

CHAPTER 262
APPROPRIATIONS FOR CRIMINAL JUSTICE AGENCIES
S.F. 552

AN ACT making appropriations to and relating to the financing of departments and agencies whose responsibilities relate to corrections, public safety, and the justice system.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1985 and ending June 30, 1986, to the department of corrections the following amount, or so much thereof as is necessary, to be used for the purposes designated:

1985-1986
Fiscal Year

For operation of adult correctional institutions, including salaries and support, maintenance, and miscellaneous purposes, provided that the director of corrections, in order to keep expenditures from exceeding the amount of funds appropriated by this section, shall declare a prison overcrowding state of emergency in the state's prisons whenever the population of the prison system exceeds two thousand six hundred forty-five inmates for sixty consecutive days. Upon the declaration of a prison overcrowding state of emergency, the board of parole shall consider all inmates, except for inmates convicted of class "A" felonies, for parole who are within nine months of their tentative discharge date. If the board of parole's actions do not reduce the population of the prison system below two thousand six hundred twenty inmates within ninety days of the date of the declaration of the prison overcrowding state of emergency, the tentative discharge dates of all inmates, whose most serious offenses for which the inmates are currently incarcerated are crimes against property and who are incarcerated in state prisons on the date of the declaration, shall be reduced by ninety days by the director of corrections. However, the tentative discharge date of a prisoner sentenced under section 204.406,

204.413, 902.7, 902.8, or 906.5 shall not be reduced under this section prior to completion of the mandatory minimum sentence required by the section. The director of corrections shall terminate a prison overcrowding state of emergency in the state's prisons whenever the population of the prison system is reduced below two thousand six hundred twenty inmates. The department shall adopt administrative rules which identify all offenses as either crimes against property or crimes against persons. As used in this section, "prison" means a correctional facility operated by the department of corrections and funded under this section, "prison system" means the prisons of this state which are the Iowa correctional institution for women, the Iowa state men's reformatory, the Iowa state penitentiary, the Iowa medical and classification facility, the north central correctional facility, the Mount Pleasant correctional facility, the Clarinda correctional treatment facility, the correctional release center, and the rehabilitation camps, and "tentative discharge date" means the date at which an inmate is scheduled for release including good conduct and work time currently received. However, offenders for whom the board of parole has authorized parole, but for whom the director has determined that inadequate parole plans have been formulated, may remain within the correctional institution for a period of ten days following parole authorization or until adequate parole plans have been developed, whichever is the shorter period of time. During this period of time, the offender shall not be included in the list of names used to determine the existence of a prison overcrowding emergency. On and after July 1, 1985, the superintendent shall not admit additional inmates to the medium security facility of the men's reformatory at Anamosa if the inmate population of the men's reformatory equals or exceeds eight hundred and fifty inmates

..... \$ 53,387,662

Of the amount appropriated in this section, one hundred three thousand one hundred five (103,105) dollars, or so much thereof as is necessary, shall be used to hire five additional staff to be used towards compliance with the Watson v. Ray federal court order.

If the department of corrections changes the allocations to the various adult correctional institutions on which the appropriation in this section was based, the department shall notify each of the members of the justice system appropriations subcommittee regarding the changes to the allocations.

Sec. 2. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1985 and ending June 30, 1986, to the department of corrections the following amounts, or so much thereof as is necessary, for the programs as designated:

	1985-1986 <u>Fiscal Year</u>
1. For general administration, including salaries and support, maintenance, and miscellaneous purposes	\$ 1,786,378
2. For a legal assistance program to provide civil legal assistance to inmates in the Iowa correctional system in matters of child custody, bankruptcy, and dissolution of marriage	\$ 35,000
<p>The department shall determine whether an inmate applying for civil legal assistance is indigent under section 815.9, after submission by the inmate of the detailed financial statement required by that section. The inmate has an affirmative duty to provide all relevant information on the issue of the inmate's indigency to the satisfaction of the department that the inmate is indigent. The department may establish by rule a schedule of charges, on a graduated scale related to income and resources, to be paid by inmates who are not indigent for the provision of civil legal assistance.</p> <p>The department may establish by rule maximum rates of reasonable compensation for attorneys providing the various categories of civil legal assistance under the program funded by this subsection.</p>	
3. For reimbursement of counties for temporary confinement of work release and parole violators, as provided in sections 247A.10, 901.7, and 906.17	\$ 72,000
4. For the correctional training center	\$ 325,000
5. For federal prison reimbursement	\$ 375,000

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

Sec. 3. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1985 and ending June 30, 1986, to the department of corrections the sum of seventeen million three hundred ninety thousand (17,390,000) dollars, or so much thereof as is necessary, for preinstitutional and postconviction community-based corrections, halfway houses, and parole services.

The department of corrections shall report to the general assembly not later than January 15, 1986, relating to the department's progress toward establishing a compensation range for the staff of the district departments of correctional services pursuant to section 905.4, subsection 2.

*Sec. 4. 1984 Iowa Acts, chapter 1306, section 2, subsection 2, unnumbered paragraph 3, is amended to read as follows:

*Item veto; see message at end of this Act

The department, by ~~January 15~~ July 1, 1985, shall provide the general assembly with evidence from independent experts of the validity and effectiveness of the inmate classification system and shall suggest changes in the system to make it more effective. If the department fails to comply with the requirements of this paragraph, the state comptroller shall withhold one percent of the funds appropriated under section 2, subsection 1 of this Act when the funds are allocated to the department until the evidence has been presented to the general assembly. The validation study shall determine if the classification instruments accomplish the following objectives:*

Sec. 5. There is appropriated from the general fund of the state to the following named agencies for the fiscal year beginning July 1, 1985 and ending June 30, 1986, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1985-1986
Fiscal Year

1. CRIMINAL AND JUVENILE JUSTICE
PLANNING AGENCY

For salaries, support, maintenance, and miscellaneous purposes related to the operations of the criminal and juvenile justice planning agency which is a separate independent agency within the office of the governor, under the direct supervision of the governor, and responsible only to the governor or the general assembly as provided in chapter 80C:

a. Criminal justice planning	\$	231,167
b. Juvenile justice planning	\$	55,239
c. Juvenile victim restitution program	\$	121,000
d. Jailer training and technical assistance	\$	30,769

2. DEPARTMENT OF JUSTICE

a. For the general office of attorney general for salaries, support, maintenance, and miscellaneous purposes

	\$	3,153,582
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b. The attorney general shall conduct a study of the tort claims division of the attorney general's office, and report the results to the general assembly on or before January 1, 1986. The report shall analyze tort claims made against the state, claims paid through settlement, claims tried and their results for the years 1980 to date.

(1) The study shall examine the effect, if any, of the change in Iowa law resulting from Goetzman v. Wichern, 327 N.W.2d 742 (1982) which eliminated the doctrine of contributory negligence and replaced it with the doctrine of pure comparative negligence.

(2) The study shall further examine and report the percentage of negligence allocated against the state in each claim tried subsequent to Goetzman v. Wichern, supra.

(3) Further, the study shall analyze the effect upon the state of Iowa and its political subdivisions, if any, including savings to the state of Iowa, resulting from the enactment of 1984 Iowa Acts, chapter 1293 (comparative negligence bill), and particularly, the study shall report the savings to the state of Iowa resulting from the elimination of the doctrine of pure, joint and several liability on all cases tried after July 1, 1984.

*Item veto; see message at end of this Act

(4) Further, the attorney general's office shall elicit from the municipalities of the state of Iowa, including all counties, the same or similar information as listed above and make a similar analysis; and shall report that analysis and results to the general assembly on or before January 1, 1986. This analysis shall include any change in insurance premiums from 1980 to date to document whether the changes in the Iowa negligence law since 1980 have had any effect on the insurance premiums paid by Iowa governmental subdivisions.

c. In addition to the funds appropriated under paragraph "a", there is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 1985 and ending June 30, 1986, an amount not exceeding ninety-five thousand (95,000) dollars to be used for the enforcement of the Iowa competition law under chapter 553. The expenditure of the funds appropriated under 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 attorney fees awarded the state in state or federal antitrust actions.

d. In addition to the funds appropriated under paragraph "a", there is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 1985 and ending June 30, 1986, an amount not exceeding thirty thousand (30,000) dollars to be used for public education relating to consumer fraud. The expenditure of the funds appropriated under this paragraph 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, if the judgment authorizes the use of the award for public education on consumer fraud. Funds received in a previous fiscal year which have not been expended shall be credited to this fiscal year.

e. Prosecuting attorney training program for salaries, support, maintenance and miscellaneous purposes which funds shall be used to attract federal and county funding \$ 89,211

f. Prosecuting intern program; however, counties participating in the prosecuting intern program shall match funds appropriated by this paragraph \$ 52,000

g. For payment of grants to dispute resolution programs under the prosecuting attorney training program \$ 50,000

3. IOWA LAW ENFORCEMENT ACADEMY

For salaries, support, maintenance, and miscellaneous purposes \$ 768,816

4. BOARD OF PAROLE

For salaries, support, maintenance, and miscellaneous purposes \$ 461,804

5. STATE MEDICAL EXAMINER

For salaries, support, maintenance, and miscellaneous purposes \$ 30,000

It is the intent of the general assembly that the attorney general or a designee, the commissioner of public safety or a designee, and the dean of the college of medicine at university of Iowa hospital or a designee shall meet and develop recommendations and proposed changes to the Code of Iowa designed to clarify the duties of the Iowa state medical examiner and assist the performance of these duties. These recommendations shall be submitted to the justice system appropriations subcommittee on or before January 15, 1986.

Sec. 6. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1985 and ending June 30, 1986, to the judicial branch, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1985-1986
Fiscal Year

1. COURTS AND ADMINISTRATION

For salaries of supreme court justices, appellate court judges, district court judges, district associate judges, judicial magistrates and staff, court administrator, clerk of the supreme court, district court administrators, board of law examiners and board of examiners of shorthand reporters and judicial qualifications commission, maintenance, equipment and miscellaneous purposes, including implementation of court reorganization according to provisions of 1983 Iowa Acts, chapter 186, section 10301

\$ 31,500,000

It is the intent of the general assembly that the counties be aware that the state may delay the schedule of state assumption of responsibility for the fiscal year beginning July 1, 1986. If the state is unable to fully assume the 1986-1987 fiscal year component of the court system, the chairpersons of the house and senate committees on appropriations shall notify the supreme court and the counties of this possible delay by no later than February 15, 1986.

Sec. 7. Section 602.1301, subsection 2, Code 1985, is amended by striking the subsection and inserting in lieu thereof the following:

2. a. As early as possible, but not later than December 1, the supreme court shall submit to the legislative fiscal bureau the annual budget request and detailed supporting information for the judicial department. The submission shall be designed to assist the legislative fiscal bureau in its preparation for legislative consideration of the budget request. The information submitted shall contain and be arranged in a format substantially similar to part II of the governor's budget message as specified in section 8.22.

b. Before December 1, the supreme court shall submit to the state comptroller an estimate of the total expenditure requirements of the judicial department.

Sec. 8. There is appropriated from the general fund of the state to the department of public safety for the fiscal year beginning July 1, 1985 and ending June 30, 1986, the following amounts, or so much thereof as is necessary, to be used for funding the following functions and programs for the purposes designated:

1985-1986
Fiscal Year

DEPARTMENT OF PUBLIC SAFETY

1. ADMINISTRATIVE FUNCTION

a. For salaries, support, maintenance, and miscellaneous purposes of the department, criminal justice information system, and radio communications

\$ 4,637,711

b. For salaries, support, maintenance, and miscellaneous purposes of the victim compensation program

\$ 43,000

When the department of transportation revokes a person's license or operating privilege under chapter 321B, the department shall assess the person a civil penalty of one hundred dollars. A separate fund is created in the state treasury. The money collected by the department under this paragraph shall be transmitted to the treasurer of state who shall deposit the money in the fund to be used for the purposes of chapter 912. Any balance in this fund on June 30 of any fiscal year exceeding fifty thousand dollars, shall revert to the general fund of the state. A temporary restricted license shall not be issued or a license or privilege to drive reinstated until the civil penalty has been paid.

2. INSPECTION FUNCTION

For salaries, support, maintenance, and miscellaneous purposes of fire marshal's inspections, administration of the state building code, arson investigators including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of sixteen percent of the salaries for which the funds are appropriated

\$ 1,090,409

3. SECURITY FUNCTION

For salaries, support, maintenance, and miscellaneous purposes of the capitol security division

\$ 726,939

4. INVESTIGATION FUNCTION

a. For salaries, support, maintenance, and miscellaneous purposes, including lease or lease purchase of laboratory equipment, of the division of criminal investigation containing the bureaus of identification, drug law enforcement, and beer and liquor law enforcement, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of sixteen percent of the salaries for which the funds are appropriated

\$ 5,003,818

b. For undercover purchases by the division of criminal investigation agents and local law enforcement agents

\$ 200,000

c. For salaries, support, maintenance, and miscellaneous purposes for the employment of parimutuel law enforcement agents, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of sixteen percent of the salaries for which the funds are appropriated

\$ 232,000

It is the intent of the general assembly that the division of criminal investigation of the department of public safety shall purchase not more than five motor vehicles of the same make or model based upon specifications submitted by the department.

5. DIVISION OF HIGHWAY SAFETY AND UNIFORMED FORCE

a. For salaries, support, maintenance, 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 sixteen percent of the salaries for which the funds are appropriated provided that the commissioner of public safety shall immediately rescind any administrative rule, policy or directive which prohibits officers of the Iowa state highway safety patrol from becoming partisan candidates or campaigning for a partisan elective public office

\$ 18,064,000

b. In addition to the complement of not to exceed four hundred ten persons there shall be eight persons who shall serve as members of the highway safety patrol for the period beginning July 1, 1985 and ending June 30, 1987. The eight additional members of the highway safety patrol shall be totally funded through the use of federal funds.

c. For various crime prevention programs sponsored within the department of public safety

\$ 57,000

An employee of the department of public safety or the state conservation commission who retires after the effective date of this Act 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 that agreement. The employee shall be given credit for the service in that prior position as though it was covered by that agreement. This section shall not operate to reduce any retirement benefits the employee may have earned under other collective bargaining agreements or retirement programs.

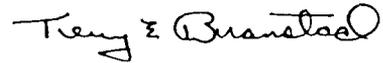
If the department of public safety uses funds appropriated for one purpose for other purposes within the scope of the department, as provided in section 8.39, the department shall notify, at least two weeks prior to the transfer, in addition to those persons provided in section 8.39, each of the members of the justice system appropriations subcommittee regarding the transfer.

Sec. 9. The amount of the funds appropriated under sections 1, 2, 3, 5, and 8 of this Act for the fiscal year beginning July 1, 1985 and ending June 30, 1986 shall be reduced by one percent, rounded to the nearest whole dollar, and the provisions of this section shall prevail over any other provisions of this Act.

Sec. 10. Total appropriations specified in this Act, except section 6 of this Act for the fiscal year beginning July 1, 1985 and ending June 30, 1986 shall not be exceeded in the fiscal year beginning July 1, 1986 and ending June 30, 1987 unless revenue growth as estimated by the legislative fiscal bureau in its December 31, 1985 quarterly report exceed four and one-half percent.

Sec. 11. All federal grants to and the federal receipts of agencies appropriated funds under this Act are appropriated for the purposes set forth in such federal grants or receipts.

Approved May 3, 1985, except the item which I hereby disapprove and which is designated as section 4 which is bracketed in ink and initialed by me. This is delineated with my reasons for vetoing in the item veto message pertaining to this Act to the President of the Senate this same date, a copy of which is attached hereto.

A handwritten signature in black ink, reading "Terry E. Branstad". The signature is written in a cursive style with a large, looped "B" at the end.

TERRY E. BRANSTAD
Governor

The Honorable Robert T. Anderson
Lieutenant Governor
State Capitol Building
L O C A L

Dear Governor Anderson:

I hereby transmit Senate File 552, an act making appropriations to and relating to the financing of departments and agencies whose responsibilities relate to corrections, public safety, and the justice system.

Senate File 552 is approved May 3, 1985, with the following exception which I hereby disapprove.

I am unable to approve Section 4 which reads as follows:

Sec. 4. 1984 Iowa Acts, chapter 1306, section 2, subsection 2, unnumbered paragraph 3, is amended to read as follows:

The department, by ~~January 15~~ July 1, 1985, shall provide the general assembly with evidence from independent experts of the validity and effectiveness of the inmate classification system and shall suggest changes in the system to make it more effective. If the department fails to comply with the requirements of this paragraph, the state comptroller shall withhold one percent of the funds appropriated under section 2, subsection 1 of this Act when the funds are allocated to the department until the evidence has been presented to the general assembly. The validation study shall determine if the classification instruments accomplish the following objectives:

Section 4 provides that the Department of Corrections shall be penalized one percent of the funds appropriated to the state office for general administration, if the study which is being completed by an independent Philadelphia research firm with federal grant money is not completed by July 1, 1985. In the 1984 appropriations bill for the Department of Corrections, the legislature stated that this study must be done. However, the legislature appropriated no money for the project.

The Department used \$5,000 from its budget which had been appropriated for other purposes to start the study and, after considerable effort, obtained a \$15,000 federal grant from the National Institute of Corrections in October of 1984 to complete the project.

Some legislators had told the Corrections officials that the project should not be done by the Department's statisticians and should not be done using professionals from the Iowa universities. The Department solicited the work of a Philadelphia research firm which some of the legislators specifically requested. In January of 1984, the Department reported to the appropriate subcommittee of the legislature that it had provided all requested information to the Philadelphia firm and that the Department, as well as the legislators, are now waiting for the results of the study.

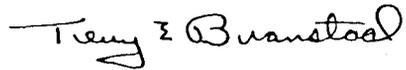
If some unforeseen catastrophe occurs or some problem arises which results in the experts being unable to complete the study by July 1, 1985, the general administration of the Department should not be penalized by losing one percent of its operating budget. The Department has acted in good faith to comply with the legislators' request and should not be placed in a position of losing funding over a matter which they have little control.

It should be noted that the National Institute of Corrections and not the Department has the contract with the Philadelphia firm. Because of the lack of control the Department has over the completion of the project, the penalty provision in Section 4 is unduly harsh and also unnecessary.

The veto of Section 4 does not in any way or manner indicate that the study should not be completed. On the contrary, the Department is committed to do everything possible to encourage the experts to complete the study. The study has merit and should be completed as quickly as possible without sacrificing quality.

For the above reasons, I hereby respectfully disapprove of this item in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items of Senate File 552 are hereby approved as of this date.

Very truly yours,

A handwritten signature in cursive script that reads "Terry E. Branstad". The signature is written in dark ink and is positioned to the right of the typed name.

Terry E. Branstad
Governor