

House File 2660 - Reprinted

HOUSE FILE _____
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HSB 773)

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.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 5007HV 82
5 jm/jp/8

PAG LIN

1 1 Section 1. DEPARTMENT OF JUSTICE.
1 2 1. There is appropriated from the general fund of the
1 3 state to the department of justice for the fiscal year
1 4 beginning July 1, 2008, and ending June 30, 2009, the
1 5 following amounts, or so much thereof as is necessary, to be
1 6 used for the purposes designated:
1 7 a. For the general office of attorney general for
1 8 salaries, support, maintenance, and miscellaneous purposes,
1 9 including the prosecuting attorneys training program, victim
1 10 assistance grants, office of drug control policy (ODCP)
1 11 prosecuting attorney program, and odometer fraud enforcement,
1 12 and for not more than the following full-time equivalent
1 13 positions:
1 14 \$ 9,437,720
1 15 FTEs 226.50
1 16 It is the intent of the general assembly that as a
1 17 condition of receiving the appropriation provided in this
1 18 lettered paragraph, the department of justice shall maintain a
1 19 record of the estimated time incurred representing each agency
1 20 or department.
1 21 b. For victim assistance grants:
1 22 \$ 150,000
1 23 The funds appropriated in this lettered paragraph shall be
1 24 used to provide grants to care providers providing services to
1 25 crime victims of domestic abuse or to crime victims of rape
1 26 and sexual assault.
1 27 The balance of the victim compensation fund established in
1 28 section 915.94 may be used to provide salary and support of
1 29 not more than 22 FTEs and to provide maintenance for the
1 30 victim compensation functions of the department of justice.
1 31 As a condition of receiving the appropriation in this
1 32 lettered paragraph, the department of justice shall transfer
1 33 at least \$3,200,000 from the victim compensation fund
1 34 established in section 915.94 to the victim assistance grant
1 35 program.
2 1 As a condition of receiving the appropriation in this
2 2 lettered paragraph, the department of justice shall transfer
2 3 at least \$600,000 from the proceeds of forfeited property
2 4 delivered to the department pursuant to section 809A.17 to be
2 5 used for the victim assistance grant program.
2 6 c. For legal services for persons in poverty grants as
2 7 provided in section 13.34:
2 8 \$ 2,000,000
2 9 d. For the purpose of funding farm mediation services and
2 10 other farm assistance program provisions in accordance with
2 11 sections 13.13 through 13.24:
2 12 \$ 300,000
2 13 2. a. The department of justice, in submitting budget
2 14 estimates for the fiscal year commencing July 1, 2009,
2 15 pursuant to section 8.23, shall include a report of funding
2 16 from sources other than amounts appropriated directly from the
2 17 general fund of the state to the department of justice or to
2 18 the office of consumer advocate. These funding sources shall

2 19 include but are not limited to reimbursements from other state
2 20 agencies, commissions, boards, or similar entities, and
2 21 reimbursements from special funds or internal accounts within
2 22 the department of justice. The department of justice shall
2 23 also report actual reimbursements for the fiscal year
2 24 commencing July 1, 2007, and actual and expected
2 25 reimbursements for the fiscal year commencing July 1, 2008.

2 26 b. The department of justice shall include the report
2 27 required under paragraph "a", as well as information regarding
2 28 any revisions occurring as a result of reimbursements actually
2 29 received or expected at a later date, in a report to the co=
2 30 chairpersons and ranking members of the joint appropriations
2 31 subcommittee on the justice system and the legislative
2 32 services agency. The department of justice shall submit the
2 33 report on or before January 15, 2009.

2 34 Sec. 2. OFFICE OF CONSUMER ADVOCATE. There is
2 35 appropriated from the general fund of the state to the office
3 1 of consumer advocate of the department of justice for the
3 2 fiscal year beginning July 1, 2008, and ending June 30, 2009,
3 3 the following amount, or so much thereof as is necessary, to
3 4 be used for the purposes designated:

3 5 For salaries, support, maintenance, miscellaneous purposes,
3 6 and for not more than the following full-time equivalent
3 7 positions:

3 8 \$ 3,101,884
3 9 FTEs 27.00

3 10 Sec. 3. DEPARTMENT OF CORRECTIONS == FACILITIES.

3 11 1. There is appropriated from the general fund of the
3 12 state to the department of corrections for the fiscal year
3 13 beginning July 1, 2008, and ending June 30, 2009, the
3 14 following amounts, or so much thereof as is necessary, to be
3 15 used for the purposes designated:

3 16 For the operation of adult correctional institutions,
3 17 reimbursement of counties for certain confinement costs, and
3 18 federal prison reimbursement, to be allocated as follows:

3 19 a. For the operation of the Fort Madison correctional
3 20 facility, including salaries, support, maintenance, and
3 21 miscellaneous purposes:

3 22 \$ 44,512,509

3 23 b. For the operation of the Anamosa correctional facility,
3 24 including salaries, support, maintenance, and miscellaneous
3 25 purposes:

3 26 \$ 30,894,866

3 27 As a condition of the funds appropriated in this lettered
3 28 paragraph, the department of corrections shall replace expired
3 29 federal funding by expending at least \$238,252 for
3 30 continuation of a treatment program that prepares offenders
3 31 for on-going therapeutic treatment programs offered by the
3 32 department and maintaining at least 4.75 full-time equivalent
3 33 positions for the program.

3 34 Moneys are provided within this appropriation for one full=
3 35 time substance abuse counselor for the Luster Heights facility
4 1 for the purpose of certification of a substance abuse program
4 2 at that facility.

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

4 6 \$ 56,204,468

4 7 d. For the operation of the Newton correctional facility,
4 8 including salaries, support, maintenance, and miscellaneous
4 9 purposes:

4 10 \$ 27,841,158

4 11 e. For the operation of the Mt. Pleasant correctional
4 12 facility, including salaries, support, maintenance, and
4 13 miscellaneous purposes:

4 14 \$ 26,331,092

4 15 f. For the operation of the Rockwell City correctional
4 16 facility, including salaries, support, maintenance, and
4 17 miscellaneous purposes:

4 18 \$ 9,166,484

4 19 g. For the operation of the Clarinda correctional
4 20 facility, including salaries, support, maintenance, and
4 21 miscellaneous purposes:

4 22 \$ 25,078,365

4 23 Moneys received by the department of corrections as
4 24 reimbursement for services provided to the Clarinda youth
4 25 corporation are appropriated to the department and shall be
4 26 used for the purpose of operating the Clarinda correctional
4 27 facility.

4 28 h. For the operation of the Mitchellville correctional
4 29 facility, including salaries, support, maintenance, and

4 30 miscellaneous purposes:
4 31 \$ 15,878,663
4 32 i. For the operation of the Fort Dodge correctional
4 33 facility, including salaries, support, maintenance, and
4 34 miscellaneous purposes:
4 35 \$ 29,715,121
5 1 j. For reimbursement of counties for temporary confinement
5 2 of work release and parole violators, as provided in sections
5 3 901.7, 904.908, and 906.17, and for offenders confined
5 4 pursuant to section 904.513:
5 5 \$ 967,983
5 6 k. For federal prison reimbursement, reimbursements for
5 7 out-of-state placements, and miscellaneous contracts:
5 8 \$ 241,293
5 9 2. The department of corrections shall use funds
5 10 appropriated in subsection 1 to continue to contract for the
5 11 services of a Muslim imam.
5 12 3. It is the intent of the general assembly that if
5 13 \$382,288 in additional funding becomes available, the funds
5 14 will be appropriated for eight additional correctional officer
5 15 positions to be distributed between the Anamosa correctional
5 16 facility and the Mt. Pleasant correctional facility.
5 17 Sec. 4. DEPARTMENT OF CORRECTIONS == ADMINISTRATION.
5 18 1. There is appropriated from the general fund of the
5 19 state to the department of corrections for the fiscal year
5 20 beginning July 1, 2008, and ending June 30, 2009, the
5 21 following amounts, or so much thereof as is necessary, to be
5 22 used for the purposes designated:
5 23 a. For general administration, including salaries,
5 24 support, maintenance, employment of an education director to
5 25 administer a centralized education program for the
5 26 correctional system, and miscellaneous purposes:
5 27 \$ 5,050,732
5 28 (1) It is the intent of the general assembly that as a
5 29 condition of receiving the appropriation provided in this
5 30 lettered paragraph the department of corrections shall not,
5 31 except as otherwise provided in subparagraph (3), enter into a
5 32 new contract, unless the contract is a renewal of an existing
5 33 contract, for the expenditure of moneys in excess of \$100,000
5 34 during the fiscal year beginning July 1, 2008, for the
5 35 privatization of services performed by the department using
6 1 state employees as of July 1, 2008, or for the privatization
6 2 of new services by the department without prior consultation
6 3 with any applicable state employee organization affected by
6 4 the proposed new contract and prior notification of the co=
6 5 chairpersons and ranking members of the joint appropriations
6 6 subcommittee on the justice system.
6 7 (2) It is the intent of the general assembly that each
6 8 lease negotiated by the department of corrections with a
6 9 private corporation for the purpose of providing private
6 10 industry employment of inmates in a correctional institution
6 11 shall prohibit the private corporation from utilizing inmate
6 12 labor for partisan political purposes for any person seeking
6 13 election to public office in this state and that a violation
6 14 of this requirement shall result in a termination of the lease
6 15 agreement.
6 16 (3) It is the intent of the general assembly that as a
6 17 condition of receiving the appropriation provided in this
6 18 lettered paragraph the department of corrections shall not
6 19 enter into a lease or contractual agreement pursuant to
6 20 section 904.809 with a private corporation for the use of
6 21 building space for the purpose of providing inmate employment
6 22 without providing that the terms of the lease or contract
6 23 establish safeguards to restrict, to the greatest extent
6 24 feasible, access by inmates working for the private
6 25 corporation to personal identifying information of citizens.
6 26 b. For educational programs for inmates at state penal
6 27 institutions:
6 28 \$ 1,570,358
6 29 As a condition of receiving the appropriation in this
6 30 lettered paragraph, the department of corrections shall
6 31 transfer at least \$300,000 from the canteen operating funds
6 32 established pursuant to section 904.310 to be used for
6 33 correctional educational programs funded in this lettered
6 34 paragraph. In addition, as a condition of receiving the
6 35 appropriation made in this lettered paragraph, the department
7 1 of corrections shall expend, from the funds available to the
7 2 department, at least \$300,000 more in the fiscal year
7 3 beginning July 1, 2008, and ending June 30, 2009, than was
7 4 expended in the previous fiscal year, for correctional
7 5 education programs.

7 6 It is the intent of the general assembly that moneys
7 7 appropriated in this lettered paragraph shall be used solely
7 8 for the purpose indicated and that the moneys shall not be
7 9 transferred for any other purpose. In addition, it is the
7 10 intent of the general assembly that the department shall
7 11 consult with the community colleges in the areas in which the
7 12 institutions are located to utilize moneys appropriated in
7 13 this lettered paragraph to fund the high school completion,
7 14 high school equivalency diploma, adult literacy, and adult
7 15 basic education programs in a manner so as to maintain these
7 16 programs at the institutions.

7 17 To maximize the funding for educational programs, the
7 18 department shall establish guidelines and procedures to
7 19 prioritize the availability of educational and vocational
7 20 training for inmates based upon the goal of facilitating an
7 21 inmate's successful release from the correctional institution.

7 22 The director of the department of corrections may transfer
7 23 moneys from Iowa prison industries for use in educational
7 24 programs for inmates.

7 25 Notwithstanding section 8.33, moneys appropriated in this
7 26 lettered paragraph that remain unobligated or unexpended at
7 27 the close of the fiscal year shall not revert but shall remain
7 28 available for expenditure only for the purpose designated in
7 29 this lettered paragraph until the close of the succeeding
7 30 fiscal year.

7 31 c. For the development of the Iowa corrections offender
7 32 network (ICON) data system:

7 33 \$ 427,700

7 34 d. For offender mental health and substance abuse
7 35 treatment:

8 1 \$ 25,000

8 2 e. For viral hepatitis prevention and treatment:

8 3 \$ 188,000

8 4 2. It is the intent of the general assembly that the
8 5 department of corrections shall continue to operate the
8 6 correctional farms under the control of the department at the
8 7 same or greater level of participation and involvement as
8 8 existed as of January 1, 2008; shall not enter into any rental
8 9 agreement or contract concerning any farmland under the
8 10 control of the department that is not subject to a rental
8 11 agreement or contract as of January 1, 2008, without prior
8 12 legislative approval; and shall further attempt to provide job
8 13 opportunities at the farms for inmates. The department shall
8 14 attempt to provide job opportunities at the farms for inmates
8 15 by encouraging labor-intensive farming or gardening where
8 16 appropriate; using inmates to grow produce and meat for
8 17 institutional consumption; researching the possibility of
8 18 instituting food canning and cook-and-chill operations; and
8 19 exploring opportunities for organic farming and gardening,
8 20 livestock ventures, horticulture, and specialized crops.

8 21 3. The department of corrections shall provide a smoking
8 22 cessation program to offenders committed to the custody of the
8 23 director or who are otherwise detained by the department, that
8 24 complies with legislation enacted restricting or prohibiting
8 25 smoking on the grounds of correctional institutions.

8 26 Sec. 5. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL
8 27 SERVICES.

8 28 1. There is appropriated from the general fund of the
8 29 state to the department of corrections for the fiscal year
8 30 beginning July 1, 2008, and ending June 30, 2009, for the
8 31 treatment and supervision of probation and parole violators
8 32 who have been released from the department of corrections
8 33 violator program, the following amounts, or so much thereof as
8 34 is necessary, to be allocated as follows:

8 35 a. For the first judicial district department of
9 1 correctional services:

9 2 \$ 12,912,033

9 3 As a condition of the funds appropriated in this lettered
9 4 paragraph, the department of corrections shall replace expired
9 5 federal funding by expending at least \$140,000 for the dual
9 6 diagnosis program and maintaining 1.25 full-time equivalent
9 7 positions for the program.

9 8 b. For the second judicial district department of
9 9 correctional services:

9 10 \$ 10,669,139

9 11 c. For the third judicial district department of
9 12 correctional services:

9 13 \$ 5,903,401

9 14 d. For the fourth judicial district department of
9 15 correctional services:

9 16 \$ 5,419,406

9 17 e. For the fifth judicial district department of
9 18 correctional services, including funding for electronic
9 19 monitoring devices for use on a statewide basis:
9 20 \$ 18,276,003
9 21 f. For the sixth judicial district department of
9 22 correctional services:
9 23 \$ 12,475,246
9 24 The sixth judicial district department of correctional
9 25 services shall maintain a youth leadership model program to
9 26 help at-risk youth. As a part of the program, the district
9 27 department may recruit college or high school students in the
9 28 judicial district to work with at-risk youth. The student
9 29 workers shall be recruited regardless of gender and be
9 30 recommended by their respective schools as good role models,
9 31 including but not limited to students who possess capabilities
9 32 in one or more of the following areas of ability:
9 33 intellectual capacity, athletics, visual arts, or performing
9 34 arts.
9 35 g. For the seventh judicial district department of
10 1 correctional services:
10 2 \$ 7,020,794
10 3 h. For the eighth judicial district department of
10 4 correctional services:
10 5 \$ 6,998,544
10 6 2. Each judicial district department of correctional
10 7 services, within the funding available, shall continue
10 8 programs and plans established within that district to provide
10 9 for intensive supervision, sex offender treatment, diversion
10 10 of low-risk offenders to the least restrictive sanction
10 11 available, job development, and expanded use of intermediate
10 12 criminal sanctions.
10 13 3. Each judicial district department of correctional
10 14 services shall provide alternatives to prison consistent with
10 15 chapter 901B. The alternatives to prison shall ensure public
10 16 safety while providing maximum rehabilitation to the offender.
10 17 A judicial district department of correctional services may
10 18 also establish a day program.
10 19 4. The governor's office of drug control policy shall
10 20 consider federal grants made to the department of corrections
10 21 for the benefit of each of the eight judicial district
10 22 departments of correctional services as local government
10 23 grants, as defined pursuant to federal regulations.
10 24 5. The department of corrections shall continue to
10 25 contract with a judicial district department of correctional
10 26 services to provide for the rental of electronic monitoring
10 27 equipment which shall be available statewide.
10 28 Sec. 6. DEPARTMENT OF CORRECTIONS == REALLOCATION OF
10 29 APPROPRIATIONS. Notwithstanding section 8.39, within the
10 30 funds appropriated in this Act to the department of
10 31 corrections, the department may reallocate the funds
10 32 appropriated and allocated as necessary to best fulfill the
10 33 needs of the correctional institutions, administration of the
10 34 department, and the judicial district departments of
10 35 correctional services. However, in addition to complying with
11 1 the requirements of sections 904.116 and 905.8 and providing
11 2 notice to the legislative services agency, the department of
11 3 corrections shall also provide notice to the department of
11 4 management, prior to the effective date of the revision or
11 5 reallocation of an appropriation made pursuant to this
11 6 section. The department shall not reallocate an appropriation
11 7 or allocation for the purpose of eliminating any program.
11 8 Sec. 7. INTENT == REPORTS.
11 9 1. The department in cooperation with townships, the Iowa
11 10 cemetery associations, and other nonprofit or governmental
11 11 entities may use inmate labor during the fiscal year beginning
11 12 July 1, 2008, to restore or preserve rural cemeteries and
11 13 historical landmarks. The department in cooperation with the
11 14 counties may also use inmate labor to clean up roads, major
11 15 water sources, and other water sources around the state.
11 16 2. Each month the department shall provide a status report
11 17 regarding private-sector employment to the legislative
11 18 services agency beginning on July 1, 2008. The report shall
11 19 include the number of offenders employed in the private
11 20 sector, the combined number of hours worked by the offenders,
11 21 and the total amount of allowances, and the distribution of
11 22 allowances pursuant to section 904.702, including any moneys
11 23 deposited in the general fund of the state.
11 24 Sec. 8. ELECTRONIC MONITORING REPORT. The department of
11 25 corrections shall submit a report on electronic monitoring to
11 26 the general assembly, to the co-chairpersons and the ranking
11 27 members of the joint appropriations subcommittee on the

11 28 justice system, and to the legislative services agency by
11 29 January 15, 2009. The report shall specifically address the
11 30 number of persons being electronically monitored and break
11 31 down the number of persons being electronically monitored by
11 32 offense committed. The report shall also include a comparison
11 33 of any data from the prior fiscal year with the current year.

11 34 Sec. 9. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.

11 35 1. As used in this section, unless the context otherwise
12 1 requires, "state agency" means the government of the state of
12 2 Iowa, including but not limited to all executive branch
12 3 departments, agencies, boards, bureaus, and commissions, the
12 4 judicial branch, the general assembly and all legislative
12 5 agencies, institutions within the purview of the state board
12 6 of regents, and any corporation whose primary function is to
12 7 act as an instrumentality of the state.

12 8 2. State agencies are hereby encouraged to purchase
12 9 products from Iowa state industries, as defined in section
12 10 904.802, when purchases are required and the products are
12 11 available from Iowa state industries. State agencies shall
12 12 obtain bids from Iowa state industries for purchases of office
12 13 furniture during the fiscal year beginning July 1, 2008,
12 14 exceeding \$5,000 or in accordance with applicable
12 15 administrative rules related to purchases for the agency.

12 16 Sec. 10. STATE PUBLIC DEFENDER. There is appropriated
12 17 from the general fund of the state to the office of the state
12 18 public defender of the department of inspections and appeals
12 19 for the fiscal year beginning July 1, 2008, and ending June
12 20 30, 2009, the following amounts, or so much thereof as is
12 21 necessary, to be allocated as follows for the purposes
12 22 designated:

12 23 1. For salaries, support, maintenance, miscellaneous
12 24 purposes, and for not more than the following full-time
12 25 equivalent positions:

12 26 \$ 21,749,296
12 27 FTEs 203.00

12 28 2. For the fees of court-appointed attorneys for indigent
12 29 adults and juveniles, in accordance with section 232.141 and
12 30 chapter 815:

12 31 \$ 31,282,538

12 32 Sec. 11. IOWA LAW ENFORCEMENT ACADEMY.

12 33 1. There is appropriated from the general fund of the
12 34 state to the Iowa law enforcement academy for the fiscal year
12 35 beginning July 1, 2008, and ending June 30, 2009, the
13 1 following amount, or so much thereof as is necessary, to be
13 2 used for the purposes designated:

13 3 For salaries, support, maintenance, miscellaneous purposes,
13 4 including jailer training and technical assistance, and for
13 5 not more than the following full-time equivalent positions:

13 6 \$ 1,283,115
13 7 FTEs 30.05

13 8 It is the intent of the general assembly that the Iowa law
13 9 enforcement academy may provide training of state and local
13 10 law enforcement personnel concerning the recognition of and
13 11 response to persons with Alzheimer's disease.

13 12 The Iowa law enforcement academy may temporarily exceed and
13 13 draw more than the amount appropriated and incur a negative
13 14 cash balance as long as there are receivables equal to or
13 15 greater than the negative balance and the amount appropriated
13 16 in this subsection is not exceeded at the close of the fiscal
13 17 year.

13 18 2. The Iowa law enforcement academy may select at least
13 19 five automobiles of the department of public safety, division
13 20 of state patrol, prior to turning over the automobiles to the
13 21 department of administrative services to be disposed of by
13 22 public auction, and the Iowa law enforcement academy may
13 23 exchange any automobile owned by the academy for each
13 24 automobile selected if the selected automobile is used in
13 25 training law enforcement officers at the academy. However,
13 26 any automobile exchanged by the academy shall be substituted
13 27 for the selected vehicle of the department of public safety
13 28 and sold by public auction with the receipts being deposited
13 29 in the depreciation fund to the credit of the department of
13 30 public safety, division of state patrol.

13 31 Sec. 12. BOARD OF PAROLE. There is appropriated from the
13 32 general fund of the state to the board of parole for the
13 33 fiscal year beginning July 1, 2008, and ending June 30, 2009,
13 34 the following amount, or so much thereof as is necessary, to
13 35 be used for the purposes designated:

14 1 For salaries, support, maintenance, miscellaneous purposes,
14 2 and for not more than the following full-time equivalent
14 3 positions:

14 4 \$ 1,249,992
 14 5 FTEs 18.50
 14 6 Sec. 13. DEPARTMENT OF PUBLIC DEFENSE. There is
 14 7 appropriated from the general fund of the state to the
 14 8 department of public defense for the fiscal year beginning
 14 9 July 1, 2008, and ending June 30, 2009, the following amounts,
 14 10 or so much thereof as is necessary, to be used for the
 14 11 purposes designated:
 14 12 1. MILITARY DIVISION
 14 13 For salaries, support, maintenance, miscellaneous purposes,
 14 14 and for not more than the following full-time equivalent
 14 15 positions:
 14 16 \$ 6,404,798
 14 17 FTEs 306.43
 14 18 The military division may temporarily exceed and draw more
 14 19 than the amount appropriated and incur a negative cash balance
 14 20 as long as there are receivables of federal funds equal to or
 14 21 greater than the negative balance and the amount appropriated
 14 22 in this subsection is not exceeded at the close of the fiscal
 14 23 year.
 14 24 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION
 14 25 a. For salaries, support, maintenance, miscellaneous
 14 26 purposes, and for not more than the following full-time
 14 27 equivalent positions:
 14 28 \$ 2,271,581
 14 29 FTEs 35.10
 14 30 The homeland security and emergency management division may
 14 31 temporarily exceed and draw more than the amount appropriated
 14 32 and incur a negative cash balance as long as there are
 14 33 receivables of federal funds equal to or greater than the
 14 34 negative balance and the amount appropriated in this
 14 35 subsection is not exceeded at the close of the fiscal year.
 15 1 It is the intent of the general assembly that the homeland
 15 2 security and emergency management division work in conjunction
 15 3 with the department of public safety, to the extent possible,
 15 4 when gathering and analyzing information related to potential
 15 5 domestic or foreign security threats, and when monitoring such
 15 6 threats.
 15 7 Sec. 14. DEPARTMENT OF PUBLIC SAFETY. There is
 15 8 appropriated from the general fund of the state to the
 15 9 department of public safety for the fiscal year beginning July
 15 10 1, 2008, and ending June 30, 2009, the following amounts, or
 15 11 so much thereof as is necessary, to be used for the purposes
 15 12 designated:
 15 13 1. For the department's administrative functions,
 15 14 including the criminal justice information system, and for not
 15 15 more than the following full-time equivalent positions:
 15 16 \$ 4,455,581
 15 17 FTEs 39.00
 15 18 2. For the division of criminal investigation, including
 15 19 the state's contribution to the peace officers' retirement,
 15 20 accident, and disability system provided in chapter 97A in the
 15 21 amount of 17 percent of the salaries for which the funds are
 15 22 appropriated, to meet federal fund matching requirements, and
 15 23 for not more than the following full-time equivalent
 15 24 positions:
 15 25 \$ 21,121,120
 15 26 FTEs 286.50
 15 27 If any of the Indian tribes fail to pay for one full-time
 15 28 equivalent position pursuant to the agreements or compacts
 15 29 entered into between the state and the Indian tribes pursuant
 15 30 to section 10A.104, subsection 10, the number of full-time
 15 31 equivalent positions authorized under this subsection is
 15 32 reduced by one full-time equivalent position.
 15 33 The department shall employ one additional special agent
 15 34 and one additional criminalist for the purpose of
 15 35 investigating cold cases. Prior to employing the additional
 16 1 special agent and criminalist authorized in this paragraph,
 16 2 the department shall provide a written statement to
 16 3 prospective employees that states to the effect that the
 16 4 positions are being funded by a temporary federal grant and
 16 5 there are no assurances that funds from other sources will be
 16 6 available after the federal funding expires. If the federal
 16 7 funding for the additional positions expires during the fiscal
 16 8 year, the number of full-time equivalent positions authorized
 16 9 in this subsection is reduced by two full-time equivalent
 16 10 positions.
 16 11 The department of public safety, with the approval of the
 16 12 department of management, may employ no more than two special
 16 13 agents and four gaming enforcement officers for each
 16 14 additional riverboat or gambling structure regulated after

16 15 July 1, 2008, and one special agent for each racing facility
16 16 which becomes operational during the fiscal year which begins
16 17 July 1, 2008. One additional gaming enforcement officer, up
16 18 to a total of four per riverboat or gambling structure, may be
16 19 employed for each riverboat or gambling structure that has
16 20 extended operations to 24 hours and has not previously
16 21 operated with a 24-hour schedule. Positions authorized in
16 22 this paragraph are in addition to the full-time equivalent
16 23 positions otherwise authorized in this subsection.

16 24 3. For the criminalistics laboratory fund created in
16 25 section 691.9:
16 26 \$ 342,000

16 27 4. a. For the division of narcotics enforcement,
16 28 including the state's contribution to the peace officers'
16 29 retirement, accident, and disability system provided in
16 30 chapter 97A in the amount of 17 percent of the salaries for
16 31 which the funds are appropriated, to meet federal fund
16 32 matching requirements, and for not more than the following
16 33 full-time equivalent positions:

16 34 \$ 6,302,046
16 35 FTEs 82.00

17 1 b. For the division of narcotics enforcement for
17 2 undercover purchases:
17 3 \$ 123,343

17 4 5. For the division of state fire marshal, for fire
17 5 protection services as provided through the state fire service
17 6 and emergency response council as created in the department,
17 7 and for the state's contribution to the peace officers'
17 8 retirement, accident, and disability system provided in
17 9 chapter 97A in the amount of 17 percent of the salaries for
17 10 which the funds are appropriated, and for not more than the
17 11 following full-time equivalent positions:

17 12 \$ 3,991,394
17 13 FTEs 59.00

17 14 6. For the division of state patrol, for salaries,
17 15 support, maintenance, workers' compensation costs, and
17 16 miscellaneous purposes, including the state's contribution to
17 17 the peace officers' retirement, accident, and disability
17 18 system provided in chapter 97A in the amount of 17 percent of
17 19 the salaries for which the funds are appropriated, and for not
17 20 more than the following full-time equivalent positions:

17 21 \$ 49,688,777
17 22 FTEs 535.00

17 23 It is the intent of the general assembly that members of
17 24 the state patrol be assigned to patrol the highways and roads
17 25 in lieu of assignments for inspecting school buses for the
17 26 school districts.

17 27 7. For deposit in the sick leave benefits fund established
17 28 under section 80.42 for all departmental employees eligible to
17 29 receive benefits for accrued sick leave under the collective
17 30 bargaining agreement:

17 31 \$ 316,179

17 32 8. For costs associated with the training and equipment
17 33 needs of volunteer fire fighters:
17 34 \$ 669,587

17 35 Notwithstanding section 8.33, moneys appropriated in this
18 1 subsection that remain unencumbered or unobligated at the
18 2 close of the fiscal year shall not revert but shall remain
18 3 available for expenditure only for the purpose designated in
18 4 this subsection until the close of the succeeding fiscal year.

18 5 Notwithstanding section 8.39, within the funds appropriated
18 6 in this section the department of public safety may reallocate
18 7 funds as necessary to best fulfill the needs provided for in
18 8 the appropriation. However, the department shall not
18 9 reallocate an appropriation made to the department in this
18 10 section unless notice of the reallocation is given to the
18 11 legislative services agency and the department of management
18 12 prior to the effective date of the reallocation. The notice
18 13 shall include information about the rationale for reallocating
18 14 the appropriation. The department shall not reallocate an
18 15 appropriation made in this section for the purpose of
18 16 eliminating any program.

18 17 Sec. 15. CIVIL RIGHTS COMMISSION. There is appropriated
18 18 from the general fund of the state to the Iowa state civil
18 19 rights commission for the fiscal year beginning July 1, 2008,
18 20 and ending June 30, 2009, the following amount, or so much
18 21 thereof as is necessary, to be used for the purposes
18 22 designated:

18 23 For salaries, support, maintenance, miscellaneous purposes,
18 24 and for not more than the following full-time equivalent
18 25 positions:

18 26 \$ 1,504,036
18 27 FTEs 29.00

18 28 The Iowa state civil rights commission may enter into a
18 29 contract with a nonprofit organization to provide legal
18 30 assistance to resolve civil rights complaints.

18 31 Sec. 16. HOMELAND SECURITY AND EMERGENCY MANAGEMENT
18 32 DIVISION. There is appropriated from the wireless E911
18 33 emergency communications fund created in section 34A.7A to the
18 34 administrator of the homeland security and emergency
18 35 management division of the department of public defense for
19 1 the fiscal year beginning July 1, 2008, and ending June 30,
19 2 2009, an amount not exceeding \$200,000 to be used for
19 3 implementation, support, and maintenance of the functions of
19 4 the administrator and program manager under chapter 34A and to
19 5 employ the auditor of the state to perform an annual audit of
19 6 the wireless E911 emergency communications fund.

19 7 Sec. 17. IOWA LAW ENFORCEMENT ACADEMY == FEES.
19 8 Notwithstanding section 80B.11B, the Iowa law enforcement
19 9 academy may charge more than one-half the cost of providing
19 10 the basic training course if a majority of the Iowa law
19 11 enforcement academy council authorizes charging more than one=
19 12 half of the cost of providing basic training. This section is
19 13 repealed on June 30, 2009.

19 14 Sec. 18. INTERIM REPORTING == IMPLEMENTATION. The board
19 15 of parole shall develop and implement the certificate of
19 16 employability program as provided in section 906.19, as
19 17 enacted by this Act, by July 1, 2009. The board shall file an
19 18 interim status report regarding the certificate of
19 19 employability program development with the general assembly
19 20 and the legislative services agency by January 1, 2009.

19 21 Sec. 19. CENTRAL WAREHOUSE AND SUPPLY DEPOT OF DEPARTMENT
19 22 OF HUMAN SERVICES. It is the intent of the general assembly
19 23 that upon completion of the central warehouse and supply depot
19 24 of the department of corrections established pursuant to
19 25 section 904.118A, as enacted by this Act, the department of
19 26 human services shall cease utilizing the central warehouse and
19 27 supply depot of the department of human services established
19 28 pursuant to section 218.100.

19 29 Sec. 20. Section 135.11, Code Supplement 2007, is amended
19 30 by adding the following new subsection:

19 31 NEW SUBSECTION. 32. In consultation with the department
19 32 of corrections, the antibiotic resistance task force, and the
19 33 American federation of state, county and municipal employees,
19 34 develop educational programs to increase awareness and
19 35 utilization of infection control practices in institutions
20 1 listed in section 904.102.

20 2 Sec. 21. Section 822.2, subsection 1, unnumbered paragraph
20 3 1, Code 2007, is amended to read as follows:

20 4 Any person who has been convicted of, or sentenced for, a
20 5 public offense and who claims any of the following may
20 6 ~~institute, without paying a filing fee,~~ a proceeding under
20 7 this chapter to secure relief:

20 8 Sec. 22. Section 904.108, subsection 4, Code 2007, is
20 9 amended to read as follows:

20 10 4. The director may expend moneys from the support
20 11 allocation of the department as reimbursement for replacement
20 12 or repair of personal items of the department's employees
20 13 damaged or destroyed by clients of the department during the
20 14 employee's tour of duty. However, the reimbursement shall not
20 15 exceed ~~one~~ three hundred fifty dollars for each item. The
20 16 director shall establish rules in accordance with chapter 17A
20 17 to carry out the purpose of this subsection.

20 18 Sec. 23. NEW SECTION. 904.118A CENTRAL WAREHOUSE FUND.
20 19 The department shall establish a fund for maintaining and
20 20 operating a central warehouse and supply depot and
20 21 distribution facility for surplus government products, canned
20 22 goods, paper products, other staples, and for such other items
20 23 as determined by the department. A department or agency of
20 24 the state or a political subdivision of this state may
20 25 purchase such products, goods, staples, or other items from
20 26 the central warehouse and supply depot. The fund shall be
20 27 permanent and shall be composed of the receipts from the sales
20 28 of merchandise and the recovery of handling, operating, and
20 29 delivery charges for such merchandise. Notwithstanding
20 30 section 8.33, moneys credited to the fund shall not revert to
20 31 any other fund. Notwithstanding section 12C.7, interest and
20 32 earnings on moneys deposited in the fund shall be credited to
20 33 the fund.

20 34 Sec. 24. NEW SECTION. 906.19 CERTIFICATES OF
20 35 EMPLOYABILITY.

21 1 1. As used in this section, "person" means a person on

21 2 parole or a person who is no longer on parole but is currently
21 3 unemployed or underemployed.

21 4 2. The board shall develop and implement a certificate of
21 5 employability program. The certificate program shall be
21 6 developed to maximize the opportunities for rehabilitation and
21 7 employability of a person and provide protection of the
21 8 community, while considering the needs of potential employers.

21 9 3. Issuance of a certificate of employability pursuant to
21 10 the program shall be based upon the successful completion of
21 11 designated programs and other relevant factors determined by
21 12 the board.

21 13 4. A person required to register under chapter 692A shall
21 14 be ineligible for the certificate of employability program.

21 15 5. The board shall develop and adopt rules pursuant to
21 16 chapter 17A for the implementation and administration of this
21 17 section.

21 18 HF 2660

21 19 jm/jg/25