

House Study Bill 773

SENATE/HOUSE FILE \_\_\_\_\_
BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
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.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 5007JB 82
5 jm/mg/8

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1 1 Section 1. DEPARTMENT OF JUSTICE.
1 2 1. There is appropriated from the general fund of the
1 3 state to the department of justice for the fiscal year
1 4 beginning July 1, 2008, and ending June 30, 2009, the
1 5 following amounts, or so much thereof as is necessary, to be
1 6 used for the purposes designated:
1 7 a. For the general office of attorney general for
1 8 salaries, support, maintenance, and miscellaneous purposes,
1 9 including the prosecuting attorneys training program, victim
1 10 assistance grants, office of drug control policy (ODCP)
1 11 prosecuting attorney program, and odometer fraud enforcement,
1 12 and for not more than the following full-time equivalent
1 13 positions:
1 14 ..... \$ 9,437,720
1 15 ..... FTEs 226.50
1 16 It is the intent of the general assembly that as a
1 17 condition of receiving the appropriation provided in this
1 18 lettered paragraph, the department of justice shall maintain a
1 19 record of the estimated time incurred representing each agency
1 20 or department.
1 21 b. For victim assistance grants:
1 22 ..... \$ 150,000
1 23 The funds appropriated in this lettered paragraph shall be
1 24 used to provide grants to care providers providing services to
1 25 crime victims of domestic abuse or to crime victims of rape
1 26 and sexual assault.
1 27 The balance of the victim compensation fund established in
1 28 section 915.94 may be used to provide salary and support of
1 29 not more than 22 FTEs and to provide maintenance for the
1 30 victim compensation functions of the department of justice.
1 31 As a condition of receiving the appropriation in this
1 32 lettered paragraph, the department of justice shall transfer
1 33 at least \$3,200,000 from the victim compensation fund
1 34 established in section 915.94 to the victim assistance grant
1 35 program.
2 1 As a condition of receiving the appropriation in this
2 2 lettered paragraph, the department of justice shall transfer
2 3 at least \$600,000 from the proceeds of forfeited property
2 4 delivered to the department pursuant to section 809A.17 to be
2 5 used for the victim assistance grant program.
2 6 c. For legal services for persons in poverty grants as
2 7 provided in section 13.34:
2 8 ..... \$ 2,000,000
2 9 d. For the purpose of funding farm mediation services and
2 10 other farm assistance program provisions in accordance with
2 11 sections 13.13 through 13.24:
2 12 ..... \$ 300,000
2 13 2. a. The department of justice, in submitting budget
2 14 estimates for the fiscal year commencing July 1, 2009,
2 15 pursuant to section 8.23, shall include a report of funding
2 16 from sources other than amounts appropriated directly from the

2 17 general fund of the state to the department of justice or to  
2 18 the office of consumer advocate. These funding sources shall  
2 19 include but are not limited to reimbursements from other state  
2 20 agencies, commissions, boards, or similar entities, and  
2 21 reimbursements from special funds or internal accounts within  
2 22 the department of justice. The department of justice shall  
2 23 also report actual reimbursements for the fiscal year  
2 24 commencing July 1, 2007, and actual and expected  
2 25 reimbursements for the fiscal year commencing July 1, 2008.

2 26 b. The department of justice shall include the report  
2 27 required under paragraph "a", as well as information regarding  
2 28 any revisions occurring as a result of reimbursements actually  
2 29 received or expected at a later date, in a report to the co=  
2 30 chairpersons and ranking members of the joint appropriations  
2 31 subcommittee on the justice system and the legislative  
2 32 services agency. The department of justice shall submit the  
2 33 report on or before January 15, 2009.

2 34 Sec. 2. OFFICE OF CONSUMER ADVOCATE. There is  
2 35 appropriated from the general fund of the state to the office  
3 1 of consumer advocate of the department of justice for the  
3 2 fiscal year beginning July 1, 2008, and ending June 30, 2009,  
3 3 the following amount, or so much thereof as is necessary, to  
3 4 be used for the purposes designated:

3 5 For salaries, support, maintenance, miscellaneous purposes,  
3 6 and for not more than the following full-time equivalent  
3 7 positions:

3 8 ..... \$ 3,101,884  
3 9 ..... FTEs 27.00

3 10 Sec. 3. DEPARTMENT OF CORRECTIONS == FACILITIES.

3 11 1. There is appropriated from the general fund of the  
3 12 state to the department of corrections for the fiscal year  
3 13 beginning July 1, 2008, and ending June 30, 2009, the  
3 14 following amounts, or so much thereof as is necessary, to be  
3 15 used for the purposes designated:

3 16 For the operation of adult correctional institutions,  
3 17 reimbursement of counties for certain confinement costs, and  
3 18 federal prison reimbursement, to be allocated as follows:

3 19 a. For the operation of the Fort Madison correctional  
3 20 facility, including salaries, support, maintenance, and  
3 21 miscellaneous purposes:

3 22 ..... \$ 44,512,509

3 23 b. For the operation of the Anamosa correctional facility,  
3 24 including salaries, support, maintenance, and miscellaneous  
3 25 purposes:

3 26 ..... \$ 30,894,866

3 27 Moneys are provided within this appropriation for one full=  
3 28 time substance abuse counselor for the Luster Heights facility  
3 29 for the purpose of certification of a substance abuse program  
3 30 at that facility.

3 31 c. For the operation of the Oakdale correctional facility,  
3 32 including salaries, support, maintenance, and miscellaneous  
3 33 purposes:

3 34 ..... \$ 56,204,468

3 35 d. For the operation of the Newton correctional facility,  
4 1 including salaries, support, maintenance, and miscellaneous  
4 2 purposes:

4 3 ..... \$ 27,841,158

4 4 e. For the operation of the Mt. Pleasant correctional  
4 5 facility, including salaries, support, maintenance, and  
4 6 miscellaneous purposes:

4 7 ..... \$ 26,331,092

4 8 f. For the operation of the Rockwell City correctional  
4 9 facility, including salaries, support, maintenance, and  
4 10 miscellaneous purposes:

4 11 ..... \$ 9,166,484

4 12 g. For the operation of the Clarinda correctional  
4 13 facility, including salaries, support, maintenance, and  
4 14 miscellaneous purposes:

4 15 ..... \$ 25,078,365

4 16 Moneys received by the department of corrections as  
4 17 reimbursement for services provided to the Clarinda youth  
4 18 corporation are appropriated to the department and shall be  
4 19 used for the purpose of operating the Clarinda correctional  
4 20 facility.

4 21 h. For the operation of the Mitchellville correctional  
4 22 facility, including salaries, support, maintenance, and  
4 23 miscellaneous purposes:

4 24 ..... \$ 15,878,663

4 25 i. For the operation of the Fort Dodge correctional  
4 26 facility, including salaries, support, maintenance, and  
4 27 miscellaneous purposes:

4 28 ..... \$ 29,715,121  
4 29 j. For reimbursement of counties for temporary confinement  
4 30 of work release and parole violators, as provided in sections  
4 31 901.7, 904.908, and 906.17, and for offenders confined  
4 32 pursuant to section 904.513:  
4 33 ..... \$ 967,983  
4 34 k. For federal prison reimbursement, reimbursements for  
4 35 out-of-state placements, and miscellaneous contracts:  
5 1 ..... \$ 241,293  
5 2 2. The department of corrections shall use funds  
5 3 appropriated in subsection 1 to continue to contract for the  
5 4 services of a Muslim imam.  
5 5 3. It is the intent of the general assembly that if  
5 6 \$382,288 in additional funding becomes available, the funds  
5 7 will be appropriated for eight additional correctional officer  
5 8 positions to be distributed between the Anamosa correctional  
5 9 facility and the Mt. Pleasant correctional facility.  
5 10 Sec. 4. DEPARTMENT OF CORRECTIONS == ADMINISTRATION.  
5 11 1. There is appropriated from the general fund of the  
5 12 state to the department of corrections for the fiscal year  
5 13 beginning July 1, 2008, and ending June 30, 2009, the  
5 14 following amounts, or so much thereof as is necessary, to be  
5 15 used for the purposes designated:  
5 16 a. For general administration, including salaries,  
5 17 support, maintenance, employment of an education director to  
5 18 administer a centralized education program for the  
5 19 correctional system, and miscellaneous purposes:  
5 20 ..... \$ 5,050,732  
5 21 (1) It is the intent of the general assembly that as a  
5 22 condition of receiving the appropriation provided in this  
5 23 lettered paragraph the department of corrections shall not,  
5 24 except as otherwise provided in subparagraph (3), enter into a  
5 25 new contract, unless the contract is a renewal of an existing  
5 26 contract, for the expenditure of moneys in excess of \$100,000  
5 27 during the fiscal year beginning July 1, 2008, for the  
5 28 privatization of services performed by the department using  
5 29 state employees as of July 1, 2008, or for the privatization  
5 30 of new services by the department without prior consultation  
5 31 with any applicable state employee organization affected by  
5 32 the proposed new contract and prior notification of the co=  
5 33 chairpersons and ranking members of the joint appropriations  
5 34 subcommittee on the justice system.  
5 35 (2) It is the intent of the general assembly that each  
6 1 lease negotiated by the department of corrections with a  
6 2 private corporation for the purpose of providing private  
6 3 industry employment of inmates in a correctional institution  
6 4 shall prohibit the private corporation from utilizing inmate  
6 5 labor for partisan political purposes for any person seeking  
6 6 election to public office in this state and that a violation  
6 7 of this requirement shall result in a termination of the lease  
6 8 agreement.  
6 9 (3) It is the intent of the general assembly that as a  
6 10 condition of receiving the appropriation provided in this  
6 11 lettered paragraph the department of corrections shall not  
6 12 enter into a lease or contractual agreement pursuant to  
6 13 section 904.809 with a private corporation for the use of  
6 14 building space for the purpose of providing inmate employment  
6 15 without providing that the terms of the lease or contract  
6 16 establish safeguards to restrict, to the greatest extent  
6 17 feasible, access by inmates working for the private  
6 18 corporation to personal identifying information of citizens.  
6 19 b. For educational programs for inmates at state penal  
6 20 institutions:  
6 21 ..... \$ 1,570,358  
6 22 As a condition of receiving the appropriation in this  
6 23 lettered paragraph, the department of corrections shall  
6 24 transfer at least \$300,000 from the canteen operating funds  
6 25 established pursuant to section 904.310 to be used for  
6 26 correctional educational programs funded in this lettered  
6 27 paragraph.  
6 28 It is the intent of the general assembly that moneys  
6 29 appropriated in this lettered paragraph shall be used solely  
6 30 for the purpose indicated and that the moneys shall not be  
6 31 transferred for any other purpose. In addition, it is the  
6 32 intent of the general assembly that the department shall  
6 33 consult with the community colleges in the areas in which the  
6 34 institutions are located to utilize moneys appropriated in  
6 35 this lettered paragraph to fund the high school completion,  
7 1 high school equivalency diploma, adult literacy, and adult  
7 2 basic education programs in a manner so as to maintain these  
7 3 programs at the institutions.

7 4 To maximize the funding for educational programs, the  
7 5 department shall establish guidelines and procedures to  
7 6 prioritize the availability of educational and vocational  
7 7 training for inmates based upon the goal of facilitating an  
7 8 inmate's successful release from the correctional institution.  
7 9 The director of the department of corrections may transfer  
7 10 moneys from Iowa prison industries for use in educational  
7 11 programs for inmates.

7 12 Notwithstanding section 8.33, moneys appropriated in this  
7 13 lettered paragraph that remain unobligated or unexpended at  
7 14 the close of the fiscal year shall not revert but shall remain  
7 15 available for expenditure only for the purpose designated in  
7 16 this lettered paragraph until the close of the succeeding  
7 17 fiscal year.

7 18 c. For the development of the Iowa corrections offender  
7 19 network (ICON) data system:

7 20 ..... \$ 427,700

7 21 d. For offender mental health and substance abuse  
7 22 treatment:

7 23 ..... \$ 25,000

7 24 e. For viral hepatitis prevention and treatment:

7 25 ..... \$ 188,000

7 26 2. It is the intent of the general assembly that the  
7 27 department of corrections shall continue to operate the  
7 28 correctional farms under the control of the department at the  
7 29 same or greater level of participation and involvement as  
7 30 existed as of January 1, 2008; shall not enter into any rental  
7 31 agreement or contract concerning any farmland under the  
7 32 control of the department that is not subject to a rental  
7 33 agreement or contract as of January 1, 2008, without prior  
7 34 legislative approval; and shall further attempt to provide job  
7 35 opportunities at the farms for inmates. The department shall  
8 1 attempt to provide job opportunities at the farms for inmates  
8 2 by encouraging labor-intensive farming or gardening where  
8 3 appropriate; using inmates to grow produce and meat for  
8 4 institutional consumption; researching the possibility of  
8 5 instituting food canning and cook-and-chill operations; and  
8 6 exploring opportunities for organic farming and gardening,  
8 7 livestock ventures, horticulture, and specialized crops.

8 8 5. The department of corrections shall provide a smoking  
8 9 cessation program to offenders committed to the custody of the  
8 10 director or who are otherwise detained by the department, that  
8 11 complies with legislation enacted restricting or prohibiting  
8 12 smoking on the grounds of correctional institutions.

8 13 Sec. 5. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL  
8 14 SERVICES.

8 15 1. There is appropriated from the general fund of the  
8 16 state to the department of corrections for the fiscal year  
8 17 beginning July 1, 2008, and ending June 30, 2009, for the  
8 18 treatment and supervision of probation and parole violators  
8 19 who have been released from the department of corrections  
8 20 violator program, the following amounts, or so much thereof as  
8 21 is necessary, to be allocated as follows:

8 22 a. For the first judicial district department of  
8 23 correctional services:

8 24 ..... \$ 12,912,033

8 25 b. For the second judicial district department of  
8 26 correctional services:

8 27 ..... \$ 10,669,139

8 28 c. For the third judicial district department of  
8 29 correctional services:

8 30 ..... \$ 5,903,401

8 31 d. For the fourth judicial district department of  
8 32 correctional services:

8 33 ..... \$ 5,419,406

8 34 e. For the fifth judicial district department of  
8 35 correctional services, including funding for electronic  
9 1 monitoring devices for use on a statewide basis:

9 2 ..... \$ 18,276,003

9 3 f. For the sixth judicial district department of  
9 4 correctional services:

9 5 ..... \$ 12,475,246

9 6 The sixth judicial district department of correctional  
9 7 services shall maintain a youth leadership model program to  
9 8 help at-risk youth. As a part of the program, the district  
9 9 department may recruit college or high school students in the  
9 10 judicial district to work with at-risk youth. The student  
9 11 workers shall be recruited regardless of gender and be  
9 12 recommended by their respective schools as good role models,  
9 13 including but not limited to students who possess capabilities  
9 14 in one or more of the following areas of ability:

9 15 intellectual capacity, athletics, visual arts, or performing  
9 16 arts.  
9 17 g. For the seventh judicial district department of  
9 18 correctional services:  
9 19 ..... \$ 7,020,794  
9 20 h. For the eighth judicial district department of  
9 21 correctional services:  
9 22 ..... \$ 6,998,544  
9 23 2. Each judicial district department of correctional  
9 24 services, within the funding available, shall continue  
9 25 programs and plans established within that district to provide  
9 26 for intensive supervision, sex offender treatment, diversion  
9 27 of low-risk offenders to the least restrictive sanction  
9 28 available, job development, and expanded use of intermediate  
9 29 criminal sanctions.  
9 30 3. Each judicial district department of correctional  
9 31 services shall provide alternatives to prison consistent with  
9 32 chapter 901B. The alternatives to prison shall ensure public  
9 33 safety while providing maximum rehabilitation to the offender.  
9 34 A judicial district department of correctional services may  
9 35 also establish a day program.  
10 1 4. The governor's office of drug control policy shall  
10 2 consider federal grants made to the department of corrections  
10 3 for the benefit of each of the eight judicial district  
10 4 departments of correctional services as local government  
10 5 grants, as defined pursuant to federal regulations.  
10 6 5. The department of corrections shall continue to  
10 7 contract with a judicial district department of correctional  
10 8 services to provide for the rental of electronic monitoring  
10 9 equipment which shall be available statewide.  
10 10 Sec. 6. DEPARTMENT OF CORRECTIONS == REALLOCATION OF  
10 11 APPROPRIATIONS. Notwithstanding section 8.39, within the  
10 12 funds appropriated in this Act to the department of  
10 13 corrections, the department may reallocate the funds  
10 14 appropriated and allocated as necessary to best fulfill the  
10 15 needs of the correctional institutions, administration of the  
10 16 department, and the judicial district departments of  
10 17 correctional services. However, in addition to complying with  
10 18 the requirements of sections 904.116 and 905.8 and providing  
10 19 notice to the legislative services agency, the department of  
10 20 corrections shall also provide notice to the department of  
10 21 management, prior to the effective date of the revision or  
10 22 reallocation of an appropriation made pursuant to this  
10 23 section. The department shall not reallocate an appropriation  
10 24 or allocation for the purpose of eliminating any program.  
10 25 Sec. 7. INTENT == REPORTS.  
10 26 1. The department in cooperation with townships, the Iowa  
10 27 cemetery associations, and other nonprofit or governmental  
10 28 entities may use inmate labor during the fiscal year beginning  
10 29 July 1, 2008, to restore or preserve rural cemeteries and  
10 30 historical landmarks. The department in cooperation with the  
10 31 counties may also use inmate labor to clean up roads, major  
10 32 water sources, and other water sources around the state.  
10 33 2. Each month the department shall provide a status report  
10 34 regarding private-sector employment to the legislative  
10 35 services agency beginning on July 1, 2008. The report shall  
11 1 include the number of offenders employed in the private  
11 2 sector, the combined number of hours worked by the offenders,  
11 3 and the total amount of allowances, and the distribution of  
11 4 allowances pursuant to section 904.702, including any moneys  
11 5 deposited in the general fund of the state.  
11 6 Sec. 8. ELECTRONIC MONITORING REPORT. The department of  
11 7 corrections shall submit a report on electronic monitoring to  
11 8 the general assembly, to the co-chairpersons and the ranking  
11 9 members of the joint appropriations subcommittee on the  
11 10 justice system, and to the legislative services agency by  
11 11 January 15, 2009. The report shall specifically address the  
11 12 number of persons being electronically monitored and break  
11 13 down the number of persons being electronically monitored by  
11 14 offense committed. The report shall also include a comparison  
11 15 of any data from the prior fiscal year with the current year.  
11 16 Sec. 9. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.  
11 17 1. As used in this section, unless the context otherwise  
11 18 requires, "state agency" means the government of the state of  
11 19 Iowa, including but not limited to all executive branch  
11 20 departments, agencies, boards, bureaus, and commissions, the  
11 21 judicial branch, the general assembly and all legislative  
11 22 agencies, institutions within the purview of the state board  
11 23 of regents, and any corporation whose primary function is to  
11 24 act as an instrumentality of the state.  
11 25 2. State agencies are hereby encouraged to purchase

11 26 products from Iowa state industries, as defined in section  
11 27 904.802, when purchases are required and the products are  
11 28 available from Iowa state industries. State agencies shall  
11 29 obtain bids from Iowa state industries for purchases of office  
11 30 furniture during the fiscal year beginning July 1, 2008,  
11 31 exceeding \$5,000 or in accordance with applicable  
11 32 administrative rules related to purchases for the agency.

11 33 Sec. 10. STATE PUBLIC DEFENDER. There is appropriated  
11 34 from the general fund of the state to the office of the state  
11 35 public defender of the department of inspections and appeals  
12 1 for the fiscal year beginning July 1, 2008, and ending June  
12 2 30, 2009, the following amounts, or so much thereof as is  
12 3 necessary, to be allocated as follows for the purposes  
12 4 designated:

12 5 1. For salaries, support, maintenance, miscellaneous  
12 6 purposes, and for not more than the following full-time  
12 7 equivalent positions:  
12 8 ..... \$ 21,749,296  
12 9 ..... FTEs 203.00

12 10 2. For the fees of court-appointed attorneys for indigent  
12 11 adults and juveniles, in accordance with section 232.141 and  
12 12 chapter 815:

12 13 ..... \$ 31,282,538  
12 14 Sec. 11. IOWA LAW ENFORCEMENT ACADEMY.

12 15 1. There is appropriated from the general fund of the  
12 16 state to the Iowa law enforcement academy for the fiscal year  
12 17 beginning July 1, 2008, and ending June 30, 2009, the  
12 18 following amount, or so much thereof as is necessary, to be  
12 19 used for the purposes designated:

12 20 For salaries, support, maintenance, miscellaneous purposes,  
12 21 including jailer training and technical assistance, and for  
12 22 not more than the following full-time equivalent positions:  
12 23 ..... \$ 1,283,115  
12 24 ..... FTEs 30.05

12 25 It is the intent of the general assembly that the Iowa law  
12 26 enforcement academy may provide training of state and local  
12 27 law enforcement personnel concerning the recognition of and  
12 28 response to persons with Alzheimer's disease.

12 29 The Iowa law enforcement academy may temporarily exceed and  
12 30 draw more than the amount appropriated and incur a negative  
12 31 cash balance as long as there are receivables equal to or  
12 32 greater than the negative balance and the amount appropriated  
12 33 in this subsection is not exceeded at the close of the fiscal  
12 34 year.

12 35 2. The Iowa law enforcement academy may select at least  
13 1 five automobiles of the department of public safety, division  
13 2 of state patrol, prior to turning over the automobiles to the  
13 3 department of administrative services to be disposed of by  
13 4 public auction, and the Iowa law enforcement academy may  
13 5 exchange any automobile owned by the academy for each  
13 6 automobile selected if the selected automobile is used in  
13 7 training law enforcement officers at the academy. However,  
13 8 any automobile exchanged by the academy shall be substituted  
13 9 for the selected vehicle of the department of public safety  
13 10 and sold by public auction with the receipts being deposited  
13 11 in the depreciation fund to the credit of the department of  
13 12 public safety, division of state patrol.

13 13 Sec. 12. BOARD OF PAROLE. There is appropriated from the  
13 14 general fund of the state to the board of parole for the  
13 15 fiscal year beginning July 1, 2008, and ending June 30, 2009,  
13 16 the following amount, or so much thereof as is necessary, to  
13 17 be used for the purposes designated:

13 18 For salaries, support, maintenance, miscellaneous purposes,  
13 19 and for not more than the following full-time equivalent  
13 20 positions:  
13 21 ..... \$ 1,249,992  
13 22 ..... FTEs 18.50

13 23 Sec. 13. DEPARTMENT OF PUBLIC DEFENSE. There is  
13 24 appropriated from the general fund of the state to the  
13 25 department of public defense for the fiscal year beginning  
13 26 July 1, 2008, and ending June 30, 2009, the following amounts,  
13 27 or so much thereof as is necessary, to be used for the  
13 28 purposes designated:

13 29 1. MILITARY DIVISION  
13 30 For salaries, support, maintenance, miscellaneous purposes,  
13 31 and for not more than the following full-time equivalent  
13 32 positions:  
13 33 ..... \$ 6,404,798  
13 34 ..... FTEs 306.43

13 35 The military division may temporarily exceed and draw more  
14 1 than the amount appropriated and incur a negative cash balance

14 2 as long as there are receivables of federal funds equal to or  
14 3 greater than the negative balance and the amount appropriated  
14 4 in this subsection is not exceeded at the close of the fiscal  
14 5 year.

14 6 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION

14 7 a. For salaries, support, maintenance, miscellaneous  
14 8 purposes, and for not more than the following full-time  
14 9 equivalent positions:

14 10 ..... \$ 2,271,581  
14 11 ..... FTEs 35.10

14 12 The homeland security and emergency management division may  
14 13 temporarily exceed and draw more than the amount appropriated  
14 14 and incur a negative cash balance as long as there are  
14 15 receivables of federal funds equal to or greater than the  
14 16 negative balance and the amount appropriated in this  
14 17 subsection is not exceeded at the close of the fiscal year.

14 18 It is the intent of the general assembly that the homeland  
14 19 security and emergency management division work in conjunction  
14 20 with the department of public safety, to the extent possible,  
14 21 when gathering and analyzing information related to potential  
14 22 domestic or foreign security threats, and when monitoring such  
14 23 threats.

14 24 Sec. 14. DEPARTMENT OF PUBLIC SAFETY. There is  
14 25 appropriated from the general fund of the state to the  
14 26 department of public safety for the fiscal year beginning July  
14 27 1, 2008, and ending June 30, 2009, the following amounts, or  
14 28 so much thereof as is necessary, to be used for the purposes  
14 29 designated:

14 30 1. For the department's administrative functions,  
14 31 including the criminal justice information system, and for not  
14 32 more than the following full-time equivalent positions:

14 33 ..... \$ 4,455,581  
14 34 ..... FTEs 39.00

14 35 2. For the division of criminal investigation, including  
15 1 the state's contribution to the peace officers' retirement,  
15 2 accident, and disability system provided in chapter 97A in the  
15 3 amount of 17 percent of the salaries for which the funds are  
15 4 appropriated, to meet federal fund matching requirements, and  
15 5 for not more than the following full-time equivalent  
15 6 positions:

15 7 ..... \$ 21,121,120  
15 8 ..... FTEs 283.50

15 9 If any of the Indian tribes fail to pay for one full-time  
15 10 equivalent position pursuant to the agreements or compacts  
15 11 entered into between the state and the Indian tribes pursuant  
15 12 to section 10A.104, subsection 10, the number of full-time  
15 13 equivalent positions authorized under this subsection is  
15 14 reduced to 282.50 positions.

15 15 The department of public safety, with the approval of the  
15 16 department of management, may employ no more than two special  
15 17 agents and four gaming enforcement officers for each  
15 18 additional riverboat or gambling structure regulated after  
15 19 July 1, 2008, and one special agent for each racing facility  
15 20 which becomes operational during the fiscal year which begins  
15 21 July 1, 2008. One additional gaming enforcement officer, up  
15 22 to a total of four per riverboat or gambling structure, may be  
15 23 employed for each riverboat or gambling structure that has  
15 24 extended operations to 24 hours and has not previously  
15 25 operated with a 24-hour schedule. Positions authorized in  
15 26 this paragraph are in addition to the full-time equivalent  
15 27 positions otherwise authorized in this subsection.

15 28 3. For the criminalistics laboratory fund created in  
15 29 section 691.9:

15 30 ..... \$ 342,000

15 31 4. a. For the division of narcotics enforcement,  
15 32 including the state's contribution to the peace officers'  
15 33 retirement, accident, and disability system provided in  
15 34 chapter 97A in the amount of 17 percent of the salaries for  
15 35 which the funds are appropriated, to meet federal fund  
16 1 matching requirements, and for not more than the following  
16 2 full-time equivalent positions:

16 3 ..... \$ 6,302,046  
16 4 ..... FTEs 82.00

16 5 b. For the division of narcotics enforcement for  
16 6 undercover purchases:

16 7 ..... \$ 123,343

16 8 5. For the division of state fire marshal, for fire  
16 9 protection services as provided through the state fire service  
16 10 and emergency response council as created in the department,  
16 11 and for the state's contribution to the peace officers'  
16 12 retirement, accident, and disability system provided in

16 13 chapter 97A in the amount of 17 percent of the salaries for  
16 14 which the funds are appropriated, and for not more than the  
16 15 following full-time equivalent positions:

16 16 ..... \$ 3,991,394  
16 17 ..... FTEs 57.00

16 18 6. For the division of state patrol, for salaries,  
16 19 support, maintenance, workers' compensation costs, and  
16 20 miscellaneous purposes, including the state's contribution to  
16 21 the peace officers' retirement, accident, and disability  
16 22 system provided in chapter 97A in the amount of 17 percent of  
16 23 the salaries for which the funds are appropriated, and for not  
16 24 more than the following full-time equivalent positions:

16 25 ..... \$ 49,688,777  
16 26 ..... FTEs 535.00

16 27 It is the intent of the general assembly that members of  
16 28 the state patrol be assigned to patrol the highways and roads  
16 29 in lieu of assignments for inspecting school buses for the  
16 30 school districts.

16 31 7. For deposit in the sick leave benefits fund established  
16 32 under section 80.42 for all departmental employees eligible to  
16 33 receive benefits for accrued sick leave under the collective  
16 34 bargaining agreement:

16 35 ..... \$ 316,179

17 1 8. For costs associated with the training and equipment  
17 2 needs of volunteer fire fighters:

17 3 ..... \$ 669,587

17 4 Notwithstanding section 8.33, moneys appropriated in this  
17 5 subsection that remain unencumbered or unobligated at the  
17 6 close of the fiscal year shall not revert but shall remain  
17 7 available for expenditure only for the purpose designated in  
17 8 this subsection until the close of the succeeding fiscal year.

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

17 21 Sec. 15. CIVIL RIGHTS COMMISSION. There is appropriated  
17 22 from the general fund of the state to the Iowa state civil  
17 23 rights commission for the fiscal year beginning July 1, 2008,  
17 24 and ending June 30, 2009, the following amount, or so much  
17 25 thereof as is necessary, to be used for the purposes  
17 26 designated:

17 27 For salaries, support, maintenance, miscellaneous purposes,  
17 28 and for not more than the following full-time equivalent  
17 29 positions:

17 30 ..... \$ 1,504,036  
17 31 ..... FTEs 29.00

17 32 The Iowa state civil rights commission may enter into a  
17 33 contract with a nonprofit organization to provide legal  
17 34 assistance to resolve civil rights complaints.

17 35 Sec. 16. HOMELAND SECURITY AND EMERGENCY MANAGEMENT  
18 1 DIVISION. There is appropriated from the wireless E911  
18 2 emergency communications fund created in section 34A.7A to the  
18 3 administrator of the homeland security and emergency  
18 4 management division of the department of public defense for  
18 5 the fiscal year beginning July 1, 2008, and ending June 30,  
18 6 2009, an amount not exceeding \$200,000 to be used for  
18 7 implementation, support, and maintenance of the functions of  
18 8 the administrator and program manager under chapter 34A and to  
18 9 employ the auditor of the state to perform an annual audit of  
18 10 the wireless E911 emergency communications fund.

18 11 Sec. 17. IOWA LAW ENFORCEMENT ACADEMY == FEES.  
18 12 Notwithstanding section 80B.11B, the Iowa law enforcement  
18 13 academy may charge more than one-half the cost of providing  
18 14 the basic training course if a majority of the Iowa law  
18 15 enforcement academy council authorizes charging more than one-  
18 16 half of the cost of providing basic training. This section is  
18 17 repealed on June 30, 2009.

18 18 Sec. 18. Section 822.2, subsection 1, unnumbered paragraph  
18 19 1, Code 2007, is amended to read as follows:

18 20 Any person who has been convicted of, or sentenced for, a  
18 21 public offense and who claims any of the following may  
18 22 institute, ~~without paying a filing fee,~~ a proceeding under  
18 23 this chapter to secure relief:



18 24 Sec. 19. Section 904.108, subsection 4, Code 2007, is  
18 25 amended to read as follows:

18 26 4. The director may expend moneys from the support  
18 27 allocation of the department as reimbursement for replacement  
18 28 or repair of personal items of the department's employees  
18 29 damaged or destroyed by clients of the department during the  
18 30 employee's tour of duty. However, the reimbursement shall not  
18 31 exceed ~~one~~ three hundred ~~fifty~~ dollars for each item. The  
18 32 director shall establish rules in accordance with chapter 17A  
18 33 to carry out the purpose of this subsection.

18 34 EXPLANATION

18 35 This bill makes appropriations from the general fund of the  
19 1 state for fiscal year 2008=2009 to the departments of justice,  
19 2 corrections, public defense, and public safety, and the Iowa  
19 3 law enforcement academy, office of consumer advocate, office  
19 4 of the state public defender, board of parole, and Iowa state  
19 5 civil rights commission.

19 6 The bill also appropriates moneys, not to exceed \$200,000,  
19 7 from the wireless E911 emergency communications fund to the  
19 8 homeland security and emergency management division for  
19 9 implementation, support, and maintenance of the functions of  
19 10 the administrator and program manager of the E911 emergency  
19 11 system.

19 12 The bill provides that if additional funding becomes  
19 13 available the funds will be appropriated for eight additional  
19 14 correctional officer positions to be distributed between the  
19 15 Anamosa correctional facility and the Mt. Pleasant  
19 16 correctional facility.

19 17 The bill provides that if any of the Indian tribes fail to  
19 18 fund one FTE position within the division of criminal  
19 19 investigation of the department of public safety pursuant to  
19 20 the agreements and compacts entered into between the state and  
19 21 the Indian tribes, the number of authorized FTE positions  
19 22 within the division is reduced by one FTE.

19 23 The bill specifies that a person filing a civil action for  
19 24 postconviction relief pursuant to Code chapter 822, must pay a  
19 25 filing fee.

19 26 The bill addresses Code section 80B.11B to provide that for  
19 27 FY 2008=2009 the Iowa law enforcement academy may charge a  
19 28 department of the state, a member of a police force, or any  
19 29 political subdivision of the state more than one-half of the  
19 30 cost to provide the basic training course for a law  
19 31 enforcement officer, provided a majority of the Iowa law  
19 32 enforcement council approves such a charge. Current law  
19 33 prohibits the Iowa law enforcement academy from charging more  
19 34 than one-half of the cost of providing the basic training  
19 35 course.

20 1 The bill provides that the department of corrections may  
20 2 reallocate appropriated funds between the institutions of the  
20 3 department of corrections, the department's administration,  
20 4 and the judicial district departments of correctional  
20 5 services. The bill provides the department, prior to the  
20 6 effective date of any reallocation, must provide notice to the  
20 7 department of management, the legislative services agency, and  
20 8 the district board of any judicial district department of  
20 9 correctional services affected by the reallocation.

20 10 The bill provides that the department of public safety may  
20 11 also reallocate the funds appropriated to the department  
20 12 between the divisions of the department. The bill provides  
20 13 that the department, prior to the effective date of any  
20 14 reallocation, must provide notice of the reallocation to the  
20 15 department of management and the legislative services agency.

20 16 The bill amends Code section 904.108 to authorize the  
20 17 department of corrections to reimburse employees for damage to  
20 18 the personal property of the employee up to the amount of  
20 19 \$300. Current law limits the reimbursement at \$150.

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