

Senate Study Bill 1324

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

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to and making appropriations to the justice
2 system, and including effective and retroactive applicability
3 date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1005JB 83
6 jm/jp/24

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1 1 Section 1. DEPARTMENT OF JUSTICE.
1 2 1. There is appropriated from the general fund of the
1 3 state to the department of justice for the fiscal year
1 4 beginning July 1, 2009, and ending June 30, 2010, the
1 5 following amounts, or so much thereof as is necessary, to be
1 6 used for the purposes designated:
1 7 a. For the general office of attorney general for
1 8 salaries, support, maintenance, and miscellaneous purposes,
1 9 including the prosecuting attorneys training program, victim
1 10 assistance grants, office of drug control policy (ODCP)
1 11 prosecuting attorney program, and odometer fraud enforcement,
1 12 and for not more than the following full-time equivalent
1 13 positions:
1 14 \$ 8,592,145
1 15 FTEs 232.50
1 16 It is the intent of the general assembly that as a
1 17 condition of receiving the appropriation provided in this
1 18 lettered paragraph, the department of justice shall maintain a
1 19 record of the estimated time incurred representing each agency
1 20 or department.
1 21 b. For victim assistance grants:
1 22 \$ 2,400,000
1 23 The funds appropriated in this lettered paragraph shall be
1 24 used to provide grants to care providers providing services to
1 25 crime victims of domestic abuse or to crime victims of rape
1 26 and sexual assault.
1 27 It is the intent of the general assembly to appropriate
1 28 from the general fund of the state to the department of
1 29 justice for victim assistance grants the following amount:
1 30 \$1,000,000 for the fiscal year beginning July 1, 2010, and
1 31 ending June 30, 2011.
1 32 The balance of the victim compensation fund established in
1 33 section 915.94 may be used to provide salary and support of
1 34 not more than 22 FTEs and to provide maintenance for the
1 35 victim compensation functions of the department of justice.
2 1 The department of justice may transfer moneys from the
2 2 victim compensation fund established in section 915.94 to the
2 3 victim assistance grant program.
2 4 c. For legal services for persons in poverty grants as
2 5 provided in section 13.34:
2 6 \$ 1,954,634
2 7 2. a. The department of justice, in submitting budget
2 8 estimates for the fiscal year commencing July 1, 2010,
2 9 pursuant to section 8.23, shall include a report of funding
2 10 from sources other than amounts appropriated directly from the
2 11 general fund of the state to the department of justice or to
2 12 the office of consumer advocate. These funding sources shall
2 13 include but are not limited to reimbursements from other state
2 14 agencies, commissions, boards, or similar entities, and
2 15 reimbursements from special funds or internal accounts within
2 16 the department of justice. The department of justice shall
2 17 also report actual reimbursements for the fiscal year

2 18 commencing July 1, 2008, and actual and expected
2 19 reimbursements for the fiscal year commencing July 1, 2009.
2 20 b. The department of justice shall include the report
2 21 required under paragraph "a", as well as information regarding
2 22 any revisions occurring as a result of reimbursements actually
2 23 received or expected at a later date, in a report to the co=
2 24 chairpersons and ranking members of the joint appropriations
2 25 subcommittee on the justice system and the legislative
2 26 services agency. The department of justice shall submit the
2 27 report on or before January 15, 2010.

2 28 c. The department shall cooperate with the auditor of
2 29 state in preparing a report detailing recommendations for
2 30 reimbursement moneys, including recommendations for
2 31 appropriating such reimbursement moneys. The auditor of state
2 32 shall provide the report to the co-chairpersons and ranking
2 33 members of the joint appropriations subcommittee on the
2 34 justice system, the legislative services agency, and the
2 35 department of management by December 15, 2009.

3 1 Sec. 2. OFFICE OF CONSUMER ADVOCATE. There is
3 2 appropriated from the general fund of the state to the office
3 3 of consumer advocate of the department of justice for the
3 4 fiscal year beginning July 1, 2009, and ending June 30, 2010,
3 5 the following amount, or so much thereof as is necessary, to
3 6 be used for the purposes designated:

3 7 For salaries, support, maintenance, miscellaneous purposes,
3 8 and for not more than the following full-time equivalent
3 9 positions:

3 10 \$ 2,809,606
3 11 FTEs 27.00

3 12 Sec. 3. DEPARTMENT OF CORRECTIONS == FACILITIES.

3 13 1. There is appropriated from the general fund of the
3 14 state to the department of corrections for the fiscal year
3 15 beginning July 1, 2009, and ending June 30, 2010, the
3 16 following amounts, or so much thereof as is necessary, to be
3 17 used for the purposes designated:

3 18 For the operation of adult correctional institutions,
3 19 reimbursement of counties for certain confinement costs, and
3 20 federal prison reimbursement, to be allocated as follows:

3 21 a. For the operation of the Fort Madison correctional
3 22 facility, including salaries, support, maintenance, and
3 23 miscellaneous purposes:

3 24 \$ 41,114,692

3 25 As a condition of receiving an appropriation in this
3 26 lettered paragraph, the department of corrections shall
3 27 operate the John Bennett facility either as an institution of
3 28 the department or a community-based correctional facility.

3 29 b. For the operation of the Anamosa correctional facility,
3 30 including salaries, support, maintenance, and miscellaneous
3 31 purposes:

3 32 \$ 31,413,895

3 33 It is the intent of the general assembly that the
3 34 department of corrections fully operate the Luster Heights
3 35 facility at the facility's 88-bed capacity.

4 1 As a condition of the funds appropriated in this lettered
4 2 paragraph, the department of corrections shall replace expired
4 3 federal funding by expending at least \$238,252 for

4 4 continuation of a treatment program that prepares offenders
4 5 for on-going therapeutic treatment programs offered by the
4 6 department and maintaining at least 4.75 full-time equivalent
4 7 positions for the program.

4 8 Moneys are provided within this appropriation for one full=
4 9 time substance abuse counselor for the Luster Heights facility
4 10 for the purpose of certification of a substance abuse program
4 11 at that facility.

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

4 15 \$ 58,646,095

4 16 d. For the operation of the Newton correctional facility,
4 17 including salaries, support, maintenance, and miscellaneous
4 18 purposes:

4 19 \$ 28,033,393

4 20 e. For the operation of the Mt. Pleasant correctional
4 21 facility, including salaries, support, maintenance, and
4 22 miscellaneous purposes:

4 23 \$ 27,216,182

4 24 f. For the operation of the Rockwell City correctional
4 25 facility, including salaries, support, maintenance, and
4 26 miscellaneous purposes:

4 27 \$ 9,392,186

4 28 g. For the operation of the Clarinda correctional

4 29 facility, including salaries, support, maintenance, and
4 30 miscellaneous purposes:
4 31 \$ 23,421,051
4 32 Moneys received by the department of corrections as
4 33 reimbursement for services provided to the Clarinda youth
4 34 corporation are appropriated to the department and shall be
4 35 used for the purpose of operating the Clarinda correctional
5 1 facility.
5 2 h. For the operation of the Mitchellville correctional
5 3 facility, including salaries, support, maintenance, and
5 4 miscellaneous purposes:
5 5 \$ 15,836,794
5 6 i. For the operation of the Fort Dodge correctional
5 7 facility, including salaries, support, maintenance, and
5 8 miscellaneous purposes:
5 9 \$ 29,999,036
5 10 j. For reimbursement of counties for temporary confinement
5 11 of work release and parole violators, as provided in sections
5 12 901.7, 904.908, and 906.17, and for offenders confined
5 13 pursuant to section 904.513:
5 14 \$ 861,213
5 15 k. For federal prison reimbursement, reimbursements for
5 16 out-of-state placements, and miscellaneous contracts:
5 17 \$ 239,411
5 18 2. The department of corrections shall use funds
5 19 appropriated in subsection 1 to continue to contract for the
5 20 services of a Muslim imam.
5 21 Sec. 4. DEPARTMENT OF CORRECTIONS == ADMINISTRATION.
5 22 1. There is appropriated from the general fund of the
5 23 state to the department of corrections for the fiscal year
5 24 beginning July 1, 2009, and ending June 30, 2010, the
5 25 following amounts, or so much thereof as is necessary, to be
5 26 used for the purposes designated:
5 27 a. For general administration, including salaries,
5 28 support, maintenance, employment of an education director to
5 29 administer a centralized education program for the
5 30 correctional system, and miscellaneous purposes:
5 31 \$ 4,810,048
5 32 (1) It is the intent of the general assembly that as a
5 33 condition of receiving the appropriation provided in this
5 34 lettered paragraph the department of corrections shall not,
5 35 except as otherwise provided in subparagraph (3), enter into a
6 1 new contract, unless the contract is a renewal of an existing
6 2 contract, for the expenditure of moneys in excess of \$100,000
6 3 during the fiscal year beginning July 1, 2009, for the
6 4 privatization of services performed by the department using
6 5 state employees as of July 1, 2009, or for the privatization
6 6 of new services by the department without prior consultation
6 7 with any applicable state employee organization affected by
6 8 the proposed new contract and prior notification of the co=
6 9 chairpersons and ranking members of the joint appropriations
6 10 subcommittee on the justice system.
6 11 (2) It is the intent of the general assembly that each
6 12 lease negotiated by the department of corrections with a
6 13 private corporation for the purpose of providing private
6 14 industry employment of inmates in a correctional institution
6 15 shall prohibit the private corporation from utilizing inmate
6 16 labor for partisan political purposes for any person seeking
6 17 election to public office in this state and that a violation
6 18 of this requirement shall result in a termination of the lease
6 19 agreement.
6 20 (3) It is the intent of the general assembly that as a
6 21 condition of receiving the appropriation provided in this
6 22 lettered paragraph the department of corrections shall not
6 23 enter into a lease or contractual agreement pursuant to
6 24 section 904.809 with a private corporation for the use of
6 25 building space for the purpose of providing inmate employment
6 26 without providing that the terms of the lease or contract
6 27 establish safeguards to restrict, to the greatest extent
6 28 feasible, access by inmates working for the private
6 29 corporation to personal identifying information of citizens.
6 30 b. For educational programs for inmates at state penal
6 31 institutions:
6 32 \$ 1,558,109
6 33 As a condition of receiving the appropriation in this
6 34 lettered paragraph, the department of corrections shall
6 35 transfer at least \$300,000 from the canteen operating funds
7 1 established pursuant to section 904.310 to be used for
7 2 correctional educational programs funded in this lettered
7 3 paragraph.
7 4 It is the intent of the general assembly that moneys

7 5 appropriated in this lettered paragraph shall be used solely
7 6 for the purpose indicated and that the moneys shall not be
7 7 transferred for any other purpose. In addition, it is the
7 8 intent of the general assembly that the department shall
7 9 consult with the community colleges in the areas in which the
7 10 institutions are located to utilize moneys appropriated in
7 11 this lettered paragraph to fund the high school completion,
7 12 high school equivalency diploma, adult literacy, and adult
7 13 basic education programs in a manner so as to maintain these
7 14 programs at the institutions.

7 15 To maximize the funding for educational programs, the
7 16 department shall establish guidelines and procedures to
7 17 prioritize the availability of educational and vocational
7 18 training for inmates based upon the goal of facilitating an
7 19 inmate's successful release from the correctional institution.

7 20 The director of the department of corrections may transfer
7 21 moneys from Iowa prison industries for use in educational
7 22 programs for inmates.

7 23 Notwithstanding section 8.33, moneys appropriated in this
7 24 lettered paragraph that remain unobligated or unexpended at
7 25 the close of the fiscal year shall not revert but shall remain
7 26 available for expenditure only for the purpose designated in
7 27 this lettered paragraph until the close of the succeeding
7 28 fiscal year.

7 29 c. For the development of the Iowa corrections offender
7 30 network (ICON) data system:

7 31 \$ 424,364

7 32 d. For offender mental health and substance abuse
7 33 treatment:

7 34 \$ 24,799

7 35 e. For viral hepatitis prevention and treatment:

8 1 \$ 186,534

8 2 2. It is the intent of the general assembly that the
8 3 department of corrections shall continue to operate the
8 4 correctional farms under the control of the department at the
8 5 same or greater level of participation and involvement as
8 6 existed as of January 1, 2009; shall not enter into any rental
8 7 agreement or contract concerning any farmland under the
8 8 control of the department that is not subject to a rental
8 9 agreement or contract as of January 1, 2009, without prior
8 10 legislative approval; and shall further attempt to provide job
8 11 opportunities at the farms for inmates. The department shall
8 12 attempt to provide job opportunities at the farms for inmates
8 13 by encouraging labor-intensive farming or gardening where
8 14 appropriate; using inmates to grow produce and meat for
8 15 institutional consumption; researching the possibility of
8 16 instituting food canning and cook-and-chill operations; and
8 17 exploring opportunities for organic farming and gardening,
8 18 livestock ventures, horticulture, and specialized crops.

8 19 3. The department of corrections shall provide a smoking
8 20 cessation program to offenders committed to the custody of the
8 21 director or who are otherwise detained by the department, that
8 22 complies with legislation enacted restricting or prohibiting
8 23 smoking on the grounds of correctional institutions.

8 24 4. As a condition of receiving the appropriations made in
8 25 this section, the department of corrections shall develop and
8 26 implement offender reentry centers in Black Hawk and Polk
8 27 counties to provide transitional planning and release
8 28 primarily for offenders released from the Iowa correctional
8 29 institution for women at Mitchellville and the Fort Dodge
8 30 correctional facility. Programming shall include minority and
8 31 gender-specific responsivity, employment, substance abuse
8 32 treatment, mental health services, housing, and family
8 33 reintegration. The department of corrections shall
8 34 collaborate with the first and fifth judicial district
8 35 departments of correctional services, the Iowa department of
9 1 workforce development, the department of human services,
9 2 community-based providers and faith-based organizations, and
9 3 local law enforcement.

9 4 5. The chief security officer position within the
9 5 department of corrections shall be eliminated by June 30,
9 6 2011.

9 7 6. The department of corrections shall study the use of
9 8 paramedics at correctional institutions, and file a report
9 9 with the chairpersons and ranking members of the joint
9 10 appropriations subcommittee on the justice system and the
9 11 legislative services agency, detailing the study by January
9 12 15, 2010.

9 13 7. The department of corrections shall implement a
9 14 centralized pharmacy during the fiscal year beginning July 1,
9 15 2009, and file a report with the chairpersons and ranking

9 16 members of the joint appropriations subcommittee on the
9 17 justice system and the legislative services agency. The
9 18 department shall submit the report by September 1, 2010.
9 19 Sec. 5. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL
9 20 SERVICES.

9 21 1. There is appropriated from the general fund of the
9 22 state to the department of corrections for the fiscal year
9 23 beginning July 1, 2009, and ending June 30, 2010, for the
9 24 treatment and supervision of probation and parole violators
9 25 who have been released from the department of corrections
9 26 violator program, the following amounts, or so much thereof as
9 27 is necessary, to be allocated as follows:

9 28 a. For the first judicial district department of
9 29 correctional services:
9 30 \$ 12,883,094
9 31 As a condition of the funds appropriated in this lettered
9 32 paragraph, the department of corrections shall replace expired
9 33 federal funding by expending at least \$140,000 for the dual
9 34 diagnosis program and maintaining 1.25 full-time equivalent
9 35 positions for the program.

10 1 b. For the second judicial district department of
10 2 correctional services:
10 3 \$ 10,843,473

10 4 c. For the third judicial district department of
10 5 correctional services:
10 6 \$ 5,718,746

10 7 d. For the fourth judicial district department of
10 8 correctional services:
10 9 \$ 5,436,248

10 10 e. For the fifth judicial district department of
10 11 correctional services, including funding for electronic
10 12 monitoring devices for use on a statewide basis:
10 13 \$ 18,958,665

10 14 As a condition of receiving the appropriation in this
10 15 lettered paragraph, the fifth judicial district department of
10 16 correctional services shall reinstate 67 beds in buildings 65
10 17 and 66 at the fort Des Moines facility and resume operating
10 18 the buildings, in addition to maintaining the 199 beds in
10 19 buildings 68 and 70 at the fort Des Moines facility. The
10 20 district department may use inmate labor to upgrade and
10 21 renovate the buildings, if renovation and updating are
10 22 required.

10 23 f. For the sixth judicial district department of
10 24 correctional services:
10 25 \$ 13,417,533

10 26 g. For the seventh judicial district department of
10 27 correctional services:
10 28 \$ 6,995,044

10 29 h. For the eighth judicial district department of
10 30 correctional services:
10 31 \$ 6,919,964

10 32 2. Each judicial district department of correctional
10 33 services, within the funding available, shall continue
10 34 programs and plans established within that district to provide
10 35 for intensive supervision, sex offender treatment, diversion
11 1 of low-risk offenders to the least restrictive sanction
11 2 available, job development, and expanded use of intermediate
11 3 criminal sanctions.

11 4 3. Each judicial district department of correctional
11 5 services shall provide alternatives to prison consistent with
11 6 chapter 901B. The alternatives to prison shall ensure public
11 7 safety while providing maximum rehabilitation to the offender.
11 8 A judicial district department of correctional services may
11 9 also establish a day program.

11 10 4. The governor's office of drug control policy shall
11 11 consider federal grants made to the department of corrections
11 12 for the benefit of each of the eight judicial district
11 13 departments of correctional services as local government
11 14 grants, as defined pursuant to federal regulations.

11 15 5. The department of corrections shall continue to
11 16 contract with a judicial district department of correctional
11 17 services to provide for the rental of electronic monitoring
11 18 equipment which shall be available statewide.

11 19 6. A judicial district department of correctional services
11 20 shall accept into the facilities of the district department,
11 21 offenders assigned from other judicial district departments of
11 22 correctional services.

11 23 Sec. 6. DEPARTMENT OF CORRECTIONS == REALLOCATION OF
11 24 APPROPRIATIONS. Notwithstanding section 8.39, within the
11 25 funds appropriated in this Act to the department of
11 26 corrections, the department may reallocate the funds

11 27 appropriated and allocated as necessary to best fulfill the
11 28 needs of the correctional institutions, administration of the
11 29 department, and the judicial district departments of
11 30 correctional services. However, in addition to complying with
11 31 the requirements of sections 904.116 and 905.8 and providing
11 32 notice to the legislative services agency, the department of
11 33 corrections shall also provide notice to the department of
11 34 management, prior to the effective date of the revision or
11 35 reallocation of an appropriation made pursuant to this
12 1 section. The department shall not reallocate an appropriation
12 2 or allocation for the purpose of eliminating any program.

12 3 Sec. 7. INTENT == REPORTS.

12 4 1. The department in cooperation with townships, the Iowa
12 5 cemetery associations, and other nonprofit or governmental
12 6 entities may use inmate labor during the fiscal year beginning
12 7 July 1, 2009, to restore or preserve rural cemeteries and
12 8 historical landmarks. The department in cooperation with the
12 9 counties may also use inmate labor to clean up roads, major
12 10 water sources, and other water sources around the state.

12 11 2. Each month the department shall provide a status report
12 12 regarding private-sector employment to the legislative
12 13 services agency beginning on July 1, 2009. The report shall
12 14 include the number of offenders employed in the private
12 15 sector, the combined number of hours worked by the offenders,
12 16 and the total amount of allowances, and the distribution of
12 17 allowances pursuant to section 904.702, including any moneys
12 18 deposited in the general fund of the state.

12 19 Sec. 8. ELECTRONIC MONITORING REPORT. The department of
12 20 corrections shall submit a report on electronic monitoring to
12 21 the general assembly, to the co-chairpersons and the ranking
12 22 members of the joint appropriations subcommittee on the
12 23 justice system, and to the legislative services agency by
12 24 January 15, 2010. The report shall specifically address the
12 25 number of persons being electronically monitored and break
12 26 down the number of persons being electronically monitored by
12 27 offense committed. The report shall also include a comparison
12 28 of any data from the prior fiscal year with the current year.

12 29 Sec. 9. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.

12 30 1. As used in this section, unless the context otherwise
12 31 requires, "state agency" means the government of the state of
12 32 Iowa, including but not limited to all executive branch
12 33 departments, agencies, boards, bureaus, and commissions, the
12 34 judicial branch, the general assembly and all legislative
12 35 agencies, institutions within the purview of the state board
13 1 of regents, and any corporation whose primary function is to
13 2 act as an instrumentality of the state.

13 3 2. State agencies are hereby encouraged to purchase
13 4 products from Iowa state industries, as defined in section
13 5 904.802, when purchases are required and the products are
13 6 available from Iowa state industries. State agencies shall
13 7 obtain bids from Iowa state industries for purchases of office
13 8 furniture during the fiscal year beginning July 1, 2009,
13 9 exceeding \$5,000 or in accordance with applicable
13 10 administrative rules related to purchases for the agency.

13 11 Sec. 10. STATE PUBLIC DEFENDER. There is appropriated
13 12 from the general fund of the state to the office of the state
13 13 public defender of the department of inspections and appeals
13 14 for the fiscal year beginning July 1, 2009, and ending June
13 15 30, 2010, the following amounts, or so much thereof as is
13 16 necessary, to be allocated as follows for the purposes
13 17 designated:

13 18 1. For salaries, support, maintenance, miscellaneous
13 19 purposes, and for not more than the following full-time
13 20 equivalent positions:

13 21 \$ 21,743,182
13 22 FTEs 203.00

13 23 2. For the fees of court-appointed attorneys for indigent
13 24 adults and juveniles, in accordance with section 232.141 and
13 25 chapter 815:

13 26 \$ 24,009,163

13 27 Sec. 11. IOWA LAW ENFORCEMENT ACADEMY.

13 28 1. There is appropriated from the general fund of the
13 29 state to the Iowa law enforcement academy for the fiscal year
13 30 beginning July 1, 2009, and ending June 30, 2010, the
13 31 following amount, or so much thereof as is necessary, to be
13 32 used for the purposes designated:

13 33 For salaries, support, maintenance, miscellaneous purposes,
13 34 including jailer training and technical assistance, and for
13 35 not more than the following full-time equivalent positions:

14 1 \$ 1,166,033
14 2 FTEs 29.55

14 3 It is the intent of the general assembly that the Iowa law
14 4 enforcement academy may provide training of state and local
14 5 law enforcement personnel concerning the recognition of and
14 6 response to persons with Alzheimer's disease.

14 7 The Iowa law enforcement academy may temporarily exceed and
14 8 draw more than the amount appropriated and incur a negative
14 9 cash balance as long as there are receivables equal to or
14 10 greater than the negative balance and the amount appropriated
14 11 in this subsection is not exceeded at the close of the fiscal
14 12 year.

14 13 2. The Iowa law enforcement academy may select at least
14 14 five automobiles of the department of public safety, division
14 15 of state patrol, prior to turning over the automobiles to the
14 16 department of administrative services to be disposed of by
14 17 public auction, and the Iowa law enforcement academy may
14 18 exchange any automobile owned by the academy for each
14 19 automobile selected if the selected automobile is used in
14 20 training law enforcement officers at the academy. However,
14 21 any automobile exchanged by the academy shall be substituted
14 22 for the selected vehicle of the department of public safety
14 23 and sold by public auction with the receipts being deposited
14 24 in the depreciation fund to the credit of the department of
14 25 public safety, division of state patrol.

14 26 Sec. 12. BOARD OF PAROLE. There is appropriated from the
14 27 general fund of the state to the board of parole for the
14 28 fiscal year beginning July 1, 2009, and ending June 30, 2010,
14 29 the following amount, or so much thereof as is necessary, to
14 30 be used for the purposes designated:

14 31 For salaries, support, maintenance, miscellaneous purposes,
14 32 and for not more than the following full-time equivalent
14 33 positions:

14 34 \$ 1,161,399
14 35 FTEs 18.50

15 1 Sec. 13. DEPARTMENT OF PUBLIC DEFENSE. There is
15 2 appropriated from the general fund of the state to the
15 3 department of public defense for the fiscal year beginning
15 4 July 1, 2009, and ending June 30, 2010, the following amounts,
15 5 or so much thereof as is necessary, to be used for the
15 6 purposes designated:

15 7 1. MILITARY DIVISION

15 8 For salaries, support, maintenance, miscellaneous purposes,
15 9 and for not more than the following full-time equivalent
15 10 positions:

15 11 \$ 6,249,201
15 12 FTEs 313.30

15 13 The military division may temporarily exceed and draw more
15 14 than the amount appropriated and incur a negative cash balance
15 15 as long as there are receivables of federal funds equal to or
15 16 greater than the negative balance and the amount appropriated
15 17 in this subsection is not exceeded at the close of the fiscal
15 18 year.

15 19 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION

15 20 For salaries, support, maintenance, miscellaneous purposes,
15 21 and for not more than the following full-time equivalent
15 22 positions:

15 23 \$ 2,038,119
15 24 FTEs 29.75

15 25 The homeland security and emergency management division may
15 26 temporarily exceed and draw more than the amount appropriated
15 27 and incur a negative cash balance as long as there are
15 28 receivables of federal funds equal to or greater than the
15 29 negative balance and the amount appropriated in this
15 30 subsection is not exceeded at the close of the fiscal year.

15 31 It is the intent of the general assembly that the homeland
15 32 security and emergency management division work in conjunction
15 33 with the department of public safety, to the extent possible,
15 34 when gathering and analyzing information related to potential
15 35 domestic or foreign security threats, and when monitoring such
16 1 threats.

16 2 Sec. 14. DEPARTMENT OF PUBLIC SAFETY. There is
16 3 appropriated from the general fund of the state to the
16 4 department of public safety for the fiscal year beginning July
16 5 1, 2009, and ending June 30, 2010, the following amounts, or
16 6 so much thereof as is necessary, to be used for the purposes
16 7 designated:

16 8 1. For the department's administrative functions,
16 9 including the criminal justice information system, and for not
16 10 more than the following full-time equivalent positions:

16 11 \$ 4,391,190
16 12 FTEs 39.00

16 13 2. For the division of criminal investigation, including

16 14 the state's contribution to the peace officers' retirement,
16 15 accident, and disability system provided in chapter 97A in the
16 16 amount of the state's normal contribution rate, as defined in
16 17 section 97A.8, multiplied by the salaries for which the funds
16 18 are appropriated, to meet federal fund matching requirements,
16 19 and for not more than the following full-time equivalent
16 20 positions:

16 21 \$ 21,125,270
16 22 FTEs 287.50

16 23 If any of the Indian tribes fail to pay for 1.00 FTE
16 24 pursuant to the agreements or compacts entered into between
16 25 the state and the Indian tribes pursuant to section 10A.104,
16 26 subsection 10, the number of full-time equivalent positions
16 27 authorized under this subsection is reduced by 1.00 FTE.

16 28 The department shall employ one additional special agent
16 29 and one additional criminalist for the purpose of
16 30 investigating cold cases. Prior to employing the additional
16 31 special agent and criminalist authorized in this paragraph,
16 32 the department shall provide a written statement to
16 33 prospective employees that states to the effect that the
16 34 positions are being funded by a temporary federal grant and
16 35 there are no assurances that funds from other sources will be
17 1 available after the federal funding expires. If the federal
17 2 funding for the additional positions expires during the fiscal
17 3 year, the number of full-time equivalent positions authorized
17 4 in this subsection is reduced by 2.00 FTEs.

17 5 The department of public safety, with the approval of the
17 6 department of management, may employ no more than two special
17 7 agents and four gaming enforcement officers for each
17 8 additional riverboat or gambling structure regulated after
17 9 July 1, 2009, and one special agent for each racing facility
17 10 which becomes operational during the fiscal year which begins
17 11 July 1, 2009. One additional gaming enforcement officer, up
17 12 to a total of four per riverboat or gambling structure, may be
17 13 employed for each riverboat or gambling structure that has
17 14 extended operations to 24 hours and has not previously
17 15 operated with a 24-hour schedule. Positions authorized in
17 16 this paragraph are in addition to the full-time equivalent
17 17 positions otherwise authorized in this subsection.

17 18 3. For the criminalistics laboratory fund created in
17 19 section 691.9:

17 20 \$ 335,939

17 21 4. a. For the division of narcotics enforcement,
17 22 including the state's contribution to the peace officers'
17 23 retirement, accident, and disability system provided in
17 24 chapter 97A in the amount of the state's normal contribution
17 25 rate, as defined in section 97A.8, multiplied by the salaries
17 26 for which the funds are appropriated, to meet federal fund
17 27 matching requirements, and for not more than the following
17 28 full-time equivalent positions:

17 29 \$ 6,386,274
17 30 FTEs 81.00

17 31 b. For the division of narcotics enforcement for
17 32 undercover purchases:

17 33 \$ 121,158

17 34 5. For the division of state fire marshal, for fire
17 35 protection services as provided through the state fire service
18 1 and emergency response council as created in the department,
18 2 and for the state's contribution to the peace officers'
18 3 retirement, accident, and disability system provided in
18 4 chapter 97A in the amount of the state's normal contribution
18 5 rate, as defined in section 97A.8, multiplied by the salaries
18 6 for which the funds are appropriated, and for not more than
18 7 the following full-time equivalent positions:

18 8 \$ 3,988,892
18 9 FTEs 59.00

18 10 6. For the division of state patrol, for salaries,
18 11 support, maintenance, workers' compensation costs, and
18 12 miscellaneous purposes, including the state's contribution to
18 13 the peace officers' retirement, accident, and disability
18 14 system provided in chapter 97A in the amount of the state's
18 15 normal contribution rate, as defined in section 97A.8,
18 16 multiplied by the salaries for which the funds are
18 17 appropriated, and for not more than the following full-time
18 18 equivalent positions:

18 19 \$ 50,068,094
18 20 FTEs 536.00

18 21 It is the intent of the general assembly that members of
18 22 the state patrol be assigned to patrol the highways and roads
18 23 in lieu of assignments for inspecting school buses for the
18 24 school districts.

18 25 7. For deposit in the sick leave benefits fund established
18 26 under section 80.42 for all departmental employees eligible to
18 27 receive benefits for accrued sick leave under the collective
18 28 bargaining agreement:
18 29 \$ 310,575
18 30 8. For costs associated with the training and equipment
18 31 needs of volunteer fire fighters:
18 32 \$ 680,421
18 33 Notwithstanding section 8.33, moneys appropriated in this
18 34 subsection that remain unencumbered or unobligated at the
18 35 close of the fiscal year shall not revert but shall remain
19 1 available for expenditure only for the purpose designated in
19 2 this subsection until the close of the succeeding fiscal year.
19 3 Notwithstanding section 8.39, within the funds appropriated
19 4 in this section the department of public safety may reallocate
19 5 funds as necessary to best fulfill the needs provided for in
19 6 the appropriation. However, the department shall not
19 7 reallocate an appropriation made to the department in this
19 8 section unless notice of the reallocation is given to the
19 9 legislative services agency and the department of management
19 10 prior to the effective date of the reallocation. The notice
19 11 shall include information about the rationale for reallocating
19 12 the appropriation. The department shall not reallocate an
19 13 appropriation made in this section for the purpose of
19 14 eliminating any program.
19 15 Sec. 15. CIVIL RIGHTS COMMISSION. There is appropriated
19 16 from the general fund of the state to the Iowa state civil
19 17 rights commission for the fiscal year beginning July 1, 2009,
19 18 and ending June 30, 2010, the following amount, or so much
19 19 thereof as is necessary, to be used for the purposes
19 20 designated:
19 21 For salaries, support, maintenance, miscellaneous purposes,
19 22 and for not more than the following full-time equivalent
19 23 positions:
19 24 \$ 1,533,179
19 25 FTEs 29.50
19 26 The Iowa state civil rights commission may enter into a
19 27 contract with a nonprofit organization to provide legal
19 28 assistance to resolve civil rights complaints.
19 29 Sec. 16. IOWA COMMUNICATIONS NETWORK. It is the intent of
19 30 the general assembly that the executive branch agencies
19 31 receiving an appropriation in this Act utilize the Iowa
19 32 communications network or other electronic communications in
19 33 lieu of traveling for the fiscal year addressed by the
19 34 appropriations.
19 35 Sec. 17. HOMELAND SECURITY AND EMERGENCY MANAGEMENT
20 1 DIVISION. There is appropriated from the wireless E911
20 2 emergency communications fund created in section 34A.7A to the
20 3 administrator of the homeland security and emergency
20 4 management division of the department of public defense for
20 5 the fiscal year beginning July 1, 2009, and ending June 30,
20 6 2010, an amount not exceeding \$200,000 to be used for
20 7 implementation, support, and maintenance of the functions of
20 8 the administrator and program manager under chapter 34A and to
20 9 employ the auditor of the state to perform an annual audit of
20 10 the wireless E911 emergency communications fund.
20 11 Sec. 18. IOWA LAW ENFORCEMENT ACADEMY == FEES.
20 12 Notwithstanding section 80B.11B, the Iowa law enforcement
20 13 academy may charge more than one-half the cost of providing
20 14 the basic training course if a majority of the Iowa law
20 15 enforcement academy council authorizes charging more than one-
20 16 half of the cost of providing basic training. This section is
20 17 repealed on June 30, 2010.
20 18 Sec. 19. INTERIM REPORTING == IMPLEMENTATION. The board
20 19 of parole shall develop and implement the certificate of
20 20 employability program as provided in section 906.19. The
20 21 board shall file an interim status report regarding the
20 22 certificate of employability program development with the
20 23 general assembly and the legislative services agency by
20 24 January 1, 2010.
20 25 Sec. 20. CENTRAL WAREHOUSE AND SUPPLY DEPOT OF DEPARTMENT
20 26 OF HUMAN SERVICES. Upon completion of the central warehouse
20 27 and supply depot of the department of corrections established
20 28 pursuant to section 904.118A, the department of human services
20 29 shall cease utilizing the central warehouse and supply depot
20 30 of the department of human services established pursuant to
20 31 section 218.100.
20 32 Sec. 21. CONSUMER EDUCATION AND LITIGATION FUND.
20 33 Notwithstanding section 714.16C, for each fiscal year of the
20 34 period beginning July 1, 2008, and ending June 30, 2011, the
20 35 annual appropriations in section 714.16C, are increased from

21 1 \$1,125,000 to \$1,875,000, and \$75,000 to \$125,000
21 2 respectively. Moneys appropriated from the consumer education
21 3 and litigation fund may be allocated for cash flow purposes to
21 4 the victim compensation fund established in section 915.94
21 5 during each of the fiscal years enumerated, provided that any
21 6 moneys so allocated are returned to the consumer education and
21 7 litigation fund by the end of each fiscal year an allocation
21 8 occurs.

21 9 Sec. 22. SUPERVISOR AND EMPLOYEE RATIO. The department of
21 10 administrative services and the executive branch agencies
21 11 receiving appropriations in this Act shall pursue a goal of
21 12 achieving a ratio of fourteen employees per supervisor in such
21 13 agencies, by December 31, 2009.

21 14 Sec. 23. Section 13B.4, subsection 2, Code 2009, is
21 15 amended to read as follows:

21 16 2. The state public defender shall file a notice with the
21 17 clerk of the district court in each county served by a public
21 18 defender designating which public defender office shall
21 19 receive notice of appointment of cases. The state public
21 20 defender may also ~~designate~~ enter into a contract with a
21 21 ~~nonprofit organization which has a contract with the state~~
~~21 22 public defender to or an attorney, designating that the~~
21 23 ~~nonprofit organization or attorney~~ provide legal services to
21 24 eligible indigent persons as the state public defender's
21 25 designee. In each county in which the state public defender
21 26 files a designation, the state public defender's designee
21 27 shall be appointed by the court to represent all eligible
21 28 persons or to serve as guardian ad litem for eligible children
21 29 in juvenile court in all cases and proceedings specified in
21 30 the designation. The appointment shall not be made if the
21 31 state public defender or the state public defender's designee
21 32 notifies the court that the state public defender's designee
21 33 will not provide services in certain cases as identified in
21 34 the designation by the state public defender.

21 35 Sec. 24. Section 13B.4, subsection 4, paragraph c,
22 1 subparagraph (2), subparagraph division (d), Code 2009, is
22 2 amended to read as follows:

22 3 (d) If the claimant was appointed contrary to section
22 4 814.11 or 815.10, or the claimant failed to comply with
22 5 section 814.11, subsection 6, or section 815.10, subsection 5.

22 6 Sec. 25. Section 216.5, Code 2009, is amended by adding
22 7 the following new subsection:

22 8 NEW SUBSECTION. 16. To provide farm mediation services in
22 9 disputes other than disputes involving allegations of unfair
22 10 or discriminatory practices.

22 11 Sec. 26. Section 216.15, Code 2009, is amended by adding
22 12 the following new subsection:

22 13 NEW SUBSECTION. 4A. The commission may permit, but shall
22 14 not require, the complaint, responses to complaints,
22 15 documents, or other materials filed with the commission to be
22 16 electronically filed.

22 17 Sec. 27. Section 904.315, unnumbered paragraph 2, Code
22 18 2009, is amended to read as follows:

22 19 A contract is not required for improvements at a state
22 20 institution where the labor of inmates is to be used if the
22 21 contract is not for a construction, reconstruction,
22 22 demolition, or repair project or improvement with an estimated
22 23 cost in excess of ~~twenty-five~~ fifty thousand dollars.

22 24 Sec. 28. Section 915.86, subsection 1, Code 2009, is
22 25 amended by adding the following new paragraphs:

22 26 NEW PARAGRAPH. a. The department shall establish the
22 27 rates at which it will pay charges for medical care.

22 28 NEW PARAGRAPH. b. If the department awards compensation,
22 29 in full, at the established rate for medical care, and the
22 30 medical provider accepts the payment, the medical provider
22 31 shall hold harmless the victim for any amount not collected
22 32 that is more than the rate established by the department.

22 33 Sec. 29. EFFECTIVE DATE. The section of this Act
22 34 increasing appropriations pursuant to section 714.16C, being
22 35 deemed of immediate importance, takes effect upon enactment
23 1 and applies retroactively to April 1, 2009.

23 2 EXPLANATION

23 3 This bill makes appropriations from the general fund of the
23 4 state for fiscal year 2009=2010 to the departments of justice,
23 5 corrections, public defense, and public safety, and the Iowa
23 6 law enforcement academy, office of consumer advocate, office
23 7 of the state public defender, board of parole, and Iowa state
23 8 civil rights commission.

23 9 The bill allows the department of justice to transfer
23 10 moneys from the victim compensation fund to the victim
23 11 assistance grant program.

23 12 The bill permits the department of justice to establish the
23 13 rates at which the department awards compensation for medical
23 14 care expenses from the victim compensation fund. Under the
23 15 bill, if the department of justice awards compensation, in
23 16 full, and the medical provider accepts the payment, the
23 17 medical care provider shall hold harmless the victim for any
23 18 amount not collected that is more than the rate established by
23 19 the department.

23 20 For the fiscal period beginning July 1, 2008, and ending
23 21 June 30, 2011, the bill increases the annual appropriations
23 22 from the consumer education and litigation fund in Code
23 23 section 714.16C, to the department of justice. The bill
23 24 permits the moneys appropriated from the consumer education
23 25 and litigation fund to be allocated to the victim compensation
23 26 fund for cash flow purposes, if the moneys so allocated are
23 27 returned to the consumer and education litigation fund by the
23 28 end of each fiscal year an allocation occurs. The provision
23 29 takes effect upon enactment and applies retroactively to April
23 30 1, 2009.

23 31 The bill requires the department of justice to cooperate
23 32 with the auditor of state in preparing a report detailing
23 33 reimbursement moneys received by the department for services
23 34 performed on behalf of state agencies.

23 35 The bill requires the department of corrections to operate
24 1 the John Bennett facility either as an institution of the
24 2 department or a community-based correctional facility.

24 3 The bill eliminates the chief security officer position
24 4 within the department of corrections by June 30, 2011.

24 5 The bill requires the department of corrections to study
24 6 the use of paramedics at correctional institutions, and file a
24 7 report with the ranking members of the joint appropriations
24 8 subcommittee on the justice system and the legislative
24 9 services agency, detailing the study by January 15, 2010.

24 10 The bill requires the department of corrections to
24 11 implement a centralized pharmacy during the fiscal year
24 12 beginning July 1, 2009.

24 13 Under the bill, a contract is not required for improvements
24 14 at a state institution where the labor of inmates is used and
24 15 the estimated cost of the improvement does not exceed \$50,000.
24 16 Currently, an improvement using inmate labor shall not exceed
24 17 \$25,000.

24 18 The bill provides that the department of corrections may
24 19 reallocate appropriated funds between the institutions of the
24 20 department of corrections, the department's administration,
24 21 and the judicial district departments of correctional
24 22 services. The bill provides the department, prior to the
24 23 effective date of any reallocation, must provide notice to the
24 24 department of management, the legislative services agency, and
24 25 the district board of any judicial district department of
24 26 correctional services affected by the reallocation.

24 27 The bill provides that as a condition of receiving an
24 28 appropriation, the fifth judicial district department of
24 29 correctional services shall reinstate 67 beds in buildings 65
24 30 and 66 at the Fort Des Moines facility, in addition to
24 31 maintaining the 199 beds in buildings 68 and 70 at the Fort
24 32 Des Moines facility.

24 33 The bill amends Code section 13B.4 to allow the state
24 34 public defender to enter into a contract with an attorney
24 35 designating that the attorney provide legal services to
25 1 eligible indigent persons as the state public defender's
25 2 designee. Under the bill, if the state public defender files
25 3 such a designation in a county, the attorney shall be
25 4 appointed by the court to represent all eligible indigent
25 5 persons in all cases specified in the designation. Currently,
25 6 only a nonprofit organization is allowed to act as the state
25 7 public defender's designee in a county where such a
25 8 designation exists.

25 9 The bill also amends Code section 13B.4 to specify that the
25 10 state public defender may deny a claim for indigent defense
25 11 fees and expenses if the attorney was appointed contrary to
25 12 the provisions of Code section 815.10. The bill also
25 13 specifies that the state public defender may deny a claim for
25 14 indigent defense fees and expenses if the appointment of the
25 15 attorney is not on a rotational basis, considering the
25 16 experience of the attorney and the difficulty of the case.

25 17 The bill addresses Code section 80B.11B to provide that for
25 18 FY 2009=2010 the Iowa law enforcement academy may charge a
25 19 department of the state, a member of a police force, or any
25 20 political subdivision of the state more than one-half of the
25 21 cost to provide the basic training course for a law
25 22 enforcement officer, provided a majority of the Iowa law

25 23 enforcement council approves such a charge. Current law
25 24 prohibits the Iowa law enforcement academy from charging more
25 25 than one-half of the cost of providing the basic training
25 26 course.

25 27 The bill also appropriates moneys, not to exceed \$200,000,
25 28 from the wireless E911 emergency communications fund to the
25 29 homeland security and emergency management division for
25 30 implementation, support, and maintenance of the functions of
25 31 the administrator and program manager of the E911 emergency
25 32 system.

25 33 The bill provides that the department of public safety may
25 34 reallocate the funds appropriated to the department between
25 35 the divisions of the department. The bill provides that the
26 1 department, prior to the effective date of any reallocation,
26 2 must provide notice of the reallocation to the department of
26 3 management and the legislative services agency.

26 4 The bill allows the commission on civil rights to provide
26 5 farm mediation services.

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26 7 jm/jp/24