

House File 2523 - Introduced

HOUSE FILE 2523
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HSB 731)

A BILL FOR

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

1 Section 1. DEPARTMENT OF JUSTICE.

2 1. There is appropriated from the general fund of the state
3 to the department of justice for the fiscal year beginning July
4 1, 2010, and ending June 30, 2011, the following amounts, or
5 so much thereof as is necessary, to be used for the purposes
6 designated:

7 a. For the general office of attorney general for salaries,
8 support, maintenance, and miscellaneous purposes, including
9 the prosecuting attorneys training program, victim assistance
10 grants, office of drug control policy prosecuting attorney
11 program, and odometer fraud enforcement, and for not more than
12 the following full-time equivalent positions:

13 \$ 7,732,930
14 FTEs 232.50

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

20 b. For victim assistance grants:

21 \$ 3,060,000

22 The funds appropriated in this lettered paragraph shall be
23 used to provide grants to care providers providing services to
24 crime victims of domestic abuse or to crime victims of rape and
25 sexual assault.

26 The balance of the victim compensation fund established in
27 section 915.94 may be used to provide salary and support of not
28 more than 22 FTEs and to provide maintenance for the victim
29 compensation functions of the department of justice.

30 The department of justice may transfer moneys from the
31 victim compensation fund established in section 915.94 to the
32 victim assistance grant program.

33 c. For legal services for persons in poverty grants as
34 provided in section 13.34:

35 \$ 1,930,671

1 2. a. The department of justice, in submitting budget
2 estimates for the fiscal year commencing July 1, 2011, pursuant
3 to section 8.23, shall include a report of funding from sources
4 other than amounts appropriated directly from the general fund
5 of the state to the department of justice or to the office of
6 consumer advocate. These funding sources shall include but
7 are not limited to reimbursements from other state agencies,
8 commissions, boards, or similar entities, and reimbursements
9 from special funds or internal accounts within the department
10 of justice. The department of justice shall also report actual
11 reimbursements for the fiscal year commencing July 1, 2009,
12 and actual and expected reimbursements for the fiscal year
13 commencing July 1, 2010.

14 b. The department of justice shall include the report
15 required under paragraph "a", as well as information regarding
16 any revisions occurring as a result of reimbursements actually
17 received or expected at a later date, in a report to the
18 co-chairpersons and ranking members of the joint appropriations
19 subcommittee on the justice system and the legislative services
20 agency. The department of justice shall submit the report on
21 or before January 15, 2011.

22 Sec. 2. OFFICE OF CONSUMER ADVOCATE. There is appropriated
23 from the department of commerce revolving fund created in
24 section 546.12 to the office of consumer advocate of the
25 department of justice for the fiscal year beginning July 1,
26 2010, and ending June 30, 2011, the following amount, or so
27 much thereof as is necessary, to be used for the purposes
28 designated:

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

32 \$ 3,336,344
33 FTEs 27.00

34 Sec. 3. DEPARTMENT OF CORRECTIONS — FACILITIES.

35 1. There is appropriated from the general fund of the state

1 to the department of corrections for the fiscal year beginning
2 July 1, 2010, and ending June 30, 2011, the following amounts,
3 or so much thereof as is necessary, to be used for the purposes
4 designated:

5 For the operation of adult correctional institutions,
6 reimbursement of counties for certain confinement costs, and
7 federal prison reimbursement, to be allocated as follows:

8 a. For the operation of the Fort Madison correctional
9 facility, including salaries, support, maintenance, and
10 miscellaneous purposes:
11 \$ 39,991,374

12 As a condition of receiving an appropriation in this
13 lettered paragraph, the department of corrections shall operate
14 the John Bennett facility either as an institution of the
15 department or a community-based correctional facility.

16 b. For the operation of the Anamosa correctional facility,
17 including salaries, support, maintenance, and miscellaneous
18 purposes:
19 \$ 30,416,461

20 As a condition of receiving the appropriation in this
21 lettered paragraph, the department of corrections shall employ
22 two part-time registered nurses at the Luster Heights facility,
23 and shall seek volunteer licensed medical personnel to serve at
24 the facility.

25 It is the intent of the general assembly that the department
26 of corrections fully operate the Luster Heights facility at the
27 facility's 88-bed capacity.

28 As a condition of the moneys appropriated in this lettered
29 paragraph, the department of corrections shall replace expired
30 federal funding by expending at least \$238,252 for continuation
31 of a treatment program that prepares offenders for ongoing
32 therapeutic treatment programs offered by the department and
33 maintaining at least 4.75 FTEs for the program.

34 Moneys appropriated in this lettered paragraph shall
35 provide for one full-time substance abuse counselor for the

1 Luster Heights facility for the purpose of certification of a
2 substance abuse program at that facility.

3 c. For the operation of the Oakdale correctional facility,
4 including salaries, support, maintenance, and miscellaneous
5 purposes:

6 \$ 55,755,246

7 d. For the operation of the Newton correctional facility,
8 including salaries, support, maintenance, and miscellaneous
9 purposes:

10 \$ 26,452,257

11 e. For the operation of the Mt. Pleasant correctional
12 facility, including salaries, support, maintenance, and
13 miscellaneous purposes:

14 \$ 26,265,257

15 f. For the operation of the Rockwell City correctional
16 facility, including salaries, support, maintenance, and
17 miscellaneous purposes:

18 \$ 9,324,565

19 g. For the operation of the Clarinda correctional facility,
20 including salaries, support, maintenance, and miscellaneous
21 purposes:

22 \$ 23,645,033

23 Moneys received by the department of corrections as
24 reimbursement for services provided to the Clarinda youth
25 corporation are appropriated to the department and shall be
26 used for the purpose of operating the Clarinda correctional
27 facility.

28 h. For the operation of the Mitchellville correctional
29 facility, including salaries, support, maintenance, and
30 miscellaneous purposes:

31 \$ 15,486,586

32 i. For the operation of the Fort Dodge correctional
33 facility, including salaries, support, maintenance, and
34 miscellaneous purposes:

35 \$ 29,020,235

1 j. For reimbursement of counties for temporary confinement
2 of work release and parole violators, as provided in sections
3 901.7, 904.908, and 906.17, and for offenders confined pursuant
4 to section 904.513:

5 \$ 775,092

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

8 \$ 239,411

9 2. The department of corrections shall use moneys
10 appropriated in subsection 1 to continue to contract for the
11 services of a Muslim imam.

12 Sec. 4. DEPARTMENT OF CORRECTIONS — ADMINISTRATION.

13 1. There is appropriated from the general fund of the state
14 to the department of corrections for the fiscal year beginning
15 July 1, 2010, and ending June 30, 2011, the following amounts,
16 or so much thereof as is necessary, to be used for the purposes
17 designated:

18 a. For general administration, including salaries, support,
19 maintenance, employment of an education director to administer
20 a centralized education program for the correctional system,
21 and miscellaneous purposes:

22 \$ 4,254,068

23 (1) It is the intent of the general assembly that as a
24 condition of receiving the appropriation provided in this
25 lettered paragraph the department of corrections shall not,
26 except as otherwise provided in subparagraph (3), enter
27 into a new contract, unless the contract is a renewal of an
28 existing contract, for the expenditure of moneys in excess of
29 \$100,000 during the fiscal year beginning July 1, 2010, for the
30 privatization of services performed by the department using
31 state employees as of July 1, 2010, or for the privatization
32 of new services by the department without prior consultation
33 with any applicable state employee organization affected
34 by the proposed new contract and prior notification of the
35 co-chairpersons and ranking members of the joint appropriations

1 subcommittee on the justice system.

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

11 (3) It is the intent of the general assembly that as a
12 condition of receiving the appropriation provided in this
13 lettered paragraph the department of corrections shall not
14 enter into a lease or contractual agreement pursuant to section
15 904.809 with a private corporation for the use of building
16 space for the purpose of providing inmate employment without
17 providing that the terms of the lease or contract establish
18 safeguards to restrict, to the greatest extent feasible, access
19 by inmates working for the private corporation to personal
20 identifying information of citizens.

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

23 \$ 1,558,109

24 As a condition of receiving the appropriation in this
25 lettered paragraph, the department of corrections shall
26 transfer at least \$300,000 from the canteen operating funds
27 established pursuant to section 904.310 to be used for
28 correctional educational programs funded in this lettered
29 paragraph.

30 It is the intent of the general assembly that moneys
31 appropriated in this lettered paragraph shall be used solely
32 for the purpose indicated and that the moneys shall not be
33 transferred for any other purpose. In addition, it is the
34 intent of the general assembly that the department shall
35 consult with the community colleges in the areas in which the

1 institutions are located to utilize moneys appropriated in this
2 lettered paragraph to fund the high school completion, high
3 school equivalency diploma, adult literacy, and adult basic
4 education programs in a manner so as to maintain these programs
5 at the institutions.

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

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

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

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

22 \$ 424,364

23 d. For offender mental health and substance abuse
24 treatment:

25 \$ 22,319

26 e. For viral hepatitis prevention and treatment:

27 \$ 167,881

28 2. It is the intent of the general assembly that the
29 department of corrections shall continue to operate the
30 correctional farms under the control of the department at
31 the same or greater level of participation and involvement
32 as existed as of June 30, 2011; shall not enter into any
33 rental agreement or contract concerning any farmland under
34 the control of the department that is not subject to a rental
35 agreement or contract as of January 1, 2010, without prior

1 legislative approval; and shall further attempt to provide
2 job opportunities at the farms for inmates. The department
3 shall attempt to provide job opportunities at the farms for
4 inmates by encouraging labor-intensive farming or gardening
5 where appropriate; using inmates to grow produce and meat for
6 institutional consumption; researching the possibility of
7 instituting food canning and cook-and-chill operations; and
8 exploring opportunities for organic farming and gardening,
9 livestock ventures, horticulture, and specialized crops.

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

15 4. As a condition of receiving the appropriations made
16 in this section, the department of corrections shall develop
17 and implement offender reentry programs in Black Hawk and
18 Polk counties to provide transitional planning and release
19 primarily for offenders released from the Iowa correctional
20 institution for women at Mitchellville and the Fort Dodge
21 correctional facility. Programming shall include minority
22 and gender-specific responsivity, employment, substance
23 abuse treatment, mental health services, housing, and family
24 reintegration. The department of corrections shall collaborate
25 with the first and fifth judicial district departments of
26 correctional services, the Iowa department of workforce
27 development, the department of human services, community-based
28 providers and faith-based organizations, and local law
29 enforcement.

30 5. The chief security officer position within the
31 department of corrections shall be eliminated by the effective
32 date of this subsection.

33 6. The department shall place inmates at the Luster Heights
34 facility who have been approved by the board of parole for
35 work release but who are expected to be waiting in prison

1 for at least four months for a bed to become available at a
2 community-based correctional facility, unless the placement
3 would dislodge an inmate receiving substance abuse treatment.

4 Sec. 5. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL
5 SERVICES.

6 1. There is appropriated from the general fund of the state
7 to the department of corrections for the fiscal year beginning
8 July 1, 2010, and ending June 30, 2011, for the treatment and
9 supervision of probation and parole violators who have been
10 released from the department of corrections violator program,
11 the following amounts, or so much thereof as is necessary, to
12 be allocated as follows:

13 a. For the first judicial district department of
14 correctional services:
15 \$ 12,453,082

16 As a condition of the moneys appropriated in this lettered
17 paragraph, the department of corrections shall replace expired
18 federal funding by expending at least \$140,000 for the dual
19 diagnosis program and maintaining 1.25 FTEs for the program.

20 b. For the second judicial district department of
21 correctional services:
22 \$ 10,770,616

23 c. For the third judicial district department of
24 correctional services:
25 \$ 5,715,578

26 d. For the fourth judicial district department of
27 correctional services:
28 \$ 5,522,416

29 e. For the fifth judicial district department of
30 correctional services, including funding for electronic
31 monitoring devices for use on a statewide basis:
32 \$ 18,938,081

33 As a condition of receiving the appropriation in this
34 lettered paragraph, the fifth judicial district department of
35 correctional services shall reinstate 67 beds in buildings 65

1 and 66 at the Fort Des Moines facility and resume operating the
2 buildings, in addition to maintaining the 199 beds in buildings
3 68 and 70 at the Fort Des Moines facility. The district
4 department may use inmate labor to upgrade and renovate the
5 buildings, if renovation and updating are required.

6 f. For the sixth judicial district department of
7 correctional services:
8 \$ 13,030,356

9 g. For the seventh judicial district department of
10 correctional services:
11 \$ 6,846,560

12 h. For the eighth judicial district department of
13 correctional services:
14 \$ 6,935,622

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

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

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

33 5. The department of corrections shall continue to contract
34 with a judicial district department of correctional services to
35 provide for the rental of electronic monitoring equipment which

1 shall be available statewide.

2 6. A judicial district department of correctional services
3 shall accept into the facilities of the district department,
4 offenders assigned from other judicial district departments of
5 correctional services.

6 Sec. 6. DEPARTMENT OF CORRECTIONS — REALLOCATION OF
7 APPROPRIATIONS. Notwithstanding section 8.39, within
8 the moneys appropriated in this Act to the department of
9 corrections, the department may reallocate the moneys
10 appropriated and allocated as necessary to best fulfill the
11 needs of the correctional institutions, administration of
12 the department, and the judicial district departments of
13 correctional services. However, in addition to complying with
14 the requirements of sections 904.116 and 905.8 and providing
15 notice to the legislative services agency, the department
16 of corrections shall also provide notice to the department
17 of management, prior to the effective date of the revision
18 or reallocation of an appropriation made pursuant to this
19 section. The department shall not reallocate an appropriation
20 or allocation for the purpose of eliminating any program.

21 Sec. 7. INTENT — REPORTS.

22 1. The department in cooperation with townships, the Iowa
23 cemetery associations, and other nonprofit or governmental
24 entities may use inmate labor during the fiscal year beginning
25 July 1, 2010, to restore or preserve rural cemeteries and
26 historical landmarks. The department in cooperation with the
27 counties may also use inmate labor to clean up roads, major
28 water sources, and other water sources around the state.

29 2. Each month the department shall provide a status report
30 regarding private-sector employment to the legislative services
31 agency beginning on July 1, 2010. The report shall include
32 the number of offenders employed in the private sector, the
33 combined number of hours worked by the offenders, and the
34 total amount of allowances, and the distribution of allowances
35 pursuant to section 904.702, including any moneys deposited in

1 the general fund of the state.

2 Sec. 8. ELECTRONIC MONITORING REPORT. The department of
3 corrections shall submit a report on electronic monitoring to
4 the general assembly, to the co-chairpersons and the ranking
5 members of the joint appropriations subcommittee on the justice
6 system, and to the legislative services agency by January
7 15, 2011. The report shall specifically address the number
8 of persons being electronically monitored and break down the
9 number of persons being electronically monitored by offense
10 committed. The report shall also include a comparison of any
11 data from the prior fiscal year with the current year.

12 Sec. 9. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.

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

21 2. State agencies are hereby encouraged to purchase
22 products from Iowa state industries, as defined in section
23 904.802, when purchases are required and the products are
24 available from Iowa state industries. State agencies shall
25 obtain bids from Iowa state industries for purchases of
26 office furniture during the fiscal year beginning July 1,
27 2010, exceeding \$5,000 or in accordance with applicable
28 administrative rules related to purchases for the agency.

29 Sec. 10. STATE PUBLIC DEFENDER. There is appropriated from
30 the general fund of the state to the office of the state public
31 defender of the department of inspections and appeals for the
32 fiscal year beginning July 1, 2010, and ending June 30, 2011,
33 the following amounts, or so much thereof as is necessary, to
34 be allocated as follows for the purposes designated:

35 1. For salaries, support, maintenance, miscellaneous

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

3 \$ 21,743,182
4 FTEs 203.00

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

8 \$ 15,680,929

9 Sec. 11. IOWA LAW ENFORCEMENT ACADEMY.

10 1. There is appropriated from the general fund of the
11 state to the Iowa law enforcement academy for the fiscal year
12 beginning July 1, 2010, and ending June 30, 2011, the following
13 amount, or so much thereof as is necessary, to be used for the
14 purposes designated:

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

18 \$ 1,049,430
19 FTEs 30.55

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

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

30 2. The Iowa law enforcement academy may select at least
31 five automobiles of the department of public safety, division
32 of state patrol, prior to turning over the automobiles to
33 the department of administrative services to be disposed
34 of by public auction, and the Iowa law enforcement academy
35 may exchange any automobile owned by the academy for each

1 automobile selected if the selected automobile is used in
2 training law enforcement officers at the academy. However, any
3 automobile exchanged by the academy shall be substituted for
4 the selected vehicle of the department of public safety and
5 sold by public auction with the receipts being deposited in the
6 depreciation fund to the credit of the department of public
7 safety, division of state patrol.

8 Sec. 12. BOARD OF PAROLE. There is appropriated from the
9 general fund of the state to the board of parole for the fiscal
10 year beginning July 1, 2010, and ending June 30, 2011, the
11 following amount, or so much thereof as is necessary, to be
12 used for the purposes designated:

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

16 \$ 1,045,259
17 FTEs 13.50

18 Sec. 13. DEPARTMENT OF PUBLIC DEFENSE. There is
19 appropriated from the general fund of the state to the
20 department of public defense for the fiscal year beginning July
21 1, 2010, and ending June 30, 2011, the following amounts, or
22 so much thereof as is necessary, to be used for the purposes
23 designated:

24 1. MILITARY DIVISION

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

28 \$ 6,249,201
29 FTEs 324.00

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

1 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION

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

5	\$	2,038,119
6	FTEs	33.00

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

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

19 Sec. 14. DEPARTMENT OF PUBLIC SAFETY. There is appropriated
20 from the general fund of the state to the department of public
21 safety for the fiscal year beginning July 1, 2010, and ending
22 June 30, 2011, the following amounts, or so much thereof as is
23 necessary, to be used for the purposes designated:

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

27	\$	4,134,461
28	FTEs	36.00

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

1 positions:

2 \$ 12,861,710

3 FTEs 277.10

4 If any of the Indian tribes fail to pay for 1.00 FTE pursuant
5 to the agreements or compacts entered into between the state
6 and the Indian tribes pursuant to section 10A.104, subsection
7 10, the number of full-time equivalent positions authorized
8 under this subsection is reduced by 1.00 FTE.

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

21 The appropriation made from the gaming enforcement fund
22 established by this Act in section 80.43 shall be used to
23 provide salary and support for not more than 115.00 full-time
24 equivalent positions, unless as otherwise provided by law.

25 The department of public safety, with the approval of the
26 department of management, may employ no more than two special
27 agents and four gaming enforcement officers for each additional
28 riverboat or gambling structure regulated after July 1, 2010,
29 and one special agent for each racing facility which becomes
30 operational during the fiscal year which begins July 1, 2010.
31 One additional gaming enforcement officer, up to a total of
32 four per riverboat or gambling structure, may be employed
33 for each riverboat or gambling structure that has extended
34 operations to 24 hours and has not previously operated with a
35 24-hour schedule. Positions authorized in this paragraph are

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

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

5 \$ 302,345

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

14 \$ 6,507,048

15 FTEs 75.00

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

18 \$ 109,042

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

28 \$ 4,343,896

29 FTEs 57.00

30 6. For the division of state patrol, for salaries, support,
31 maintenance, workers' compensation costs, and miscellaneous
32 purposes, including the state's contribution to the peace
33 officers' retirement, accident, and disability system provided
34 in chapter 97A in the amount of the state's normal contribution
35 rate, as defined in section 97A.8, multiplied by the salaries

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

3 \$ 48,984,147
4 FTEs 503.00

5 It is the intent of the general assembly that members of the
6 state patrol be assigned to patrol the highways and roads in
7 lieu of assignments for inspecting school buses for the school
8 districts.

9 7. For deposit in the sick leave benefits fund established
10 under section 80.42 for all departmental employees eligible to
11 receive benefits for accrued sick leave under the collective
12 bargaining agreement:

13 \$ 279,517

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

16 \$ 612,255

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

22 Notwithstanding section 8.39, within the moneys appropriated
23 in this section the department of public safety may reallocate
24 moneys as necessary to best fulfill the needs provided for
25 in the appropriation. However, the department shall not
26 reallocate an appropriation made to the department in this
27 section unless notice of the reallocation is given to the
28 legislative services agency and the department of management
29 prior to the effective date of the reallocation. The notice
30 shall include information about the rationale for reallocating
31 the appropriation. The department shall not reallocate
32 an appropriation made in this section for the purpose of
33 eliminating any program.

34 Sec. 15. CIVIL RIGHTS COMMISSION. There is appropriated
35 from the general fund of the state to the Iowa state civil

1 rights commission for the fiscal year beginning July 1,
2 2010, and ending June 30, 2011, the following amount, or so
3 much thereof as is necessary, to be used for the purposes
4 designated:

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

8	\$	1,379,861
9	FTEs	29.50

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

13 Sec. 16. Section 8A.302, subsection 1, as amended by 2010
14 Iowa Acts, Senate File 2088, section 71, if enacted, is amended
15 to read as follows:

16 1. Providing a system of uniform standards and
17 specifications for purchasing. When the system is developed,
18 all items of general use shall be purchased by state agencies
19 through the department, except items provided for under
20 section 904.808 or items used by the state board of regents
21 and institutions under the control of the state board of
22 regents. However, the department may authorize the department
23 of transportation, the department for the blind, and any other
24 agencies otherwise exempted by law from centralized purchasing,
25 to directly purchase items used by those agencies without going
26 through the department, if the department of administrative
27 services determines such purchasing is in the best interests
28 of the state. However, items of general use may be purchased
29 through the department by any governmental entity.

30 Sec. 17. NEW SECTION. 80.43 **Gaming enforcement**
31 **— revolving fund.**

32 1. A gaming enforcement revolving fund is created in the
33 state treasury under the control of the department. The fund
34 shall consist of fees collected and deposited into the fund
35 paid by licensees pursuant to section 99D.14, subsection 2,

1 paragraph "b", and fees paid by licensees pursuant to section
2 99F.10, subsection 4, paragraph "b". The amounts deposited into
3 the fund for a fiscal year are appropriated to the department
4 to be used exclusively to pay the costs for agents and officers
5 plus any direct and indirect support costs for such agents and
6 officers of the division of criminal investigation's racetrack,
7 excursion boat, or gambling structure enforcement activities.

8 2. To meet the department's cash flow needs, the department
9 may temporarily use funds from the general fund of the state
10 to pay expenses in excess of moneys available in the revolving
11 fund if those additional expenditures are fully reimbursable
12 and the department reimburses the general fund of the state
13 and ensures all moneys are repaid in full by the close of the
14 fiscal year. Because any general fund moneys used shall be
15 fully reimbursed, such temporary use of funds from the general
16 fund of the state shall not constitute an appropriation for
17 purposes of calculating the state general fund expenditure
18 limitation pursuant to section 8.54.

19 3. Section 8.33 does not apply to any moneys credited or
20 appropriated to the revolving fund from any other fund and,
21 notwithstanding section 12C.7, subsection 2, earnings or
22 interest on moneys deposited in the revolving fund shall be
23 credited to the revolving fund.

24 Sec. 18. Section 99D.14, subsection 2, Code 2009, is amended
25 to read as follows:

26 2. a. A licensee shall pay a regulatory fee to be charged
27 as provided in this section. In determining the regulatory fee
28 to be charged as provided under this section, the commission
29 shall use the amount appropriated to the commission plus the
30 cost of salaries for no more than two special agents for each
31 racetrack that has not been issued a table games license under
32 chapter 99F or no more than three special agents for each
33 racetrack that has been issued a table games license under
34 chapter 99F, plus any direct and indirect support costs for the
35 agents, for the division of criminal investigation's racetrack

1 activities, as the basis for determining the amount of revenue
2 to be raised from the regulatory fee.

3 b. Notwithstanding sections 8.60 and 99D.17, the portion of
4 the fee paid pursuant to paragraph "a" relating to the costs
5 of special agents plus any direct and indirect support costs
6 for the agents, for the division of criminal investigation's
7 racetrack activities, shall not be deposited in the general
8 fund of the state but instead shall be deposited into the
9 gaming enforcement revolving fund established in section 80.43.

10 Sec. 19. Section 99F.10, subsection 4, Code 2009, is amended
11 to read as follows:

12 4. a. In determining the license fees and state regulatory
13 fees to be charged as provided under section 99F.4 and this
14 section, the commission shall use as the basis for determining
15 the amount of revenue to be raised from the license fees and
16 regulatory fees the amount appropriated to the commission
17 plus the cost of salaries for no more than two special agents
18 for each excursion gambling boat or gambling structure and no
19 more than four gaming enforcement officers for each excursion
20 gambling boat or gambling structure with a patron capacity of
21 less than two thousand persons or no more than five gaming
22 enforcement officers for each excursion gambling boat or
23 gambling structure with a patron capacity of at least two
24 thousand persons, plus any direct and indirect support costs
25 for the agents and officers, for the division of criminal
26 investigation's excursion gambling boat or gambling structure
27 activities.

28 b. Notwithstanding sections 8.60 and 99F.4, the portion of
29 the fee paid pursuant to paragraph "a" relating to the costs
30 of special agents and officers plus any direct and indirect
31 support costs for the agents and officers, for the division of
32 criminal investigation's excursion gambling boat or gambling
33 structure activities, shall not be deposited in the general
34 fund of the state but instead shall be deposited into the
35 gaming enforcement revolving fund established in section 80.43.

1 Sec. 20. Section 809A.17, subsection 5, Code 2009, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. *e.* If the forfeited property is cash or
4 proceeds from the sale of real property the distribution of the
5 forfeited property shall be as follows:

6 (1) The department of justice shall not retain more than
7 ten percent of the gross sale of any forfeited real property.
8 The balance of the proceeds shall be distributed to the
9 seizing agency for use by the agency or for division among
10 law enforcement agencies and county attorneys pursuant to any
11 agreement entered into by the seizing agency.

12 (2) The department of justice shall not retain more than
13 ten percent of any forfeited cash. The balance shall be
14 distributed to the seizing agency for use by the agency or for
15 division among law enforcement agencies and county attorneys
16 pursuant to any agreement entered into by the seizing agency.

17 (3) In the event of a cash forfeiture in excess of four
18 hundred thousand dollars the distribution of forfeited cash
19 shall be as follows:

20 (a) Forty-five percent shall be retained by the seizing
21 agency.

22 (b) Forty-five percent shall be distributed to other law
23 enforcement agencies within the region of the seizing agency.

24 (c) Ten percent shall be retained by the department of
25 justice.

26 Sec. 21. Section 904.315, subsection 2, Code Supplement
27 2009, is amended to read as follows:

28 2. A contract is not required for improvements at a state
29 institution where the labor of inmates is to be used if the
30 contract is not for a construction, reconstruction, demolition,
31 or repair project or improvement with an estimated cost in
32 excess of fifty one hundred thousand dollars.

33 Sec. 22. Section 904A.4B, Code 2009, is amended to read as
34 follows:

35 **904A.4B Executive director of the board of parole — duties.**

1 1. The chief administrative officer of the board of
2 parole shall be the executive director, except as provided in
3 subsection 2. The executive director shall be appointed by the
4 chairperson, subject to the approval of the board and shall
5 serve at the pleasure of the board. The executive director
6 shall do all of the following:

7 ~~1.~~ a. Advise the board on matters relating to parole,
8 work release, and executive clemency, and advise the board on
9 matters involving automation and word processing.

10 ~~2.~~ b. Carry out all directives of the board.

11 ~~3.~~ c. Hire and supervise all of the board's staff pursuant
12 to the provisions of chapter 8A, subchapter IV.

13 ~~4.~~ d. Act as the board's liaison with the general assembly.

14 ~~5.~~ e. Prepare a budget for the board, subject to the
15 approval of the board, and prepare all other reports required
16 by law.

17 ~~6.~~ f. Develop long-range parole and work release planning,
18 in cooperation with the department of corrections.

19 2. If an executive director is not appointed as provided in
20 subsection 1, the chairperson shall serve as acting executive
21 director and perform the administrative duties under subsection
22 1.

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

29 Sec. 24. HOMELAND SECURITY AND EMERGENCY MANAGEMENT
30 DIVISION. There is appropriated from the wireless E911
31 emergency communications fund created in section 34A.7A to the
32 administrator of the homeland security and emergency management
33 division of the department of public defense for the fiscal
34 year beginning July 1, 2010, and ending June 30, 2011, an
35 amount not exceeding \$200,000 to be used for implementation,

1 volunteer medical personnel to serve at correctional facilities
2 throughout the state.

3 The bill amends Code section 8A.302 as amended by the 2010
4 Iowa Acts, Senate File 2088, to provide that items of a general
5 use provided by Iowa state (prison) industries to other state
6 agencies under Code section 904.808 are exempt from being
7 purchased through the department of administrative services.

8 The bill creates the gaming enforcement revolving fund in
9 new Code section 80.43.

10 Code sections 99D.14 and 99F.10 are amended to provide
11 that the portion of the regulatory fee collected from gaming
12 interests to pay for special agents and gaming enforcement
13 officers plus any direct and indirect support costs for
14 such agents and officers for the division of criminal
15 investigation's gaming enforcement activities, shall be
16 deposited into the gaming enforcement revolving fund.

17 The bill creates a standing appropriation from the gaming
18 enforcement revolving fund to the department of public safety
19 to pay for the special agents and gaming enforcement officers
20 and any related gaming enforcement activities of such agents
21 or officers.

22 The bill provides that the appropriation from the gaming
23 enforcement revolving fund shall be used to provide salary and
24 support for not more than 115 full-time equivalent positions,
25 unless as otherwise provided by law.

26 Code section 809A.17 is amended to provide that the
27 department of justice shall not retain more than 10 percent
28 of any cash forfeiture made by a law enforcement agency or 10
29 percent of the gross proceeds from the sale of any forfeited
30 real property. The bill requires the balance of any cash
31 forfeiture or the proceeds from the sale of forfeited real
32 property be distributed to the seizing agency for use by the
33 agency or for division among law enforcement agencies and
34 county attorneys pursuant to any agreement entered into by the
35 seizing agency. In the event of a cash forfeiture in excess

1 of \$400,000, the distribution shall be as follows: 45 percent
2 shall be retained by the seizing agency; 45 percent shall be
3 distributed to other law enforcement agencies within the region
4 of the seizing agency; and 10 percent shall be retained by the
5 department of justice.

6 Code section 904.315 is amended to provide that a contract
7 is not required for improvements at a state institution where
8 the labor of inmates is used and the estimated cost of the
9 improvements does not exceed \$100,000. Currently, the contract
10 requirement threshold is \$50,000.

11 The bill amends Code section 904A.4B to provide that the
12 chairperson may act as executive director of the board of
13 parole, if the board does not appoint such a director. The
14 duties of the executive director are specified in Code section
15 904A.4B.

16 The bill eliminates the chief security officer position
17 within the department of corrections effective upon enactment.