

Senate File 447 - Introduced

SENATE FILE 447

BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 1249)

A BILL FOR

1 An Act relating to appropriations to the justice system and
2 including effective dates.

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, 2013, and ending June 30, 2014, 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, matching funds
10 for federal violence against women grant programs, victim
11 assistance grants, office of drug control policy prosecuting
12 attorney program, and odometer fraud enforcement, and for not
13 more than the following full-time equivalent positions:
14 \$ 7,967,930
15 FTEs 214.00

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

- 21 b. For victim assistance grants:
22 \$ 8,876,400

23 The funds appropriated in this lettered paragraph shall be
24 used to provide grants to care providers providing services to
25 crime victims of domestic abuse or to crime victims of rape and
26 sexual assault. The department of justice shall not require a
27 care provider to close a shelter as a condition of receiving a
28 grant pursuant to this paragraph.

29 The balance of the victim compensation fund established in
30 section 915.94 may be used to provide salary and support of not
31 more than 24.00 FTEs and to provide maintenance for the victim
32 compensation functions of the department of justice.

33 The department of justice shall transfer at least \$150,000
34 from the victim compensation fund established in section 915.94
35 to the victim assistance grant program.

1 Notwithstanding section 8.33, moneys appropriated in this
2 paragraph that remain unencumbered or unobligated at the close
3 of the fiscal year shall not revert but shall remain available
4 for expenditure for the purposes designated until the close of
5 the succeeding fiscal year.

6 c. For legal services for persons in poverty grants as
7 provided in section 13.34:

8 \$ 2,400,000

9 2. a. The department of justice, in submitting budget
10 estimates for the fiscal year commencing July 1, 2014, pursuant
11 to section 8.23, shall include a report of funding from sources
12 other than amounts appropriated directly from the general fund
13 of the state to the department of justice or to the office of
14 consumer advocate. These funding sources shall include but
15 are not limited to reimbursements from other state agencies,
16 commissions, boards, or similar entities, and reimbursements
17 from special funds or internal accounts within the department
18 of justice. The department of justice shall also report actual
19 reimbursements for the fiscal year commencing July 1, 2012,
20 and actual and expected reimbursements for the fiscal year
21 commencing July 1, 2013.

22 b. The department of justice shall include the report
23 required under paragraph "a", as well as information regarding
24 any revisions occurring as a result of reimbursements actually
25 received or expected at a later date, in a report to the
26 co-chairpersons and ranking members of the joint appropriations
27 subcommittee on the justice system and the legislative services
28 agency. The department of justice shall submit the report on
29 or before January 15, 2014.

30 Sec. 2. OFFICE OF CONSUMER ADVOCATE. There is appropriated
31 from the department of commerce revolving fund created in
32 section 546.12 to the office of consumer advocate of the
33 department of justice for the fiscal year beginning July 1,
34 2013, and ending June 30, 2014, 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 \$ 3,136,163
6 FTEs 22.00

7 Sec. 3. DEPARTMENT OF CORRECTIONS — FACILITIES.

8 1. There is appropriated from the general fund of the
9 state to the department of corrections for the fiscal year
10 beginning July 1, 2013, and ending June 30, 2014, the following
11 amounts, or so much thereof as is necessary, to be used for the
12 operation of adult correctional institutions, reimbursement
13 of counties for certain confinement costs, and federal prison
14 reimbursement, to be allocated as follows:

15 a. For the operation of the Fort Madison correctional
16 facility, including salaries, support, maintenance, and
17 miscellaneous purposes:

18 \$ 51,645,396

19 The department shall operate the clinical care unit at a
20 capacity of at least 160 beds. The department shall also
21 operate the John Bennett unit to house minimum security
22 inmates until the bunkhouse at farm one, Fort Madison, has been
23 renovated or replaced.

24 The department of corrections shall submit, to the
25 co-chairpersons and ranking members of the joint appropriations
26 subcommittee on the justice system by January 15, 2014, the
27 plans for the integration of the John Bennett facility and the
28 clinical care unit into the new Fort Madison maximum security
29 correctional facility and the future plans for the use of the
30 current Fort Madison maximum security correctional facility
31 after the inmates are transferred to the new facility.

32 b. For the operation of the Anamosa correctional facility,
33 including salaries, support, maintenance, and miscellaneous
34 purposes:

35 \$ 32,183,850

- 1 c. For the operation of the Luster Heights prison camp:
2 \$ 1,643,039
- 3 d. For the operation of the Oakdale correctional facility,
4 including salaries, support, maintenance, and miscellaneous
5 purposes:
6 \$ 58,550,123
- 7 e. For the operation of the Newton correctional facility,
8 including salaries, support, maintenance, and miscellaneous
9 purposes:
10 \$ 27,348,450
- 11 f. For the operation of the Mt. Pleasant correctional
12 facility, including salaries, support, maintenance, and
13 miscellaneous purposes:
14 \$ 25,573,157
- 15 g. For the operation of the Rockwell City correctional
16 facility, including salaries, support, maintenance, and
17 miscellaneous purposes:
18 \$ 9,836,698
- 19 h. For the operation of the Clarinda correctional facility,
20 including salaries, support, maintenance, and miscellaneous
21 purposes:
22 \$ 25,982,680
- 23 Moneys received by the department of corrections as
24 reimbursement for services provided to the Clarinda youth
25 corporation are appropriated to the department and shall be
26 used for the purpose of operating the Clarinda correctional
27 facility.
- 28 i. For the operation of the Mitchellville correctional
29 facility, including salaries, support, maintenance, and
30 miscellaneous purposes:
31 \$ 20,088,953
- 32 j. For the operation of the Fort Dodge correctional
33 facility, including salaries, support, maintenance, and
34 miscellaneous purposes:
35 \$ 30,157,258

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

5 \$ 1,075,092

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

8 \$ 484,411

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

13 Sec. 4. DEPARTMENT OF CORRECTIONS — ADMINISTRATION. There
14 is appropriated from the general fund of the state to the
15 department of corrections for the fiscal year beginning July
16 1, 2013, and ending June 30, 2014, the following amounts, or
17 so much thereof as is necessary, to be used for the purposes
18 designated:

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

23 \$ 4,831,582

24 a. It is the intent of the general assembly that as a
25 condition of receiving the appropriation provided in this
26 lettered paragraph the department of corrections shall not,
27 except as otherwise provided in paragraph "c", enter into a
28 new contract, unless the contract is a renewal of an existing
29 contract, for the expenditure of moneys in excess of \$100,000
30 during the fiscal year beginning July 1, 2013, for the
31 privatization of services performed by the department using
32 state employees as of July 1, 2013, or for the privatization
33 of new services by the department without prior consultation
34 with any applicable state employee organization affected
35 by the proposed new contract and prior notification of the

1 co-chairpersons and ranking members of the joint appropriations
2 subcommittee on the justice system.

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

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

22 2. For educational programs for inmates at state penal
23 institutions:

24 \$ 2,858,109

25 a. As a condition of receiving the appropriation in this
26 subsection, the department of corrections shall transfer at
27 least \$150,000 from the canteen operating funds established
28 pursuant to section 904.310 to be used for correctional
29 educational programs funded in this subsection.

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

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

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

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

13 e. Notwithstanding section 8.33, moneys appropriated in
14 this subsection that remain unobligated or unexpended at the
15 close of the fiscal year shall not revert but shall remain
16 available to be used only for the purposes designated in this
17 subsection until the close of the succeeding fiscal year.

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

20 \$ 2,000,000

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

23 \$ 22,319

24 5. For viral hepatitis prevention and treatment:

25 \$ 167,881

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

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

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

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, 2013, and ending June 30, 2014, for salaries, support,
14 maintenance, and miscellaneous purposes, the following amounts,
15 or so much thereof as is necessary, to be allocated as follows:

16 a. For the first judicial district department of
17 correctional services:
18 \$ 14,099,085

19 b. For the second judicial district department of
20 correctional services:
21 \$ 11,099,457

22 c. For the third judicial district department of
23 correctional services:
24 \$ 7,105,865

25 d. For the fourth judicial district department of
26 correctional services:
27 \$ 5,552,458

28 e. For the fifth judicial district department of
29 correctional services, including funding for electronic
30 monitoring devices for use on a statewide basis:

31 \$ 20,367,463

32 f. For the sixth judicial district department of
33 correctional services:
34 \$ 16,461,170

35 g. For the seventh judicial district department of

1 correctional services:

2 \$ 7,609,781

3 h. For the eighth judicial district department of
4 correctional services:

5 \$ 8,206,613

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

13 3. Each judicial district department of correctional
14 services shall provide alternatives to prison consistent with
15 chapter 901B. The alternatives to prison shall ensure public
16 safety while providing maximum rehabilitation to the offender.
17 A judicial district department of correctional services may
18 also establish a day program.

19 4. The governor's office of drug control policy shall
20 consider federal grants made to the department of corrections
21 for the benefit of each of the eight judicial district
22 departments of correctional services as local government
23 grants, as defined pursuant to federal regulations.

24 5. The department of corrections shall continue to contract
25 with a judicial district department of correctional services to
26 provide for the rental of electronic monitoring equipment which
27 shall be available statewide.

28 Sec. 6. DEPARTMENT OF CORRECTIONS — REALLOCATION OF
29 APPROPRIATIONS. Notwithstanding section 8.39, within the
30 moneys appropriated in this division of this Act to the
31 department of corrections, the department may reallocate the
32 moneys appropriated and allocated as necessary to best fulfill
33 the needs of the correctional institutions, administration
34 of the department, and the judicial district departments of
35 correctional services. However, in addition to complying with

1 the requirements of sections 904.116 and 905.8 and providing
2 notice to the legislative services agency and the chairpersons
3 and ranking members of the joint appropriations subcommittee
4 on the justice system, the department of corrections shall
5 also provide notice to the department of management, prior
6 to the effective date of the revision or reallocation of an
7 appropriation made pursuant to this section. The department of
8 corrections shall not reallocate an appropriation or allocation
9 for the purpose of eliminating any program.

10 Sec. 7. INTENT — REPORTS.

11 1. The department of corrections in cooperation with
12 townships, the Iowa cemetery associations, and other nonprofit
13 or governmental entities may use inmate labor during the
14 fiscal year beginning July 1, 2013, to restore or preserve
15 rural cemeteries and historical landmarks. The department in
16 cooperation with the counties may also use inmate labor to
17 clean up roads, major water sources, and other water sources
18 around the state.

19 2. On a quarterly basis the department shall provide a
20 status report regarding private-sector employment to the
21 legislative services agency beginning on July 1, 2013. The
22 report shall include the number of offenders employed in the
23 private sector, the combined number of hours worked by the
24 offenders, the total amount of allowances, and the distribution
25 of allowances pursuant to section 904.702, including any moneys
26 deposited in the general fund of the state.

27 Sec. 8. ELECTRONIC MONITORING REPORT. The department of
28 corrections shall submit a report on electronic monitoring to
29 the general assembly, to the co-chairpersons and the ranking
30 members of the joint appropriations subcommittee on the justice
31 system, and to the legislative services agency by January
32 15, 2014. The report shall specifically address the number
33 of persons being electronically monitored and break down the
34 number of persons being electronically monitored by offense
35 committed. The report shall also include a comparison of any

1 data from the prior fiscal year with the current year.

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

3 1. As used in this section, unless the context otherwise
4 requires, "state agency" means the government of the state
5 of Iowa, including but not limited to all executive branch
6 departments, agencies, boards, bureaus, and commissions, the
7 judicial branch, the general assembly and all legislative
8 agencies, institutions within the purview of the state board of
9 regents, and any corporation whose primary function is to act
10 as an instrumentality of the state.

11 2. State agencies are hereby encouraged to purchase
12 products from Iowa state industries, as defined in section
13 904.802, when purchases are required and the products are
14 available from Iowa state industries. State agencies shall
15 obtain bids from Iowa state industries for purchases of
16 office furniture during the fiscal year beginning July 1,
17 2013, exceeding \$5,000 or in accordance with applicable
18 administrative rules related to purchases for the agency.

19 Sec. 10. IOWA LAW ENFORCEMENT ACADEMY.

20 1. There is appropriated from the general fund of the
21 state to the Iowa law enforcement academy for the fiscal year
22 beginning July 1, 2013, and ending June 30, 2014, the following
23 amount, or so much thereof as is necessary, to be used for the
24 purposes designated:

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

28	\$ 1,001,698
29	FTEs 23.88

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

34 The Iowa law enforcement academy may temporarily exceed and
35 draw more than the amount appropriated in this subsection and

1 incur a negative cash balance as long as there are receivables
2 equal to or greater than the negative balance and the amount
3 appropriated in this subsection is not exceeded at the close
4 of the fiscal year.

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

18 Sec. 11. STATE PUBLIC DEFENDER. There is appropriated from
19 the general fund of the state to the office of the state public
20 defender of the department of inspections and appeals for the
21 fiscal year beginning July 1, 2013, and ending June 30, 2014,
22 the following amounts, or so much thereof as is necessary, to
23 be allocated as follows for the purposes designated:

24 1. For salaries, support, maintenance, miscellaneous
25 purposes, and for not more than the following full-time
26 equivalent positions:
27 \$ 25,862,182
28 FTEs 219.00

29 2. For payments on behalf of eligible adults and juveniles
30 from the indigent defense fund, in accordance with section
31 815.11:
32 \$ 29,901,929

33 Sec. 12. BOARD OF PAROLE. There is appropriated from the
34 general fund of the state to the board of parole for the fiscal
35 year beginning July 1, 2013, and ending June 30, 2014, the

1 following amount, or so much thereof as is necessary, to be
2 used for the purposes designated:

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

6	\$	1,203,835
7	FTEs	11.00

8 Sec. 13. DEPARTMENT OF PUBLIC DEFENSE. There is
9 appropriated from the general fund of the state to the
10 department of public defense for the fiscal year beginning July
11 1, 2013, and ending June 30, 2014, the following amounts, or
12 so much thereof as is necessary, to be used for the purposes
13 designated:

14 1. MILITARY DIVISION

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

18	\$	6,527,042
19	FTEs	293.61

20 The military division may temporarily exceed and draw more
21 than the amount appropriated in this subsection and incur a
22 negative cash balance as long as there are receivables of
23 federal funds equal to or greater than the negative balance and
24 the amount appropriated in this subsection is not exceeded at
25 the close of the fiscal year.

26 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION OR
27 SUCCESSOR AGENCY

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

31	\$	2,174,277
32	FTEs	33.40

33 The homeland security and emergency management division or
34 successor agency may temporarily exceed and draw more than the
35 amount appropriated in this subsection and incur a negative

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

5 Sec. 14. DEPARTMENT OF PUBLIC SAFETY. There is appropriated
6 from the general fund of the state to the department of public
7 safety for the fiscal year beginning July 1, 2013, and ending
8 June 30, 2014, the following amounts, or so much thereof as is
9 necessary, to be used for the purposes designated:

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

13 \$ 4,067,054
14 FTEs 38.00

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

23 \$ 12,933,414
24 FTEs 149.60

25 The department, within available funding, shall investigate
26 cold cases involving murder and other criminal offenses.

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

29 \$ 302,345

30 4. a. For the division of narcotics enforcement, 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 moneys
35 are appropriated, to meet federal fund matching requirements,

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

3 \$ 6,755,855
4 FTEs 66.00

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

7 \$ 109,042

8 5. For the division of state fire marshal, for fire
9 protection services as provided through the state fire service
10 and emergency response council as created in the department,
11 and for the state's contribution to the peace officers'
12 retirement, accident, and disability system provided in chapter
13 97A in the amount of the state's normal contribution rate,
14 as defined in section 97A.8, multiplied by the salaries for
15 which the moneys are appropriated, and for not more than the
16 following full-time equivalent positions:

17 \$ 4,470,556
18 FTEs 53.00

19 6. For the division of state patrol, for salaries, support,
20 maintenance, workers' compensation costs, and miscellaneous
21 purposes, including the state's contribution to the peace
22 officers' retirement, accident, and disability system provided
23 in chapter 97A in the amount of the state's normal contribution
24 rate, as defined in section 97A.8, multiplied by the salaries
25 for which the moneys are appropriated, and for not more than
26 the following full-time equivalent positions:

27 \$ 57,036,208
28 FTEs 506.22

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

33 \$ 279,517

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

1 \$ 725,520

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

7 b. Notwithstanding section 8.39, the department of public
8 safety may reallocate moneys appropriated in this section
9 as necessary to best fulfill the needs provided for in the
10 appropriation. However, the department shall not reallocate
11 moneys appropriated to the department in this section unless
12 notice of the reallocation is given to the legislative services
13 agency, the chairpersons and ranking members of the joint
14 appropriations subcommittee on the justice system, and the
15 department of management prior to the effective date of the
16 reallocation. The notice shall include information regarding
17 the rationale for reallocating the moneys. The department
18 shall not reallocate moneys appropriated in this section for
19 the purpose of eliminating any program.

20 Sec. 15. GAMING ENFORCEMENT.

21 1. There is appropriated from the gaming enforcement
22 revolving fund created in section 80.43 to the department of
23 public safety for the fiscal year beginning July 1, 2013, and
24 ending June 30, 2014, the following amount, or so much thereof
25 as is necessary, to be used for the purposes designated:

26 For any direct support costs for agents and officers of
27 the division of criminal investigation's excursion gambling
28 boat, gambling structure, and racetrack enclosure enforcement
29 activities, including salaries, support, maintenance,
30 miscellaneous purposes, and for not more than the following
31 full-time equivalent positions:

32 \$ 10,898,008
33 FTEs 115.00

34 2. For each additional license to conduct gambling games on
35 an excursion gambling boat, gambling structure, or racetrack

1 enclosure issued during the fiscal year beginning July 1, 2013,
2 there is appropriated from the gaming enforcement fund to the
3 department of public safety for the fiscal year beginning July
4 1, 2013, and ending June 30, 2014, an additional amount of not
5 more than \$521,000 to be used for not more than 6.00 additional
6 full-time equivalent positions.

7 3. The department of public safety, with the approval
8 of the department of management, may employ no more than two
9 special agents and four gaming enforcement officers for each
10 additional riverboat or gambling structure regulated after July
11 1, 2013, and one special agent for each racing facility which
12 becomes operational during the fiscal year which begins July 1,
13 2013. One additional gaming enforcement officer, up to a total
14 of four per riverboat or gambling structure, may be employed
15 for each riverboat or gambling structure that has extended
16 operations to 24 hours and has not previously operated with a
17 24-hour schedule. Positions authorized in this subsection are
18 in addition to the full-time equivalent positions otherwise
19 authorized in this section.

20 Sec. 16. CIVIL RIGHTS COMMISSION. There is appropriated
21 from the general fund of the state to the Iowa state civil
22 rights commission for the fiscal year beginning July 1,
23 2013, and ending June 30, 2014, the following amount, or so
24 much thereof as is necessary, to be used for the purposes
25 designated:

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

29	\$	1,297,069
30	FTEs	28.00

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

34 Sec. 17. CRIMINAL AND JUVENILE JUSTICE PLANNING
35 DIVISION. There is appropriated from the general fund of the

1 state to the criminal and juvenile justice planning division of
2 the department of human rights for the fiscal year beginning
3 July 1, 2013, and ending June 30, 2014, the following amounts,
4 or so much thereof as is necessary, to be used for the purposes
5 designated:

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

9	\$	1,260,105
10	FTEs	10.81

11 The criminal and juvenile justice planning advisory council
12 and the juvenile justice advisory council shall coordinate
13 their efforts in carrying out their respective duties relative
14 to juvenile justice.

15 Sec. 18. **HOMELAND SECURITY AND EMERGENCY MANAGEMENT**
16 **DIVISION OR SUCCESSOR AGENCY.** There is appropriated from the
17 wireless E911 emergency communications fund created in section
18 34A.7A to the homeland security and emergency management
19 division of the department of public defense or successor
20 agency for the fiscal year beginning July 1, 2013, and ending
21 June 30, 2014, an amount not exceeding \$250,000 to be used for
22 implementation, support, and maintenance of the functions of
23 the administrator and program manager under chapter 34A and to
24 employ the auditor of the state to perform an annual audit of
25 the wireless E911 emergency communications fund.

26 Sec. 19. **NEW SECTION. 80.44 Public safety broadband**
27 **interoperability communications fund.**

28 1. A statewide public safety broadband interoperability
29 communications fund is established in the office of the
30 treasurer of state under the control of the department of
31 public safety. Any moneys annually appropriated, granted,
32 or credited to the fund, including any federal moneys, are
33 appropriated to the department of public safety for the
34 planning and development of a statewide public safety broadband
35 interoperability communications system.

1 2. Notwithstanding section 12C.7, subsection 2, interest
2 and earnings on moneys deposited in the fund shall be credited
3 to the fund. Notwithstanding section 8.33, moneys credited to
4 the fund shall not revert to any other fund but shall remain
5 available to be used for the purposes specified in subsection
6 1.

7 Sec. 20. Section 85.67, Code 2013, is amended to read as
8 follows:

9 **85.67 Administration of fund — special counsel — payment of**
10 **award.**

11 The attorney general shall appoint a staff member
12 to represent the treasurer of state and the fund in all
13 proceedings and matters arising under this division. The
14 attorney general shall be reimbursed up to ~~one hundred fifty~~
15 two hundred fifteen thousand dollars annually from the fund
16 for services provided related to the fund. The commissioner
17 of insurance shall consider the reimbursement to the attorney
18 general as an outstanding liability when making a determination
19 of funding availability under section 85.65A, subsection
20 2. In making an award under this division, the workers'
21 compensation commissioner shall specifically find the amount
22 the injured employee shall be paid weekly, the number of weeks
23 of compensation which shall be paid by the employer, the date
24 upon which payments out of the fund shall begin, and, if
25 possible, the length of time the payments shall continue.

26 Sec. 21. Section 99D.14, subsection 2, paragraph a, Code
27 2013, is amended to read as follows:

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

1 chapter 99F, plus any direct and indirect support costs for the
2 agents, for the division of criminal investigation's racetrack
3 activities, as the basis for determining the amount of revenue
4 to be raised from the regulatory fee. The direct costs shall
5 include no more than four special agents in charge in the
6 aggregate for purposes of supervising agents under this chapter
7 and chapter 99F on or after July 1, 2019.

8 Sec. 22. Section 99D.14, subsection 2, Code 2013, is amended
9 by adding the following new paragraph:

10 NEW PARAGRAPH. *d.* By January 1, 2015, and by January 1 of
11 every year thereafter, the division of criminal investigation
12 shall provide the commission with a report detailing the
13 activities of the division during the previous fiscal year for
14 each racetrack enclosure.

15 Sec. 23. Section 99F.10, subsection 4, Code 2013, 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 plus
22 the following as applicable:

23 (1) Prior to July 1, 2017, the cost of salaries for no more
24 than two special agents for each excursion gambling boat or
25 gambling structure and no more than four gaming enforcement
26 officers for each excursion gambling boat or gambling structure
27 with a patron capacity of less than two thousand persons or no
28 more than five gaming enforcement officers for each excursion
29 gambling boat or gambling structure with a patron capacity of
30 at least two thousand persons, plus any direct and indirect
31 support costs for the agents and officers, for the division of
32 criminal investigation's excursion gambling boat or gambling
33 structure activities. However, the division of criminal
34 investigation may add one additional special agent to the
35 number of special agents specified in this subparagraph for

1 each excursion gambling boat or gambling structure if at least
2 two gaming enforcement officer full-time equivalent positions
3 for that excursion gambling boat or gambling structure are
4 vacant. Otherwise, the division of criminal investigation
5 shall not fill vacant gaming enforcement officer positions.

6 (2) On or after July 1, 2017, the cost of salaries for no
7 more than three special agents for each excursion gambling
8 boat or gambling structure, plus any direct and indirect
9 support costs for the agents, for the division of criminal
10 investigation's excursion gambling boat or gambling structure
11 activities. The direct costs shall include no more than four
12 special agents in charge in the aggregate for purposes of
13 supervising agents under this chapter and chapter 99D, on or
14 after July 1, 2019.

15 *b.* Notwithstanding sections 8.60 and 99F.4, the portion
16 of the fee paid pursuant to paragraph "a" relating to the
17 costs of special agents and officers plus any direct and
18 indirect support costs for the agents and officers, for the
19 division of criminal investigation's excursion gambling boat
20 or gambling structure activities, shall be deposited into the
21 gaming enforcement revolving fund established in section 80.43.
22 However, the department of public safety shall transfer, on an
23 annual basis, the portion of the regulatory fee attributable
24 to the indirect support costs of the special agents and gaming
25 enforcement officers to the general fund of the state.

26 *c.* Notwithstanding sections 8.60 and 99F.4, the portion of
27 the fee paid pursuant to paragraph "a" relating to the costs
28 of the commission shall not be deposited in the general fund
29 of the state but instead shall be deposited into the gaming
30 regulatory revolving fund established in section 99F.20.

31 *d.* By January 1, 2015, and by January 1 of every year
32 thereafter, the division of criminal investigation shall
33 provide the commission with a report detailing the activities
34 of the division during the previous fiscal year for each
35 excursion gambling boat and gambling structure.

1 Sec. 24. Section 654.4B, subsection 2, paragraph b, Code
2 2013, is amended by striking the paragraph.

3 Sec. 25. Section 714.16C, subsection 2, Code 2013, is
4 amended to read as follows:

5 2. For each fiscal year, not more than one million ~~one~~
6 ~~hundred twenty-five~~ eight hundred seventy-five thousand dollars
7 is appropriated from the fund to the department of justice to
8 be used for public education relating to consumer fraud and for
9 enforcement of section 714.16 and federal consumer laws, and
10 not more than ~~seventy-five~~ one hundred twenty-five thousand
11 dollars is appropriated from the fund to the department of
12 justice to be used for investigation, prosecution, and consumer
13 education relating to consumer and criminal fraud committed
14 against older Iowans.

15 Sec. 26. 2011 Iowa Acts, chapter 134, section 43, subsection
16 9, as amended by 2012 Iowa Acts, chapter 1134, section 10, is
17 amended to read as follows:

18 9. For costs associated with the training and operation
19 of the statewide interoperable communications system board
20 ~~excluding salaries and contracts~~ or deposit in the statewide
21 public safety broadband interoperability communications fund
22 established by this 2013 Act in section 80.44, as determined
23 by the department:

24 \$ 48,000

25 Sec. 27. IOWA CORRECTIONS OFFENDER NETWORK —
26 FUND. Notwithstanding any provision of law to the contrary,
27 the unencumbered or unobligated balance of the Iowa corrections
28 offender network fund at the close of the fiscal year beginning
29 July 1, 2012, or the close of any succeeding fiscal year that
30 would otherwise be required by law to revert to, be deposited
31 in, or to be credited to the Iowa offender network fund shall
32 instead be credited to the general fund of the state.

33 Sec. 28. GAMING ENFORCEMENT STUDY. The division of criminal
34 investigation of the department of public safety and the Iowa
35 gaming association shall jointly or separately file a report

1 with the co-chairpersons and ranking members of the joint
2 appropriations subcommittee on the justice system and the
3 legislative services agency by December 15, 2013, detailing the
4 activities of gaming enforcement officers and special agents
5 working at excursion gambling boats, gambling structures, and
6 racetrack enclosures. The report shall include the number
7 of incidences the gaming enforcement officers handle versus
8 private security, the number of fraud investigations and
9 background checks performed by the special agents, and the
10 percentage of time gaming enforcement officers and special
11 agents work on gaming-related and nongaming-related cases.
12 The report shall also include the time periods each excursion
13 gambling boat, gambling structure, and racetrack enclosure
14 are not staffed by at least one gaming enforcement officer or
15 special agent.

16 Sec. 29. REPEAL. Section 904.118, Code 2013, is repealed.

17 Sec. 30. EFFECTIVE UPON ENACTMENT. The following
18 provision or provisions of this Act, being deemed of immediate
19 importance, take effect upon enactment:

20 1. The section of this Act amending 2011 Iowa Acts, chapter
21 134, section 43, subsection 9, as amended by 2012 Iowa Acts,
22 chapter 1134, section 10.

23 2. The section of this Act enacting the section tentatively
24 numbered 80.44.

25 3. The section of this Act relating to the balance of the
26 Iowa corrections offender network fund.

27 Sec. 31. EFFECTIVE DATE. The following provision or
28 provisions of this Act take effect July 1, 2014:

29 1. The section of this Act amending section 99D.14.

30 2. The section of this Act amending section 99F.10.

31

EXPLANATION

32 This bill relates to and makes appropriations to the justice
33 system.

34 The bill makes appropriations from the general fund of the
35 state for fiscal year 2013-2014 to the departments of justice,

1 corrections, public defense, and public safety, and the Iowa
2 law enforcement academy, office of the state public defender,
3 board of parole, Iowa state civil rights commission, and the
4 criminal and juvenile justice planning division.

5 The bill appropriates moneys from the department of commerce
6 revolving fund to the office of consumer advocate of the
7 department of justice for fiscal year 2013-2014.

8 The bill also appropriates moneys from the gaming
9 enforcement revolving fund to the department of public safety
10 for fiscal year 2013-2014.

11 The bill appropriates moneys from the wireless E911
12 emergency communications fund to the homeland security and
13 emergency management division of the department of public
14 defense for fiscal year 2013-2014.

15 The bill creates a statewide public safety broadband
16 interoperability communications fund under the control of
17 the department of public safety in new Code section 80.44.
18 The moneys credited to the fund are appropriated to the
19 department of public safety for the planning and development
20 of a statewide public safety broadband interoperability
21 communications system. The fund is created upon enactment.

22 The bill increases the amount the attorney general may be
23 reimbursed from the second-injury fund in Code section 85.67
24 from \$150,000 to \$215,000 for services provided to the fund.

25 The bill amends Code sections 99D.14 and 99F.10, relating to
26 the regulatory fee paid to the state by a racetrack enclosure,
27 excursion gambling boat, and gambling structure for the
28 security provided by a special agent and gaming enforcement
29 officer.

30 Under the bill, between July 1, 2014, and June 30, 2017,
31 the division of criminal investigation of the department of
32 public safety may add one additional special agent for each
33 excursion gambling boat or gambling structure if at least two
34 gaming enforcement officer full-time equivalent positions for
35 that excursion gambling boat or gambling structure are vacant.

1 The bill prohibits the division of criminal investigation from
2 filling vacant gaming enforcement officer positions after June
3 30, 2014. Under current law, two special agents and four to
4 five gaming enforcement officers are assigned to each excursion
5 gambling boat or gambling structure.

6 On or after July 1, 2017, the bill specifies that no
7 more than three special agents shall be assigned to each
8 excursion gambling boat or gambling structure, and eliminates
9 the requirement that an excursion gambling boat or gambling
10 structure have any gaming enforcement officers assigned to each
11 facility.

12 On or after July 1, 2014, the bill requires that a racetrack
13 enclosure shall have no more than three special agents assigned
14 to each racetrack. Current law requires that each racetrack
15 enclosure have no more than two special agents assigned to each
16 racetrack. However, each racetrack enclosure in the state has
17 been issued a table game license and would be authorized to
18 three special agents assigned to the facility pursuant to the
19 bill's amendment to Code section 99D.14(2)(a).

20 The bill and current law also specify that an excursion
21 gambling boat or gambling structure shall pay any direct and
22 indirect support costs for the agents. The bill specifies
23 that the direct costs shall include no more than four special
24 agents in charge in the aggregate for purposes of supervising
25 agents under Code chapters 99D (racetrack enclosure) and 99F
26 (excursion gambling boat and gambling structure).

27 The bill requires by January 1, 2015, and every year
28 thereafter, the division of criminal investigation provide
29 a report to the racing and gaming commission detailing the
30 activities of the division during the previous fiscal year for
31 each racetrack enclosure, excursion gambling boat, and gambling
32 structure.

33 The bill strikes the repeal of the mortgage mediation
34 assistance service administered by the attorney general in Code
35 section 654.4B. Under current law, the mortgage mediation

1 assistance service is repealed June 30, 2013.

2 The bill codifies an increased amount the department of
3 justice may use from the consumer education and litigation fund
4 for public education relating to consumer fraud under Code
5 section 714.6C. The amount increased under the bill equals the
6 amount that was used for public education relating to consumer
7 fraud in the previous fiscal year by the department of justice
8 in accordance with 2012 Iowa Acts, chapter 134.

9 The bill amends the 2011 and 2012 Iowa Acts to allow moneys
10 appropriated to the department of public safety for costs
11 associated with the training and operation of the statewide
12 interoperable communications system board as determined by the
13 department to be either used for salaries and contracts related
14 to the board or to be deposited into the statewide public
15 safety broadband interoperability communications fund created
16 in the bill.

17 The bill repeals the Iowa corrections offender network fund
18 in Code section 904.118 and transfers any remaining balances
19 or unobligated funds to the general fund of the state. The
20 transfer provision takes effect upon enactment.