

House Study Bill 731 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
JOINT APPROPRIATIONS
SUBCOMMITTEE ON JUSTICE
SYSTEM)

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

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

32 Moneys appropriated in this lettered paragraph shall
33 provide for one full-time substance abuse counselor for the
34 Luster Heights facility for the purpose of certification of a
35 substance abuse program at that facility.

- 1 c. For the operation of the Oakdale correctional facility,
2 including salaries, support, maintenance, and miscellaneous
3 purposes:
4 \$ 55,755,246
- 5 d. For the operation of the Newton correctional facility,
6 including salaries, support, maintenance, and miscellaneous
7 purposes:
8 \$ 26,452,257
- 9 e. For the operation of the Mt. Pleasant correctional
10 facility, including salaries, support, maintenance, and
11 miscellaneous purposes:
12 \$ 26,265,257
- 13 f. For the operation of the Rockwell City correctional
14 facility, including salaries, support, maintenance, and
15 miscellaneous purposes:
16 \$ 9,324,565
- 17 g. For the operation of the Clarinda correctional facility,
18 including salaries, support, maintenance, and miscellaneous
19 purposes:
20 \$ 23,645,033
- 21 Moneys received by the department of corrections as
22 reimbursement for services provided to the Clarinda youth
23 corporation are appropriated to the department and shall be
24 used for the purpose of operating the Clarinda correctional
25 facility.
- 26 h. For the operation of the Mitchellville correctional
27 facility, including salaries, support, maintenance, and
28 miscellaneous purposes:
29 \$ 15,486,586
- 30 i. For the operation of the Fort Dodge correctional
31 facility, including salaries, support, maintenance, and
32 miscellaneous purposes:
33 \$ 29,020,235
- 34 j. For reimbursement of counties for temporary confinement
35 of work release and parole violators, as provided in sections

1 901.7, 904.908, and 906.17, and for offenders confined pursuant
2 to section 904.513:

3 \$ 775,092

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

6 \$ 239,411

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

10 Sec. 4. DEPARTMENT OF CORRECTIONS — ADMINISTRATION.

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

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

20 \$ 4,254,068

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

35 (2) It is the intent of the general assembly that each

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

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

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

21 \$ 1,558,109

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

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

1 school equivalency diploma, adult literacy, and adult basic
2 education programs in a manner so as to maintain these programs
3 at the institutions.

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

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

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

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

20 \$ 424,364

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

23 \$ 22,319

24 e. For viral hepatitis prevention and treatment:

25 \$ 167,881

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

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

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

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

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

31 6. The department shall place inmates at the Luster Heights
32 facility who have been approved by the board of parole for
33 work release but who have been waiting for a bed to become
34 available at a community-based correctional facility, unless
35 the placement would dislodge an inmate receiving substance

1 abuse treatment.

2 7. The department of corrections shall seek volunteer
3 medical personnel to serve at correctional facilities
4 throughout the state under the direction of the department.

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

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

14 a. For the first judicial district department of
15 correctional services:
16 \$ 12,453,082

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

21 b. For the second judicial district department of
22 correctional services:
23 \$ 10,770,616

24 c. For the third judicial district department of
25 correctional services:
26 \$ 5,715,578

27 d. For the fourth judicial district department of
28 correctional services:
29 \$ 5,522,416

30 e. For the fifth judicial district department of
31 correctional services, including funding for electronic
32 monitoring devices for use on a statewide basis:
33 \$ 18,938,081

34 As a condition of receiving the appropriation in this
35 lettered paragraph, the fifth judicial district department of

1 correctional services shall reinstate 67 beds in buildings 65
2 and 66 at the Fort Des Moines facility and resume operating the
3 buildings, in addition to maintaining the 199 beds in buildings
4 68 and 70 at the Fort Des Moines facility. The district
5 department may use inmate labor to upgrade and renovate the
6 buildings, if renovation and updating are required.

7 f. For the sixth judicial district department of
8 correctional services:
9 \$ 13,030,356

10 g. For the seventh judicial district department of
11 correctional services:
12 \$ 6,846,560

13 h. For the eighth judicial district department of
14 correctional services:
15 \$ 6,935,622

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

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

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

34 5. The department of corrections shall continue to contract
35 with a judicial district department of correctional services to

1 provide for the rental of electronic monitoring equipment which
2 shall be available statewide.

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

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

22 Sec. 7. INTENT — REPORTS.

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

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

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

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

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

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

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

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

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

4 \$ 21,743,182
5 FTEs 203.00

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

9 \$ 15,680,929

10 Sec. 11. IOWA LAW ENFORCEMENT ACADEMY.

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

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

19 \$ 1,049,430
20 FTEs 30.55

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

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

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

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

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

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

17	\$	1,045,259
18	FTEs	13.50

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

25 1. MILITARY DIVISION

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

29	\$	6,249,201
30	FTEs	324.00

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

1 year.

2 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION

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

6	\$ 2,038,119
7	FTEs 33.00

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

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

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

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

28	\$ 4,134,461
29	FTEs 36.00

30 2. For the division of criminal investigation, including
31 the state's contribution to the peace officers' retirement,
32 accident, and disability system provided in chapter 97A in the
33 amount of the state's normal contribution rate, as defined in
34 section 97A.8, multiplied by the salaries for which the funds
35 are appropriated, to meet federal fund matching requirements,

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

3	\$ 12,861,710
4	FTEs 277.10

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

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

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

35 3. For the criminalistics laboratory fund created in

1 section 691.9:
2 \$ 302,345
3 4. a. For the division of narcotics enforcement, including
4 the state's contribution to the peace officers' retirement,
5 accident, and disability system provided in chapter 97A in the
6 amount of the state's normal contribution rate, as defined in
7 section 97A.8, multiplied by the salaries for which the funds
8 are appropriated, to meet federal fund matching requirements,
9 and for not more than the following full-time equivalent
10 positions:
11 \$ 6,507,048
12 FTEs 75.00
13 b. For the division of narcotics enforcement for undercover
14 purchases:
15 \$ 109,042
16 5. For the division of state fire marshal, for fire
17 protection services as provided through the state fire service
18 and emergency response council as created in the department,
19 and for the state's contribution to the peace officers'
20 retirement, accident, and disability system provided in chapter
21 97A in the amount of the state's normal contribution rate, as
22 defined in section 97A.8, multiplied by the salaries for which
23 the funds are appropriated, and for not more than the following
24 full-time equivalent positions:
25 \$ 4,343,896
26 FTEs 57.00
27 6. For the division of state patrol, for salaries, support,
28 maintenance, workers' compensation costs, and miscellaneous
29 purposes, including the state's contribution to the peace
30 officers' retirement, accident, and disability system provided
31 in chapter 97A in the amount of the state's normal contribution
32 rate, as defined in section 97A.8, multiplied by the salaries
33 for which the funds are appropriated, and for not more than the
34 following full-time equivalent positions:
35 \$ 48,984,147

1 FTEs 503.00

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

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

10 \$ 279,517

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

13 \$ 612,255

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

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

31 Sec. 15. CIVIL RIGHTS COMMISSION. There is appropriated
32 from the general fund of the state to the Iowa state civil
33 rights commission for the fiscal year beginning July 1,
34 2010, and ending June 30, 2011, the following amount, or so
35 much thereof as is necessary, to be used for the purposes

1 designated:

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

5	\$	1,379,861
6	FTEs	29.50

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

10 Sec. 16. Section 8A.302, subsection 1, Code 2009, is amended
11 to read as follows:

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

27 Sec. 17. Section 99D.14, subsection 2, Code 2009, is amended
28 to read as follows:

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

1 racetrack that has been issued a table games license under
2 chapter 99F, plus any direct and indirect support costs for the
3 agents, for the division of criminal investigation's racetrack
4 activities, as the basis for determining the amount of revenue
5 to be raised from the regulatory fee.

6 b. Notwithstanding sections 8.60 and 99D.17, the portion of
7 the fee paid pursuant to paragraph "a" relating to the costs
8 of special agents plus any direct and indirect support costs
9 for the agents, for the division of criminal investigation's
10 racetrack activities, shall not be deposited in the general
11 fund of the state but instead are appropriated to supplement
12 appropriations made to the department of public safety to
13 be used for such activities by the division of criminal
14 investigation.

15 Sec. 18. Section 99F.10, subsection 4, Code 2009, is amended
16 to read as follows:

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

33 b. Notwithstanding sections 8.60 and 99F.4, the portion of
34 the fee paid pursuant to paragraph "a" relating to the costs
35 of special agents and officers plus any direct and indirect

1 support costs for the agents and officers, for the division of
2 criminal investigation's excursion gambling boat or gambling
3 structure activities, shall not be deposited in the general
4 fund of the state but instead are appropriated to supplement
5 appropriations made to the department of public safety to
6 be used for such activities by the division of criminal
7 investigation.

8 Sec. 19. Section 809A.17, Code 2009, is amended by adding
9 the following new subsection:

10 NEW SUBSECTION. 6. If the forfeited property is cash or
11 proceeds from the sale of real property the distribution of the
12 forfeited property shall be as follows:

13 a. The department of justice shall not retain more than
14 ten percent of the gross sale of any forfeited real property.
15 The balance of the proceeds shall be distributed to the
16 seizing agency for use by the agency or for division among
17 law enforcement agencies and county attorneys pursuant to any
18 agreement entered into by the seizing agency.

19 b. The department of justice shall not retain more than
20 ten percent of any forfeited cash. The balance shall be
21 distributed to the seizing agency for use by the agency or for
22 division among law enforcement agencies and county attorneys
23 pursuant to any agreement entered into by the seizing agency.

24 c. In the event of a cash forfeiture in excess of four
25 hundred thousand dollars the distribution of forfeited cash
26 shall be as follows:

27 (1) Forty-five percent shall be retained by the seizing
28 agency.

29 (2) Forty-five percent shall be distributed to other law
30 enforcement agencies within the region of the seizing agency.

31 (3) Ten percent shall be retained by the department of
32 justice.

33 Sec. 20. Section 904.315, subsection 2, Code Supplement
34 2009, is amended to read as follows:

35 2. A contract is not required for improvements at a state

1 institution where the labor of inmates is to be used if the
2 contract is not for a construction, reconstruction, demolition,
3 or repair project or improvement with an estimated cost in
4 excess of ~~fifty~~ one hundred thousand dollars.

5 Sec. 21. Section 904A.4B, Code 2009, is amended to read as
6 follows:

7 **904A.4B Executive director of the board of parole — duties.**

8 1. The chief administrative officer of the board of
9 parole shall be the executive director, except as provided in
10 subsection 2. The executive director shall be appointed by the
11 chairperson, subject to the approval of the board and shall
12 serve at the pleasure of the board. The executive director
13 shall do all of the following:

- 14 ~~1.~~ a. Advise the board on matters relating to parole,
15 work release, and executive clemency, and advise the board on
16 matters involving automation and word processing.
17 ~~2.~~ b. Carry out all directives of the board.
18 ~~3.~~ c. Hire and supervise all of the board's staff pursuant
19 to the provisions of chapter 8A, subchapter IV.
20 ~~4.~~ d. Act as the board's liaison with the general assembly.
21 ~~5.~~ e. Prepare a budget for the board, subject to the
22 approval of the board, and prepare all other reports required
23 by law.

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

26 2. If an executive director is not appointed as provided in
27 subsection 1, the chairperson shall serve as acting executive
28 director and perform the administrative duties under subsection
29 1.

30 Sec. 22. IOWA COMMUNICATIONS NETWORK. It is the
31 intent of the general assembly that the executive branch
32 agencies receiving an appropriation in this Act utilize
33 the Iowa communications network or secure other electronic
34 communications in lieu of traveling for the fiscal year
35 addressed by the appropriations.

1 Sec. 23. HOMELAND SECURITY AND EMERGENCY MANAGEMENT
2 DIVISION. There is appropriated from the wireless E911
3 emergency communications fund created in section 34A.7A to the
4 administrator of the homeland security and emergency management
5 division of the department of public defense for the fiscal
6 year beginning July 1, 2010, and ending June 30, 2011, an
7 amount not exceeding \$200,000 to be used for implementation,
8 support, and maintenance of the functions of the administrator
9 and program manager under chapter 34A and to employ the auditor
10 of the state to perform an annual audit of the wireless E911
11 emergency communications fund.

12 Sec. 24. IOWA LAW ENFORCEMENT ACADEMY — FEES.

13 Notwithstanding section 80B.11B, the Iowa law enforcement
14 academy may charge more than one-half the cost of providing the
15 basic training course if a majority of the Iowa law enforcement
16 academy council authorizes charging more than one-half of the
17 cost of providing basic training. This section is repealed on
18 June 30, 2011.

19 Sec. 25. CORRECTIONAL OFFICER AND PEACE OFFICER —

20 PRIORITY. As a condition of receiving an appropriation in
21 this Act, the department of corrections and the department of
22 public safety shall make every effort to preserve correctional
23 officer and peace officer positions through the reduction of
24 administrative and related overhead costs.

25 Sec. 26. EFFECTIVE UPON ENACTMENT. The provision of this
26 Act eliminating the chief security officer position within
27 the department of corrections, being deemed of immediate
28 importance, takes effect upon enactment.

29

EXPLANATION

30 This bill makes appropriations from the general fund of the
31 state for fiscal year 2010-2011 to the departments of justice,
32 corrections, public defense, and public safety, and the Iowa
33 law enforcement academy, office of the state public defender,
34 board of parole, and Iowa state civil rights commission.

35 The bill also appropriates moneys from the department of

1 commerce revolving fund created in Code section 546.12 to the
2 office of consumer advocate of the department of justice.

3 The bill requires the department of corrections to employ
4 two part-time nurses at the Luster Heights correctional
5 facility.

6 The bill requires the department of corrections to place
7 inmates at the Luster Heights facility who have been approved
8 by the board of parole for work release but who have been
9 waiting for a bed to become available at a community-based
10 correctional facility, unless the placement dislodges an inmate
11 receiving substance abuse treatment.

12 The bill requires the department of corrections to seek
13 volunteer medical personnel to serve at correctional facilities
14 throughout the state.

15 Code section 8A.302 is amended to provide that the state
16 department of transportation, the department of blind, and any
17 other state agency other than the state board of regents, must
18 receive authorization from the department of administrative
19 services prior to making purchases of products provided for by
20 Iowa state industries under Code section 904.808.

21 Code sections 99D.14 and 99F.10 are amended to provide that
22 the portion of the regulatory fees collected for the regulatory
23 activities of special agents and gambling enforcement officers
24 of the department of public safety, division of criminal
25 investigation and associated costs, are appropriated to the
26 department of public safety to be used for such activities
27 instead of being credited to the general fund.

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

1 county attorneys pursuant to any agreement entered into by the
2 seizing agency. In the event of a cash forfeiture in excess
3 of \$400,000, the distribution shall be as follows: 45 percent
4 shall be retained by the seizing agency; 45 percent shall be
5 distributed to other law enforcement agencies within the region
6 of the seizing agency; and 10 percent shall be retained by the
7 department of justice.

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

13 The bill amends Code section 904A.4B to provide that the
14 chairperson may act as executive director of the board of
15 parole, if the board does not appoint such a director. The
16 duties of the executive director are specified in Code section
17 904A.4B.

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