

SENATE/HOUSE FILE _____

BY (PROPOSED JOINT APPROPRIATIONS
SUBCOMMITTEE ON JUSTICE
SYSTEM BILL)

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to and making appropriations to the justice
2 system.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

TLSB 1005JA 83

tm/tm/24

jm/jp

1 Section 1. DEPARTMENT OF JUSTICE.

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

*General
Fund
appropriation
to AG's
Office*

7 a. For the general office of attorney general for
8 salaries, support, maintenance, and miscellaneous purposes,
9 including the prosecuting attorneys training program, victim
10 assistance grants, office of drug control policy (ODCP)
11 prosecuting attorney program, and odometer fraud enforcement,
12 and for not more than the following full-time equivalent
13 positions:

14 \$
15 FTEs

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

*REQUIRES
the AG to
maintain
a record
of time
incurred to state
agencies*

21 b. For victim assistance grants:

22 \$

*General Fund
appropriation for*

23 The funds appropriated in this lettered paragraph shall be
24 used to provide grants to care providers providing services to
25 crime victims of domestic abuse or to crime victims of rape
26 and sexual assault.

*Victim
Assistance
Grants*

27 It is the intent of the general assembly to appropriate
28 from the general fund of the state to the department of
29 justice for victim assistance grants the following amount:
30 \$1,000,000 for the fiscal year beginning July 1, 2010, and
31 ending June 30, 2011.

*States intent
to provide
\$1.0 million
in FY 2011*

32 The balance of the victim compensation fund established in
33 section 915.94 may be used to provide salary and support of
34 not more than 22 FTEs and to provide maintenance for the
35 victim compensation functions of the department of justice.

*CAPS FTE
positions from
Veteran camp.
Fund at 22*

REQUIRES THE

AGIS OFFICE TO

SPEND \$3.2

MILLION FROM THE

VICTIM COMP

FUND FOR

VICTIM ASSISTANCE GRANTS

REQUIRES THE

AG TO USE

\$850,000 IN

FORFEITED

PROPERTY

RECEIPTS

GENERAL FUND

APPROPRIATION FOR

LEGAL SERVICES POVERTY

GRANTS

GENERAL

FUND APPROP.

FOR MEDIATION

SERVICES

REQUIRES

THE DEPARTMENT

TO SUBMIT A

REPORT TO

DOM & LSA

THAT SPECIFIES

AMOUNT

OF FUNDING

FROM ALL

OTHER SOURCES

OTHER THAN THE

GENERAL

FUND.

1 As a condition of receiving the appropriation in this
2 lettered paragraph, the department of justice shall transfer
3 at least \$3,200,000 from the victim compensation fund
4 established in section 915.94 to the victim assistance grant
5 program.

6 As a condition of receiving the appropriation in this
7 lettered paragraph, the department of justice shall transfer
8 at least \$850,000 from the proceeds of forfeited property
9 delivered to the department pursuant to section 809A.17 to be
10 used for the victim assistance grant program.

11 c. For legal services for persons in poverty grants as
12 provided in section 13.34:
13 \$

14 d. For the purpose of funding farm mediation services and
15 other farm assistance program provisions in accordance with
16 sections 13.13 through 13.24:
17 \$

18 2. a. The department of justice, in submitting budget
19 estimates for the fiscal year commencing July 1, 2010,
20 pursuant to section 8.23, shall include a report of funding
21 from sources other than amounts appropriated directly from the
22 general fund of the state to the department of justice or to
23 the office of consumer advocate. These funding sources shall
24 include but are not limited to reimbursements from other state
25 agencies, commissions, boards, or similar entities, and
26 reimbursements from special funds or internal accounts within
27 the department of justice. The department of justice shall
28 also report actual reimbursements for the fiscal year
29 commencing July 1, 2008, and actual and expected
30 reimbursements for the fiscal year commencing July 1, 2009.

31 b. The department of justice shall include the report
32 required under paragraph "a", as well as information regarding
33 any revisions occurring as a result of reimbursements actually
34 received or expected at a later date, in a report to the co-
35 chairpersons and ranking members of the joint appropriations

1 subcommittee on the justice system and the legislative
2 services agency. The department of justice shall submit the
3 report on or before January 15, 2010.

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

*General Fund
approp to
the
office of
the
Consumer
Advocate*

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

13 \$
14 FTEs

15 Sec. 3. DEPARTMENT OF CORRECTIONS -- FACILITIES.

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

*General
Fund
appropriation
to the DOC
for the
9 Institutions*

21 For the operation of adult correctional institutions,
22 reimbursement of counties for certain confinement costs, and
23 federal prison reimbursement, to be allocated as follows:

24 a. For the operation of the Fort Madison correctional
25 facility, including salaries, support, maintenance, and
26 miscellaneous purposes:

*FORT
MADISON*

27 \$

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

Ana mos a

31 \$

32 As a condition of the funds appropriated in this lettered
33 paragraph, the department of corrections shall replace expired
34 federal funding by expending at least \$238,252 for
35 continuation of a treatment program that prepares offenders

*REQUIRES
THE DOC
TO SPEND
at least
\$238,252*

*for therapeutic
community
program.*

1 for on-going therapeutic treatment programs offered by the
2 department and maintaining at least 4.75 full-time equivalent
3 positions for the program.

4 Moneys are provided within this appropriation for one full- PROVIDES
5 time substance abuse counselor for the Luster Heights facility one
6 for the purpose of certification of a substance abuse program substance
7 at that facility. Luster Heights counselor of

8 c. For the operation of the Oakdale correctional facility, General
9 including salaries, support, maintenance, and miscellaneous FUND
10 purposes: approp for
11 \$ Oakdale

12 d. For the operation of the Newton correctional facility, General
13 including salaries, support, maintenance, and miscellaneous FUND
14 purposes: approp
15 \$ for Newton

16 e. For the operation of the Mt. Pleasant correctional General Fund
17 facility, including salaries, support, maintenance, and approp for
18 miscellaneous purposes: Mount
19 \$ Pleasant

20 f. For the operation of the Rockwell City correctional General Fund
21 facility, including salaries, support, maintenance, and approp. for
22 miscellaneous purposes: Rockwell City
23 \$

24 g. For the operation of the Clarinda correctional General Fund
25 facility, including salaries, support, maintenance, and approp for
26 miscellaneous purposes: Clarinda
27 \$

28 Moneys received by the department of corrections as Appropriates
29 reimbursement for services provided to the Clarinda youth REIMBURSEMENTS
30 corporation are appropriated to the department and shall be FROM THE
31 used for the purpose of operating the Clarinda correctional CLARINDA
32 facility. YOUTH CORP
to the DOC

33 h. For the operation of the Mitchellville correctional General Fund
34 facility, including salaries, support, maintenance, and appropriation
35 miscellaneous purposes: for Mitchellville.

1 \$

2 i. For the operation of the Fort Dodge correctional *General Fund*
3 facility, including salaries, support, maintenance, and *approp for*
4 miscellaneous purposes: *Fort Dodge*

5 \$

6 j. For reimbursement of counties for temporary confinement *General*
7 of work release and parole violators, as provided in sections *Fund approp*
8 901.7, 904.908, and 906.17, and for offenders confined *for the*
9 pursuant to section 904.513: *County Confinement*

10 \$ *Account*

11 k. For federal prison reimbursement, reimbursements for *General Fund*
12 out-of-state placements, and miscellaneous contracts: *approp for the*
13 \$ *Federal Prisoner's*
Account

14 2. The department of corrections shall use funds *REQUIRES THE DOC*
15 appropriated in subsection 1 to continue to contract for the *TO CONTRACT*
16 services of a Muslim imam. *FOR AN IMAM*

17 Sec. 4. DEPARTMENT OF CORRECTIONS -- ADMINISTRATION.

18 1. There is appropriated from the general fund of the *General Fund*
19 state to the department of corrections for the fiscal year *approp.*
20 beginning July 1, 2009, and ending June 30, 2010, the *to DOC*
21 following amounts, or so much thereof as is necessary, to be *FOR*
22 used for the purposes designated: *CENTRAL*

23 a. For general administration, including salaries, *OFFICE*
24 support, maintenance, employment of an education director to
25 administer a centralized education program for the
26 correctional system, and miscellaneous purposes:

27 \$

28 (1) It is the intent of the general assembly that as a *Prohibits the*
29 condition of receiving the appropriation provided in this *DOC FROM*
30 lettered paragraph the department of corrections shall not, *ENTERING*
31 except as otherwise provided in subparagraph (3), enter into a *INTO*
32 new contract, unless the contract is a renewal of an existing *CONTRACTS*
33 contract, for the expenditure of moneys in excess of \$100,000 *in excess of*
34 during the fiscal year beginning July 1, 2009, for the *8/100,000*
35 privatization of services performed by the department using *for privatized*
Services.

1 state employees as of July 1, 2009, or for the privatization
2 of new services by the department without prior consultation
3 with any applicable state employee organization affected by
4 the proposed new contract and prior notification of the co-
5 chairpersons and ranking members of the joint appropriations
6 subcommittee on the justice system.

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

Prohibits the DOC from using inmate labor for partisan political purposes when CONTRACTING WITH A PRIVATE BUSINESS

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

RESTRICTS INMATE ACCESS TO CITIZENS PERSONAL IDENTIFYING INFORMATION

26 b. For educational programs for inmates at state penal
27 institutions:
28 \$

CORRECTIONS EDUCATION APPROP

29 As a condition of receiving the appropriation in this
30 lettered paragraph, the department of corrections shall
31 transfer at least \$300,000 from the canteen operating funds
32 established pursuant to section 904.310 to be used for
33 correctional educational programs funded in this lettered
34 paragraph. In addition, as a condition of receiving the
35 appropriation made in this lettered paragraph, the department

REQUIRES THE DOC TO SPEND \$300,000 IN CANTEEN FUNDS

1 of corrections shall expend, from the funds available to the \$300,000
2 department, at least \$300,000 more in the fiscal year INCREASE
3 beginning July 1, 2009, and ending June 30, 2010, than was FROM FY 2009
4 expended in the previous fiscal year, for correctional
5 education programs.

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

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

22 The director of the department of corrections may transfer PERMITS
23 moneys from Iowa prison industries for use in educational THE DOC TO USE
24 programs for inmates. IOWA PRISON INDUSTRY FUNDS
FOR EDUCATION

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

31 c. For the development of the Iowa corrections offender GENERAL
32 network (ICON) data system: FUND APPROP
33 \$ FOR ICON

34 d. For offender mental health and substance abuse GENERAL FUND
35 treatment: APPROP TO DOC
FOR MENTAL HEALTH
& SUBSTANCE ABUSE
TREATMENT

1 \$

2 e. For viral hepatitis prevention and treatment: *General Fund APPROV*
3 \$ *FDR HEPATITIS TREAT.*

4 2. It is the intent of the general assembly that the *REQUIRES THE*
5 department of corrections shall continue to operate the *DOC TO*
6 correctional farms under the control of the department at the *CONTINUE*
7 same or greater level of participation and involvement as *FARM OPERATION*
8 existed as of January 1, 2009; shall not enter into any rental *AT THE*
9 agreement or contract concerning any farmland under the *SAME OR*
10 control of the department that is not subject to a rental *GREATER* level
11 agreement or contract as of January 1, 2009, without prior *than 11/1/09.*
12 legislative approval; and shall further attempt to provide job
13 opportunities at the farms for inmates. The department shall
14 attempt to provide job opportunities at the farms for inmates
15 by encouraging labor-intensive farming or gardening where
16 appropriate; using inmates to grow produce and meat for
17 institutional consumption; researching the possibility of
18 instituting food canning and cook-and-chill operations; and
19 exploring opportunities for organic farming and gardening,
20 livestock ventures, horticulture, and specialized crops.

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

26 4. As a condition of receiving the appropriations made in *REQUIRES*
27 this section, the department of corrections shall develop and *OFFENDER*
28 implement offender reentry centers in Black Hawk and Polk *REENTRY*
29 counties to provide transitional planning and release *PROGRAMS*
30 primarily for offenders released from the Iowa correctional *IN BLACK*
31 institution for women at Mitchellville and the Fort Dodge *HAWK &*
32 correctional facility. Programming shall include minority and *POIK*
33 gender-specific responsivity, employment, substance abuse *COUNTIES.*
34 treatment, mental health services, housing, and family
35 reintegration. The department of corrections shall

1 collaborate with the first and fifth judicial district
2 departments of correctional services, the Iowa department of
3 workforce development, the department of human services,
4 community-based providers and faith-based organizations, and
5 local law enforcement.

6 Sec. 5. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL
7 SERVICES.

General
Fund
APPROPRIATION
TO THE
8 CBC
DISTRICT
DEPARTMENTS

8 1. There is appropriated from the general fund of the
9 state to the department of corrections for the fiscal year
10 beginning July 1, 2009, and ending June 30, 2010, for the
11 treatment and supervision of probation and parole violators
12 who have been released from the department of corrections
13 violator program, the following amounts, or so much thereof as
14 is necessary, to be allocated as follows:

15 a. For the first judicial district department of
16 correctional services:

17 \$

FIRST
CBC

18 As a condition of the funds appropriated in this lettered
19 paragraph, the department of corrections shall replace expired
20 federal funding by expending at least \$140,000 for the dual
21 diagnosis program and maintaining 1.25 full-time equivalent
22 positions for the program.

23 b. For the second judicial district department of
24 correctional services:

Second
CBC

25 \$

26 c. For the third judicial district department of
27 correctional services:

THIRD
CBC

28 \$

29 d. For the fourth judicial district department of
30 correctional services:

FOURTH
CBC

31 \$

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

FIFTH
CBC +
Electronic
Monitoring

35 \$

1 f. For the sixth judicial district department of
2 correctional services:
3 \$

SIXTH CBC

4 The sixth judicial district department of correctional
5 services shall maintain a youth leadership model program to
6 help at-risk youth. As a part of the program, the district
7 department may recruit college or high school students in the
8 judicial district to work with at-risk youth. The student
9 workers shall be recruited regardless of gender and be
10 recommended by their respective schools as good role models,
11 including but not limited to students who possess capabilities
12 in one or more of the following areas of ability:
13 intellectual capacity, athletics, visual arts, or performing
14 arts.

REQUIRES
TO THE SIXTH
TO
MAINTAIN
A YOUTH
Leadership
model
program.

15 g. For the seventh judicial district department of
16 correctional services:
17 \$

Seventh
CBC

18 h. For the eighth judicial district department of
19 correctional services:
20 \$

Eighth CBC

21 2. Each judicial district department of correctional
22 services, within the funding available, shall continue
23 programs and plans established within that district to provide
24 for intensive supervision, sex offender treatment, diversion
25 of low-risk offenders to the least restrictive sanction
26 available, job development, and expanded use of intermediate
27 criminal sanctions.

REQUIRES
CBC TO USE
INTERMEDIATE
CRIMINAL
SANCTIONS
& MAINTAIN
CERTAIN
PROGRAMS

28 3. Each judicial district department of correctional
29 services shall provide alternatives to prison consistent with
30 chapter 901B. The alternatives to prison shall ensure public
31 safety while providing maximum rehabilitation to the offender.
32 A judicial district department of correctional services may
33 also establish a day program.

REQUIRES A
CONTINUUM
OF SANCTIONS
WITH IN
CBC

34 4. The governor's office of drug control policy shall
35 consider federal grants made to the department of corrections

REQUIRES
ODCP TO
CONSIDER CBC
LOCAL GOVERNMENT
WHEN MAKING GRANTS

1 for the benefit of each of the eight judicial district
2 departments of correctional services as local government
3 grants, as defined pursuant to federal regulations.

4 5. The department of corrections shall continue to *DOC CONTRACTS*
5 contract with a judicial district department of correctional *WITH STH*
6 services to provide for the rental of electronic monitoring *CBE FOR*
7 equipment which shall be available statewide. *ELECTRONIC*
MONITORING

8 Sec. 6. DEPARTMENT OF CORRECTIONS -- REALLOCATION OF *PERMITS THE*
9 APPROPRIATIONS. Notwithstanding section 8.39, within the *DOC TO REALLOCATE*
10 funds appropriated in this Act to the department of *FUNDS UPON NOTICE*
11 corrections, the department may reallocate the funds *TO THE LSA +*
12 appropriated and allocated as necessary to best fulfill the *DOM*
13 needs of the correctional institutions, administration of the
14 department, and the judicial district departments of
15 correctional services. However, in addition to complying with
16 the requirements of sections 904.116 and 905.8 and providing
17 notice to the legislative services agency, the department of
18 corrections shall also provide notice to the department of
19 management, prior to the effective date of the revision or
20 reallocation of an appropriation made pursuant to this
21 section. The department shall not reallocate an appropriation
22 or allocation for the purpose of eliminating any program.

23 Sec. 7. INTENT -- REPORTS.

24 1. The department in cooperation with townships, the Iowa *PERMITS THE DOC TO USE*
25 cemetery associations, and other nonprofit or governmental *FARMATE*
26 entities may use inmate labor during the fiscal year beginning *LABOR FOR*
27 July 1, 2009, to restore or preserve rural cemeteries and *NON PROFIT*
28 historical landmarks. The department in cooperation with the *OR GOVERNMENT*
29 counties may also use inmate labor to clean up roads, major *TO RESTORE*
30 water sources, and other water sources around the state. *RURAL*
CEMETARIES,
RESTORE
LANDMARKS

31 2. Each month the department shall provide a status report *REQUIRES*
32 regarding private-sector employment to the legislative *A MONTHLY*
33 services agency beginning on July 1, 2009. The report shall *REPORT ON*
34 include the number of offenders employed in the private *PRIVATE*
35 sector, the combined number of hours worked by the offenders, *SECTOR FARMATE*
EMPLOYMENT
TO THE LSA

1 and the total amount of allowances, and the distribution of
2 allowances pursuant to section 904.702, including any moneys
3 deposited in the general fund of the state.

4 Sec. 8. ELECTRONIC MONITORING REPORT. The department of *REQUIRES*
5 corrections shall submit a report on electronic monitoring to *THE VOLTS*
6 the general assembly, to the co-chairpersons and the ranking *ISSUE A*
7 members of the joint appropriations subcommittee on the *REPORT ON*
8 justice system, and to the legislative services agency by *ELECTRONIC*
9 January 15, 2010. The report shall specifically address the *MONITORING*
10 number of persons being electronically monitored and break
11 down the number of persons being electronically monitored by
12 offense committed. The report shall also include a comparison
13 of any data from the prior fiscal year with the current year.

14 Sec. 9. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES. *ENCOURAGES*
15 1. As used in this section, unless the context otherwise *STATE AGENCIES*
16 requires, "state agency" means the government of the state of *TO PURCHASE*
17 Iowa, including but not limited to all executive branch *PRODUCTS FROM*
18 departments, agencies, boards, bureaus, and commissions, the *IOWA PRISON*
19 judicial branch, the general assembly and all legislative *INDUSTRIES.*
20 agencies, institutions within the purview of the state board *REQUIRES*
21 of regents, and any corporation whose primary function is to *BUY FROM*
22 act as an instrumentality of the state. *INDUSTRIES FOR*

23 2. State agencies are hereby encouraged to purchase *OFFICE*
24 products from Iowa state industries, as defined in section *FURNITURE*
25 904.802, when purchases are required and the products are *IN EXCESS*
26 available from Iowa state industries. State agencies shall *OF \$5000.*
27 obtain bids from Iowa state industries for purchases of office
28 furniture during the fiscal year beginning July 1, 2009,
29 exceeding \$5,000 or in accordance with applicable
30 administrative rules related to purchases for the agency.

31 Sec. 10. STATE PUBLIC DEFENDER. There is appropriated *General*
32 from the general fund of the state to the office of the state *FUND*
33 public defender of the department of inspections and appeals *APPROP*
34 for the fiscal year beginning July 1, 2009, and ending June *TO STATE*
35 30, 2010, the following amounts, or so much thereof as is *PUBLIC*
DEFENDER

1 necessary, to be allocated as follows for the purposes
2 designated:

3 1. For salaries, support, maintenance, miscellaneous *OFFICE*
4 purposes, and for not more than the following full-time *OF STATE*
5 equivalent positions: *PUBLIC*
6 \$ *DEFENDER*
7 FTEs

8 2. For the fees of court-appointed attorneys for indigent *INDIGENT*
9 adults and juveniles, in accordance with section 232.141 and *DEFENSE*
10 chapter 815:
11 \$

12 Sec. 11. IOWA LAW ENFORCEMENT ACADEMY.

13 1. There is appropriated from the general fund of the *General Fund*
14 state to the Iowa law enforcement academy for the fiscal year *appropriation to*
15 beginning July 1, 2009, and ending June 30, 2010, the *ILEA.*
16 following amount, or so much thereof as is necessary, to be
17 used for the purposes designated:

18 For salaries, support, maintenance, miscellaneous purposes,
19 including jailer training and technical assistance, and for
20 not more than the following full-time equivalent positions:
21 \$
22 FTEs

23 It is the intent of the general assembly that the Iowa law *General Assembly*
24 enforcement academy may provide training of state and local *intent to have*
25 law enforcement personnel concerning the recognition of and *the Academy to*
26 response to persons with Alzheimer's disease. *offer Alzheimer's*
training to law
enforcement.

27 The Iowa law enforcement academy may temporarily exceed and *Allows the*
28 draw more than the amount appropriated and incur a negative *ILEA to incur*
29 cash balance as long as there are receivables equal to or *a negative*
30 greater than the negative balance and the amount appropriated *General Fund balance*
31 in this subsection is not exceeded at the close of the fiscal *as long as the*
32 year. *revenue is*
received by the
end of the
fiscal year.

33 2. The Iowa law enforcement academy may select at least *Allows ILEA to*
34 five automobiles of the department of public safety, division *annually*
35 of state patrol, prior to turning over the automobiles to the *exchange 5*
vehicles to the
State Vehicle
dispatcher for 5 DPS
vehicles.

1 department of administrative services to be disposed of by
2 public auction, and the Iowa law enforcement academy may
3 exchange any automobile owned by the academy for each
4 automobile selected if the selected automobile is used in
5 training law enforcement officers at the academy. However,
6 any automobile exchanged by the academy shall be substituted
7 for the selected vehicle of the department of public safety
8 and sold by public auction with the receipts being deposited
9 in the depreciation fund to the credit of the department of
10 public safety, division of state patrol.

11 Sec. 12. BOARD OF PAROLE. There is appropriated from the *General*
12 general fund of the state to the board of parole for the *FUND*
13 fiscal year beginning July 1, 2009, and ending June 30, 2010, *APPROPRIATION*
14 the following amount, or so much thereof as is necessary, to *to the*
15 be used for the purposes designated: *Board of*
16 For salaries, support, maintenance, miscellaneous purposes, *PAROLE*
17 and for not more than the following full-time equivalent
18 positions:
19 \$
20 FTEs

21 Sec. 13. DEPARTMENT OF PUBLIC DEFENSE. There is *General Fund*
22 appropriated from the general fund of the state to the *appropriation to*
23 department of public defense for the fiscal year beginning *the Military*
24 July 1, 2009, and ending June 30, 2010, the following amounts, *Division of the*
25 or so much thereof as is necessary, to be used for the *Department of*
26 purposes designated: *Public Defense.*
27 1. MILITARY DIVISION
28 For salaries, support, maintenance, miscellaneous purposes,
29 and for not more than the following full-time equivalent
30 positions:
31 \$
32 FTEs

33 The military division may temporarily exceed and draw more *Allows the*
34 than the amount appropriated and incur a negative cash balance *military Division*
35 as long as there are receivables of federal funds equal to or *to incur a*
negative cash
balance as long
as federal funds to
cover the negative
balance are received by
the end of the fiscal year.

1 greater than the negative balance and the amount appropriated
2 in this subsection is not exceeded at the close of the fiscal
3 year.

4 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION *General Fund*
5 a. For salaries, support, maintenance, miscellaneous *appropriation to*
6 purposes, and for not more than the following full-time *the Homeland Security*
7 equivalent positions: *and Emergency*
8 \$ *Management Division*
9 FTEs *of the Department*
of Public Defense.

10 The homeland security and emergency management division may *Allows HSEMD*
11 temporarily exceed and draw more than the amount appropriated *to incur a*
12 and incur a negative cash balance as long as there are *negative cash*
13 receivables of federal funds equal to or greater than the *balance as long as*
14 negative balance and the amount appropriated in this *federal funds to*
15 subsection is not exceeded at the close of the fiscal year. *cover the negative*
balance are received
by the end of the
fiscal year.

16 It is the intent of the general assembly that the homeland *Intends the*
17 security and emergency management division work in conjunction *HSEMD and*
18 with the department of public safety, to the extent possible, *DPS work*
19 when gathering and analyzing information related to potential *together as much*
20 domestic or foreign security threats, and when monitoring such *as possible to*
21 threats. *gather and*
analyze data
on potential
domestic and foreign threats.

22 Sec. 14. DEPARTMENT OF PUBLIC SAFETY. There is *General Fund*
23 appropriated from the general fund of the state to the *appropriation to the*
24 department of public safety for the fiscal year beginning July *Department of Public*
25 1, 2009, and ending June 30, 2010, the following amounts, or *Safety for*
26 so much thereof as is necessary, to be used for the purposes *the Administrative*
27 designated: *Services Division.*

28 1. For the department's administrative functions,
29 including the criminal justice information system, and for not
30 more than the following full-time equivalent positions:
31 \$
32 FTEs

33 2. For the division of criminal investigation, including *General Fund*
34 the state's contribution to the peace officers' retirement, *appropriation to*
35 accident, and disability system provided in chapter 97A in the *the Division of*
Criminal
Investigation.

1 amount of the state's normal contribution rate, as defined in
2 section 97A.8, multiplied by the salaries for which the funds
3 are appropriated, to meet federal fund matching requirements,
4 and for not more than the following full-time equivalent
5 positions:

6 \$
7 FTEs

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

Specifies that the tribe will pay for one Tribal Gaming Inspector under the Tribal-State Compact.

13 The department shall employ one additional special agent
14 and one additional criminalist for the purpose of
15 investigating cold cases. Prior to employing the additional
16 special agent and criminalist authorized in this paragraph,
17 the department shall provide a written statement to
18 prospective employees that states to the effect that the
19 positions are being funded by a temporary federal grant and
20 there are no assurances that funds from other sources will be
21 available after the federal funding expires. If the federal
22 funding for the additional positions expires during the fiscal
23 year, the number of full-time equivalent positions authorized
24 in this subsection is reduced by 2.00 FTEs.

Allows DPS to employ one Special Agent and one Criminalist to investigate cold cases. States if federal funds are no longer available, the two FTE positions are eliminated.

25 The department of public safety, with the approval of the
26 department of management, may employ no more than two special
27 agents and four gaming enforcement officers for each
28 additional riverboat or gambling structure regulated after
29 July 1, 2009, and one special agent for each racing facility
30 which becomes operational during the fiscal year which begins
31 July 1, 2009. One additional gaming enforcement officer, up
32 to a total of four per riverboat or gambling structure, may be
33 employed for each riverboat or gambling structure that has
34 extended operations to 24 hours and has not previously
35 operated with a 24-hour schedule. Positions authorized in

If any boats or tracks are licensed after July 1, 2009, DPS with Dom's approval, can employ no more than 2 special agents and 4 gaming enforcement officers for each additional boat and one additional gaming enforcement officer for a total of 4 for each boat or gambling structure.

1 this paragraph are in addition to the full-time equivalent
2 positions otherwise authorized in this subsection.

3 3. For the criminalistics laboratory fund created in *General Fund*
4 section 691.9: *appropriation for the*
5 \$ *Criminalistics Laboratory*
Fund.

6 4. a. For the division of narcotics enforcement, *General Fund*
7 including the state's contribution to the peace officers' *appropriation for*
8 retirement, accident, and disability system provided in *the Division of*
9 chapter 97A in the amount of the state's normal contribution *Narcotics Enforcement.*
10 rate, as defined in section 97A.8, multiplied by the salaries
11 for which the funds are appropriated, to meet federal fund
12 matching requirements, and for not more than the following
13 full-time equivalent positions:
14 \$
15 FTEs

16 b. For the division of narcotics enforcement for *General Fund appropriation*
17 undercover purchases: *to the Narcotics Enforcement*
18 \$ *Division for undercover*
purchases.

19 5. For the division of state fire marshal, for fire *General Fund*
20 protection services as provided through the state fire service *appropriation*
21 and emergency response council as created in the department, *for the State*
22 and for the state's contribution to the peace officers' *Fire Marshal's*
23 retirement, accident, and disability system provided in *Office.*
24 chapter 97A in the amount of the state's normal contribution
25 rate, as defined in section 97A.8, multiplied by the salaries
26 for which the funds are appropriated, and for not more than
27 the following full-time equivalent positions:
28 \$
29 FTEs

30 6. For the division of state patrol, for salaries, *General Fund*
31 support, maintenance, workers' compensation costs, and *appropriation for the*
32 miscellaneous purposes, including the state's contribution to *Iowa State Patrol.*
33 the peace officers' retirement, accident, and disability
34 system provided in chapter 97A in the amount of the state's
35 normal contribution rate, as defined in section 97A.8,

1 multiplied by the salaries for which the funds are
2 appropriated, and for not more than the following full-time
3 equivalent positions:

4 \$
5 FTEs

6 As a condition of receiving the appropriation made in this subsection, the department of public safety shall increase expenditures for overtime paid to peace officer members of the state patrol by \$ 350,000 and increase expenditures for fuel used by the motor vehicles of such members by \$ 227,000. In addition as a condition of receiving the appropriation made in this subsection, the department shall hire and employ one additional peace officer member of the state patrol.

Language from FY 2009 increasing the amount expended for fuel and overtime and required the Patrol to employ one more trooper.

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

Intends the Patrol assign education officers to perform school bus inspections.

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

General Fund appropriation to create a non-reversionary fund for sick leave payout. All sworn officers receive benefits for accrued sick leave under collective bargaining.

22 \$
23 8. For costs associated with the training and equipment needs of volunteer fire fighters:
25 \$

General Fund appropriation for volunteer fire fighter training.

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

Requires nonreversion of funds for firefighter training and equipment needs.

31 Notwithstanding section 8.39, within the funds appropriated in this section the department of public safety may reallocate funds as necessary to best fulfill the needs provided for the appropriation. However, the department shall not reallocate an appropriation made to the department in this

Allows DPS to reallocate funds as necessary as long as LSA and Dom are notified. Can not be done by DPS to eliminate a program.

1 section unless notice of the reallocation is given to the
2 legislative services agency and the department of management
3 prior to the effective date of the reallocation. The notice
4 shall include information about the rationale for reallocating
5 the appropriation. The department shall not reallocate an
6 appropriation made in this section for the purpose of
7 eliminating any program.

8 Sec. 15. CIVIL RIGHTS COMMISSION. There is appropriated General
9 from the general fund of the state to the Iowa state civil FUND
10 rights commission for the fiscal year beginning July 1, 2009, APPROP.
11 and ending June 30, 2010, the following amount, or so much TO CIVIL
12 thereof as is necessary, to be used for the purposes RIGHTS
13 designated: COMMISSION

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

17 \$
18 FTEs

19 The Iowa state civil rights commission may enter into a INTAKE & MEDIATION
20 contract with a nonprofit organization to provide legal WITH LEGAL AID
21 assistance to resolve civil rights complaints. OF IOWA.

22 Sec. 16. HOMELAND SECURITY AND EMERGENCY MANAGEMENT Permits continued
23 DIVISION. There is appropriated from the wireless E911 funding from the
24 emergency communications fund created in section 34A.7A to the Wireless E911
25 administrator of the homeland security and emergency Communications Fund
26 management division of the department of public defense for manager in the
27 the fiscal year beginning July 1, 2009, and ending June 30, and Emergency
28 2010, an amount not exceeding \$200,000 to be used for Management Division of
29 implementation, support, and maintenance of the functions of the Department of
30 the administrator and program manager under chapter 34A and to Public Defense.
31 employ the auditor of the state to perform an annual audit of
32 the wireless E911 emergency communications fund.

33 Sec. 17. IOWA LAW ENFORCEMENT ACADEMY -- FEES. Allows ILEA to
34 Notwithstanding section 80B.11B, the Iowa law enforcement charge Academy
35 academy may charge more than one-half the cost of providing attendees more
training if approved by the than half the
Law Enforcement Academy Council. cost to provide

1 the basic training course if a majority of the Iowa law
2 enforcement academy council authorizes charging more than one-
3 half of the cost of providing basic training. This section is
4 repealed on June 30, 2010.

5 Sec. 18. INTERIM REPORTING -- IMPLEMENTATION. The board *REQUIRES*
6 of parole shall develop and implement the certificate of *THE BOARD OF*
7 employability program as provided in section 906.19. The *PAROLE TO*
8 board shall file an interim status report regarding the *IMPLEMENT THE*
9 certificate of employability program development with the *CERTIFICATE OF*
10 general assembly and the legislative services agency by *EMPLOYABILITY*
11 January 1, 2010. *PROGRAM + FILE*
A REPORT

12 Sec. 19. CENTRAL WAREHOUSE AND SUPPLY DEPOT OF DEPARTMENT *REQUIRES*
13 OF HUMAN SERVICES. Upon completion of the central warehouse *THE DHS TO*
14 and supply depot of the department of corrections established *CEASE THE*
15 pursuant to section 904.118A, the department of human services *WAREHOUSE*
16 shall cease utilizing the central warehouse and supply depot *WHEN THE DOC*
17 of the department of human services established pursuant to *WAREHOUSE*
18 section 218.100. *IS COMPLETED*

19 EXPLANATION

20 This bill makes appropriations from the general fund of the
21 state for fiscal year 2009-2010 to the departments of justice,
22 corrections, public defense, and public safety, and the Iowa
23 law enforcement academy, office of consumer advocate, office
24 of the state public defender, board of parole, and Iowa state
25 civil rights commission.

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

32 The bill addresses Code section 80B.11B to provide that for
33 FY 2009-2010 the Iowa law enforcement academy may charge a
34 department of the state, a member of a police force, or any
35 political subdivision of the state more than one-half of the

1 cost to provide the basic training course for a law
2 enforcement officer, provided a majority of the Iowa law
3 enforcement council approves such a charge. Current law
4 prohibits the Iowa law enforcement academy from charging more
5 than one-half of the cost of providing the basic training
6 course.

7 The bill provides that the department of corrections may
8 reallocate appropriated funds between the institutions of the
9 department of corrections, the department's administration,
10 and the judicial district departments of correctional
11 services. The bill provides the department, prior to the
12 effective date of any reallocation, must provide notice to the
13 department of management, the legislative services agency, and
14 the district board of any judicial district department of
15 correctional services affected by the reallocation.

16 The bill provides that the department of public safety may
17 also reallocate the funds appropriated to the department
18 between the divisions of the department. The bill provides
19 that the department, prior to the effective date of any
20 reallocation, must provide notice of the reallocation to the
21 department of management and the legislative services agency.

22
23
24
25
26
27
28
29
30
31
32
33
34
35