

Senate File 575 - Introduced

SENATE FILE _____
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 1338)

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 1131SV 82
5 jm/je/5

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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, 2007, and ending June 30, 2008, 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, 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, odometer fraud enforcement, and
1 12 for not more than the following full-time equivalent
1 13 positions:
1 14 \$ 8,917,205
1 15 FTEs 225.50
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 subsection, the department of justice shall transfer at least
1 33 \$3,200,000 from the victim compensation fund established in
1 34 section 915.94 to the victim assistance grant program.
1 35 c. For legal services for persons in poverty grants as
2 1 provided in section 13.34:
2 2 \$ 1,600,000
2 3 d. For the purpose of funding farm mediation services and
2 4 other farm assistance program provisions in accordance with
2 5 sections 13.13 through 13.24:
2 6 \$ 100,000
2 7 e. For a grant to be determined by the attorney general or
2 8 the attorney general's designee, for the establishment of a
2 9 pilot project with a nonprofit agency in the sixth judicial
2 10 district that focuses primarily on the representation of
2 11 children in dissolution proceedings:
2 12 \$ 50,000
2 13 The nonprofit agency shall be an agency that provides a
2 14 support group for school-age children whose parents are
2 15 involved in a dissolution of marriage proceeding and shall
2 16 provide an alternative dispute resolution family coordinator
2 17 for families where one parent has contemplated filing a
2 18 petition for dissolution of marriage or has filed such a

2 19 petition. The nonprofit agency shall provide a report to the
2 20 attorney general on the number of children and families served
2 21 under the pilot project and any other measures used to
2 22 determine the success of the pilot project by December 15,
2 23 2007. The attorney general shall provide the report prepared
2 24 by the nonprofit agency to the co-chairpersons and ranking
2 25 members of the joint appropriations subcommittee on the
2 26 justice system and the legislative services agency by January
2 27 15, 2008.

2 28 2. a. The department of justice, in submitting budget
2 29 estimates for the fiscal year commencing July 1, 2008,
2 30 pursuant to section 8.23, shall include a report of funding
2 31 from sources other than amounts appropriated directly from the
2 32 general fund of the state to the department of justice or to
2 33 the office of consumer advocate. These funding sources shall
2 34 include but are not limited to reimbursements from other state
2 35 agencies, commissions, boards, or similar entities, and
3 1 reimbursements from special funds or internal accounts within
3 2 the department of justice. The department of justice shall
3 3 also report actual reimbursements for the fiscal year
3 4 commencing July 1, 2006, and actual and expected
3 5 reimbursements for the fiscal year commencing July 1, 2007.

3 6 b. The department of justice shall include the report
3 7 required under paragraph "a", as well as information regarding
3 8 any revisions occurring as a result of reimbursements actually
3 9 received or expected at a later date, in a report to the co=
3 10 chairpersons and ranking members of the joint appropriations
3 11 subcommittee on the justice system and the legislative
3 12 services agency. The department of justice shall submit the
3 13 report on or before January 15, 2008.

3 14 Sec. 2. OFFICE OF CONSUMER ADVOCATE. There is
3 15 appropriated from the general fund of the state to the office
3 16 of consumer advocate of the department of justice for the
3 17 fiscal year beginning July 1, 2007, and ending June 30, 2008,
3 18 the following amount, or so much thereof as is necessary, to
3 19 be used for the purposes designated:

3 20 For salaries, support, maintenance, miscellaneous purposes,
3 21 and for not more than the following full-time equivalent
3 22 positions:
3 23 \$ 2,985,115
3 24 FTEs 27.00

3 25 Sec. 3. DEPARTMENT OF CORRECTIONS == FACILITIES.

3 26 1. There is appropriated from the general fund of the
3 27 state to the department of corrections for the fiscal year
3 28 beginning July 1, 2007, and ending June 30, 2008, the
3 29 following amounts, or so much thereof as is necessary, to be
3 30 used for the purposes designated:

3 31 For the operation of adult correctional institutions,
3 32 reimbursement of counties for certain confinement costs, and
3 33 federal prison reimbursement, to be allocated as follows:

3 34 a. For the operation of the Fort Madison correctional
3 35 facility, including salaries, support, maintenance, and
4 1 miscellaneous purposes:
4 2 \$ 43,008,741

4 3 b. For the operation of the Anamosa correctional facility,
4 4 including salaries, support, maintenance, and miscellaneous
4 5 purposes:
4 6 \$ 29,762,656

4 7 Moneys are provided within this appropriation for one full=
4 8 time substance abuse counselor for the Luster Heights
4 9 facility, for the purpose of certification of a substance
4 10 abuse program at that facility.

4 11 c. For the operation of the Oakdale correctional facility,
4 12 including salaries, support, maintenance, and miscellaneous
4 13 purposes:
4 14 \$ 54,703,304

4 15 d. For the operation of the Newton correctional facility,
4 16 including salaries, support, maintenance, and miscellaneous
4 17 purposes:
4 18 \$ 26,390,784

4 19 e. For the operation of the Mt. Pleasant correctional
4 20 facility, including salaries, support, maintenance, and
4 21 miscellaneous purposes:
4 22 \$ 25,384,926

4 23 f. For the operation of the Rockwell City correctional
4 24 facility, including salaries, support, maintenance, and
4 25 miscellaneous purposes:
4 26 \$ 8,706,242

4 27 g. For the operation of the Clarinda correctional
4 28 facility, including salaries, support, maintenance, and
4 29 miscellaneous purposes:

4 30 \$ 24,099,579
4 31 Moneys received by the department of corrections as
4 32 reimbursement for services provided to the Clarinda youth
4 33 corporation are appropriated to the department and shall be
4 34 used for the purpose of operating the Clarinda correctional
4 35 facility.
5 1 h. For the operation of the Mitchellville correctional
5 2 facility, including salaries, support, maintenance, and
5 3 miscellaneous purposes:
5 4 \$ 15,294,520
5 5 i. For the operation of the Fort Dodge correctional
5 6 facility, including salaries, support, maintenance, and
5 7 miscellaneous purposes:
5 8 \$ 28,407,564
5 9 j. For reimbursement of counties for temporary confinement
5 10 of work release and parole violators, as provided in sections
5 11 901.7, 904.908, and 906.17, and for offenders confined
5 12 pursuant to section 904.513:
5 13 \$ 1,199,954
5 14 k. For federal prison reimbursement, reimbursements for
5 15 out-of-state placements, and miscellaneous contracts:
5 16 \$ 241,293
5 17 2. The department of corrections shall use funds
5 18 appropriated in subsection 1 to continue to contract for the
5 19 services of a Muslim imam.
5 20 Sec. 4. DEPARTMENT OF CORRECTIONS == ADMINISTRATION.
5 21 1. There is appropriated from the general fund of the
5 22 state to the department of corrections for the fiscal year
5 23 beginning July 1, 2007, and ending June 30, 2008, the
5 24 following amounts, or so much thereof as is necessary, to be
5 25 used for the purposes designated:
5 26 a. For general administration, including salaries,
5 27 support, maintenance, employment of an education director to
5 28 administer a centralized education program for the
5 29 correctional system, and miscellaneous purposes:
5 30 \$ 4,855,626
5 31 (1) It is the intent of the general assembly that as a
5 32 condition of receiving the appropriation provided in this
5 33 lettered paragraph, the department of corrections shall not,
5 34 except as otherwise provided in subparagraph (3), enter into a
5 35 new contract, unless the contract is a renewal of an existing
6 1 contract, for the expenditure of moneys in excess of \$100,000
6 2 during the fiscal year beginning July 1, 2007, for the
6 3 privatization of services performed by the department using
6 4 state employees as of July 1, 2007, or for the privatization
6 5 of new services by the department, without prior consultation
6 6 with any applicable state employee organization affected by
6 7 the proposed new contract and prior notification of the co=
6 8 chairpersons and ranking members of the joint appropriations
6 9 subcommittee on the justice system.
6 10 (2) It is the intent of the general assembly that each
6 11 lease negotiated by the department of corrections with a
6 12 private corporation for the purpose of providing private
6 13 industry employment of inmates in a correctional institution
6 14 shall prohibit the private corporation from utilizing inmate
6 15 labor for partisan political purposes for any person seeking
6 16 election to public office in this state and that a violation
6 17 of this requirement shall result in a termination of the lease
6 18 agreement.
6 19 (3) It is the intent of the general assembly that as a
6 20 condition of receiving the appropriation provided in this
6 21 lettered paragraph, the department of corrections shall not
6 22 enter into a lease or contractual agreement pursuant to
6 23 section 904.809 with a private corporation for the use of
6 24 building space for the purpose of providing inmate employment
6 25 without providing that the terms of the lease or contract
6 26 establish safeguards to restrict, to the greatest extent
6 27 feasible, access by inmates working for the private
6 28 corporation to personal identifying information of citizens.
6 29 b. For educational programs for inmates at state penal
6 30 institutions:
6 31 \$ 2,070,358
6 32 It is the intent of the general assembly that moneys
6 33 appropriated in this lettered paragraph shall be used solely
6 34 for the purpose indicated and that the moneys shall not be
6 35 transferred for any other purpose. In addition, it is the
7 1 intent of the general assembly that the department shall
7 2 consult with the community colleges in the areas in which the
7 3 institutions are located to utilize moneys appropriated in
7 4 this lettered paragraph to fund the high school completion,
7 5 high school equivalency diploma, adult literacy, and adult

7 6 basic education programs in a manner so as to maintain these
7 7 programs at the institutions.

7 8 To maximize the funding for educational programs, the
7 9 department shall establish guidelines and procedures to
7 10 prioritize the availability of educational and vocational
7 11 training for inmates based upon the goal of facilitating an
7 12 inmate's successful release from the correctional institution.

7 13 The director of the department of corrections may transfer
7 14 moneys from Iowa prison industries for use in educational
7 15 programs for inmates.

7 16 Notwithstanding section 8.33, moneys appropriated in this
7 17 lettered paragraph that remain unobligated or unexpended at
7 18 the close of the fiscal year shall not revert but shall remain
7 19 available for expenditure only for the purpose designated in
7 20 this lettered paragraph until the close of the succeeding
7 21 fiscal year.

7 22 c. For the development of the Iowa corrections offender
7 23 network (ICON) data system:

7 24 \$ 427,700

7 25 d. For offender mental health and substance abuse
7 26 treatment:

7 27 \$ 25,000

7 28 e. For viral hepatitis prevention and treatment:

7 29 \$ 188,000

7 30 f. For a transitional housing pilot project for offenders
7 31 on parole who are in the early stages of recovery from
7 32 substance abuse:

7 33 \$ 20,000

7 34 The department of corrections shall contract with a private
7 35 nonprofit substance abuse treatment provider in a city with a
8 1 population exceeding sixty-five thousand but not exceeding
8 2 seventy thousand to implement the pilot project. The
8 3 department shall file a report with the co-chairpersons and
8 4 ranking members of the appropriations subcommittee on the
8 5 justice system and the legislative services agency by February
8 6 1, 2008, detailing the number of offenders served by the pilot
8 7 project, the recidivism rate, a description of the type of
8 8 services received by the offenders, and the number of prison
8 9 bed days saved by the pilot project.

8 10 2. It is the intent of the general assembly that the
8 11 department of corrections shall continue to operate the
8 12 correctional farms under the control of the department at the
8 13 same or greater level of participation and involvement as
8 14 existed as of January 1, 2007, shall not enter into any rental
8 15 agreement or contract concerning any farmland under the
8 16 control of the department that is not subject to a rental
8 17 agreement or contract as of January 1, 2007, without prior
8 18 legislative approval, and shall further attempt to provide job
8 19 opportunities at the farms for inmates. The department shall
8 20 attempt to provide job opportunities at the farms for inmates
8 21 by encouraging labor-intensive farming or gardening where
8 22 appropriate, using inmates to grow produce and meat for
8 23 institutional consumption, researching the possibility of
8 24 instituting food canning and cook-and-chill operations, and
8 25 exploring opportunities for organic farming and gardening,
8 26 livestock ventures, horticulture, and specialized crops.

8 27 3. The department of corrections shall submit a report to
8 28 the general assembly by January 1, 2008, concerning moneys
8 29 recouped from inmate earnings for the reimbursement of
8 30 operational expenses of the applicable facility during the
8 31 fiscal year beginning July 1, 2006, for each correctional
8 32 institution and judicial district department of correctional
8 33 services. In addition, each correctional institution and
8 34 judicial district department of correctional services shall
8 35 continue to submit a report to the legislative services agency
9 1 on a monthly basis concerning moneys recouped from inmate
9 2 earnings pursuant to sections 904.702, 904.809, and 905.14.

9 3 4. It is the intent of the general assembly that as a
9 4 condition of receiving the appropriation provided in
9 5 subsection 1, the department shall not enter into any
9 6 agreement with a private sector nongovernmental entity for the
9 7 purpose of housing inmates committed to the custody of the
9 8 director of the department, without express authorization of
9 9 the general assembly to do so.

9 10 Sec. 5. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL
9 11 SERVICES.

9 12 1. There is appropriated from the general fund of the
9 13 state to the department of corrections for the fiscal year
9 14 beginning July 1, 2007, and ending June 30, 2008, for the
9 15 treatment and supervision of probation and parole violators
9 16 who have been released from the department of corrections

9 17 violator program, the following amounts, or so much thereof as
 9 18 is necessary, to be allocated as follows:
 9 19 a. For the first judicial district department of
 9 20 correctional services:
 9 21 \$ 12,012,728
 9 22 b. For the second judicial district department of
 9 23 correctional services:
 9 24 \$ 9,526,073
 9 25 c. For the third judicial district department of
 9 26 correctional services:
 9 27 \$ 5,664,144
 9 28 d. For the fourth judicial district department of
 9 29 correctional services:
 9 30 \$ 5,054,664
 9 31 e. For the fifth judicial district department of
 9 32 correctional services, including funding for electronic
 9 33 monitoring devices for use on a statewide basis:
 9 34 \$ 17,115,974
 9 35 f. For the sixth judicial district department of
 10 1 correctional services:
 10 2 \$ 12,203,009
 10 3 The sixth judicial district department of correctional
 10 4 services shall maintain a youth leadership model program to
 10 5 help at-risk youth. As a part of the program, the district
 10 6 department may recruit college or high school students in the
 10 7 judicial district to work with at-risk youth. The student
 10 8 workers shall be recruited regardless of gender and be
 10 9 recommended by their respective schools as good role models,
 10 10 including but not limited to students who possess capabilities
 10 11 in one or more of the following areas of ability:
 10 12 intellectual capacity, athletics, visual arts, or performing
 10 13 arts.
 10 14 g. For the seventh judicial district department of
 10 15 correctional services:
 10 16 \$ 6,713,412
 10 17 h. For the eighth judicial district department of
 10 18 correctional services:
 10 19 \$ 6,794,585
 10 20 2. Each judicial district department of correctional
 10 21 services, within the funding available, shall continue
 10 22 programs and plans established within that district to provide
 10 23 for intensive supervision, sex offender treatment, diversion
 10 24 of low-risk offenders to the least restrictive sanction
 10 25 available, job development, and expanded use of intermediate
 10 26 criminal sanctions.
 10 27 3. Each judicial district department of correctional
 10 28 services shall provide alternatives to prison consistent with
 10 29 chapter 901B. The alternatives to prison shall ensure public
 10 30 safety while providing maximum rehabilitation to the offender.
 10 31 A judicial district department may also establish a day
 10 32 program.
 10 33 4. The governor's office of drug control policy shall
 10 34 consider federal grants made to the department of corrections
 10 35 for the benefit of each of the eight judicial district
 11 1 departments of correctional services as local government
 11 2 grants, as defined pursuant to federal regulations.
 11 3 5. The department of corrections shall continue to
 11 4 contract with a judicial district department of correctional
 11 5 services to provide for the rental of electronic monitoring
 11 6 equipment which shall be available statewide.
 11 7 Sec. 6. DEPARTMENT OF CORRECTIONS == REALLOCATION OF
 11 8 APPROPRIATIONS. Notwithstanding section 8.39, within the
 11 9 funds appropriated in this Act to the department of
 11 10 corrections, the department may reallocate the funds
 11 11 appropriated and allocated as necessary to best fulfill the
 11 12 needs of the correctional institutions, administration of the
 11 13 department, and the judicial district departments of
 11 14 correctional services. However, in addition to complying with
 11 15 the requirements of sections 904.116 and 905.8 and providing
 11 16 notice to the legislative services agency, the department of
 11 17 corrections shall also provide notice to the department of
 11 18 management, prior to the effective date of the revision or
 11 19 reallocation of an appropriation made pursuant to this
 11 20 section. The department shall not reallocate an appropriation
 11 21 or allocation for the purpose of eliminating any program.
 11 22 Sec. 7. INTENT == REPORTS.
 11 23 1. The department in cooperation with townships, the Iowa
 11 24 cemetery associations, and other nonprofit or governmental
 11 25 entities may use inmate labor during the fiscal year beginning
 11 26 July 1, 2007, to restore or preserve rural cemeteries and
 11 27 historical landmarks. The department in cooperation with the

11 28 counties may also use inmate labor to clean up roads, major
11 29 water sources, and other water sources around the state.

11 30 2. Each month the department shall provide a status report
11 31 regarding private-sector employment to the legislative
11 32 services agency beginning on July 1, 2007. The report shall
11 33 include the number of offenders employed in the private
11 34 sector, the combined number of hours worked by the offenders,
11 35 and the total amount of allowances, and the distribution of
12 1 allowances pursuant to section 904.702, including any moneys
12 2 deposited in the general fund of the state.

12 3 Sec. 8. ELECTRONIC MONITORING REPORT. The department of
12 4 corrections shall submit a report on electronic monitoring to
12 5 the general assembly, to the co-chairpersons and the ranking
12 6 members of the joint appropriations subcommittee on the
12 7 justice system, and to the legislative services agency by
12 8 January 15, 2008. The report shall specifically address the
12 9 number of persons being electronically monitored and break
12 10 down the number of persons being electronically monitored by
12 11 offense committed. The report shall also include a comparison
12 12 of any data from the prior fiscal year with the current year.

12 13 Sec. 9. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.
12 14 1. As used in this section, unless the context otherwise
12 15 requires, "state agency" means the government of the state of
12 16 Iowa, including but not limited to all executive branch
12 17 departments, agencies, boards, bureaus, and commissions, the
12 18 judicial branch, the general assembly and all legislative
12 19 agencies, institutions within the purview of the state board
12 20 of regents, and any corporation whose primary function is to
12 21 act as an instrumentality of the state.

12 22 2. State agencies are hereby encouraged to purchase
12 23 products from Iowa state industries, as defined in section
12 24 904.802, when purchases are required and the products are
12 25 available from Iowa state industries. State agencies shall
12 26 obtain bids from Iowa state industries for purchases of office
12 27 furniture during the fiscal year beginning July 1, 2007,
12 28 exceeding \$5,000 or in accordance with applicable
12 29 administrative rules related to purchases for the agency.

12 30 Sec. 10. STATE PUBLIC DEFENDER. There is appropriated
12 31 from the general fund of the state to the office of the state
12 32 public defender of the department of inspections and appeals
12 33 for the fiscal year beginning July 1, 2007, and ending June
12 34 30, 2008, the following amounts, or so much thereof as is
12 35 necessary, to be allocated as follows for the purposes

13 1 designated:

13 2 1. For salaries, support, maintenance, and miscellaneous
13 3 purposes, and for not more than the following full-time
13 4 equivalent positions:

13 5 \$ 20,845,271
13 6 FTEs 202.00

13 7 As a condition of receiving moneys under this subsection
13 8 the state public defender shall make recommendations about
13 9 containing the costs incurred by the office of the state
13 10 public defender and court-appointed attorneys for providing
13 11 legal representation of indigent persons. The state public
13 12 defender shall report the recommendations to the
13 13 co-chairpersons and ranking members of the joint
13 14 appropriations subcommittee on the justice system, and to the
13 15 legislative services agency by December 15, 2007.

13 16 2. For the fees of court-appointed attorneys for indigent
13 17 adults and juveniles, in accordance with section 232.141 and
13 18 chapter 815:

13 19 \$ 28,282,538

13 20 Sec. 11. IOWA LAW ENFORCEMENT ACADEMY.

13 21 1. There is appropriated from the general fund of the
13 22 state to the Iowa law enforcement academy for the fiscal year
13 23 beginning July 1, 2007, and ending June 30, 2008, the
13 24 following amount, or so much thereof as is necessary, to be
13 25 used for the purposes designated:

13 26 For salaries, support, maintenance, miscellaneous purposes,
13 27 including jailer training and technical assistance, and for
13 28 not more than the following full-time equivalent positions:

13 29 \$ 1,218,985
13 30 FTEs 30.05

13 31 It is the intent of the general assembly that the Iowa law
13 32 enforcement academy may provide training of state and local
13 33 law enforcement personnel concerning the recognition of and
13 34 response to persons with Alzheimer's disease.

13 35 The Iowa law enforcement academy may temporarily exceed and
14 1 draw more than the amount appropriated and incur a negative
14 2 cash balance as long as there are receivables 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. The Iowa law enforcement academy may select at least
14 7 five automobiles of the department of public safety, division
14 8 of state patrol, prior to turning over the automobiles to the
14 9 department of administrative services to be disposed of by
14 10 public auction and the Iowa law enforcement academy may
14 11 exchange any automobile owned by the academy for each
14 12 automobile selected if the selected automobile is used in
14 13 training law enforcement officers at the academy. However,
14 14 any automobile exchanged by the academy shall be substituted
14 15 for the selected vehicle of the department of public safety
14 16 and sold by public auction with the receipts being deposited
14 17 in the depreciation fund to the credit of the department of
14 18 public safety, division of state patrol.

14 19 Sec. 12. BOARD OF PAROLE. There is appropriated from the
14 20 general fund of the state to the board of parole for the
14 21 fiscal year beginning July 1, 2007, and ending June 30, 2008,
14 22 the following amount, or so much thereof as is necessary, to
14 23 be used for the purposes designated:

14 24 For salaries, support, maintenance, miscellaneous purposes,
14 25 and for not more than the following full-time equivalent
14 26 positions:

14 27 \$ 1,177,849
14 28 FTEs 17.50

14 29 Sec. 13. DEPARTMENT OF PUBLIC DEFENSE. There is
14 30 appropriated from the general fund of the state to the
14 31 department of public defense for the fiscal year beginning
14 32 July 1, 2007, and ending June 30, 2008, the following amounts,
14 33 or so much thereof as is necessary, to be used for the
14 34 purposes designated:

14 35 1. MILITARY DIVISION

15 1 For salaries, support, maintenance, miscellaneous purposes,
15 2 and for not more than the following full-time equivalent
15 3 positions:

15 4 \$ 6,003,767
15 5 FTEs 316.85

15 6 The military division may temporarily exceed and draw more
15 7 than the amount appropriated and incur a negative cash balance
15 8 as long as there are receivables of federal funds equal to or
15 9 greater than the negative balance and the amount appropriated
15 10 in this subsection is not exceeded at the close of the fiscal
15 11 year.

15 12 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION

15 13 a. For salaries, support, maintenance, miscellaneous
15 14 purposes, and for not more than the following full-time
15 15 equivalent positions:

15 16 \$ 2,101,033
15 17 FTEs 35.00

15 18 b. For the Iowa civil air patrol:

15 19 \$ 120,000

15 20 It is the intent of the general assembly that the homeland
15 21 security and emergency management division work in conjunction
15 22 with the department of public safety, to the extent possible,
15 23 when gathering and analyzing information related to potential
15 24 domestic or foreign security threats, and when monitoring such
15 25 threats.

15 26 Sec. 14. DEPARTMENT OF PUBLIC SAFETY. There is
15 27 appropriated from the general fund of the state to the
15 28 department of public safety for the fiscal year beginning July
15 29 1, 2007, and ending June 30, 2008, the following amounts, or
15 30 so much thereof as is necessary, to be used for the purposes
15 31 designated:

15 32 1. For the department's administrative functions,
15 33 including the criminal justice information system, and for not
15 34 more than the following full-time equivalent positions:

15 35 \$ 4,097,900
16 1 FTEs 37.00

16 2 2. For the division of criminal investigation, including
16 3 the state's contribution to the peace officers' retirement,
16 4 accident, and disability system provided in chapter 97A in the
16 5 amount of 17 percent of the salaries for which the funds are
16 6 appropriated, to meet federal fund matching requirements, and
16 7 for not more than the following full-time equivalent
16 8 positions:

16 9 \$ 20,512,962
16 10 FTEs 289.50

16 11 The department of public safety, with the approval of the
16 12 department of management, may employ no more than two special
16 13 agents and four gaming enforcement officers for each
16 14 additional riverboat regulated after July 1, 2007, and one

16 15 special agent for each racing facility which becomes
16 16 operational during the fiscal year which begins July 1, 2007.
16 17 One additional gaming enforcement officer, up to a total of
16 18 four per riverboat, may be employed for each riverboat that
16 19 has extended operations to 24 hours and has not previously
16 20 operated with a 24-hour schedule. Positions authorized in
16 21 this paragraph are in addition to the full-time equivalent
16 22 positions otherwise authorized in this subsection.

16 23 3. For the criminalistics laboratory fund created in
16 24 section 691.9:

16 25 \$ 342,000

16 26 4. a. For the division of narcotics enforcement,
16 27 including the state's contribution to the peace officers'
16 28 retirement, accident, and disability system provided in
16 29 chapter 97A in the amount of 17 percent of the salaries for
16 30 which the funds are appropriated, to meet federal fund
16 31 matching requirements, and for not more than the following
16 32 full-time equivalent positions:

16 33 \$ 5,963,415

16 34 FTEs 87.00

16 35 b. For the division of narcotics enforcement for
17 1 undercover purchases:

17 2 \$ 123,343

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

17 9 \$ 3,157,454

17 10 FTEs 47.00

17 11 b. For the division of state fire marshal, for fire
17 12 protection services as provided through the state fire service
17 13 and emergency response council as created in the department,
17 14 and for not more than the following full-time equivalent
17 15 positions:

17 16 \$ 804,110

17 17 FTEs 10.00

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

17 25 \$ 48,126,059

17 26 FTEs 533.00

17 27 It is the intent of the general assembly that members of
17 28 the state patrol be assigned to patrol the highways and roads
17 29 in lieu of assignments for inspecting school buses for the
17 30 school districts.

17 31 7. For deposit in the sick leave benefits fund established
17 32 under section 80.42, for all departmental employees eligible
17 33 to receive benefits for accrued sick leave under the
17 34 collective bargaining agreement:

17 35 \$ 316,179

18 1 8. For costs associated with the training and equipment
18 2 needs of volunteer fire fighters:

18 3 \$ 699,587

18 4 Notwithstanding section 8.33, moneys appropriated in this
18 5 subsection that remain unencumbered or unobligated at the
18 6 close of the fiscal year shall not revert but shall remain
18 7 available for expenditure only for the purpose designated in
18 8 this subsection until the close of the succeeding fiscal year.

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

18 21 Sec. 15. CIVIL RIGHTS COMMISSION. There is appropriated
18 22 from the general fund of the state to the Iowa state civil
18 23 rights commission for the fiscal year beginning July 1, 2007,
18 24 and ending June 30, 2008, the following amount, or so much
18 25 thereof as is necessary, to be used for the purposes

18 26 designated:
18 27 For salaries, support, maintenance, miscellaneous purposes,
18 28 and for not more than the following full-time equivalent
18 29 positions:
18 30 \$ 1,412,647
18 31 FTEs 29.00
18 32 The Iowa state civil rights commission may enter into a
18 33 contract with a nonprofit organization to provide legal
18 34 assistance to resolve civil rights complaints.
18 35 Sec. 16. HOMELAND SECURITY AND EMERGENCY MANAGEMENT
19 1 DIVISION == E911. There is appropriated from the wireless
19 2 E911 emergency communications fund in section 34A.7A to the
19 3 homeland security and emergency management division of the
19 4 department of public defense for the fiscal year beginning
19 5 July 1, 2007, and ending June 30, 2008, the following amount,
19 6 or so much thereof as is necessary, to be used for the
19 7 purposes designated:
19 8 For distribution on an equal basis to each public safety
19 9 answering point for wireless E911 phase 2 upgrades and
19 10 equipment purchases:
19 11 \$ 496,000
19 12 Each joint E911 service board shall report to the E911
19 13 program manager, the wireless E911 phase 2 upgrade and
19 14 equipment expenditures for each public safety answering point
19 15 within the board's E911 service area by December 15, 2007.
19 16 The E911 program manager shall compile the reports from each
19 17 joint E911 service board into one expenditure report and
19 18 provide the expenditure report to the co-chairpersons and
19 19 ranking members of the joint appropriations subcommittee on
19 20 the justice system and the legislative services agency by
19 21 January 15, 2008.
19 22 Sec. 17. HOMELAND SECURITY AND EMERGENCY MANAGEMENT
19 23 DIVISION. There is appropriated from the wireless E911
19 24 emergency communications fund created in section 34A.7A to the
19 25 administrator of the homeland security and emergency
19 26 management division of the department of public defense for
19 27 the fiscal year beginning July 1, 2007, and ending June 30,
19 28 2008, an amount not exceeding \$200,000 to be used for
19 29 implementation, support, and maintenance of the functions of
19 30 the administrator and program manager under chapter 34A and to
19 31 employ the auditor of the state to perform an annual audit of
19 32 the wireless E911 emergency communications fund.
19 33 Sec. 18. IOWA LAW ENFORCEMENT ACADEMY == FEES.
19 34 Notwithstanding section 80B.11B, the Iowa law enforcement
19 35 academy may charge more than one-half the cost of providing
20 1 the basic training course if a majority of the Iowa law
20 2 enforcement academy council authorizes charging more than one=
20 3 half of the cost of providing basic training. This section is
20 4 repealed on June 30, 2008.
20 5 Sec. 19. STATE PATROL VEHICLES == DIGITAL CAMERA STUDY.
20 6 The department of public safety shall study and make
20 7 recommendations regarding the benefits as well as the
20 8 disadvantages of converting the recording equipment in the
20 9 state patrol enforcement motor vehicles to digital camera
20 10 recording technology for use in such vehicles. The study
20 11 shall include an estimate of the cost of converting to the
20 12 technology, an assessment of issues related to data storage
20 13 and the rules of evidence, implementation concerns, and if a
20 14 conversion is recommended, a timeline for acquiring and
20 15 deploying the digital camera recording technology in the motor
20 16 vehicles of the state patrol. The department of public safety
20 17 shall report the department's recommendations to the
20 18 co-chairpersons and ranking members of the joint
20 19 appropriations subcommittee on the justice system and the
20 20 legislative services agency by December 15, 2007.
20 21 Sec. 20. STATE EMPLOYEE TELECOMMUTING == POLICY
20 22 DEVELOPMENT == IMPLEMENTATION.
20 23 1. The director of a department or state agency to which
20 24 appropriations are made pursuant to the provisions of this Act
20 25 shall assess the extent to which job classifications or
20 26 individual employment positions with the department or agency
20 27 might be effectively performed from an employee's residence or
20 28 other remote location through telecommuting, thereby
20 29 increasing office space within the department or agency and
20 30 reducing administrative costs. The assessment shall include
20 31 an estimate of the number of department or agency employees
20 32 whose job responsibilities could be effectively performed on a
20 33 telecommuting basis, projected costs of establishing and
20 34 maintaining work stations at an employee's residence or other
20 35 remote location and providing telecommuter support,
21 1 anticipated savings to the department or agency through a

21 2 reduction in the office-based workforce, and anticipated time
21 3 and cost savings to telecommuting employees. A report
21 4 summarizing the assessment shall be submitted to the director
21 5 of the department of administrative services, and the members
21 6 of the general assembly, by November 1, 2007.

21 7 2. Based on the assessment conducted pursuant to
21 8 subsection 1, the director shall develop a telecommuter
21 9 employment policy for the department or agency and a timeline
21 10 for initial policy implementation and plans for expanding the
21 11 number of telecommuting employees. Specific office-based
21 12 workforce reduction percentages shall be left to the
21 13 discretion of the director, but the director shall implement a
21 14 policy transferring some number of office-based employees to
21 15 telecommuter status by January 1, 2008. The director shall
21 16 report to the director of the department of administrative
21 17 services and the members of the general assembly on an annual
21 18 basis beginning January 1, 2009, the number of telecommuting
21 19 employees, cost savings achieved by the department or agency,
21 20 and plans for continued transfer of office-based employees to
21 21 telecommuter status.

21 22 Sec. 21. Section 34A.7A, subsection 2, paragraph f,
21 23 subparagraph (2), unnumbered paragraph 1, Code 2007, is
21 24 amended to read as follows:

21 25 Upon retirement of outstanding obligations referred to in
21 26 paragraph "e", the amount allocated under this paragraph "f"
21 27 shall be ~~twenty-four~~ twenty-five percent of the total amount
21 28 of surcharge generated per calendar quarter allocated as
21 29 follows:

21 30 Sec. 22. NEW SECTION. 455B.112A ENVIRONMENTAL CRIMES
21 31 INVESTIGATION AND PROSECUTION FUND.

21 32 1. An environmental crimes investigation and prosecution
21 33 fund is created as a separate fund in the state treasury to be
21 34 administered by the attorney general. Moneys credited to the
21 35 fund shall include court-ordered fines and restitution awarded
22 1 to the attorney general as part of a judgment in an
22 2 environmental criminal case.

22 3 2. For each fiscal year not more than twenty thousand
22 4 dollars is appropriated from the fund to the department of
22 5 justice to be used for the investigation and prosecution of
22 6 environmental crimes, including the reimbursement of expenses
22 7 incurred by county, municipal, and other local government
22 8 agencies cooperating with the attorney general in the
22 9 investigation and prosecution of environmental crimes.

22 10 3. Not more than twenty thousand dollars shall be credited
22 11 to the fund in a fiscal year and any moneys in excess of this
22 12 amount shall be credited to the general fund of the state.

22 13 4. Notwithstanding section 8.33, moneys credited to the
22 14 fund shall not revert to any other fund. Notwithstanding
22 15 section 12C.7, interest or earnings deposited in the fund
22 16 shall be credited to the fund.

22 17 Sec. 23. NEW SECTION. 553.19 ANTITRUST FUND.

22 18 1. An antitrust fund is created as a separate fund in the
22 19 state treasury to be administered by the attorney general.
22 20 Moneys credited to the fund shall include amounts received as
22 21 a result of a state or federal civil antitrust judgment or
22 22 settlement which are based on damages sustained by the state,
22 23 civil penalties, costs, or attorney fees, and amounts which
22 24 are specifically directed to the credit of the fund by the
22 25 judgment or settlement, and amounts which are designated by
22 26 the judgment or settlement for use by the attorney general for
22 27 antitrust enforcement or education. Amounts based upon
22 28 damages sustained by individuals or entities outside of state
22 29 government not designated for antitrust enforcement purposes
22 30 or amounts based upon actual damages awarded to the state
22 31 which would not otherwise be deposited in the general fund of
22 32 the state shall not be credited to the fund.

22 33 2. For each fiscal year, not more than five hundred
22 34 thousand dollars is appropriated from the fund to the
22 35 department of justice to be used for enforcement of this
23 1 chapter and chapter 551, and for enforcement of federal
23 2 antitrust laws and for public education about state and
23 3 federal antitrust laws.

23 4 3. Notwithstanding section 8.33, moneys credited to the
23 5 fund shall not revert to any other fund. Notwithstanding
23 6 section 12C.7, interest or earnings on the moneys in the fund
23 7 shall be credited to the fund.

23 8 Sec. 24. NEW SECTION. 714.16C CONSUMER EDUCATION AND
23 9 LITIGATION FUND.

23 10 1. A consumer education and litigation fund is created as
23 11 a separate fund in the state treasury to be administered by
23 12 the attorney general. Moneys credited to the fund shall

23 13 include amounts received as a result of a state or federal
23 14 civil consumer fraud judgment or settlement, civil penalties,
23 15 costs, or attorney fees, and amounts which are specifically
23 16 directed to the credit of the fund by the judgment or
23 17 settlement, and amounts which are designated by the judgment
23 18 or settlement for use by the attorney general for consumer
23 19 litigation or education purposes. Moneys designated for
23 20 consumer reimbursement shall not be credited to the fund,
23 21 except to the extent that such moneys are permitted to be used
23 22 for enforcement of section 714.16.

23 23 2. For each fiscal year, not more than one million one
23 24 hundred twenty-five thousand dollars is appropriated from the
23 25 fund to the department of justice to be used for public
23 26 education relating to consumer fraud and for enforcement of
23 27 section 714.16 and federal consumer laws, and not more than
23 28 seventy-five thousand dollars is appropriated from the fund to
23 29 the department of justice to be used for investigation,
23 30 prosecution, and consumer education relating to consumer and
23 31 criminal fraud committed against older Iowans.

23 32 3. Notwithstanding section 8.33, moneys credited to the
23 33 fund shall not revert to any other fund. Notwithstanding
23 34 section 12C.7, interest or earnings on the moneys in the fund
23 35 shall be credited to the fund.

24 1 Sec. 25. Section 815.7, Code 2007, is amended to read as
24 2 follows:

24 3 815.7 FEES TO ATTORNEYS.

24 4 1. An attorney who has not entered into a contract
24 5 authorized under section 13B.4 and who is appointed by the
24 6 court to represent any person pursuant to section 814.11 or
24 7 815.10 shall be entitled to reasonable compensation and
24 8 expenses.

24 9 2. For appointments made on or after July 1, 1999, through
24 10 June 30, 2006, the reasonable compensation shall be calculated
24 11 on the basis of sixty dollars per hour for class "A" felonies,
24 12 fifty-five dollars per hour for class "B" felonies, and fifty
24 13 dollars per hour for all other cases.

24 14 3. For appointments made on or after July 1, 2006, through
24 15 June 30, 2007, the reasonable compensation shall be calculated
24 16 on the basis of sixty-five dollars per hour for class "A"
24 17 felonies, sixty dollars per hour for all other felonies, sixty
24 18 dollars per hour for misdemeanors, and fifty-five dollars per
24 19 hour for all other cases.

24 20 4. For appointments made on or after July 1, 2007, the
24 21 reasonable compensation shall be calculated on the basis of
24 22 seventy dollars per hour for class "A" felonies, sixty-five
24 23 dollars per hour for class "B" felonies, and sixty dollars per
24 24 hour for all other cases.

24 25 5. The expenses shall include any sums as are necessary
24 26 for investigations in the interest of justice, and the cost of
24 27 obtaining the transcript of the trial record and briefs if an
24 28 appeal is filed. The attorney need not follow the case into
24 29 another county or into the appellate court unless so directed
24 30 by the court. If the attorney follows the case into another
24 31 county or into the appellate court, the attorney shall be
24 32 entitled to compensation as provided in this section. Only
24 33 one attorney fee shall be so awarded in any one case except
24 34 that in class "A" felony cases, two may be authorized.

24 35 EXPLANATION

25 1 This bill makes appropriations from the general fund of the
25 2 state for fiscal year 2007=2008 to the departments of justice,
25 3 corrections, public defense, and public safety, and the Iowa
25 4 law enforcement academy, office of consumer advocate, office
25 5 of the state public defender, board of parole, and Iowa state
25 6 civil rights commission.

25 7 The bill appropriates moneys from the wireless E911
25 8 emergency communications fund to the homeland security and
25 9 emergency management division for distribution on an equal
25 10 basis to each public safety answering point for wireless E911
25 11 phase 2 upgrades and expenditures. The bill also requires a
25 12 joint E911 service board to report public safety answering
25 13 point expenditures to the E911 program manager and the E911
25 14 program manager shall compile the expenditure reports into one
25 15 expenditure report and submit the report to the appropriate
25 16 legislative committees.

25 17 The bill also appropriates moneys, not to exceed \$200,000,
25 18 from the wireless E911 emergency communications fund to the
25 19 homeland security and emergency management division for
25 20 implementation, support, and maintenance of the functions of
25 21 the administrator and program manager of the E911 emergency
25 22 system.

25 23 The bill provides that upon the retirement of any

25 24 outstanding wireless E911 phase 1 obligation 25 percent of the
25 25 total amount of the E911 surcharge generated per calendar
25 26 quarter shall be allocated to the joint E911 service boards
25 27 and the department of public safety for public safety
25 28 answering points within the service area of each joint E911
25 29 board and the department of public safety. Current law
25 30 allocates 24 percent of the total amount of the E911 surcharge
25 31 generated per calendar quarter to the joint E911 service
25 32 boards and the department of public safety.

25 33 The bill addresses Code section 80B.11B to provide that for
25 34 FY 2007=2008 the Iowa law enforcement academy may charge a
25 35 department of the state, a member of a police force, or any
26 1 political subdivision of the state more than one-half of the
26 2 cost to provide the basic training course for a law
26 3 enforcement officer, provided a majority of the Iowa law
26 4 enforcement council approves such a charge. Current law
26 5 prohibits the Iowa law enforcement academy from charging more
26 6 than one-half of the cost of providing the basic training
26 7 course.

26 8 The bill establishes an environmental crimes investigation
26 9 and prosecution fund in new Code section 455B.112A as a
26 10 separate fund in the state treasury to be administered by the
26 11 attorney general. Moneys credited to the fund include
26 12 court-ordered fines and restitution awarded to the attorney
26 13 general as part of a judgment in an environmental criminal
26 14 case. The bill provides that not more than \$20,000 is
26 15 appropriated from the fund to the department of justice to be
26 16 used for the investigation and prosecution of environmental
26 17 crimes. The bill provides that not more than \$20,000 shall be
26 18 credited to the fund in a fiscal year and any moneys in excess
26 19 of this amount shall be credited to the general fund of the
26 20 state.

26 21 Under current law, the funds appropriated to the department
26 22 of justice reoccur in session law each year and are contingent
26 23 upon the environmental crime fund receiving an amount at least
26 24 equal to the contributions, court-ordered restitution as part
26 25 of judgments, and consent decrees entered as part of an
26 26 environmental enforcement action.

26 27 The bill establishes an antitrust fund in new Code section
26 28 553.19 as a separate fund in the state treasury to be
26 29 administered by the attorney general. The bill provides that
26 30 moneys credited to the fund shall include amounts received as
26 31 a result of a state or federal civil antitrust judgment or
26 32 settlement which are based on damages sustained by the state,
26 33 civil penalties, costs, or attorney fees, and amounts which
26 34 are specifically directed to the credit of the fund by the
26 35 judgment or settlement, and amounts which are designated by
27 1 the judgment or settlement for use by the attorney general for
27 2 antitrust enforcement or education. The bill provides that
27 3 not more than \$500,000 is appropriated from the fund to the
27 4 department of justice to be used in antitrust enforcement.

27 5 Under current law, the funds appropriated from the general
27 6 fund of the state to the department of justice for antitrust
27 7 enforcement reoccur in session law each year and are
27 8 contingent upon the general fund of the state receiving an
27 9 amount at least equal to the amount received by the state or
27 10 political subdivision of the state by an antitrust enforcement
27 11 judgment or settlement, and the funds appropriated to the
27 12 department for antitrust enforcement are not to exceed
27 13 \$200,000.

27 14 The bill establishes a consumer education and litigation
27 15 fund in new Code section 714.16C as a separate fund in the
27 16 state treasury to be administered by the attorney general.
27 17 The bill provides that moneys credited to the fund include
27 18 amounts received as a result of a state or federal civil
27 19 consumer fraud judgment or settlement, civil penalties, costs,
27 20 or attorney fees, and amounts which are specifically directed
27 21 to the credit of the fund by the judgment or settlement, and
27 22 amounts which are specifically directed to the credit of the
27 23 fund by the judgment or settlement, and amounts which are
27 24 designated by the judgment or settlement for use by the
27 25 attorney general for consumer litigation or education
27 26 purposes. The bill provides that not more than \$1,125,000 is
27 27 appropriated from the fund to the department of justice for
27 28 consumer fraud education and enforcement, and not more than
27 29 \$75,000 is appropriated from the fund to the department for
27 30 education, investigation, and prosecution relating to consumer
27 31 and criminal fraud against older Iowans.

27 32 Under current law, the funds appropriated to the department
27 33 of justice for consumer fraud reoccur in session law each year
27 34 and are contingent upon the general fund of the state

27 35 receiving an amount at least equal to the amount received by
28 1 the state or political subdivision of the state through a
28 2 fraud judgment or settlement.
28 3 The bill amends Code section 815.7 to raise the hourly rate
28 4 for indigent representation from \$65 to \$70 for class "A"
28 5 felonies, \$60 to \$65 for class "B" felonies, and maintains the
28 6 hourly rate for all other felonies and misdemeanors at \$60.
28 7 The bill also raises the hourly rate for all other cases
28 8 requiring attorney representation from \$55 to \$60.
28 9 The bill provides that the department of corrections may
28 10 reallocate appropriated funds between the institutions of the
28 11 department of corrections, the department's administration,
28 12 and the judicial district departments of correctional
28 13 services. The bill provides the department, prior to the
28 14 effective date of any reallocation, must provide notice to the
28 15 department of management, the legislative services agency, and
28 16 the district board of any judicial district department of
28 17 correctional services affected by the reallocation.
28 18 The bill provides that the department of public safety may
28 19 also reallocate the funds appropriated to the department
28 20 between the divisions of the department. The bill provides
28 21 that the department, prior to the effective date of any
28 22 reallocation, must provide notice of the reallocation to the
28 23 department of management and the legislative services agency.
28 24 The bill requires the attorney general to establish a pilot
28 25 project with a nonprofit agency in the sixth judicial district
28 26 that focuses primarily on the representation of children in
28 27 dissolution of marriage proceedings.
28 28 The director of a department or state agency receiving an
28 29 appropriation under the bill shall assess the extent to which
28 30 job classifications or individual employment positions might
28 31 be effectively performed from the employee's residence or
28 32 other remote location through telecommuting in order to reduce
28 33 costs. The bill requires the director to submit a report
28 34 summarizing the assessment to the general assembly by November
28 35 1, 2007.
29 1 The bill requires the department of public safety to study
29 2 and make recommendations to the general assembly regarding the
29 3 benefits as well as disadvantages of converting recording
29 4 equipment in state patrol motor vehicles to digital camera
29 5 recording technology.
29 6 LSB 1131SV 82
29 7 jm:jp/je/5