

House File 861 - Reprinted

HOUSE FILE 861

BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO LSB 1005YA)

(As Amended and Passed by the House May 18, 2021)

A BILL FOR

1 An Act relating to appropriations to the justice system,
2 gambling regulatory fees, and creating a bureau of
3 cyber-crime, establishing a department of corrections
4 survivor benefits fund, and including effective date and
5 retroactive applicability provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 DIVISION I
2 FY 2021-2022
3 APPROPRIATIONS

4 Section 1. DEPARTMENT OF JUSTICE.

5 1. There is appropriated from the general fund of the state
6 to the department of justice for the fiscal year beginning July
7 1, 2021, and ending June 30, 2022, the following amounts, or
8 so much thereof as is necessary, to be used for the purposes
9 designated:

10 a. For the general office of attorney general for
11 salaries, support, maintenance, and miscellaneous purposes,
12 including the prosecuting attorneys training program, matching
13 funds for federal violence against women grant programs,
14 victim assistance grants, the office of drug control policy
15 prosecuting attorney program, and odometer fraud enforcement,
16 and for not more than the following full-time equivalent
17 positions:

18	\$ 6,361,238
19	FTEs 215.00

20 As a condition of receiving the appropriation provided
21 in this lettered paragraph, the department of justice shall
22 maintain a record of the estimated time incurred representing
23 each agency or department.

24 The general office of attorney general may temporarily
25 exceed and draw more than the amount appropriated in this
26 lettered paragraph and incur a negative cash balance as long
27 as there are receivables equal to or greater than the negative
28 balances and the amount appropriated in this lettered paragraph
29 is not exceeded at the close of the fiscal year.

30 b. For victim assistance grants:

31	\$ 5,016,708
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32 The moneys appropriated in this lettered paragraph shall be
33 used to provide grants to care providers providing services to
34 crime victims of domestic abuse or to crime victims of rape and
35 sexual assault.

1 The balance of the victim compensation fund established
 2 in section 915.94 may be used to provide salary and support
 3 of not more than 24.00 full-time equivalent positions and to
 4 provide maintenance for the victim compensation functions
 5 of the department of justice. In addition to the full-time
 6 equivalent positions authorized pursuant to this paragraph,
 7 7.00 full-time equivalent positions are authorized and shall
 8 be used by the department of justice to employ one accountant
 9 and four program planners. The department of justice may
 10 employ the additional 7.00 full-time equivalent positions
 11 authorized pursuant to this paragraph that are in excess of the
 12 number of full-time equivalent positions authorized only if
 13 the department of justice receives sufficient federal moneys
 14 to maintain employment for the additional full-time equivalent
 15 positions during the current fiscal year. The department
 16 of justice shall only employ the additional 7.00 full-time
 17 equivalent positions in succeeding fiscal years if sufficient
 18 federal moneys are received during each of those succeeding
 19 fiscal years.

20 The department of justice shall transfer at least \$150,000
 21 from the victim compensation fund established in section 915.94
 22 to the victim assistance grant program established in section
 23 13.31.

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

29 c. For legal services for persons in poverty grants as
 30 provided in section 13.34:

31 \$ 2,634,601

32 2. a. The department of justice, in submitting budget
 33 estimates for the fiscal year beginning July 1, 2022, pursuant
 34 to section 8.23, shall include a report of funding from sources
 35 other than amounts appropriated directly from the general fund

1 of the state to the department of justice or to the office of
2 consumer advocate. These funding sources shall include but
3 are not limited to reimbursements from other state agencies,
4 commissions, boards, or similar entities, and reimbursements
5 from special funds or internal accounts within the department
6 of justice. The department of justice shall also report actual
7 reimbursements for the fiscal year beginning July 1, 2020,
8 and actual and expected reimbursements for the fiscal year
9 beginning July 1, 2021.

10 b. The department of justice shall include the report
11 required under paragraph "a", as well as information regarding
12 any revisions occurring as a result of reimbursements actually
13 received or expected at a later date, in a report to the
14 general assembly. The department of justice shall submit the
15 report on or before January 15, 2022.

16 3. a. The department of justice shall fully reimburse
17 the costs and necessary related expenses incurred by the Iowa
18 law enforcement academy to continue to employ one additional
19 instructor position who shall provide training for human
20 trafficking-related issues throughout the state.

21 b. The department of justice shall obtain the moneys
22 necessary to reimburse the Iowa law enforcement academy to
23 employ such an instructor from unrestricted moneys from either
24 the victim compensation fund established in section 915.94, the
25 human trafficking victim fund established in section 915.95, or
26 the human trafficking enforcement fund established in 2015 Iowa
27 Acts, chapter 138, section 141.

28 Sec. 2. OFFICE OF CONSUMER ADVOCATE. There is appropriated
29 from the department of commerce revolving fund created in
30 section 546.12 to the office of consumer advocate of the
31 department of justice for the fiscal year beginning July 1,
32 2021, and ending June 30, 2022, the following amount, or so
33 much thereof as is necessary, to be used for the purposes
34 designated:

35 For salaries, support, maintenance, and miscellaneous

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

3 \$ 3,137,588
4 FTEs 22.00

5 Sec. 3. DEPARTMENT OF CORRECTIONS — FACILITIES.

6 1. There is appropriated from the general fund of the state
7 to the department of corrections for the fiscal year beginning
8 July 1, 2021, and ending June 30, 2022, the following amounts,
9 or so much thereof as is necessary, to be used for the purposes
10 designated:

11 a. For the operation of the Fort Madison correctional
12 facility, including salaries, support, maintenance, and
13 miscellaneous purposes:

14 \$ 42,488,273

15 b. For the operation of the Anamosa correctional facility,
16 including salaries, support, maintenance, and miscellaneous
17 purposes:

18 \$ 35,868,225

19 c. For the operation of the Oakdale correctional facility,
20 including salaries, support, maintenance, and miscellaneous
21 purposes:

22 \$ 63,688,978

23 d. For the operation of the Newton correctional facility,
24 including salaries, support, maintenance, and miscellaneous
25 purposes:

26 \$ 29,390,947

27 e. For the operation of the Mount Pleasant correctional
28 facility, including salaries, support, maintenance, and
29 miscellaneous purposes:

30 \$ 26,680,161

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

34 \$ 10,841,112

35 g. For the operation of the Clarinda correctional facility,

1 including salaries, support, maintenance, and miscellaneous
2 purposes:

3 \$ 25,647,227

4 Moneys received by the department of corrections as
5 reimbursement for services provided to the Clarinda youth
6 corporation are appropriated to the department and shall be
7 used for the purpose of operating the Clarinda correctional
8 facility.

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

12 \$ 23,979,152

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

16 \$ 30,903,150

17 j. For reimbursement of counties for temporary confinement
18 of prisoners, as provided in sections 901.7, 904.908, and
19 906.17, and for offenders confined pursuant to section 904.513:

20 \$ 1,082,635

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

23 \$ 234,411

24 2. The department of corrections shall use moneys
25 appropriated in subsection 1 to continue to contract for the
26 services of a Muslim imam and a Native American spiritual
27 leader.

28 Sec. 4. DEPARTMENT OF CORRECTIONS — ADMINISTRATION.

29 There is appropriated from the general fund of the state to the
30 department of corrections for the fiscal year beginning July
31 1, 2021, and ending June 30, 2022, the following amounts, or
32 so much thereof as is necessary, to be used for the purposes
33 designated:

34 1. For general administration, including salaries and the
35 adjustment of salaries throughout the department, support,

1 maintenance, employment of an education director to administer
2 a centralized education program for the correctional system,
3 and miscellaneous purposes:

4 \$ 5,558,227

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

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

24 2. For educational programs for inmates at state penal
25 institutions:

26 \$ 2,608,109

27 a. To maximize the funding for educational programs,
28 the department shall establish guidelines and procedures to
29 prioritize the availability of educational and vocational
30 training for inmates based upon the goal of facilitating an
31 inmate's successful release from the correctional institution.

32 b. The director of the department of corrections may
33 transfer moneys from Iowa prison industries and the canteen
34 operating funds established pursuant to section 904.310, for
35 use in educational programs for inmates.

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

6 3. For the development and operation of the Iowa corrections
7 offender network (ICON) data system:

8 \$ 2,000,000

9 4. For offender mental health and substance abuse
10 treatment:

11 \$ 28,065

12 5. For department-wide duties, including operations, costs,
13 and miscellaneous purposes:

14 \$ 10,079,991

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

20 Sec. 5. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL
21 SERVICES.

22 1. There is appropriated from the general fund of the state
23 to the department of corrections for the fiscal year beginning
24 July 1, 2021, and ending June 30, 2022, for salaries, support,
25 maintenance, and miscellaneous purposes, the following amounts,
26 or so much thereof as is necessary, to be used for the purposes
27 designated:

28 a. For the first judicial district department of
29 correctional services:

30 \$ 15,553,865

31 It is the intent of the general assembly that the first
32 judicial district department of correctional services maintains
33 the drug courts operated by the district department.

34 b. For the second judicial district department of
35 correctional services:

1 \$ 12,015,201

2 It is the intent of the general assembly that the second
3 judicial district department of correctional services maintains
4 two drug courts to be operated by the district department.

5 c. For the third judicial district department of
6 correctional services:

7 \$ 7,519,274

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

10 \$ 5,941,717

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

14 \$ 22,514,230

15 It is the intent of the general assembly that the fifth
16 judicial district department of correctional services maintains
17 the drug court operated by the district department.

18 f. For the sixth judicial district department of
19 correctional services:

20 \$ 15,431,664

21 It is the intent of the general assembly that the sixth
22 judicial district department of correctional services maintains
23 the drug court operated by the district department.

24 g. For the seventh judicial district department of
25 correctional services:

26 \$ 8,213,355

27 It is the intent of the general assembly that the seventh
28 judicial district department of correctional services maintains
29 the drug court operated by the district department.

30 h. For the eighth judicial district department of
31 correctional services:

32 \$ 8,761,954

33 2. There is appropriated from the general fund of the state
34 to the department of corrections for the fiscal year beginning
35 July 1, 2021, and ending June 30, 2022, the following amount,

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

3 For statewide judicial assistance, support, and pilot
4 projects for judicial district departments of correctional
5 services:

6 \$ 663,219

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

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

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

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

29 7. The public safety assessment shall not be utilized
30 in pretrial hearings when determining whether to detain or
31 release a defendant before trial, and the use of the public
32 safety assessment pilot program shall be terminated as of the
33 effective date of this subsection, until such time the use of
34 the public safety assessment has been specifically authorized
35 by the general assembly.

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

17 Sec. 7. INTENT — REPORTS.

18 1. The department of corrections, in cooperation with
19 townships, the Iowa cemetery associations, and other nonprofit
20 or governmental entities, may use inmate labor during the
21 fiscal year beginning July 1, 2021, to restore or preserve
22 rural cemeteries and historical landmarks. The department, in
23 cooperation with the counties, may also use inmate labor to
24 clean up roads, major water sources, and other water sources
25 around the state.

26 2. On a quarterly basis, the department shall provide
27 a status report regarding private-sector employment to the
28 general assembly beginning on July 1, 2021. The report shall
29 include the number of offenders employed in the private sector,
30 the combined number of hours worked by the offenders, the
31 total amount of allowances, and the distribution of allowances
32 pursuant to section 904.702, including any moneys deposited in
33 the general fund of the state.

34 Sec. 8. ELECTRONIC MONITORING REPORT. The department of
35 corrections shall submit a report on electronic monitoring

1 to the general assembly by January 15, 2022. The report
2 shall specifically address the number of persons being
3 electronically monitored and break down the number of persons
4 being electronically monitored by offense committed. The
5 report shall also include a comparison of any data from the
6 prior fiscal year with the current fiscal year.

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

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

16 2. State agencies are encouraged to purchase products from
17 Iowa state industries, as defined in section 904.802, when
18 purchases are required and the products are available from
19 Iowa state industries. State agencies shall obtain bids from
20 Iowa state industries for purchases of office furniture during
21 the fiscal year beginning July 1, 2021, exceeding \$5,000 or
22 in accordance with applicable administrative rules related to
23 purchases for the agency.

24 Sec. 10. IOWA LAW ENFORCEMENT ACADEMY.

25 1. There is appropriated from the general fund of the
26 state to the Iowa law enforcement academy for the fiscal year
27 beginning July 1, 2021, and ending June 30, 2022, the following
28 amount, or so much thereof as is necessary, to be used for the
29 purposes designated:

30 a. For salaries, support, maintenance, and miscellaneous
31 purposes, including jailer training and technical assistance,
32 and for not more than the following full-time equivalent
33 positions:

34	\$	1,220,749
35	FTEs	30.25

1 b. The Iowa law enforcement academy may temporarily exceed
2 and draw more than the amount appropriated in this subsection
3 and incur a negative cash balance as long as there are
4 receivables equal to or greater than the negative balance and
5 the amount appropriated in this subsection is not exceeded at
6 the close of the fiscal year.

7 2. The Iowa law enforcement academy may select at least
8 five automobiles of the department of public safety, division
9 of state patrol, prior to turning over the automobiles to
10 the department of administrative services to be disposed
11 of by public auction, and the Iowa law enforcement academy
12 may exchange any automobile owned by the academy for each
13 automobile selected if the selected automobile is used in
14 training law enforcement officers at the academy. However, any
15 automobile exchanged by the academy shall be substituted for
16 the selected vehicle of the department of public safety and
17 sold by public auction with the receipts being deposited in the
18 depreciation fund maintained pursuant to section 8A.365 to the
19 credit of the department of public safety, division of state
20 patrol.

21 3. The Iowa law enforcement academy shall provide training
22 for domestic abuse and human trafficking-related issues
23 throughout the state. The training shall be offered at no
24 cost to the attendees and the training shall not replace any
25 existing domestic abuse or human trafficking training offered
26 by the academy.

27 Sec. 11. STATE PUBLIC DEFENDER. There is appropriated from
28 the general fund of the state to the office of the state public
29 defender of the department of inspections and appeals for the
30 fiscal year beginning July 1, 2021, and ending June 30, 2022,
31 the following amounts, or so much thereof as is necessary, to
32 be used for the purposes designated:

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

1 \$ 29,483,120

2 FTEs 233.00

3 2. For payments on behalf of eligible adults and juveniles
4 from the indigent defense fund, in accordance with section
5 815.11:

6 \$ 40,960,374

7 Sec. 12. BOARD OF PAROLE. There is appropriated from the
8 general fund of the state to the board of parole for the fiscal
9 year beginning July 1, 2021, and ending June 30, 2022, the
10 following amount, or so much thereof as is necessary, to be
11 used for the purposes designated:

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

15 \$ 1,285,739

16 FTEs 10.53

17 Sec. 13. DEPARTMENT OF PUBLIC DEFENSE.

18 1. There is appropriated from the general fund of the
19 state to the department of public defense, for the fiscal year
20 beginning July 1, 2021, and ending June 30, 2022, the following
21 amounts, or so much thereof as is necessary, to be used for the
22 purposes designated:

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

26 \$ 6,916,601

27 FTEs 254.00

28 2. The department of public defense may temporarily exceed
29 and draw more than the amount appropriated in this section and
30 incur a negative cash balance as long as there are receivables
31 of federal funds equal to or greater than the negative balance
32 and the amount appropriated in this section is not exceeded at
33 the close of the fiscal year.

34 Sec. 14. DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY
35 MANAGEMENT.

1 1. There is appropriated from the general fund of the state
2 to the department of homeland security and emergency management
3 for the fiscal year beginning July 1, 2021, and ending June
4 30, 2022, the following amounts, or so much thereof as is
5 necessary, to be used for the purposes designated:

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

9	\$	2,287,756
10	FTEs	30.00

11 2. The department of homeland security and emergency
12 management may temporarily exceed and draw more than the amount
13 appropriated in this section and incur a negative cash balance
14 as long as there are receivables of federal funds equal to or
15 greater than the negative balance and the amount appropriated
16 in this section is not exceeded at the close of the fiscal
17 year.

18 Sec. 15. DEPARTMENT OF PUBLIC SAFETY. There is appropriated
19 from the general fund of the state to the department of public
20 safety for the fiscal year beginning July 1, 2021, and ending
21 June 30, 2022, the following amounts, or so much thereof as is
22 necessary, to be used for the purposes designated:

23 1. For administrative functions, including salaries and the
24 adjustment of salaries throughout the department, the criminal
25 justice information system, and for not more than the following
26 full-time equivalent positions:

27	\$	5,833,065
28	FTEs	43.00

29 2. For the division of criminal investigation, including
30 the state's contribution to the peace officers' retirement,
31 accident, and disability system provided in chapter 97A in the
32 amount of the state's normal contribution rate, as defined in
33 section 97A.8, multiplied by the salaries for which the moneys
34 are appropriated, to meet federal fund matching requirements,
35 and for not more than the following full-time equivalent

1 positions:

2	\$ 19,316,868
3	FTEs 180.00

4 3. For the criminalistics laboratory fund created in
5 section 691.9:

6	\$ 650,000
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7 Notwithstanding section 8.33, moneys appropriated in this
8 subsection that remain unencumbered or unobligated at the close
9 of the fiscal year shall not revert but shall remain available
10 for expenditure for the purposes designated until the close of
11 the succeeding fiscal year.

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

20	\$ 8,428,156
21	FTEs 67.00

22 The division of narcotics enforcement is authorized an
23 additional 1.00 full-time equivalent position pursuant to
24 this lettered paragraph that is in excess of the number of
25 full-time equivalent positions authorized for the previous
26 fiscal year only if the division of narcotics enforcement
27 receives sufficient federal moneys to maintain employment
28 for the additional full-time equivalent position during the
29 current fiscal year. The division of narcotics enforcement
30 shall only employ the additional full-time equivalent position
31 in succeeding fiscal years if sufficient federal moneys are
32 received during each of those succeeding fiscal years.

33 b. For the division of narcotics enforcement for undercover
34 purchases:

35	\$ 209,042
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1 5. For the division of state fire marshal, for fire
2 protection services as provided through the state fire service
3 and emergency response council as created in the department,
4 and for the state's contribution to the peace officers'
5 retirement, accident, and disability system provided in chapter
6 97A in the amount of the state's normal contribution rate,
7 as defined in section 97A.8, multiplied by the salaries for
8 which the moneys are appropriated, and for not more than the
9 following full-time equivalent positions:

10 \$ 5,460,291
11 FTEs 49.00

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

20 \$ 69,432,433
21 FTEs 506.00

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

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

30 \$ 279,517

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

33 \$ 825,520

34 Notwithstanding section 8.33, moneys appropriated in this
35 subsection that remain unencumbered or unobligated at the

1 close of the fiscal year shall not revert but shall remain
2 available for expenditure only for the purpose designated in
3 this subsection until the close of the succeeding fiscal year.

4 9. For the public safety interoperable and broadband
5 communications fund established in section 80.44:
6 \$ 115,661

7 10. For the office to combat human trafficking established
8 pursuant to section 80.45, including salaries, support,
9 maintenance, miscellaneous purposes, and for not more than the
10 following full-time equivalent positions:
11 \$ 197,325
12 FTEs 2.00

13 11. For costs associated with the training and equipment
14 needs of volunteer fire fighters:
15 \$ 50,000

16 12. For deposit in the public safety equipment fund
17 established in section 80.48 for the purchase, maintenance, and
18 replacement of equipment used by the department:
19 \$ 2,500,000

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

31 Sec. 16. GAMING ENFORCEMENT.

32 1. There is appropriated from the gaming enforcement
33 revolving fund created in section 80.43 to the department of
34 public safety for the fiscal year beginning July 1, 2021, and
35 ending June 30, 2022, the following amount, or so much thereof

1 as is necessary, to be used for the purposes designated:

2 For any direct support costs for agents and officers of
3 the division of criminal investigation's excursion gambling
4 boat, gambling structure, and racetrack enclosure enforcement
5 activities, including salaries, support, maintenance, and
6 miscellaneous purposes, and for not more than the following
7 full-time equivalent positions:

8	\$ 10,211,731
9	FTEs 73.00

10 2. For each additional license to conduct gambling games on
11 an excursion gambling boat, gambling structure, or racetrack
12 enclosure issued during the fiscal year beginning July 1, 2021,
13 there is appropriated from the gaming enforcement fund to the
14 department of public safety for the fiscal year beginning July
15 1, 2021, and ending June 30, 2022, an additional amount of
16 not more than \$300,000 to be used for full-time equivalent
17 positions.

18 3. The department of public safety, with the approval of the
19 department of management, may employ no more than three special
20 agents for each additional riverboat or gambling structure
21 regulated after July 1, 2022, and three special agents for
22 each racing facility which becomes operational during the
23 fiscal year which begins July 1, 2022. Positions authorized
24 in this subsection are in addition to the full-time equivalent
25 positions otherwise authorized in this section.

26 Sec. 17. CIVIL RIGHTS COMMISSION.

27 1. There is appropriated from the general fund of the state
28 to the Iowa state civil rights commission for the fiscal year
29 beginning July 1, 2021, and ending June 30, 2022, the following
30 amount, or so much thereof as is necessary, to be used for the
31 purposes designated:

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

35	\$ 1,318,718
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1 FTEs 27.00

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

5 Sec. 18. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION.

6 1. There is appropriated from the general fund of the state
7 to the criminal and juvenile justice planning division of the
8 department of human rights for the fiscal year beginning July
9 1, 2021, and ending June 30, 2022, the following amount or
10 so much thereof as is necessary, to be used for the purposes
11 designated:

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

15 \$ 1,288,368

16 FTEs 8.82

17 b. (1) For a single grant to a program located in a city
18 with a higher than average juvenile crime rate as determined
19 by the criminal and juvenile justice planning division and
20 a population greater than 80,000 as determined by the 2010
21 federal decennial census, which may be used for studying,
22 planning, programming, and capital, that is committed to
23 deterring juvenile delinquency through early intervention in
24 the criminal justice system by providing a comprehensive,
25 multifaceted delivery of social services and which shall meet
26 the guiding principles and standards for assessment centers set
27 forth by the national assessment center association:

28 \$ 140,000

29 (2) The program shall use no more than 5 percent of the
30 grant for administrative costs.

31 (3) A city shall not receive a grant under this paragraph,
32 or a similar grant from the state of Iowa, for more than
33 two consecutive fiscal years unless no other city meets the
34 requirements specified in subparagraph (1).

35 2. The justice advisory board and the juvenile justice

1 advisory council shall coordinate their efforts in carrying out
2 their respective duties relative to juvenile justice.

3 Sec. 19. DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY
4 MANAGEMENT. There is appropriated from the 911 emergency
5 communications fund created in section 34A.7A to the department
6 of homeland security and emergency management for the fiscal
7 year beginning July 1, 2021, and ending June 30, 2022, the
8 following amount, or so much thereof as is necessary, to be
9 used for the purposes designated:

10 For implementation, support, and maintenance of the
11 functions of the administrator and program manager under
12 chapter 34A and to employ the auditor of the state to perform
13 an annual audit of the 911 emergency communications fund:
14 \$ 250,000

15 Sec. 20. CONSUMER EDUCATION AND LITIGATION — FARM
16 MEDIATION AND PROSECUTIONS, APPEALS, AND CLAIMS.
17 Notwithstanding [section 714.16C](#), there is appropriated from the
18 consumer education and litigation fund to the department of
19 justice for the fiscal year beginning July 1, 2021, and ending
20 June 30, 2022, the following amounts, or so much thereof as is
21 necessary, to be used for the purposes designated:

22 a. For farm mediation services as specified in section
23 13.13, subsection 2:
24 \$ 300,000

25 b. For salaries, support, maintenance, and miscellaneous
26 purposes for criminal prosecutions, criminal appeals, and
27 performing duties pursuant to [chapter 669](#):
28 \$ 2,000,000
29 FTEs 2.00

30 DIVISION II

31 MISCELLANEOUS APPROPRIATIONS

32 Sec. 21. DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY
33 MANAGEMENT — APPROPRIATION. There is appropriated from
34 the general fund of the state to the department of homeland
35 security and emergency management for the fiscal year beginning

1 July 1, 2021, and ending June 30, 2022, the following amount,
2 or so much thereof as is necessary, to be used to conduct a
3 governance and funding of levee districts study:

4 \$ 400,000

5 DIVISION III

6 ATTORNEY GENERAL

7 Sec. 22. Section 85.67, Code 2021, 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 subchapter. The
14 attorney general shall be reimbursed up to ~~two hundred fifteen~~
15 four hundred fifty 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 subchapter, 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. 23. 2014 Iowa Acts, chapter 1138, section 21, as
27 amended by 2016 Iowa Acts, chapter 1137, section 18, 2017 Iowa
28 Acts, chapter 167, section 24, and 2019 Iowa Acts, chapter 163,
29 section 26, is amended to read as follows:

30 SEC. 21. CONSUMER EDUCATION AND LITIGATION
31 FUND. Notwithstanding [section 714.16C](#), for each fiscal
32 year of the period beginning July 1, 2014, and ending June
33 30, ~~2021~~ 2023, the annual appropriations in [section 714.16C](#),
34 are increased from \$1,125,000 to \$1,875,000, and \$75,000 to
35 \$125,000 respectively.

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DIVISION IV
INDIGENT DEFENSE

Sec. 24. Section 815.7, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 5A. For appointments made on or after July 1, 2021, the reasonable compensation shall be calculated on the basis of seventy-six dollars per hour for class "A" felonies, seventy-one dollars per hour for class "B" felonies, and sixty-six dollars per hour for all other cases.

DIVISION V
GAMBLING — FEES

Sec. 25. Section 99D.14, subsection 2, paragraph a, subparagraph (1), Code 2021, is amended to read as follows:

(1) A licensee shall pay a regulatory fee to be charged as provided in [this section](#). In determining the regulatory fee to be charged as provided under [this section](#), the commission shall use the amount appropriated to the commission plus the cost of salaries for no more than three special agents assigned pursuant to the provisions of section 80.25A, for each racetrack that has not been issued a table games license under [chapter 99F](#) or no more than three special agents assigned pursuant to the provisions of section 80.25A, for each racetrack that has been issued a table games license under [chapter 99F](#), plus any direct and indirect support costs for the agents, for the division of criminal investigation's racetrack activities duties pursuant to chapters 99D, 99E, and 99F, and section 80.25A, as the basis for determining the amount of revenue to be raised from the regulatory fee.

Sec. 26. Section 99F.10, subsection 4, paragraph a, Code 2021, is amended to read as follows:

a. In determining the license fees and state regulatory fees to be charged as provided under [section 99F.4](#) and this section, the commission shall use as the basis for determining the amount of revenue to be raised from the license fees and regulatory fees the amount appropriated to the commission plus

1 the cost of salaries for no more than three special agents ~~for~~
2 ~~each excursion gambling boat or gambling structure assigned~~
3 pursuant to the provisions of section 80.25A, plus any direct
4 and indirect support costs ~~for the agents~~, for the division of
5 criminal investigation's ~~excursion gambling boat or gambling~~
6 ~~structure activities~~ duties pursuant to chapters 99D, 99E, and
7 99F, and section 80.25A.

8 Sec. 27. Section 99F.10, Code 2021, is amended by adding the
9 following new subsection:

10 NEW SUBSECTION. 4A. For the fiscal year beginning July
11 1, 2021, and each fiscal year thereafter, the seven licensees
12 with the lowest adjusted gross receipts for the previous fiscal
13 year shall pay a reduced regulatory fee. The division of
14 criminal investigation shall calculate the regulatory fee to
15 be paid by each licensee using a methodology that reduces the
16 regulatory fee for the seven licensees with the lowest adjusted
17 gross receipts by an amount equivalent to the portion of the
18 regulatory fees associated with one special agent.

19 Sec. 28. GAMBLING GAMES AND SPORTS WAGERING REGULATION
20 — FEES. Notwithstanding section 99F.10, the cost of seven
21 special agent full-time equivalent positions assigned pursuant
22 to section 80.25A, as determined by the commissioner of public
23 safety, shall be credited to the general fund on July 1, 2021.

24 DIVISION VI

25 DEPARTMENT OF PUBLIC SAFETY — BUREAU OF CYBER-CRIME

26 Sec. 29. Section 80.9A, subsection 6, Code 2021, is amended
27 by adding the following new paragraph:

28 NEW PARAGRAPH. *h.* When engaged in the investigation of
29 crimes and the enforcement of laws relating to cyber-crime.

30 Sec. 30. NEW SECTION. 80.40 **Bureau of cyber-crime.**

31 1. The bureau of cyber-crime is established within the
32 division of criminal investigation of the department. The
33 purpose of the bureau is to investigate crimes with a nexus to
34 the internet or computer technology including but not limited
35 to crimes involving child exploitation and cyber intrusion.

1 2. The bureau of cyber-crime shall have the authority
2 to conduct investigations and perform forensic analyses
3 of criminal cases involving computer technology and to
4 provide assistance to governmental agencies involved in the
5 investigation of cyber-crime.

6 DIVISION VII

7 DEPARTMENT OF CORRECTIONS

8 Sec. 31. Section 99G.39, Code 2021, is amended by adding the
9 following new subsection:

10 NEW SUBSECTION. 4A. One hundred thousand dollars in
11 lottery revenues shall be transferred each fiscal year to the
12 department of corrections survivor benefits fund established
13 pursuant to section 904.321 prior to deposit of the lottery
14 revenues in the general fund pursuant to section 99G.40.

15 Sec. 32. NEW SECTION. 509A.13D Health insurance coverage —
16 surviving spouse and children of certain employees of the Iowa
17 department of corrections.

18 1. For the purposes of this section, "*eligible employee of*
19 *the Iowa department of corrections*" means any of the following:

20 a. An employee of the Iowa department of corrections.

21 b. An employee of the Iowa department of corrections whose
22 death has been determined by the department to be the direct
23 and proximate result of a traumatic personal injury incurred in
24 the line of duty, and to whom none of the following applies:

25 (1) The employee's death resulted from stress, strain,
26 occupational illness, or a chronic, progressive, or congenital
27 illness, including but not limited to a disease of the heart,
28 lungs, or respiratory system, unless a traumatic personal
29 injury was a substantial contributing factor to the employee's
30 death.

31 (2) The employee's death was caused by the employee's
32 intentional misconduct, or by the employee's intent to cause
33 the employee's own death.

34 (3) The employee was voluntarily intoxicated at the time of
35 the employee's death.

1 (4) The employee was performing the employee's duties in a
2 grossly negligent manner at the time of the employee's death.

3 2. a. If the governing body of the state has procured
4 health insurance coverage for its employees under this chapter,
5 the governing body of the state shall permit continuation
6 of existing health insurance coverage or reenrollment in
7 previously existing coverage for the surviving spouse and each
8 surviving child of an eligible employee of the Iowa department
9 of corrections.

10 b. The governing body of the state shall permit continuation
11 of existing health insurance coverage for the surviving spouse
12 and each surviving child of an employee of the Iowa department
13 of corrections who dies and who is reasonably expected to be
14 determined to be an eligible employee of the Iowa department
15 of corrections, until such time as the determination of
16 eligibility is made.

17 3. The governing body of the state shall not be required to
18 pay for the cost of the health insurance under this section;
19 however, the governing body of the state may pay the full cost
20 or a portion of the cost of the health insurance. If the full
21 cost or a portion of the cost of the coverage is not paid by
22 the governing body of the state, the surviving spouse and each
23 surviving child who is eligible for health insurance under this
24 section may elect to continue coverage by paying that portion
25 of the cost of the health insurance not paid by the governing
26 body of the state.

27 4. The governing body of the state shall notify the
28 provider of health insurance coverage for state employees of
29 the identity of the surviving spouse and each surviving child
30 who is to be provided health insurance coverage pursuant to the
31 requirements of this section.

32 5. This section shall not require continuation of health
33 insurance coverage if the surviving spouse or a surviving child
34 who would otherwise be entitled to continuation of health
35 insurance coverage under this section was, through the actions

1 of the surviving spouse or the surviving child, a substantial
2 contributing factor to the death of the eligible employee of
3 the Iowa department of corrections.

4 Sec. 33. NEW SECTION. 904.321 Department of corrections
5 survivor benefits fund.

6 1. A department of corrections survivor benefits fund is
7 established in the state treasury under the control of the
8 department. The fund shall consist of moneys transferred
9 to the fund pursuant to section 99G.39 and any other moneys
10 appropriated to or deposited in the fund. Moneys in the fund
11 are appropriated to the department for the purposes set forth
12 in subsection 2.

13 2. The department shall distribute the moneys credited to
14 the fund in a fiscal year in the form of grants to nonprofit
15 organizations that provide resources to assist surviving
16 families of eligible employees of the department of corrections
17 killed in the line of duty in paying costs associated with
18 accident or health care coverage pursuant to section 509A.13D.

19 3. Notwithstanding section 8.33, moneys in the fund
20 that remain unencumbered or unobligated at the close of a
21 fiscal year shall not revert but shall remain available for
22 expenditure for the purposes designated. Notwithstanding
23 section 12C.7, subsection 2, interest or earnings on moneys in
24 the fund shall be credited to the fund.

25 Sec. 34. EFFECTIVE DATE. This division of this Act, being
26 deemed of immediate importance, takes effect upon enactment.

27 Sec. 35. RETROACTIVE APPLICABILITY. This division of this
28 Act applies retroactively to March 1, 2021.