

SENATE/HOUSE FILE _____
BY (PROPOSED JOINT
APPROPRIATIONS SUBCOMMITTEE
ON JUSTICE SYSTEM BILL)

A BILL FOR

- 1 An Act relating to and making appropriations to the
- 2 justice system, and including effective and retroactive
- 3 applicability date provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1519 - passed
1585 - passed
1591 - passed
1587 - passed
1535 - passed
1566 - failed

Bill →

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1 1 Section 1. DEPARTMENT OF JUSTICE.

1 2 1. There is appropriated from the general fund of the state
1 3 to the department of justice for the fiscal year beginning July
1 4 1, 2010, and ending June 30, 2011, the following amounts, or
1 5 so much thereof as is necessary, to be used for the purposes
1 6 designated:

1 7 a. For the general office of attorney general for salaries,
1 8 support, maintenance, and miscellaneous purposes, including
1 9 the prosecuting attorneys training program, victim assistance
1 10 grants, office of drug control policy prosecuting attorney
1 11 program, and odometer fraud enforcement, and for not more than
1 12 the following full-time equivalent positions:

1 13	\$ 7,732,930
1 14	FTEs 232.50

1 15 It is the intent of the general assembly that as a condition
1 16 of receiving the appropriation provided in this lettered
1 17 paragraph, the department of justice shall maintain a record
1 18 of the estimated time incurred representing each agency or
1 19 department.

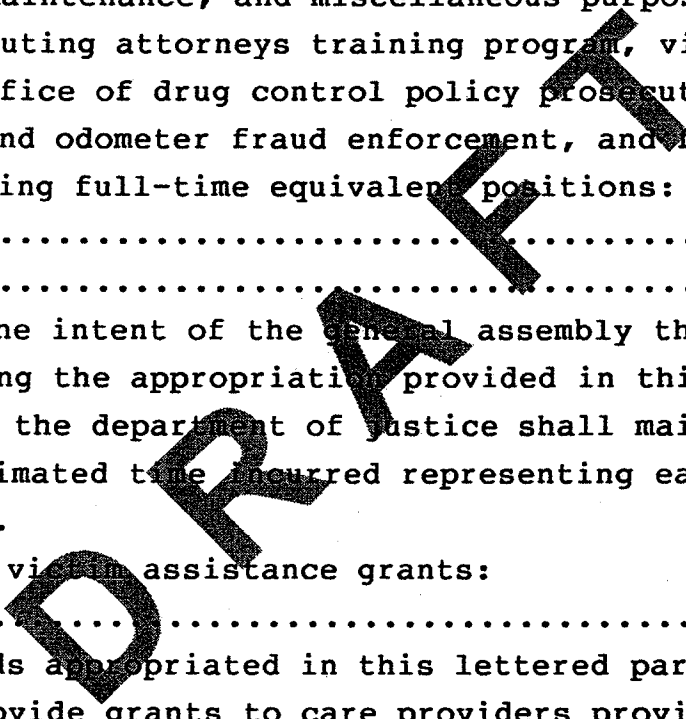
1 20 b. For victim assistance grants:
1 21 \$ 3,060,000

1 22 The funds appropriated in this lettered paragraph shall be
1 23 used to provide grants to care providers providing services to
1 24 crime victims of domestic abuse or to crime victims of rape and
1 25 sexual assault.

1 26 The balance of the victim compensation fund established in
1 27 section 915.94 may be used to provide salary and support of not
1 28 more than 22 FTEs and to provide maintenance for the victim
1 29 compensation functions of the department of justice.

1 30 The department of justice may transfer moneys from the
1 31 victim compensation fund established in section 915.94 to the
1 32 victim assistance grant program.

1 33 c. For legal services for persons in poverty grants as
1 34 provided in section 13.34:
1 35 \$ 1,759,171



2 1 2. a. The department of justice, in submitting budget
2 2 estimates for the fiscal year commencing July 1, 2011, pursuant
2 3 to section 8.23, shall include a report of funding from sources
2 4 other than amounts appropriated directly from the general fund
2 5 of the state to the department of justice or to the office of
2 6 consumer advocate. These funding sources shall include but
2 7 are not limited to reimbursements from other state agencies,
2 8 commissions, boards, or similar entities, and reimbursements
2 9 from special funds or internal accounts within the department
2 10 of justice. The department of justice shall also report actual
2 11 reimbursements for the fiscal year commencing July 1, 2009,
2 12 and actual and expected reimbursements for the fiscal year
2 13 commencing July 1, 2010.

2 14 b. The department of justice shall include the report
2 15 required under paragraph "a" as well as information regarding
2 16 any revisions occurring as a result of reimbursements actually
2 17 received or expected at a later date, in a report to the
2 18 co-chairpersons and ranking members of the joint appropriations
2 19 subcommittee on the justice system and the legislative services
2 20 agency. The department of justice shall submit the report on
2 21 or before January 15, 2011.

2 22 c. The department shall cooperate with the auditor
2 23 of state in preparing a report detailing recommendations
2 24 for reimbursement moneys, including recommendations for
2 25 appropriating such reimbursement moneys. The auditor of state
2 26 shall provide the report to the co-chairpersons and ranking
2 27 members of the joint appropriations subcommittee on the justice
2 28 system, the legislative services agency, and the department of
2 29 management by December 15, 2010.

2 30 Sec. 2. OFFICE OF CONSUMER ADVOCATE. There is appropriated
2 31 from the general fund of the state to the office of consumer
2 32 advocate of the department of justice for the fiscal year
2 33 beginning July 1, 2010, and ending June 30, 2011, the following
2 34 amount, or so much thereof as is necessary, to be used for the
2 35 purposes designated:

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

3 4 \$ 3,336,344
3 5 FTEs 27.00

3 6 Sec. 3. DEPARTMENT OF CORRECTIONS — FACILITIES.

3 7 1. There is appropriated from the general fund of the state
3 8 to the department of corrections for the fiscal year beginning
3 9 July 1, 2010, and ending June 30, 2011, the following amounts,
3 10 or so much thereof as is necessary, to be used for the purposes
3 11 designated:

3 12 For the operation of adult correctional institutions,
3 13 reimbursement of counties for certain confinement costs, and
3 14 federal prison reimbursement, to be allocated as follows:

3 15 a. For the operation of the Fort Madison correctional
3 16 facility, including salaries, support, maintenance, and
3 17 miscellaneous purposes
3 18 \$ 39,991,374

3 19 As a condition of receiving an appropriation in this
3 20 lettered paragraph, the department of corrections shall operate
3 21 the John Bennett facility either as an institution of the
3 22 department or a community-based correctional facility.

3 23 b. For the operation of the Anamosa correctional facility,
3 24 including salaries, support, maintenance, and miscellaneous
3 25 purposes:
3 26 \$ 30,356,461

3 27 It is the intent of the general assembly that the department
3 28 of corrections fully operate the Luster Heights facility at the
3 29 facility's 88-bed capacity.

3 30 As a condition of the moneys appropriated in this lettered
3 31 paragraph, the department of corrections shall replace expired
3 32 federal funding by expending at least \$___ for continuation
3 33 of a treatment program that prepares offenders for ongoing
3 34 therapeutic treatment programs offered by the department and
3 35 maintaining at least ___ FTEs for the program.

4 1 Moneys appropriated in this lettered paragraph shall
4 2 provide for one full-time substance abuse counselor for the
4 3 Luster Heights facility for the purpose of certification of a
4 4 substance abuse program at that facility.

4 5 c. For the operation of the Oakdale correctional facility,
4 6 including salaries, support, maintenance, and miscellaneous
4 7 purposes:

4 8 \$ 55,755,246

4 9 d. For the operation of the Newton correctional facility,
4 10 including salaries, support, maintenance, and miscellaneous
4 11 purposes:

4 12 \$ 26,452,257

4 13 e. For the operation of the Mt. Pleasant correctional
4 14 facility, including salaries, support, maintenance, and
4 15 miscellaneous purposes:

4 16 \$ 26,265,257

4 17 f. For the operation of the Rockwell City correctional
4 18 facility, including salaries, support, maintenance, and
4 19 miscellaneous purposes:

4 20 \$ 9,324,565

4 21 g. For the operation of the Clarinda correctional facility,
4 22 including salaries, support, maintenance, and miscellaneous
4 23 purposes:

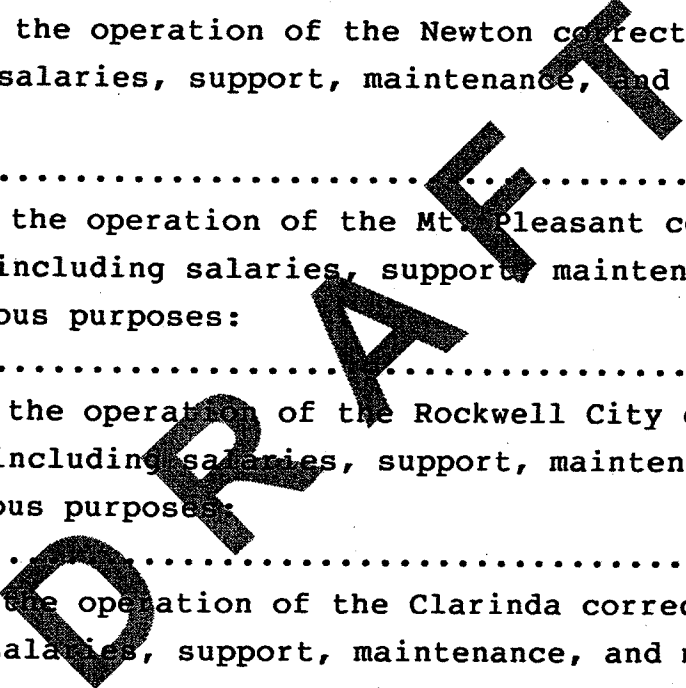
4 24 \$ 23,645,033

4 25 Moneys received by the department of corrections as
4 26 reimbursement for services provided to the Clarinda youth
4 27 corporation are appropriated to the department and shall be
4 28 used for the purpose of operating the Clarinda correctional
4 29 facility.

4 30 h. For the operation of the Mitchellville correctional
4 31 facility, including salaries, support, maintenance, and
4 32 miscellaneous purposes:

4 33 \$ 15,486,586

4 34 i. For the operation of the Fort Dodge correctional
4 35 facility, including salaries, support, maintenance, and



5 1 miscellaneous purposes:

5 2 \$ 29,020,235

5 3 j. For reimbursement of counties for temporary confinement
5 4 of work release and parole violators, as provided in sections
5 5 901.7, 904.908, and 906.17, and for offenders confined pursuant
5 6 to section 904.513:

5 7 \$ 775,092

5 8 k. For federal prison reimbursement, reimbursements for
5 9 out-of-state placements, and miscellaneous contracts:

5 10 \$ 239,411

5 11 2. The department of corrections shall use moneys
5 12 appropriated in subsection 1 to continue to contract for the
5 13 services of a Muslim imam.

5 14 Sec. 4. DEPARTMENT OF CORRECTIONS— ADMINISTRATION.

5 15 1. There is appropriated from the general fund of the state
5 16 to the department of corrections for the fiscal year beginning
5 17 July 1, 2010, and ending June 30, 2011, the following amounts,
5 18 or so much thereof as is necessary, to be used for the purposes
5 19 designated:

5 20 a. For general administration, including salaries, support,
5 21 maintenance, employment of an education director to administer
5 22 a centralized education program for the correctional system,
5 23 and miscellaneous purposes:

5 24 \$ 4,485,568

5 25 (1) It is the intent of the general assembly that as a
5 26 condition of receiving the appropriation provided in this
5 27 lettered paragraph the department of corrections shall not,
5 28 except as otherwise provided in subparagraph (3), enter
5 29 into a new contract, unless the contract is a renewal of an
5 30 existing contract, for the expenditure of moneys in excess of
5 31 \$____ during the fiscal year beginning July 1, 2010, for the
5 32 privatization of services performed by the department using
5 33 state employees as of July 1, 2010, or for the privatization
5 34 of new services by the department without prior consultation
5 35 with any applicable state employee organization affected

6 1 by the proposed new contract and prior notification of the
6 2 co-chairpersons and ranking members of the joint appropriations
6 3 subcommittee on the justice system.

6 4 (2) It is the intent of the general assembly that each
6 5 lease negotiated by the department of corrections with a
6 6 private corporation for the purpose of providing private
6 7 industry employment of inmates in a correctional institution
6 8 shall prohibit the private corporation from utilizing inmate
6 9 labor for partisan political purposes for any person seeking
6 10 election to public office in this state and that a violation
6 11 of this requirement shall result in a termination of the lease
6 12 agreement.

6 13 (3) It is the intent of the general assembly that as a
6 14 condition of receiving the appropriation provided in this
6 15 lettered paragraph the department of corrections shall not
6 16 enter into a lease or contractual agreement pursuant to section
6 17 904.809 with a private corporation for the use of building
6 18 space for the purpose of providing inmate employment without
6 19 providing that the terms of the lease or contract establish
6 20 safeguards to restrict, to the greatest extent feasible, access
6 21 by inmates working for the private corporation to personal
6 22 identifying information of citizens.

6 23 b. For educational programs for inmates at state penal
6 24 institutions:

6 25 \$ 1,558,109

6 26 As a condition of receiving the appropriation in this
6 27 lettered paragraph, the department of corrections shall
6 28 transfer at least \$___ from the canteen operating funds
6 29 established pursuant to section 904.310 to be used for
6 30 correctional educational programs funded in this lettered
6 31 paragraph.

6 32 It is the intent of the general assembly that moneys
6 33 appropriated in this lettered paragraph shall be used solely
6 34 for the purpose indicated and that the moneys shall not be
6 35 transferred for any other purpose. In addition, it is the

7 1 intent of the general assembly that the department shall
7 2 consult with the community colleges in the areas in which the
7 3 institutions are located to utilize moneys appropriated in this
7 4 lettered paragraph to fund the high school completion, high
7 5 school equivalency diploma, adult literacy, and adult basic
7 6 education programs in a manner so as to maintain these programs
7 7 at the institutions.

7 8 To maximize the funding for educational programs, the
7 9 department shall establish guidelines and procedures to
7 10 prioritize the availability of educational and vocational
7 11 training for inmates based upon the goal of facilitating an
7 12 inmate's successful release from the correctional institution.

7 13 The director of the department of corrections may transfer
7 14 moneys from Iowa prison industries for use in educational
7 15 programs for inmates.

7 16 Notwithstanding section 8.15, moneys appropriated in this
7 17 lettered paragraph that remain unobligated or unexpended at
7 18 the close of the fiscal year shall not revert but shall remain
7 19 available for expenditure only for the purpose designated in
7 20 this lettered paragraph until the close of the succeeding
7 21 fiscal year.

7 22 c. For the development of the Iowa corrections offender
7 23 network (ICON) data system:

7 24 \$ 424,364

7 25 d. For offender mental health and substance abuse
7 26 treatment:

7 27 \$ 22,319

7 28 e. For viral hepatitis prevention and treatment:

7 29 \$ 167,881

7 30 2. It is the intent of the general assembly that the
7 31 department of corrections shall continue to operate the
7 32 correctional farms under the control of the department at
7 33 the same or greater level of participation and involvement
7 34 as existed as of January 1, 2010; shall not enter into any
7 35 rental agreement or contract concerning any farmland under

8 1 the control of the department that is not subject to a rental
8 2 agreement or contract as of January 1, 2010, without prior
8 3 legislative approval; and shall further attempt to provide
8 4 job opportunities at the farms for inmates. The department
8 5 shall attempt to provide job opportunities at the farms for
8 6 inmates by encouraging labor-intensive farming or gardening
8 7 where appropriate; using inmates to grow produce and meat for
8 8 institutional consumption; researching the possibility of
8 9 instituting food canning and cook-and-chill operations; and
8 10 exploring opportunities for organic farming and gardening,
8 11 livestock ventures, horticulture, and specialized crops.

8 12 3. The department of corrections shall provide a smoking
8 13 cessation program to offenders committed to the custody of the
8 14 director or who are otherwise detained by the department, that
8 15 complies with legislation enacted restricting or prohibiting
8 16 smoking on the grounds of correctional institutions.

8 17 4. As a condition of receiving the appropriations made
8 18 in this section, the department of corrections shall develop
8 19 and implement offender reentry centers in Black Hawk and
8 20 Polk counties to provide transitional planning and release
8 21 primarily for offenders released from the Iowa correctional
8 22 institution for women at Mitchellville and the Fort Dodge
8 23 correctional facility. Programming shall include minority
8 24 and gender-specific responsiveness, employment, substance
8 25 abuse treatment, mental health services, housing, and family
8 26 reintegration. The department of corrections shall collaborate
8 27 with the first and fifth judicial district departments of
8 28 correctional services, the Iowa department of workforce
8 29 development, the department of human services, community-based
8 30 providers and faith-based organizations, and local law
8 31 enforcement.

8 32 5. The chief security officer position within the
8 33 department of corrections shall be eliminated by June 30, 2011.

8 34 6. The department of corrections shall study the use of
8 35 paramedics at correctional institutions, and file a report

9 1 with the chairpersons and ranking members of the joint
9 2 appropriations subcommittee on the justice system and the
9 3 legislative services agency, detailing the study by January 15,
9 4 2011.

9 5 Sec. 5. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL
9 6 SERVICES.

9 7 1. There is appropriated from the general fund of the state
9 8 to the department of corrections for the fiscal year beginning
9 9 July 1, 2010, and ending June 30, 2011, for the treatment and
9 10 supervision of probation and parole violators who have been
9 11 released from the department of corrections violator program,
9 12 the following amounts, or so much thereof as is necessary, to
9 13 be allocated as follows:

9 14 a. For the first judicial district department of
9 15 correctional services:
9 16 \$ 12,453,082

9 17 As a condition of the moneys appropriated in this lettered
9 18 paragraph, the department of corrections shall replace expired
9 19 federal funding by expending at least \$ ___ for the dual
9 20 diagnosis program and maintaining 1.25 FTEs for the program.

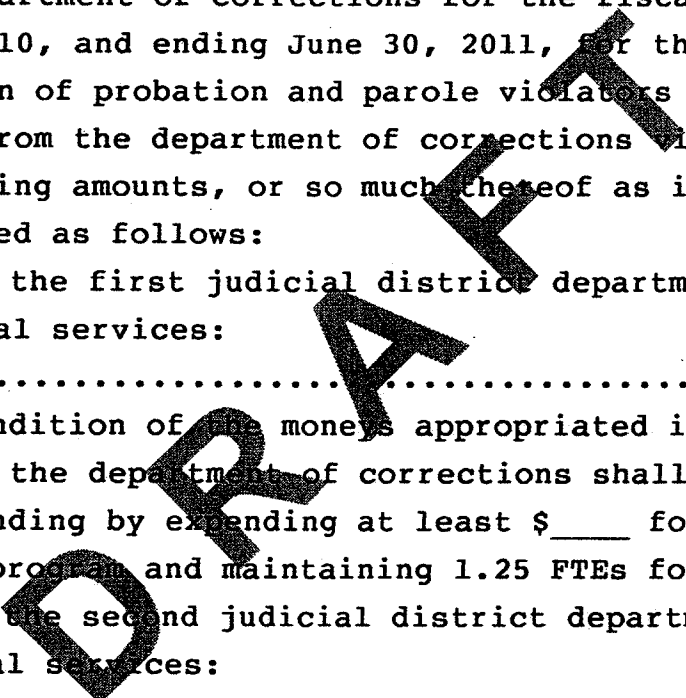
9 21 b. For the second judicial district department of
9 22 correctional services:
9 23 \$ 10,770,616

9 24 c. For the third judicial district department of
9 25 correctional services:
9 26 \$ 5,715,578

9 27 d. For the fourth judicial district department of
9 28 correctional services:
9 29 \$ 5,522,416

9 30 e. For the fifth judicial district department of
9 31 correctional services, including funding for electronic
9 32 monitoring devices for use on a statewide basis:
9 33 \$ 18,938,081

9 34 As a condition of receiving the appropriation in this
9 35 lettered paragraph, the fifth judicial district department of



10 1 correctional services shall reinstate 67 beds in buildings 65
10 2 and 66 at the Fort Des Moines facility and resume operating the
10 3 buildings, in addition to maintaining the 199 beds in buildings
10 4 68 and 70 at the Fort Des Moines facility. The district
10 5 department may use inmate labor to upgrade and renovate the
10 6 buildings, if renovation and updating are required.

10 7 f. For the sixth judicial district department of
10 8 correctional services:

10 9 \$ 13,030,356

10 10 g. For the seventh judicial district department of
10 11 correctional services:

10 12 \$ 6,846,560

10 13 h. For the eighth judicial district department of
10 14 correctional services:

10 15 \$ 6,935,622

10 16 2. Each judicial district department of correctional
10 17 services, within the funding available, shall continue programs
10 18 and plans established within that district to provide for
10 19 intensive supervision, sex offender treatment, diversion of
10 20 low-risk offenders to the least restrictive sanction available,
10 21 job development, and expanded use of intermediate criminal
10 22 sanctions.

10 23 3. Each judicial district department of correctional
10 24 services shall provide alternatives to prison consistent with
10 25 chapter 901B. The alternatives to prison shall ensure public
10 26 safety while providing maximum rehabilitation to the offender.
10 27 A judicial district department of correctional services may
10 28 also establish a day program.

10 29 4. The governor's office of drug control policy shall
10 30 consider federal grants made to the department of corrections
10 31 for the benefit of each of the eight judicial district
10 32 departments of correctional services as local government
10 33 grants, as defined pursuant to federal regulations.

10 34 5. The department of corrections shall continue to contract
10 35 with a judicial district department of correctional services to

11 1 provide for the rental of electronic monitoring equipment which
11 2 shall be available statewide.

11 3 6. A judicial district department of correctional services
11 4 shall accept into the facilities of the district department,
11 5 offenders assigned from other judicial district departments of
11 6 correctional services.

11 7 Sec. 6. DEPARTMENT OF CORRECTIONS — REALLOCATION OF
11 8 APPROPRIATIONS. Notwithstanding section 8.39, within
11 9 the moneys appropriated in this Act to the department of
11 10 corrections, the department may reallocate the moneys
11 11 appropriated and allocated as necessary to best fulfill the
11 12 needs of the correctional institutions, administration of
11 13 the department, and the judicial district departments of
11 14 correctional services. However, in addition to complying with
11 15 the requirements of section 905.16 and 905.8 and providing
11 16 notice to the legislative services agency, the department
11 17 of corrections shall also provide notice to the department
11 18 of management, prior to the effective date of the revision
11 19 or reallocation of an appropriation made pursuant to this
11 20 section. The department shall not reallocate an appropriation
11 21 or allocation for the purpose of eliminating any program.

11 22 Sec. 7. INMATE — REPORTS.

11 23 1. The department in cooperation with townships, the Iowa
11 24 cemetery associations, and other nonprofit or governmental
11 25 entities may use inmate labor during the fiscal year beginning
11 26 July 1, 2010, to restore or preserve rural cemeteries and
11 27 historical landmarks. The department in cooperation with the
11 28 counties may also use inmate labor to clean up roads, major
11 29 water sources, and other water sources around the state.

11 30 2. Each month the department shall provide a status report
11 31 regarding private-sector employment to the legislative services
11 32 agency beginning on July 1, 2010. The report shall include
11 33 the number of offenders employed in the private sector, the
11 34 combined number of hours worked by the offenders, and the
11 35 total amount of allowances, and the distribution of allowances

12 1 pursuant to section 904.702, including any moneys deposited in
12 2 the general fund of the state.

12 3 Sec. 8. ELECTRONIC MONITORING REPORT. The department of
12 4 corrections shall submit a report on electronic monitoring to
12 5 the general assembly, to the co-chairpersons and the ranking
12 6 members of the joint appropriations subcommittee on the justice
12 7 system, and to the legislative services agency by January
12 8 15, 2011. The report shall specifically address the number
12 9 of persons being electronically monitored and break down the
12 10 number of persons being electronically monitored by offense
12 11 committed. The report shall also include a comparison of any
12 12 data from the prior fiscal year with the current year.

12 13 Sec. 9. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.

12 14 1. As used in this section, unless the context otherwise
12 15 requires, "state agency" means the government of the state
12 16 of Iowa, including but not limited to all executive branch
12 17 departments, agencies, boards, bureaus, and commissions, the
12 18 judicial branch, the general assembly and all legislative
12 19 agencies, institutions within the purview of the state board of
12 20 regents, and any corporation whose primary function is to act
12 21 as an instrumentality of the state.

12 22 2. State agencies are hereby encouraged to purchase
12 23 products from Iowa state industries, as defined in section
12 24 904.802, when purchases are required and the products are
12 25 available from Iowa state industries. State agencies shall
12 26 obtain bids from Iowa state industries for purchases of
12 27 office furniture during the fiscal year beginning July 1,
12 28 2010, exceeding \$5,000 or in accordance with applicable
12 29 administrative rules related to purchases for the agency.

12 30 Sec. 10. STATE PUBLIC DEFENDER. There is appropriated from
12 31 the general fund of the state to the office of the state public
12 32 defender of the department of inspections and appeals for the
12 33 fiscal year beginning July 1, 2010, and ending June 30, 2011,
12 34 the following amounts, or so much thereof as is necessary, to
12 35 be allocated as follows for the purposes designated:

13 1 1. For salaries, support, maintenance, miscellaneous
13 2 purposes, and for not more than the following full-time
13 3 equivalent positions:

13 4 \$ 21,743,182
13 5 FTEs 203.00

13 6 2. For the fees of court-appointed attorneys for indigent
13 7 adults and juveniles, in accordance with section 232.141 and
13 8 chapter 815:

13 9 \$ 15,680,929

13 10 Sec. 11. IOWA LAW ENFORCEMENT ACADEMY.

13 11 1. There is appropriated from the general fund of the
13 12 state to the Iowa law enforcement academy for the fiscal year
13 13 beginning July 1, 2010, and ending June 30, 2011, the following
13 14 amount, or so much thereof as is necessary, to be used for the
13 15 purposes designated:

13 16 For salaries, support, maintenance, miscellaneous purposes,
13 17 including jailer training and technical assistance, and for not
13 18 more than the following full-time equivalent positions:

13 19 \$ 1,049,430
13 20 FTEs 30.55

13 21 It is the intent of the general assembly that the Iowa law
13 22 enforcement academy may provide training of state and local
13 23 law enforcement personnel concerning the recognition of and
13 24 response to persons with Alzheimer's disease.

13 25 The Iowa law enforcement academy may temporarily exceed and
13 26 draw more than the amount appropriated and incur a negative
13 27 cash balance as long as there are receivables equal to or
13 28 greater than the negative balance and the amount appropriated
13 29 in this subsection is not exceeded at the close of the fiscal
13 30 year.

13 31 2. The Iowa law enforcement academy may select at least
13 32 five automobiles of the department of public safety, division
13 33 of state patrol, prior to turning over the automobiles to
13 34 the department of administrative services to be disposed
13 35 of by public auction, and the Iowa law enforcement academy

14 1 may exchange any automobile owned by the academy for each
14 2 automobile selected if the selected automobile is used in
14 3 training law enforcement officers at the academy. However, any
14 4 automobile exchanged by the academy shall be substituted for
14 5 the selected vehicle of the department of public safety and
14 6 sold by public auction with the receipts being deposited in the
14 7 depreciation fund to the credit of the department of public
14 8 safety, division of state patrol.

14 9 Sec. 12. BOARD OF PAROLE. There is appropriated from the
14 10 general fund of the state to the board of parole for the fiscal
14 11 year beginning July 1, 2010, and ending June 30, 2011, the
14 12 following amount, or so much thereof as is necessary, to be
14 13 used for the purposes designated:

14 14 For salaries, support, maintenance, miscellaneous purposes,
14 15 and for not more than the following full-time equivalent
14 16 positions:
14 17 \$ 1,045,259
14 18 FTEs 13.50

14 19 Sec. 13. DEPARTMENT OF PUBLIC DEFENSE. There is
14 20 appropriated from the general fund of the state to the
14 21 department of public defense for the fiscal year beginning July
14 22 1, 2010, and ending June 30, 2011, the following amounts, or
14 23 so much thereof as is necessary, to be used for the purposes
14 24 designated:

14 25 1. MILITARY DIVISION

14 26 For salaries, support, maintenance, miscellaneous purposes,
14 27 and for not more than the following full-time equivalent
14 28 positions:

14 29 \$ 6,249,201
14 30 FTEs 324.00

14 31 The military division may temporarily exceed and draw more
14 32 than the amount appropriated and incur a negative cash balance
14 33 as long as there are receivables of federal funds equal to or
14 34 greater than the negative balance and the amount appropriated
14 35 in this subsection is not exceeded at the close of the fiscal

15 1 year.

15 2 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION

15 3 For salaries, support, maintenance, miscellaneous purposes,
15 4 and for not more than the following full-time equivalent
15 5 positions:

15 6	\$ 2,038,119
15 7	FTEs 33.00

15 8 The homeland security and emergency management division may
15 9 temporarily exceed and draw more than the amount appropriated
15 10 and incur a negative cash balance as long as there are
15 11 receivables of federal funds equal to or greater than the
15 12 negative balance and the amount appropriated in this subsection
15 13 is not exceeded at the close of the fiscal year.

15 14 It is the intent of the general assembly that the homeland
15 15 security and emergency management division work in conjunction
15 16 with the department of public safety, to the extent possible,
15 17 when gathering and analyzing information related to potential
15 18 domestic or foreign security threats, and when monitoring such
15 19 threats.

15 20 Sec. 14. DEPARTMENT OF PUBLIC SAFETY. There is appropriated
15 21 from the general fund of the state to the department of public
15 22 safety for the fiscal year beginning July 1, 2010, and ending
15 23 June 30, 2011, the following amounts, or so much thereof as is
15 24 necessary, to be used for the purposes designated:

15 25 1. For the department's administrative functions, including
15 26 the criminal justice information system, and for not more than
15 27 the following full-time equivalent positions:

15 28	\$ 4,134,461
15 29	FTEs 36.00

15 30 2. For the division of criminal investigation, including
15 31 the state's contribution to the peace officers' retirement,
15 32 accident, and disability system provided in chapter 97A in the
15 33 amount of the state's normal contribution rate, as defined in
15 34 section 97A.8, multiplied by the salaries for which the funds
15 35 are appropriated, to meet federal fund matching requirements,

16 1 and for not more than the following full-time equivalent
16 2 positions:

16 3 \$ 12,861,710
16 4 FTEs 277.10

16 5 If any of the Indian tribes fail to pay for 1.00 FTE pursuant
16 6 to the agreements or compacts entered into between the state
16 7 and the Indian tribes pursuant to section 10A.104, subsection
16 8 10, the number of full-time equivalent positions authorized
16 9 under this subsection is reduced by 1.00 FTE.

16 10 The department shall employ one additional special agent and
16 11 one additional criminalist for the purpose of investigating
16 12 cold cases. Prior to employing the additional special agent
16 13 and criminalist authorized in this paragraph, the department
16 14 shall provide a written statement to prospective employees that
16 15 states to the effect that the positions are being funded by a
16 16 temporary federal grant and there are no assurances that funds
16 17 from other sources will be available after the federal funding
16 18 expires. If the federal funding for the additional positions
16 19 expires during the fiscal year, the number of full-time
16 20 equivalent positions authorized in this subsection is reduced
16 21 by 2.00 FTEs.

16 22 The department of public safety, with the approval of the
16 23 department of management, may employ no more than two special
16 24 agents and four gaming enforcement officers for each additional
16 25 riverboat or gambling structure regulated after July 1, 2010,
16 26 and one special agent for each racing facility which becomes
16 27 operational during the fiscal year which begins July 1, 2010.
16 28 One additional gaming enforcement officer, up to a total of
16 29 four per riverboat or gambling structure, may be employed
16 30 for each riverboat or gambling structure that has extended
16 31 operations to 24 hours and has not previously operated with a
16 32 24-hour schedule. Positions authorized in this paragraph are
16 33 in addition to the full-time equivalent positions otherwise
16 34 authorized in this subsection.

16 35 3. For the criminalistics laboratory fund created in

17 1 section 691.9:

17 2 \$ 302,345

17 3 4. a. For the division of narcotics enforcement, including
17 4 the state's contribution to the peace officers' retirement,
17 5 accident, and disability system provided in chapter 97A in the
17 6 amount of the state's normal contribution rate, as defined in
17 7 section 97A.8, multiplied by the salaries for which the funds
17 8 are appropriated, to meet federal fund matching requirements,
17 9 and for not more than the following full-time equivalent
17 10 positions:

17 11 \$ 6,507,048

17 12 FTEs 75.00

17 13 b. For the division of narcotics enforcement for undercover
17 14 purchases:

17 15 \$ 109,042

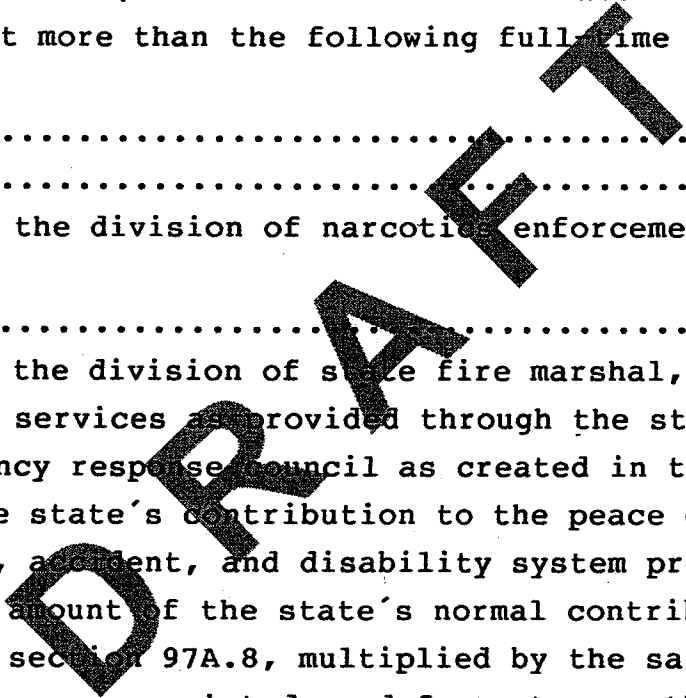
17 16 5. For the division of state fire marshal, for fire
17 17 protection services as provided through the state fire service
17 18 and emergency response council as created in the department,
17 19 and for the state's contribution to the peace officers'
17 20 retirement, accident, and disability system provided in chapter
17 21 97A in the amount of the state's normal contribution rate, as
17 22 defined in section 97A.8, multiplied by the salaries for which
17 23 the funds are appropriated, and for not more than the following
17 24 full-time equivalent positions:

17 25 \$ 4,343,896

17 26 FTEs 57.00

17 27 6. For the division of state patrol, for salaries, support,
17 28 maintenance, workers' compensation costs, and miscellaneous
17 29 purposes, including the state's contribution to the peace
17 30 officers' retirement, accident, and disability system provided
17 31 in chapter 97A in the amount of the state's normal contribution
17 32 rate, as defined in section 97A.8, multiplied by the salaries
17 33 for which the funds are appropriated, and for not more than the
17 34 following full-time equivalent positions:

17 35 \$ 48,984,147



18 1 FTEs 503.00

18 2 It is the intent of the general assembly that members of the
18 3 state patrol be assigned to patrol the highways and roads in
18 4 lieu of assignments for inspecting school buses for the school
18 5 districts.

18 6 7. For deposit in the sick leave benefits fund established
18 7 under section 80.42 for all departmental employees eligible to
18 8 receive benefits for accrued sick leave under the collective
18 9 bargaining agreement:

18 10 \$ 279,517

18 11 8. For costs associated with the training and equipment
18 12 needs of volunteer fire fighters:

18 13 \$ 612,255

18 14 Notwithstanding section 8.33, moneys appropriated in this
18 15 subsection that remain unencumbered or unobligated at the
18 16 close of the fiscal year shall not revert but shall remain
18 17 available for expenditure only for the purpose designated in
18 18 this subsection until the close of the succeeding fiscal year.

18 19 Notwithstanding section 8.39, within the moneys appropriated
18 20 in this section the department of public safety may reallocate
18 21 moneys as necessary to best fulfill the needs provided for
18 22 in the appropriation. However, the department shall not
18 23 reallocate an appropriation made to the department in this
18 24 section unless notice of the reallocation is given to the
18 25 legislative services agency and the department of management
18 26 prior to the effective date of the reallocation. The notice
18 27 shall include information about the rationale for reallocating
18 28 the appropriation. The department shall not reallocate
18 29 an appropriation made in this section for the purpose of
18 30 eliminating any program.

18 31 Sec. 15. CIVIL RIGHTS COMMISSION. There is appropriated
18 32 from the general fund of the state to the Iowa state civil
18 33 rights commission for the fiscal year beginning July 1,
18 34 2010, and ending June 30, 2011, the following amount, or so
18 35 much thereof as is necessary, to be used for the purposes

19 1 designated:

19 2 For salaries, support, maintenance, miscellaneous purposes,
19 3 and for not more than the following full-time equivalent
19 4 positions:

19 5	\$ 1,379,861
19 6	FTEs 29.50

19 7 The Iowa state civil rights commission may enter into
19 8 a contract with a nonprofit organization to provide legal
19 9 assistance to resolve civil rights complaints.

19 10 Sec. 16. IOWA COMMUNICATIONS NETWORK. It is the intent
19 11 of the general assembly that the executive branch agencies
19 12 receiving an appropriation in this Act utilize the Iowa
19 13 communications network or other electronic communications
19 14 in lieu of traveling for the fiscal year addressed by the
19 15 appropriations.

19 16 Sec. 17. HOMELAND SECURITY AND EMERGENCY MANAGEMENT
19 17 DIVISION. There is appropriated from the wireless E911
19 18 emergency communications fund created in section 34A.7A to the
19 19 administrator of the homeland security and emergency management
19 20 division of the department of public defense for the fiscal
19 21 year beginning July 1, 2010, and ending June 30, 2011, an
19 22 amount not exceeding \$_____ to be used for implementation,
19 23 support, and maintenance of the functions of the administrator
19 24 and program manager under chapter 34A and to employ the auditor
19 25 of the state to perform an annual audit of the wireless E911
19 26 emergency communications fund.

19 27 Sec. 18. IOWA LAW ENFORCEMENT ACADEMY — FEES.
19 28 Notwithstanding section 80B.11B, the Iowa law enforcement
19 29 academy may charge more than one-half the cost of providing the
19 30 basic training course if a majority of the Iowa law enforcement
19 31 academy council authorizes charging more than one-half of the
19 32 cost of providing basic training. This section is repealed on
19 33 June 30, 2011.

19 34 Sec. 19. INTERIM REPORTING — IMPLEMENTATION. The board
19 35 of parole shall develop and implement the certificate of



passed short form

LSB 5092JA

STRIKES AUDITOR REPORT
OF AG'S OFFICE BUDGET

1 Amend LSB 5092JA as follows:

2 1. Page 2, by striking lines 22 through 29.

3 2. Page 2, line 31, by striking <general fund
4 of the state> and inserting <department of commerce
5 revolving fund created in section 546.12>

OFFICE OF CONSUMER
ADVOCATE FUNDED FROM
COMMERCE REVOLVING FUND

6 3. Page 3, by striking line 32 and inserting
7 <federal funding by expending at least \$238,252 for
8 continuation>

ANAMOSA - maintains
current law for
treatment programs

9 4. Page 3, by striking line 35 and inserting
10 <maintaining at least 4.75 FTEs for the program.>

11 5. Page 5, by striking line 31 and inserting
12 <\$100,000 during the fiscal year beginning July 1,
13 2010, for the>

\$100,000 FLOOR ON
CONTRACTS - MAINTAINS
CURRENT LAW

14 6. Page 6, by striking line 28 and inserting
15 <transfer at least \$300,000 from the canteen operating
16 funds>

\$300,000 FROM CANTEN
FUNDS FOR PRISON EP -
MAINTAINS CURRENT LAW

17 7. Page 7, line 33, by striking <2010> and
18 inserting <2011>

MAINTAIN PAKM OPERATIONS
AS OF JANUARY 1, 2011

19 8. Page 8, line 18, by striking <centers> and
20 inserting <programs>

TECHNICAL - FOR OFFENDER
REENTRY PROGRAMS

21 9. Page 8, line 32, by striking <June 30, 2011> and
22 inserting <the effective date of this section>

ELIMINATES CHIEF
OF SECURITY POSITION

23 10. By striking page 8, line 33, through page 9,
24 line 3.

STRIKES PARAMEDICS
REPORT

25 11. Page 9, by striking line 18 and inserting
26 <federal funding by expending at least \$140,000 for
27 dual>

FIRST CBC - 9/40,000 FOR
the DUAL DIAGNOSES -
MAINTAINS CURRENT LAW

28 12. Page 19, after line 8 by inserting:

29 <Sec. _____. Section 8A.302, subsection 1, Code 2009,
30 is amended to read as follows:

PRISON INDUSTRIES

31 1. Providing a system of uniform standards and
32 specifications for purchasing. When the system is
33 developed, all items of general use shall be purchased
34 by state agencies through the department, except items
35 used by the state department of transportation, board
36 of regents and institutions under the control of the
37 state board of regents. However, the department
38 may authorize the department of transportation, the
39 department for the blind, and any other agencies
40 otherwise exempted by law from centralized purchasing,
41 to directly purchase items provided for under section
42 904.808 or used by those agencies without going through
43 the department, if the department of administrative
44 services determines such purchasing is in the best
45 interests of the state. However, items of general
46 use may be purchased through the department by any
47 governmental entity.

WAIVER LANGUAGE
FOR
CENTRALIZED
PURCHASING

48 Sec. _____. Section 99D.14, subsection 2, Code 2009,
49 is amended to read as follows:

50 2. a. A licensee shall pay a regulatory fee to be

DCI

1 charged as provided in this section. In determining
2 the regulatory fee to be charged as provided under
3 this section, the commission shall use the amount
4 appropriated to the commission plus the cost of
5 salaries for no more than two special agents for
6 each racetrack that has not been issued a table games
7 license under chapter 99F or no more than three special
8 agents for each racetrack that has been issued a table
9 games license under chapter 99F, plus any direct and
10 indirect support costs for the agents, for the division
11 of criminal investigation's racetrack activities, as
12 the basis for determining the amount of revenue to be
13 raised from the regulatory fee.

14 b. Notwithstanding sections 8.60 and 99D.17,
15 the portion of the fee paid pursuant to paragraph
16 "a" relating to the costs of special agents plus any
17 direct and indirect support costs for the agents, for
18 the division of criminal investigation's racetrack
19 activities, shall not be deposited in the general fund
20 of the state but instead are appropriated to supplement
21 appropriations made to the department of public safety
22 to be used for such activities by the division of
23 criminal investigation.

24 Sec. _____. Section 99F.10, subsection 4, Code 2009,
25 is amended to read as follows:

26 4. a. In determining the license fees and state
27 regulatory fees to be charged as provided under section
28 99F.4 and this section, the commission shall use as
29 the basis for determining the amount of revenue to be
30 raised from the license fees and regulatory fees the
31 amount appropriated to the commission plus the cost of
32 salaries for no more than two special agents for each
33 excursion gambling boat or gambling structure and no
34 more than four gaming enforcement officers for each
35 excursion gambling boat or gambling structure with a
36 patron capacity of less than two thousand persons or
37 no more than five gaming enforcement officers for each
38 excursion gambling boat or gambling structure with
39 a patron capacity of at least two thousand persons,
40 plus any direct and indirect support costs for the
41 agents and officers, for the division of criminal
42 investigation's excursion gambling boat or gambling
43 structure activities.

44 b. Notwithstanding sections 8.60 and 99F.4,
45 the portion of the fee paid pursuant to paragraph
46 "a" relating to the costs of special agents and
47 officers plus any direct and indirect support costs for
48 the agents and officers, for the division of criminal
49 investigation's excursion gambling boat or gambling
50 structure activities, shall not be deposited in the

DCF

1 general fund of the state but instead are appropriated
2 to supplement appropriations made to the department of
3 public safety to be used for such activities by the
4 division of criminal investigation.

DCT

5 Sec. ____ . Section 904.315, subsection 2, Code
6 Supplement 2009, is amended to read as follows:

INCREASES INMATE
LABOR CAP ON
MAINTENANCE
PROJECTS

7 2. A contract is not required for improvements at
8 a state institution where the labor of inmates is to
9 be used if the contract is not for a construction,
10 reconstruction, demolition, or repair project or
11 improvement with an estimated cost in excess of
12 fifty one hundred thousand dollars.

13 Sec. ____ . Section 904A.4B, Code 2009, is amended to
14 read as follows:

15 904A.4B Executive director of the board of parole —
16 duties.

PROVIDES
FLEXIBILITY
TO BOARD
OF PAROLE

17 1. The chief administrative officer of the board
18 of parole shall be the executive director, except as
19 provided in subsection 2. The executive director
20 shall be appointed by the chairperson, subject to the
21 approval of the board and shall serve at the pleasure
22 of the board. The executive director shall do all of
23 the following:

24 1. a. Advise the board on matters relating to
25 parole, work release, and executive clemency, and
26 advise the board on matters involving automation and
27 word processing.

28 2. b. Carry out all directives of the board.

29 3. c. Hire and supervise all of the board's staff
30 pursuant to the provisions of chapter 8A, subchapter
31 IV.

32 4. d. Act as the board's liaison with the general
33 assembly.

34 5. e. Prepare a budget for the board, subject
35 to the approval of the board, and prepare all other
36 reports required by law.

37 6. f. Develop long-range parole and work release
38 planning, in cooperation with the department of
39 corrections.

40 2. If an executive director is not appointed
41 as provided in subsection 1, the chairperson shall
42 serve as acting executive director and perform the
43 administrative duties under subsection 1.>

44 13. Page 19, line 12, after <or> by inserting SECURE ELECTRONIC
45 <secure> COMMUNICATIONS

46 14. Page 19, by striking line 21 and inserting \$200,000 FOR HSEMO
47 <amount not exceeding \$200,000 to be used for MAINTAINING CURRENT
48 implementation,> LAW

49 15. By striking page 19, line 33, through page 20, STRIKES PAROLE
50 line 3. BOARD REPORT ON

CERTIFICATE
3/4 OF EMPLOYABILITY

1 16. Page 20, after line 9 by inserting: EFFECTIVE DATE
2 <Sec. _____. EFFECTIVE UPON ENACTMENT. The provision ON ELIMINATING
3 this Act eliminating the chief security officer CHIEF OF SECURITY
4 position within the department of corrections, being POSITION
5 deemed of immediate importance, takes effect upon
6 enactment.>
7 17. By renumbering as necessary.

PROPOSED COMMITTEE AMENDMENT

LSB 5092JA

- 1 Amend LSB 5092JA as follows:
2 1. Page 1, by striking line 35 and inserting:
3 <..... \$ 1,930,671>
4 2. Page 3, by striking line 26 and inserting:
5 <..... \$ 30,416,461
6 As a condition of receiving the appropriation in
7 this lettered paragraph, the department of corrections
8 shall employ two part-time registered nurses at the
9 Luster Heights facility.>
10 3. Page 5, by striking line 24 and inserting:
11 <..... \$ 4,254,068>

ZIRKELBACH of Jones

*passed
short form
Zam - mo
Noble - No*

LSB 5092JA

- 1 Amend LSB 5092JA as follows:
- 2 1. Page 9, after line 4 by inserting:
- 3 <7. The department shall place inmates at the
- 4 Luster Heights facility who have been approved by
- 5 the board of parole for work release but who have
- 6 been waiting for a bed to become available at a
- 7 community-based correctional facility, unless the
- 8 placement would dislodge an inmate receiving substance
- 9 abuse treatment.>

ZIRKELBACH of Jones

*Work on in
full Approval
passed*

LSB 5092JA

- 1 Amend LSB 5092JA as follows:
- 2 1. Page 9, after line 4 by inserting:
- 3 <7. The department of corrections shall seek
- 4 volunteer medical personnel to serve at correctional
- 5 facilities throughout the state under the direction of
- 6 the department.>

ZIRKELBACH of Jones

Passed

LSB 5092JA

1 Amend LSB 5092JA as follows:
2 1. Page 19, after line 8 by inserting:
3 <Sec. ____ . Section 809A.17, Code 2009, is amended
4 by adding the following new subsection:
5 NEW SUBSECTION. 6. If the forfeited property is
6 cash or proceeds from the sale of real property the
7 distribution of the forfeited property shall be as
8 follows:
9 a. The department of justice shall not retain more
10 than ten percent of the gross sale of any forfeited
11 real property. The balance of the proceeds shall be
12 distributed to the seizing agency for use by the agency
13 or for division among law enforcement agencies and
14 county attorneys pursuant to any agreement entered into
15 by the seizing agency.
16 b. The department of justice shall not retain more
17 than ten percent of any forfeited cash. The balance
18 shall be distributed to the seizing agency for use
19 by the agency or for division among law enforcement
20 agencies and county attorneys pursuant to any agreement
21 entered into by the seizing agency.
22 c. In the event of a cash forfeiture in excess
23 of four hundred thousand dollars the distribution of
24 forfeited cash shall be as follows:
25 (1) Forty-five percent shall be retained by the
26 seizing agency.
27 (2) Forty-five percent shall be distributed to
28 other law enforcement agencies within the region of the
29 seizing agency.
30 (3) Ten percent shall be retained by the department
31 of justice.>

PROPOSED COMMITTEE AMENDMENT

passed

S Y LL
N III

H Y (1111) failed
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LSB 5092JA

1 Amend LSB 5092JA as follows:
2 1. Page 20, after line 9 by inserting:
3 <Sec. _____. NEW SECTION. 99D.7A Gaming enforcement
4 — revolving fund.

5 A gaming enforcement revolving fund is created in
6 the state treasury under the control of the racing
7 and gaming commission. The fund shall consist of
8 fees collected and deposited into the fund paid by
9 licensees pursuant to section 99D.14, subsection 2,
10 paragraph "b", and fees paid by licensees pursuant
11 to section 99F.10, subsection 4, paragraph "b". All
12 costs for agents and officers plus any direct and
13 indirect support costs for such agents and officers of
14 the division of criminal investigation's racetrack,
15 excursion boat, or gambling structure activities shall
16 be paid from the fund as provided in appropriations
17 made for this purpose by the general assembly.

18 Sec. _____. Section 99D.14, subsection 2, Code 2009,
19 is amended to read as follows:

20 2. a. A licensee shall pay a regulatory fee to be
21 charged as provided in this section. In determining
22 the regulatory fee to be charged as provided under
23 this section, the commission shall use the amount
24 appropriated to the commission plus the cost of
25 salaries for no more than two special agents for
26 each racetrack that has not been issued a table games
27 license under chapter 99F or no more than three special
28 agents for each racetrack that has been issued a table
29 games license under chapter 99F, plus any direct and
30 indirect support costs for the agents, for the division
31 of criminal investigation's racetrack activities, as
32 the basis for determining the amount of revenue to be
33 raised from the regulatory fee.

34 b. Notwithstanding sections 8.60 and 99D.17,
35 the portion of the fee paid pursuant to paragraph
36 "a" relating to the costs of special agents plus any
37 direct and indirect support costs for the agents, for
38 the division of criminal investigation's racetrack
39 activities, shall not be deposited in the general
40 fund of the state but instead shall be deposited into
41 the gaming enforcement revolving fund established in
42 section 99D.7A.

43 Sec. _____. Section 99F.10, subsection 4, Code 2009,
44 is amended to read as follows:

45 4. a. In determining the license fees and state
46 regulatory fees to be charged as provided under section
47 99F.4 and this section, the commission shall use as
48 the basis for determining the amount of revenue to be
49 raised from the license fees and regulatory fees the
50 amount appropriated to the commission plus the cost of

1 salaries for no more than two special agents for each
2 excursion gambling boat or gambling structure and no
3 more than four gaming enforcement officers for each
4 excursion gambling boat or gambling structure with a
5 patron capacity of less than two thousand persons or
6 no more than five gaming enforcement officers for each
7 excursion gambling boat or gambling structure with
8 a patron capacity of at least two thousand persons,
9 plus any direct and indirect support costs for the
10 agents and officers, for the division of criminal
11 investigation's excursion gambling boat or gambling
12 structure activities.

13 b. Notwithstanding sections 8.60 and 99F.4,
14 the portion of the fee paid pursuant to paragraph
15 "a" relating to the costs of special agents and
16 officers plus any direct and indirect support costs
17 for the agents and officers, for the division of
18 criminal investigation's excursion gambling boat or
19 gambling structure activities, shall not be deposited
20 in the general fund of the state but instead shall be
21 deposited into the gaming enforcement revolving fund
22 established in section 99D.7A.>

PROPOSED COMMITTEE AMENDMENT