

House File 811 - Reprinted

HOUSE FILE _____
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HSB 279)

Passed House, Date _____ Passed Senate, 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 providing an effective date.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 HF 811
5 jm/es/25

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1 1 DIVISION I
1 2 FY 2005=2006 APPROPRIATIONS
1 3 JUSTICE SYSTEM
1 4 Section 1. DEPARTMENT OF JUSTICE.
1 5 1. There is appropriated from the general fund of the
1 6 state to the department of justice for the fiscal year
1 7 beginning July 1, 2005, and ending June 30, 2006, the
1 8 following amounts, or so much thereof as is necessary, to be
1 9 used for the purposes designated:
1 10 a. For the general office of attorney general for
1 11 salaries, support, maintenance, miscellaneous purposes
1 12 including the prosecuting attorneys training program, victim
1 13 assistance grants, office of drug control policy (ODCP)
1 14 prosecuting attorney program, legal services for persons in
1 15 poverty grants as provided in section 13.34, odometer fraud
1 16 enforcement, and for not more than the following full-time
1 17 equivalent positions:
1 18 \$ 7,774,280
1 19 FTEs 214.50
1 20 It is the intent of the general assembly that as a
1 21 condition of receiving the appropriation provided in this
1 22 lettered paragraph, the department of justice shall maintain a
1 23 record of the estimated time incurred representing each agency
1 24 or department.
1 25 b. For victim assistance grants:
1 26 \$ 5,000
1 27 The funds appropriated in this lettered paragraph shall be
1 28 used to provide grants to care providers providing services to
1 29 crime victims of domestic abuse or to crime victims of rape
1 30 and sexual assault.
1 31 c. For legal services for persons in poverty grants as
1 32 provided in section 13.34:
1 33 \$ 0
1 34 2. In addition to the funds appropriated in subsection 1,
1 35 there is appropriated from the general fund of the state to
2 1 the department of justice for the fiscal year beginning July
2 2 1, 2005, and ending June 30, 2006, an amount not exceeding
2 3 \$200,000 to be used for the enforcement of the Iowa
2 4 competition law. The funds appropriated in this subsection
2 5 are contingent upon receipt by the general fund of the state
2 6 of an amount at least equal to the expenditure amount from
2 7 either damages awarded to the state or a political subdivision
2 8 of the state by a civil judgment under chapter 553, if the
2 9 judgment authorizes the use of the award for enforcement
2 10 purposes or costs or attorneys fees awarded the state in state
2 11 or federal antitrust actions. However, if the amounts
2 12 received as a result of these judgments are in excess of
2 13 \$200,000, the excess amounts shall not be appropriated to the
2 14 department of justice pursuant to this subsection. The
2 15 department of justice shall report the department's actual
2 16 costs and an estimate of the time incurred enforcing the
2 17 competition law, to the co-chairpersons and ranking members of
2 18 the joint appropriations subcommittee on the justice system,

2 19 and to the legislative services agency by November 15, 2004.

2 20 3. In addition to the funds appropriated in subsection 1,
2 21 there is appropriated from the general fund of the state to
2 22 the department of justice for the fiscal year beginning July
2 23 1, 2005, and ending June 30, 2006, an amount not exceeding
2 24 \$300,000 of which \$250,000 shall be used for the civil
2 25 commitment of sexually violent predators. The funds
2 26 appropriated in this subsection are contingent upon receipt by
2 27 the general fund of the state of an amount at least equal to
2 28 the expenditure amount from costs or attorney fees awarded the
2 29 state in settlement of its antitrust action against Microsoft
2 30 brought under chapter 553. However, if the amounts received
2 31 as a result of this settlement are in excess of \$300,000, the
2 32 excess amounts shall not be appropriated to the department of
2 33 justice pursuant to this subsection.

2 34 4. In addition to the funds appropriated in subsection 1,
2 35 there is appropriated from the general fund of the state to
3 1 the department of justice for the fiscal year beginning July
3 2 1, 2005, and ending June 30, 2006, an amount not exceeding
3 3 \$1,125,000 to be used for public education relating to
3 4 consumer fraud and for enforcement of section 714.16, and an
3 5 amount not exceeding \$75,000 for investigation, prosecution,
3 6 and consumer education relating to consumer and criminal fraud
3 7 against older Iowans. The funds appropriated in this
3 8 subsection are contingent upon receipt by the general fund of
3 9 the state of an amount at least equal to the expenditure
3 10 amount from damages awarded to the state or a political
3 11 subdivision of the state by a civil consumer fraud judgment or
3 12 settlement, if the judgment or settlement authorizes the use
3 13 of the award for public education on consumer fraud. However,
3 14 if the funds received as a result of these judgments and
3 15 settlements are in excess of \$1,200,000, the excess funds
3 16 shall not be appropriated to the department of justice
3 17 pursuant to this subsection. The department of justice shall
3 18 report to the co-chairpersons and ranking members of the joint
3 19 appropriations subcommittee on the justice system, and to the
3 20 legislative services agency by November 15, 2005, the
3 21 department's actual costs and an estimate of the time incurred
3 22 in providing education pursuant to and enforcing this
3 23 subsection.

3 24 5. The balance of the victim compensation fund established
3 25 in section 915.94 may be used to provide salary and support of
3 26 not more than 22 FTEs and to provide maintenance for the
3 27 victim compensation functions of the department of justice.

3 28 6. a. The department of justice, in submitting budget
3 29 estimates for the fiscal year commencing July 1, 2006,
3 30 pursuant to section 8.23, shall include a report of funding
3 31 from sources other than amounts appropriated directly from the
3 32 general fund of the state to the department of justice or to
3 33 the office of consumer advocate. These funding sources shall
3 34 include, but are not limited to, reimbursements from other
3 35 state agencies, commissions, boards, or similar entities, and
4 1 reimbursements from special funds or internal accounts within
4 2 the department of justice. The department of justice shall
4 3 report actual reimbursements for the fiscal year commencing
4 4 July 1, 2004, and actual and expected reimbursements for the
4 5 fiscal year commencing July 1, 2005.

4 6 b. The department of justice shall include the report
4 7 required under paragraph "a", as well as information regarding
4 8 any revisions occurring as a result of reimbursements actually
4 9 received or expected at a later date, in a report to the co=
4 10 chairpersons and ranking members of the joint appropriations
4 11 subcommittee on the justice system and the legislative
4 12 services agency. The department of justice shall submit the
4 13 report on or before January 15, 2006.

4 14 Sec. 2. DEPARTMENT OF JUSTICE == ENVIRONMENTAL CRIMES
4 15 INVESTIGATION AND PROSECUTION == FUNDING. There is
4 16 appropriated from the environmental crime fund of the
4 17 department of justice, consisting of court-ordered fines and
4 18 penalties awarded to the department arising out of the
4 19 prosecution of environmental crimes, to the department of
4 20 justice for the fiscal year beginning July 1, 2005, and ending
4 21 June 30, 2006, an amount not exceeding \$20,000 to be used by
4 22 the department, at the discretion of the attorney general, for
4 23 the investigation and prosecution of environmental crimes,
4 24 including the reimbursement of expenses incurred by county,
4 25 municipal, and other local governmental agencies cooperating
4 26 with the department in the investigation and prosecution of
4 27 environmental crimes.

4 28 The funds appropriated in this section are contingent upon
4 29 receipt by the environmental crime fund of the department of

4 30 justice of an amount at least equal to the appropriations made
4 31 in this section and received from contributions, court-ordered
4 32 restitution as part of judgments in criminal cases, and
4 33 consent decrees entered into as part of civil or regulatory
4 34 enforcement actions. However, if the funds received during
4 35 the fiscal year are in excess of \$20,000, the excess funds
5 1 shall be deposited in the general fund of the state.

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

5 7 Sec. 3. OFFICE OF CONSUMER ADVOCATE. There is
5 8 appropriated from the general fund of the state to the office
5 9 of consumer advocate of the department of justice for the
5 10 fiscal year beginning July 1, 2005, and ending June 30, 2006,
5 11 the following amount, or so much thereof as is necessary, to
5 12 be used for the purposes designated:

5 13 For salaries, support, maintenance, miscellaneous purposes,
5 14 and for not more than the following full-time equivalent
5 15 positions:

5 16 \$ 2,810,442
5 17 FTEs 27.00

5 18 Sec. 4. DEPARTMENT OF CORRECTIONS == FACILITIES.

5 19 1. There is appropriated from the general fund of the
5 20 state to the department of corrections for the fiscal year
5 21 beginning July 1, 2005, and ending June 30, 2006, the
5 22 following amounts, or so much thereof as is necessary, to be
5 23 used for the purposes designated:

5 24 For the operation of adult correctional institutions,
5 25 reimbursement of counties for certain confinement costs, and
5 26 federal prison reimbursement, to be allocated as follows:

5 27 a. For the operation of the Fort Madison correctional
5 28 facility, including salaries, support, maintenance, and
5 29 miscellaneous purposes:

5 30 \$ 38,923,261

5 31 b. For the operation of the Anamosa correctional facility,
5 32 including salaries, support, maintenance, and miscellaneous
5 33 purposes:

5 34 \$ 27,257,452

5 35 Moneys are provided within this appropriation for one full-
6 1 time substance abuse counselor for the Luster Heights
6 2 facility, for the purpose of certification of a substance
6 3 abuse program at that facility.

6 4 c. For the operation of the Oakdale correctional facility,
6 5 including salaries, support, maintenance, and miscellaneous
6 6 purposes:

6 7 \$ 24,730,278

6 8 d. For the operation of the Newton correctional facility,
6 9 including salaries, support, maintenance, and miscellaneous
6 10 purposes:

6 11 \$ 25,073,632

6 12 e. For the operation of the Mt. Pleasant correctional
6 13 facility, including salaries, support, maintenance, and
6 14 miscellaneous purposes:

6 15 \$ 23,003,340

6 16 In addition to the funds allocated in this paragraph "e",
6 17 there is appropriated from the general fund of the state to
6 18 the department of corrections for the fiscal year beginning
6 19 July 1, 2005, and ending June 30, 2006, an amount not
6 20 exceeding \$10,000 to be used for the chapel at the Mount
6 21 Pleasant correctional facility. The funds appropriated in
6 22 this paragraph are contingent upon receipt by the general fund
6 23 of the state of an amount at least equal to the expenditure
6 24 amount from costs or attorney fees awarded the state in
6 25 settlement of its antitrust action against Microsoft brought
6 26 under chapter 553. However, if the amounts received as a
6 27 result of this settlement are in excess of \$10,000, the excess
6 28 amounts shall not be appropriated to the department of
6 29 corrections pursuant to this paragraph.

6 30 f. For the operation of the Rockwell City correctional
6 31 facility, including salaries, support, maintenance, and
6 32 miscellaneous purposes:

6 33 \$ 8,096,378

6 34 g. For the operation of the Clarinda correctional
6 35 facility, including salaries, support, maintenance, and
7 1 miscellaneous purposes:

7 2 \$ 22,904,497

7 3 Moneys received by the department of corrections as
7 4 reimbursement for services provided to the Clarinda youth
7 5 corporation are appropriated to the department and shall be

7 6 used for the purpose of operating the Clarinda correctional
7 7 facility.

7 8 h. For the operation of the Mitchellville correctional
7 9 facility, including salaries, support, maintenance, and
7 10 miscellaneous purposes:

7 11 \$ 14,002,603

7 12 i. For the operation of the Fort Dodge correctional
7 13 facility, including salaries, support, maintenance, and
7 14 miscellaneous purposes:

7 15 \$ 26,315,943

7 16 j. For inmate substance abuse and mental health treatment:
7 17 \$ 1,000,000

7 18 In addition to the funds appropriated in this paragraph,
7 19 there is appropriated from the general fund of the state to
7 20 the department of corrections for the fiscal year beginning
7 21 July 1, 2005, and ending June 30, 2006, an amount not to
7 22 exceed \$214,000 to be used for inmate substance abuse and
7 23 mental health treatment. The funds appropriated in this
7 24 paragraph are contingent upon the receipt by the general fund
7 25 of the state of an amount at least equal to the expenditure
7 26 amount from costs or attorney fees awarded the state in
7 27 settlement of its antitrust action against Microsoft brought
7 28 under chapter 553. However, if the amounts received as a
7 29 result of this settlement are in excess of \$214,000, the
7 30 excess amounts shall not be appropriated to the department of
7 31 corrections pursuant to this paragraph.

7 32 k. For reimbursement of counties for temporary confinement
7 33 of work release and parole violators, as provided in sections
7 34 901.7, 904.908, and 906.17 and for offenders confined pursuant
7 35 to section 904.513:

8 1 \$ 674,954

8 2 1. For federal prison reimbursement, reimbursements for
8 3 out-of-state placements, and miscellaneous contracts:

8 4 \$ 241,293

8 5 2. The department of corrections shall use funds
8 6 appropriated in subsection 1 to continue to contract for the
8 7 services of a Muslim imam.

8 8 3. In addition to the funds appropriated in subsection 1,
8 9 there is appropriated from the general fund of the state to
8 10 the department of corrections for the fiscal year beginning
8 11 July 1, 2005, and ending June 30, 2006, an amount not
8 12 exceeding \$42,000 to be used for education programming. The
8 13 funds appropriated in this subsection are contingent upon
8 14 receipt by the general fund of the state of an amount at least
8 15 equal to the expenditure amount from costs or attorney fees
8 16 awarded the state in settlement of its antitrust action
8 17 against Microsoft brought under chapter 553. However, if the
8 18 amounts received as a result of this settlement are in excess
8 19 of \$42,000, the excess amounts shall not be appropriated to
8 20 the department of corrections pursuant to this subsection.

8 21 Sec. 5. DEPARTMENT OF CORRECTIONS == ADMINISTRATION.

8 22 1. There is appropriated from the general fund of the
8 23 state to the department of corrections for the fiscal year
8 24 beginning July 1, 2005, and ending June 30, 2006, the
8 25 following amounts, or so much thereof as is necessary, to be
8 26 used for the purposes designated:

8 27 a. For general administration, including salaries,
8 28 support, maintenance, employment of an education director to
8 29 administer a centralized education program for the
8 30 correctional system, and miscellaneous purposes:

8 31 \$ 2,829,708

8 32 (1) It is the intent of the general assembly that as a
8 33 condition of receiving the appropriation provided in this
8 34 lettered paragraph, the department of corrections shall not,
8 35 except as otherwise provided in subparagraph (3), enter into a
9 1 new contract, unless the contract is a renewal of an existing
9 2 contract, for the expenditure of moneys in excess of \$100,000
9 3 during the fiscal year beginning July 1, 2005, for the
9 4 privatization of services performed by the department using
9 5 state employees as of July 1, 2005, or for the privatization
9 6 of new services by the department, without prior consultation
9 7 with any applicable state employee organization affected by
9 8 the proposed new contract and prior notification of the co=
9 9 chairpersons and ranking members of the joint appropriations
9 10 subcommittee on the justice system.

9 11 (2) It is the intent of the general assembly that each
9 12 lease negotiated by the department of corrections with a
9 13 private corporation for the purpose of providing private
9 14 industry employment of inmates in a correctional institution
9 15 shall prohibit the private corporation from utilizing inmate
9 16 labor for partisan political purposes for any person seeking

9 17 election to public office in this state and that a violation
9 18 of this requirement shall result in a termination of the lease
9 19 agreement.

9 20 (3) It is the intent of the general assembly that as a
9 21 condition of receiving the appropriation provided in this
9 22 lettered paragraph, the department of corrections shall not
9 23 enter into a lease or contractual agreement pursuant to
9 24 section 904.809 with a private corporation for the use of
9 25 building space for the purpose of providing inmate employment
9 26 without providing that the terms of the lease or contract
9 27 establish safeguards to restrict, to the greatest extent
9 28 feasible, access by inmates working for the private
9 29 corporation to personal identifying information of citizens.

9 30 b. For educational programs for inmates at state penal
9 31 institutions:

9 32 \$ 1,008,358

9 33 It is the intent of the general assembly that moneys
9 34 appropriated in this lettered paragraph shall be used solely
9 35 for the purpose indicated and that the moneys shall not be
10 1 transferred for any other purpose. In addition, it is the
10 2 intent of the general assembly that the department shall
10 3 consult with the community colleges in the areas in which the
10 4 institutions are located to utilize moneys appropriated in
10 5 this lettered paragraph to fund the high school completion,
10 6 high school equivalency diploma, adult literacy, and adult
10 7 basic education programs in a manner so as to maintain these
10 8 programs at the institutions.

10 9 To maximize the funding for educational programs, the
10 10 department shall establish guidelines and procedures to
10 11 prioritize the availability of educational and vocational
10 12 training for inmates based upon the goal of facilitating an
10 13 inmate's successful release from the correctional institution.

10 14 The director of the department of corrections may transfer
10 15 moneys from Iowa prison industries for use in educational
10 16 programs for inmates.

10 17 Notwithstanding section 8.33, moneys appropriated in this
10 18 lettered paragraph that remain unobligated or unexpended at
10 19 the close of the fiscal year shall not revert but shall remain
10 20 available for expenditure only for the purpose designated in
10 21 this lettered paragraph until the close of the succeeding
10 22 fiscal year.

10 23 c. For the development of the Iowa corrections offender
10 24 network (ICON) data system:

10 25 \$ 427,700

10 26 2. It is the intent of the general assembly that the
10 27 department of corrections shall continue to operate the
10 28 correctional farms under the control of the department at the
10 29 same or greater level of participation and involvement as
10 30 existed as of January 1, 2005, shall not enter into any rental
10 31 agreement or contract concerning any farmland under the
10 32 control of the department that is not subject to a rental
10 33 agreement or contract as of January 1, 2005, without prior
10 34 legislative approval, and shall further attempt to provide job
10 35 opportunities at the farms for inmates. The department shall
11 1 attempt to provide job opportunities at the farms for inmates
11 2 by encouraging labor-intensive farming or gardening where
11 3 appropriate, using inmates to grow produce and meat for
11 4 institutional consumption, researching the possibility of
11 5 instituting food canning and cook-and-chill operations, and
11 6 exploring opportunities for organic farming and gardening,
11 7 livestock ventures, horticulture, and specialized crops.

11 8 3. The department shall work to increase produce gardening
11 9 by inmates under the control of the correctional institutions,
11 10 and, if appropriate, may use the central distribution network
11 11 at the Woodward state resource center. The department shall
11 12 file a report with the co-chairpersons and ranking members of
11 13 the joint appropriations subcommittee on the justice system by
11 14 December 1, 2005, regarding the feasibility of expanding the
11 15 number of acres devoted to organic gardening and to the
11 16 growing of organic produce for sale.

11 17 4. The department of corrections shall submit a report to
11 18 the general assembly by January 1, 2006, concerning moneys
11 19 recouped from inmate earnings for the reimbursement of
11 20 operational expenses of the applicable facility during the
11 21 fiscal year beginning July 1, 2004, for each correctional
11 22 institution and judicial district department of correctional
11 23 services. In addition, each correctional institution and
11 24 judicial district department of correctional services shall
11 25 continue to submit a report to the legislative services agency
11 26 on a monthly basis concerning moneys recouped from inmate
11 27 earnings pursuant to sections 904.702, 904.809, and 905.14.

11 28 5. The department of corrections, in consultation with the
11 29 board of parole, shall study the feasibility of establishing a
11 30 mentoring program using unpaid volunteers to mentor persons
11 31 who are on probation or parole. The department of corrections
11 32 shall file a report regarding the study with the co-
11 33 chairpersons and ranking members of the joint appropriations
11 34 subcommittee on the justice system and the legislative
11 35 services agency by December 15, 2005. The report shall detail
12 1 the feasibility of establishing such a mentoring program.

12 2 6. It is the intent of the general assembly that as a
12 3 condition of receiving the appropriation provided in this
12 4 lettered paragraph, the department shall not enter into any
12 5 agreement with a private sector nongovernmental entity for the
12 6 purpose of housing inmates committed to the custody of the
12 7 director of the department, without express authorization of
12 8 the general assembly to do so.

12 9 Sec. 6. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL
12 10 SERVICES.

12 11 1. There is appropriated from the general fund of the
12 12 state to the department of corrections for the fiscal year
12 13 beginning July 1, 2005, and ending June 30, 2006, the
12 14 following amounts, or so much thereof as is necessary, to be
12 15 allocated as follows:

12 16 a. For the first judicial district department of
12 17 correctional services, including the treatment and supervision
12 18 of probation and parole violators who have been released from
12 19 the department of corrections violator program, the following
12 20 amount, or so much thereof as is necessary:

12 21 \$ 10,406,624

12 22 b. For the second judicial district department of
12 23 correctional services, including the treatment and supervision
12 24 of probation and parole violators who have been released from
12 25 the department of corrections violator program, the following
12 26 amount, or so much thereof as is necessary:

12 27 \$ 8,017,509

12 28 c. For the third judicial district department of
12 29 correctional services, including the treatment and supervision
12 30 of probation and parole violators who have been released from
12 31 the department of corrections violator program, the following
12 32 amount, or so much thereof as is necessary:

12 33 \$ 4,836,472

12 34 d. For the fourth judicial district department of
12 35 correctional services, including the treatment and supervision
13 1 of probation and parole violators who have been released from
13 2 the department of corrections violator program, the following
13 3 amount, or so much thereof as is necessary:

13 4 \$ 4,305,545

13 5 e. For the fifth judicial district department of
13 6 correctional services, including the treatment and supervision
13 7 of probation and parole violators who have been released from
13 8 the department of corrections violator program, the following
13 9 amount, or so much thereof as is necessary:

13 10 \$ 13,547,738

13 11 f. For the sixth judicial district department of
13 12 correctional services, including the treatment and supervision
13 13 of probation and parole violators who have been released from
13 14 the department of corrections violator program, the following
13 15 amount, or so much thereof as is necessary:

13 16 \$ 10,331,724

13 17 g. For the seventh judicial district department of
13 18 correctional services, including the treatment and supervision
13 19 of probation and parole violators who have been released from
13 20 the department of corrections violator program, the following
13 21 amount, or so much thereof as is necessary:

13 22 \$ 5,787,248

13 23 h. For the eighth judicial district department of
13 24 correctional services, including the treatment and supervision
13 25 of probation and parole violators who have been released from
13 26 the department of corrections violator program, the following
13 27 amount, or so much thereof as is necessary:

13 28 \$ 5,722,888

13 29 2. Each judicial district department of correctional
13 30 services, within the funding available, shall continue
13 31 programs and plans established within that district to provide
13 32 for intensive supervision, sex offender treatment, diversion
13 33 of low-risk offenders to the least restrictive sanction
13 34 available, job development, and expanded use of intermediate
13 35 criminal sanctions.

14 1 3. Each judicial district department of correctional
14 2 services shall provide alternatives to prison consistent with
14 3 chapter 901B. The alternatives to prison shall ensure public

14 4 safety while providing maximum rehabilitation to the offender.
14 5 A judicial district department may also establish a day
14 6 program.

14 7 4. The governor's office of drug control policy shall
14 8 consider federal grants made to the department of corrections
14 9 for the benefit of each of the eight judicial district
14 10 departments of correctional services as local government
14 11 grants, as defined pursuant to federal regulations.

14 12 Sec. 7. ELECTRONIC TRACKING AND MONITORING. Of the
14 13 amounts appropriated in sections 4, 5, and 6, the department
14 14 of corrections shall allocate the funds necessary for
14 15 electronic tracking and monitoring of persons under
14 16 supervision and who are required to register as sex offenders.

14 17 It is the intent of the general assembly that persons who
14 18 are subject to electronic tracking and monitoring shall
14 19 reimburse the department of corrections the cost of such
14 20 tracking and monitoring.

14 21 Sec. 8. INTENT == REPORTS.

14 22 1. The department of corrections shall submit a report on
14 23 inmate labor to the general assembly, to the co-chairpersons
14 24 and the ranking members of the joint appropriations
14 25 subcommittee on the justice system, and to the legislative
14 26 services agency by January 15, 2006. The report shall
14 27 specifically address the progress the department has made in
14 28 implementing the requirements of section 904.701, inmate labor
14 29 on capital improvement projects, community work crews, inmate
14 30 produce gardening, and private-sector employment.

14 31 2. The department in cooperation with townships, the Iowa
14 32 cemetery associations, and other nonprofit or governmental
14 33 entities may use inmate labor to restore or preserve rural
14 34 cemeteries and historical landmarks. The department in
14 35 cooperation with the counties may also use inmate labor to
15 1 clean up roads, major water sources, and other water sources
15 2 around the state.

15 3 3. Each month the department shall provide a status report
15 4 regarding private-sector employment to the legislative
15 5 services agency beginning on July 1, 2005. The report shall
15 6 include the number of offenders employed in the private
15 7 sector, the combined number of hours worked by the offenders,
15 8 and the total amount of allowances, and the distribution of
15 9 allowances pursuant to section 904.702, including any moneys
15 10 deposited in the general fund of the state.

15 11 Sec. 9. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.

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

15 20 2. State agencies are hereby encouraged to purchase
15 21 products from Iowa state industries, as defined in section
15 22 904.802, when purchases are required and the products are
15 23 available from Iowa state industries. State agencies shall
15 24 obtain bids from Iowa state industries for purchases of office
15 25 furniture exceeding \$5,000 or in accordance with applicable
15 26 administrative rules related to purchases for the agency.

15 27 Sec. 10. STATE PUBLIC DEFENDER. There is appropriated
15 28 from the general fund of the state to the office of the state
15 29 public defender of the department of inspections and appeals
15 30 for the fiscal year beginning July 1, 2005, and ending June
15 31 30, 2006, the following amounts, or so much thereof as is
15 32 necessary, to be allocated as follows for the purposes
15 33 designated:

15 34 1. For salaries, support, maintenance, and miscellaneous
15 35 purposes, and for not more than the following full-time
16 1 equivalent positions:

16 2 \$ 18,444,964
16 3 FTEs 202.00

16 4 2. For the fees of court-appointed attorneys for indigent
16 5 adults and juveniles, in accordance with section 232.141 and
16 6 chapter 815:

16 7 \$ 21,163,082

16 8 Sec. 11. IOWA LAW ENFORCEMENT ACADEMY.

16 9 1. There is appropriated from the general fund of the
16 10 state to the Iowa law enforcement academy for the fiscal year
16 11 beginning July 1, 2005, and ending June 30, 2006, the
16 12 following amount, or so much thereof as is necessary, to be
16 13 used for the purposes designated:

16 14 For salaries, support, maintenance, miscellaneous purposes,

16 15 including jailer training and technical assistance, and for
16 16 not more than the following full-time equivalent positions:
16 17 \$ 1,075,138
16 18 FTEs 30.05

16 19 It is the intent of the general assembly that the Iowa law
16 20 enforcement academy may provide training of state and local
16 21 law enforcement personnel concerning the recognition of and
16 22 response to persons with Alzheimer's disease.

16 23 The Iowa law enforcement academy may temporarily exceed and
16 24 draw more than the amount appropriated and incur a negative
16 25 cash balance as long as there are receivables equal to or
16 26 greater than the negative balance and the amount appropriated
16 27 in this subsection is not exceeded at the close of the fiscal
16 28 year.

16 29 2. The Iowa law enforcement academy may select at least
16 30 five automobiles of the department of public safety, division
16 31 of the Iowa state patrol, prior to turning over the
16 32 automobiles to the department of administrative services to be
16 33 disposed of by public auction and the Iowa law enforcement
16 34 academy may exchange any automobile owned by the academy for
16 35 each automobile selected if the selected automobile is used in
17 1 training law enforcement officers at the academy. However,
17 2 any automobile exchanged by the academy shall be substituted
17 3 for the selected vehicle of the department of public safety
17 4 and sold by public auction with the receipts being deposited
17 5 in the depreciation fund to the credit of the department of
17 6 public safety, division of the Iowa state patrol.

17 7 Sec. 12. BOARD OF PAROLE. There is appropriated from the
17 8 general fund of the state to the board of parole for the
17 9 fiscal year beginning July 1, 2005, and ending June 30, 2006,
17 10 the following amount, or so much thereof as is necessary, to
17 11 be used for the purposes designated:

17 12 For salaries, support, maintenance, miscellaneous purposes,
17 13 and for not more than the following full-time equivalent
17 14 positions:

17 15 \$ 1,121,044
17 16 FTEs 17.50

17 17 Sec. 13. DEPARTMENT OF PUBLIC DEFENSE. There is
17 18 appropriated from the general fund of the state to the
17 19 department of public defense for the fiscal year beginning
17 20 July 1, 2005, and ending June 30, 2006, the following amounts,
17 21 or so much thereof as is necessary, to be used for the
17 22 purposes designated:

17 23 1. MILITARY DIVISION

17 24 For salaries, support, maintenance, miscellaneous purposes,
17 25 and for not more than the following full-time equivalent
17 26 positions:

17 27 \$ 5,130,040
17 28 FTEs 312.55

17 29 If there is a surplus in the general fund of the state for
17 30 the fiscal year ending June 30, 2006, within 60 days after the
17 31 close of the fiscal year, the military division may incur up
17 32 to an additional \$500,000 in expenditures from the surplus
17 33 prior to transfer of the surplus pursuant to section 8.57.

17 34 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION

17 35 For salaries, support, maintenance, miscellaneous purposes,
18 1 and for not more than the following full-time equivalent
18 2 positions:

18 3 \$ 1,172,230
18 4 FTEs 24.75

18 5 Sec. 14. DEPARTMENT OF PUBLIC SAFETY. There is
18 6 appropriated from the general fund of the state to the
18 7 department of public safety for the fiscal year beginning July
18 8 1, 2005, and ending June 30, 2006, the following amounts, or
18 9 so much thereof as is necessary, to be used for the purposes
18 10 designated:

18 11 1. For the department's administrative functions,
18 12 including the criminal justice information system, and for not
18 13 more than the following full-time equivalent positions:

18 14 \$ 3,095,033
18 15 FTEs 38.00

18 16 2. For the division of criminal investigation and bureau
18 17 of identification, including the state's contribution to the
18 18 peace officers' retirement, accident, and disability system
18 19 provided in chapter 97A in the amount of 17 percent of the
18 20 salaries for which the funds are appropriated, to meet federal
18 21 fund matching requirements, and for not more than the
18 22 following full-time equivalent positions:

18 23 \$ 14,807,052
18 24 FTEs 222.50

18 25 3. For the criminalistics laboratory fund, if created in

18 26 section 602.8108:
18 27 \$ 0

18 28 The department of public safety, with the approval of the
18 29 department of management, may employ no more than two special
18 30 agents and four gaming enforcement officers for each
18 31 additional riverboat regulated after July 1, 2005, and one
18 32 special agent for each racing facility which becomes
18 33 operational during the fiscal year which begins July 1, 2005.
18 34 One additional gaming enforcement officer, up to a total of
18 35 four per riverboat, may be employed for each riverboat that
19 1 has extended operations to 24 hours and has not previously
19 2 operated with a 24-hour schedule. Positions authorized in
19 3 this paragraph are in addition to the full-time equivalent
19 4 positions otherwise authorized in this subsection.

19 5 4. a. For the division of narcotics enforcement,
19 6 including the state's contribution to the peace officers'
19 7 retirement, accident, and disability system provided in
19 8 chapter 97A in the amount of 17 percent of the salaries for
19 9 which the funds are appropriated, to meet federal fund
19 10 matching requirements, and for not more than the following
19 11 full-time equivalent positions:

19 12 \$ 4,701,141
19 13 FTEs 75.00

19 14 b. For the division of narcotics enforcement for
19 15 undercover purchases:

19 16 \$ 123,343

19 17 5. a. For the state fire marshal's office, including the
19 18 state's contribution to the peace officers' retirement,
19 19 accident, and disability system provided in chapter 97A in the
19 20 amount of 17 percent of the salaries for which the funds are
19 21 appropriated, and for not more than the following full-time
19 22 equivalent positions:

19 23 \$ 2,456,998
19 24 FTEs 42.00

19 25 b. For the state fire marshal's office, for fire
19 26 protection services as provided through the state fire service
19 27 and emergency response council as created in the department,
19 28 and for not more than the following full-time equivalent
19 29 positions:

19 30 \$ 638,021
19 31 FTEs 10.00

19 32 Of the amount appropriated in this paragraph, the state
19 33 fire marshal shall allocate \$200 for the mailing of a notice
19 34 to all affected agencies or emergency services providers
19 35 informing the agencies or providers about the requirement of
20 1 an autopsy under section 144.56A.

20 2 6. For the division of the Iowa state patrol of the
20 3 department of public safety, for salaries, support,
20 4 maintenance, workers' compensation costs, and miscellaneous
20 5 purposes, including the state's contribution to the peace
20 6 officers' retirement, accident, and disability system provided
20 7 in chapter 97A in the amount of 17 percent of the salaries for
20 8 which the funds are appropriated, and for not more than the
20 9 following full-time equivalent positions:

20 10 \$ 43,151,973
20 11 FTEs 531.00

20 12 In addition to the funds otherwise appropriated in this
20 13 subsection, there is appropriated from the general fund of the
20 14 state to the division of the Iowa state patrol for the fiscal
20 15 year beginning July 1, 2005, and ending June 30, 2006, an
20 16 amount not exceeding \$390,000 to be used for motor vehicle
20 17 depreciation. The funds appropriated in this paragraph are
20 18 contingent upon receipt by the general fund of the state of an
20 19 amount at least equal to the expenditure amount from costs or
20 20 attorney fees awarded the state in settlement of its antitrust
20 21 action against Microsoft brought under chapter 553. However,
20 22 if the amounts received as a result of this settlement are in
20 23 excess of \$390,000, the excess amounts shall not be
20 24 appropriated to the division of the Iowa state patrol pursuant
20 25 to this paragraph.

20 26 It is the intent of the general assembly that members of
20 27 the Iowa state patrol be assigned to patrol the highways and
20 28 roads in lieu of assignments for inspecting school buses for
20 29 the school districts.

20 30 7. For deposit in the public safety law enforcement sick
20 31 leave benefits fund established under section 80.42, for all
20 32 departmental employees eligible to receive benefits for
20 33 accrued sick leave under the collective bargaining agreement:
20 34 \$ 316,179

20 35 An employee of the department of public safety who retires
21 1 after July 1, 2005, but prior to June 30, 2006, is eligible

21 2 for payment of life or health insurance premiums as provided
21 3 for in the collective bargaining agreement covering the public
21 4 safety bargaining unit at the time of retirement if that
21 5 employee previously served in a position which would have been
21 6 covered by the agreement. The employee shall be given credit
21 7 for the service in that prior position as though it were
21 8 covered by that agreement. The provisions of this subsection
21 9 shall not operate to reduce any retirement benefits an
21 10 employee may have earned under other collective bargaining
21 11 agreements or retirement programs.

21 12 8. For costs associated with the training and equipment
21 13 needs of volunteer fire fighters and for not more than the
21 14 following full-time equivalent position:
21 15 \$ 699,587
21 16 FTEs 1.00

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

21 22 Of the amounts appropriated in this section, the department
21 23 shall allocate the funds necessary for the DNA profiling of
21 24 all felons. In addition, of the amounts appropriated in this
21 25 section the department shall allocate the funds necessary for
21 26 personnel to maintain information, including addresses and
21 27 photographs, for the sex offender registry's internet page,
21 28 and shall allocate \$25,000 to update the sex offender
21 29 registry.

21 30 Sec. 15. CIVIL RIGHTS COMMISSION. There is appropriated
21 31 from the general fund of the state to the Iowa state civil
21 32 rights commission for the fiscal year beginning July 1, 2005,
21 33 and ending June 30, 2006, the following amount, or so much
21 34 thereof as is necessary, to be used for the purposes
21 35 designated:

22 1 For salaries, support, maintenance, miscellaneous purposes,
22 2 and for not more than the following full-time equivalent
22 3 positions:
22 4 \$ 950,788
22 5 FTEs 27.50

22 6 The Iowa state civil rights commission may enter into a
22 7 contract with a nonprofit organization to provide legal
22 8 assistance to resolve civil rights complaints.

22 9 Sec. 16. HOMELAND SECURITY AND EMERGENCY MANAGEMENT
22 10 DIVISION. There is appropriated from the wireless E911
22 11 emergency communications fund to the administrator of the
22 12 homeland security and emergency management division of the
22 13 department of public defense for the fiscal year beginning
22 14 July 1, 2005, and ending June 30, 2006, an amount not
22 15 exceeding two hundred thousand dollars to be used for
22 16 implementation, support, and maintenance of the functions of
22 17 the administrator and program manager under chapter 34A and to
22 18 employ the auditor of the state to perform an annual audit of
22 19 the wireless E911 emergency communications fund.

22 20 Sec. 17. IOWA LAW ENFORCEMENT ACADEMY == FEES.
22 21 Notwithstanding section 80B.11B, the Iowa law enforcement
22 22 academy may charge more than one-half the cost of providing
22 23 the basic training course if a majority of the Iowa law
22 24 enforcement academy council authorizes charging more than one=
22 25 half of the cost of providing basic training. This section is
22 26 repealed on June 30, 2006.

22 27 Sec. 18. NEW SECTION. 144.56A PUBLIC SAFETY OFFICER
22 28 DEATH == REQUIRED NOTICE == AUTOPSY.

22 29 A person who is authorized to pronounce individuals dead is
22 30 required to inform one of the persons authorized to request an
22 31 autopsy, as provided in section 144.56, that an autopsy will
22 32 be required if the individual who died was a public safety
22 33 officer who may have died in the line of duty and an eligible
22 34 beneficiary of the deceased seeks to claim a federal public
22 35 safety officer death benefit.

23 1 DIVISION II
23 2 SUPPLEMENTAL APPROPRIATIONS
23 3 DEPARTMENT OF CORRECTIONS == FACILITIES

23 4 Sec. 19. 2004 Iowa Acts, chapter 1175, section 183,
23 5 subsection 1, paragraph c, is amended to read as follows:
23 6 c. For the operation of the Oakdale correctional facility,
23 7 including salaries, support, maintenance, and miscellaneous
23 8 purposes:

23 9 \$ 23,536,936
23 10 23,636,936

23 11 Of the funds allocated in this paragraph "c", \$100,000 is
23 12 allocated for the costs of remodeling and construction to

23 13 establish a specialized 24-bed mental health unit for
23 14 offenders who are not ordered to inpatient mental health
23 15 treatment. The unit shall operate as an adjunct to the
23 16 licensed hospital program within the Oakdale correctional
23 17 facility.

23 18 DEPARTMENT OF CORRECTIONS == ADMINISTRATION
23 19 Sec. 20. 2004 Iowa Acts, chapter 1175, section 184,
23 20 subsection 1, paragraph a, unnumbered paragraph 1, is amended
23 21 to read as follows:
23 22 For general administration, including salaries, support,
23 23 maintenance, employment of an education director to administer
23 24 a centralized education program for the correctional system,
23 25 and miscellaneous purposes:
23 26 \$ ~~2,784,393~~
23 27 3,198,809

23 28 JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL
23 29 SERVICES

23 30 Sec. 21. 2004 Iowa Acts, chapter 1175, section 185,
23 31 subsection 1, is amended to read as follows:

23 32 1. There is appropriated from the general fund of the
23 33 state to the department of corrections for the fiscal year
23 34 beginning July 1, 2004, and ending June 30, 2005, the
23 35 following amounts, or so much thereof as is necessary, to be
24 1 allocated as follows:

24 2 a. For the first judicial district department of
24 3 correctional services, including the treatment and supervision
24 4 of probation and parole violators who have been released from
24 5 the department of corrections violator program, the following
24 6 amount, or so much thereof as is necessary:
24 7 \$ ~~10,090,207~~
24 8 10,142,332

24 9 b. For the second judicial district department of
24 10 correctional services, including the treatment and supervision
24 11 of probation and parole violators who have been released from
24 12 the department of corrections violator program, the following
24 13 amount, or so much thereof as is necessary:
24 14 \$ ~~7,755,402~~
24 15 7,803,027

24 16 c. For the third judicial district department of
24 17 correctional services, including the treatment and supervision
24 18 of probation and parole violators who have been released from
24 19 the department of corrections violator program, the following
24 20 amount, or so much thereof as is necessary:
24 21 \$ ~~4,631,423~~
24 22 4,668,548

24 23 d. For the fourth judicial district department of
24 24 correctional services, including the treatment and supervision
24 25 of probation and parole violators who have been released from
24 26 the department of corrections violator program, the following
24 27 amount, or so much thereof as is necessary:
24 28 \$ ~~4,248,965~~
24 29 4,268,465

24 30 e. For the fifth judicial district department of
24 31 correctional services, including the treatment and supervision
24 32 of probation and parole violators who have been released from
24 33 the department of corrections violator program, the following
24 34 amount, or so much thereof as is necessary:
24 35 \$ ~~12,982,837~~
25 1 13,105,462

25 2 f. For the sixth judicial district department of
25 3 correctional services, including the treatment and supervision
25 4 of probation and parole violators who have been released from
25 5 the department of corrections violator program, the following
25 6 amount, or so much thereof as is necessary:
25 7 \$ ~~10,064,717~~
25 8 10,105,217

25 9 g. For the seventh judicial district department of
25 10 correctional services, including the treatment and supervision
25 11 of probation and parole violators who have been released from
25 12 the department of corrections violator program, the following
25 13 amount, or so much thereof as is necessary:
25 14 \$ ~~5,677,314~~
25 15 5,700,939

25 16 h. For the eighth judicial district department of
25 17 correctional services, including the treatment and supervision
25 18 of probation and parole violators who have been released from
25 19 the department of corrections violator program, the following
25 20 amount, or so much thereof as is necessary:
25 21 \$ ~~5,574,865~~
25 22 5,606,740

25 23 The appropriations made in this subsection include

25 24 additional funding for costs to address additional
25 25 methamphetamine drug offenders under supervision.

25 26 Sec. 22. 2004 Iowa Acts, chapter 1175, section 188, is
25 27 amended to read as follows:

25 28 SEC. 188. STATE PUBLIC DEFENDER. There is appropriated
25 29 from the general fund of the state to the office of the state
25 30 public defender of the department of inspections and appeals
25 31 for the fiscal year beginning July 1, 2004, and ending June
25 32 30, 2005, the following amounts, or so much thereof as is
25 33 necessary, to be allocated as follows for the purposes
25 34 designated:

25 35 1. For salaries, support, maintenance, and miscellaneous
26 1 purposes, and for not more than the following full-time
26 2 equivalent positions:
26 3 \$ ~~16,663,446~~
26 4 18,247,561
26 5 FTEs 202.00
26 6 2. For the fees of court-appointed attorneys for indigent
26 7 adults and juveniles, in accordance with section 232.141 and
26 8 chapter 815:
26 9 \$ ~~19,355,297~~
26 10 22,251,339

26 11 Sec. 23. 2004 Iowa Acts, chapter 1175, section 192,
26 12 subsection 2, unnumbered paragraph 1, is amended to read as
26 13 follows:

26 14 For the division of criminal investigation and bureau of
26 15 identification, including the state's contribution to the
26 16 peace officers' retirement, accident, and disability system
26 17 provided in chapter 97A in the amount of 17 percent of the
26 18 salaries for which the funds are appropriated, to meet federal
26 19 fund matching requirements, and for not more than the
26 20 following full-time equivalent positions:
26 21 \$ ~~14,058,510~~
26 22 14,208,510
26 23 FTEs 221.50

26 24 Sec. 24. 2004 Iowa Acts, chapter 1175, section 193, is
26 25 amended to read as follows:

26 26 SEC. 193. CIVIL RIGHTS COMMISSION. There is appropriated
26 27 from the general fund of the state to the Iowa state civil
26 28 rights commission for the fiscal year beginning July 1, 2004,
26 29 and ending June 30, 2005, the following amount, or so much
26 30 thereof as is necessary, to be used for the purposes
26 31 designated:

26 32 For salaries, support, maintenance, miscellaneous purposes,
26 33 and for not more than the following full-time equivalent
26 34 positions:
26 35 \$ ~~825,752~~
27 1 881,752
27 2 FTEs 28.00

27 3 The Iowa state civil rights commission may enter into a
27 4 contract with a nonprofit organization to provide legal
27 5 assistance to resolve civil rights complaints.

27 6 Sec. 25. EFFECTIVE DATE. This division of this Act, being
27 7 deemed of immediate importance, takes effect upon enactment.

27 8 HF 811
27 9 jm:jp/es/25