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SENATE FILE 439  
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 1180)

Passed Senate, Date Passed 4/2/03 Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to and making appropriations to the justice  
2 system and providing an effective date.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SF 439

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1 Section 1. DEPARTMENT OF JUSTICE.

2 1. There is appropriated from the general fund of the  
3 state to the department of justice for the fiscal year  
4 beginning July 1, 2003, and ending June 30, 2004, the  
5 following amount, or so much thereof as is necessary, to be  
6 used for the purposes designated:

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

15 .....	\$	7,271,979
16 .....	FTEs	208.50

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

22 2. In addition to the funds appropriated in subsection 1,  
23 there is appropriated from the general fund of the state to  
24 the department of justice for the fiscal year beginning July  
25 1, 2003, and ending June 30, 2004, an amount not exceeding  
26 \$200,000 to be used for the enforcement of the Iowa  
27 competition law. The funds appropriated in this subsection  
28 are contingent upon receipt by the general fund of the state  
29 of an amount at least equal to the expenditure amount from  
30 either damages awarded to the state or a political subdivision  
31 of the state by a civil judgment under chapter 553, if the  
32 judgment authorizes the use of the award for enforcement  
33 purposes or costs or attorneys fees awarded the state in state  
34 or federal antitrust actions. However, if the amounts  
35 received as a result of these judgments are in excess of

1 \$200,000, the excess amounts shall not be appropriated to the  
2 department of justice pursuant to this subsection. The  
3 department of justice shall report the department's actual  
4 costs and an estimate of the time incurred enforcing the  
5 competition law, to the cochairpersons and ranking members of  
6 the joint appropriations subcommittee on the justice system,  
7 and to the legislative fiscal bureau by November 15, 2003.

8 3. In addition to the funds appropriated in subsection 1,  
9 there is appropriated from the general fund of the state to  
10 the department of justice for the fiscal year beginning July  
11 1, 2003, and ending June 30, 2004, an amount not exceeding  
12 \$1,125,000 to be used for public education relating to  
13 consumer fraud and for enforcement of section 714.16, and an  
14 amount not exceeding \$75,000 for investigation, prosecution,  
15 and consumer education relating to consumer and criminal fraud  
16 against older Iowans. The funds appropriated in this  
17 subsection are contingent upon receipt by the general fund of  
18 the state of an amount at least equal to the expenditure  
19 amount from damages awarded to the state or a political  
20 subdivision of the state by a civil consumer fraud judgment or  
21 settlement, if the judgment or settlement authorizes the use  
22 of the award for public education on consumer fraud. However,  
23 if the funds received as a result of these judgments and  
24 settlements are in excess of \$1,200,000, the excess funds  
25 shall not be appropriated to the department of justice  
26 pursuant to this subsection. The department of justice shall  
27 report to the cochairpersons and ranking members of the joint  
28 appropriations subcommittee on the justice system, and to the  
29 legislative fiscal bureau by November 15, 2003, the  
30 department's actual costs and an estimate of the time incurred  
31 in providing education pursuant to and enforcing this  
32 subsection.

33 4. a. The funds used for victim assistance grants shall  
34 be used to provide grants to care providers providing services  
35 to crime victims of domestic abuse or to crime victims of rape

1 and sexual assault.

2 b. The balance of the victim compensation fund established  
3 in section 915.94 may be used to provide salary and support of  
4 not more than 22 FTEs and to provide maintenance for the  
5 victim compensation functions of the department of justice.

6 5. The department of justice shall submit monthly  
7 financial statements to the legislative fiscal bureau and the  
8 department of management containing all appropriated accounts  
9 in the same manner as provided in the monthly financial status  
10 reports and personal services usage reports of the department  
11 of revenue and finance. The monthly financial statements  
12 shall include comparisons of the moneys and percentage spent  
13 of budgeted to actual revenues and expenditures on a  
14 cumulative basis for full-time equivalent positions and  
15 available moneys.

16 6. a. The department of justice, in submitting budget  
17 estimates for the fiscal year commencing July 1, 2004,  
18 pursuant to section 8.23, shall include a report of funding  
19 from sources other than amounts appropriated directly from the  
20 general fund of the state to the department of justice or to  
21 the office of consumer advocate. These funding sources shall  
22 include, but are not limited to, reimbursements from other  
23 state agencies, commissions, boards, or similar entities, and  
24 reimbursements from special funds or internal accounts within  
25 the department of justice. The department of justice shall  
26 report actual reimbursements for the fiscal year commencing  
27 July 1, 2002, and actual and expected reimbursements for the  
28 fiscal year commencing July 1, 2003.

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

1 or before January 15, 2004.

2 7. As a condition for accepting a grant for legal services  
3 for persons in poverty funded pursuant to section 13.34, an  
4 organization receiving a grant shall submit a report to the  
5 general assembly by January 1, 2004, concerning the use of any  
6 grants received during the previous fiscal year and efforts  
7 made by the organization to find alternative sources of  
8 revenue to replace any reductions in federal funding for the  
9 organization.

10 8. The department of justice and the department of revenue  
11 and finance shall, in consultation with one another, issue a  
12 request for information from private sector collection  
13 agencies, concerning the use of such agencies for the  
14 collection of fines, fees, surcharges, and court costs which  
15 are delinquent more than one year. The department of justice  
16 and the department of revenue and finance shall submit a  
17 report regarding the request for information by December 15,  
18 2003, for consideration by the general assembly in 2004.

19 Sec. 2. DEPARTMENT OF JUSTICE -- ENVIRONMENTAL CRIMES  
20 INVESTIGATION AND PROSECUTION -- FUNDING. There is  
21 appropriated from the environmental crime fund of the  
22 department of justice, consisting of court-ordered fines and  
23 penalties awarded to the department arising out of the  
24 prosecution of environmental crimes, to the department of  
25 justice for the fiscal year beginning July 1, 2003, and ending  
26 June 30, 2004, an amount not exceeding \$20,000 to be used by  
27 the department, at the discretion of the attorney general, for  
28 the investigation and prosecution of environmental crimes,  
29 including the reimbursement of expenses incurred by county,  
30 municipal, and other local governmental agencies cooperating  
31 with the department in the investigation and prosecution of  
32 environmental crimes.

33 The funds appropriated in this section are contingent upon  
34 receipt by the environmental crime fund of the department of  
35 justice of an amount at least equal to the appropriations made

1 in this section and received from contributions, court-ordered  
2 restitution as part of judgments in criminal cases, and  
3 consent decrees entered into as part of civil or regulatory  
4 enforcement actions. However, if the funds received during  
5 the fiscal year are in excess of \$20,000, the excess funds  
6 shall be deposited in the general fund of the state.

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

12 Sec. 3. OFFICE OF CONSUMER ADVOCATE. There is  
13 appropriated from the general fund of the state to the office  
14 of consumer advocate of the department of justice for the  
15 fiscal year beginning July 1, 2003, and ending June 30, 2004,  
16 the following amount, or so much thereof as is necessary, to  
17 be used for the purposes designated:

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

21 .....	\$	2,750,386
22 .....	FTEs	27.00

23 Sec. 4. DEPARTMENT OF CORRECTIONS -- FACILITIES.

24 1. There is appropriated from the general fund of the  
25 state to the department of corrections for the fiscal year  
26 beginning July 1, 2003, and ending June 30, 2004, the  
27 following amounts, or so much thereof as is necessary, to be  
28 used for the purposes designated:

29 For the operation of adult correctional institutions,  
30 reimbursement of counties for certain confinement costs, and  
31 federal prison reimbursement, to be allocated as follows:

32 a. For the operation of the Fort Madison correctional  
33 facility, including salaries, support, maintenance, employment  
34 of correctional officers, miscellaneous purposes, and for not  
35 more than the following full-time equivalent positions:

1 ..... \$ 35,673,163

2 ..... FTEs 576.50

3 b. For the operation of the Anamosa correctional facility,  
4 including salaries, support, maintenance, employment of  
5 correctional officers and a part-time chaplain to provide  
6 religious counseling to inmates of a minority race,  
7 miscellaneous purposes, and for not more than the following  
8 full-time equivalent positions:

9 ..... \$ 24,531,917

10 ..... FTEs 375.75

11 Moneys are provided within this appropriation for one full-  
12 time substance abuse counselor for the Luster Heights  
13 facility, for the purpose of certification of a substance  
14 abuse program at that facility.

15 c. For the operation of the Oakdale correctional facility,  
16 including salaries, support, maintenance, employment of  
17 correctional officers, miscellaneous purposes, and for not  
18 more than the following full-time equivalent positions:

19 ..... \$ 22,107,007

20 ..... FTEs 326.50

21 d. For the operation of the Newton correctional facility,  
22 including salaries, support, maintenance, employment of  
23 correctional officers, miscellaneous purposes, and for not  
24 more than the following full-time equivalent positions:

25 ..... \$ 22,865,691

26 ..... FTEs 371.25

27 e. For the operation of the Mt. Pleasant correctional  
28 facility, including salaries, support, maintenance, employment  
29 of correctional officers and a full-time chaplain to provide  
30 religious counseling at the Oakdale and Mt. Pleasant  
31 correctional facilities, miscellaneous purposes, and for not  
32 more than the following full-time equivalent positions:

33 ..... \$ 21,329,386

34 ..... FTEs 327.06

35 f. For the operation of the Rockwell City correctional

1 facility, including salaries, support, maintenance, employment  
2 of correctional officers, miscellaneous purposes, and for not  
3 more than the following full-time equivalent positions:

4 ..... \$ 7,383,506  
5 ..... FTEs 110.00

6 g. For the operation of the Clarinda correctional  
7 facility, including salaries, support, maintenance, employment  
8 of correctional officers, miscellaneous purposes, and for not  
9 more than the following full-time equivalent positions:

10 ..... \$ 18,595,788  
11 ..... FTEs 291.76

12 Moneys received by the department of corrections as  
13 reimbursement for services provided to the Clarinda youth  
14 corporation are appropriated to the department and shall be  
15 used for the purpose of operating the Clarinda correctional  
16 facility.

17 h. For the operation of the Mitchellville correctional  
18 facility, including salaries, support, maintenance, employment  
19 of correctional officers, miscellaneous purposes, and for not  
20 more than the following full-time equivalent positions:

21 ..... \$ 12,260,590  
22 ..... FTEs 216.00

23 i. For the operation of the Fort Dodge correctional  
24 facility, including salaries, support, maintenance, employment  
25 of correctional officers, miscellaneous purposes, and for not  
26 more than the following full-time equivalent positions:

27 ..... \$ 24,693,949  
28 ..... FTEs 394.00

29 j. For reimbursement of counties for temporary confinement  
30 of work release and parole violators, as provided in sections  
31 901.7, 904.908, and 906.17 and for offenders confined pursuant  
32 to section 904.513:

33 ..... \$ 674,954

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

1 ..... \$ 241,293

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

5 2. a. If the inmate tort claim fund for inmate claims of  
6 less than \$100 is exhausted during the fiscal year, sufficient  
7 funds shall be transferred from the institutional budgets to  
8 pay approved tort claims for the balance of the fiscal year.  
9 The warden or superintendent of each institution or  
10 correctional facility shall designate an employee to receive,  
11 investigate, and recommend whether to pay any properly filed  
12 inmate tort claim for less than the above amount. The  
13 designee's recommendation shall be approved or denied by the  
14 warden or superintendent and forwarded to the department of  
15 corrections for final approval and payment. The amounts  
16 appropriated to this fund pursuant to 1987 Iowa Acts, chapter  
17 234, section 304, subsection 2, are not subject to reversion  
18 under section 8.33.

19 b. Tort claims denied at the institution shall be  
20 forwarded to the state appeal board for their consideration as  
21 if originally filed with that body. This procedure shall be  
22 used in lieu of chapter 669 for inmate tort claims of less  
23 than \$100.

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

28 Sec. 5. DEPARTMENT OF CORRECTIONS -- ADMINISTRATION.

29 1. There is appropriated from the general fund of the  
30 state to the department of corrections for the fiscal year  
31 beginning July 1, 2003, and ending June 30, 2004, the  
32 following amounts, or so much thereof as is necessary, to be  
33 used for the purposes designated:

34 a. For general administration, including salaries,  
35 support, maintenance, employment of an education director and

1 clerk to administer a centralized education program for the  
2 correctional system, miscellaneous purposes, and for not more  
3 than the following full-time equivalent positions:

4 .....	\$	2,713,159
5 .....	FTEs	42.18

6 (1) The department shall monitor the use of the  
7 classification model by the judicial district departments of  
8 correctional services and has the authority to override a  
9 district department's decision regarding classification of  
10 community-based clients. The department shall notify a  
11 district department of the reasons for the override.

12 (2) It is the intent of the general assembly that as a  
13 condition of receiving the appropriation provided in this  
14 paragraph, the department of corrections shall not, except as  
15 otherwise provided in subparagraph (3), enter into a new  
16 contract, unless the contract is a renewal of an existing  
17 contract, for the expenditure of moneys in excess of \$100,000  
18 during the fiscal year beginning July 1, 2003, for the  
19 privatization of services performed by the department using  
20 state employees as of July 1, 2003, or for the privatization  
21 of new services by the department, without prior consultation  
22 with any applicable state employee organization affected by  
23 the proposed new contract and prior notification of the  
24 cochairpersons and ranking members of the joint appropriations  
25 subcommittee on the justice system.

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

35 (4) It is the intent of the general assembly that as a

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

10 b. For educational programs for inmates at state penal  
11 institutions:

12 ..... \$ 1,138,166

13 It is the intent of the general assembly that moneys  
14 appropriated in this paragraph shall be used solely for the  
15 purpose indicated and that the moneys shall not be transferred  
16 for any other purpose. In addition, it is the intent of the  
17 general assembly that the department shall consult with the  
18 community colleges in the areas in which the institutions are  
19 located to utilize moneys appropriated in this subsection to  
20 fund the high school completion, high school equivalency  
21 diploma, adult literacy, and adult basic education programs in  
22 a manner so as to maintain these programs at the institutions.

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

28 The director of the department of corrections may transfer  
29 moneys from Iowa prison industries for use in educational  
30 programs for inmates.

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

1 c. For the development of the Iowa corrections offender  
2 network (ICON) data system:

3 ..... \$ 427,700

4 2. The department of corrections shall submit a report to  
5 the cochairpersons and ranking members of the joint  
6 appropriations subcommittee on the justice system and the  
7 legislative fiscal bureau, on or before January 15, 2004,  
8 concerning the development and implementation of the Iowa  
9 corrections offender network (ICON) data system.

10 3. It is the intent of the general assembly that the  
11 department of corrections shall continue to operate the  
12 correctional farms under the control of the department at the  
13 same or greater level of participation and involvement as  
14 existed as of January 1, 2003, shall not enter into any rental  
15 agreement or contract concerning any farmland under the  
16 control of the department that is not subject to a rental  
17 agreement or contract as of January 1, 2003, without prior  
18 legislative approval, and shall further attempt to provide job  
19 opportunities at the farms for inmates. The department shall  
20 attempt to provide job opportunities at the farms for inmates  
21 by encouraging labor-intensive farming or gardening where  
22 appropriate, using inmates to grow produce and meat for  
23 institutional consumption, researching the possibility of  
24 instituting food canning and cook-and-chill operations, and  
25 exploring opportunities for organic farming and gardening,  
26 livestock ventures, horticulture, and specialized crops.

27 4. The department shall work to increase produce gardening  
28 by inmates under the control of the correctional institutions,  
29 and, if appropriate, may use the central distribution network  
30 at the Woodward state resource center. The department shall  
31 file a report with the cochairpersons and ranking members of  
32 the joint appropriations subcommittee on the justice system by  
33 December 1, 2003, regarding the feasibility of expanding the  
34 number of acres devoted to organic gardening and to the  
35 growing of organic produce for sale.

1 5. The department of corrections shall submit a report to  
2 the general assembly by January 1, 2004, concerning moneys  
3 recouped from inmate earnings for the reimbursement of  
4 operational expenses of the applicable facility during the  
5 fiscal year beginning July 1, 2002, for each correctional  
6 institution and judicial district department of correctional  
7 services. In addition, each correctional institution and  
8 judicial district department of correctional services shall  
9 continue to submit a report to the legislative fiscal bureau  
10 on a monthly basis concerning moneys recouped from inmate  
11 earnings pursuant to sections 904.702, 904.809, and 905.14.

12 6. The department of corrections, in cooperation with the  
13 judicial district departments of correctional services, shall  
14 develop an agency strategic plan as required by section  
15 8E.204. The plan shall consist of outcome measures for all  
16 treatment programs, including but not limited to successful  
17 completion and return rates, and cost per offender treated.  
18 The plan shall also include a brief description for each  
19 program offered within each judicial district department, the  
20 goals for each program, the program capacity, and the funding  
21 source of the program. The plan shall further include the  
22 level and sublevel classifications for each program on the  
23 corrections continuum in Code chapter 901B. The department  
24 and the judicial district departments of correctional services  
25 shall file a report by December 15, 2003, with the  
26 cochairpersons and ranking members of the joint appropriations  
27 subcommittee on the justice system, and to the legislative  
28 fiscal bureau, detailing the agency strategic plan.

29 Sec. 6. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL  
30 SERVICES.

31 1. There is appropriated from the general fund of the  
32 state to the department of corrections for the fiscal year  
33 beginning July 1, 2003, and ending June 30, 2004, the  
34 following amounts, or so much thereof as is necessary, to be  
35 allocated as follows:

1 a. For the first judicial district department of  
2 correctional services, including the treatment and supervision  
3 of probation and parole violators who have been released from  
4 the department of corrections violator program, the following  
5 amount, or so much thereof as is necessary:

6 ..... \$ 9,282,883

7 b. For the second judicial district department of  
8 correctional services, including the treatment and supervision  
9 of probation and parole violators who have been released from  
10 the department of corrections violator program, the following  
11 amount, or so much thereof as is necessary:

12 ..... \$ 7,288,784

13 c. For the third judicial district department of  
14 correctional services, including the treatment and supervision  
15 of probation and parole violators who have been released from  
16 the department of corrections violator program, the following  
17 amount, or so much thereof as is necessary:

18 ..... \$ 4,232,132

19 d. For the fourth judicial district department of  
20 correctional services, including the treatment and supervision  
21 of probation and parole violators who have been released from  
22 the department of corrections violator program, the following  
23 amount, or so much thereof as is necessary:

24 ..... \$ 3,998,773

25 e. For the fifth judicial district department of  
26 correctional services, including the treatment and supervision  
27 of probation and parole violators who have been released from  
28 the department of corrections violator program, the following  
29 amount, or so much thereof as is necessary:

30 ..... \$ 12,129,142

31 f. For the sixth judicial district department of  
32 correctional services, including the treatment and supervision  
33 of probation and parole violators who have been released from  
34 the department of corrections violator program, the following  
35 amount, or so much thereof as is necessary:

1 ..... \$ 9,293,841

2 g. For the seventh judicial district department of  
3 correctional services, including the treatment and supervision  
4 of probation and parole violators who have been released from  
5 the department of corrections violator program, the following  
6 amount, or so much thereof as is necessary:

7 ..... \$ 5,231,406

8 h. For the eighth judicial district department of  
9 correctional services, including the treatment and supervision  
10 of probation and parole violators who have been released from  
11 the department of corrections violator program, the following  
12 amount, or so much thereof as is necessary:

13 ..... \$ 5,280,849

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

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

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

32 5. In addition to the requirements of section 8.39, the  
33 department of corrections shall not make an intradepartmental  
34 transfer of moneys appropriated to the department, unless  
35 notice of the intradepartmental transfer is given prior to its

1 effective date to the legislative fiscal bureau. The notice  
2 shall include information on the department's rationale for  
3 making the transfer and details concerning the work load and  
4 performance measures upon which the transfers are based.

5 Sec. 7. INTENT -- REPORTS.

6 1. It is the intent of the general assembly that each  
7 correctional facility make all reasonable efforts to maintain  
8 vocational education programs for inmates during the fiscal  
9 year beginning July 1, 2003, and to identify available funding  
10 sources to continue these programs. The department of  
11 corrections shall submit a report to the general assembly by  
12 January 1, 2004, concerning the efforts made by each  
13 correctional facility in maintaining vocational education  
14 programs for inmates.

15 2. The department of corrections shall submit a report on  
16 inmate labor to the general assembly, the cochairpersons, and  
17 the ranking members of the joint appropriations subcommittee  
18 on the justice system, and to the legislative fiscal bureau by  
19 January 15, 2004. The report shall specifically address the  
20 progress the department has made in implementing the  
21 requirements of section 904.701, inmate labor on capital  
22 improvement projects, community work crews, inmate produce  
23 gardening, and private-sector employment.

24 3. Each month the department shall provide a status report  
25 regarding private-sector employment to the legislative fiscal  
26 bureau beginning on July 1, 2003. The report shall include  
27 the number of offenders employed in the private sector, the  
28 combined number of hours worked by the offenders, and the  
29 total amount of allowances, and the distribution of allowances  
30 pursuant to section 904.702, including any moneys deposited in  
31 the general fund of the state.

32 Sec. 8. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.

33 1. As used in this section, unless the context otherwise  
34 requires, "state agency" means the government of the state of  
35 Iowa, including but not limited to all executive branch

1 departments, agencies, boards, bureaus, and commissions, the  
2 judicial branch, the general assembly and all legislative  
3 agencies, institutions within the purview of the state board  
4 of regents, and any corporation whose primary function is to  
5 act as an instrumentality of the state.

6 2. State agencies are hereby encouraged to purchase  
7 products from Iowa state industries, as defined in section  
8 904.802, when purchases are required and the products are  
9 available from Iowa state industries. State agencies shall  
10 obtain bids from Iowa state industries for purchases of office  
11 furniture exceeding \$5,000.

12 Sec. 9. STATE PUBLIC DEFENDER. There is appropriated from  
13 the general fund of the state to the office of the state  
14 public defender of the department of inspections and appeals  
15 for the fiscal year beginning July 1, 2003, and ending June  
16 30, 2004, the following amounts, or so much thereof as is  
17 necessary, to be allocated as follows for the purposes  
18 designated:

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

22 ..... \$ 16,330,999  
23 ..... FTEs 202.00

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

27 ..... \$ 19,851,587

28 The office of the state public defender may reallocate the  
29 moneys appropriated in this section if the legislative fiscal  
30 bureau and the department of management are notified prior to  
31 the reallocation.

32 The state public defender's office shall, in consultation  
33 with the indigent defense advisory commission, the judicial  
34 branch, the Iowa state bar association, and other interested  
35 parties, file a report detailing how efficiency and cost

1 savings measures can be achieved within the state public  
2 defender's office. The report shall be filed with the general  
3 assembly by December 15, 2003. The report shall include a  
4 review of the federal guidelines for appointing an attorney  
5 for an indigent defendant in federal court, make  
6 recommendations for changes to the definition of "indigent"  
7 for the purposes of appointing an attorney in state court,  
8 make recommendations on methods which can be used for  
9 recouping delinquent indigent defense fees, court costs,  
10 surcharges, fines, and other fees, and detail the office's  
11 cost containment efforts, and measurements of performance and  
12 performance-based budgeting.

13 Sec. 10. IOWA LAW ENFORCEMENT ACADEMY.

14 1. There is appropriated from the general fund of the  
15 state to the Iowa law enforcement academy for the fiscal year  
16 beginning July 1, 2003, and ending June 30, 2004, the  
17 following amount, or so much thereof as is necessary, to be  
18 used for the purposes designated:

19 For salaries, support, maintenance, miscellaneous purposes,  
20 including jailer training and technical assistance, and for  
21 not more than the following full-time equivalent positions:  
22 ..... \$ 1,002,629  
23 ..... FTEs 30.05

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

28 2. The Iowa law enforcement academy may select at least  
29 five automobiles of the department of public safety, division  
30 of the Iowa state patrol, prior to turning over the  
31 automobiles to the state fleet administrator to be disposed of  
32 by public auction and the Iowa law enforcement academy may  
33 exchange any automobile owned by the academy for each  
34 automobile selected if the selected automobile is used in  
35 training law enforcement officers at the academy. However,

1 any automobile exchanged by the academy shall be substituted  
2 for the selected vehicle of the department of public safety  
3 and sold by public auction with the receipts being deposited  
4 in the depreciation fund to the credit of the department of  
5 public safety, division of the Iowa state patrol.

6 Sec. 11. BOARD OF PAROLE. There is appropriated from the  
7 general fund of the state to the board of parole for the  
8 fiscal year beginning July 1, 2003, and ending June 30, 2004,  
9 the following amount, or so much thereof as is necessary, to  
10 be used for the purposes designated:

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

14 .....	\$	1,015,780
15 .....	FTEs	16.50

16 The board of parole shall make recommendations regarding  
17 options to improve the criminal justice system which shall  
18 ensure public safety while providing maximum rehabilitation to  
19 the offender. The board shall file a report detailing the  
20 recommendations with the cochairpersons and ranking members of  
21 the joint appropriations subcommittee on the justice system by  
22 December 15, 2003.

23 Sec. 12. DEPARTMENT OF PUBLIC DEFENSE. There is  
24 appropriated from the general fund of the state to the  
25 department of public defense for the fiscal year beginning  
26 July 1, 2003, and ending June 30, 2004, the following amounts,  
27 or so much thereof as is necessary, to be used for the  
28 purposes designated:

29 1. MILITARY DIVISION

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

33 .....	\$	5,081,502
34 .....	FTEs	298.00

35 If there is a surplus in the general fund of the state for

1 the fiscal year ending June 30, 2004, within 60 days after the  
2 close of the fiscal year, the military division may incur up  
3 to an additional \$500,000 in expenditures from the surplus  
4 prior to transfer of the surplus pursuant to section 8.57.

5 2. EMERGENCY MANAGEMENT DIVISION

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

9 .....	\$ 1,060,492
10 .....	FTEs 25.25

11 Sec. 13. IOWA COMMUNICATIONS NETWORK OPERATIONS.

12 1. There is appropriated from the general fund of the  
13 state to the Iowa telecommunications and technology commission  
14 for the fiscal year beginning July 1, 2003, and ending June  
15 30, 2004, the following amount, or so much thereof as is  
16 necessary, to be used for the purposes designated in this  
17 subsection:

18 For operations of the network consistent with chapter 8D  
19 and for the following full-time equivalent positions:

20 .....	\$ 500,000
21 .....	FTEs 105.10

22 2. Notwithstanding section 8.33 or 8.39, moneys  
23 appropriated in this section which remain unobligated or  
24 unexpended at the close of the fiscal year shall not revert  
25 but shall remain available for the purposes designated in the  
26 succeeding fiscal year, and shall not be transferred to any  
27 other program.

28 3. It is the intent of the general assembly that the Iowa  
29 telecommunications and technology commission annually review  
30 the hourly rates established, as provided in section 8D.3,  
31 subsection 3, paragraph "i". Such rates shall be established  
32 in a manner to minimize any subsidy provided through state  
33 general fund appropriations.

34 Sec. 14. DEPARTMENT OF PUBLIC SAFETY. There is  
35 appropriated from the general fund of the state to the

1 department of public safety for the fiscal year beginning July  
2 1, 2003, and ending June 30, 2004, the following amounts, or  
3 so much thereof as is necessary, to be used for the purposes  
4 designated:

5 1. For the department's administrative functions,  
6 including the criminal justice information system, and for not  
7 more than the following full-time equivalent positions:

8 ..... \$ 2,377,580  
9 ..... FTEs 38.50

10 The department shall study the security needs for the state  
11 criminalistics laboratory, the state hygienic laboratory, the  
12 department of agriculture and land stewardship laboratory, and  
13 the state medical examiner's office located on the Des Moines  
14 area community college's campus in Ankeny. The department  
15 shall file a report detailing the results of the department's  
16 study with the general assembly by December 15, 2003.

17 2. For the division of criminal investigation and bureau  
18 of identification including the state's contribution to the  
19 peace officers' retirement, accident, and disability system  
20 provided in chapter 97A in the amount of 17 percent of the  
21 salaries for which the funds are appropriated, to meet federal  
22 fund matching requirements, and for not more than the  
23 following full-time equivalent positions:

24 ..... \$ 12,863,855  
25 ..... FTEs 230.50

26 The department of public safety, with the approval of the  
27 department of management, may employ no more than two special  
28 agents and four gaming enforcement officers for each  
29 additional riverboat regulated after July 1, 2003, and one  
30 special agent for each racing facility which becomes  
31 operational during the fiscal year which begins July 1, 2003.  
32 One additional gaming enforcement officer, up to a total of  
33 four per boat, may be employed for each riverboat that has  
34 extended operations to 24 hours and has not previously  
35 operated with a 24-hour schedule. Positions authorized in

1 this paragraph are in addition to the full-time equivalent  
2 positions otherwise authorized in this subsection.

3 3. a. For the division of narcotics enforcement,  
4 including the state's contribution to the peace officers'  
5 retirement, accident, and disability system provided in  
6 chapter 97A in the amount of 17 percent of the salaries for  
7 which the funds are appropriated, to meet federal fund  
8 matching requirements, and for not more than the following  
9 full-time equivalent positions:

10	.....	\$	3,608,471
11	.....	FTEs	61.00

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

14	.....	\$	123,343
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15 4. a. For the state fire marshal's office, including the  
16 state's contribution to the peace officers' retirement,  
17 accident, and disability system provided in chapter 97A in the  
18 amount of 17 percent of the salaries for which the funds are  
19 appropriated, and for not more than the following full-time  
20 equivalent positions:

21	.....	\$	1,780,186
22	.....	FTEs	40.00

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

28	.....	\$	595,619
29	.....	FTEs	12.00

30 5. a. For the division of the Iowa state patrol of the  
31 department of public safety, for salaries, support,  
32 maintenance, workers' compensation costs, and miscellaneous  
33 purposes, including the state's contribution to the peace  
34 officers' retirement, accident, and disability system provided  
35 in chapter 97A in the amount of 17 percent of the salaries for

1 which the funds are appropriated, and for not more than the  
2 following full-time equivalent positions:

3 ..... \$ 37,239,586  
4 ..... FTEs 544.00

5 b. District 16, including the state's contribution to the  
6 peace officers' retirement, accident, and disability system  
7 provided in chapter 97A in the amount of 17 percent of the  
8 salaries for which the funds are appropriated and for not more  
9 than the following full-time equivalent positions:

10 ..... \$ 1,210,075  
11 ..... FTEs 26.00

12 6. For deposit in the public safety law enforcement sick  
13 leave benefits fund established under section 80.42, for all  
14 departmental employees eligible to receive benefits for  
15 accrued sick leave under the collective bargaining agreement:

16 ..... \$ 216,104

17 7. An employee of the department of public safety who  
18 retires after July 1, 2003, but prior to June 30, 2004, is  
19 eligible for payment of life or health insurance premiums as  
20 provided for in the collective bargaining agreement covering  
21 the public safety bargaining unit at the time of retirement if  
22 that employee previously served in a position which would have  
23 been covered by the agreement. The employee shall be given  
24 credit for the service in that prior position as though it  
25 were covered by that agreement. The provisions of this  
26 subsection shall not operate to reduce any retirement benefits  
27 an employee may have earned under other collective bargaining  
28 agreements or retirement programs.

29 8. For costs associated with the training and equipment  
30 needs of volunteer fire fighters and for not more than the  
31 following full-time equivalent position:

32 ..... \$ 544,587  
33 ..... FTEs 1.00

34 Notwithstanding section 8.33, moneys appropriated in this  
35 subsection that remain unobligated or unexpended at the close

1 of the fiscal year shall not revert but shall remain available  
2 for expenditure only for the purpose designated in this  
3 subsection until the close of the succeeding fiscal year.

4 Sec. 15. CIVIL RIGHTS COMMISSION. There is appropriated  
5 from the general fund of the state to the Iowa state civil  
6 rights commission for the fiscal year beginning July 1, 2003,  
7 and ending June 30, 2004, the following amount, or so much  
8 thereof as is necessary, to be used for the purposes  
9 designated:

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

13 .....	\$	806,894
14 .....	FTEs	28.00

15 If the anticipated amount of federal funding from the  
16 federal equal employment opportunity commission and the  
17 federal department of housing and urban development exceeds  
18 \$1,144,875 during the fiscal year beginning July 1, 2003, the  
19 Iowa state civil rights commission may exceed the staffing  
20 level authorized in this section to hire additional staff to  
21 process or to support the processing of employment and housing  
22 complaints during that fiscal year.

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

26 Sec. 16. Section 100B.9, unnumbered paragraph 1, Code  
27 2003, is amended to read as follows:

28 The building known as the fire service institute at Iowa  
29 state university, the land upon which the building is located,  
30 and parking space associated with the building shall, until  
31 July 1, 2003 2010, be leased by Iowa state university to the  
32 department of public safety at a cost not to exceed the actual  
33 cost of heating, lighting, and maintaining the building and  
34 parking space. ~~In-the-event-the-department-of-public-safety~~  
35 ~~locates-suitable-facilities-prior-to-that-time,-the-lease-may~~

1 ~~be-terminated-at-the-option-of-the-department.~~ All equipment  
2 owned by Iowa state university and used exclusively to conduct  
3 fire service training, classes, or business shall transfer on  
4 July 1, 2000, to the department of public safety unless such  
5 transfer is prohibited or restricted by law or agreement.  
6 This equipment includes, but is not limited to, breathing  
7 apparatus, fire suppression gear, mobile equipment, office  
8 furniture, computers, copying machines, library, file  
9 cabinets, and training records.

10 Sec. 17. 1998 Iowa Acts, chapter 1101, section 15,  
11 subsection 2, as amended by 1999 Iowa Acts, chapter 202,  
12 section 25, as amended by 2000 Iowa Acts, chapter 1229,  
13 section 25, as amended by 2001 Iowa Acts, chapter 186, section  
14 21, and as amended by 2002 Iowa Acts, Second Extraordinary  
15 Session, chapter 1003, section 170, is amended to read as  
16 follows:

17 2. a. There is appropriated from surcharge moneys  
18 received by the E911 administrator and deposited into the  
19 wireless E911 emergency communications fund, for each fiscal  
20 year in the fiscal period beginning July 1, 1998, and ending  
21 June 30, ~~2003~~ 2004, an amount not to exceed two hundred  
22 thousand dollars to be used for the implementation, support,  
23 and maintenance of the functions of the E911 administrator.  
24 The amount appropriated in this paragraph includes any amounts  
25 necessary to reimburse the division of emergency management of  
26 the department of public defense pursuant to paragraph "b".

27 b. Notwithstanding the distribution formula in section  
28 34A.7A, as enacted in this Act, and prior to any such  
29 distribution, of the initial surcharge moneys received by the  
30 E911 administrator and deposited into the wireless E911  
31 emergency communications fund, for each fiscal year in the  
32 fiscal period beginning July 1, 1998, and ending June 30, ~~2003~~  
33 2004, an amount is appropriated to the division of emergency  
34 management of the department of public defense as necessary to  
35 reimburse the division for amounts expended for the



SENATE FILE 439

S-3140

1 Amend Senate File 439 as follows:

2 1. Page 2, by inserting after line 32 the  
3 following:

4 "\_\_\_\_. In addition to the amount appropriated in  
5 subsection 1, there is appropriated to the department  
6 of justice for the fiscal year beginning July 1, 2003,  
7 and ending June 30, 2004, the following amount, or so  
8 much thereof as is necessary, to be used for the  
9 purposes designated:

10 For victim assistance grants:

11 ..... \$ 2,000,000

12 Notwithstanding sections 8.33 and 8.39, moneys  
13 appropriated in this subsection that remain  
14 unencumbered or unobligated at the close of the fiscal  
15 year shall not revert but shall remain available for  
16 expenditure during the subsequent fiscal year for the  
17 same purpose, and shall not be transferred to any  
18 other program."

19 2. By renumbering as necessary.

**By** EUGENE S. FRAISE  
JOE BOLKCOM  
MIKE CONNOLLY  
MICHAEL E. GRONSTAL  
JOHN P. KIBBIE  
DENNIS H. BLACK  
AMANDA RAGAN  
JACK HOLVECK  
JACK HATCH  
ROBERT E. DVORSKY  
ROGER STEWART

THOMAS G. COURTNEY  
DR. JOE SENG  
WILLIAM A. DOTZLER  
DARYL BEALL  
STEVEN H. WARNSTADT  
HERMAN C. QUIRMBACH  
WALLY E. HORN  
DICK L. DEARDEN  
MATT McCOY  
KEITH A. KREIMAN

S-3140 FILED APRIL 7, 2003

Lost 4/8/03

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SENATE FILE 439

S-3150

1 Amend Senate File 439 as follows:

2 1. Page 12, by inserting after line 28 the  
3 following:

4 "\_\_\_\_. Notwithstanding the number of full-time  
5 equivalent positions authorized in this section, the  
6 department of corrections may employ more than the  
7 number of full-time equivalent positions as necessary  
8 to alleviate staff shortages caused by members of the  
9 Iowa national guard or armed forces reserve units  
10 being called up for active duty."

By EUGENE S. FRAISE  
JOE BOLKCOM  
JOHN P. KIBBIE  
DENNIS H. BLACK  
AMANDA RAGAN  
THOMAS G. COURTNEY  
JACK HATCH  
WILLIAM A. DOTZLER  
DR. JOE SENG  
DARYL BEALL  
HERMAN C. QUIRMBACH

ROGER STEWART  
ROBERT E. DVORSKY  
DICK L. DEARDEN  
WALLY E. HORN  
KEITH A. KREIMAN  
MATT McCOY  
MICHAEL E. GRONSTAL  
STEVEN H. WARNSTADT  
JACK HOLVECK  
MIKE CONNOLLY

S-3150 FILED APRIL 7, 2003

*added 4/8/03*

SENATE FILE 439

BY COMMITTEE ON APPROPRIATIONS

Referred to H. Appropriations 4/9/03  
(SUCCESSOR TO SSB 1180)

(AS AMENDED AND PASSED BY THE SENATE APRIL 8, 2003)

Passed <sup>Passed 4/7/03</sup> New Language by the Senate  
Passed Senate, Date Passed 4/8/03 Passed House, Date Passed 4/16/03  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved 5/23/03

*Senate Motion to reconsider filed 4/17/03 - Lombardi*

**A BILL FOR**

1 An Act relating to and making appropriations to the justice  
2 system and providing an effective date.

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

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S.F. 439

1 Section 1. DEPARTMENT OF JUSTICE.

2 1. There is appropriated from the general fund of the  
3 state to the department of justice for the fiscal year  
4 beginning July 1, 2003, and ending June 30, 2004, the  
5 following amount, or so much thereof as is necessary, to be  
6 used for the purposes designated:

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

15 .....	\$	7,271,979
16 .....	FTEs	208.50

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

22 2. In addition to the funds appropriated in subsection 1,  
23 there is appropriated from the general fund of the state to  
24 the department of justice for the fiscal year beginning July  
25 1, 2003, and ending June 30, 2004, an amount not exceeding  
26 \$200,000 to be used for the enforcement of the Iowa  
27 competition law. The funds appropriated in this subsection  
28 are contingent upon receipt by the general fund of the state  
29 of an amount at least equal to the expenditure amount from  
30 either damages awarded to the state or a political subdivision  
31 of the state by a civil judgment under chapter 553, if the  
32 judgment authorizes the use of the award for enforcement  
33 purposes or costs or attorneys fees awarded the state in state  
34 or federal antitrust actions. However, if the amounts  
35 received as a result of these judgments are in excess of

1 \$200,000, the excess amounts shall not be appropriated to the  
2 department of justice pursuant to this subsection. The  
3 department of justice shall report the department's actual  
4 costs and an estimate of the time incurred enforcing the  
5 competition law, to the cochairpersons and ranking members of  
6 the joint appropriations subcommittee on the justice system,  
7 and to the legislative fiscal bureau by November 15, 2003.

8 3. In addition to the funds appropriated in subsection 1,  
9 there is appropriated from the general fund of the state to  
10 the department of justice for the fiscal year beginning July  
11 1, 2003, and ending June 30, 2004, an amount not exceeding  
12 \$1,125,000 to be used for public education relating to  
13 consumer fraud and for enforcement of section 714.16, and an  
14 amount not exceeding \$75,000 for investigation, prosecution,  
15 and consumer education relating to consumer and criminal fraud  
16 against older Iowans. The funds appropriated in this  
17 subsection are contingent upon receipt by the general fund of  
18 the state of an amount at least equal to the expenditure  
19 amount from damages awarded to the state or a political  
20 subdivision of the state by a civil consumer fraud judgment or  
21 settlement, if the judgment or settlement authorizes the use  
22 of the award for public education on consumer fraud. However,  
23 if the funds received as a result of these judgments and  
24 settlements are in excess of \$1,200,000, the excess funds  
25 shall not be appropriated to the department of justice  
26 pursuant to this subsection. The department of justice shall  
27 report to the cochairpersons and ranking members of the joint  
28 appropriations subcommittee on the justice system, and to the  
29 legislative fiscal bureau by November 15, 2003, the  
30 department's actual costs and an estimate of the time incurred  
31 in providing education pursuant to and enforcing this  
32 subsection.

33 4. a. The funds used for victim assistance grants shall  
34 be used to provide grants to care providers providing services  
35 to crime victims of domestic abuse or to crime victims of rape

1 and sexual assault.

2 b. The balance of the victim compensation fund established  
3 in section 915.94 may be used to provide salary and support of  
4 not more than 22 FTEs and to provide maintenance for the  
5 victim compensation functions of the department of justice.

6 5. The department of justice shall submit monthly  
7 financial statements to the legislative fiscal bureau and the  
8 department of management containing all appropriated accounts  
9 in the same manner as provided in the monthly financial status  
10 reports and personal services usage reports of the department  
11 of revenue and finance. The monthly financial statements  
12 shall include comparisons of the moneys and percentage spent  
13 of budgeted to actual revenues and expenditures on a  
14 cumulative basis for full-time equivalent positions and  
15 available moneys.

16 6. a. The department of justice, in submitting budget  
17 estimates for the fiscal year commencing July 1, 2004,  
18 pursuant to section 8.23, shall include a report of funding  
19 from sources other than amounts appropriated directly from the  
20 general fund of the state to the department of justice or to  
21 the office of consumer advocate. These funding sources shall  
22 include, but are not limited to, reimbursements from other  
23 state agencies, commissions, boards, or similar entities, and  
24 reimbursements from special funds or internal accounts within  
25 the department of justice. The department of justice shall  
26 report actual reimbursements for the fiscal year commencing  
27 July 1, 2002, and actual and expected reimbursements for the  
28 fiscal year commencing July 1, 2003.

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

1 or before January 15, 2004.

2 7. As a condition for accepting a grant for legal services  
3 for persons in poverty funded pursuant to section 13.34, an  
4 organization receiving a grant shall submit a report to the  
5 general assembly by January 1, 2004, concerning the use of any  
6 grants received during the previous fiscal year and efforts  
7 made by the organization to find alternative sources of  
8 revenue to replace any reductions in federal funding for the  
9 organization.

10 8. The department of justice and the department of revenue  
11 and finance shall, in consultation with one another, issue a  
12 request for information from private sector collection  
13 agencies, concerning the use of such agencies for the  
14 collection of fines, fees, surcharges, and court costs which  
15 are delinquent more than one year. The department of justice  
16 and the department of revenue and finance shall submit a  
17 report regarding the request for information by December 15,  
18 2003, for consideration by the general assembly in 2004.

19 Sec. 2. DEPARTMENT OF JUSTICE -- ENVIRONMENTAL CRIMES  
20 INVESTIGATION AND PROSECUTION -- FUNDING. There is  
21 appropriated from the environmental crime fund of the  
22 department of justice, consisting of court-ordered fines and  
23 penalties awarded to the department arising out of the  
24 prosecution of environmental crimes, to the department of  
25 justice for the fiscal year beginning July 1, 2003, and ending  
26 June 30, 2004, an amount not exceeding \$20,000 to be used by  
27 the department, at the discretion of the attorney general, for  
28 the investigation and prosecution of environmental crimes,  
29 including the reimbursement of expenses incurred by county,  
30 municipal, and other local governmental agencies cooperating  
31 with the department in the investigation and prosecution of  
32 environmental crimes.

33 The funds appropriated in this section are contingent upon  
34 receipt by the environmental crime fund of the department of  
35 justice of an amount at least equal to the appropriations made

1 in this section and received from contributions, court-ordered  
2 restitution as part of judgments in criminal cases, and  
3 consent decrees entered into as part of civil or regulatory  
4 enforcement actions. However, if the funds received during  
5 the fiscal year are in excess of \$20,000, the excess funds  
6 shall be deposited in the general fund of the state.

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

12 Sec. 3. OFFICE OF CONSUMER ADVOCATE. There is  
13 appropriated from the general fund of the state to the office  
14 of consumer advocate of the department of justice for the  
15 fiscal year beginning July 1, 2003, and ending June 30, 2004,  
16 the following amount, or so much thereof as is necessary, to  
17 be used for the purposes designated:

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

21 .....	\$	2,750,386
22 .....	FTEs	27.00

23 Sec. 4. DEPARTMENT OF CORRECTIONS -- FACILITIES.

24 1. There is appropriated from the general fund of the  
25 state to the department of corrections for the fiscal year  
26 beginning July 1, 2003, and ending June 30, 2004, the  
27 following amounts, or so much thereof as is necessary, to be  
28 used for the purposes designated:

29 For the operation of adult correctional institutions,  
30 reimbursement of counties for certain confinement costs, and  
31 federal prison reimbursement, to be allocated as follows:

32 a. For the operation of the Fort Madison correctional  
33 facility, including salaries, support, maintenance, employment  
34 of correctional officers, miscellaneous purposes, and for not  
35 more than the following full-time equivalent positions:

1 ..... \$ 35,673,163

2 ..... FTEs 576.50

3 b. For the operation of the Anamosa correctional facility,  
4 including salaries, support, maintenance, employment of  
5 correctional officers and a part-time chaplain to provide  
6 religious counseling to inmates of a minority race,  
7 miscellaneous purposes, and for not more than the following  
8 full-time equivalent positions:

9 ..... \$ 24,531,917

10 ..... FTEs 375.75

11 Moneys are provided within this appropriation for one full-  
12 time substance abuse counselor for the Luster Heights  
13 facility, for the purpose of certification of a substance  
14 abuse program at that facility.

15 c. For the operation of the Oakdale correctional facility,  
16 including salaries, support, maintenance, employment of  
17 correctional officers, miscellaneous purposes, and for not  
18 more than the following full-time equivalent positions:

19 ..... \$ 22,107,007

20 ..... FTEs 326.50

21 d. For the operation of the Newton correctional facility,  
22 including salaries, support, maintenance, employment of  
23 correctional officers, miscellaneous purposes, and for not  
24 more than the following full-time equivalent positions:

25 ..... \$ 22,865,691

26 ..... FTEs 371.25

27 e. For the operation of the Mt. Pleasant correctional  
28 facility, including salaries, support, maintenance, employment  
29 of correctional officers and a full-time chaplain to provide  
30 religious counseling at the Oakdale and Mt. Pleasant  
31 correctional facilities, miscellaneous purposes, and for not  
32 more than the following full-time equivalent positions:

33 ..... \$ 21,329,386

34 ..... FTEs 327.06

35 f. For the operation of the Rockwell City correctional

1 facility, including salaries, support, maintenance, employment  
2 of correctional officers, miscellaneous purposes, and for not  
3 more than the following full-time equivalent positions:

4 ..... \$ 7,383,506  
5 ..... FTEs 110.00

6 g. For the operation of the Clarinda correctional  
7 facility, including salaries, support, maintenance, employment  
8 of correctional officers, miscellaneous purposes, and for not  
9 more than the following full-time equivalent positions:

10 ..... \$ 18,595,788  
11 ..... FTEs 291.76

12 Moneys received by the department of corrections as  
13 reimbursement for services provided to the Clarinda youth  
14 corporation are appropriated to the department and shall be  
15 used for the purpose of operating the Clarinda correctional  
16 facility.

17 h. For the operation of the Mitchellville correctional  
18 facility, including salaries, support, maintenance, employment  
19 of correctional officers, miscellaneous purposes, and for not  
20 more than the following full-time equivalent positions:

21 ..... \$ 12,260,590  
22 ..... FTEs 216.00

23 i. For the operation of the Fort Dodge correctional  
24 facility, including salaries, support, maintenance, employment  
25 of correctional officers, miscellaneous purposes, and for not  
26 more than the following full-time equivalent positions:

27 ..... \$ 24,693,949  
28 ..... FTEs 394.00

29 j. For reimbursement of counties for temporary confinement  
30 of work release and parole violators, as provided in sections  
31 901.7, 904.908, and 906.17 and for offenders confined pursuant  
32 to section 904.513:

33 ..... \$ 674,954

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

1 ..... \$ 241,293

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

5 2. a. If the inmate tort claim fund for inmate claims of  
6 less than \$100 is exhausted during the fiscal year, sufficient  
7 funds shall be transferred from the institutional budgets to  
8 pay approved tort claims for the balance of the fiscal year.  
9 The warden or superintendent of each institution or  
10 correctional facility shall designate an employee to receive,  
11 investigate, and recommend whether to pay any properly filed  
12 inmate tort claim for less than the above amount. The  
13 designee's recommendation shall be approved or denied by the  
14 warden or superintendent and forwarded to the department of  
15 corrections for final approval and payment. The amounts  
16 appropriated to this fund pursuant to 1987 Iowa Acts, chapter  
17 234, section 304, subsection 2, are not subject to reversion  
18 under section 8.33.

19 b. Tort claims denied at the institution shall be  
20 forwarded to the state appeal board for their consideration as  
21 if originally filed with that body. This procedure shall be  
22 used in lieu of chapter 669 for inmate tort claims of less  
23 than \$100.

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

28 Sec. 5. DEPARTMENT OF CORRECTIONS -- ADMINISTRATION.

29 1. There is appropriated from the general fund of the  
30 state to the department of corrections for the fiscal year  
31 beginning July 1, 2003, and ending June 30, 2004, the  
32 following amounts, or so much thereof as is necessary, to be  
33 used for the purposes designated:

34 a. For general administration, including salaries,  
35 support, maintenance, employment of an education director and

1 clerk to administer a centralized education program for the  
2 correctional system, miscellaneous purposes, and for not more  
3 than the following full-time equivalent positions:

4 .....	\$	2,713,159
5 .....	FTEs	42.18

6 (1) The department shall monitor the use of the  
7 classification model by the judicial district departments of  
8 correctional services and has the authority to override a  
9 district department's decision regarding classification of  
10 community-based clients. The department shall notify a  
11 district department of the reasons for the override.

12 (2) It is the intent of the general assembly that as a  
13 condition of receiving the appropriation provided in this  
14 paragraph, the department of corrections shall not, except as  
15 otherwise provided in subparagraph (3), enter into a new  
16 contract, unless the contract is a renewal of an existing  
17 contract, for the expenditure of moneys in excess of \$100,000  
18 during the fiscal year beginning July 1, 2003, for the  
19 privatization of services performed by the department using  
20 state employees as of July 1, 2003, or for the privatization  
21 of new services by the department, without prior consultation  
22 with any applicable state employee organization affected by  
23 the proposed new contract and prior notification of the  
24 cochairpersons and ranking members of the joint appropriations  
25 subcommittee on the justice system.

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

35 (4) It is the intent of the general assembly that as a

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

10 b. For educational programs for inmates at state penal  
11 institutions:

12 ..... \$ 1,138,166

13 It is the intent of the general assembly that moneys  
14 appropriated in this paragraph shall be used solely for the  
15 purpose indicated and that the moneys shall not be transferred  
16 for any other purpose. In addition, it is the intent of the  
17 general assembly that the department shall consult with the  
18 community colleges in the areas in which the institutions are  
19 located to utilize moneys appropriated in this subsection to  
20 fund the high school completion, high school equivalency  
21 diploma, adult literacy, and adult basic education programs in  
22 a manner so as to maintain these programs at the institutions.

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

28 The director of the department of corrections may transfer  
29 moneys from Iowa prison industries for use in educational  
30 programs for inmates.

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

1 c. For the development of the Iowa corrections offender  
2 network (ICON) data system:  
3 ..... \$ 427,700

4 2. The department of corrections shall submit a report to  
5 the cochairpersons and ranking members of the joint  
6 appropriations subcommittee on the justice system and the  
7 legislative fiscal bureau, on or before January 15, 2004,  
8 concerning the development and implementation of the Iowa  
9 corrections offender network (ICON) data system.

10 3. It is the intent of the general assembly that the  
11 department of corrections shall continue to operate the  
12 correctional farms under the control of the department at the  
13 same or greater level of participation and involvement as  
14 existed as of January 1, 2003, shall not enter into any rental  
15 agreement or contract concerning any farmland under the  
16 control of the department that is not subject to a rental  
17 agreement or contract as of January 1, 2003, without prior  
18 legislative approval, and shall further attempt to provide job  
19 opportunities at the farms for inmates. The department shall  
20 attempt to provide job opportunities at the farms for inmates  
21 by encouraging labor-intensive farming or gardening where  
22 appropriate, using inmates to grow produce and meat for  
23 institutional consumption, researching the possibility of  
24 instituting food canning and cook-and-chill operations, and  
25 exploring opportunities for organic farming and gardening,  
26 livestock ventures, horticulture, and specialized crops.

27 4. The department shall work to increase produce gardening  
28 by inmates under the control of the correctional institutions,  
29 and, if appropriate, may use the central distribution network  
30 at the Woodward state resource center. The department shall  
31 file a report with the cochairpersons and ranking members of  
32 the joint appropriations subcommittee on the justice system by  
33 December 1, 2003, regarding the feasibility of expanding the  
34 number of acres devoted to organic gardening and to the  
35 growing of organic produce for sale.

1 5. The department of corrections shall submit a report to  
2 the general assembly by January 1, 2004, concerning moneys  
3 recouped from inmate earnings for the reimbursement of  
4 operational expenses of the applicable facility during the  
5 fiscal year beginning July 1, 2002, for each correctional  
6 institution and judicial district department of correctional  
7 services. In addition, each correctional institution and  
8 judicial district department of correctional services shall  
9 continue to submit a report to the legislative fiscal bureau  
10 on a monthly basis concerning moneys recouped from inmate  
11 earnings pursuant to sections 904.702, 904.809, and 905.14.

12 6. The department of corrections, in cooperation with the  
13 judicial district departments of correctional services, shall  
14 develop an agency strategic plan as required by section  
15 8E.204. The plan shall consist of outcome measures for all  
16 treatment programs, including but not limited to successful  
17 completion and return rates, and cost per offender treated.  
18 The plan shall also include a brief description for each  
19 program offered within each judicial district department, the  
20 goals for each program, the program capacity, and the funding  
21 source of the program. The plan shall further include the  
22 level and sublevel classifications for each program on the  
23 corrections continuum in Code chapter 901B. The department  
24 and the judicial district departments of correctional services  
25 shall file a report by December 15, 2003, with the  
26 cochairpersons and ranking members of the joint appropriations  
27 subcommittee on the justice system, and to the legislative  
28 fiscal bureau, detailing the agency strategic plan.

29 7. Notwithstanding the number of full-time equivalent  
30 positions authorized in this section, the department of  
31 corrections may employ more than the number of full-time  
32 equivalent positions as necessary to alleviate staff shortages  
33 caused by members of the Iowa national guard or armed forces  
34 reserve units being called up for active duty.

35 Sec. 6. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL

1 SERVICES.

2 1. There is appropriated from the general fund of the  
3 state to the department of corrections for the fiscal year  
4 beginning July 1, 2003, and ending June 30, 2004, the  
5 following amounts, or so much thereof as is necessary, to be  
6 allocated as follows:

7 a. For the first judicial district department of  
8 correctional services, including the treatment and supervision  
9 of probation and parole violators who have been released from  
10 the department of corrections violator program, the following  
11 amount, or so much thereof as is necessary:

12 ..... \$ 9,282,883

13 b. For the second judicial district department of  
14 correctional services, including the treatment and supervision  
15 of probation and parole violators who have been released from  
16 the department of corrections violator program, the following  
17 amount, or so much thereof as is necessary:

18 ..... \$ 7,288,784

19 c. For the third judicial district department of  
20 correctional services, including the treatment and supervision  
21 of probation and parole violators who have been released from  
22 the department of corrections violator program, the following  
23 amount, or so much thereof as is necessary:

24 ..... \$ 4,232,132

25 d. For the fourth judicial district department of  
26 correctional services, including the treatment and supervision  
27 of probation and parole violators who have been released from  
28 the department of corrections violator program, the following  
29 amount, or so much thereof as is necessary:

30 ..... \$ 3,998,773

31 e. For the fifth judicial district department of  
32 correctional services, including the treatment and supervision  
33 of probation and parole violators who have been released from  
34 the department of corrections violator program, the following  
35 amount, or so much thereof as is necessary:

1 ..... \$ 12,129,142

2 f. For the sixth judicial district department of  
3 correctional services, including the treatment and supervision  
4 of probation and parole violators who have been released from  
5 the department of corrections violator program, the following  
6 amount, or so much thereof as is necessary:

7 ..... \$ 9,293,841

8 g. For the seventh judicial district department of  
9 correctional services, including the treatment and supervision  
10 of probation and parole violators who have been released from  
11 the department of corrections violator program, the following  
12 amount, or so much thereof as is necessary:

13 ..... \$ 5,231,406

14 h. For the eighth judicial district department of  
15 correctional services, including the treatment and supervision  
16 of probation and parole violators who have been released from  
17 the department of corrections violator program, the following  
18 amount, or so much thereof as is necessary:

19 ..... \$ 5,280,849

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

27 3. Each judicial district department of correctional  
28 services shall provide alternatives to prison consistent with  
29 chapter 901B. The alternatives to prison shall ensure public  
30 safety while providing maximum rehabilitation to the offender.  
31 A judicial district department may also establish a day  
32 program.

33 4. The governor's office of drug control policy shall  
34 consider federal grants made to the department of corrections  
35 for the benefit of each of the eight judicial district

1 departments of correctional services as local government  
2 grants, as defined pursuant to federal regulations.

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

11 Sec. 7. INTENT -- REPORTS.

12 1. It is the intent of the general assembly that each  
13 correctional facility make all reasonable efforts to maintain  
14 vocational education programs for inmates during the fiscal  
15 year beginning July 1, 2003, and to identify available funding  
16 sources to continue these programs. The department of  
17 corrections shall submit a report to the general assembly by  
18 January 1, 2004, concerning the efforts made by each  
19 correctional facility in maintaining vocational education  
20 programs for inmates.

21 2. The department of corrections shall submit a report on  
22 inmate labor to the general assembly, the cochairpersons, and  
23 the ranking members of the joint appropriations subcommittee  
24 on the justice system, and to the legislative fiscal bureau by  
25 January 15, 2004. The report shall specifically address the  
26 progress the department has made in implementing the  
27 requirements of section 904.701, inmate labor on capital  
28 improvement projects, community work crews, inmate produce  
29 gardening, and private-sector employment.

30 3. Each month the department shall provide a status report  
31 regarding private-sector employment to the legislative fiscal  
32 bureau beginning on July 1, 2003. The report shall include  
33 the number of offenders employed in the private sector, the  
34 combined number of hours worked by the offenders, and the  
35 total amount of allowances, and the distribution of allowances

1 pursuant to section 904.702, including any moneys deposited in  
2 the general fund of the state.

3 Sec. 8. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.

4 1. As used in this section, unless the context otherwise  
5 requires, "state agency" means the government of the state of  
6 Iowa, including but not limited to all executive branch  
7 departments, agencies, boards, bureaus, and commissions, the  
8 judicial branch, the general assembly and all legislative  
9 agencies, institutions within the purview of the state board  
10 of regents, and any corporation whose primary function is to  
11 act as an instrumentality of the state.

12 2. State agencies are hereby encouraged to purchase  
13 products from Iowa state industries, as defined in section  
14 904.802, when purchases are required and the products are  
15 available from Iowa state industries. State agencies shall  
16 obtain bids from Iowa state industries for purchases of office  
17 furniture exceeding \$5,000.

18 Sec. 9. STATE PUBLIC DEFENDER. There is appropriated from  
19 the general fund of the state to the office of the state  
20 public defender of the department of inspections and appeals  
21 for the fiscal year beginning July 1, 2003, and ending June  
22 30, 2004, the following amounts, or so much thereof as is  
23 necessary, to be allocated as follows for the purposes  
24 designated:

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

28 .....	\$ 16,330,999
29 .....	FTEs 202.00

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

33 .....	\$ 19,851,587
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34 The office of the state public defender may reallocate the  
35 moneys appropriated in this section if the legislative fiscal

1 bureau and the department of management are notified prior to  
2 the reallocation.

3 The state public defender's office shall, in consultation  
4 with the indigent defense advisory commission, the judicial  
5 branch, the Iowa state bar association, and other interested  
6 parties, file a report detailing how efficiency and cost  
7 savings measures can be achieved within the state public  
8 defender's office. The report shall be filed with the general  
9 assembly by December 15, 2003. The report shall include a  
10 review of the federal guidelines for appointing an attorney  
11 for an indigent defendant in federal court, make  
12 recommendations for changes to the definition of "indigent"  
13 for the purposes of appointing an attorney in state court,  
14 make recommendations on methods which can be used for  
15 recouping delinquent indigent defense fees, court costs,  
16 surcharges, fines, and other fees, and detail the office's  
17 cost containment efforts, and measurements of performance and  
18 performance-based budgeting.

19 Sec. 10. IOWA LAW ENFORCEMENT ACADEMY.

20 1. There is appropriated from the general fund of the  
21 state to the Iowa law enforcement academy for the fiscal year  
22 beginning July 1, 2003, and ending June 30, 2004, the  
23 following amount, or so much thereof as is necessary, to be  
24 used for the purposes designated:

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

28 .....	\$	1,002,629
29 .....	FTEs	30.05

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

34 2. The Iowa law enforcement academy may select at least  
35 five automobiles of the department of public safety, division

1 of the Iowa state patrol, prior to turning over the  
2 automobiles to the state fleet administrator to be disposed of  
3 by public auction and the Iowa law enforcement academy may  
4 exchange any automobile owned by the academy for each  
5 automobile selected if the selected automobile is used in  
6 training law enforcement officers at the academy. However,  
7 any automobile exchanged by the academy shall be substituted  
8 for the selected vehicle of the department of public safety  
9 and sold by public auction with the receipts being deposited  
10 in the depreciation fund to the credit of the department of  
11 public safety, division of the Iowa state patrol.

12 Sec. 11. BOARD OF PAROLE. There is appropriated from the  
13 general fund of the state to the board of parole for the  
14 fiscal year beginning July 1, 2003, and ending June 30, 2004,  
15 the following amount, or so much thereof as is necessary, to  
16 be used for the purposes designated:

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

20 .....	\$	1,015,780
21 .....	FTEs	16.50

22 The board of parole shall make recommendations regarding  
23 options to improve the criminal justice system which shall  
24 ensure public safety while providing maximum rehabilitation to  
25 the offender. The board shall file a report detailing the  
26 recommendations with the cochairpersons and ranking members of  
27 the joint appropriations subcommittee on the justice system by  
28 December 15, 2003.

29 Sec. 12. DEPARTMENT OF PUBLIC DEFENSE. There is  
30 appropriated from the general fund of the state to the  
31 department of public defense for the fiscal year beginning  
32 July 1, 2003, and ending June 30, 2004, the following amounts,  
33 or so much thereof as is necessary, to be used for the  
34 purposes designated:

35 1. MILITARY DIVISION

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

4 ..... \$ 5,081,502  
5 ..... FTEs 298.00

6 If there is a surplus in the general fund of the state for  
7 the fiscal year ending June 30, 2004, within 60 days after the  
8 close of the fiscal year, the military division may incur up  
9 to an additional \$500,000 in expenditures from the surplus  
10 prior to transfer of the surplus pursuant to section 8.57.

11 2. EMERGENCY MANAGEMENT DIVISION

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

15 ..... \$ 1,060,492  
16 ..... FTEs 25.25

17 Sec. 13. IOWA COMMUNICATIONS NETWORK OPERATIONS.

18 1. There is appropriated from the general fund of the  
19 state to the Iowa telecommunications and technology commission  
20 for the fiscal year beginning July 1, 2003, and ending June  
21 30, 2004, the following amount, or so much thereof as is  
22 necessary, to be used for the purposes designated in this  
23 subsection:

24 For operations of the network consistent with chapter 8D  
25 and for the following full-time equivalent positions:

26 ..... \$ 500,000  
27 ..... FTEs 105.10

28 2. Notwithstanding section 8.33 or 8.39, moneys  
29 appropriated in this section which remain unobligated or  
30 unexpended at the close of the fiscal year shall not revert  
31 but shall remain available for the purposes designated in the  
32 succeeding fiscal year, and shall not be transferred to any  
33 other program.

34 3. It is the intent of the general assembly that the Iowa  
35 telecommunications and technology commission annually review

1 the hourly rates established, as provided in section 8D.3,  
2 subsection 3, paragraph "i". Such rates shall be established  
3 in a manner to minimize any subsidy provided through state  
4 general fund appropriations.

5 Sec. 14. DEPARTMENT OF PUBLIC SAFETY. There is  
6 appropriated from the general fund of the state to the  
7 department of public safety for the fiscal year beginning July  
8 1, 2003, and ending June 30, 2004, the following amounts, or  
9 so much thereof as is necessary, to be used for the purposes  
10 designated:

11 1. For the department's administrative functions,  
12 including the criminal justice information system, and for not  
13 more than the following full-time equivalent positions:

14 ..... \$ 2,377,580  
15 ..... FTES 38.50

16 The department shall study the security needs for the state  
17 criminalistics laboratory, the state hygienic laboratory, the  
18 department of agriculture and land stewardship laboratory, and  
19 the state medical examiner's office located on the Des Moines  
20 area community college's campus in Ankeny. The department  
21 shall file a report detailing the results of the department's  
22 study with the general assembly by December 15, 2003.

23 2. For the division of criminal investigation and bureau  
24 of identification including the state's contribution to the  
25 peace officers' retirement, accident, and disability system  
26 provided in chapter 97A in the amount of 17 percent of the  
27 salaries for which the funds are appropriated, to meet federal  
28 fund matching requirements, and for not more than the  
29 following full-time equivalent positions:

30 ..... \$ 12,863,855  
31 ..... FTES 230.50

32 The department of public safety, with the approval of the  
33 department of management, may employ no more than two special  
34 agents and four gaming enforcement officers for each  
35 additional riverboat regulated after July 1, 2003, and one

1 special agent for each racing facility which becomes  
2 operational during the fiscal year which begins July 1, 2003.  
3 One additional gaming enforcement officer, up to a total of  
4 four per boat, may be employed for each riverboat that has  
5 extended operations to 24 hours and has not previously  
6 operated with a 24-hour schedule. Positions authorized in  
7 this paragraph are in addition to the full-time equivalent  
8 positions otherwise authorized in this subsection.

9 3. a. For the division of narcotics enforcement,  
10 including the state's contribution to the peace officers'  
11 retirement, accident, and disability system provided in  
12 chapter 97A in the amount of 17 percent of the salaries for  
13 which the funds are appropriated, to meet federal fund  
14 matching requirements, and for not more than the following  
15 full-time equivalent positions:

16 ..... \$ 3,608,471  
17 ..... FTEs 61.00

18 b. For the division of narcotics enforcement for  
19 undercover purchases:  
20 ..... \$ 123,343

21 4. a. For the state fire marshal's office, including the  
22 state's contribution to the peace officers' retirement,  
23 accident, and disability system provided in chapter 97A in the  
24 amount of 17 percent of the salaries for which the funds are  
25 appropriated, and for not more than the following full-time  
26 equivalent positions:

27 ..... \$ 1,780,186  
28 ..... FTEs 40.00

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

34 ..... \$ 595,619  
35 ..... FTEs 12.00

1 5. a. For the division of the Iowa state patrol of the  
2 department of public safety, for salaries, support,  
3 maintenance, workers' compensation costs, and miscellaneous  
4 purposes, including the state's contribution to the peace  
5 officers' retirement, accident, and disability system provided  
6 in chapter 97A in the amount of 17 percent of the salaries for  
7 which the funds are appropriated, and for not more than the  
8 following full-time equivalent positions:

9 ..... \$ 37,239,586  
10 ..... FTEs 544.00

11 b. District 16, including the state's contribution to the  
12 peace officers' retirement, accident, and disability system  
13 provided in chapter 97A in the amount of 17 percent of the  
14 salaries for which the funds are appropriated and for not more  
15 than the following full-time equivalent positions:

16 ..... \$ 1,210,075  
17 ..... FTEs 26.00

18 6. For deposit in the public safety law enforcement sick  
19 leave benefits fund established under section 80.42, for all  
20 departmental employees eligible to receive benefits for  
21 accrued sick leave under the collective bargaining agreement:

22 ..... \$ 216,104

23 7. An employee of the department of public safety who  
24 retires after July 1, 2003, but prior to June 30, 2004, is  
25 eligible for payment of life or health insurance premiums as  
26 provided for in the collective bargaining agreement covering  
27 the public safety bargaining unit at the time of retirement if  
28 that employee previously served in a position which would have  
29 been covered by the agreement. The employee shall be given  
30 credit for the service in that prior position as though it  
31 were covered by that agreement. The provisions of this  
32 subsection shall not operate to reduce any retirement benefits  
33 an employee may have earned under other collective bargaining  
34 agreements or retirement programs.

35 8. For costs associated with the training and equipment

1 needs of volunteer fire fighters and for not more than the  
2 following full-time equivalent position:

3 .....	\$	544,587
4 .....	FTEs	1.00

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

10 Sec. 15. CIVIL RIGHTS COMMISSION. There is appropriated  
11 from the general fund of the state to the Iowa state civil  
12 rights commission for the fiscal year beginning July 1, 2003,  
13 and ending June 30, 2004, the following amount, or so much  
14 thereof as is necessary, to be used for the purposes  
15 designated:

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

19 .....	\$	806,894
20 .....	FTEs	28.00

21 If the anticipated amount of federal funding from the  
22 federal equal employment opportunity commission and the  
23 federal department of housing and urban development exceeds  
24 \$1,144,875 during the fiscal year beginning July 1, 2003, the  
25 Iowa state civil rights commission may exceed the staffing  
26 level authorized in this section to hire additional staff to  
27 process or to support the processing of employment and housing  
28 complaints during that fiscal year.

29 The Iowa state civil rights commission may enter into a  
30 contract with a nonprofit organization to provide legal  
31 assistance to resolve civil rights complaints.

32 Sec. 16. Section 100B.9, unnumbered paragraph 1, Code  
33 2003, is amended to read as follows:

34 The building known as the fire service institute at Iowa  
35 state university, the land upon which the building is located,

1 and parking space associated with the building shall, until  
2 July 1, ~~2003~~ 2010, be leased by Iowa state university to the  
3 department of public safety at a cost not to exceed the actual  
4 cost of heating, lighting, and maintaining the building and  
5 parking space. ~~In-the-event-the-department-of-public-safety~~  
6 ~~locates-suitable-facilities-prior-to-that-time,-the-lease-may~~  
7 ~~be-terminated-at-the-option-of-the-department.~~ All equipment  
8 owned by Iowa state university and used exclusively to conduct  
9 fire service training, classes, or business shall transfer on  
10 July 1, 2000, to the department of public safety unless such  
11 transfer is prohibited or restricted by law or agreement.  
12 This equipment includes, but is not limited to, breathing  
13 apparatus, fire suppression gear, mobile equipment, office  
14 furniture, computers, copying machines, library, file  
15 cabinets, and training records.

16 Sec. 17. 1998 Iowa Acts, chapter 1101, section 15,  
17 subsection 2, as amended by 1999 Iowa Acts, chapter 202,  
18 section 25, as amended by 2000 Iowa Acts, chapter 1229,  
19 section 25, as amended by 2001 Iowa Acts, chapter 186, section  
20 21, and as amended by 2002 Iowa Acts, Second Extraordinary  
21 Session, chapter 1003, section 170, is amended to read as  
22 follows:

23 2. a. There is appropriated from surcharge moneys  
24 received by the E911 administrator and deposited into the  
25 wireless E911 emergency communications fund, for each fiscal  
26 year in the fiscal period beginning July 1, 1998, and ending  
27 June 30, ~~2003~~ 2004, an amount not to exceed two hundred  
28 thousand dollars to be used for the implementation, support,  
29 and maintenance of the functions of the E911 administrator.  
30 The amount appropriated in this paragraph includes any amounts  
31 necessary to reimburse the division of emergency management of  
32 the department of public defense pursuant to paragraph "b".

33 b. Notwithstanding the distribution formula in section  
34 34A.7A, as enacted in this Act, and prior to any such  
35 distribution, of the initial surcharge moneys received by the

1 E911 administrator and deposited into the wireless E911  
2 emergency communications fund, for each fiscal year in the  
3 fiscal period beginning July 1, 1998, and ending June 30, 2003  
4 2004, an amount is appropriated to the division of emergency  
5 management of the department of public defense as necessary to  
6 reimburse the division for amounts expended for the  
7 implementation, support, and maintenance of the E911  
8 administrator, including the E911 administrator's salary.

9       Sec. 18. POSTING OF REPORTS IN ELECTRONIC FORMAT --  
10 LEGISLATIVE FISCAL BUREAU. All reports or copies of reports  
11 required to be provided in this Act for fiscal year 2003-2004  
12 to the legislative fiscal bureau shall be provided in an  
13 electronic format. The legislative fiscal bureau shall post  
14 the reports on its internet site and shall notify by  
15 electronic means all the members of the joint appropriations  
16 subcommittee on the justice system when a report is posted.  
17 Upon request, copies of the reports may be mailed to members  
18 of the joint appropriations subcommittee on the justice  
19 system.

20       Sec. 19. EFFECTIVE DATE. The section of this Act amending  
21 1998 Iowa Acts, chapter 1101, being deemed of immediate  
22 importance, takes effect upon enactment.

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SENATE FILE 439

H-1339

1 Amend Senate File 439, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 10, line 12, by striking the figure  
4 "1,138,166" and inserting the following: "1,000,000".  
5 2. Page 12, lines 30 and 31, by striking the  
6 words "in this section, the department of corrections"  
7 and inserting the following: "for the department of  
8 corrections, the department".  
9 3. Page 21, line 27, by striking the figure  
10 "1,780,186" and inserting the following: "1,818,352".  
11 4. Page 22, line 9, by striking the figure  
12 "37,239,586" and inserting the following:  
13 "37,339,586".

By HORBACH of Tama  
LUKAN of Dubuque

H-1339 FILED APRIL 15, 2003

Withdrawn 4/16/03

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SENATE FILE 439

H-1343

1 Amend Senate File 439, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 10, line 12, by striking the figure  
4 "1,138,166" and inserting the following: "1,000,000".  
5 2. Page 12, lines 30 and 31, by striking the  
6 words "in this section, the department of corrections"  
7 and inserting the following: "for the department of  
8 corrections, the department".  
9 3. Page 16, line 17, by inserting after the  
10 figure "\$5,000" the following: "or in accordance with  
11 applicable administrative rules related to purchases  
12 for the agency".  
13 4. Page 21, line 27, by striking the figure  
14 "1,780,186" and inserting the following: "1,818,352".  
15 5. Page 22, line 9, by striking the figure  
16 "37,239,586" and inserting the following:  
17 "37,339,586".

By HORBACH of Tama  
LUKAN of Dubuque

H-1343 FILED APRIL 15, 2003

Adopted 4/16/03

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HOUSE AMENDMENT TO  
SENATE FILE 439

S-3242

1 Amend Senate File 439, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 10, line 12, by striking the figure  
4 "1,138,166" and inserting the following: "1,000,000".

5 2. Page 12, lines 30 and 31, by striking the  
6 words "in this section, the department of corrections"  
7 and inserting the following: "for the department of  
8 corrections, the department".

9 3. Page 16, line 17, by inserting after the  
10 figure "\$5,000" the following: "or in accordance with  
11 applicable administrative rules related to purchases  
12 for the agency".

13 4. Page 21, line 27, by striking the figure  
14 "1,780,186" and inserting the following: "1,818,352".

15 5. Page 22, line 9, by striking the figure  
16 "37,239,586" and inserting the following:

17 "37,339,586".

RECEIVED FROM THE HOUSE

S-3242 FILED APRIL 16, 2003

Senate concurred 4/17/03

Miller  
Lamberti  
Fraise

Appropriations

SSB 1180

Succeeded By  
SF/HF 439

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
APPROPRIATIONS BILL BY THE  
JOINT APPROPRIATIONS SUBCOMMITTEE  
ON JUSTICE SYSTEM)

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

A BILL FOR

1 An Act relating to and making appropriations to the justice  
2 system and providing an effective date.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. DEPARTMENT OF JUSTICE.

2 1. There is appropriated from the general fund of the  
3 state to the department of justice for the fiscal year  
4 beginning July 1, 2003, and ending June 30, 2004, the  
5 following amount, or so much thereof as is necessary, to be  
6 used for the purposes designated:

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

15 .....	\$	7,271,979
16 .....	FTEs	210.50

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

22 2. In addition to the funds appropriated in subsection 1,  
23 there is appropriated from the general fund of the state to  
24 the department of justice for the fiscal year beginning July  
25 1, 2003, and ending June 30, 2004, an amount not exceeding  
26 \$200,000 to be used for the enforcement of the Iowa  
27 competition law. The funds appropriated in this subsection  
28 are contingent upon receipt by the general fund of the state  
29 of an amount at least equal to the expenditure amount from  
30 either damages awarded to the state or a political subdivision  
31 of the state by a civil judgment under chapter 553, if the  
32 judgment authorizes the use of the award for enforcement  
33 purposes or costs or attorneys fees awarded the state in state  
34 or federal antitrust actions. However, if the amounts  
35 received as a result of these judgments are in excess of

1 \$200,000, the excess amounts shall not be appropriated to the  
2 department of justice pursuant to this subsection. The  
3 department of justice shall report the department's actual  
4 costs and an estimate of the time incurred enforcing the  
5 competition law, to the cochairpersons and ranking members of  
6 the joint appropriations subcommittee on the justice system,  
7 and to the legislative fiscal bureau by November 15, 2003.

8 3. In addition to the funds appropriated in subsection 1,  
9 there is appropriated from the general fund of the state to  
10 the department of justice for the fiscal year beginning July  
11 1, 2003, and ending June 30, 2004, an amount not exceeding  
12 \$1,125,000 to be used for public education relating to  
13 consumer fraud and for enforcement of section 714.16, and an  
14 amount not exceeding \$75,000 for investigation, prosecution,  
15 and consumer education relating to consumer and criminal fraud  
16 against older Iowans. The funds appropriated in this  
17 subsection are contingent upon receipt by the general fund of  
18 the state of an amount at least equal to the expenditure  
19 amount from damages awarded to the state or a political  
20 subdivision of the state by a civil consumer fraud judgment or  
21 settlement, if the judgment or settlement authorizes the use  
22 of the award for public education on consumer fraud. However,  
23 if the funds received as a result of these judgments and  
24 settlements are in excess of \$1,200,000, the excess funds  
25 shall not be appropriated to the department of justice  
26 pursuant to this subsection. The department of justice shall  
27 report to the cochairpersons and ranking members of the joint  
28 appropriations subcommittee on the justice system, and to the  
29 legislative fiscal bureau by November 15, 2003, the  
30 department's actual costs and an estimate of the time incurred  
31 in providing education pursuant to and enforcing this  
32 subsection.

33 4. a. The funds used for victim assistance grants shall  
34 be used to provide grants to care providers providing services  
35 to crime victims of domestic abuse or to crime victims of rape

1 and sexual assault.

2     b. The balance of the victim compensation fund established  
3 in section 915.94 may be used to provide salary and support of  
4 not more than 22 FTEs and to provide maintenance for the  
5 victim compensation functions of the department of justice.

6     5. The department of justice shall submit monthly  
7 financial statements to the legislative fiscal bureau and the  
8 department of management containing all appropriated accounts  
9 in the same manner as provided in the monthly financial status  
10 reports and personal services usage reports of the department  
11 of revenue and finance. The monthly financial statements  
12 shall include comparisons of the moneys and percentage spent  
13 of budgeted to actual revenues and expenditures on a  
14 cumulative basis for full-time equivalent positions and  
15 available moneys.

16     6. a. The department of justice, in submitting budget  
17 estimates for the fiscal year commencing July 1, 2004,  
18 pursuant to section 8.23, shall include a report of funding  
19 from sources other than amounts appropriated directly from the  
20 general fund of the state to the department of justice or to  
21 the office of consumer advocate. These funding sources shall  
22 include, but are not limited to, reimbursements from other  
23 state agencies, commissions, boards, or similar entities, and  
24 reimbursements from special funds or internal accounts within  
25 the department of justice. The department of justice shall  
26 report actual reimbursements for the fiscal year commencing  
27 July 1, 2002, and actual and expected reimbursements for the  
28 fiscal year commencing July 1, 2003.

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

1 or before January 15, 2004.

2 7. As a condition for accepting a grant for legal services  
3 for persons in poverty funded pursuant to section 13.34, an  
4 organization receiving a grant shall submit a report to the  
5 general assembly by January 1, 2004, concerning the use of any  
6 grants received during the previous fiscal year and efforts  
7 made by the organization to find alternative sources of  
8 revenue to replace any reductions in federal funding for the  
9 organization.

10 8. The department of justice and the department of revenue  
11 and finance shall, in consultation with one another, issue a  
12 request for information from private sector collection  
13 agencies, concerning the use of such agencies for the  
14 collection of fines, fees, surcharges, and court costs which  
15 are delinquent more than one year. The department of justice  
16 and the department of revenue and finance shall submit a  
17 report regarding the request for information by December 15,  
18 2003, for consideration by the general assembly in 2004.

19 Sec. 2. DEPARTMENT OF JUSTICE -- ENVIRONMENTAL CRIMES  
20 INVESTIGATION AND PROSECUTION -- FUNDING. There is  
21 appropriated from the environmental crime fund of the  
22 department of justice, consisting of court-ordered fines and  
23 penalties awarded to the department arising out of the  
24 prosecution of environmental crimes, to the department of  
25 justice for the fiscal year beginning July 1, 2003, and ending  
26 June 30, 2004, an amount not exceeding \$20,000 to be used by  
27 the department, at the discretion of the attorney general, for  
28 the investigation and prosecution of environmental crimes,  
29 including the reimbursement of expenses incurred by county,  
30 municipal, and other local governmental agencies cooperating  
31 with the department in the investigation and prosecution of  
32 environmental crimes.

33 The funds appropriated in this section are contingent upon  
34 receipt by the environmental crime fund of the department of  
35 justice of an amount at least equal to the appropriations made

1 in this section and received from contributions, court-ordered  
2 restitution as part of judgments in criminal cases, and  
3 consent decrees entered into as part of civil or regulatory  
4 enforcement actions. However, if the funds received during  
5 the fiscal year are in excess of \$20,000, the excess funds  
6 shall be deposited in the general fund of the state.

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

12 Sec. 3. OFFICE OF CONSUMER ADVOCATE. There is  
13 appropriated from the general fund of the state to the office  
14 of consumer advocate of the department of justice for the  
15 fiscal year beginning July 1, 2003, and ending June 30, 2004,  
16 the following amount, or so much thereof as is necessary, to  
17 be used for the purposes designated:

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

21 .....	\$	2,750,386
22 .....	FTEs	27.00

23 Sec. 4. DEPARTMENT OF CORRECTIONS -- FACILITIES.

24 1. There is appropriated from the general fund of the  
25 state to the department of corrections for the fiscal year  
26 beginning July 1, 2003, and ending June 30, 2004, the  
27 following amounts, or so much thereof as is necessary, to be  
28 used for the purposes designated:

29 For the operation of adult correctional institutions,  
30 reimbursement of counties for certain confinement costs, and  
31 federal prison reimbursement, to be allocated as follows:

32 a. For the operation of the Fort Madison correctional  
33 facility, including salaries, support, maintenance, employment  
34 of correctional officers, miscellaneous purposes, and for not  
35 more than the following full-time equivalent positions:

1 ..... \$ 35,673,163  
2 ..... FTEs 576.50  
3 b. For the operation of the Anamosa correctional facility,  
4 including salaries, support, maintenance, employment of  
5 correctional officers and a part-time chaplain to provide  
6 religious counseling to inmates of a minority race,  
7 miscellaneous purposes, and for not more than the following  
8 full-time equivalent positions:  
9 ..... \$ 24,531,917  
10 ..... FTEs 375.75  
11 Moneys are provided within this appropriation for one full-  
12 time substance abuse counselor for the Luster Heights  
13 facility, for the purpose of certification of a substance  
14 abuse program at that facility.  
15 c. For the operation of the Oakdale correctional facility,  
16 including salaries, support, maintenance, employment of  
17 correctional officers, miscellaneous purposes, and for not  
18 more than the following full-time equivalent positions:  
19 ..... \$ 22,107,007  
20 ..... FTEs 326.50  
21 d. For the operation of the Newton correctional facility,  
22 including salaries, support, maintenance, employment of  
23 correctional officers, miscellaneous purposes, and for not  
24 more than the following full-time equivalent positions:  
25 ..... \$ 22,865,691  
26 ..... FTEs 371.25  
27 e. For the operation of the Mt. Pleasant correctional  
28 facility, including salaries, support, maintenance, employment  
29 of correctional officers and a full-time chaplain to provide  
30 religious counseling at the Oakdale and Mt. Pleasant  
31 correctional facilities, miscellaneous purposes, and for not  
32 more than the following full-time equivalent positions:  
33 ..... \$ 21,329,386  
34 ..... FTEs 327.06  
35 f. For the operation of the Rockwell City correctional

1 facility, including salaries, support, maintenance, employment  
2 of correctional officers, miscellaneous purposes, and for not  
3 more than the following full-time equivalent positions:

4 ..... \$ 7,383,506  
5 ..... FTEs 110.00

6 g. For the operation of the Clarinda correctional  
7 facility, including salaries, support, maintenance, employment  
8 of correctional officers, miscellaneous purposes, and for not  
9 more than the following full-time equivalent positions:

10 ..... \$ 18,595,788  
11 ..... FTEs 291.76

12 Moneys received by the department of corrections as  
13 reimbursement for services provided to the Clarinda youth  
14 corporation are appropriated to the department and shall be  
15 used for the purpose of operating the Clarinda correctional  
16 facility.

17 h. For the operation of the Mitchellville correctional  
18 facility, including salaries, support, maintenance, employment  
19 of correctional officers, miscellaneous purposes, and for not  
20 more than the following full-time equivalent positions:

21 ..... \$ 12,260,590  
22 ..... FTEs 216.00

23 i. For the operation of the Fort Dodge correctional  
24 facility, including salaries, support, maintenance, employment  
25 of correctional officers, miscellaneous purposes, and for not  
26 more than the following full-time equivalent positions:

27 ..... \$ 24,693,949  
28 ..... FTEs 394.00

29 j. For reimbursement of counties for temporary confinement  
30 of work release and parole violators, as provided in sections  
31 901.7, 904.908, and 906.17 and for offenders confined pursuant  
32 to section 904.513:

33 ..... \$ 674,954

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

1 ..... \$ 241,293

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

5 2. a. If the inmate tort claim fund for inmate claims of  
6 less than \$100 is exhausted during the fiscal year, sufficient  
7 funds shall be transferred from the institutional budgets to  
8 pay approved tort claims for the balance of the fiscal year.  
9 The warden or superintendent of each institution or  
10 correctional facility shall designate an employee to receive,  
11 investigate, and recommend whether to pay any properly filed  
12 inmate tort claim for less than the above amount. The  
13 designee's recommendation shall be approved or denied by the  
14 warden or superintendent and forwarded to the department of  
15 corrections for final approval and payment. The amounts  
16 appropriated to this fund pursuant to 1987 Iowa Acts, chapter  
17 234, section 304, subsection 2, are not subject to reversion  
18 under section 8.33.

19 b. Tort claims denied at the institution shall be  
20 forwarded to the state appeal board for their consideration as  
21 if originally filed with that body. This procedure shall be  
22 used in lieu of chapter 669 for inmate tort claims of less  
23 than \$100.

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

28 Sec. 5. DEPARTMENT OF CORRECTIONS -- ADMINISTRATION.

29 1. There is appropriated from the general fund of the  
30 state to the department of corrections for the fiscal year  
31 beginning July 1, 2003, and ending June 30, 2004, the  
32 following amounts, or so much thereof as is necessary, to be  
33 used for the purposes designated:

34 a. For general administration, including salaries,  
35 support, maintenance, employment of an education director and

1 clerk to administer a centralized education program for the  
2 correctional system, miscellaneous purposes, and for not more  
3 than the following full-time equivalent positions:

4 ..... \$ 2,713,159  
5 ..... FTEs 42.18

6 (1) The department shall monitor the use of the  
7 classification model by the judicial district departments of  
8 correctional services and has the authority to override a  
9 district department's decision regarding classification of  
10 community-based clients. The department shall notify a  
11 district department of the reasons for the override.

12 (2) It is the intent of the general assembly that as a  
13 condition of receiving the appropriation provided in this  
14 paragraph, the department of corrections shall not, except as  
15 otherwise provided in paragraph "c", enter into a new  
16 contract, unless the contract is a renewal of an existing  
17 contract, for the expenditure of moneys in excess of \$100,000  
18 during the fiscal year beginning July 1, 2003, for the  
19 privatization of services performed by the department using  
20 state employees as of July 1, 2003, or for the privatization  
21 of new services by the department, without prior consultation  
22 with any applicable state employee organization affected by  
23 the proposed new contract and prior notification of the  
24 cochairpersons and ranking members of the joint appropriations  
25 subcommittee on the justice system.

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

35 (4) It is the intent of the general assembly that as a

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

10 b. For educational programs for inmates at state penal  
11 institutions:

12 ..... \$ 1,138,166

13 It is the intent of the general assembly that moneys  
14 appropriated in this paragraph shall be used solely for the  
15 purpose indicated and that the moneys shall not be transferred  
16 for any other purpose. In addition, it is the intent of the  
17 general assembly that the department shall consult with the  
18 community colleges in the areas in which the institutions are  
19 located to utilize moneys appropriated in this subsection to  
20 fund the high school completion, high school equivalency  
21 diploma, adult literacy, and adult basic education programs in  
22 a manner so as to maintain these programs at the institutions.

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

28 The director of the department of corrections may transfer  
29 moneys from Iowa prison industries for use in educational  
30 programs for inmates.

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

1 c. For the development of the Iowa corrections offender  
2 network (ICON) data system:

3 ..... \$ 427,700

4 2. The department of corrections shall submit a report to  
5 the cochairpersons and ranking members of the joint  
6 appropriations subcommittee on the justice system and the  
7 legislative fiscal bureau, on or before January 15, 2004,  
8 concerning the development and implementation of the Iowa  
9 corrections offender network (ICON) data system.

10 3. It is the intent of the general assembly that the  
11 department of corrections shall continue to operate the  
12 correctional farms under the control of the department at the  
13 same or greater level of participation and involvement as  
14 existed as of January 1, 2003, shall not enter into any rental  
15 agreement or contract concerning any farmland under the  
16 control of the department that is not subject to a rental  
17 agreement or contract as of January 1, 2003, without prior  
18 legislative approval, and shall further attempt to provide job  
19 opportunities at the farms for inmates. The department shall  
20 attempt to provide job opportunities at the farms for inmates  
21 by encouraging labor-intensive farming or gardening where  
22 appropriate, using inmates to grow produce and meat for  
23 institutional consumption, researching the possibility of  
24 instituting food canning and cook-and-chill operations, and  
25 exploring opportunities for organic farming and gardening,  
26 livestock ventures, horticulture, and specialized crops.

27 4. The department shall work to increase produce gardening  
28 by inmates under the control of the correctional institutions,  
29 and, if appropriate, may use the central distribution network  
30 at the Woodward state resource center. The department shall  
31 file a report with the cochairpersons and ranking members of  
32 the joint appropriations subcommittee on the justice system by  
33 December 1, 2003, regarding the feasibility of expanding the  
34 number of acres devoted to organic gardening and to the  
35 growing of organic produce for sale.

1 5. The department of corrections shall submit a report to  
2 the general assembly by January 1, 2004, concerning moneys  
3 recouped from inmate earnings for the reimbursement of  
4 operational expenses of the applicable facility during the  
5 fiscal year beginning July 1, 2002, for each correctional  
6 institution and judicial district department of correctional  
7 services. In addition, each correctional institution and  
8 judicial district department of correctional services shall  
9 continue to submit a report to the legislative fiscal bureau  
10 on a monthly basis concerning moneys recouped from inmate  
11 earnings pursuant to sections 904.702, 904.809, and 905.14.

12 6. The department of corrections, in cooperation with the  
13 judicial district departments of correctional services, shall  
14 develop an agency strategic plan as required by section  
15 8E.204. The plan shall consist of outcome measures for all  
16 treatment programs, including but not limited to successful  
17 completion and return rates, and cost per offender treated.  
18 The plan shall also include a brief description for each  
19 program offered within each judicial district department, the  
20 goals for each program, the program capacity, and the funding  
21 source of the program. The plan shall further include the  
22 level and sublevel classifications for each program on the  
23 corrections continuum in Code chapter 901B. The department  
24 and the judicial district departments of correctional services  
25 shall file a report by December 15, 2003, with the  
26 cochairpersons and ranking members of the joint appropriations  
27 subcommittee on the justice system, and to the legislative  
28 fiscal bureau, detailing the agency strategic plan.

29 Sec. 6. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL  
30 SERVICES.

31 1. There is appropriated from the general fund of the  
32 state to the department of corrections for the fiscal year  
33 beginning July 1, 2003, and ending June 30, 2004, the  
34 following amounts, or so much thereof as is necessary, to be  
35 allocated as follows:

1 a. For the first judicial district department of  
2 correctional services, including the treatment and supervision  
3 of probation and parole violators who have been released from  
4 the department of corrections violator program, the following  
5 amount, or so much thereof as is necessary:

6 ..... \$ 9,282,883

7 b. For the second judicial district department of  
8 correctional services, including the treatment and supervision  
9 of probation and parole violators who have been released from  
10 the department of corrections violator program, the following  
11 amount, or so much thereof as is necessary:

12 ..... \$ 7,288,784

13 c. For the third judicial district department of  
14 correctional services, including the treatment and supervision  
15 of probation and parole violators who have been released from  
16 the department of corrections violator program, the following  
17 amount, or so much thereof as is necessary:

18 ..... \$ 4,232,132

19 d. For the fourth judicial district department of  
20 correctional services, including the treatment and supervision  
21 of probation and parole violators who have been released from  
22 the department of corrections violator program, the following  
23 amount, or so much thereof as is necessary:

24 ..... \$ 3,998,773

25 e. For the fifth judicial district department of  
26 correctional services, including the treatment and supervision  
27 of probation and parole violators who have been released from  
28 the department of corrections violator program, the following  
29 amount, or so much thereof as is necessary:

30 ..... \$ 12,129,142

31 f. For the sixth judicial district department of  
32 correctional services, including the treatment and supervision  
33 of probation and parole violators who have been released from  
34 the department of corrections violator program, the following  
35 amount, or so much thereof as is necessary:

1 ..... \$ 9,293,841

2 g. For the seventh judicial district department of  
3 correctional services, including the treatment and supervision  
4 of probation and parole violators who have been released from  
5 the department of corrections violator program, the following  
6 amount, or so much thereof as is necessary:

7 ..... \$ 5,231,406

8 h. For the eighth judicial district department of  
9 correctional services, including the treatment and supervision  
10 of probation and parole violators who have been released from  
11 the department of corrections violator program, the following  
12 amount, or so much thereof as is necessary:

13 ..... \$ 5,280,849

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

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

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

32 5. In addition to the requirements of section 8.39, the  
33 department of corrections shall not make an intradepartmental  
34 transfer of moneys appropriated to the department, unless  
35 notice of the intradepartmental transfer is given prior to its

1 effective date to the legislative fiscal bureau. The notice  
2 shall include information on the department's rationale for  
3 making the transfer and details concerning the work load and  
4 performance measures upon which the transfers are based.

5 Sec. 7. INTENT -- REPORTS.

6 1. It is the intent of the general assembly that each  
7 correctional facility make all reasonable efforts to maintain  
8 vocational education programs for inmates during the fiscal  
9 year beginning July 1, 2003, and to identify available funding  
10 sources to continue these programs. The department of  
11 corrections shall submit a report to the general assembly by  
12 January 1, 2004, concerning the efforts made by each  
13 correctional facility in maintaining vocational education  
14 programs for inmates.

15 2. The department of corrections shall submit a report on  
16 inmate labor to the general assembly, the cochairpersons, and  
17 the ranking members of the joint appropriations subcommittee  
18 on the justice system, and to the legislative fiscal bureau by  
19 January 15, 2004. The report shall specifically address the  
20 progress the department has made in implementing the  
21 requirements of section 904.701, inmate labor on capital  
22 improvement projects, community work crews, inmate produce  
23 gardening, and private-sector employment.

24 3. Each month the department shall provide a status report  
25 regarding private-sector employment to the legislative fiscal  
26 bureau beginning on July 1, 2003. The report shall include  
27 the number of offenders employed in the private sector, the  
28 combined number of hours worked by the offenders, and the  
29 total amount of allowances, and the distribution of allowances  
30 pursuant to section 904.702, including any moneys deposited in  
31 the general fund of the state.

32 Sec. 8. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.

33 1. As used in this section, unless the context otherwise  
34 requires, "state agency" means the government of the state of  
35 Iowa, including but not limited to all executive branch

1 departments, agencies, boards, bureaus, and commissions, the  
2 judicial branch, the general assembly and all legislative  
3 agencies, institutions within the purview of the state board  
4 of regents, and any corporation whose primary function is to  
5 act as an instrumentality of the state.

6 2. State agencies are hereby encouraged to purchase  
7 products from Iowa state industries, as defined in section  
8 904.802, when purchases are required and the products are  
9 available from Iowa state industries. State agencies shall  
10 obtain bids from Iowa state industries for purchases of office  
11 furniture exceeding \$5,000.

12 Sec. 9. STATE PUBLIC DEFENDER. There is appropriated from  
13 the general fund of the state to the office of the state  
14 public defender of the department of inspections and appeals  
15 for the fiscal year beginning July 1, 2003, and ending June  
16 30, 2004, the following amounts, or so much thereof as is  
17 necessary, to be allocated as follows for the purposes  
18 designated:

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

22 .....	\$ 16,330,999
23 .....	FTEs 202.00

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

27 .....	\$ 19,851,587
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28 The office of the state public defender may reallocate the  
29 moneys appropriated in this section if the legislative fiscal  
30 bureau and the department of management are notified prior to  
31 the reallocation.

32 The state public defender's office shall, in consultation  
33 with the indigent defense advisory commission, the judicial  
34 branch, the Iowa state bar association, and other interested  
35 parties, file a report detailing how efficiency and cost

1 savings measures can be achieved within the state public  
2 defender's office. The report shall be filed with the general  
3 assembly by December 15, 2003. The report shall include a  
4 review of the federal guidelines for appointing an attorney  
5 for an indigent defendant in federal court, make  
6 recommendations for changes to the definition of "indigent"  
7 for the purposes of appointing an attorney in state court,  
8 make recommendations on methods which can be used for  
9 recouping delinquent indigent defense fees, court costs,  
10 surcharges, fines, and other fees, and detail the office's  
11 cost containment efforts, and measurements of performance and  
12 performance-based budgeting.

13 Sec. 10. IOWA LAW ENFORCEMENT ACADEMY.

14 1. There is appropriated from the general fund of the  
15 state to the Iowa law enforcement academy for the fiscal year  
16 beginning July 1, 2003, and ending June 30, 2004, the  
17 following amount, or so much thereof as is necessary, to be  
18 used for the purposes designated:

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

22 .....	\$ 1,002,629
23 .....	FTEs 30.05

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

28 2. The Iowa law enforcement academy may select at least  
29 five automobiles of the department of public safety, division  
30 of the Iowa state patrol, prior to turning over the  
31 automobiles to the state fleet administrator to be disposed of  
32 by public auction and the Iowa law enforcement academy may  
33 exchange any automobile owned by the academy for each  
34 automobile selected if the selected automobile is used in  
35 training law enforcement officers at the academy. However,

1 any automobile exchanged by the academy shall be substituted  
2 for the selected vehicle of the department of public safety  
3 and sold by public auction with the receipts being deposited  
4 in the depreciation fund to the credit of the department of  
5 public safety, division of the Iowa state patrol.

6 Sec. 11. BOARD OF PAROLE. There is appropriated from the  
7 general fund of the state to the board of parole for the  
8 fiscal year beginning July 1, 2003, and ending June 30, 2004,  
9 the following amount, or so much thereof as is necessary, to  
10 be used for the purposes designated:

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

14 ..... \$ 1,015,780  
15 ..... FTEs 16.50

16 The board of parole shall make recommendations regarding  
17 options to improve the criminal justice system which shall  
18 ensure public safety while providing maximum rehabilitation to  
19 the offender. The board shall file a report detailing the  
20 recommendations with the cochairpersons and ranking members of  
21 the joint appropriations subcommittee on the justice system by  
22 December 15, 2003.

23 Sec. 12. DEPARTMENT OF PUBLIC DEFENSE. There is  
24 appropriated from the general fund of the state to the  
25 department of public defense for the fiscal year beginning  
26 July 1, 2003, and ending June 30, 2004, the following amounts,  
27 or so much thereof as is necessary, to be used for the  
28 purposes designated:

29 1. MILITARY DIVISION

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

33 ..... \$ 5,081,502  
34 ..... FTEs 298.00

35 If there is a surplus in the general fund of the state for

1 the fiscal year ending June 30, 2004, within 60 days after the  
2 close of the fiscal year, the military division may incur up  
3 to an additional \$500,000 in expenditures from the surplus  
4 prior to transfer of the surplus pursuant to section 8.57.

5 2. EMERGENCY MANAGEMENT DIVISION

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

9 .....	\$ 1,060,492
10 .....	FTEs 25.25

11 Sec. 13. IOWA COMMUNICATIONS NETWORK OPERATIONS.

12 1. There is appropriated from the general fund of the  
13 state to the Iowa telecommunications and technology commission  
14 for the fiscal year beginning July 1, 2003, and ending June  
15 30, 2004, the following amount, or so much thereof as is  
16 necessary, to be used for the purposes designated in this  
17 subsection:

18 For operations of the network consistent with chapter 8D  
19 and for the following full-time equivalent positions:

20 .....	\$ 500,000
21 .....	FTEs 105.10

22 2. Notwithstanding section 8.33 or 8.39, moneys  
23 appropriated in this section which remain unobligated or  
24 unexpended at the close of the fiscal year shall not revert  
25 but shall remain available for the purposes designated in the  
26 succeeding fiscal year, and shall not be transferred to any  
27 other program.

28 3. It is the intent of the general assembly that the Iowa  
29 telecommunications and technology commission annually review  
30 the hourly rates established, as provided in section 8D.3,  
31 subsection 3, paragraph "i". Such rates shall be established  
32 in a manner to minimize any subsidy provided through state  
33 general fund appropriations.

34 Sec. 14. DEPARTMENT OF PUBLIC SAFETY. There is  
35 appropriated from the general fund of the state to the

1 department of public safety for the fiscal year beginning July  
2 1, 2003, and ending June 30, 2004, the following amounts, or  
3 so much thereof as is necessary, to be used for the purposes  
4 designated:

5 1. For the department's administrative functions,  
6 including the criminal justice information system, and for not  
7 more than the following full-time equivalent positions:

8 ..... \$ 2,377,580  
9 ..... FTEs 38.50

10 The department shall study the security needs for the state  
11 criminalistics laboratory, the state hygienic laboratory, the  
12 department of agriculture and land stewardship laboratory, and  
13 the state medical examiner's office located on the Des Moines  
14 area community college's campus in Ankeny. The department  
15 shall file a report detailing the results of the department's  
16 study with the general assembly by December 15, 2003.

17 2. For the division of criminal investigation and bureau  
18 of identification including the state's contribution to the  
19 peace officers' retirement, accident, and disability system  
20 provided in chapter 97A in the amount of 17 percent of the  
21 salaries for which the funds are appropriated, to meet federal  
22 fund matching requirements, and for not more than the  
23 following full-time equivalent positions:

24 ..... \$ 12,863,855  
25 ..... FTEs 230.50

26 The department of public safety, with the approval of the  
27 department of management, may employ no more than two special  
28 agents and four gaming enforcement officers for each  
29 additional riverboat regulated after July 1, 2003, and one  
30 special agent for each racing facility which becomes  
31 operational during the fiscal year which begins July 1, 2003.  
32 One additional gaming enforcement officer, up to a total of  
33 four per boat, may be employed for each riverboat that has  
34 extended operations to 24 hours and has not previously  
35 operated with a 24-hour schedule. Positions authorized in

1 this paragraph are in addition to the full-time equivalent  
2 positions otherwise authorized in this subsection.

3 3. a. For the division of narcotics enforcement,  
4 including the state's contribution to the peace officers'  
5 retirement, accident, and disability system provided in  
6 chapter 97A in the amount of 17 percent of the salaries for  
7 which the funds are appropriated, to meet federal fund  
8 matching requirements, and for not more than the following  
9 full-time equivalent positions:

10 .....	\$	3,608,471
11 .....	FTEs	61.00

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

14 .....	\$	123,343
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15 4. a. For the state fire marshal's office, including the  
16 state's contribution to the peace officers' retirement,  
17 accident, and disability system provided in chapter 97A in the  
18 amount of 17 percent of the salaries for which the funds are  
19 appropriated, and for not more than the following full-time  
20 equivalent positions:

21 .....	\$	1,780,186
22 .....	FTEs	40.00

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

28 .....	\$	595,619
29 .....	FTEs	12.00

30 5. a. For the division of the Iowa state patrol of the  
31 department of public safety, for salaries, support,  
32 maintenance, workers' compensation costs, and miscellaneous  
33 purposes, including the state's contribution to the peace  
34 officers' retirement, accident, and disability system provided  
35 in chapter 97A in the amount of 17 percent of the salaries for

1 which the funds are appropriated, and for not more than the  
2 following full-time equivalent positions:

3 ..... \$ 37,239,586  
4 ..... FTEs 544.00

5 b. District 16, including the state's contribution to the  
6 peace officers' retirement, accident, and disability system  
7 provided in chapter 97A in the amount of 17 percent of the  
8 salaries for which the funds are appropriated and for not more  
9 than the following full-time equivalent positions:

10 ..... \$ 1,210,075  
11 ..... FTEs 26.00

12 6. For deposit in the public safety law enforcement sick  
13 leave benefits fund established under section 80.42, for all  
14 departmental employees eligible to receive benefits for  
15 accrued sick leave under the collective bargaining agreement:

16 ..... \$ 216,104

17 7. An employee of the department of public safety who  
18 retires after July 1, 2003, but prior to June 30, 2004, is  
19 eligible for payment of life or health insurance premiums as  
20 provided for in the collective bargaining agreement covering  
21 the public safety bargaining unit at the time of retirement if  
22 that employee previously served in a position which would have  
23 been covered by the agreement. The employee shall be given  
24 credit for the service in that prior position as though it  
25 were covered by that agreement. The provisions of this  
26 subsection shall not operate to reduce any retirement benefits  
27 an employee may have earned under other collective bargaining  
28 agreements or retirement programs.

29 8. For costs associated with the training and equipment  
30 needs of volunteer fire fighters and for not more than the  
31 following full-time equivalent position:

32 ..... \$ 544,587  
33 ..... FTEs 1.00

34 Notwithstanding section 8.33, moneys appropriated in this  
35 subsection that remain unobligated or unexpended at the close

1 of the fiscal year shall not revert but shall remain available  
2 for expenditure only for the purpose designated in this  
3 subsection until the close of the succeeding fiscal year.

4 Sec. 15. CIVIL RIGHTS COMMISSION. There is appropriated  
5 from the general fund of the state to the Iowa state civil  
6 rights commission for the fiscal year beginning July 1, 2003,  
7 and ending June 30, 2004, the following amount, or so much  
8 thereof as is necessary, to be used for the purposes  
9 designated:

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

13 .....	\$	806,894
14 .....	FTEs	28.00

15 If the anticipated amount of federal funding from the  
16 federal equal employment opportunity commission and the  
17 federal department of housing and urban development exceeds  
18 \$1,144,875 during the fiscal year beginning July 1, 2003, the  
19 Iowa state civil rights commission may exceed the staffing  
20 level authorized in this section to hire additional staff to  
21 process or to support the processing of employment and housing  
22 complaints during that fiscal year.

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

26 Sec. 16. Section 100B.9, unnumbered paragraph 1, Code  
27 2003, is amended to read as follows:

28 The building known as the fire service institute at Iowa  
29 state university, the land upon which the building is located,  
30 and parking space associated with the building shall, until  
31 July 1, ~~2003~~ 2010, be leased by Iowa state university to the  
32 department of public safety at a cost not to exceed the actual  
33 cost of heating, lighting, and maintaining the building and  
34 parking space. ~~In-the-event-the-department-of-public-safety~~  
35 ~~locates-suitable-facilities-prior-to-that-time, the lease may~~

~~1 be-terminated-at-the-option-of-the-department.~~ All equipment  
2 owned by Iowa state university and used exclusively to conduct  
3 fire service training, classes, or business shall transfer on  
4 July 1, 2000, to the department of public safety unless such  
5 transfer is prohibited or restricted by law or agreement.  
6 This equipment includes, but is not limited to, breathing  
7 apparatus, fire suppression gear, mobile equipment, office  
8 furniture, computers, copying machines, library, file  
9 cabinets, and training records.

10 Sec. 17. 1998 Iowa Acts, chapter 1101, section 15,  
11 subsection 2, as amended by 1999 Iowa Acts, chapter 202,  
12 section 25, as amended by 2000 Iowa Acts, chapter 1229,  
13 section 25, as amended by 2001 Iowa Acts, chapter 186, section  
14 21, and as amended by 2002 Iowa Acts, Second Extraordinary  
15 Session, chapter 1003, section 170, is amended to read as  
16 follows:

17 2. a. There is appropriated from surcharge moneys  
18 received by the E911 administrator and deposited into the  
19 wireless E911 emergency communications fund, for each fiscal  
20 year in the fiscal period beginning July 1, 1998, and ending  
21 June 30, ~~2003~~ 2004, an amount not to exceed two hundred  
22 thousand dollars to be used for the implementation, support,  
23 and maintenance of the functions of the E911 administrator.  
24 The amount appropriated in this paragraph includes any amounts  
25 necessary to reimburse the division of emergency management of  
26 the department of public defense pursuant to paragraph "b".  
27 b. Notwithstanding the distribution formula in section  
28 34A.7A, as enacted in this Act, and prior to any such  
29 distribution, of the initial surcharge moneys received by the  
30 E911 administrator and deposited into the wireless E911  
31 emergency communications fund, for each fiscal year in the  
32 fiscal period beginning July 1, 1998, and ending June 30, ~~2003~~  
33 2004, an amount is appropriated to the division of emergency  
34 management of the department of public defense as necessary to  
35 reimburse the division for amounts expended for the



SENATE FILE 439

AN ACT  
RELATING TO AND MAKING APPROPRIATIONS TO THE JUSTICE SYSTEM  
AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. DEPARTMENT OF JUSTICE.

1. There is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 2003, and ending June 30, 2004, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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

..... \$ 7,271,979  
..... FTEs 208.50

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

2. 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, 2003, and ending June 30, 2004, 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. The department of justice shall report the department's actual costs and an estimate of the time incurred enforcing the competition law, to the cochairpersons and ranking members of the joint appropriations subcommittee on the justice system, and to the legislative fiscal bureau by November 15, 2003.

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, 2003, and ending June 30, 2004, an amount not exceeding \$1,125,000 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 \$1,200,000, the excess funds shall not be appropriated to the department of justice pursuant to this subsection. The department of justice shall report to the cochairpersons and ranking members of the joint appropriations subcommittee on the justice system, and to the legislative fiscal bureau by November 15, 2003, the department's actual costs and an estimate of the time incurred in providing education pursuant to and enforcing this subsection.

4. a. The funds used for victim assistance grants 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. The balance of the victim compensation fund established in section 915.94 may be used to provide salary and support of not more than 22 FTEs and to provide maintenance for the victim compensation functions of the department of justice.

5. 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.

6. a. The department of justice, in submitting budget estimates for the fiscal year commencing July 1, 2004, 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, 2002, and actual and expected reimbursements for the fiscal year commencing July 1, 2003.

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, 2004.

7. As a condition for accepting a grant for legal services for persons in poverty funded pursuant to section 13.34, an organization receiving a grant shall submit a report to the general assembly by January 1, 2004, 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.

8. The department of justice and the department of revenue and finance shall, in consultation with one another, issue a request for information from private sector collection agencies, concerning the use of such agencies for the collection of fines, fees, surcharges, and court costs which are delinquent more than one year. The department of justice and the department of revenue and finance shall submit a report regarding the request for information by December 15, 2003, for consideration by the general assembly in 2004.

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, 2003, and ending June 30, 2004, 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 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, 2003, and ending June 30, 2004, 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:  
..... \$ 2,750,386

..... FTES 27.00

Sec. 4. DEPARTMENT OF CORRECTIONS -- FACILITIES.

1. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 2003, and ending June 30, 2004, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

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:  
..... \$ 35,673,163  
..... FTES 576.50

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:  
..... \$ 24,531,917  
..... FTES 375.75

Moneys are provided within this appropriation for one full-time substance abuse counselor 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:  
..... \$ 22,107,007  
..... FTES 326.50

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:

..... \$ 22,865,691  
..... FTEs 371.25

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:

..... \$ 21,329,386  
..... FTEs 327.06

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:

..... \$ 7,383,506  
..... FTEs 110.00

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:

..... \$ 18,595,788  
..... FTEs 291.76

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:

..... \$ 12,260,590  
..... FTEs 216.00

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:

..... \$ 24,693,949  
..... FTEs 394.00

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:

..... \$ 674,954

k. For federal prison reimbursement, reimbursements for out-of-state placements, and miscellaneous contracts:  
..... \$ 241,293

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.

Sec. 5. DEPARTMENT OF CORRECTIONS -- ADMINISTRATION.

1. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 2003, and ending June 30, 2004, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

- a. 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:
 

.....	\$	2,713,159
.....	FTEs	42.18

(1) 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.

(2) It is the intent of the general assembly that as a condition of receiving the appropriation provided in this paragraph, the department of corrections shall not, except as otherwise provided in subparagraph (3), 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, 2003, for the privatization of services performed by the department using state employees as of July 1, 2003, 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 cochairpersons and ranking members of the joint appropriations subcommittee on the justice system.

(3) 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.

(4) It is the intent of the general assembly that as a condition of receiving the appropriation provided in this paragraph, 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.

- b. For educational programs for inmates at state penal institutions:
 

.....	\$	1,000,000
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It is the intent of the general assembly that moneys appropriated in this paragraph 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.

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

Notwithstanding section 8.33, moneys appropriated in this paragraph 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 paragraph until the close of the succeeding fiscal year.

c. For the development of the Iowa corrections offender network (ICON) data system:

..... \$ 427,700

2. The department of corrections shall submit a report to the cochairpersons and ranking members of the joint appropriations subcommittee on the justice system and the legislative fiscal bureau, on or before January 15, 2004, concerning the development and implementation of the Iowa corrections offender network (ICON) data system.

3. 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, 2003, 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, 2003, 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.

4. The department shall work to increase produce gardening by inmates under the control of the correctional institutions, and, if appropriate, may use the central distribution network at the Woodward state resource center. The department shall file a report with the cochairpersons and ranking members of the joint appropriations subcommittee on the justice system by December 1, 2003, regarding the feasibility of expanding the number of acres devoted to organic gardening and to the growing of organic produce for sale.

5. The department of corrections shall submit a report to the general assembly by January 1, 2004, concerning moneys recouped from inmate earnings for the reimbursement of operational expenses of the applicable facility during the fiscal year beginning July 1, 2002, 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 the legislative fiscal bureau on a monthly basis concerning moneys recouped from inmate earnings pursuant to sections 904.702, 904.809, and 905.14.

6. The department of corrections, in cooperation with the judicial district departments of correctional services, shall develop an agency strategic plan as required by section 8E.204. The plan shall consist of outcome measures for all treatment programs, including but not limited to successful completion and return rates, and cost per offender treated. The plan shall also include a brief description for each program offered within each judicial district department, the goals for each program, the program capacity, and the funding

source of the program. The plan shall further include the level and sublevel classifications for each program on the corrections continuum in Code chapter 901B. The department and the judicial district departments of correctional services shall file a report by December 15, 2003, with the cochairpersons and ranking members of the joint appropriations subcommittee on the justice system, and to the legislative fiscal bureau, detailing the agency strategic plan.

7. Notwithstanding the number of full-time equivalent positions authorized for the department of corrections, the department may employ more than the number of full-time equivalent positions as necessary to alleviate staff shortages caused by members of the Iowa national guard or armed forces reserve units being called up for active duty.

Sec. 6. 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, 2003, and ending June 30, 2004, 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: ..... \$ 9,282,883

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: ..... \$ 7,288,784

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:

..... \$ 4,232,132

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:

..... \$ 3,998,773

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:

..... \$ 12,129,142

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:

..... \$ 9,293,841

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:

..... \$ 5,231,406

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

..... \$ 5,280,849

2. Each judicial district department of correctional services, within the funding available, 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. Each judicial district department of correctional services shall provide alternatives to prison consistent with chapter 901B. The alternatives to prison shall ensure public safety while providing maximum rehabilitation to the offender. A judicial district department may also establish a day program.

4. The governor's office of drug control policy 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.

5. 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.

Sec. 7. INTENT -- REPORTS.

1. It is the intent of the general assembly that each correctional facility make all reasonable efforts to maintain vocational education programs for inmates during the fiscal year beginning July 1, 2003, 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, 2004, concerning the efforts made by each correctional facility in maintaining vocational education programs for inmates.

2. The department of corrections shall submit a report on inmate labor to the general assembly, the cochairpersons, and the ranking members of the joint appropriations subcommittee on the justice system, and to the legislative fiscal bureau by January 15, 2004. The report shall specifically address the progress the department has made in implementing the requirements of section 904.701, inmate labor on capital improvement projects, community work crews, inmate produce gardening, and private-sector employment.

3. Each month the department shall provide a status report regarding private-sector employment to the legislative fiscal bureau beginning on July 1, 2003. The report shall include the number of offenders employed in the private sector, the combined number of hours worked by the offenders, and the total amount of allowances, and the distribution of allowances pursuant to section 904.702, including any moneys deposited in the general fund of the state.

Sec. 8. 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 branch 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. State agencies shall obtain bids from Iowa state industries for purchases of office furniture exceeding \$5,000 or in accordance with applicable administrative rules related to purchases for the agency.

Sec. 9. 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, 2003, and ending June 30, 2004, the following amounts, or so much thereof as is necessary, to be allocated as follows for the purposes designated:

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

..... \$ 16,330,999  
..... FTEs 202.00

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

..... \$ 19,851,587

The office of the state public defender may reallocate the moneys appropriated in this section if the legislative fiscal bureau and the department of management are notified prior to the reallocation.

The state public defender's office shall, in consultation with the indigent defense advisory commission, the judicial branch, the Iowa state bar association, and other interested parties, file a report detailing how efficiency and cost savings measures can be achieved within the state public defender's office. The report shall be filed with the general assembly by December 15, 2003. The report shall include a review of the federal guidelines for appointing an attorney for an indigent defendant in federal court, make recommendations for changes to the definition of "indigent" for the purposes of appointing an attorney in state court, make recommendations on methods which can be used for recouping delinquent indigent defense fees, court costs, surcharges, fines, and other fees, and detail the office's cost containment efforts, and measurements of performance and performance-based budgeting.

Sec. 10. IOWA LAW ENFORCEMENT ACADEMY.

1. There is appropriated from the general fund of the state to the Iowa law enforcement academy for the fiscal year beginning July 1, 2003, and ending June 30, 2004, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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

..... \$ 1,002,629  
..... FTEs 30.05

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. 11. 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, 2003, and ending June 30, 2004, 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:

..... \$ 1,015,780  
 ..... FTEs 16.50

The board of parole shall make recommendations regarding options to improve the criminal justice system which shall ensure public safety while providing maximum rehabilitation to the offender. The board shall file a report detailing the recommendations with the cochairpersons and ranking members of the joint appropriations subcommittee on the justice system by December 15, 2003.

Sec. 12. 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, 2003, and ending June 30, 2004, 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:

..... \$ 5,081,502  
 ..... FTEs 298.00

If there is a surplus in the general fund of the state for the fiscal year ending June 30, 2004, 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:

..... \$ 1,060,492  
 ..... FTEs 25.25

Sec. 13. IOWA COMMUNICATIONS NETWORK OPERATIONS.

1. There is appropriated from the general fund of the state to the Iowa telecommunications and technology commission

for the fiscal year beginning July 1, 2003, and ending June 30, 2004, the following amount, or so much thereof as is necessary, to be used for the purposes designated in this subsection:

For operations of the network consistent with chapter 8D and for the following full-time equivalent positions:

..... \$ 500,000  
 ..... FTEs 105.10

2. Notwithstanding section 8.33 or 8.39, moneys appropriated in this section which remain unobligated or unexpended at the close of the fiscal year shall not revert but shall remain available for the purposes designated in the succeeding fiscal year, and shall not be transferred to any other program.

3. It is the intent of the general assembly that the Iowa telecommunications and technology commission annually review the hourly rates established, as provided in section 8D.3, subsection 3, paragraph "i". Such rates shall be established in a manner to minimize any subsidy provided through state general fund appropriations.

Sec. 14. 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, 2003, and ending June 30, 2004, 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:

..... \$ 2,377,580  
 ..... FTEs 38.50

The department shall study the security needs for the state criminalistics laboratory, the state hygienic laboratory, the department of agriculture and land stewardship laboratory, and the state medical examiner's office located on the Des Moines

area community college's campus in Ankeny. The department shall file a report detailing the results of the department's study with the general assembly by December 15, 2003.

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:

..... \$ 12,863,855  
..... FTEs 230.50

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, 2003, and one special agent for each racing facility which becomes operational during the fiscal year which begins July 1, 2003. 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 otherwise 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:

..... \$ 3,608,471  
..... FTEs 61.00

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

..... \$ 123,343

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:

..... \$ 1,818,352  
..... FTEs 40.00

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:

..... \$ 595,619  
..... FTEs 12.00

5. a. 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:

..... \$ 37,339,586  
..... FTEs 544.00

b. District 16, 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:

..... \$ 1,210,075  
..... FTEs 26.00

6. For deposit in the public safety law enforcement sick leave benefits fund established under section 80.42, for all

departmental employees eligible to receive benefits for accrued sick leave under the collective bargaining agreement: ..... \$ 216,104

7. An employee of the department of public safety who retires after July 1, 2003, but prior to June 30, 2004, 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.

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

..... \$ 544,587
..... 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. 15. CIVIL RIGHTS COMMISSION. There is appropriated from the general fund of the state to the Iowa state civil rights commission for the fiscal year beginning July 1, 2003, and ending June 30, 2004, 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: ..... \$ 806,894

..... FTEs 28.00

If the anticipated amount of federal funding from the federal equal employment opportunity commission and the federal department of housing and urban development exceeds \$1,144,875 during the fiscal year beginning July 1, 2003, the Iowa state civil rights commission may exceed the staffing level authorized in this section to hire additional staff to process or to support the processing of employment and housing complaints during that fiscal year.

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

Sec. 16. Section 100B.9, unnumbered paragraph 1, Code 2003, is amended to read as follows:

The building known as the fire service institute at Iowa state university, the land upon which the building is located, and parking space associated with the building shall, until July 1, 2003 2010, be leased by Iowa state university to the department of public safety at a cost not to exceed the actual cost of heating, lighting, and maintaining the building and parking space. In-the-event-the-department-of-public-safety locates-suitable-facilities-prior-to-that-time,-the-lease-may-be-terminated-at-the-option-of-the-department. All equipment owned by Iowa state university and used exclusively to conduct fire service training, classes, or business shall transfer on July 1, 2000, to the department of public safety unless such transfer is prohibited or restricted by law or agreement. This equipment includes, but is not limited to, breathing apparatus, fire suppression gear, mobile equipment, office furniture, computers, copying machines, library, file cabinets, and training records.

Sec. 17. 1998 Iowa Acts, chapter 1101, section 15, subsection 2, as amended by 1999 Iowa Acts, chapter 202, section 25, as amended by 2000 Iowa Acts, chapter 1229, section 25, as amended by 2001 Iowa Acts, chapter 186, section

21, and as amended by 2002 Iowa Acts, Second Extraordinary Session, chapter 1003, section 170, 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 each fiscal year in the fiscal period beginning July 1, 1998, and ending June 30, ~~2003~~ 2004, 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 each fiscal year in the fiscal period beginning July 1, 1998, and ending June 30, ~~2003~~ 2004, an amount 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. 18. POSTING OF REPORTS IN ELECTRONIC FORMAT -- LEGISLATIVE FISCAL BUREAU. All reports or copies of reports required to be provided in this Act for fiscal year 2003-2004 to the legislative fiscal bureau shall be provided in an electronic format. The legislative fiscal bureau shall post the reports on its internet site and shall notify by electronic means all the members of the joint appropriations subcommittee on the justice system when a report is posted. Upon request, copies of the reports may be mailed to members of the joint appropriations subcommittee on the justice system.

Sec. 19. EFFECTIVE DATE. The section of this Act amending 1998 Iowa Acts, chapter 1101, being deemed of immediate importance, takes effect upon enactment.

\_\_\_\_\_  
MARY E. KRAMER  
President of the Senate

\_\_\_\_\_  
CHRISTOPHER C. RANTS  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 439, Eightieth General Assembly.

\_\_\_\_\_  
MICHAEL E. MARSHALL  
Secretary of the Senate

Approved \_\_\_\_\_, 2003 \_\_\_\_\_

\_\_\_\_\_  
THOMAS J. VILSACK  
Governor