

House Study Bill 333 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
CHAIRPERSON MOHR)

A BILL FOR

- 1 An Act relating to prison infrastructure.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. Section 12.80, subsection 4, Code 2025, is amended
2 to read as follows:

3 4. The net proceeds from the bonds issued under this section
4 shall be deposited into the ~~FY 2009 prison bonding fund~~ new
5 prison construction account of the Iowa prison infrastructure
6 fund created in section 602.8108A.

7 Sec. 2. Section 602.8108A, Code 2025, is amended to read as
8 follows:

9 **602.8108A ~~Prison~~ Iowa prison infrastructure fund — new**
10 **prison construction account.**

11 1. The Iowa prison infrastructure fund is created and
12 established as a separate and distinct fund in the state
13 treasury. Notwithstanding any other provision of this chapter
14 to the contrary, ~~the first eight million dollars and, beginning~~
15 ~~July 1, 1997,~~ the first nine million five hundred thousand
16 dollars, of moneys remitted to the treasurer of state from fines,
17 fees, costs, and forfeited bail collected by the clerks of the
18 district court in criminal cases, including those collected for
19 both scheduled and nonscheduled violations, collected in each
20 fiscal year ~~commencing with the fiscal year beginning July 1,~~
21 ~~1995,~~ shall be deposited in the fund. ~~Beginning July 1, 2009,~~
22 ~~the~~ The treasurer of state shall certify to the judicial branch
23 the annual amount of ~~funds~~ moneys necessary to be remitted for
24 deposit into the fund for that fiscal year and such moneys shall
25 be remitted to the treasurer of state from fines, fees, costs,
26 and forfeited bail collected by the clerks of the district court
27 in criminal cases, including those collected for both scheduled
28 and nonscheduled violations, for debt payments and deposits
29 expected to be paid from the fund. ~~Interest~~ Notwithstanding
30 section 12C.7, subsection 2, interest and other income earned
31 by the fund shall be deposited in the fund. However, ~~beginning~~
32 ~~with the fiscal year beginning July 1, 1998,~~ all fines and fees
33 attributable to commercial vehicle violation citations ~~issued~~
34 ~~after July 1, 1998,~~ shall be deposited as provided in section
35 602.8108, subsection 8. The moneys in the fund are appropriated

1 and shall have priority and precedence for the purpose of
2 paying the principal of, premium, if any, and interest on bonds
3 issued by the Iowa finance authority under section 16.177.
4 Any remaining moneys not otherwise appropriated for purposes
5 of paying the principal, premium, and interest on the bonds
6 issued by the Iowa finance authority pursuant to section 16.177
7 shall be available and appropriated to the treasurer of state
8 pursuant to section 12.80. Except as otherwise provided in
9 subsection 2, amounts in the ~~funds~~ fund shall not be subject
10 to appropriation for any purpose by the general assembly, but
11 shall be used only for the purposes set forth in this section.
12 The treasurer of state shall act as custodian of the fund and
13 disburse amounts contained in ~~it~~ the fund as directed by the
14 department of corrections including the automatic disbursement
15 of ~~funds~~ moneys pursuant to the terms of bond indentures and
16 documents and security provisions to trustees and custodians.
17 The treasurer of state is authorized to invest the ~~funds~~ moneys
18 deposited in the fund subject to any limitations contained in
19 any applicable bond proceedings. Any amounts remaining in the
20 fund at the end of each fiscal year, other than moneys in the
21 new prison construction account created in subsection 2, shall be
22 transferred to the general fund of the state.

23 2. ~~If the treasurer of state determines that bonds cannot be~~
24 ~~issued pursuant to this section and sections 12.80 and 16.177 or~~
25 ~~if there are any remaining moneys at the end of a fiscal year~~
26 ~~after the appropriations are paid pursuant to sections 12.80 and~~
27 ~~16.177, the treasurer of state shall deposit the moneys in the~~
28 ~~prison infrastructure fund into the general fund of the state.~~
29 A new prison construction account is created within the Iowa
30 prison infrastructure fund. For the fiscal year beginning July
31 1, 2025, and each fiscal year thereafter, if bonds pertaining to
32 prison infrastructure financing for the Iowa state penitentiary
33 are paid off, an amount equal to the amounts paid on such
34 bonds for the fiscal year beginning July 1, 2024, shall be
35 deposited in the new prison construction account from the Iowa

1 prison infrastructure fund and shall only be used pursuant to an
2 appropriation made by the general assembly for the construction
3 of new prisons or the replacement of infrastructure at existing
4 prisons. Notwithstanding section 8.33, moneys in the account
5 that remain unencumbered or unobligated at the close of a fiscal
6 year shall not revert but shall remain available for expenditure
7 for the purposes designated. Notwithstanding section 12C.7,
8 subsection 2, interest or earnings on moneys in the account shall
9 be credited to the account.

10 Sec. 3. NEW SECTION. **904.115A Infrastructure report by**
11 **department.**

12 Annually, on or before January 15 of each year, the department
13 shall report to the general assembly and the department of
14 management the status of all infrastructure projects completed
15 or in progress. The report must include a description of the
16 project, the work completed, the total estimated cost of the
17 project, a list of all revenue sources being used to fund the
18 project, the amount of moneys expended, the amount of moneys
19 obligated, and the date the project was completed or an estimated
20 completion date of the project, where applicable.

21 Sec. 4. REPEAL. Section 12.79, Code 2025, is repealed.

22 Sec. 5. LEGISLATIVE INTERIM STUDY COMMITTEE — CONSTRUCTION
23 AND OPERATION OF ADDITIONAL PRISON IN THE STATE.

24 1. The legislative council is requested to establish an
25 interim study committee to meet during the 2025 legislative
26 interim to explore and consider issues involving prison capacity
27 and the feasibility of an additional prison or other prison
28 housing options. The interim study committee shall consider all
29 of the following:

30 a. Need.

31 b. Geographic locations.

32 c. Existing state infrastructure that could be converted to a
33 prison.

34 d. The level of security classification most needed in the
35 current system.

1 e. The possibility of adding additional units to existing
2 prisons.

3 f. The feasibility of a new prison operation, public or
4 otherwise, or the expansion of the current state operation.

5 g. Advancements in prison technology that increase prison
6 efficiency.

7 h. Staffing needs.

8 2. a. The interim study committee shall include all of the
9 following members:

10 (1) Two senators appointed by the majority leader of the
11 senate.

12 (2) One senator appointed by the minority leader of the
13 senate.

14 (3) Two representatives appointed by the speaker of the house
15 of representatives.

16 (4) One representative appointed by the minority leader of
17 the house of representatives.

18 b. The interim study committee shall elect one of its members
19 as chairperson.

20 3. On or before December 18, 2025, the interim study
21 committee shall submit a report to the general assembly and the
22 governor.

23 EXPLANATION

24 The inclusion of this explanation does not constitute agreement with
25 the explanation's substance by the members of the general assembly.

26 This bill creates a new prison construction account within the
27 Iowa prison infrastructure (IPI) fund.

28 Under current law, the treasurer of state is authorized to
29 issue bonds to provide prison infrastructure financing (Code
30 section 12.80) and the Iowa finance authority is authorized
31 to issue bonds to provide prison infrastructure financing for
32 projects approved for financing by the general assembly (Code
33 section 16.177). In either case, the bonds may be paid from
34 moneys in the IPI fund (Code section 602.8108A), which receives
35 moneys each fiscal year from fines, fees, costs, and forfeited

1 bail collected by the clerks of the district court in criminal
2 cases.

3 The bill provides that for FY 2025-2026, and each fiscal year
4 thereafter, if infrastructure financing bonds pertaining to the
5 Iowa state penitentiary (Fort Madison, Iowa) are paid off, an
6 amount equal to the amounts paid on such bonds for FY 2024-2025
7 shall be deposited into the new prison construction account from
8 the IPI fund and shall only be used pursuant to an appropriation
9 made by the general assembly for the construction of new prisons
10 or the replacement of infrastructure at existing prisons. Moneys
11 in the account do not revert and are not deposited in the general
12 fund of the state at the end of each fiscal year (unlike the
13 other moneys in the IPI fund).

14 The bill repeals the FY 2009 prison bonding fund (Code section
15 12.79) and moves the infrastructure project reporting requirement
16 for the department of corrections in that Code section to Code
17 chapter 904 (department of corrections).

18 The bill requests that the legislative council establish an
19 interim study committee to explore and consider issues involving
20 prison capacity and the feasibility of an additional prison or
21 other prison housing options. The interim study committee is
22 directed to consider factors set forth in the bill. The bill
23 requires the interim study committee to, on or before December
24 18, 2025, submit a report to the general assembly and the
25 governor.