

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 in 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 \$ 463,128

16 FTEs 8.16

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 \$ 3,186,275

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

29 \$ 2,950,600

30 It is the intent of the general assembly that moneys
31 appropriated in this subsection shall be used solely for the
32 purpose indicated and that the moneys shall not be transferred
33 for any other purpose. In addition, it is the intent of the
34 general assembly that the department shall consult with the
35 community colleges in the areas in which the institutions are

1 located to utilize moneys appropriated in this subsection to
2 fund the high school completion, high school equivalency
3 diploma, adult literacy, and adult basic education programs in
4 a manner so as to maintain these programs at the institutions.

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

10 8. The department of corrections shall submit a report to
11 the general assembly on January 1, 1998, concerning progress
12 made in implementing the requirements of section 904.701,
13 concerning hard labor by inmates.

14 9. The department of corrections shall study and consider
15 the adoption of new guidelines concerning the transportation
16 of inmates. The study may consider the use of the federal
17 marshal transportation services. The department shall submit
18 a report to the general assembly by January 15, 1998,
19 concerning the results of the study, including information
20 concerning the costs associated with the recommendations.

21 10. The department of corrections shall study and consider
22 the implementation of a computer database to provide inmate
23 case management and offender profiling to better identify,
24 track, and assist inmates of the correctional institutions.

25 11. It is the intent of the general assembly that the
26 department of corrections connect all of its correctional
27 facilities to the Iowa communications network (ICN).

28 12. It is the intent of the general assembly that the
29 department of corrections shall continue to operate the
30 correctional farms at Fort Madison as minimum security living
31 units and shall further attempt to provide meaningful job
32 opportunities for inmates at the living units.

33 Sec. 6. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL
34 SERVICES.

35 1. There is appropriated from the general fund of the

1 state to the department of corrections for the fiscal year
2 beginning July 1, 1997, and ending June 30, 1998, the
3 following amounts, or so much thereof as is necessary, to be
4 allocated as follows:

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

10 \$ 7,157,999

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

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 b. For the second 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 \$ 5,729,149

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 "b".

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

35 c. For the third judicial district department of

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

5 \$ 3,465,497

6 (1) The district department shall continue the sex
7 offender treatment program established within the district in
8 1988 Iowa Acts, chapter 1271, section 6, subsection 1,
9 paragraph "c", and the intensive supervision program
10 established within the district in 1990 Iowa Acts, chapter
11 1268, section 6, subsection 3, 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 d. For the fourth 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 \$ 2,664,415

22 (1) The district department shall continue the sex
23 offender treatment program established within the district in
24 1988 Iowa Acts, chapter 1271, section 6, subsection 1,
25 paragraph "d".

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

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

35 \$ 9,339,723

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

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 f. For the sixth 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 \$ 7,271,360

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

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

31 g. For the seventh 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 \$ 4,599,542

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 "g", and shall continue the sex offender treatment program
6 established within the district in 1989 Iowa Acts, chapter
7 316, section 8, subsection 1, paragraph "g".

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

12 (3) 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 h. For the eighth 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 \$ 4,286,894

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 "h", and shall continue the sex offender treatment program
26 established within the district in 1989 Iowa Acts, chapter
27 316, section 8, subsection 1, paragraph "h".

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

32 i. For the department of corrections for the assistance
33 and support of each judicial district department of
34 correctional services, the following amount, or so much
35 thereof as is necessary:

1 \$ 83,576

2 2. The department of corrections shall continue to
3 contract with a judicial district department of correctional
4 services to provide for the rental of electronic monitoring
5 equipment which shall be available statewide.

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

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

15 5. Each judicial district department of correctional
16 services shall provide a report concerning the treatment and
17 supervision of probation and parole violators who have been
18 released from the department of corrections violator program,
19 to the co-chairpersons and ranking members of the joint
20 appropriations subcommittee on the justice system and the
21 legislative fiscal bureau, on or before January 15, 1998.

22 6. It is the intent of the general assembly that each
23 judicial district department of correctional services shall
24 operate the community-based correctional facilities in a
25 manner which provides for a residential population of at least
26 110 percent of the design capacity of the facility.

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

35 Sec. 7. 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, 1998.

14 It is the intent of the general assembly that each
15 correctional facility make all reasonable efforts to maintain
16 vocational education programs for inmates and to identify
17 available funding sources to continue these programs. The
18 department of corrections shall submit a report to the general
19 assembly by January 1, 1998, concerning the efforts made by
20 each correctional facility in maintaining vocational education
21 programs for inmates.

22 Sec. 8. APPROPRIATIONS TO THE DEPARTMENT OF CORRECTIONS --
23 MONEYS ENCUMBERED -- PRIORITIES.

24 1. Notwithstanding any other provision of law to the
25 contrary, moneys appropriated to the department of corrections
26 pursuant to 1996 Iowa Acts, chapter 1216, sections 6, 7, and
27 8, shall be considered encumbered pursuant to section 8.33,
28 and shall not revert to the general fund of the state
29 following the close of the fiscal year commencing July 1,
30 1996. As used in this section, unless the context otherwise
31 requires, "encumbered funds" means the moneys appropriated to
32 the department of corrections pursuant to 1996 Iowa Acts,
33 chapter 1216, sections 6, 7, and 8, which would otherwise
34 revert to the general fund of the state following the close of
35 the fiscal year in which the moneys were appropriated, but for

1 the prohibition contained in this section.

2 2. The department of corrections shall use encumbered
3 funds in the fiscal year commencing July 1, 1997, to fund up
4 to an additional 50 FTEs for the employment of correctional
5 officers in the correctional institutions specified in section
6 904.102, and to purchase surveillance cameras and other
7 necessary surveillance or safety equipment for use in
8 correctional institutions. The full-time equivalent positions
9 authorized in this section for the employment of correctional
10 officers and the funding provided for the purchase of
11 equipment are in addition to any full-time equivalent
12 positions authorized or equipment funded in section 4 of this
13 Act, providing appropriations for department of corrections
14 facilities. The department of corrections shall use its
15 discretion in distributing the additional correctional
16 officers and equipment throughout the correctional facilities.

17 The department of corrections shall file a report with the
18 department of management concerning correctional officer
19 positions filled and critically needed safety equipment
20 purchased from encumbered funds provided under this section.
21 If the department is able to fund an additional 50 FTEs for
22 the employment of correctional officers pursuant to this
23 section and to purchase all critically needed safety
24 equipment, any remaining funds shall be unencumbered and shall
25 revert to the general fund of the state at the close of the
26 fiscal year commencing July 1, 1997.

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

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

1 2. State agencies are hereby encouraged to purchase
2 products from Iowa state industries, as defined in section
3 904.802, when purchases are required and the products are
4 available from Iowa state industries.

5 3. State agencies shall submit to the legislative fiscal
6 bureau by January 15, 1998, a report of the dollar value of
7 products and services purchased from Iowa state industries by
8 the state agency during the fiscal year beginning July 1,
9 1996, and ending June 30, 1997.

10 Sec. 10. STATE PUBLIC DEFENDER. There is appropriated
11 from the general fund of the state to the office of the state
12 public defender of the department of inspections and appeals
13 for the fiscal year beginning July 1, 1997, and ending June
14 30, 1998, the following amount, or so much thereof as is
15 necessary, for the purposes designated:

16 \$ 33,087,035

17 The funds appropriated and full-time equivalent positions
18 authorized in this section are allocated as follows:

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

22 \$ 12,300,519

23 FTEs 199.00

24 2. For the fees of court-appointed attorneys for indigent
25 adults and juveniles, notwithstanding section 232.141 and
26 chapter 815:

27 \$ 20,786,516

28 Sec. 11. JUDICIAL DEPARTMENT. There is appropriated from
29 the general fund of the state to the judicial department for
30 the fiscal year beginning July 1, 1997, and ending June 30,
31 1998, the following amounts, or so much thereof as is
32 necessary, to be used for the purposes designated:

33 1. For salaries of supreme court justices, appellate court
34 judges, district court judges, district associate judges,
35 judicial magistrates and staff, state court administrator,

1 clerk of the supreme court, district court administrators,
 2 clerks of the district court, juvenile court officers, board
 3 of law examiners and board of examiners of shorthand reporters
 4 and judicial qualifications commission, receipt and
 5 disbursement of child support payments, reimbursement of the
 6 auditor of state for expenses incurred in completing audits of
 7 the offices of the clerks of the district court during the
 8 fiscal year beginning July 1, 1997, and maintenance,
 9 equipment, and miscellaneous purposes:

10 \$ 95,267,213

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

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

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

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

34 e. The judicial department shall focus efforts upon the
 35 collection of delinquent fines, penalties, court costs, fees,

1 surcharges, or similar amounts.

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

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

23 The report required by this lettered paragraph shall be
24 made by January 15, 1998, for the additional counties added to
25 the system by 1996 Iowa Acts, chapter 1216, indicating whether
26 the counties have reduced uncollected court fines and fees by
27 50 percent as a result of being added to the system.

28 i. The judicial department shall provide a report to the
29 general assembly by January 1, 1998, concerning the amounts
30 received and expended from the enhanced court collections fund
31 created in section 602.1304 and the court technology and
32 modernization fund created in section 602.8108, subsection 4,
33 during the fiscal year beginning July 1, 1996, and ending June
34 30, 1997, and the plans for expenditures from each fund during
35 the fiscal year beginning July 1, 1997, and ending June 30,

1 1998.

2 2. For the juvenile victim restitution program:
3 \$ 155,396

4 Sec. 12. COURT TECHNOLOGY AND MODERNIZATION FUND --
5 DISTRIBUTION. Of the moneys collected and deposited in the
6 court technology and modernization fund established in section
7 602.8108 in the fiscal year beginning July 1, 1997, \$58,333
8 shall be expended for the implementation of the criminal
9 justice improvement network (CJIN) and up to \$45,000 shall be
10 expended for the data warehousing project.

11 Sec. 13. ENHANCED COURT COLLECTIONS FUND -- DISTRIBUTION.
12 Of the moneys collected and deposited in the enhanced court
13 collections fund created in section 602.1304, the first
14 \$50,000 deposited in the fund in the fiscal year beginning
15 July 1, 1997, shall be expended by the judicial department to
16 provide federal matching funds for the Iowa supreme court
17 improvement project for child in need of assistance cases.

18 Sec. 14. JUDICIAL RETIREMENT FUND. There is appropriated
19 from the general fund of the state to the judicial retirement
20 fund for the fiscal year beginning July 1, 1997, and ending
21 June 30, 1998, the following amount, or so much thereof as is
22 necessary, to be used for the purpose designated:

23 For the state's contribution to the judicial retirement
24 fund established in section 602.9104, in the amount of 23.7
25 percent of the basic salaries of the judges covered under
26 chapter 602, article 9:
27 \$ 3,806,457

28 Sec. 15. INDIGENT DEFENSE COSTS. The supreme court shall
29 submit a written report for the preceding fiscal year no later
30 than January 1, 1998, indicating the amounts collected
31 pursuant to section 815.9A, relating to recovery of indigent
32 defense costs. The report shall include the total amount
33 collected by all courts, as well as the amounts collected by
34 each judicial district. The supreme court shall also submit a
35 written report quarterly indicating the number of criminal and

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

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

28 Sec. 17. IOWA LAW ENFORCEMENT ACADEMY. There is
29 appropriated from the general fund of the state to the Iowa
30 law enforcement academy for the fiscal year beginning July 1,
31 1997, and ending June 30, 1998, the following amounts, or so
32 much thereof as is necessary, to be used for the purposes
33 designated:

34 1. For salaries, support, maintenance, miscellaneous
35 purposes, including jailer training and technical assistance,

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

3 \$ 1,145,287
4 FTEs 27.55

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

8 \$ 30,000

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

23 Sec. 18. BOARD OF PAROLE. There is appropriated from the
24 general fund of the state to the board of parole for the
25 fiscal year beginning July 1, 1997, and ending June 30, 1998,
26 the following amount, or so much thereof as is necessary, to
27 be used for the purposes designated:

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

35 \$ 924,802

1 FTEs 18.00

2 A portion of the funds appropriated in this section shall
3 be used to start a pilot program for probation violations in
4 the sixth judicial district department of correctional
5 services. Data shall be maintained to evaluate the pilot
6 program.

7 Sec. 19. DEPARTMENT OF PUBLIC DEFENSE. There is
8 appropriated from the general fund of the state to the
9 department of public defense for the fiscal year beginning
10 July 1, 1997, and ending June 30, 1998, the following amounts,
11 or so much thereof as is necessary, to be used for the
12 purposes designated:

13 1. MILITARY DIVISION

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

17 \$ 4,253,196
18 FTEs 227.26

19 If there is a surplus in the general fund of the state for
20 the fiscal year ending June 30, 1998, within 60 days after the
21 close of the fiscal year, the military division may incur up
22 to an additional \$500,000 in expenditures from the surplus
23 prior to transfer of the surplus pursuant to section 8.57.

24 2. EMERGENCY MANAGEMENT DIVISION

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

28 \$ 590,971
29 FTEs 15.25

30 Sec. 20. DEPARTMENT OF PUBLIC SAFETY. There is
31 appropriated from the general fund of the state to the
32 department of public safety for the fiscal year beginning July
33 1, 1997, and ending June 30, 1998, the following amounts, or
34 so much thereof as is necessary, to be used for the purposes
35 designated:

1 1. For the department's administrative functions,
2 including the criminal justice information system, and for not
3 more than the following full-time equivalent positions:

4	\$	2,272,374
5	FTEs	38.80

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

13	\$	9,975,859
14	FTEs	198.00

15 Riverboat enforcement costs shall be billed in accordance
16 with section 99F.10, subsection 4. The costs shall be not
17 more than the department's estimated expenditures, including
18 salary adjustment, for riverboat enforcement for the fiscal
19 year.

20 The department of public safety, with the approval of the
21 department of management, may employ no more than two special
22 agents and four gaming enforcement officers for each
23 additional riverboat regulated after March 31, 1997, and one
24 special agent for each racing facility which becomes
25 operational during the fiscal year which begins July 1, 1997.
26 One additional gaming enforcement officer, up to a total of
27 four per boat, may be employed for each riverboat that has
28 extended operations to 24 hours and has not previously
29 operated with a 24-hour schedule. Positions authorized in
30 this paragraph are in addition to the full-time equivalent
31 positions authorized in this subsection.

32 3. a. For the division of narcotics enforcement,
33 including the state's contribution to the peace officers'
34 retirement, accident, and disability system provided in
35 chapter 97A in the amount of 17 percent of the salaries for

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

4 \$ 2,573,278
5 FTEs 41.00

6 b. For the division of narcotics enforcement for
7 undercover purchases:

8 \$ 139,202

9 4. For the state fire marshal's office, including the
10 state's contribution to the peace officers' retirement,
11 accident, and disability system provided in chapter 97A in the
12 amount of 17 percent of the salaries for which the funds are
13 appropriated, and for not more than the following full-time
14 equivalent positions:

15 \$ 1,513,605
16 FTEs 31.80

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

23 \$ 1,244,094
24 FTEs 27.00

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

27 \$ 233,265

28 7. An employee of the department of public safety who
29 retires after July 1, 1997, but prior to June 30, 1998, is
30 eligible for payment of life or health insurance premiums as
31 provided for in the collective bargaining agreement covering
32 the public safety bargaining unit at the time of retirement if
33 that employee previously served in a position which would have
34 been covered by the agreement. The employee shall be given
35 credit for the service in that prior position as though it

1 were covered by that agreement. The provisions of this
2 paragraph shall not operate to reduce any retirement benefits
3 an employee may have earned under other collective bargaining
4 agreements or retirement programs.

5 8. For costs associated with the training of volunteer
6 fire fighters:

7 \$ 573,792

8 9. For costs associated with supplies and support for DNA
9 testing:

10 \$ 100,000

11 10. For the state medical examiner and for not more than
12 the following full-time equivalent positions:

13 \$ 341,959

14 FTEs 4.00

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

18 Sec. 21. HIGHWAY SAFETY PATROL FUND. There is
19 appropriated from the highway safety patrol fund created in
20 section 80.41 to the division of highway safety, uniformed
21 force, and radio communications of the department of public
22 safety, for the fiscal year beginning July 1, 1997, and ending
23 June 30, 1998, the following amounts, or so much thereof as is
24 necessary, to be used for the purposes designated:

25 1. For salaries, support, maintenance, workers'
26 compensation costs, and miscellaneous purposes, including the
27 state's contribution to the peace officers' retirement,
28 accident, and disability system provided in chapter 97A in the
29 amount of 17 percent of the salaries for which the funds are
30 appropriated, and for not more than the following full-time
31 equivalent positions:

32 \$ 35,099,662

33 FTEs 568.00

34 It is the intent of the general assembly that, of the funds
35 appropriated in this subsection, the division shall expend the

1 amount necessary to provide the state match for the additional
2 state troopers hired through the federal community-oriented
3 policing services program and authorized pursuant to 1996 Iowa
4 Acts, chapter 1216, section 22. It is the intent of the
5 general assembly that once federal moneys for this program
6 end, the division shall present proposals to the governor and
7 the general assembly for continued funding of the state
8 troopers described in this paragraph and for consideration of
9 reducing the number of state troopers through attrition, by
10 the same number as the number of troopers added through the
11 federal program.

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

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

27 \$ 44,195

28 Sec. 22. DEPARTMENT OF CORRECTIONS -- FACILITY REMODELING
29 FUND. Notwithstanding sections 8.33, 8.39, and 602.8108A, the
30 department of corrections shall direct the treasurer of state
31 to transfer on June 30, 1997, \$1,600,000 of the unused balance
32 of funds in the Iowa prison infrastructure fund created in
33 section 602.8108A, to a facility remodeling fund created in
34 the state treasury and under the control of the department of
35 corrections. Moneys in the facility remodeling fund shall be

1 used by the department solely for the purpose of remodeling a
2 structure in the fifth judicial district department of
3 correctional services for use as a residential facility.

4 Sec. 23. Section 99F.10, subsection 4, Code 1997, is
5 amended to read as follows:

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

20 Sec. 24. Section 602.1304, subsection 2, paragraphs b and
21 c, Code 1997, are amended to read as follows:

22 b. For each fiscal year, a judicial collection estimate
23 for that fiscal year shall be equally and proportionally
24 divided into a quarterly amount. The judicial collection
25 estimate shall be calculated by using the state revenue
26 estimating conference estimate made by December 15 pursuant to
27 section 8.22A, subsection 3, of the total amount of fines,
28 fees, civil penalties, costs, surcharges, and other revenues
29 collected by judicial officers and court employees for deposit
30 into the general fund of the state. The revenue estimating
31 conference estimate shall be reduced by the maximum amounts
32 allocated to the Iowa prison infrastructure fund pursuant to
33 section 602.8108A, and the court technology and modernization
34 fund pursuant to section 602.8108, and the road use tax fund
35 pursuant to section 602.8108, subsection 5, and the remainder

1 shall be the judicial collection estimate. In each quarter of
2 a fiscal year, after revenues collected by judicial officers
3 and court employees equal to that quarterly amount are
4 deposited into the general fund of the state and after the
5 required amount is deposited during the quarter into the Iowa
6 prison infrastructure fund pursuant to section 602.8108A and
7 into the court technology and modernization fund pursuant to
8 section 602.8108, the director of revenue and finance shall
9 deposit the remaining revenues for that quarter into the
10 enhanced court collections fund in lieu of the general fund.
11 However, after total deposits into the collections fund for
12 the fiscal year are equal to the maximum deposit amount
13 established for the collections fund, remaining revenues for
14 that fiscal year shall be deposited into the general fund. If
15 the revenue estimating conference agrees to a different
16 estimate at a later meeting which projects a lesser amount of
17 revenue than the initial estimate amount used to calculate the
18 judicial collection estimate, the director of revenue and
19 finance shall recalculate the judicial collection estimate
20 accordingly. If the revenue estimating conference agrees to a
21 different estimate at a later meeting which projects a greater
22 amount of revenue than the initial estimate amount used to
23 calculate the judicial collection estimate, the director of
24 revenue and finance shall recalculate the judicial collection
25 estimate accordingly but only to the extent that the greater
26 amount is due to an increase in the fines, fees, civil
27 penalties, costs, surcharges, or other revenues allowed by law
28 to be collected by judicial officers and court employees.

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

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

6 Sec. 25. Section 602.6201, subsection 10, Code 1997, is
7 amended to read as follows:

8 10. Notwithstanding the formula for determining the number
9 of judgeships in this section, the number of district judges
10 shall not exceed one hundred ~~eleven~~ twelve during the period
11 commencing July 1, ~~1996~~ 1997.

12 Sec. 26. 1995 Iowa Acts, chapter 166, section 2, is
13 amended to read as follows:

14 SEC. 2. DEVELOPMENT OF PLAN AND TRANSITION TO FULL WORK
15 PROGRAMMING BY DEPARTMENT. Notwithstanding section 1 of this
16 Act, the department of corrections shall not be required to
17 fully implement the requirements of section 904.701, until
18 July 1, ~~1997~~ 1998. However, the department shall develop and
19 implement a plan in consultation with state and local agencies
20 and members of the private sector, which provides for the
21 incremental implementation of the hard labor requirements
22 contained in section 904.701, for each inmate who is
23 physically and mentally able to perform hard labor and does
24 not present an unreasonable security status, and who is not
25 currently engaged in labor meeting the requirements. The plan
26 shall provide for implementation of hard labor work programs
27 during the interval of time between the effective date of this
28 Act and July 1, ~~1997~~ 1998, with full implementation of the
29 requirements of section 904.701 by July 1, ~~1997~~ 1998, and may
30 provide the performance of work by inmates both inside and
31 outside of the institutions under the control of the
32 department. The plan shall include a procedure for the
33 determination of suitability of an inmate for the performance
34 of hard labor and, if an inmate is found to be suitable, the
35 placement of the inmate in an appropriate hard labor program.

1 In selecting and developing work programs which are included
2 within the plan, the department shall choose work programs
3 which are include within the plan, the department shall choose
4 work programs which would require minimal additional
5 administrative costs shall choose work programs which would
6 require minimal additional administrative costs, which
7 minimize the need for additional personnel, and which minimize
8 the security risks to the general public. The department
9 shall submit a report to the general assembly on January 1,
10 ~~1996~~ 1998, outlining the progress made towards implementation
11 of this Act. The department shall also file a copy of the
12 completed plan with the general assembly on January 1, ~~1997~~
13 1999.

14 Sec. 27. 1996 Iowa Acts, chapter 1216, section 7,
15 subsection 7, is amended to read as follows:

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

18 \$ 175,000

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

24 Sec. 28. LEGAL REPRESENTATION OF INDIGENTS -- STUDY. The
25 legislative council is requested to establish an interim
26 committee to study issues concerning the provision of legal
27 representation to indigents. The interim committee shall
28 submit a report and recommendations to the general assembly by
29 January 1, 1998.

30 Sec. 29. SENTENCING STUDY. The legislative council is
31 requested to establish an interim study committee to review
32 current criminal penalties and sentencing practices, including
33 but not limited to the effects of mandatory minimum penalties
34 on sentencing practices and the effects of sentencing
35 practices on inmate populations at state and adult and

1 residential community-based correctional facilities. The
2 committee shall also conduct a comparative assessment of the
3 relative penalties imposed for various crimes based not only
4 on the threat posed by the prohibited criminal conduct, but
5 also by the risk generally associated with particular criminal
6 offenders.

7 Sec. 30. EFFECTIVE DATES.

8 1. Section 1, subsections 3 and 4, of this Act, relating
9 to 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 8 of this Act, relating to the encumbrance of
13 certain moneys appropriated to the department of corrections
14 for the fiscal year commencing July 1, 1996, being deemed of
15 immediate importance, takes effect upon enactment.

16 3. Section 22 of this Act, relating to the Iowa prison
17 infrastructure fund and the facility remodeling fund, being
18 deemed of immediate importance, takes effect upon enactment.

19 4. Section 27 of this Act, relating to the funding of the
20 criminal justice program at the university of northern Iowa,
21 being deemed of immediate importance, takes effect upon
22 enactment.

23 EXPLANATION

24 This bill makes appropriations for the 1997-1998 fiscal
25 year to the departments of justice, corrections, public
26 defense, and public safety, and judicial department, Iowa law
27 enforcement academy, office of public defender, and board of
28 parole.

29 The bill also authorizes an additional district court judge
30 commencing July 1, 1997.

31 The bill also establishes a facility remodeling fund from
32 unused funds in the Iowa prison infrastructure fund for the
33 purpose of remodeling a facility in the fifth judicial
34 district department of correctional services.

35 The bill also amends Code section 99F.10 to provide that

1 100 percent, and not 65 percent, of the division of criminal
2 investigation's salary costs for gaming enforcement of
3 gambling boats shall be used in determining the license fees
4 and state admission fees to be charged.

5 The bill makes changes to the Code provisions concerning
6 the enhanced court collections fund by providing that the
7 revenue estimating conference shall subtract amounts allocated
8 to the road use tax fund pursuant to Code section 602.8108 in
9 determining the judicial collection estimate.

10 The bill also delays the implementation of the inmate hard
11 labor bill adopted in 1995. The bill also provides that any
12 unused funds from the appropriation to the University of
13 Northern Iowa criminal justice program for the fiscal year
14 beginning July 1, 1996, shall not revert to the general fund
15 at the close of the fiscal year. The bill also requests the
16 legislative council to establish legislative interim
17 committees concerning the legal representation of indigents
18 and sentencing.

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Item Vetred

SENATE FILE 533

AN ACT

RELATING TO AND MAKING APPROPRIATIONS TO THE JUSTICE SYSTEM AND PROVIDING EFFECTIVE DATES.

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

Section 1. DEPARTMENT OF JUSTICE. There is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 1997, and ending June 30, 1998, 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:

..... \$ 6,995,561
..... FTEs 177.50

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

..... \$ 269,392
..... FTEs 6.00

a. In addition to the funds appropriated in this subsection for the fiscal year beginning July 1, 1997, and ending June 30, 1998, 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

809A.17, 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, 1997, and ending June 30, 1998, 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 809A.17, 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, 1997, and ending June 30, 1998, 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, 1997, and ending June 30, 1998, an amount not exceeding \$150,000 to be used for public education relating to consumer fraud and for enforcement of section 714.16, and an amount not exceeding \$75,000 for investigation, prosecution, and consumer education relating to consumer and criminal fraud against older Iowans. The expenditure of the funds appropriated in this subsection is contingent upon receipt by the general fund of the state of an amount at least equal to the expenditures from damages awarded to the state or a political subdivision of the state by a civil consumer fraud judgment or settlement, if the judgment or settlement authorizes the use of the award for public education on consumer fraud. However, if the funds received as a result of these judgments and settlements are in excess of \$225,000, the excess funds shall not be appropriated to the department of justice pursuant to this subsection.

5. For victim assistance grants:

..... \$ 1,759,806

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

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

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

..... \$ 121,259
 FTEs 2.00

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 13.00 FTEs and to provide maintenance for the victim compensation functions of the department of justice.

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

9. a. The department of justice, in submitting budget estimates for the fiscal year commencing July 1, 1998, 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, 1996, and actual and expected reimbursements for the fiscal year commencing July 1, 1997.

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, 1998.

10. For legal services for persons in poverty grants as provided in section 13.34:

..... \$ 500,000

As a condition for accepting a grant funded pursuant to this subsection, an organization receiving a grant shall submit a report to the general assembly by January 1, 1998, concerning the use of any grants received during the previous fiscal year and efforts made by the organization to find alternative sources of revenue to replace any reductions in federal funding for the organization.

In addition to moneys appropriated in this subsection, the executive council is authorized, in its discretion, to disburse from the civil reparations trust fund created in section 668A.1 an additional amount, not to exceed \$450,000, to the department of justice for use as legal services for persons in poverty grants as provided in section 13.34.

Sec. 2. DEPARTMENT OF JUSTICE -- ENVIRONMENTAL CRIMES INVESTIGATION AND PROSECUTION -- FUNDING. There is appropriated from the environmental crime fund of the department of justice, consisting of court-ordered fines and penalties awarded to the department arising out of the prosecution of environmental crimes, to the department of justice for the fiscal year beginning July 1, 1997, and ending June 30, 1998, an amount not exceeding \$20,000 to be used by the department, at the discretion of the attorney general, for the investigation and prosecution of environmental crimes, including the reimbursement of expenses incurred by county, municipal, and other local governmental agencies cooperating with the department in the investigation and prosecution of environmental crimes.

The expenditure of the funds appropriated in this section is contingent upon receipt by the environmental crime fund of the department of justice of an amount at least equal to the appropriations made in this section and received from contributions, court-ordered restitution as part of judgments in criminal cases, and consent decrees entered into as part of civil or regulatory enforcement actions. However, if the

funds received during the fiscal year are in excess of \$20,000, the excess funds shall be deposited in the general fund of the state.

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

Sec. 3. 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, 1997, and ending June 30, 1998, 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:
..... \$ 2,372,826
..... FTEs 32.00

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, 1997, and ending June 30, 1998, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

- 1. For the operation of adult correctional institutions, to be allocated as follows:
 - a. For the operation of the Fort Madison correctional facility, including salaries, support, maintenance, employment of correctional officers, miscellaneous purposes, and for not more than the following full-time equivalent positions:
..... \$ 27,618,153
..... FTEs 507.97
 - b. For the operation of the Anamosa correctional facility, including salaries, support, maintenance, employment of

correctional officers and a part-time chaplain to provide religious counseling to inmates of a minority race, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 20,888,037
..... FTEs 384.75

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

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

..... \$ 17,284,751
..... FTEs 334.30

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

..... \$ 19,251,272
..... FTEs 375.75

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

..... \$ 14,911,431
..... FTEs 289.32

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

..... \$ 5,950,292

..... FTEs 115.00

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

..... \$ 15,441,395
..... FTEs 263.00

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

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

..... \$ 7,138,684
..... FTEs 146.00

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

..... \$ 9,540,122
..... FTEs 149.00

2. a. If the inmate tort claim fund for inmate claims of less than \$100 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 \$100.

3. The department of corrections is authorized to construct a 200-bed living unit at the Mitchellville correctional facility utilizing federal grant moneys received by the department for this purpose.

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, 1997, and ending June 30, 1998, 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:
 - \$ 2,024,844
 - FTEs 37.18

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 \$100,000 during the fiscal year beginning July 1, 1997, for the privatization of services performed by the department using state employees as of July 1, 1997, 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.

The department of general services shall, notwithstanding any provisions of law or rule to the contrary, permit the department of corrections the opportunity to acquire, at no cost, computers that would otherwise be disposed of by the department of general services. The department of corrections shall use computers acquired under this paragraph to provide educational training and programs for inmates.

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

..... \$ 524,038

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

..... \$ 341,334

The department of corrections shall use funds appropriated in 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:

..... \$ 463,128

..... FTEs 8.16

5. For annual payment relating to the financial arrangement for the construction of expansion in prison

capacity as provided in 1989 Iowa Acts, chapter 316, section 7, subsection 6:

..... \$ 625,860

6. For 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:

..... \$ 3,186,275

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

..... \$ 2,950,600

It is the intent of the general assembly that moneys appropriated in this subsection shall be used solely for the purpose indicated and that the moneys shall not be transferred for any other purpose. In addition, it is the intent of the general assembly that the department shall consult with the community colleges in the areas in which the institutions are located to utilize moneys appropriated in this subsection to fund the high school completion, high school equivalency diploma, adult literacy, and adult basic education programs in a manner so as to maintain these programs at the institutions.

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

8. The department of corrections shall submit a report to the general assembly on January 1, 1998, concerning progress made in implementing the requirements of section 904.701, concerning hard labor by inmates.

9. The department of corrections shall study and consider the adoption of new guidelines concerning the transportation of inmates. The study may consider the use of the federal marshal transportation services. The department shall submit a report to the general assembly by January 15, 1998,

concerning the results of the study, including information concerning the costs associated with the recommendations.

10. The department of corrections shall study and consider the implementation of a computer database to provide inmate case management and offender profiling to better identify, track, and assist inmates of the correctional institutions.

11. It is the intent of the general assembly that the department of corrections connect all of its correctional facilities to the Iowa communications network (ICN).

12. It is the intent of the general assembly that the department of corrections shall continue to operate the correctional farms under the control of the department at the same or greater level of participation and involvement as existed as of January 1, 1997, and shall further attempt to provide meaningful job opportunities at the farms for inmates.

13. The department of corrections, to the extent permissible by law, shall implement, as soon as possible but in no event later than July 1, 1997, a program to limit the availability of television to inmates in correctional facilities under the control of the department to channels representing networks or stations for which under normal circumstances a fee is not required.

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, 1997, and ending June 30, 1998, the following amounts, or so much thereof as is necessary, to be allocated as follows:

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

..... \$ 7,157,999

(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:

..... \$ 5,729,149

(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:

..... \$ 3,465,497

(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:

..... \$ 2,664,415

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

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

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

..... \$ 9,339,723

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

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

f. For the sixth judicial district department of correctional services, including the treatment and supervision

of probation and parole violators who have been released from the department of corrections violator program, the following amount, or so much thereof as is necessary:

..... \$ 7,271,360

(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:

..... \$ 4,599,542

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

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

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

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

..... \$ 4,286,894

(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, 1998.

6. 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. 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, 1998.

It is the intent of the general assembly that each correctional facility make all reasonable efforts to maintain vocational education programs for inmates and to identify

available funding sources to continue these programs. The department of corrections shall submit a report to the general assembly by January 1, 1998, concerning the efforts made by each correctional facility in maintaining vocational education programs for inmates.

Sec. 8. 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 1996 Iowa Acts, chapter 1216, sections 6, 7, and 8, shall be considered encumbered pursuant to section 9.31 and shall not revert to the general fund of the state following the close of the fiscal year commencing July 1, 1996. As used in this section, unless the context otherwise requires, "encumbered funds" means the moneys appropriated to the department of corrections pursuant to 1996 Iowa Acts, chapter 1216, sections 6, 7, and 8, which would otherwise revert to the general fund of the state following the close 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, 1997, 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 authorized 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 authorized or equipment funded in section 4 of this Act, providing appropriations for department of correction facilities. 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 close of the fiscal year commencing July 1, 1997.

Vetoed

Sec. 9. 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.

3. State agencies shall submit to the legislative fiscal bureau by January 15, 1998, a report of the dollar value of products and services purchased from Iowa state industries by the state agency during the fiscal year beginning July 1, 1996, and ending June 30, 1997.

Sec. 10. 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, 1997, and ending June 30, 1998, the following amount, or so much thereof as is necessary, for the purposes designated:

..... \$ 33,087,035

The funds appropriated and full-time equivalent positions authorized in this section are allocated as follows:

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

..... \$ 12,300,519
 FTEs 199.00

2. For the fees of court-appointed attorneys for indigent adults and juveniles, notwithstanding section 232.141 and chapter 815:

..... \$ 20,786,516

Sec. 11. JUDICIAL DEPARTMENT. There is appropriated from the general fund of the state to the judicial department for the fiscal year beginning July 1, 1997, and ending June 30, 1998, 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, 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, 1997, and maintenance, equipment, and miscellaneous purposes:

..... \$ 95,267,213

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. 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.

d. The judicial department shall focus efforts upon the collection of delinquent fines, penalties, court costs, fees, surcharges, or similar amounts.

e. 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.

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

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

how the Iowa court information system is used to improve the collection process.

The report required by this lettered paragraph shall be made by January 15, 1998, for the additional counties added to the system by 1996 Iowa Acts, chapter 1216, indicating whether the counties have reduced uncollected court fines and fees by 50 percent as a result of being added to the system.

h. The judicial department shall provide a report to the general assembly by January 1, 1998, concerning the amounts received and expended from the enhanced court collections fund created in section 602.1304 and the court technology and modernization fund created in section 602.8108, subsection 4, during the fiscal year beginning July 1, 1996, and ending June 30, 1997, and the plans for expenditures from each fund during the fiscal year beginning July 1, 1997, and ending June 30, 1998.

2. For the juvenile victim restitution program:

..... \$ 155,396

Sec. 12. COURT TECHNOLOGY AND MODERNIZATION FUND -- DISTRIBUTION. Of the moneys collected and deposited in the court technology and modernization fund established in section 602.8108 in the fiscal year beginning July 1, 1997, \$58,333 shall be expended for the implementation of the criminal justice improvement network (CJIN) and up to \$45,000 shall be expended for the data warehousing project.

Sec. 13. ENHANCED COURT COLLECTIONS FUND -- DISTRIBUTION. Of the moneys collected and deposited in the enhanced court collections fund created in section 602.1304, the first \$50,000 deposited in the fund in the fiscal year beginning July 1, 1997, shall be expended by the judicial department to provide federal matching funds for the Iowa supreme court improvement project for child in need of assistance cases.

Sec. 14. 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, 1997, and ending

June 30, 1998, 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:

..... \$ 3,806,457

Sec. 15. INDIGENT DEFENSE COSTS. The supreme court shall submit a written report for the preceding fiscal year no later than January 1, 1998, 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. 16. 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, 1998.

Sec. 17. 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, 1997, and ending June 30, 1998, 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:

..... \$ 1,145,287
..... FTEs 27.55

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. 18. 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, 1997, and ending June 30, 1998, 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:

..... \$ 924,802
..... FTEs 18.00

A portion of the funds appropriated in this section shall be used to start a pilot program for probation violations in the sixth judicial district department of correctional services. Data shall be maintained to evaluate the pilot program.

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, 1997, and ending June 30, 1998, 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:

..... \$ 4,253,196
..... FTEs 227.26

If there is a surplus in the general fund of the state for the fiscal year ending June 30, 1998, within 60 days after the

close 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:

..... \$ 590,971
..... FTEs 15.25

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, 1997, and ending June 30, 1998, 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 criminal justice information system, and for not more than the following full-time equivalent positions:

..... \$ 2,272,374
..... FTEs 38.80

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

..... \$ 9,975,859
..... FTEs 198.00

Riverboat enforcement costs shall be billed in accordance with section 99F.10, subsection 4. The costs shall be not more than the department's estimated expenditures, including salary adjustment, for riverboat enforcement for the fiscal year.

The department of public safety, with the approval of the department of management, may employ no more than two special agents and four gaming enforcement officers for each additional riverboat regulated after March 31, 1997, and one special agent for each racing facility which becomes operational during the fiscal year which begins July 1, 1997. One additional gaming enforcement officer, up to a total of four per boat, may be employed for each riverboat that has extended operations to 24 hours and has not previously operated with a 24-hour schedule. Positions authorized in this paragraph are in addition to the full-time equivalent positions authorized in this subsection.

3. a. For the division of narcotics enforcement, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of 17 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:

..... \$ 2,573,278
..... FTEs 41.00

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

..... \$ 139,202

4. For the state fire marshal's office, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of 17 percent of the salaries for which the funds are appropriated, and for not more than the following full-time equivalent positions:

..... \$ 1,513,605
..... FTEs 31.80

5. For the capitol security division, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the

amount of 17 percent of the salaries for which the funds are appropriated and for not more than the following full-time equivalent positions:

..... \$ 1,244,094
..... FTEs 27.00

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

..... \$ 233,265

7. An employee of the department of public safety who retires after July 1, 1997, but prior to June 30, 1998, 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.

8. For costs associated with the training and equipment needs of volunteer fire fighters:

..... \$ 548,792

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 purpose designated in this subsection in the succeeding fiscal year.

9. For costs associated with supplies and support for DNA testing:

..... \$ 100,000

10. For the state medical examiner and for not more than the following full-time equivalent positions:

..... \$ 341,959
..... FTEs 4.00

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

Sec. 21. HIGHWAY SAFETY PATROL FUND. There is appropriated from the highway safety patrol fund created in section 80.41 to the division of highway safety, uniformed force, and radio communications of the department of public safety, for the fiscal year beginning July 1, 1997, and ending June 30, 1998, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

- 1. For salaries, support, maintenance, workers' compensation costs, and miscellaneous purposes, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of 17 percent of the salaries for which the funds are appropriated, and for not more than the following full-time equivalent positions:
 - \$ 35,099,662
 - FTEs 568.00

It is the intent of the general assembly that, of the funds appropriated in this subsection, the division shall expend the amount necessary to provide the state match for the additional state troopers hired through the federal community-oriented policing services program and authorized pursuant to 1996 Iowa Acts, chapter 1216, section 22. It is the intent of the general assembly that once federal moneys for this program end, the division shall present proposals to the governor and the general assembly for continued funding of the state troopers described in this paragraph and for consideration of reducing the number of state troopers through attrition, by the same number as the number of troopers added through the federal program.

2. The division of highway safety, uniformed force, and radio communications may expend an amount proportional to the costs that are reimbursable from the highway safety patrol

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

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

..... \$ 44,195

Sec. 22. DEPARTMENT OF CORRECTIONS -- FACILITY REMODELING FUND. Notwithstanding sections 8.33, 8.39, and 602.8108A, the department of corrections shall direct the treasurer of state to transfer on June 30, 1997, \$1,600,000 of the unused balance of funds in the Iowa prison infrastructure fund created in section 602.8108A, to a facility remodeling fund created in the state treasury and under the control of the department of corrections. Moneys in the facility remodeling fund shall be used by the department solely for the purpose of remodeling a structure in the fifth judicial district department of correctional services for use as a residential facility.

Sec. 23. Section 602.1304, subsection 2, paragraphs b and c, Code 1997, are amended to read as follows:

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 and modernization fund pursuant to section 602.8108, and the road use tax fund pursuant to section 602.8108, subsection 5, 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 and modernization 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;

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

Sec. 24. Section 602.6201, subsection 10, Code 1997, 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 ~~eleven~~ twelve during the period commencing July 1, ~~1996~~ 1997.

Sec. 25. Section 905.12, unnumbered paragraph 2, Code 1997, is amended to read as follows:

Any balance remaining after deductions and payments shall be credited to the resident's personal account at the district department and shall be paid to the resident upon release. ~~The deputy director of the department of corrections responsible for community-based correctional programs~~ shall establish a plan to comply with the provisions of court orders entered pursuant to this section.

Sec. 26. 1995 Iowa Acts, chapter 166, section 2, is amended to read as follows:

SEC. 2. DEVELOPMENT OF PLAN AND TRANSITION TO FULL WORK PROGRAMMING BY DEPARTMENT. Notwithstanding section 1 of this Act, the department of corrections shall not be required to fully implement the requirements of section 904.701, until July 1, ~~1997~~ 1998. However, the department shall develop and implement a plan in consultation with state and local agencies and members of the private sector, which provides for the incremental implementation of the hard labor requirements

contained in section 904.701, for each inmate who is physically and mentally able to perform hard labor and does not present an unreasonable security status, and who is not currently engaged in labor meeting the requirements. The plan shall provide for implementation of hard labor work programs during the interval of time between the effective date of this Act and July 1, 1997 1998, with full implementation of the requirements of section 904.701 by July 1, 1997 1998, and may provide for the performance of work by inmates both inside and outside of the institutions under the control of the department. The plan shall include a procedure for the determination of suitability of an inmate for the performance of hard labor and, if an inmate is found to be suitable, the placement of the inmate in an appropriate hard labor program. In selecting and developing work programs which are included within the plan, the department shall choose work programs which would require minimal additional administrative costs, which minimize the need for additional personnel, and which minimize the security risks to the general public. The department shall submit a report to the general assembly on January 1, 1996 1998, outlining the progress made towards implementation of this Act. The department shall also file a copy of the completed plan with the general assembly on January 1, 1997 1999.

Sec. 27. 1996 Iowa Acts, chapter 1216, section 7, subsection 7, is amended to read as follows:

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

..... \$ 175,000

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 purpose designated in this subsection in the succeeding fiscal year.

Sec. 28. 1996 Iowa Acts, chapter 1216, section 21, subsection 7, is amended to read as follows:

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

..... \$ 875,000

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 purpose designated in this subsection in the succeeding fiscal year.

Sec. 29. LEGAL REPRESENTATION OF INDIGENTS -- STUDY. The legislative council is requested to establish an interim committee to study issues concerning the provision of legal representation to indigents. The interim committee shall submit a report and recommendations to the general assembly by January 1, 1998.

Sec. 30. SENTENCING STUDY. The legislative council is requested to establish an interim study committee to review current criminal penalties and sentencing practices, including but not limited to the effects of mandatory minimum penalties on sentencing practices and the effects of sentencing practices on inmate populations at state and adult and residential community-based correctional facilities. The committee shall also conduct a comparative assessment of the relative penalties imposed for various crimes based not only on the threat posed by the prohibited criminal conduct, but also by the risk generally associated with particular criminal offenders.

Sec. 31. 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 5, subsection 13, relating to the availability of television to inmates in correctional facilities, being deemed of immediate importance, takes effect upon enactment.

3. Section 8 of this Act, relating to the encumbrance of certain moneys appropriated to the department of corrections for the fiscal year commencing July 1, 1996, being deemed of immediate importance, takes effect upon enactment.

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4. Section 22 of this Act, relating to the Iowa prison infrastructure fund and the facility remodeling fund, being deemed of immediate importance, takes effect upon enactment.

5. Section 27 of this Act, relating to the funding of the criminal justice program at the university of northern Iowa, being deemed of immediate importance, takes effect upon enactment.

MARY E. KRAMER
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 533, Seventy-seventh General Assembly.

MARY PAT GUNDERSON
Secretary of the Senate

Item returned
Approved May 9, 1997

TERRY E. BRANSTAD
Governor