

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2435 are hereby approved as of this date.

Sincerely,
THOMAS J. VILSACK, Governor

CHAPTER 1229
APPROPRIATIONS — JUSTICE SYSTEM
H.F. 2552

AN ACT relating to and making appropriations to the justice system, making related statutory changes, and providing an effective date.

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, 2000, and ending June 30, 2001, 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:

.....	\$	8,524,304
.....	FTEs	194.50

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

.....	\$	322,856
.....	FTEs	6.00

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, 2000, and ending June 30, 2001, an amount not exceeding \$200,000 to be used for the enforcement of the Iowa competition law. The funds appropriated in this subsection are contingent upon receipt by the general fund of the state of an amount at least equal to the expenditure amount from either 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 amounts received as a result of these judgments are in excess of \$200,000, the excess amounts 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, 2000, and ending June 30, 2001, 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 funds appropriated in this subsection are contingent upon receipt by the general fund of the state of an amount at least equal to the expenditure amount 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:

..... \$ 1,935,806

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 sections 8.33 and 8.39, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain 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:

..... \$ 133,102
..... FTEs 2.00

7. The balance of the victim compensation fund established in section 915.94 may be used to provide salary and support of not more than 20.00 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, 2001, 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, 1999, and actual and expected reimbursements for the fiscal year commencing July 1, 2000.

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, 2001.

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

..... \$ 700,000

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, 2001, 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.

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, 2000, and ending June 30, 2001, 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 funds appropriated in this section are 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 that remain unexpended or unobligated at the close of the fiscal year shall not revert to the environmental crime fund but shall remain available for expenditure for the purpose designated until the close of 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, 2000, and ending June 30, 2001, 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:

.....	\$	2,652,903
.....	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, 2000, and ending June 30, 2001, 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, reimbursement of counties for certain confinement costs, and federal prison reimbursement, 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:

.....	\$	30,153,729
.....	FTEs	533.50 ¹

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:

.....	\$	23,601,997
.....	FTEs	399.00

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:

.....	\$	21,300,914
.....	FTEs	338.80 ²

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:

.....	\$	22,775,087
.....	FTEs	392.25

¹ See chapter 1232, §110 herein

² See chapter 1232, §111 herein

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:

.....	\$	21,490,369
.....	FTEs	342.59

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:

.....	\$	7,117,981
.....	FTEs	121.00

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:

.....	\$	17,814,313
.....	FTEs	292.75

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:

.....	\$	11,960,757
.....	FTEs	237.50 ³

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:

.....	\$	24,961,904
.....	FTEs	414.00

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

.....	\$	341,334
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The department of corrections shall use funds appropriated in this subsection to continue to contract for the services of a Muslim imam.

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. It is the intent of the general assembly that the department of corrections shall timely fill correctional positions authorized for correctional facilities pursuant to this section.

³ See chapter 1232, §112 herein

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, 2000, and ending June 30, 2001, 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:

.....	\$	2,405,009
.....	FTEs	37.18

a. 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.

b. 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, except as otherwise provided in paragraph "c", 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, 2000, for the privatization of services performed by the department using state employees as of July 1, 2000, 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.

c. The department of corrections shall not enter into a new contract, or renew an existing contract, for the expenditure of moneys for the privatization of medical services through medical contract employees at the Fort Madison correctional facility. However, in order to facilitate the phaseout of using medical contract employees for medical services at the Fort Madison correctional facility, the department may continue to use medical contract employees at the facility for a period of time not to exceed the three months immediately following July 1, 2000.

d. 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.

e. It is the intent of the general assembly that each lease negotiated by the department of corrections with a private corporation for the purpose of providing private industry employment of inmates in a correctional institution shall prohibit the private corporation from utilizing inmate labor for partisan political purposes for any person seeking election to public office in this state and that a violation of this requirement shall result in a termination of the lease agreement.

f. 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 lease or contractual agreement pursuant to section 904.809 with a private corporation for the use of building space for the purpose of providing inmate employment without providing that the terms of the lease or contract establish safeguards to restrict, to the greatest extent feasible, access by inmates working for the private corporation to personal identifying information of citizens.

g. 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 any new agreement with a private for-profit agency or corporation for the purpose of transferring inmates under the custody of the department to a jail or correctional facility or institution in this state which is established, maintained, or operated by a private for-profit agency or corporation without prior approval by the general assembly.

2. 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:

.....	\$	486,247
.....	FTEs	8.07

3. 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:

.....	\$	796,940
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4. For educational programs for inmates at state penal institutions:

.....	\$	3,294,775
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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.

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

Notwithstanding section 8.33, moneys appropriated in this subsection that remain unobligated or unexpended at the close of the fiscal year shall not revert but shall remain available for expenditure only for the purposes designated in this subsection until the close of the succeeding fiscal year.

5. For the development of the departmental-wide Iowa corrections offender network (ICON) data system:

.....	\$	600,000
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6. The department of corrections shall submit a report to the general assembly on January 1, 2001, concerning progress made in implementing the requirements of section 904.701, concerning hard labor by inmates.

7. 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, 2000, shall not enter into any rental agreement or contract concerning any farmland under the control of the department that is not subject to a rental agreement or contract as of January 1, 2000, without prior legislative approval, and shall further attempt to provide job opportunities at the farms for inmates. The department shall attempt to provide job opportunities at the farms for inmates by encouraging labor-intensive farming or gardening where appropriate, using inmates to grow produce and meat for institutional consumption, researching the possibility of instituting food canning and cook-and-chill operations, and exploring opportunities for organic farming and gardening, livestock ventures, horticulture, and specialized crops.

8. The department of corrections shall submit a report to the general assembly by January 1, 2001, concerning moneys recouped from inmate earnings for the reimbursement of operational expenses of the applicable facility during the fiscal year beginning July 1, 1999, for each correctional institution and judicial district department of correctional services. In addition, each correctional institution and judicial district department of correctional services shall continue to submit a report to each member of the joint appropriations subcommittee on the justice system and the legislative fiscal bureau on a monthly basis concerning moneys recouped from inmate earnings for the reimbursement of operational expenses for each correctional institution and district department during the previous calendar month.

9. The department of corrections shall submit a report to the general assembly by January 1, 2001, concerning the use of inmate labor on capital improvement projects.

Sec. 6. DEPARTMENT OF CORRECTIONS — EDUCATIONAL PROGRAMS. Notwithstanding any provision of section 904.508A to the contrary, of the moneys received for inmate telephone rebates and deposited in an inmate telephone rebate fund for each institution during the fiscal year beginning July 1, 2000, and ending June 30, 2001, \$300,000 is appropriated to the department of corrections and shall be expended by the department for educational programs, including vocational education programs, for inmates at state penal institutions.

Sec. 7. 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, 2000, and ending June 30, 2001, 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:

..... \$ 8,793,845⁴

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:

..... \$ 7,024,872⁵

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:

..... \$ 4,261,670

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:

..... \$ 3,130,030

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:

..... \$ 11,708,518⁶

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:

..... \$ 8,875,900⁷

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:

..... \$ 5,171,401⁸

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

* Item veto; see message at end of the Act

⁴ See chapter 1232, §113 herein

⁵ See chapter 1232, §114 herein

⁶ See chapter 1232, §115 herein

⁷ See chapter 1232, §116 herein

⁸ See chapter 1232, §117 herein

department of corrections violator program, the following amount, or so much thereof as is necessary:

..... \$ 5,062,560

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. Each judicial district department of correctional services shall continue programs and plans established within that district to provide for intensive supervision, sex offender treatment, diversion of low-risk offenders to the least restrictive sanction available, job development, and expanded use of intermediate criminal sanctions.

3. 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.

4. 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.

5. 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.

6. 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, 2001.

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

8. Each judicial district department of correctional services shall submit a report to the general assembly by January 8, 2001, concerning what action, if any, the district department has taken in order to implement, or not implement, an intermediate criminal sanctions program as provided by section 901B.1. If the district department has implemented such a program, the report shall include information as to the effectiveness of the program.

Sec. 8. CORRECTIONAL INSTITUTIONS — VOCATIONAL TRAINING.

1. 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, 2001.

2. 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, 2001, concerning the efforts made by each correctional facility in maintaining vocational education programs for inmates.

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 branch, 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, 2001, 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, 1999, and ending June 30, 2000.

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, 2000, and ending June 30, 2001, the following amounts, or so much thereof as is necessary, for the purposes designated:

..... \$ 35,103,664

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:

..... \$ 13,899,288

..... FTEs 201.00

2. For the fees of court-appointed attorneys for indigent adults and juveniles, in accordance with section 232.141 and chapter 815:

..... \$ 21,204,376

Sec. 11. IOWA CORRECTIONS OFFENDER NETWORK DATA SYSTEM. The department of corrections shall submit a report 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, 2001, concerning the development and implementation of the Iowa corrections offender network (ICON) data system. The report shall include a description of the system and functions, a plan for implementation of the system, including a timeline, resource and staffing requirements for the system, and a current status and progress report concerning the implementation of the system. In addition, the report shall specifically address the ability of the system to receive and transmit data between prisons, community-based corrections district departments, the judicial branch, board of parole, the criminal and juvenile justice planning division of the department of human rights, the department of public safety, and other applicable governmental agencies. The report should include a detailed discussion of the cooperation with other state agencies and the judicial branch in the development and implementation of the system.

Sec. 12. 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, 2000, and ending June 30, 2001, the following amount, 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:

..... \$ 1,365,029

..... FTEs 31.05

It is the intent of the general assembly that the Iowa law enforcement academy may provide training of state and local law enforcement personnel concerning the recognition of and response to persons with Alzheimer's disease.

2. The Iowa law enforcement academy may select at least five automobiles of the department of public safety, division of the Iowa state patrol, prior to turning over the automobiles to the state fleet administrator 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 the Iowa state patrol.

Sec. 13. 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, 2000, and ending June 30, 2001, 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:

.....	\$	1,042,404
.....	FTEs	18.00

A portion of the funds appropriated in this section shall be used to continue 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. 14. 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, 2000, and ending June 30, 2001, 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:

.....	\$	4,992,231
.....	FTEs	254.76

If there is a surplus in the general fund of the state for the fiscal year ending June 30, 2001, 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:

.....	\$	1,032,186
.....	FTEs	25.25

Sec. 15. 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, 2000, and ending June 30, 2001, 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:

.....	\$	2,553,129
.....	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:

.....	\$	12,470,844
.....	FTEs	233.50

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 July 1, 2000, and one special agent for each racing facility which becomes operational during the fiscal year which begins July 1, 2000. 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:

.....	\$	3,972,285
.....	FTEs	65.00

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

.....	\$	139,202
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4. a. 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:

.....	\$	1,930,061
.....	FTEs	35.80

b. For the state fire marshal's office, for fire protection services as provided through the state fire service and emergency response council as created in the department, and for not more than the following full-time equivalent positions:

.....	\$	590,591
.....	FTEs	12.00

5. For the capitol police 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:

.....	\$	1,386,588
.....	FTEs	27.00

6. For the division of the Iowa state patrol of the department of public safety, 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:

.....	\$	38,686,879
.....	FTEs	579.25

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

.....	\$	269,425
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8. An employee of the department of public safety who retires after July 1, 2000, but prior to June 30, 2001, 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 subsection shall not operate to reduce any retirement benefits an employee may have earned under other collective bargaining agreements or retirement programs.

9. For costs associated with the training and equipment needs of volunteer fire fighters and for not more than the following full-time equivalent positions:

.....	\$	709,405
.....	FTEs	1.00

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

Sec. 16. Section 18.6, Code Supplement 1999, is amended by adding the following new subsection:

NEW SUBSECTION. 16. The department shall not award a contract to a bidder for a construction, reconstruction, demolition, or repair project or improvement with an estimated cost that exceeds twenty-five thousand dollars in which the bid requires the use of inmate labor supplied by the department of corrections, but not employed by private industry pursuant to section 904.809, to perform the project or improvement.

Sec. 17. Section 99D.14, Code 1999, is amended by adding the following new subsection:

NEW SUBSECTION. 7. A licensee shall pay a fee in an amount representing eighty percent of the salary costs of the division of criminal investigation of the department of public safety for enforcement of this chapter and an additional amount for the division's costs to enforce this chapter which, for all licensees, shall not exceed thirty thousand dollars.

Sec. 18. Section 99F.10, subsection 4, Code 1999, is amended to read as follows:

4. In determining the license fees and state admission fees to be charged as provided under section 99F.4 and this section, the commission shall use the amount appropriated to the commission plus the cost of salaries for no more than two special agents and no more than four gaming enforcement officers for each excursion gambling boat for the division of criminal investigation's excursion gambling boat activities and an amount for all licensees, not to exceed one hundred twenty-five thousand dollars, representing other associated costs of the division, as the basis for determining the amount of revenue to be raised from the license fees and admission fees. The division's salary costs shall be limited to ~~sixty-five~~ eighty percent of the salary costs for special agents and ~~sixty-five~~ eighty percent of the salary costs for gaming enforcement for personnel assigned to excursion gambling boats who enforce laws and rules adopted by the commission.

Sec. 19. Section 99F.4A, Code 1999, is amended by adding the following new subsection:

NEW SUBSECTION. 8. A licensee shall pay a fee in an amount representing eighty percent of the salary costs of the division of criminal investigation of the department of public safety for enforcement of this chapter.

Sec. 20. Section 100.1, Code 1999, is amended by added by⁹ the following new subsection:

NEW SUBSECTION. 6. To adopt rules designating a fee to be assessed to each building, structure, or facility for which a fire safety inspection by the state fire marshal is required as a condition of licensure. The fee designated by rule shall be set in an amount that is reasonably related to the costs of conducting the applicable inspection. The fees collected by the state fire marshal shall be deposited in the general fund of the state.

⁹ According to enrolled Act

Sec. 21. Section 103A.23, Code 1999, is amended to read as follows:
103A.23 FEES.

For the purpose of obtaining revenue to defray the costs of administering the provisions of this chapter, the commissioner shall establish by rule a schedule of fees based upon the costs of administration which fees shall be collected from persons whose manufacture, installation or construction is subject to the provisions of the state building code. For the performance of building plan reviews by the department of public safety, the commissioner shall establish by rule a fee, chargeable to the owner of the building, which shall be equal to a percentage of the estimated total valuation of the building and which shall be in an amount reasonably related to the cost of conducting the review. *If the commissioner establishes by rule a fee for the performance of a building plan review by the department, the commissioner shall also provide by rule that the failure of the department to approve or disapprove a building plan review within sixty days of submission of the plan shall be deemed to be an approval of the plan.*

All fees collected by the commissioner shall be deposited in the state treasury to the credit of the general fund of the state.

All federal grants to and federal receipts of the office of state building code commissioner are appropriated for the purpose set forth in the federal grants or receipts.

Sec. 22. Section 904.315, Code 1999, is amended to read as follows:
904.315 CONTRACTS FOR IMPROVEMENTS.

The director of the department of general services shall, in writing, let all contracts for authorized improvements costing in excess of twenty-five thousand dollars under chapter 18. Upon prior authorization by the director, improvements costing five thousand dollars or less may be made by the superintendent of any institution.

Contracts are A contract is not required for improvements at a state institution where the labor of inmates is to be used if the contract is not for a construction, reconstruction, demolition, or repair project or improvement with an estimated cost in excess of twenty-five thousand dollars.

*Sec. 23. Section 904.508A, Code 1999, is amended to read as follows:
904.508A INMATE TELEPHONE REBATE FUND.

The department is authorized to establish and maintain an An inmate telephone rebate fund in each institution for the deposit of moneys is created in the office of the treasurer of state. Moneys received by the department or an institution for inmate telephone rebates shall be deposited in the fund. All funds deposited in this Moneys deposited in the fund shall be used only as provided in appropriations from the fund and shall be used for the benefit of inmates. The director shall adopt rules providing for the disbursement of moneys from the fund.*

Sec. 24. Section 905.14, subsection 1, Code 1999, is amended to read as follows:

1. A person placed on probation or parole and subject to supervision by a district department shall be required to pay an enrollment fee of two hundred fifty dollars to the district department to offset the costs of supervision. ~~The fee shall be based on the offense class of the most serious offense for which the person has received probation or parole, including deferred judgments or deferred sentences, and shall be as follows:~~

- a. ~~For a felony, one hundred fifty dollars.~~
- b. ~~For an aggravated misdemeanor, one hundred twenty-five dollars.~~
- e. ~~For a serious or simple misdemeanor, one hundred dollars.~~

Sec. 25. 1998 Iowa Acts, chapter 1101, section 15, subsection 2, as amended by 1999 Iowa Acts, chapter 202, section 25, is amended to read as follows:

2. a. There is appropriated from surcharge moneys received by the E911 administrator and deposited into the wireless E911 emergency communications fund, for the each fiscal year in the fiscal period beginning July 1, 1998, and for the fiscal year beginning July 1,

* Item veto; see message at end of the Act

~~1999 ending June 30, 2001~~, an amount not to exceed two hundred thousand dollars to be used for the implementation, support, and maintenance of the functions of the E911 administrator. The amount appropriated in this paragraph includes any amounts necessary to reimburse the division of emergency management of the department of public defense pursuant to paragraph "b".

b. Notwithstanding the distribution formula in section 34A.7A, as enacted in this Act, and prior to any such distribution, of the initial surcharge moneys received by the E911 administrator and deposited into the wireless E911 emergency communications fund, for ~~the each~~ fiscal year in the fiscal period beginning July 1, 1998, and ~~for the fiscal year beginning July 1, 1999 ending June 30, 2001~~, an amount ~~shall be transferred~~ is appropriated to the division of emergency management of the department of public defense as necessary to reimburse the division for amounts expended for the implementation, support, and maintenance of the E911 administrator, including the E911 administrator's salary.

Sec. 26. CORRECTIONAL FARMS — STUDY. The legislative council is requested to establish a legislative interim committee to study issues concerning the use of correctional farms under the control of the department of corrections. The committee shall consider, among other issues, possible ways to create job opportunities for inmates at the farms and the possible sale or rental of farmland under the control of the department. The interim committee shall submit a report and recommendations to the general assembly for the 2001 legislative session.

Sec. 27. SEX OFFENDER REGISTRY — STUDY. The legislative council is requested to establish a legislative interim committee to study issues concerning the operation of the sex offender registry program pursuant to chapter 692A. The committee should be directed to assess the current effectiveness of the sex offender registry program and to consider, among other issues, the method of determining placement on the registry, the timeliness of information placed on the registry, and the dissemination of information on the registry. In conducting its study, the committee should examine the effectiveness of sex offender registry programs in other states and should consider testimony from interested stakeholders involved in Iowa's sex offender registry program at both the state and local level. The interim committee should submit a report, including its findings and recommendations, to the general assembly for the 2001 legislative session.

Sec. 28. EFFECTIVE DATE. Section 23 of this Act, amending section 904.508A, takes effect July 1, 2001.

Approved May 17, 2000, with exceptions noted.

THOMAS J. VILSACK, Governor

Dear Mr. Secretary:

I hereby transmit House File 2552, an Act appropriating funds to the Justice system, making related statutory changes, and providing an effective date.

Safe communities are a priority of all Iowans, and I am pleased that this bill provides additional opportunities to move closer to this goal. Notable achievements in this bill include: four new narcotics agents to continue the fight against the illegal drug markets in our communities, additional criminal laboratory personnel to work toward more timely processing of criminal evidence, and new fire inspectors to assure that fire and safety code

* Item veto; see message at end of the Act

standards are followed. Within the Department of Corrections budget, many efforts also were included to ensure safer communities for all Iowans. This is evidenced by the expansion of drug courts to stop the cycle of the nonviolent drug offenders, the addition of 20 new Community-Based Corrections personnel to help monitor those on probation and parole, funding for the new Community-Based Corrections beds, as well as for beds added at the recently expanded Fort Dodge and Mitchellville prison facilities.

House File 2552 is, therefore, approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the items designated as Sections 6, 23, and 28 in their entirety. Section 6 appropriates funds for educational and vocational programming from the inmate telephone rebate fund. Section 23, also regarding the inmate telephone rebate fund, would only allow expenditures by the legislative appropriation process. While I agree with the intent of using funds from inmate telephone rebates for educational and vocational programs, the Department of Corrections has, since 1998, used telephone rebate funds well above this level for educational and vocational projects. The Department of Corrections, with oversight from the Board of Corrections, will continue in the coming fiscal year to utilize the authority to spend telephone rebate funds for educational and vocational programs that are for the benefit of inmates, without the need for a specific legislative mandate to do so. The Department will expend in excess of the \$300,000 identified by the Legislature for educational and vocational programs in both fiscal years 2000 and 2001. To improve oversight of these expenditures in the past year, I asked the Board of Corrections to review all projects prior to departmental action. At this time, it appears that the process is working well and I see no need to approve this additional legislative mandate. Section 28 sets the enactment date for Section 23, therefore, it is not needed.

I am unable to approve the designated portion of Section 21. This item limits the time frame for any building plan review process to within sixty days of submission of the plan. Unless otherwise acted upon, this language would mandate that all plans automatically be approved after the expiration of the sixty-day period. I do not think it is wise governmental policy to have plans deemed automatically approved because of the elapse of an arbitrary time frame. Building access and safety codes should not be compromised, or deemed approved, without the necessary review.

However, the expectation of a sixty-day turnaround is a proper goal. Therefore, although I will veto this section, I also am directing the Department of Public Safety, Fire Marshal Office Division, to submit for approval by administrative rule a sixty-day turnaround on building plan reviews, and offer a "money back guarantee," if they are unable to meet the deadline.

For the above reasons, I hereby respectfully approve House File 2552 with the exceptions noted above.

Sincerely,
THOMAS J. VILSACK, *Governor*

CHAPTER 1230

APPROPRIATIONS — ECONOMIC DEVELOPMENT

S.F. 2428

AN ACT appropriating funds to the department of economic development, certain board of regents institutions, the department of workforce development, the public employment relations board, making related statutory changes, and providing an effective date.

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

Section 1. DEPARTMENT OF ECONOMIC DEVELOPMENT. There is appropriated from the general fund of the state and other designated funds to the department of economic development for the fiscal year beginning July 1, 2000, and ending June 30, 2001, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADMINISTRATIVE SERVICES DIVISION

a. General administration

For salaries, support, maintenance, miscellaneous purposes, for allocating \$250,000 to the world food prize, and for providing that a business receiving moneys from the department for the purpose of job creation shall make available ten percent of the new jobs created for promise jobs program participants who are qualified for the jobs created, and for not more than the following full-time equivalent positions:

.....	\$	1,720,213
.....	FTEs	25.75

b. Film office

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

.....	\$	257,625
.....	FTEs	2.00

c. Iowa commission on volunteerism

For transferring to the Iowa state commission grant program to be used as matching funds for salaries, support, maintenance, and miscellaneous purposes:

.....	\$	80,000
.....	FTEs	3.25

2. BUSINESS DEVELOPMENT DIVISION

a. Business development operations

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

.....	\$	4,810,534
.....	FTEs	27.75

Of the amount appropriated in this paragraph "a", \$672,000 shall be allocated to support activities in conjunction with the Iowa manufacturing technology center, and \$100,000 shall be allocated to the graphic arts center.

The department shall consult and work with the small business development centers in an effort to eliminate any duplication of services provided by the department and the small business development centers and to determine how to deliver services to small businesses in the state in the most efficient manner. The department, in consultation with the small business development centers, shall develop a written report identifying and distinguishing the distinct services to be provided by the department and the small business development centers and recommend actions which would eliminate any duplication of services. By December 1, 2000, the written report shall be submitted to the chairpersons and ranking members of the joint appropriations subcommittee on economic development.

For the fiscal year beginning July 1, 2000, and ending June 30, 2001, the department shall allocate \$100,000 from the moneys appropriated under this subsection for the federal procurement office.

* Item veto; see message at end of the Act