

Senate Amendment to House Amendment to
Senate File 510

H-1744

1 Amend the amendment, S-3233, to Senate File 510, as
2 passed by the Senate, as follows:

3 1. By striking page 1, line 7, through page 28,
4 line 10, and inserting:

5 <Section 1. DEPARTMENT OF JUSTICE.

6 1. There is appropriated from the general fund
7 of the state to the department of justice for the
8 fiscal year beginning July 1, 2011, and ending June 30,
9 2012, the following amounts, or so much thereof as is
10 necessary, to be used for the purposes designated:

11 a. For the general office of attorney general for
12 salaries, support, maintenance, and miscellaneous
13 purposes, including the prosecuting attorneys training
14 program, matching funds for federal violence against
15 women grant programs, victim assistance grants, office
16 of drug control policy prosecuting attorney program,
17 and odometer fraud enforcement, and for not more than
18 the following full-time equivalent positions:

19 \$ 7,942,930
20 FTEs 212.00

21 It is the intent of the general assembly that as
22 a condition of receiving the appropriation provided
23 in this lettered paragraph, the department of justice
24 shall maintain a record of the estimated time incurred
25 representing each agency or department.

26 b. For victim assistance grants:

27 \$ 2,876,400

28 The funds appropriated in this lettered paragraph
29 shall be used to provide grants to care providers
30 providing services to crime victims of domestic abuse
31 or to crime victims of rape and sexual assault.

32 The balance of the victim compensation fund
33 established in section 915.94 may be used to provide
34 salary and support of not more than 24 FTEs and
35 to provide maintenance for the victim compensation
36 functions of the department of justice.

37 The department of justice shall transfer at least
38 \$150,000 from the victim compensation fund established
39 in section 915.94 to the victim assistance grant
40 program.

41 c. For legal services for persons in poverty grants
42 as provided in section 13.34:

43 \$ 1,814,831

44 2. a. The department of justice, in submitting
45 budget estimates for the fiscal year commencing July
46 1, 2012, pursuant to section 8.23, shall include a
47 report of funding from sources other than amounts
48 appropriated directly from the general fund of the
49 state to the department of justice or to the office of
50 consumer advocate. These funding sources shall include

1 but are not limited to reimbursements from other state
2 agencies, commissions, boards, or similar entities, and
3 reimbursements from special funds or internal accounts
4 within the department of justice. The department of
5 justice shall also report actual reimbursements for the
6 fiscal year commencing July 1, 2010, and actual and
7 expected reimbursements for the fiscal year commencing
8 July 1, 2011.

9 b. The department of justice shall include the
10 report required under paragraph "a", as well as
11 information regarding any revisions occurring as a
12 result of reimbursements actually received or expected
13 at a later date, in a report to the co-chairpersons
14 and ranking members of the joint appropriations
15 subcommittee on the justice system and the legislative
16 services agency. The department of justice shall
17 submit the report on or before January 15, 2012.

18 Sec. 2. OFFICE OF CONSUMER ADVOCATE. There is
19 appropriated from the department of commerce revolving
20 fund created in section 546.12 to the office of
21 consumer advocate of the department of justice for the
22 fiscal year beginning July 1, 2011, and ending June 30,
23 2012, the following amount, or so much thereof as is
24 necessary, to be used for the purposes designated:

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

28 \$ 3,336,344
29 FTEs 22.00

30 Sec. 3. DEPARTMENT OF CORRECTIONS — FACILITIES.

31 1. There is appropriated from the general fund of
32 the state to the department of corrections for the
33 fiscal year beginning July 1, 2011, and ending June
34 30, 2012, the following amounts, or so much thereof as
35 is necessary, to be used for the operation of adult
36 correctional institutions, reimbursement of counties
37 for certain confinement costs, and federal prison
38 reimbursement, to be allocated as follows:

39 a. For the operation of the Fort Madison
40 correctional facility, including salaries, support,
41 maintenance, and miscellaneous purposes:
42 \$ 41,188,445

43 b. For the operation of the Anamosa correctional
44 facility, including salaries, support, maintenance, and
45 miscellaneous purposes:
46 \$ 31,985,974

47 c. For the operation of the Oakdale correctional
48 facility, including salaries, support, maintenance, and
49 miscellaneous purposes:
50 \$ 55,594,426

- 1 d. For the operation of the Newton correctional
- 2 facility, including salaries, support, maintenance, and
- 3 miscellaneous purposes:
- 4 \$ 25,958,757
- 5 e. For the operation of the Mt. Pleasant
- 6 correctional facility, including salaries, support,
- 7 maintenance, and miscellaneous purposes:
- 8 \$ 25,917,815
- 9 f. For the operation of the Rockwell City
- 10 correctional facility, including salaries, support,
- 11 maintenance, and miscellaneous purposes:
- 12 \$ 9,316,466
- 13 g. For the operation of the Clarinda correctional
- 14 facility, including salaries, support, maintenance, and
- 15 miscellaneous purposes:
- 16 \$ 24,482,356
- 17 Moneys received by the department of corrections as
- 18 reimbursement for services provided to the Clarinda
- 19 youth corporation are appropriated to the department
- 20 and shall be used for the purpose of operating the
- 21 Clarinda correctional facility.
- 22 h. For the operation of the Mitchellville
- 23 correctional facility, including salaries, support,
- 24 maintenance, and miscellaneous purposes:
- 25 \$ 15,615,374
- 26 i. For the operation of the Fort Dodge correctional
- 27 facility, including salaries, support, maintenance, and
- 28 miscellaneous purposes:
- 29 \$ 29,062,235
- 30 j. For reimbursement of counties for temporary
- 31 confinement of work release and parole violators, as
- 32 provided in sections 901.7, 904.908, and 906.17, and
- 33 for offenders confined pursuant to section 904.513:
- 34 \$ 775,092
- 35 k. For federal prison reimbursement, reimbursements
- 36 for out-of-state placements, and miscellaneous
- 37 contracts:
- 38 \$ 239,411

39 2. The department of corrections shall use moneys
 40 appropriated in subsection 1 to continue to contract
 41 for the services of a Muslim imam and a Native American
 42 spiritual leader.

43 Sec. 4. DEPARTMENT OF CORRECTIONS —
 44 ADMINISTRATION. There is appropriated from the general
 45 fund of the state to the department of corrections for
 46 the fiscal year beginning July 1, 2011, and ending June
 47 30, 2012, the following amounts, or so much thereof as
 48 is necessary, to be used for the purposes designated:

- 49 1. For general administration, including salaries,
- 50 support, maintenance, employment of an education

1 director to administer a centralized education
2 program for the correctional system, and miscellaneous
3 purposes:

4 \$ 4,835,542

5 a. It is the intent of the general assembly
6 that as a condition of receiving the appropriation
7 provided in this lettered paragraph the department of
8 corrections shall not, except as otherwise provided
9 in paragraph "c", enter into a new contract, unless
10 the contract is a renewal of an existing contract,
11 for the expenditure of moneys in excess of \$100,000
12 during the fiscal year beginning July 1, 2011, for the
13 privatization of services performed by the department
14 using state employees as of July 1, 2011, or for the
15 privatization of new services by the department without
16 prior consultation with any applicable state employee
17 organization affected by the proposed new contract and
18 prior notification of the co-chairpersons and ranking
19 members of the joint appropriations subcommittee on the
20 justice system.

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

31 c. It is the intent of the general assembly that as
32 a condition of receiving the appropriation provided in
33 this subsection the department of corrections shall not
34 enter into a lease or contractual agreement pursuant to
35 section 904.809 with a private corporation for the use
36 of building space for the purpose of providing inmate
37 employment without providing that the terms of the
38 lease or contract establish safeguards to restrict, to
39 the greatest extent feasible, access by inmates working
40 for the private corporation to personal identifying
41 information of citizens.

42 2. For educational programs for inmates at state
43 penal institutions:

44 \$ 2,308,109

45 a. As a condition of receiving the appropriation in
46 this subsection, the department of corrections shall
47 transfer at least \$300,000 from the canteen operating
48 funds established pursuant to section 904.310 to be
49 used for correctional educational programs funded in
50 this subsection.

1 b. It is the intent of the general assembly that
2 moneys appropriated in this subsection shall be used
3 solely for the purpose indicated and that the moneys
4 shall not be transferred for any other purpose. In
5 addition, it is the intent of the general assembly
6 that the department shall consult with the community
7 colleges in the areas in which the institutions
8 are located to utilize moneys appropriated in this
9 subsection to fund the high school completion, high
10 school equivalency diploma, adult literacy, and adult
11 basic education programs in a manner so as to maintain
12 these programs at the institutions.

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

19 d. The director of the department of corrections
20 may transfer moneys from Iowa prison industries for use
21 in educational programs for inmates.

22 e. Notwithstanding section 8.33, moneys
23 appropriated in this subsection that remain unobligated
24 or unexpended at the close of the fiscal year shall not
25 revert but shall remain available to be used only for
26 the purposes designated in this subsection until the
27 close of the succeeding fiscal year.

28 3. For the development of the Iowa corrections
29 offender network (ICON) data system:

30 \$ 424,364

31 4. For offender mental health and substance abuse
32 treatment:

33 \$ 22,319

34 5. For viral hepatitis prevention and treatment:

35 \$ 167,881

36 6. It is the intent of the general assembly that
37 for the fiscal year addressed by this section the
38 department of corrections shall continue to operate the
39 correctional farms under the control of the department
40 at the same or greater level of participation and
41 involvement as existed as of January 1, 2011; shall not
42 enter into any rental agreement or contract concerning
43 any farmland under the control of the department that
44 is not subject to a rental agreement or contract as of
45 January 1, 2011, without prior legislative approval;
46 and shall further attempt to provide job opportunities
47 at the farms for inmates. The department shall attempt
48 to provide job opportunities at the farms for inmates
49 by encouraging labor-intensive farming or gardening
50 where appropriate; using inmates to grow produce

1 and meat for institutional consumption; researching
2 the possibility of instituting food canning and
3 cook-and-chill operations; and exploring opportunities
4 for organic farming and gardening, livestock ventures,
5 horticulture, and specialized crops.

6 7. The department of corrections shall solicit
7 requests for information to improve efficiencies at the
8 pharmacy under the control of the department.

9 Sec. 5. JUDICIAL DISTRICT DEPARTMENTS OF
10 CORRECTIONAL SERVICES.

11 1. There is appropriated from the general fund of
12 the state to the department of corrections for the
13 fiscal year beginning July 1, 2011, and ending June
14 30, 2012, for salaries, support, maintenance, and
15 miscellaneous purposes, the following amounts, or
16 so much thereof as is necessary, to be allocated as
17 follows:

18 a. For the first judicial district department of
19 correctional services:

20 \$ 12,204,948

21 b. For the second judicial district department of
22 correctional services:

23 \$ 10,336,948

24 c. For the third judicial district department of
25 correctional services:

26 \$ 5,599,765

27 d. For the fourth judicial district department of
28 correctional services:

29 \$ 5,391,355

30 e. For the fifth judicial district department of
31 correctional services, including funding for electronic
32 monitoring devices for use on a statewide basis:

33 \$ 18,742,129

34 f. For the sixth judicial district department of
35 correctional services:

36 \$ 13,112,563

37 g. For the seventh judicial district department of
38 correctional services:

39 \$ 6,492,814

40 h. For the eighth judicial district department of
41 correctional services:

42 \$ 6,879,715

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

1 3. Each judicial district department of
2 correctional services shall provide alternatives to
3 prison consistent with chapter 901B. The alternatives
4 to prison shall ensure public safety while providing
5 maximum rehabilitation to the offender. A judicial
6 district department of correctional services may also
7 establish a day program.

8 4. The governor's office of drug control policy
9 or any succeeding entity of the governor's office of
10 drug control policy shall consider federal grants made
11 to the department of corrections for the benefit of
12 each of the eight judicial district departments of
13 correctional services as local government grants, as
14 defined pursuant to federal regulations.

15 5. The department of corrections shall continue
16 to contract with a judicial district department
17 of correctional services to provide for the rental
18 of electronic monitoring equipment which shall be
19 available statewide.

20 Sec. 6. DEPARTMENT OF CORRECTIONS — REALLOCATION
21 OF APPROPRIATIONS. Notwithstanding section 8.39,
22 within the moneys appropriated in this Act to the
23 department of corrections, the department may
24 reallocate the moneys appropriated and allocated as
25 necessary to best fulfill the needs of the correctional
26 institutions, administration of the department, and the
27 judicial district departments of correctional services.
28 However, in addition to complying with the requirements
29 of sections 904.116 and 905.8 and providing notice
30 to the legislative services agency, the department
31 of corrections shall also provide notice to the
32 department of management, prior to the effective date
33 of the revision or reallocation of an appropriation
34 made pursuant to this section. The department of
35 corrections shall not reallocate an appropriation or
36 allocation for the purpose of eliminating any program.

37 Sec. 7. INTENT — REPORTS.

38 1. The department of corrections in cooperation
39 with townships, the Iowa cemetery associations, and
40 other nonprofit or governmental entities may use inmate
41 labor during the fiscal year beginning July 1, 2011,
42 to restore or preserve rural cemeteries and historical
43 landmarks. The department in cooperation with the
44 counties may also use inmate labor to clean up roads,
45 major water sources, and other water sources around the
46 state.

47 2. On a quarterly basis the department shall
48 provide a status report regarding private-sector
49 employment to the legislative services agency beginning
50 on July 1, 2011. The report shall include the number

1 of offenders employed in the private sector, the
2 combined number of hours worked by the offenders, the
3 total amount of allowances, and the distribution of
4 allowances pursuant to section 904.702, including any
5 moneys deposited in the general fund of the state.

6 Sec. 8. ELECTRONIC MONITORING REPORT. The
7 department of corrections shall submit a report on
8 electronic monitoring to the general assembly, to the
9 co-chairpersons and the ranking members of the joint
10 appropriations subcommittee on the justice system, and
11 to the legislative services agency by January 15, 2012.
12 The report shall specifically address the number of
13 persons being electronically monitored and break down
14 the number of persons being electronically monitored
15 by offense committed. The report shall also include a
16 comparison of any data from the prior fiscal year with
17 the current year.

18 Sec. 9. STATE AGENCY PURCHASES FROM PRISON
19 INDUSTRIES.

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

29 2. State agencies are hereby encouraged to purchase
30 products from Iowa state industries, as defined in
31 section 904.802, when purchases are required and the
32 products are available from Iowa state industries.
33 State agencies shall obtain bids from Iowa state
34 industries for purchases of office furniture during the
35 fiscal year beginning July 1, 2011, exceeding \$5,000
36 or in accordance with applicable administrative rules
37 related to purchases for the agency.

38 Sec. 10. IOWA LAW ENFORCEMENT ACADEMY.

39 1. There is appropriated from the general fund of
40 the state to the Iowa law enforcement academy for the
41 fiscal year beginning July 1, 2011, and ending June 30,
42 2012, the following amount, or so much thereof as is
43 necessary, to be used for the purposes designated:

44 For salaries, support, maintenance, miscellaneous
45 purposes, including jailer training and technical
46 assistance, and for not more than the following
47 full-time equivalent positions:
48 \$ 868,698
49 FTEs 24.55

50 It is the intent of the general assembly that the

1 Iowa law enforcement academy may provide training of
2 state and local law enforcement personnel concerning
3 the recognition of and response to persons with
4 Alzheimer's disease.

5 The Iowa law enforcement academy may temporarily
6 exceed and draw more than the amount appropriated in
7 this subsection and incur a negative cash balance as
8 long as there are receivables equal to or greater than
9 the negative balance and the amount appropriated in
10 this subsection is not exceeded at the close of the
11 fiscal year.

12 2. The Iowa law enforcement academy may select
13 at least five automobiles of the department of public
14 safety, division of state patrol, prior to turning over
15 the automobiles to the department of administrative
16 services to be disposed of by public auction, and
17 the Iowa law enforcement academy may exchange any
18 automobile owned by the academy for each automobile
19 selected if the selected automobile is used in training
20 law enforcement officers at the academy. However,
21 any automobile exchanged by the academy shall be
22 substituted for the selected vehicle of the department
23 of public safety and sold by public auction with the
24 receipts being deposited in the depreciation fund to
25 the credit of the department of public safety, division
26 of state patrol.

27 Sec. 11. STATE PUBLIC DEFENDER. There is
28 appropriated from the general fund of the state to the
29 office of the state public defender of the department
30 of inspections and appeals for the fiscal year
31 beginning July 1, 2011, and ending June 30, 2012, the
32 following amounts, or so much thereof as is necessary,
33 to be allocated as follows for the purposes designated:

34 1. For salaries, support, maintenance,
35 miscellaneous purposes, and for not more than the
36 following full-time equivalent positions:
37 \$ 24,083,182
38 FTEs 219.00

39 2. For the fees of court-appointed attorneys for
40 indigent adults and juveniles, in accordance with
41 section 232.141 and chapter 815:
42 \$ 31,680,929

43 Sec. 12. BOARD OF PAROLE. There is appropriated
44 from the general fund of the state to the board of
45 parole for the fiscal year beginning July 1, 2011, and
46 ending June 30, 2012, the following amount, or so much
47 thereof as is necessary, to be used for the purposes
48 designated:

49 For salaries, support, maintenance, miscellaneous
50 purposes, and for not more than the following full-time

1 equivalent positions:
2 \$ 1,053,835
3 FTEs 12.50

4 Sec. 13. DEPARTMENT OF PUBLIC DEFENSE. There is
5 appropriated from the general fund of the state to
6 the department of public defense for the fiscal year
7 beginning July 1, 2011, and ending June 30, 2012, the
8 following amounts, or so much thereof as is necessary,
9 to be used for the purposes designated:

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

14 \$ 5,527,042
15 FTEs 313.00

16 The military division may temporarily exceed
17 and draw more than the amount appropriated in this
18 subsection and incur a negative cash balance as long
19 as there are receivables of federal funds equal to
20 or greater than the negative balance and the amount
21 appropriated in this subsection is not exceeded at the
22 close of the fiscal year.

23 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT
24 DIVISION
25 For salaries, support, maintenance, miscellaneous
26 purposes, and for not more than the following full-time
27 equivalent positions:

28 \$ 1,836,877
29 FTEs 40.00

30 a. The homeland security and emergency management
31 division may temporarily exceed and draw more than the
32 amount appropriated in this subsection and incur a
33 negative cash balance as long as there are receivables
34 of federal funds equal to or greater than the negative
35 balance and the amount appropriated in this subsection
36 is not exceeded at the close of the fiscal year.

37 b. It is the intent of the general assembly that
38 the homeland security and emergency management division
39 work in conjunction with the department of public
40 safety, to the extent possible, when gathering and
41 analyzing information related to potential domestic
42 or foreign security threats, and when monitoring such
43 threats.

44 Sec. 14. DEPARTMENT OF PUBLIC SAFETY. There is
45 appropriated from the general fund of the state to
46 the department of public safety for the fiscal year
47 beginning July 1, 2011, and ending June 30, 2012, the
48 following amounts, or so much thereof as is necessary,
49 to be used for the purposes designated:

50 1. For the department's administrative functions,

1 including the criminal justice information system, and
2 for not more than the following full-time equivalent
3 positions:

4 \$ 4,007,075
5 FTEs 36.00

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

15 \$ 12,533,931
16 FTEs 159.10

17 The department shall employ one additional special
18 agent and one additional criminalist for the purpose
19 of investigating cold cases. Prior to employing the
20 additional special agent and criminalist authorized
21 in this paragraph, the department shall provide a
22 written statement to prospective employees that states
23 to the effect that the positions are being funded by
24 a temporary federal grant and there are no assurances
25 that funds from other sources will be available after
26 the federal funding expires. If the federal funding
27 for the additional positions expires during the fiscal
28 year, the number of full-time equivalent positions
29 authorized in this subsection is reduced by 2.00 FTEs.

30 3. For the criminalistics laboratory fund created
31 in section 691.9:

32 \$ 302,345

33 4. a. For the division of narcotics enforcement,
34 including the state's contribution to the peace
35 officers' retirement, accident, and disability system
36 provided in chapter 97A in the amount of the state's
37 normal contribution rate, as defined in section
38 97A.8, multiplied by the salaries for which the
39 funds are appropriated, to meet federal fund matching
40 requirements, and for not more than the following
41 full-time equivalent positions:

42 \$ 6,353,345
43 FTEs 74.00

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

46 \$ 109,042

47 5. For the division of state fire marshal, for fire
48 protection services as provided through the state fire
49 service and emergency response council as created in
50 the department, and for the state's contribution to the

1 peace officers' retirement, accident, and disability
2 system provided in chapter 97A in the amount of the
3 state's normal contribution rate, as defined in section
4 97A.8, multiplied by the salaries for which the funds
5 are appropriated, and for not more than the following
6 full-time equivalent positions:

7 \$ 4,298,707
8 FTEs 55.00

9 6. For the division of state patrol, for salaries,
10 support, maintenance, workers' compensation costs,
11 and miscellaneous purposes, including the state's
12 contribution to the peace officers' retirement,
13 accident, and disability system provided in chapter 97A
14 in the amount of the state's normal contribution rate,
15 as defined in section 97A.8, multiplied by the salaries
16 for which the funds are appropriated, and for not more
17 than the following full-time equivalent positions:

18 \$ 51,903,233
19 FTEs 513.00

20 It is the intent of the general assembly that
21 members of the state patrol be assigned to patrol
22 the highways and roads in lieu of assignments for
23 inspecting school buses for the school districts.

24 7. For deposit in the sick leave benefits fund
25 established under section 80.42 for all departmental
26 employees eligible to receive benefits for accrued sick
27 leave under the collective bargaining agreement:

28 \$ 279,517

29 8. For costs associated with the training and
30 equipment needs of volunteer fire fighters:

31 \$ 725,520

32 a. Notwithstanding section 8.33, moneys
33 appropriated in this subsection that remain
34 unencumbered or unobligated at the close of the fiscal
35 year shall not revert but shall remain available for
36 expenditure only for the purpose designated in this
37 subsection until the close of the succeeding fiscal
38 year.

39 b. Notwithstanding section 8.39, within the
40 moneys appropriated in this section, the department
41 of public safety may reallocate moneys as necessary
42 to best fulfill the needs provided for in the
43 appropriation. However, the department shall not
44 reallocate an appropriation made to the department
45 in this section unless notice of the reallocation
46 is given to the legislative services agency and
47 the department of management prior to the effective
48 date of the reallocation. The notice shall include
49 information regarding the rationale for reallocating
50 the appropriation. The department shall not reallocate

1 an appropriation made in this section for the purpose
2 of eliminating any program.

3 Sec. 15. GAMING ENFORCEMENT.

4 1. There is appropriated from the gaming
5 enforcement revolving fund created in section 80.43 to
6 the department of public safety for the fiscal year
7 beginning July 1, 2011, and ending June 30, 2012, the
8 following amount, or so much thereof as is necessary,
9 to be used for the purposes designated:

10 For any direct and indirect support costs for
11 agents and officers of the division of criminal
12 investigation's excursion gambling boat, gambling
13 structure, and racetrack enclosure enforcement
14 activities, including salaries, support, maintenance,
15 miscellaneous purposes, and for not more than the
16 following full-time equivalent positions:
17 \$ 9,836,306
18 FTEs 120.00

19 2. For each additional license to conduct gambling
20 games on an excursion gambling boat, gambling
21 structure, or racetrack enclosure issued during
22 the fiscal year beginning July 1, 2011, there is
23 appropriated from the gaming enforcement fund to
24 the department of public safety for the fiscal year
25 beginning July 1, 2011, and ending June 30, 2012, an
26 additional amount of not more than \$521,000 to be used
27 for not more than 6.00 additional full-time equivalent
28 positions.

29 3. The department of public safety, with the
30 approval of the department of management, may employ
31 no more than two special agents and four gaming
32 enforcement officers for each additional riverboat
33 or gambling structure regulated after July 1, 2011,
34 and one special agent for each racing facility which
35 becomes operational during the fiscal year which
36 begins July 1, 2011. One additional gaming enforcement
37 officer, up to a total of four per riverboat or
38 gambling structure, may be employed for each riverboat
39 or gambling structure that has extended operations to
40 24 hours and has not previously operated with a 24-hour
41 schedule. Positions authorized in this subsection
42 are in addition to the full-time equivalent positions
43 otherwise authorized in this section.

44 Sec. 16. CIVIL RIGHTS COMMISSION. There is
45 appropriated from the general fund of the state to the
46 Iowa state civil rights commission for the fiscal year
47 beginning July 1, 2011, and ending June 30, 2012, the
48 following amount, or so much thereof as is necessary,
49 to be used for the purposes designated:

50 For salaries, support, maintenance, miscellaneous

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

3 \$ 1,397,069
4 FTEs 28.00

5 The Iowa state civil rights commission may enter
6 into a contract with a nonprofit organization to
7 provide legal assistance to resolve civil rights
8 complaints.

9 Sec. 17. Section 654.4B, subsection 2, paragraph b,
10 Code 2011, is amended to read as follows:

11 *b.* This subsection is repealed July 1, ~~2011~~ 2012.

12 Sec. 18. Section 124.204, subsection 4, Code 2011,
13 is amended by adding the following new paragraph:

14 NEW PARAGRAPH. *ai.* (1) Mephedrone, also known as
15 4-methylmethcathinone, (RS)-2-methylamino-1-(4-methylphenyl)
16 propan-1-one.

17 (2) Methylene-dioxypyrovalerone (MDPV)[(1-(1,3-
18 Benzodioxol-5-yl)-2-(1-pyrrolidinyl)-1-pentanone].

19 (3) *Salvia divinorum.*

20 (4) *Salvinorin A.*

21 (5) Any substance, compound, mixture or preparation
22 which contains any quantity of any synthetic
23 cannabinoid that is not approved as a pharmaceutical,
24 including but not limited to the following:

25 (a) CP 47, 497 and homologues 2-[(1R, 3S)-3-
26 hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol).

27 (b) HU-210[(6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-
28 (2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]
29 chromen-1-ol]).

30 (c) HU-211(dexanabinol, (6aS,10aS)-9-(hydroxymethyl)-6,6-
31 dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]
32 chromen-1-ol).

33 (d) JWH-018 1-Pentyl-3-(1-naphthoyl)indole.

34 (e) JWH-073 1-Butyl-3-(1-naphthoyl)indole.

35 (f) JWH-200 [1-[2-(4-morpholinyl)ethyl]-1H-indol-3-yl]-1-
36 naphthalenyl-methanone.

37 Sec. 19. Section 124.401, subsection 1, paragraph
38 c, subparagraph (8), Code 2011, is amended to read as
39 follows:

40 (8) Any other controlled substance, counterfeit
41 substance, or simulated controlled substance classified
42 in schedule I, II, or III, except as provided in
43 paragraph "d".

44 Sec. 20. Section 124.401, subsection 1, paragraph
45 d, Code 2011, is amended to read as follows:

46 *d.* Violation of this subsection, with respect
47 to any other controlled substances, counterfeit
48 substances, or simulated controlled substances
49 classified in section 124.204, subsection 4,
50 paragraph "ai", or classified in schedule IV or V is

1 an aggravated misdemeanor. However, violation of
2 this subsection involving fifty kilograms or less of
3 marijuana or involving flunitrazepam is a class "D"
4 felony.

5 Sec. 21. 2009 Iowa Acts, chapter 178, section 20,
6 is amended to read as follows:

7 SEC. 20. CONSUMER EDUCATION AND LITIGATION
8 FUND. Notwithstanding section 714.16C, for each
9 fiscal year of the period beginning July 1, 2008, and
10 ending June 30, ~~2011~~ 2013, the annual appropriations
11 in section 714.16C, are increased from \$1,125,000 to
12 \$1,875,000, and \$75,000 to \$125,000 respectively.
13 Moneys appropriated from the consumer education and
14 litigation fund may be allocated for cash flow purposes
15 to the victim compensation fund established in section
16 915.94 during each of the fiscal years enumerated,
17 provided that any moneys so allocated are returned to
18 the consumer education and litigation fund by the end
19 of each fiscal year an allocation occurs.

20 Sec. 22. IOWA COMMUNICATIONS NETWORK. It is the
21 intent of the general assembly that the executive
22 branch agencies receiving an appropriation in this Act
23 utilize the Iowa communications network or secure other
24 electronic communications in lieu of traveling for the
25 fiscal year addressed by the appropriations.

26 Sec. 23. HOMELAND SECURITY AND EMERGENCY MANAGEMENT
27 DIVISION. There is appropriated from the wireless
28 E911 emergency communications fund created in section
29 34A.7A to the administrator of the homeland security
30 and emergency management division of the department of
31 public defense for the fiscal year beginning July 1,
32 2011, and ending June 30, 2012, an amount not exceeding
33 \$200,000 to be used for implementation, support, and
34 maintenance of the functions of the administrator and
35 program manager under chapter 34A and to employ the
36 auditor of the state to perform an annual audit of the
37 wireless E911 emergency communications fund.

38 Sec. 24. GERIATRIC AND PSYCHIATRIC TREATMENT
39 — LEGISLATIVE STUDY. The legislative council is
40 requested to establish an interim study committee
41 to examine the treatment and placement options for
42 geriatric and psychiatric patients under the care,
43 custody, and control of the state, or for patients
44 who are otherwise specifically housed at the Iowa
45 medical and classification center at Oakdale or other
46 correctional facilities for geriatric or psychiatric
47 treatment purposes. The committee shall focus on
48 maximizing the availability of treatment options for
49 such patients while achieving fiscal efficiencies.
50 The committee shall review programs used in other

1 states and by the federal government including but not
2 limited to the use of forensic hospitals, prison-based
3 hospice care, compassionate release, and the funding
4 mechanisms used to implement such programs. Members
5 of the interim study committee shall include the
6 co-chairpersons and the ranking members of the joint
7 appropriations subcommittee on justice system and
8 the co-chairpersons and the ranking members of the
9 joint appropriations subcommittee on human services.
10 The committee shall provide a report detailing the
11 findings of the committee to the general assembly for
12 consideration during the 2012 legislative session.

13 Sec. 25. GERIATRIC AND PSYCHIATRIC TREATMENT
14 REPORT. The departments of corrections, human
15 services, inspections and appeals, and public health,
16 and the board of parole, shall jointly study the
17 development and establishment of treatment options
18 for geriatric and psychiatric patients currently
19 under the care, custody, and control of the state
20 to provide maximum treatment opportunities for such
21 persons while achieving fiscal efficiencies. The
22 department of corrections in consultation with the
23 other departments and the board of parole, shall
24 provide a report detailing the results of the study
25 to the co-chairpersons and the ranking members of the
26 joint appropriations subcommittee on health and human
27 services, the co-chairpersons and ranking members
28 of the joint appropriations subcommittee on justice
29 system, the legislative interim study committee
30 examining such treatment options, if established by the
31 legislative council pursuant to this division of this
32 Act, and the legislative services agency by November
33 15, 2011.

34 Sec. 26. CORRECTIONAL OFFICER AND PEACE OFFICER
35 POSITIONS — PRIORITY. As a condition of receiving
36 an appropriation in this division of this Act, the
37 department of corrections and the department of public
38 safety shall make every effort to preserve correctional
39 officer and peace officer positions through the
40 reduction of administrative and related overhead costs.

41 Sec. 27. SALARY INCREASES — CERTAIN REVOLVING
42 FUNDS.

43 For the fiscal year beginning July 1, 2011, there is
44 appropriated from the gaming enforcement revolving fund
45 an amount necessary for funding annual pay adjustments
46 and related benefits for agents and officers of the
47 division of criminal investigation's racetrack,
48 excursion boat, or gambling structure enforcement
49 activities. Moneys appropriated pursuant to this
50 subsection shall be in addition to and supplement other

1 appropriations from the fund.

2 Sec. 28. EFFECTIVE DATE. The following provision
3 of this division of this Act takes effect thirty days
4 after enactment, notwithstanding section 3.7:

5 The section of this division of this Act amending
6 section 124.204, subsection 4, paragraph "ai",
7 subparagraphs (1) through (4).

8 Sec. 29. EFFECTIVE UPON ENACTMENT. The following
9 provision of this division of this Act, being deemed of
10 immediate importance, and notwithstanding section 3.7
11 takes effect upon enactment:

12 The section of this Act amending section 124.204,
13 subsection 4, paragraph "ai", subparagraph (5).

14 Sec. 30. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
15 APPLICABILITY. The following provision of this
16 division of this Act takes effect upon enactment, and
17 if approved by the governor on or after July 1, 2011,
18 shall apply retroactively to June 30, 2011:

19 The section of this division of this Act amending
20 section 654.4B.

21 DIVISION II
22 FY 2012-2013

23 Sec. 31. DEPARTMENT OF JUSTICE.

24 1. There is appropriated from the general fund
25 of the state to the department of justice for the
26 fiscal year beginning July 1, 2012, and ending June 30,
27 2013, the following amounts, or so much thereof as is
28 necessary, to be used for the purposes designated:

29 a. For the general office of attorney general for
30 salaries, support, maintenance, and miscellaneous
31 purposes, including the prosecuting attorneys training
32 program, matching funds for federal violence against
33 women grant programs, victim assistance grants, office
34 of drug control policy prosecuting attorney program,
35 and odometer fraud enforcement, and for not more than
36 the following full-time equivalent positions:
37 \$ 3,971,465
38 FTEs 212.00

39 It is the intent of the general assembly that as
40 a condition of receiving the appropriation provided
41 in this lettered paragraph, the department of justice
42 shall maintain a record of the estimated time incurred
43 representing each agency or department.

44 b. For victim assistance grants:
45 \$ 1,438,200

46 The funds appropriated in this lettered paragraph
47 shall be used to provide grants to care providers
48 providing services to crime victims of domestic abuse
49 or to crime victims of rape and sexual assault.

50 The balance of the victim compensation fund

1 established in section 915.94 may be used to provide
2 salary and support of not more than 24 FTEs and
3 to provide maintenance for the victim compensation
4 functions of the department of justice.

5 The department of justice shall transfer at least
6 \$150,000 from the victim compensation fund established
7 in section 915.94 to the victim assistance grant
8 program.

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

11 \$ 907,416

12 2. a. The department of justice, in submitting
13 budget estimates for the fiscal year commencing July
14 1, 2013, pursuant to section 8.23, shall include a
15 report of funding from sources other than amounts
16 appropriated directly from the general fund of the
17 state to the department of justice or to the office of
18 consumer advocate. These funding sources shall include
19 but are not limited to reimbursements from other state
20 agencies, commissions, boards, or similar entities, and
21 reimbursements from special funds or internal accounts
22 within the department of justice. The department of
23 justice shall also report actual reimbursements for the
24 fiscal year commencing July 1, 2011, and actual and
25 expected reimbursements for the fiscal year commencing
26 July 1, 2012.

27 b. The department of justice shall include the
28 report required under paragraph "a", as well as
29 information regarding any revisions occurring as a
30 result of reimbursements actually received or expected
31 at a later date, in a report to the co-chairpersons
32 and ranking members of the joint appropriations
33 subcommittee on the justice system and the legislative
34 services agency. The department of justice shall
35 submit the report on or before January 15, 2013.

36 Sec. 32. OFFICE OF CONSUMER ADVOCATE. There is
37 appropriated from the department of commerce revolving
38 fund created in section 546.12 to the office of
39 consumer advocate of the department of justice for the
40 fiscal year beginning July 1, 2012, and ending June 30,
41 2013, the following amount, or so much thereof as is
42 necessary, to be used for the purposes designated:

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

46 \$ 1,668,172

47 FTEs 22.00

48 Sec. 33. DEPARTMENT OF CORRECTIONS — FACILITIES.

49 1. There is appropriated from the general fund of
50 the state to the department of corrections for the

1 fiscal year beginning July 1, 2012, and ending June
2 30, 2013, the following amounts, or so much thereof as
3 is necessary, to be used for the operation of adult
4 correctional institutions, reimbursement of counties
5 for certain confinement costs, and federal prison
6 reimbursement, to be allocated as follows:

7 a. For the operation of the Fort Madison
8 correctional facility, including salaries, support,
9 maintenance, and miscellaneous purposes:
10 \$ 20,594,223

11 b. For the operation of the Anamosa correctional
12 facility, including salaries, support, maintenance, and
13 miscellaneous purposes:
14 \$ 15,992,987

15 c. For the operation of the Oakdale correctional
16 facility, including salaries, support, maintenance, and
17 miscellaneous purposes:
18 \$ 27,797,213

19 d. For the operation of the Newton correctional
20 facility, including salaries, support, maintenance, and
21 miscellaneous purposes:
22 \$ 12,979,379

23 e. For the operation of the Mt. Pleasant
24 correctional facility, including salaries, support,
25 maintenance, and miscellaneous purposes:
26 \$ 12,958,908

27 f. For the operation of the Rockwell City
28 correctional facility, including salaries, support,
29 maintenance, and miscellaneous purposes:
30 \$ 4,658,233

31 g. For the operation of the Clarinda correctional
32 facility, including salaries, support, maintenance, and
33 miscellaneous purposes:
34 \$ 12,241,178

35 Moneys received by the department of corrections as
36 reimbursement for services provided to the Clarinda
37 youth corporation are appropriated to the department
38 and shall be used for the purpose of operating the
39 Clarinda correctional facility.

40 h. For the operation of the Mitchellville
41 correctional facility, including salaries, support,
42 maintenance, and miscellaneous purposes:
43 \$ 7,807,687

44 i. For the operation of the Fort Dodge correctional
45 facility, including salaries, support, maintenance, and
46 miscellaneous purposes:
47 \$ 14,531,118

48 j. For reimbursement of counties for temporary
49 confinement of work release and parole violators, as
50 provided in sections 901.7, 904.908, and 906.17, and

1 for offenders confined pursuant to section 904.513:
2 \$ 387,546
3 k. For federal prison reimbursement, reimbursements
4 for out-of-state placements, and miscellaneous
5 contracts:
6 \$ 119,706

7 2. The department of corrections shall use moneys
8 appropriated in subsection 1 to continue to contract
9 for the services of a Muslim imam and a Native American
10 spiritual leader.

11 Sec. 34. DEPARTMENT OF CORRECTIONS —
12 ADMINISTRATION.

13 There is appropriated from the general fund of
14 the state to the department of corrections for the
15 fiscal year beginning July 1, 2012, and ending June 30,
16 2013, the following amounts, or so much thereof as is
17 necessary, to be used for the purposes designated:

18 1. For general administration, including salaries,
19 support, maintenance, employment of an education
20 director to administer a centralized education
21 program for the correctional system, and miscellaneous
22 purposes:
23 \$ 2,417,771

24 a. It is the intent of the general assembly
25 that as a condition of receiving the appropriation
26 provided in this lettered paragraph the department of
27 corrections shall not, except as otherwise provided
28 in paragraph "c", enter into a new contract, unless
29 the contract is a renewal of an existing contract,
30 for the expenditure of moneys in excess of \$100,000
31 during the fiscal year beginning July 1, 2012, for the
32 privatization of services performed by the department
33 using state employees as of July 1, 2012, or for the
34 privatization of new services by the department without
35 prior consultation with any applicable state employee
36 organization affected by the proposed new contract and
37 prior notification of the co-chairpersons and ranking
38 members of the joint appropriations subcommittee on the
39 justice system.

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

50 c. It is the intent of the general assembly that as

1 a condition of receiving the appropriation provided in
2 this subsection the department of corrections shall not
3 enter into a lease or contractual agreement pursuant to
4 section 904.809 with a private corporation for the use
5 of building space for the purpose of providing inmate
6 employment without providing that the terms of the
7 lease or contract establish safeguards to restrict, to
8 the greatest extent feasible, access by inmates working
9 for the private corporation to personal identifying
10 information of citizens.

11 2. For educational programs for inmates at state
12 penal institutions:

13 \$ 1,154,055

14 a. As a condition of receiving the appropriation in
15 this subsection, the department of corrections shall
16 transfer at least \$300,000 from the canteen operating
17 funds established pursuant to section 904.310 to be
18 used for correctional educational programs funded in
19 this subsection.

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

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

38 d. The director of the department of corrections
39 may transfer moneys from Iowa prison industries for use
40 in educational programs for inmates.

41 e. Notwithstanding section 8.33, moneys
42 appropriated in this subsection that remain unobligated
43 or unexpended at the close of the fiscal year shall not
44 revert but shall remain available to be used only for
45 the purposes designated in this subsection until the
46 close of the succeeding fiscal year.

47 3. For the development of the Iowa corrections
48 offender network (ICON) data system:

49 \$ 212,182

50 4. For offender mental health and substance abuse

1 treatment:
2 \$ 11,160

3 5. For viral hepatitis prevention and treatment:
4 \$ 83,941

5 6. It is the intent of the general assembly that
6 for the fiscal year addressed by this section the
7 department of corrections shall continue to operate the
8 correctional farms under the control of the department
9 at the same or greater level of participation and
10 involvement as existed as of January 1, 2011; shall not
11 enter into any rental agreement or contract concerning
12 any farmland under the control of the department that
13 is not subject to a rental agreement or contract as of
14 January 1, 2011, without prior legislative approval;
15 and shall further attempt to provide job opportunities
16 at the farms for inmates. The department shall attempt
17 to provide job opportunities at the farms for inmates
18 by encouraging labor-intensive farming or gardening
19 where appropriate; using inmates to grow produce
20 and meat for institutional consumption; researching
21 the possibility of instituting food canning and
22 cook-and-chill operations; and exploring opportunities
23 for organic farming and gardening, livestock ventures,
24 horticulture, and specialized crops.

25 7. The department of corrections shall solicit
26 requests for information to improve efficiencies at the
27 pharmacy under the control of the department.

28 Sec. 35. JUDICIAL DISTRICT DEPARTMENTS OF
29 CORRECTIONAL SERVICES.

30 1. There is appropriated from the general fund of
31 the state to the department of corrections for the
32 fiscal year beginning July 1, 2012, and ending June
33 30, 2013, for salaries, support, maintenance, and
34 miscellaneous purposes, the following amounts, or
35 so much thereof as is necessary, to be allocated as
36 follows:

37 a. For the first judicial district department of
38 correctional services:

39 \$ 6,102,474

40 b. For the second judicial district department of
41 correctional services:

42 \$ 5,168,474

43 c. For the third judicial district department of
44 correctional services:

45 \$ 2,799,883

46 d. For the fourth judicial district department of
47 correctional services:

48 \$ 2,695,678

49 e. For the fifth judicial district department of
50 correctional services, including funding for electronic

1 monitoring devices for use on a statewide basis:
2 \$ 9,371,065
3 f. For the sixth judicial district department of
4 correctional services:
5 \$ 6,556,282
6 g. For the seventh judicial district department of
7 correctional services:
8 \$ 3,246,407
9 h. For the eighth judicial district department of
10 correctional services:
11 \$ 3,439,858

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

20 3. Each judicial district department of
21 correctional services shall provide alternatives to
22 prison consistent with chapter 901B. The alternatives
23 to prison shall ensure public safety while providing
24 maximum rehabilitation to the offender. A judicial
25 district department of correctional services may also
26 establish a day program.

27 4. The governor's office of drug control policy
28 or any succeeding entity of the governor's office of
29 drug control policy shall consider federal grants made
30 to the department of corrections for the benefit of
31 each of the eight judicial district departments of
32 correctional services as local government grants, as
33 defined pursuant to federal regulations.

34 5. The department of corrections shall continue
35 to contract with a judicial district department
36 of correctional services to provide for the rental
37 of electronic monitoring equipment which shall be
38 available statewide.

39 Sec. 36. DEPARTMENT OF CORRECTIONS — REALLOCATION
40 OF APPROPRIATIONS. Notwithstanding section 8.39,
41 within the moneys appropriated in this division of this
42 Act to the department of corrections, the department
43 may reallocate the moneys appropriated and allocated as
44 necessary to best fulfill the needs of the correctional
45 institutions, administration of the department, and the
46 judicial district departments of correctional services.
47 However, in addition to complying with the requirements
48 of sections 904.116 and 905.8 and providing notice
49 to the legislative services agency, the department
50 of corrections shall also provide notice to the

1 department of management, prior to the effective date
2 of the revision or reallocation of an appropriation
3 made pursuant to this section. The department of
4 corrections shall not reallocate an appropriation or
5 allocation for the purpose of eliminating any program.

6 Sec. 37. INTENT — REPORTS.

7 1. The department of corrections in cooperation
8 with townships, the Iowa cemetery associations, and
9 other nonprofit or governmental entities may use inmate
10 labor during the fiscal year beginning July 1, 2012,
11 to restore or preserve rural cemeteries and historical
12 landmarks. The department in cooperation with the
13 counties may also use inmate labor to clean up roads,
14 major water sources, and other water sources around the
15 state.

16 2. On a quarterly basis the department shall
17 provide a status report regarding private-sector
18 employment to the legislative services agency beginning
19 on July 1, 2012. The report shall include the number
20 of offenders employed in the private sector, the
21 combined number of hours worked by the offenders, the
22 total amount of allowances, and the distribution of
23 allowances pursuant to section 904.702, including any
24 moneys deposited in the general fund of the state.

25 Sec. 38. ELECTRONIC MONITORING REPORT. The
26 department of corrections shall submit a report on
27 electronic monitoring to the general assembly, to the
28 co-chairpersons and the ranking members of the joint
29 appropriations subcommittee on the justice system, and
30 to the legislative services agency by January 15, 2013.
31 The report shall specifically address the number of
32 persons being electronically monitored and break down
33 the number of persons being electronically monitored
34 by offense committed. The report shall also include a
35 comparison of any data from the prior fiscal year with
36 the current year.

37 Sec. 39. STATE AGENCY PURCHASES FROM PRISON
38 INDUSTRIES.

39 1. As used in this section, unless the context
40 otherwise requires, "state agency" means the government
41 of the state of Iowa, including but not limited to
42 all executive branch departments, agencies, boards,
43 bureaus, and commissions, the judicial branch,
44 the general assembly and all legislative agencies,
45 institutions within the purview of the state board of
46 regents, and any corporation whose primary function is
47 to act as an instrumentality of the state.

48 2. State agencies are hereby encouraged to purchase
49 products from Iowa state industries, as defined in
50 section 904.802, when purchases are required and the

1 products are available from Iowa state industries.
2 State agencies shall obtain bids from Iowa state
3 industries for purchases of office furniture during the
4 fiscal year beginning July 1, 2012, exceeding \$5,000
5 or in accordance with applicable administrative rules
6 related to purchases for the agency.

7 Sec. 40. IOWA LAW ENFORCEMENT ACADEMY.

8 1. There is appropriated from the general fund of
9 the state to the Iowa law enforcement academy for the
10 fiscal year beginning July 1, 2012, and ending June 30,
11 2013, the following amount, or so much thereof as is
12 necessary, to be used for the purposes designated:

13 For salaries, support, maintenance, miscellaneous
14 purposes, including jailer training and technical
15 assistance, and for not more than the following
16 full-time equivalent positions:

17 \$ 434,349
18 FTEs 24.55

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

24 The Iowa law enforcement academy may temporarily
25 exceed and draw more than the amount appropriated in
26 this subsection and incur a negative cash balance as
27 long as there are receivables equal to or greater than
28 the negative balance and the amount appropriated in
29 this subsection is not exceeded at the close of the
30 fiscal year.

31 2. The Iowa law enforcement academy may select
32 at least five automobiles of the department of public
33 safety, division of state patrol, prior to turning over
34 the automobiles to the department of administrative
35 services to be disposed of by public auction, and
36 the Iowa law enforcement academy may exchange any
37 automobile owned by the academy for each automobile
38 selected if the selected automobile is used in training
39 law enforcement officers at the academy. However,
40 any automobile exchanged by the academy shall be
41 substituted for the selected vehicle of the department
42 of public safety and sold by public auction with the
43 receipts being deposited in the depreciation fund to
44 the credit of the department of public safety, division
45 of state patrol.

46 Sec. 41. STATE PUBLIC DEFENDER. There is
47 appropriated from the general fund of the state to the
48 office of the state public defender of the department
49 of inspections and appeals for the fiscal year
50 beginning July 1, 2012, and ending June 30, 2013, the

1 following amounts, or so much thereof as is necessary,
2 to be allocated as follows for the purposes designated:

3 1. For salaries, support, maintenance,
4 miscellaneous purposes, and for not more than the
5 following full-time equivalent positions:
6 \$ 12,041,591
7 FTEs 219.00

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

11 \$ 15,840,465

12 Sec. 42. BOARD OF PAROLE. There is appropriated
13 from the general fund of the state to the board of
14 parole for the fiscal year beginning July 1, 2012, and
15 ending June 30, 2013, the following amount, or so much
16 thereof as is necessary, to be used for the purposes
17 designated:

18 For salaries, support, maintenance, miscellaneous
19 purposes, and for not more than the following full-time
20 equivalent positions:
21 \$ 526,918
22 FTEs 12.50

23 Sec. 43. DEPARTMENT OF PUBLIC DEFENSE. There is
24 appropriated from the general fund of the state to
25 the department of public defense for the fiscal year
26 beginning July 1, 2012, and ending June 30, 2013, the
27 following amounts, or so much thereof as is necessary,
28 to be used for the purposes designated:

29 1. MILITARY DIVISION
30 For salaries, support, maintenance, miscellaneous
31 purposes, and for not more than the following full-time
32 equivalent positions:
33 \$ 2,763,521
34 FTEs 313.00

35 The military division may temporarily exceed
36 and draw more than the amount appropriated in this
37 subsection and incur a negative cash balance as long
38 as there are receivables of federal funds equal to
39 or greater than the negative balance and the amount
40 appropriated in this subsection is not exceeded at the
41 close of the fiscal year.

42 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT
43 DIVISION

44 For salaries, support, maintenance, miscellaneous
45 purposes, and for not more than the following full-time
46 equivalent positions:
47 \$ 918,439
48 FTEs 40.00

49 a. The homeland security and emergency management
50 division may temporarily exceed and draw more than the

1 amount appropriated in this subsection and incur a
2 negative cash balance as long as there are receivables
3 of federal funds equal to or greater than the negative
4 balance and the amount appropriated in this subsection
5 is not exceeded at the close of the fiscal year.

6 b. It is the intent of the general assembly that
7 the homeland security and emergency management division
8 work in conjunction with the department of public
9 safety, to the extent possible, when gathering and
10 analyzing information related to potential domestic
11 or foreign security threats, and when monitoring such
12 threats.

13 Sec. 44. DEPARTMENT OF PUBLIC SAFETY. There is
14 appropriated from the general fund of the state to
15 the department of public safety for the fiscal year
16 beginning July 1, 2012, and ending June 30, 2013, the
17 following amounts, or so much thereof as is necessary,
18 to be used for the purposes designated:

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

23 \$ 2,003,538
24 FTEs 36.00

25 2. For the division of criminal investigation,
26 including the state's contribution to the peace
27 officers' retirement, accident, and disability system
28 provided in chapter 97A in the amount of the state's
29 normal contribution rate, as defined in section
30 97A.8, multiplied by the salaries for which the
31 funds are appropriated, to meet federal fund matching
32 requirements, and for not more than the following
33 full-time equivalent positions:

34 \$ 6,266,966
35 FTEs 159.10

36 The department shall employ one additional special
37 agent and one additional criminalist for the purpose
38 of investigating cold cases. Prior to employing the
39 additional special agent and criminalist authorized
40 in this paragraph, the department shall provide a
41 written statement to prospective employees that states
42 to the effect that the positions are being funded by
43 a temporary federal grant and there are no assurances
44 that funds from other sources will be available after
45 the federal funding expires. If the federal funding
46 for the additional positions expires during the fiscal
47 year, the number of full-time equivalent positions
48 authorized in this subsection is reduced by 2.00 FTEs.

49 3. For the criminalistics laboratory fund created
50 in section 691.9:

1 \$ 151,173

2 4. a. For the division of narcotics enforcement,
3 including the state's contribution to the peace
4 officers' retirement, accident, and disability system
5 provided in chapter 97A in the amount of the state's
6 normal contribution rate, as defined in section
7 97A.8, multiplied by the salaries for which the
8 funds are appropriated, to meet federal fund matching
9 requirements, and for not more than the following
10 full-time equivalent positions:

11 \$ 3,176,673
12 FTEs 74.00

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

15 \$ 54,521

16 5. For the division of state fire marshal, for fire
17 protection services as provided through the state fire
18 service and emergency response council as created in
19 the department, and for the state's contribution to the
20 peace officers' retirement, accident, and disability
21 system provided in chapter 97A in the amount of the
22 state's normal contribution rate, as defined in section
23 97A.8, multiplied by the salaries for which the funds
24 are appropriated, and for not more than the following
25 full-time equivalent positions:

26 \$ 2,149,354
27 FTEs 55.00

28 6. For the division of state patrol, for salaries,
29 support, maintenance, workers' compensation costs,
30 and miscellaneous purposes, including the state's
31 contribution to the peace officers' retirement,
32 accident, and disability system provided in chapter 97A
33 in the amount of the state's normal contribution rate,
34 as defined in section 97A.8, multiplied by the salaries
35 for which the funds are appropriated, and for not more
36 than the following full-time equivalent positions:

37 \$ 25,951,617
38 FTEs 513.00

39 It is the intent of the general assembly that
40 members of the state patrol be assigned to patrol
41 the highways and roads in lieu of assignments for
42 inspecting school buses for the school districts.

43 7. For deposit in the sick leave benefits fund
44 established under section 80.42 for all departmental
45 employees eligible to receive benefits for accrued sick
46 leave under the collective bargaining agreement:

47 \$ 139,759

48 8. For costs associated with the training and
49 equipment needs of volunteer fire fighters:

50 \$ 362,760

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

8 b. Notwithstanding section 8.39, within the
9 moneys appropriated in this section, the department
10 of public safety may reallocate moneys as necessary
11 to best fulfill the needs provided for in the
12 appropriation. However, the department shall not
13 reallocate an appropriation made to the department
14 in this section unless notice of the reallocation
15 is given to the legislative services agency and
16 the department of management prior to the effective
17 date of the reallocation. The notice shall include
18 information regarding the rationale for reallocating
19 the appropriation. The department shall not reallocate
20 an appropriation made in this section for the purpose
21 of eliminating any program.

22 Sec. 45. GAMING ENFORCEMENT.

23 1. There is appropriated from the gaming
24 enforcement revolving fund created in section 80.43 to
25 the department of public safety for the fiscal year
26 beginning July 1, 2012, and ending June 30, 2013, the
27 following amount, or so much thereof as is necessary,
28 to be used for the purposes designated:

29 For any direct and indirect support costs for
30 agents and officers of the division of criminal
31 investigation's excursion gambling boat, gambling
32 structure, and racetrack enclosure enforcement
33 activities, including salaries, support, maintenance,
34 miscellaneous purposes, and for not more than the
35 following full-time equivalent positions:

36 \$ 4,918,153
37 FTEs 120.00

38 2. For each additional license to conduct gambling
39 games on an excursion gambling boat, gambling
40 structure, or racetrack enclosure issued during
41 the fiscal year beginning July 1, 2012, there is
42 appropriated from the gaming enforcement fund to
43 the department of public safety for the fiscal year
44 beginning July 1, 2012, and ending June 30, 2013, an
45 additional amount of not more than \$521,000 to be used
46 for not more than 6.00 additional full-time equivalent
47 positions.

48 3. The department of public safety, with the
49 approval of the department of management, may employ
50 no more than two special agents and four gaming

1 enforcement officers for each additional riverboat
2 or gambling structure regulated after July 1, 2012,
3 and one special agent for each racing facility which
4 becomes operational during the fiscal year which
5 begins July 1, 2012. One additional gaming enforcement
6 officer, up to a total of four per riverboat or
7 gambling structure, may be employed for each riverboat
8 or gambling structure that has extended operations to
9 24 hours and has not previously operated with a 24-hour
10 schedule. Positions authorized in this subsection
11 are in addition to the full-time equivalent positions
12 otherwise authorized in this section.

13 Sec. 46. CIVIL RIGHTS COMMISSION. There is
14 appropriated from the general fund of the state to the
15 Iowa state civil rights commission for the fiscal year
16 beginning July 1, 2012, and ending June 30, 2013, the
17 following amount, or so much thereof as is necessary,
18 to be used for the purposes designated:

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

22	\$	698,535
23	FTEs	28.00

24 The Iowa state civil rights commission may enter
25 into a contract with a nonprofit organization to
26 provide legal assistance to resolve civil rights
27 complaints.

28 Sec. 47. HOMELAND SECURITY AND EMERGENCY MANAGEMENT
29 DIVISION. There is appropriated from the wireless
30 E911 emergency communications fund created in section
31 34A.7A to the administrator of the homeland security
32 and emergency management division of the department of
33 public defense for the fiscal year beginning July 1,
34 2012, and ending June 30, 2013, an amount not exceeding
35 \$200,000 to be used for implementation, support, and
36 maintenance of the functions of the administrator and
37 program manager under chapter 34A and to employ the
38 auditor of the state to perform an annual audit of the
39 wireless E911 emergency communications fund.

40 Sec. 48. CORRECTIONAL OFFICER AND PEACE OFFICER
41 POSITIONS — PRIORITY. As a condition of receiving
42 an appropriation in this division of this Act, the
43 department of corrections and the department of public
44 safety shall make every effort to preserve correctional
45 officer and peace officer positions through the
46 reduction of administrative and related overhead costs.

47 DIVISION III
48 CONDITIONAL EFFECTIVE DATE AND RETROACTIVE
49 APPLICABILITY

50 Sec. 49. EFFECTIVE DATE AND RETROACTIVE

1 APPLICABILITY. Unless otherwise provided, this Act,
2 if approved by the governor on or after July 1, 2011,
3 takes effect upon enactment and applies retroactively
4 to July 1, 2011.>

5 2. Title page, line 2, after <system> by inserting
6 <, providing penalties, and including effective and
7 retroactive applicability date provisions>