

FEB 16 2004  
APPROPRIATIONS

HOUSE FILE 2258  
BY FORD

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to and making appropriations to the department of  
2 justice.

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

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HF 2258

1 Section 1. DEPARTMENT OF JUSTICE.

2 1. There is appropriated from the general fund of the  
3 state to the department of justice for the fiscal year  
4 beginning July 1, 2004, and ending June 30, 2005, the  
5 following amount, or so much thereof as is necessary, to be  
6 used for the purposes designated:

7 For the office of attorney general for salaries, support,  
8 maintenance, miscellaneous purposes including the prosecuting  
9 attorney training program, victim assistance grants, office of  
10 drug control policy (ODCP) prosecuting attorney program, legal  
11 services for persons in poverty grants as provided in section  
12 13.34, odometer fraud enforcement, and for not more than the  
13 following full-time equivalent positions:

14 .....	\$	7,565,245
15 .....	FTEs	208.50

16 It is the intent of the general assembly that as a  
17 condition of receiving the appropriation provided in this  
18 subsection, the department of justice shall maintain a record  
19 of the estimated time incurred representing each agency or  
20 department.

21 2. 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, 2004, and ending June 30, 2005, an amount not exceeding  
25 \$200,000 to be used for the enforcement of the Iowa  
26 competition law. The funds appropriated in this subsection  
27 are contingent upon receipt by the general fund of the state  
28 of an amount at least equal to the expenditure amount from  
29 either damages awarded to the state or a political subdivision  
30 of the state by a civil judgment under chapter 553, if the  
31 judgment authorizes the use of the award for enforcement  
32 purposes, or costs or attorney fees awarded the state in state  
33 or federal antitrust actions. However, if the amounts  
34 received as a result of these judgments are in excess of  
35 \$200,000, the excess amounts shall not be appropriated to the

1 department of justice pursuant to this subsection. The  
2 department of justice shall report the department's actual  
3 costs and an estimate of the time incurred enforcing the  
4 competition law, to the cochairpersons and ranking members of  
5 the joint appropriations subcommittee on the justice system,  
6 and to the legislative services agency by November 15, 2004.

7 3. a. In addition to the funds appropriated in subsection  
8 1, there is appropriated from the general fund of the state to  
9 the department of justice for the fiscal year beginning July  
10 1, 2004, and ending June 30, 2005, an amount not exceeding  
11 \$1,125,000 to be used for public education relating to  
12 consumer fraud and for enforcement of section 714.16, and an  
13 amount not exceeding \$75,000 for investigation, prosecution,  
14 and consumer education relating to consumer and criminal fraud  
15 against older Iowans.

16 b. The funds appropriated in this subsection are  
17 contingent upon receipt by the general fund of the state of an  
18 amount at least equal to the expenditure amount from damages  
19 awarded to the state or a political subdivision of the state  
20 pursuant to a civil consumer fraud judgment or settlement, if  
21 the judgment or settlement authorizes the use of the award for  
22 public education on consumer fraud. However, if the funds  
23 received as a result of these judgments and settlements are in  
24 excess of \$1,200,000, the excess funds shall not be  
25 appropriated to the department of justice pursuant to this  
26 subsection. The department of justice shall report to the  
27 cochairpersons and ranking members of the joint appropriations  
28 subcommittee on the justice system, and to the legislative  
29 services agency by November 15, 2004, the department's actual  
30 costs and an estimate of the time incurred in providing  
31 education pursuant to and enforcing this subsection.

32 4. In addition to the funds appropriated in subsection 1,  
33 there is appropriated from the general fund of the state to  
34 the department of justice for the fiscal year beginning July  
35 1, 2004, and ending June 30, 2005, the following amount, or so

1 much thereof as is necessary, to be used for victim assistance  
2 grants:

3 ..... \$ 25,000

4 The funds appropriated for victim assistance grants shall  
5 be used to provide grants to care providers providing services  
6 to victims of domestic abuse or to victims of rape and sexual  
7 assault.

8 5. The balance of the victim compensation fund established  
9 in section 915.94 may be used to provide salary and support  
10 for not more than 22.0 FTEs and to provide maintenance for the  
11 victim compensation functions of the department of justice.

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

21 7. a. The department of justice, in submitting budget  
22 estimates for the fiscal year commencing July 1, 2005,  
23 pursuant to section 8.23, shall include a report of funding  
24 from sources other than amounts appropriated directly from the  
25 general fund of the state to the department of justice or to  
26 the office of consumer advocate. These funding sources shall  
27 include, but are not limited to, reimbursements from other  
28 state agencies, commissions, boards, or similar entities, and  
29 reimbursements from special funds or internal accounts within  
30 the department of justice. The department of justice shall  
31 report actual reimbursements for the fiscal year commencing  
32 July 1, 2003, and actual and expected reimbursements for the  
33 fiscal year commencing July 1, 2004.

34 b. The department of justice shall include the report  
35 required under paragraph "a", as well as information regarding

1 any revisions occurring as a result of reimbursements actually  
2 received or expected at a later date, in a report to the  
3 cochairpersons and ranking members of the joint appropriations  
4 subcommittee on the justice system and the legislative  
5 services agency. The department of justice shall submit the  
6 report on or before January 15, 2005.

7 8. As a condition for accepting a grant for legal services  
8 for persons in poverty funded pursuant to section 13.34, an  
9 organization receiving a grant shall submit a report to the  
10 general assembly by January 1, 2005, concerning the use of any  
11 grants received during the previous fiscal year and efforts  
12 made by the organization to find alternative sources of  
13 revenue to replace any reductions in federal funding for the  
14 organization.

15 Sec. 2. DEPARTMENT OF JUSTICE -- ENVIRONMENTAL CRIMES  
16 INVESTIGATION AND PROSECUTION -- FUNDING. There is  
17 appropriated from the environmental crime fund of the  
18 department of justice, consisting of court-ordered fines and  
19 penalties awarded to the department arising out of the  
20 prosecution of environmental crimes, to the department of  
21 justice for the fiscal year beginning July 1, 2004, and ending  
22 June 30, 2005, an amount not exceeding \$20,000 to be used by  
23 the department, at the discretion of the attorney general, for  
24 the investigation and prosecution of environmental crimes,  
25 including the reimbursement of expenses incurred by county,  
26 municipal, and other local governmental agencies cooperating  
27 with the department in the investigation and prosecution of  
28 environmental crimes.

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

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

3 Notwithstanding section 8.33, moneys appropriated in this  
4 section that remain unexpended or unobligated at the close of  
5 the fiscal year shall not revert but shall remain available  
6 for expenditure for the purpose designated until the close of  
7 the succeeding fiscal year.

8 Sec. 3. OFFICE OF CONSUMER ADVOCATE. There is  
9 appropriated from the general fund of the state to the office  
10 of consumer advocate of the department of justice for the  
11 fiscal year beginning July 1, 2004, and ending June 30, 2005,  
12 the following amount, or so much thereof as is necessary, to  
13 be used for the purposes designated:

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

17 .....	\$	2,874,682
18 .....	FTEs	27.00

19 EXPLANATION

20 This bill appropriates money to the department of justice,  
21 including the office of consumer advocate, for the fiscal year  
22 beginning July 1, 2004.

23 The bill includes appropriations to the department of  
24 justice for the general operations of the attorney general's  
25 office, for legal services grants, for enforcement of the Iowa  
26 competition law, for consumer fraud education and enforcement,  
27 and for victim assistance grants. The bill also appropriates  
28 money from the environmental crime fund to the attorney  
29 general's office to be used for environmental crime  
30 enforcement.

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