

FUNDING SUMMARY

- **GENERAL FUND:** Appropriates a total of \$506.1 million from the General Fund and 5,822.9 FTE positions to the Departments of Justice, Corrections, Inspections and Appeals, Public Defense, and Public Safety, the Iowa Law Enforcement Academy, Board of Parole, and the Civil Rights Commission. This is an increase of \$14.6 million and 691.2 FTE positions compared to estimated net FY 2011. The Department of Corrections (DOC) FY 2012 budget includes 3,970.8 FTE positions that are not limited in this Act. This is an increase of 679.2 FTE positions compared to estimated net FY 2011. NOTE: The FTE positions for the DOC are understated in the budget system for FY 2011. Page 1, Line 1

OTHER FUNDS: Appropriates a total of \$13.0 million from other funds in FY 2012. The appropriations include:

- \$3.1 million from the Department of Commerce Revolving Fund to the Office of the Consumer Advocate. This is a decrease of \$200,000 compared to estimated net FY 2011.
- \$9.8 million from the Gaming Enforcement Revolving Fund to the Division of Criminal Investigation (DCI) of the Department of Public Safety. Maintains the current level of funding compared to current law.
- **Biennial Budgeting – FY 2013:** Division II appropriates General Fund, other funds, and FTE positions for FY 2013 for the Justice System budget and includes necessary corresponding language. These appropriations are equal to 50.0% of the appropriations for FY 2012. Page 22, Line 10

MAJOR INCREASES, DECREASES, OR TRANSFERS OF EXISTING PROGRAMS

- **Department of Justice:** General Fund decrease of \$300,000 compared to the estimated net FY 2011 due to:
 - \$184,000 decrease for Victim Assistance Grants. Requires at least \$150,000 be transferred from the Victim Compensation Fund to Victim Assistance Grants.
 - \$116,000 decrease for Legal Services Poverty Grants.Page 1, Line 4
- **Department of Corrections (DOC):** An increase of \$11.8 million, including:
 - \$3.4 million to replace one-time funds from the Public Safety Enforcement Fund.
 - \$5.0 million to fund existing, filled positions.
 - \$976,000 to replace Telephone Rebate Fund allocations for Corrections Education, and constitutionally mandated religious counseling and legal representation.
 - \$2.1 million to fund 40 correctional officers; three at the Director's discretion, 20 at the Anamosa State Penitentiary, and 17 at the Clarinda Correctional Facility.Page 3, Line 3

- \$335,500 to replace expired federal funds to maintain Drug Courts in the First and Eighth Community-Based Corrections (CBC) District Departments.

- Department of Public Safety: General Fund increase of \$3.5 million compared to estimated net FY 2011 due to:
 - \$3.4 million increase for the Iowa State Patrol which includes the conversion of \$3.1 million in one-time National Highway Traffic Safety Administration (NHTSA) funding and 45.0 FTE positions from the General Fund and \$300,000 to replace the one-time appropriation from the Public Safety Enforcement Fund with General Fund money.
 - \$113,000 increase for Firefighter Training to replace the one-time Public Safety Enforcement Fund money with General Fund money.

- Permits funding annual pay adjustments and related benefits for racetrack, excursion boat, or gambling enforcement activities for agents and officers of the DCI from the Gaming Enforcement Revolving Fund.

STUDIES AND INTENT LANGUAGE

- Requires Victim Assistance funds to be awarded as grants to providers of services for victims of domestic abuse, rape, and sexual assault. Page 1, Line 25

- Requires the Department of Justice to transfer at least \$150,000 from the Victim Compensation Fund to the Victim Assistance Grants Program in FY 2012. Page 1, Line 33

- Requires the Department of Justice, in submitting FY 2013 budget estimates, to submit a report to the Department of Management (DOM) that specifies the amount of funding from all non-General Fund sources. The report is to include actual reimbursements from other fund accounts for FY 2011, and estimated amounts for FY 2012 and FY 2013. Page 2, Line 4

- Requires the DOC to solicit requests for information to improve pharmacy efficiencies. Page 7, Line 28

- Requires each CBC District Department, within available funding, to continue programs and plans within each District Department for intensive supervision, sex offender treatment, diversion of low-risk offenders to the least restrictive sanction available, job development, and expanded use of intermediate sanctions. Page 8, Line 28

- Requires each CBC District Department to provide alternatives to prison consistent with Code Chapter 901B. Page 8, Line 35

EXECUTIVE SUMMARY
JUSTICE SYSTEM APPROPRIATIONS ACT

SENATE FILE 510

- Permits the DOC to reallocate appropriations between the correctional institutions, the Central Office, and the CBC District Departments. Requires the DOC to provide notice to the Department of Management (DOM) and the Legislative Services Agency (LSA) before reallocating the funds. Page 9, Line 20
- Requires the DOC to submit a report regarding electronic monitoring to the General Assembly, the Chairpersons and Ranking Members of the Justice System Appropriations Subcommittee, and the LSA by January 15, 2012. Page 10, Line 18
- Permits the Iowa Law Enforcement Academy (ILEA) to temporarily exceed the amount appropriated and incur a negative cash balance for cash flow purposes, as long as equal receivables are anticipated at the close of the fiscal year. Page 11, Line 25
- Permits the ILEA to annually exchange five vehicles returned to the State Fleet Administrator by the Department of Public Safety (DPS). Page 11, Line 31
- Permits the Military Division of the Department of Public Defense to temporarily exceed the amount appropriated and incur a negative cash balance for cash flow purposes. Page 13, Line 11
- Permits the Homeland Security and Emergency Management Division to temporarily exceed the amount appropriated and incur a negative cash balance for cash flow purposes. Page 13, Line 23
- Requires the Homeland Security and Emergency Management Division to work in conjunction with the Department of Public Safety on the Fusion Program. Page 13, Line 30
- Authorizes no more than \$200,000 from the Wireless 911 Emergency Communications Fund for FY 2012 to be used for administration of the Fund and to employ the State Auditor to perform an annual audit on the Fund. Page 19, Line 35
- Requests the Legislative Council establish an interim study committee to review the treatment and placement of geriatric and psychiatric patients under the custody and control of the DOC, or in the psychiatric hospital at the Oakdale Correctional Facility. Page 20, Line 11
- Requires the DOC, Department of Human Services (DHS), Department of Inspections and Appeals (DIA), Department of Public Health (DPH), and the Board of Parole to jointly study the development and establishment of treatment options for geriatric and psychiatric patients. Requires the DOC to issue a report by November 15, 2011. Page 20, Line 33

SIGNIFICANT CODE CHANGES

- Extends a requirement that a notice of the availability of mortgage foreclosure counseling and mediation services be provided to individuals facing foreclosure proceedings prior to July 1, 2012. This Section is effective on enactment and retroactive to June 30, 2011. Page 18, Line 8
- Adds bath salts, salvia divinorum, and K2 to the list of Schedule I controlled substances. The penalty for manufacturing, delivery, or possession with intent to manufacture or deliver is an aggravated misdemeanor. Possession under Code Section 124.401(5) is a serious misdemeanor. The changes related to K2 are effective on enactment. The changes related to salvia divinorum and bath salts take effect 30 days after enactment. Page 18, Line 11

EFFECTIVE AND ENACTMENT DATES

- *Governor's Vetoes*
 - The Governor vetoed a provision that prohibits the DOC from entering into new contracts in excess of \$100,000 for privatized services during FY 2012 and FY 2013, without prior notification of the Chairpersons and Ranking Members of the Justice System Appropriations Subcommittee, and without any prior consultation with any affected employee organization. The DOC is allowed to renew existing contracts without notification. The Governor stated that this language prevents the DOC from obtaining services in an effective and efficient manner, and the notification requirement impedes the DOC's management authority. Page 5, Line 8
 - The Governor vetoed a requirement that the DOC transfer at least \$300,000 from canteen funds of the Institutions to the Corrections Education Program for FY 2012 and FY 2013. The Governor stated dollar balances in the canteen funds are insufficient to meet the \$300,000 transfer requirement, and encouraged the DOC to continue to use available canteen funds for education. Page 6, Line 9
 - The Governor vetoed a requirement that each CBC District Department accept the transfer of offenders into residential facilities between CBC District Departments for FY 2012 and FY 2013. The Governor stated his veto assures that each CBC facility will maintain control of the types and numbers of offenders they serve in their facilities. Page 9, Line 16
- This Act was approved by the General Assembly on June 27, 2011, and item vetoed and signed by the Governor on July 29, 2011. Page 39, Line 29

This Act is effective on enactment and retroactive to July 1, 2011.

Senate File 510 provides for the following changes to the Code of Iowa.

Page #	Line #	Bill Section	Action	Code Section	Description
14	19	17	Amend	654.4B.2.b	
14	22	18	Add	124.404.4.ai	
15	4	19	Amend	124.401.1.c.(8)	
15	9	20	Amend	124.401.1.d	

1 1 DIVISION I
 1 2 FY 2011-2012

1 3 Section 1. DEPARTMENT OF JUSTICE.
 1 4 1. There is appropriated from the general fund of the state
 1 5 to the department of justice for the fiscal year beginning July
 1 6 1, 2011, and ending June 30, 2012, the following amounts, or
 1 7 so much thereof as is necessary, to be used for the purposes
 1 8 designated:

1 9 a. For the general office of attorney general for salaries,
 1 10 support, maintenance, and miscellaneous purposes, including
 1 11 the prosecuting attorneys training program, matching funds
 1 12 for federal violence against women grant programs, victim
 1 13 assistance grants, office of drug control policy prosecuting
 1 14 attorney program, and odometer fraud enforcement, and for not
 1 15 more than the following full-time equivalent positions:

1 16	\$	7,792,930
1 17	FTEs	212.00

General Fund appropriation to the Department of Justice for the Office of the Attorney General, Prosecuting Attorney Training Program, Violence Against Women Act Grant, Victim Assistance Grants, Office of Drug Control Policy, Office of Drug Control Policy Prosecuting Attorney Training Program, and Odometer Fraud Enforcement.

DETAIL: This is no change compared to the estimated net FY 2011 General Fund appropriation. The \$150,000 one-time allocation from the Public Safety Enforcement Fund (PSEF) was not replaced. This is a decrease of 2.00 FTE positions compared to the estimated net FY 2011 to transfer the positions to the Victim Compensation Fund as a budget correction.

NOTE: Section 21 of this Act permits the Office of the Attorney General to continue to spend up to \$2,000,000 from the Consumer Education and Litigation Fund for FY 2012 and FY 2013.

1 18 It is the intent of the general assembly that as a condition
 1 19 of receiving the appropriation provided in this lettered
 1 20 paragraph, the department of justice shall maintain a record
 1 21 of the estimated time incurred representing each agency or
 1 22 department.

Specifies that it is the intent of the General Assembly that the Department of Justice maintain a record of the estimated time incurred to represent each agency or department.

1 23 b. For victim assistance grants:
 1 24 \$ 2,876,400

General Fund appropriation to the Department of Justice for the Victim Assistance Grants Program.

DETAIL: This is a general decrease of \$183,600 compared to estimated net FY 2011.

1 25 The funds appropriated in this lettered paragraph shall be
 1 26 used to provide grants to care providers providing services to
 1 27 crime victims of domestic abuse or to crime victims of rape and
 1 28 sexual assault.

Requires Victim Assistance funds to be awarded as grants to providers of services for victims of domestic abuse, rape, and sexual assault.

1 29 The balance of the victim compensation fund established in
 1 30 section 915.94 may be used to provide salary and support of not
 1 31 more than 24 FTEs and to provide maintenance for the victim
 1 32 compensation functions of the department of justice.

Permits 24.00 FTE positions to be funded from the Victim Compensation Fund to administer the victim compensation functions of the Department of Justice.

DETAIL: This is an increase of 2.00 FTE positions compared to estimated net FY 2011 to transfer 2.00 FTE positions from the Office of the Attorney General. Currently, there are two staff funded from the Victim Compensation Fund that are attached to the Office of the Attorney General.

1 33 The department of justice shall transfer at least \$150,000
1 34 from the victim compensation fund established in section 915.94
1 35 to the victim assistance grant program.

Requires the Department of Justice to transfer at least \$150,000 from the Victim Compensation Fund to the Victim Assistance Grants Program in FY 2012.

2 1 c. For legal services for persons in poverty grants as
2 2 provided in section 13.34:
2 3 \$ 1,814,831

General Fund appropriation to the Department of Justice for the Legal Services Poverty Grants Program.

DETAIL: This is a general decrease of \$115,840 compared to estimated net FY 2011.

2 4 2. a. The department of justice, in submitting budget
2 5 estimates for the fiscal year commencing July 1, 2012, pursuant
2 6 to section 8.23, shall include a report of funding from sources
2 7 other than amounts appropriated directly from the general fund
2 8 of the state to the department of justice or to the office of
2 9 consumer advocate. These funding sources shall include but
2 10 are not limited to reimbursements from other state agencies,
2 11 commissions, boards, or similar entities, and reimbursements
2 12 from special funds or internal accounts within the department
2 13 of justice. The department of justice shall also report actual
2 14 reimbursements for the fiscal year commencing July 1, 2010,
2 15 and actual and expected reimbursements for the fiscal year
2 16 commencing July 1, 2011.

Requires the Department of Justice, in submitting FY 2013 budget estimates, to submit a report to the Department of Management (DOM) that specifies the amount of funding from all non-General Fund sources. The report must include actual reimbursements from other fund accounts for FY 2011, and estimated amounts for FY 2012 and FY 2013.

2 17 b. The department of justice shall include the report
2 18 required under paragraph "a", as well as information regarding
2 19 any revisions occurring as a result of reimbursements actually
2 20 received or expected at a later date, in a report to the
2 21 co-chairpersons and ranking members of the joint appropriations
2 22 subcommittee on the justice system and the legislative services
2 23 agency. The department of justice shall submit the report on
2 24 or before January 15, 2012.

Requires the Department of Justice to submit a report that specifies the amount of funding from all non-General Fund sources and any revisions that occur as a result of actual reimbursements. The report is to be submitted to the Chairpersons and Ranking Members of the Justice System Appropriations Subcommittee and the Legislative Services Agency (LSA) by January 15, 2012.

2 25 Sec. 2. OFFICE OF CONSUMER ADVOCATE. There is appropriated
2 26 from the department of commerce revolving fund created in
2 27 section 546.12 to the office of consumer advocate of the
2 28 department of justice for the fiscal year beginning July 1,
2 29 2011, and ending June 30, 2012, the following amount, or so
2 30 much thereof as is necessary, to be used for the purposes
2 31 designated:

2 32 For salaries, support, maintenance, miscellaneous purposes,
2 33 and for not more than the following full-time equivalent
2 34 positions:
2 35 \$ 3,136,163
3 1 FTEs 22.00

Department of Commerce Revolving Fund appropriation to the Department of Justice for the Office of the Consumer Advocate.

DETAIL: This is a decrease of \$200,181 and no change in FTE positions compared to estimated net FY 2011.

3 2 Sec. 3. DEPARTMENT OF CORRECTIONS — FACILITIES.

3 3 1. There is appropriated from the general fund of the
3 4 state to the department of corrections for the fiscal year
3 5 beginning July 1, 2011, and ending June 30, 2012, the following
3 6 amounts, or so much thereof as is necessary, to be used for the
3 7 operation of adult correctional institutions, reimbursement
3 8 of counties for certain confinement costs, and federal prison
3 9 reimbursement, to be allocated as follows:

3 10 a. For the operation of the Fort Madison correctional
3 11 facility, including salaries, support, maintenance, and
3 12 miscellaneous purposes:
3 13 \$ 41,031,283

3 14 b. For the operation of the Anamosa correctional facility,
3 15 including salaries, support, maintenance, and miscellaneous
3 16 purposes:
3 17 \$ 31,985,974

3 18 c. For the operation of the Oakdale correctional facility,
3 19 including salaries, support, maintenance, and miscellaneous
3 20 purposes:
3 21 \$ 55,594,426

General Fund appropriation to the DOC for the Fort Madison Correctional Facility.

DETAIL: This is an increase of \$2,577,682 compared to estimated net FY 2011 for:

- Adds \$1,451,000 to replace the FY 2011 one-time PSEF appropriation.
- Adds \$1,126,682 to fund existing positions.

NOTE: Senate File 209 (Tax Changes and Supplemental Appropriations Act) provides an FY 2011 supplemental appropriation of \$1,920,083 for the Fort Madison Correctional Facility.

General Fund appropriation to the DOC for the Anamosa Correctional Facility.

DETAIL: This is an increase of \$2,422,120 compared to estimated net FY 2011 for:

- Adds \$1,046,190 to replace the FY 2011 one-time PSEF appropriation.
- Adds \$328,185 to fund existing positions.
- Adds \$1,047,745 for 20 new correctional officer positions.

NOTE: Senate File 209 (Tax Changes and Supplemental Appropriations Act) provides an FY 2011 supplemental appropriation of \$1,293,060 for the Anamosa Correctional Facility.

General Fund appropriation to the DOC for the Oakdale Correctional Facility.

DETAIL: This is an increase of \$594,386 compared to estimated net FY 2011 for:

- Adds \$119,999 to transfer 2.00 FTE positions from the Central Office.
- Adds \$474,387 to fund existing positions.

NOTE: Senate File 209 (Tax Changes and Supplemental Appropriations

3 22 d. For the operation of the Newton correctional facility,
3 23 including salaries, support, maintenance, and miscellaneous
3 24 purposes:
3 25 \$ 25,958,757

3 26 e. For the operation of the Mt.Pleasant correctional
3 27 facility, including salaries, support, maintenance, and
3 28 miscellaneous purposes:
3 29 \$ 25,917,815

3 30 f. For the operation of the Rockwell City correctional
3 31 facility, including salaries, support, maintenance, and
3 32 miscellaneous purposes:
3 33 \$ 9,316,466

3 34 g. For the operation of the Clarinda correctional facility,
3 35 including salaries, support, maintenance, and miscellaneous
4 1 purposes:
4 2 \$ 24,482,356

4 3 Moneys received by the department of corrections as

Act) provides an FY 2011 supplemental appropriation of \$2,385,141 for the Oakdale Correctional Facility.

General Fund appropriation to the DOC for the Newton Correctional Facility.

DETAIL: This is an increase of \$258,004 compared to estimated net FY 2011 to fund existing positions.

NOTE: Senate File 209 (Tax Changes and Supplemental Appropriations Act) provides an FY 2011 supplemental appropriation of \$1,101,460 for the Newton Correctional Facility.

General Fund appropriation to the DOC for the Mount Pleasant Correctional Facility.

DETAIL: This is an increase of \$336,305 compared to estimated net FY 2011 to fund existing positions.

NOTE: Senate File 209 (Tax Changes and Supplemental Appropriations Act) provides an FY 2011 supplemental appropriation of \$1,359,865 for the Mount Pleasant Correctional Facility.

General Fund appropriation to the DOC for the Rockwell City Correctional Facility.

DETAIL: This is an increase of \$237,800 compared to estimated net FY 2011 to fund existing positions.

NOTE: Senate File 209 (Tax Changes and Supplemental Appropriations Act) provides an FY 2011 supplemental appropriation of \$412,008 for the Rockwell City Correctional Facility.

General Fund appropriation to the DOC for the Clarinda Correctional Facility.

DETAIL: This is an increase of \$1,466,062 compared to estimated net FY 2011 for:

- Adds \$575,479 to fund existing positions.
- Adds \$890,583 to add 17 new correctional officer positions.

NOTE: Senate File 209 (Tax Changes and Supplemental Appropriations Act) provides an FY 2011 supplemental appropriation of \$1,180,617 for the Clarinda Correctional Facility.

Appropriates reimbursements from the Clarinda Youth Academy to the

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

4 8 h. For the operation of the Mitchellville correctional
4 9 facility, including salaries, support, maintenance, and
4 10 miscellaneous purposes:
4 11 \$ 15,615,374

4 12 i. For the operation of the Fort Dodge correctional
4 13 facility, including salaries, support, maintenance, and
4 14 miscellaneous purposes:
4 15 \$ 29,062,235

4 16 j. For reimbursement of counties for temporary confinement
4 17 of work release and parole violators, as provided in sections
4 18 901.7, 904.908, and 906.17, and for offenders confined pursuant
4 19 to section 904.513:
4 20 \$ 775,092

4 21 k. For federal prison reimbursement, reimbursements for
4 22 out-of-state placements, and miscellaneous contracts:
4 23 \$ 239,411

4 24 l. For three correctional officer full-time equivalent
4 25 positions that are to be assigned to a correctional institution
4 26 by the director of the department of corrections:
4 27 \$ 157,162

4 28 2. The department of corrections shall use moneys
4 29 appropriated in subsection 1 to continue to contract for the

DOC for operating costs associated with the Clarinda Correctional Facility.

DETAIL: The Clarinda Youth Academy's annual reimbursement to the Clarinda Correctional Facility is approximately \$1,400,000.

General Fund appropriation to the DOC for the Mitchellville Correctional Facility.

DETAIL: This is an increase of \$331,526 compared to estimated net FY 2011 to fund existing positions.

NOTE: Senate File 209 (Tax Changes and Supplemental Appropriations Act) provides an FY 2011 supplemental appropriation of \$504,674 for the Mitchellville Correctional Facility.

General Fund appropriation to the DOC for the Fort Dodge Correctional Facility.

DETAIL: This is an increase of \$752,050 compared to estimated net FY 2011 to fund existing positions.

NOTE: Senate File 209 (Tax Changes and Supplemental Appropriations Act) provides an FY 2011 supplemental appropriation of \$1,162,060 for the Fort Dodge Correctional Facility.

General Fund appropriation to the DOC for the County Confinement Account to pay for holding alleged parole and work release violators until their revocation hearings.

DETAIL: This is no change compared to estimated net FY 2011.

General Fund appropriation to the DOC to reimburse the federal Bureau of Prisons for confining Iowa inmates and to pay miscellaneous contracts.

DETAIL: This is no change compared to estimated net FY 2011.

General Fund appropriation to the DOC for three new correctional officer positions, to be assigned by the Director.

DETAIL: The Director has assigned the positions to the Clarinda Correctional Facility.

Requires the DOC to contract with a Muslim imam and Native American spiritual leader to provide religious services and religious counseling.

4 30 services of a Muslim imam and a Native American spiritual
4 31 leader.

4 32 Sec. 4. DEPARTMENT OF CORRECTIONS — ADMINISTRATION. There
4 33 is appropriated from the general fund of the state to the
4 34 department of corrections for the fiscal year beginning July
4 35 1, 2011, and ending June 30, 2012, the following amounts, or
5 1 so much thereof as is necessary, to be used for the purposes
5 2 designated:

5 3 1. For general administration, including salaries, support,
5 4 maintenance, employment of an education director to administer
5 5 a centralized education program for the correctional system,
5 6 and miscellaneous purposes:
5 7 \$ 4,835,542

5 8 ~~a. It is the intent of the general assembly that as a~~
5 9 ~~condition of receiving the appropriation provided in this~~
5 10 ~~lettered paragraph the department of corrections shall not,~~
5 11 ~~except as otherwise provided in paragraph "c", enter into a~~
5 12 ~~new contract, unless the contract is a renewal of an existing~~
5 13 ~~contract, for the expenditure of moneys in excess of \$100,000~~
5 14 ~~during the fiscal year beginning July 1, 2011, for the~~
5 15 ~~privatization of services performed by the department using~~
5 16 ~~state employees as of July 1, 2011, or for the privatization~~
5 17 ~~of new services by the department without prior consultation~~
5 18 ~~with any applicable state employee organization affected~~
5 19 ~~by the proposed new contract and prior notification of the~~
5 20 ~~co chairpersons and ranking members of the joint appropriations~~
5 21 ~~subcommittee on the justice system.~~

5 22 b. It is the intent of the general assembly that each
5 23 lease negotiated by the department of corrections with a
5 24 private corporation for the purpose of providing private
5 25 industry employment of inmates in a correctional institution
5 26 shall prohibit the private corporation from utilizing inmate

DETAIL: These contracts are required pursuant to federal court orders.

General Fund appropriation to the DOC for the Central Office.

DETAIL: This is an increase of \$598,488 compared to estimated net FY 2011 for:

- Adds \$492,487 to fund existing positions.
- Adds \$76,000 to fund coordination of religious services in the prison system. This item was formerly funded from the Telephone Rebate Fund.
- Adds \$150,000 to fund legal representation for offenders in the prison system. This item was formerly funded from the Telephone Rebate Fund.
- Transfers out \$119,999 and 2.00 FTE positions to the Oakdale Correctional Facility.

NOTE: Senate File 209 (Tax Changes and Supplemental Appropriations Act) provides an FY 2011 supplemental appropriation of \$110,202 for the Central Office.

Specifies it is the intent of the General Assembly that, as a condition of receiving appropriated funds, the DOC not enter into a new contract in excess of \$100,000 for privatized services during FY 2012 without prior notification of the Chairpersons and Ranking Members of the Justice System Appropriations Subcommittee, and without prior consultation with any affected employee organization. Existing contracts may be renewed without notification.

VETOED: The Governor vetoed this provision for FY 2012 and FY 2013 and stated this language prevents the DOC from obtaining services in an effective and efficient manner, and the notification impedes the DOC's management authority.

Specifies it is the intent of the General Assembly that the DOC prohibit the use of inmate labor for partisan political activities within Iowa when contracting for inmate workers to be employed by a private business. Violation of these contract terms will result in termination of the contract.

VETOED

5 27 labor for partisan political purposes for any person seeking
5 28 election to public office in this state and that a violation
5 29 of this requirement shall result in a termination of the lease
5 30 agreement.

5 31 c. It is the intent of the general assembly that as a
5 32 condition of receiving the appropriation provided in this
5 33 subsection the department of corrections shall not enter into
5 34 a lease or contractual agreement pursuant to section 904.809
5 35 with a private corporation for the use of building space for
6 1 the purpose of providing inmate employment without providing
6 2 that the terms of the lease or contract establish safeguards to
6 3 restrict, to the greatest extent feasible, access by inmates
6 4 working for the private corporation to personal identifying
6 5 information of citizens.

6 6 2. For educational programs for inmates at state penal
6 7 institutions:
6 8 \$ 2,308,109

6 9 ~~a. As a condition of receiving the appropriation in this~~
6 10 ~~subsection, the department of corrections shall transfer at~~
6 11 ~~least \$300,000 from the canteen operating funds established~~
6 12 ~~pursuant to section 904.310 to be used for correctional~~
6 13 ~~educational programs funded in this subsection.~~

VETOED

6 14 b. It is the intent of the general assembly that moneys
6 15 appropriated in this subsection shall be used solely for the
6 16 purpose indicated and that the moneys shall not be transferred
6 17 for any other purpose. In addition, it is the intent of the
6 18 general assembly that the department shall consult with the
6 19 community colleges in the areas in which the institutions are
6 20 located to utilize moneys appropriated in this subsection
6 21 to fund the high school completion, high school equivalency
6 22 diploma, adult literacy, and adult basic education programs in
6 23 a manner so as to maintain these programs at the institutions.

6 24 c. To maximize the funding for educational programs,
6 25 the department shall establish guidelines and procedures to
6 26 prioritize the availability of educational and vocational
6 27 training for inmates based upon the goal of facilitating an
6 28 inmate's successful release from the correctional institution.

Specifies it is the intent of the General Assembly that, as a condition of receiving appropriated funds, the DOC, when contracting with a private business for inmate employment, must restrict inmate access to personal identifying information of citizens.

General Fund appropriation to the DOC for educational programs for inmates.

DETAIL: This is an increase of \$750,000 compared to estimated net FY 2011 to replace the FY 2011 allocation from the Telephone Rebate Fund. The Fund balance in FY 2012 is projected to be less than the amount allocated in FY 2011.

Requires the DOC to transfer at least \$300,000 from canteen funds of the institutions to the Corrections Education Program.

VETOED: The Governor vetoed this provision for FY 2012 and FY 2013 and stated dollar values in the canteen funds are insufficient to meet the \$300,000 transfer requirement, and encouraged the DOC to continue to use available canteen funds for education.

Specifies that it is the intent of the General Assembly that these funds be used only for inmate education. Also requires the DOC to consult with community colleges located within the area of the prisons regarding how to maintain the high school completion, high school equivalency diploma, adult literacy, and adult basic education programs at the institutions.

Requires the DOC to establish guidelines and procedures to prioritize admission to educational and vocational programs to facilitate the successful release of inmates from prison.

6 29 d. The director of the department of corrections may
6 30 transfer moneys from Iowa prison industries for use in
6 31 educational programs for inmates.

Permits the DOC to transfer funds from the Iowa Prison Industries Revolving Fund for educational programs for inmates.

6 32 e. Notwithstanding section 8.33, moneys appropriated in
6 33 this subsection that remain unobligated or unexpended at the
6 34 close of the fiscal year shall not revert but shall remain
6 35 available to be used only for the purposes designated in this
7 1 subsection until the close of the succeeding fiscal year.

Requires nonreversion of appropriated funds for the Inmate Education Program. Appropriated funds may remain available through the end of FY 2013.

7 2 3. For the development of the Iowa corrections offender
7 3 network (ICON) data system:
7 4 \$ 424,364

General Fund appropriation to the DOC for the Iowa Corrections Offender Network (ICON).

DETAIL: This is no change compared to estimated net FY 2011.

7 5 4. For offender mental health and substance abuse
7 6 treatment:
7 7 \$ 22,319

General Fund appropriation to the DOC for mental health and substance abuse treatment.

DETAIL: This is no change compared to estimated FY 2011.

7 8 5. For viral hepatitis prevention and treatment:
7 9 \$ 167,881

General Fund appropriation to the DOC for viral hepatitis prevention and treatment.

DETAIL: This is no change compared to estimated net FY 2011.

7 10 6. It is the intent of the general assembly that for
7 11 the fiscal year addressed by this section the department of
7 12 corrections shall continue to operate the correctional farms
7 13 under the control of the department at the same or greater
7 14 level of participation and involvement as existed as of January
7 15 1, 2011; shall not enter into any rental agreement or contract
7 16 concerning any farmland under the control of the department
7 17 that is not subject to a rental agreement or contract as of
7 18 January 1, 2011, without prior legislative approval; and
7 19 shall further attempt to provide job opportunities at the
7 20 farms for inmates. The department shall attempt to provide
7 21 job opportunities at the farms for inmates by encouraging
7 22 labor-intensive farming or gardening where appropriate; using
7 23 inmates to grow produce and meat for institutional consumption;
7 24 researching the possibility of instituting food canning
7 25 and cook-and-chill operations; and exploring opportunities
7 26 for organic farming and gardening, livestock ventures,
7 27 horticulture, and specialized crops.

Specifies it is the intent of the General Assembly that the DOC continue farm operations at the same or greater level as exists on January 1, 2011. The DOC is prohibited from renting farmland under the control of the DOC that is not currently being rented without legislative approval. The DOC is to provide meaningful job opportunities for inmates employed on the farms.

7 28 7. The department of corrections shall solicit requests for
7 29 information to improve efficiencies at the pharmacy under the
7 30 control of the department.

Requires the DOC to solicit requests for information to improve pharmacy efficiencies.

7 31 Sec. 5. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL
7 32 SERVICES.

7 33 1. There is appropriated from the general fund of the state
7 34 to the department of corrections for the fiscal year beginning
7 35 July 1, 2011, and ending June 30, 2012, for salaries, support,
8 1 maintenance, and miscellaneous purposes, the following amounts,
8 2 or so much thereof as is necessary, to be allocated as follows:

8 3 a. For the first judicial district department of
8 4 correctional services:
8 5 \$ 12,204,948

General Fund appropriation to the DOC for the First CBC District Department.

DETAIL: This is an increase of \$284,850 compared to estimated net FY 2011 for:

- Adds \$100,000 to replace the one-time allocation from the PSEF in FY 2011.
- Adds \$184,850 to replace expired federal funds to maintain a Drug Court in Dubuque and Delaware counties.
- NOTE: Senate File 209 (Tax Changes and Supplemental Appropriations Act) provides an FY 2011 supplemental appropriation of \$393,353 for the First CBC District Department.

8 6 b. For the second judicial district department of
8 7 correctional services:
8 8 \$ 10,336,948

General Fund appropriation to the DOC for the Second CBC District Department.

DETAIL: This is no change compared to estimated net FY 2011.

NOTE: Senate File 209 (Tax Changes and Supplemental Appropriations Act) provides an FY 2011 supplemental appropriation of \$360,912 for the Second CBC District Department.

8 9 c. For the third judicial district department of
8 10 correctional services:
8 11 \$ 5,599,765

General Fund appropriation to the DOC for the Third CBC District Department.

DETAIL: This is an increase of \$97,886 compared to estimated net FY 2011 to fund an existing position.

NOTE: Senate File 209 (Tax Changes and Supplemental Appropriations Act) provides an FY 2011 supplemental appropriation of \$221,793 for the Third CBC District Department.

8 12 d. For the fourth judicial district department of
8 13 correctional services:
8 14 \$ 5,391,355

General Fund appropriation to the DOC for the Fourth CBC District Department.

DETAIL: This is no change compared to estimated net FY 2011.

NOTE: Senate File 209 (Tax Changes and Supplemental Appropriations

8 15 e. For the fifth judicial district department of
8 16 correctional services, including funding for electronic
8 17 monitoring devices for use on a statewide basis:
8 18 \$ 18,742,129

8 19 f. For the sixth judicial district department of
8 20 correctional services:
8 21 \$ 13,112,563

8 22 g. For the seventh judicial district department of
8 23 correctional services:
8 24 \$ 6,492,814

8 25 h. For the eighth judicial district department of
8 26 correctional services:
8 27 \$ 6,879,715

8 28 2. Each judicial district department of correctional
8 29 services, within the funding available, shall continue programs
8 30 and plans established within that district to provide for
8 31 intensive supervision, sex offender treatment, diversion of

Act) provides an FY 2011 supplemental appropriation of \$169,067 for the Fourth CBC District Department.

General Fund appropriation to the DOC for the Fifth CBC District Department.

DETAIL: This is an increase of \$335,000 compared to estimated net FY 2011 to replace the one-time allocation from the PSEF in FY 2011.

NOTE: Senate File 209 (Tax Changes and Supplemental Appropriations Act) provides an FY 2011 supplemental appropriation of \$723,637 for the Fifth CBC District Department.

General Fund appropriation to the DOC for the Sixth CBC District Department.

DETAIL: This is an increase of \$402,810 compared to estimated net FY 2011 to replace the one-time allocation from the PSEF in FY 2011.

NOTE: Senate File 209 (Tax Changes and Supplemental Appropriations Act) provides an FY 2011 supplemental appropriation of \$460,329 for the Sixth CBC District Department.

General Fund appropriation to the DOC for the Seventh CBC District Department.

DETAIL: This is no change compared to estimated net FY 2011.

NOTE: Senate File 209 (Tax Changes and Supplemental Appropriations Act) provides an FY 2011 supplemental appropriation of \$265,431 for the Seventh CBC District Department.

General Fund appropriation to the DOC for the Eighth CBC District Department.

DETAIL: This is an increase of \$148,660 compared to estimated net FY 2011 to replace expired federal funds to maintain a Drug Court.

NOTE: Senate File 209 (Tax Changes and Supplemental Appropriations Act) provides an FY 2011 supplemental appropriation of \$177,991 for the Eighth CBC District Department.

Requires each CBC District Department, within available funding, to continue programs and plans within each District Department for intensive supervision, sex offender treatment, diversion of low-risk offenders to the least restrictive sanction available, job development, and

8 32 low-risk offenders to the least restrictive sanction available,
8 33 job development, and expanded use of intermediate criminal
8 34 sanctions.

8 35 3. Each judicial district department of correctional
9 1 services shall provide alternatives to prison consistent with
9 2 chapter 901B. The alternatives to prison shall ensure public
9 3 safety while providing maximum rehabilitation to the offender.
9 4 A judicial district department of correctional services may
9 5 also establish a day program.

9 6 4. The governor's office of drug control policy or any
9 7 succeeding entity of the governor's office of drug control
9 8 policy shall consider federal grants made to the department
9 9 of corrections for the benefit of each of the eight judicial
9 10 district departments of correctional services as local
9 11 government grants, as defined pursuant to federal regulations.

9 12 5. The department of corrections shall continue to contract
9 13 with a judicial district department of correctional services to
9 14 provide for the rental of electronic monitoring equipment which
9 15 shall be available statewide.

9 16 ~~6. A judicial district department of correctional services~~
9 17 ~~shall accept into the facilities of the district department~~
9 18 ~~offenders assigned from other judicial district departments of~~
9 19 ~~correctional services.~~

VETOED

9 20 Sec. 6. DEPARTMENT OF CORRECTIONS — REALLOCATION OF
9 21 APPROPRIATIONS. Notwithstanding section 8.39, within
9 22 the moneys appropriated in this Act to the department of
9 23 corrections, the department may reallocate the moneys
9 24 appropriated and allocated as necessary to best fulfill the
9 25 needs of the correctional institutions, administration of
9 26 the department, and the judicial district departments of
9 27 correctional services. However, in addition to complying with
9 28 the requirements of sections 904.116 and 905.8 and providing
9 29 notice to the legislative services agency, the department
9 30 of corrections shall also provide notice to the department
9 31 of management, prior to the effective date of the revision
9 32 or reallocation of an appropriation made pursuant to this
9 33 section. The department of corrections shall not reallocate an
9 34 appropriation or allocation for the purpose of eliminating any
9 35 program.

expanded use of intermediate sanctions.

Requires each CBC District Department to provide alternatives to prison consistent with Code Chapter 901B.

Requires the Governor's Office of Drug Control Policy to consider federal grants made to the DOC for the benefit of the CBC District Departments as local government grants rather than State government grants as defined by federal regulations.

Requires the DOC to contract with a CBC District Department for the rental of electronic monitoring equipment.

DETAIL: The DOC contracts with the Fifth CBC District Department for electronic monitoring devices that are available statewide.

Requires the CBC District Departments to accept the transfer of offenders into residential facilities between CBC District Departments.

VETOED: The Governor vetoed this provision for FY 2012 and FY 2013 and stated that this veto assures each CBC facility will maintain control of the types and numbers of offenders served in their facilities.

Permits the DOC to reallocate appropriations between the correctional institutions, the Central Office, and the CBC District Departments. Requires the DOC to provide notice to the DOM and LSA before reallocating the funds.

10 1 Sec. 7. INTENT — REPORTS.

10 2 1. The department of corrections in cooperation with
10 3 townships, the Iowa cemetery associations, and other nonprofit
10 4 or governmental entities may use inmate labor during the
10 5 fiscal year beginning July 1, 2011, to restore or preserve
10 6 rural cemeteries and historical landmarks. The department in
10 7 cooperation with the counties may also use inmate labor to
10 8 clean up roads, major water sources, and other water sources
10 9 around the state.

Permits the DOC to work with nonprofit and governmental entities to use inmate labor to restore or preserve rural cemeteries or historical landmarks and to clean up roads and water resources.

10 10 2. On a quarterly basis the department shall provide a
10 11 status report regarding private-sector employment to the
10 12 legislative services agency beginning on July 1, 2011. The
10 13 report shall include the number of offenders employed in the
10 14 private sector, the combined number of hours worked by the
10 15 offenders, the total amount of allowances, and the distribution
10 16 of allowances pursuant to section 904.702, including any moneys
10 17 deposited in the general fund of the state.

Requires the DOC to provide a quarterly status report to the LSA regarding private sector employment of inmates.

10 18 Sec. 8. ELECTRONIC MONITORING REPORT. The department of
10 19 corrections shall submit a report on electronic monitoring to
10 20 the general assembly, to the co-chairpersons and the ranking
10 21 members of the joint appropriations subcommittee on the justice
10 22 system, and to the legislative services agency by January
10 23 15, 2012. The report shall specifically address the number
10 24 of persons being electronically monitored and break down the
10 25 number of persons being electronically monitored by offense
10 26 committed. The report shall also include a comparison of any
10 27 data from the prior fiscal year with the current year.

Requires the DOC to submit a report regarding electronic monitoring to the General Assembly, the Chairpersons and Ranking Members of the Justice System Appropriations Subcommittee, and the LSA by January 15, 2012.

10 28 Sec. 9. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.

10 29 1. As used in this section, unless the context otherwise
10 30 requires, "state agency" means the government of the state
10 31 of Iowa, including but not limited to all executive branch
10 32 departments, agencies, boards, bureaus, and commissions, the
10 33 judicial branch, the general assembly and all legislative
10 34 agencies, institutions within the purview of the state board of
10 35 regents, and any corporation whose primary function is to act
11 1 as an instrumentality of the state.

Encourages State agencies to buy products from Iowa Prison Industries whenever possible. Requires State agencies to obtain a bid from Iowa Prison Industries for purchases of office furniture exceeding \$5,000, or in accordance with administrative rules.

11 2 2. State agencies are hereby encouraged to purchase
11 3 products from Iowa state industries, as defined in section
11 4 904.802, when purchases are required and the products are
11 5 available from Iowa state industries. State agencies shall
11 6 obtain bids from Iowa state industries for purchases of
11 7 office furniture during the fiscal year beginning July 1,
11 8 2011, exceeding \$5,000 or in accordance with applicable
11 9 administrative rules related to purchases for the agency.

11 10 Sec. 10. IOWA LAW ENFORCEMENT ACADEMY.

General Fund appropriation to the Iowa Law Enforcement Academy

11 11 1. There is appropriated from the general fund of the
11 12 state to the Iowa law enforcement academy for the fiscal year
11 13 beginning July 1, 2011, and ending June 30, 2012, the following
11 14 amount, or so much thereof as is necessary, to be used for the
11 15 purposes designated:

11 16 For salaries, support, maintenance, miscellaneous purposes,
11 17 including jailer training and technical assistance, and for not
11 18 more than the following full-time equivalent positions:
11 19 \$ 868,698
11 20 FTEs 24.55

11 21 It is the intent of the general assembly that the Iowa law
11 22 enforcement academy may provide training of state and local
11 23 law enforcement personnel concerning the recognition of and
11 24 response to persons with Alzheimer's disease.

11 25 The Iowa law enforcement academy may temporarily exceed and
11 26 draw more than the amount appropriated in this subsection and
11 27 incur a negative cash balance as long as there are receivables
11 28 equal to or greater than the negative balance and the amount
11 29 appropriated in this subsection is not exceeded at the close
11 30 of the fiscal year.

11 31 2. The Iowa law enforcement academy may select at least
11 32 five automobiles of the department of public safety, division
11 33 of state patrol, prior to turning over the automobiles to
11 34 the department of administrative services to be disposed
11 35 of by public auction, and the Iowa law enforcement academy
12 1 may exchange any automobile owned by the academy for each
12 2 automobile selected if the selected automobile is used in
12 3 training law enforcement officers at the academy. However, any
12 4 automobile exchanged by the academy shall be substituted for
12 5 the selected vehicle of the department of public safety and
12 6 sold by public auction with the receipts being deposited in the
12 7 depreciation fund to the credit of the department of public
12 8 safety, division of state patrol.

12 9 Sec. 11. STATE PUBLIC DEFENDER. There is appropriated from
12 10 the general fund of the state to the office of the state public
12 11 defender of the department of inspections and appeals for the
12 12 fiscal year beginning July 1, 2011, and ending June 30, 2012,
12 13 the following amounts, or so much thereof as is necessary, to
12 14 be allocated as follows for the purposes designated:

12 15 1. For salaries, support, maintenance, miscellaneous
12 16 purposes, and for not more than the following full-time
12 17 equivalent positions:
12 18 \$ 25,083,182
12 19 FTEs 219.00

(ILEA).

DETAIL: This is a general increase of \$19,551 for operations and a decrease of 2.25 FTE positions compared to estimated net FY 2011.

Specifies the intent of the General Assembly that the ILEA may offer training for law enforcement officers in recognizing and responding to persons with Alzheimer's disease.

Permits the ILEA to incur a negative General Fund balance as long as there are equal receivables coming into the Academy by the close of the fiscal year.

DETAIL: This language is to assist with cash flow issues the ILEA faces in the last quarter of the fiscal year.

Permits the ILEA to annually exchange at least five vehicles returned to the State Fleet Administrator by the Department of Public Safety (DPS) for any of the Academy's training vehicles. The vehicles received from the ILEA are to be sold at public auction, with the receipts to be deposited in the Depreciation Fund used to purchase new vehicles for the DPS.

General Fund appropriation to the Department of Inspections and Appeals (DIA) for the Office of the State Public Defender.

DETAIL: This is an increase of \$1,000,000 and no change in FTE positions compared to estimated net FY 2011.

12 20 2. For the fees of court-appointed attorneys for indigent
 12 21 adults and juveniles, in accordance with section 232.141 and
 12 22 chapter 815:
 12 23 \$ 30,680,929

12 24 Sec. 12. BOARD OF PAROLE. There is appropriated from the
 12 25 general fund of the state to the board of parole for the fiscal
 12 26 year beginning July 1, 2011, and ending June 30, 2012, the
 12 27 following amount, or so much thereof as is necessary, to be
 12 28 used for the purposes designated:

12 29 For salaries, support, maintenance, miscellaneous purposes,
 12 30 and for not more than the following full-time equivalent
 12 31 positions:
 12 32 \$ 1,053,835
 12 33 FTEs 12.50

12 34 Sec. 13. DEPARTMENT OF PUBLIC DEFENSE. There is
 12 35 appropriated from the general fund of the state to the
 13 1 department of public defense for the fiscal year beginning July
 13 2 1, 2011, and ending June 30, 2012, the following amounts, or
 13 3 so much thereof as is necessary, to be used for the purposes
 13 4 designated:

13 5 1. MILITARY DIVISION
 13 6 For salaries, support, maintenance, miscellaneous purposes,
 13 7 and for not more than the following full-time equivalent
 13 8 positions:
 13 9 \$ 5,527,042
 13 10 FTEs 313.00

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

NOTE: Senate File 209 (Tax Changes and Supplemental Appropriations Act) provides an FY 2011 supplemental appropriation of \$2,551,500 for the Office of the State Public Defender.

General Fund appropriation to the DIA for the Indigent Defense Program.

DETAIL: This is a decrease of \$1,000,000 compared to the estimated net FY 2011 appropriation.

NOTE: Senate File 209 (Tax Changes and Supplemental Appropriations Act) provides an FY 2011 supplemental appropriation of \$16,000,000 for Indigent Defense Program.

General Fund appropriation to the Board of Parole.

DETAIL: This is an increase of \$84,792 and no change in FTE positions compared to estimated net FY 2011 for:

- Adds \$76,216 to replace the FY 2011 mid-year reduction.
- Adds \$8,576 for extra help.

General Fund appropriation to the Military Division of the Department of Public Defense.

DETAIL: This is a general decrease of \$352,790 and an increase of 11.35 FTE positions compared to estimated net FY 2011. The increase in FTE positions is due to additional federally-funded fire fighters at the Sioux City and Des Moines air bases.

Permits the Military Division to incur a negative cash balance as long as the Division has federal reimbursable expenses to cover the negative balance.

DETAIL: The Military Division can experience a delay of up to 30 days in federal reimbursement for eligible expenses. This authorization permits

13 17 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION

13 18 For salaries, support, maintenance, miscellaneous purposes,
13 19 and for not more than the following full-time equivalent
13 20 positions:

13 21	\$	1,836,877
13 22	FTEs	40.00

13 23 a. The homeland security and emergency management
13 24 division may temporarily exceed and draw more than the amount
13 25 appropriated in this subsection and incur a negative cash
13 26 balance as long as there are receivables of federal funds
13 27 equal to or greater than the negative balance and the amount
13 28 appropriated in this subsection is not exceeded at the close
13 29 of the fiscal year.

13 30 b. It is the intent of the general assembly that the
13 31 homeland security and emergency management division work in
13 32 conjunction with the department of public safety, to the extent
13 33 possible, when gathering and analyzing information related
13 34 to potential domestic or foreign security threats, and when
13 35 monitoring such threats.

14 1 Sec. 14. DEPARTMENT OF PUBLIC SAFETY. There is appropriated
14 2 from the general fund of the state to the department of public
14 3 safety for the fiscal year beginning July 1, 2011, and ending
14 4 June 30, 2012, the following amounts, or so much thereof as is
14 5 necessary, to be used for the purposes designated:

14 6 1. For the department's administrative functions, including 14 7 the criminal justice information system, and for not more than 14 8 the following full-time equivalent positions:		
14 9	\$	4,007,075
14 10	FTEs	36.00

14 11 2. For the division of criminal investigation, including
14 12 the state's contribution to the peace officers' retirement,

the Division to use State General Fund money to cover these expenses until the federal funds are received. To alleviate the cash flow problem, the federal government has instituted an Advance Payment System that permits the State to receive an advance of federal funds to meet payroll and other requirements. The Division has implemented the accounting procedure to use the new System.

General Fund appropriation to the Homeland Security and Emergency Management Division.

DETAIL: This is a general decrease of \$117,248 and an increase of 5.90 FTE positions compared to estimated net FY 2011. The increase in FTE positions is due to the receipt of federal funds.

Permits the Homeland Security and Emergency Management Division to incur a negative cash balance as long as the Division has federal reimbursable expenses to cover the negative balance.

DETAIL: The Homeland Security and Emergency Management Division can experience a delay of up to 30 days in federal reimbursement for eligible expenses. This authorization permits the Division to use State General Fund money to cover these expenses until the federal funds are received. To alleviate the cash flow problem, the federal government has instituted an Advance Payment System that permits the State to receive an advance of federal funds to meet payroll and other requirements. The Division has implemented the accounting procedure to use the new System.

Specifies it is the intent of the General Assembly that the Homeland Security and Emergency Management Division work in conjunction with the DPS when gathering and analyzing information related to potential domestic and foreign security threats.

General Fund appropriation to the DPS for the Administrative Services Division.

DETAIL: This is no change compared to estimated net FY 2011.

NOTE: Senate File 209 (Tax Changes and Supplemental Appropriations Act) provides an FY 2011 supplemental appropriation of \$275,000 for the Administrative Services Division.

General Fund appropriation to the DPS for the Division of Criminal Investigation (DCI).

14 13 accident, and disability system provided in chapter 97A in the
14 14 amount of the state's normal contribution rate, as defined in
14 15 section 97A.8, multiplied by the salaries for which the funds
14 16 are appropriated, to meet federal fund matching requirements,
14 17 and for not more than the following full-time equivalent

14 18 positions:
14 19 \$ 12,533,931
14 20 FTEs 159.10

14 21 The department shall employ one additional special agent and
14 22 one additional criminalist for the purpose of investigating
14 23 cold cases. Prior to employing the additional special agent
14 24 and criminalist authorized in this paragraph, the department
14 25 shall provide a written statement to prospective employees that
14 26 states to the effect that the positions are being funded by a
14 27 temporary federal grant and there are no assurances that funds
14 28 from other sources will be available after the federal funding
14 29 expires. If the federal funding for the additional positions
14 30 expires during the fiscal year, the number of full-time
14 31 equivalent positions authorized in this subsection is reduced
14 32 by 2.00 FTEs.

14 33 3. For the criminalistics laboratory fund created in
14 34 section 691.9:
14 35 \$ 302,345

15 1 4. a. For the division of narcotics enforcement, including
15 2 the state's contribution to the peace officers' retirement,
15 3 accident, and disability system provided in chapter 97A in the
15 4 amount of the state's normal contribution rate, as defined in
15 5 section 97A.8, multiplied by the salaries for which the funds
15 6 are appropriated, to meet federal fund matching requirements,
15 7 and for not more than the following full-time equivalent
15 8 positions:

15 9 \$ 6,429,884
15 10 FTEs 74.00

15 11 b. For the division of narcotics enforcement for undercover
15 12 purchases:
15 13 \$ 109,042

15 14 5. For the division of state fire marshal, for fire
15 15 protection services as provided through the state fire service
15 16 and emergency response council as created in the department,
15 17 and for the state's contribution to the peace officers'
15 18 retirement, accident, and disability system provided in chapter
15 19 97A in the amount of the state's normal contribution rate, as

DETAIL: This is no change in funding and a decrease of 1.00 FTE position compared to estimated net FY 2011.

NOTE: Senate File 209 (Tax Changes and Supplemental Appropriations Act) provides an FY 2011 supplemental appropriation of \$325,000 for the DCI.

Requires the DPS to employ one special agent and one criminalist to investigate cold cases. However, the Department must eliminate the 2.00 FTE positions if federal funds are not received for the Cold Case Unit.

General Fund appropriation to the DPS for the Crime Laboratory Fund.

DETAIL: This is no change compared to estimated net FY 2011.

General Fund appropriation to the DPS for the Division of Narcotics Enforcement (DNE).

DETAIL: This is no change compared to estimated net FY 2011.

NOTE: Senate File 209 (Tax Changes and Supplemental Appropriations Act) provides an FY 2011 supplemental appropriation of \$225,000 for the DNE.

General Fund appropriation to the DPS for the DNE undercover purchases.

DETAIL: This is no change compared to estimated net FY 2011.

General Fund appropriation to the DPS for the State Fire Marshal's Office.

DETAIL: This is no change compared to estimated net FY 2011.

NOTE: Senate File 209 (Tax Changes and Supplemental Appropriations

15 20 defined in section 97A.8, multiplied by the salaries for which
 15 21 the funds are appropriated, and for not more than the following
 15 22 full-time equivalent positions:
 15 23 \$ 4,298,707
 15 24 FTEs 55.00

15 25 6. For the division of state patrol, for salaries, support,
 15 26 maintenance, workers' compensation costs, and miscellaneous
 15 27 purposes, including the state's contribution to the peace
 15 28 officers' retirement, accident, and disability system provided
 15 29 in chapter 97A in the amount of the state's normal contribution
 15 30 rate, as defined in section 97A.8, multiplied by the salaries
 15 31 for which the funds are appropriated, and for not more than the
 15 32 following full-time equivalent positions:
 15 33 \$ 51,903,233
 15 34 FTEs 513.00

15 35 It is the intent of the general assembly that members of the
 16 1 state patrol be assigned to patrol the highways and roads in
 16 2 lieu of assignments for inspecting school buses for the school
 16 3 districts.

16 4 7. For deposit in the sick leave benefits fund established
 16 5 under section 80.42 for all departmental employees eligible to
 16 6 receive benefits for accrued sick leave under the collective
 16 7 bargaining agreement:
 16 8 \$ 279,517

16 9 8. For costs associated with the training and equipment
 16 10 needs of volunteer fire fighters:
 16 11 \$ 725,520

16 12 a. Notwithstanding section 8.33, moneys appropriated in
 16 13 this subsection that remain unencumbered or unobligated at the
 16 14 close of the fiscal year shall not revert but shall remain
 16 15 available for expenditure only for the purpose designated in
 16 16 this subsection until the close of the succeeding fiscal year.

16 17 b. Notwithstanding section 8.39, within the moneys
 16 18 appropriated in this section, the department of public safety
 16 19 may reallocate moneys as necessary to best fulfill the needs
 16 20 provided for in the appropriation. However, the department

Act) provides an FY 2011 supplemental appropriation of \$130,000 for the State Fire Marshal's Office.

General Fund appropriation to the Iowa State Patrol.

DETAIL: This is an increase of \$3,397,469 and a decrease of 2.00 FTE positions compared to estimated net FY 2011. The increase includes \$300,000 to replace the FY 2011 Public Safety Enforcement Fund allocation with General Fund money and \$3,097,469 to replace federal National Highway Transportation Safety Administration (NHTSA) funding with General Fund money for 45 road troopers.

NOTE: Senate File 209 (Tax Changes and Supplemental Appropriations Act) provides an FY 2011 supplemental appropriation of \$2,000,000 for the Iowa State Patrol.

Specifies it is the intent of the General Assembly that the Iowa State Patrol assign education officers to perform school bus inspections rather than having road troopers perform these inspections.

General Fund appropriation to create a nonreversionary fund in the DPS to be used for sick leave payout. All sworn officers of the Department are eligible to receive benefits for accrued sick leave under the collective bargaining agreement.

DETAIL: This is no change in funding compared to estimated net FY 2011.

General Fund appropriation to the DPS for Volunteer Fire Fighter Training.

DETAIL: This is an increase of \$113,265 compared to estimated net FY 2011.

Requires nonreversion of appropriated funds for fire fighter training and equipment needs. Appropriated funds may remain available through the end of FY 2013.

Permits funds appropriated to the DPS to be allocated as necessary to fulfill appropriation needs within the Department. The Department is not allowed to reallocate an appropriation unless notice is given to the LSA and the DOM prior to the effective date of the reallocation. The

16 21 shall not reallocate an appropriation made to the department
16 22 in this section unless notice of the reallocation is given
16 23 to the legislative services agency and the department of
16 24 management prior to the effective date of the reallocation.
16 25 The notice shall include information regarding the rationale
16 26 for reallocating the appropriation. The department shall
16 27 not reallocate an appropriation made in this section for the
16 28 purpose of eliminating any program.

16 29 Sec. 15. GAMING ENFORCEMENT.

16 30 1. There is appropriated from the gaming enforcement
16 31 revolving fund created in section 80.43 to the department of
16 32 public safety for the fiscal year beginning July 1, 2011, and
16 33 ending June 30, 2012, the following amount, or so much thereof
16 34 as is necessary, to be used for the purposes designated:

16 35 For any direct and indirect support costs for agents
17 1 and officers of the division of criminal investigation's
17 2 excursion gambling boat, gambling structure, and racetrack
17 3 enclosure enforcement activities, including salaries, support,
17 4 maintenance, miscellaneous purposes, and for not more than the
17 5 following full-time equivalent positions:
17 6 \$ 9,836,306
17 7 FTEs 120.00

17 8 2. For each additional license to conduct gambling games on
17 9 an excursion gambling boat, gambling structure, or racetrack
17 10 enclosure issued during the fiscal year beginning July 1, 2011,
17 11 there is appropriated from the gaming enforcement fund to the
17 12 department of public safety for the fiscal year beginning July
17 13 1, 2011, and ending June 30, 2012, an additional amount of not
17 14 more than \$521,000 to be used for not more than 6.00 additional
17 15 full-time equivalent positions.

17 16 3. The department of public safety, with the approval
17 17 of the department of management, may employ no more than two
17 18 special agents and four gaming enforcement officers for each
17 19 additional riverboat or gambling structure regulated after July
17 20 1, 2011, and one special agent for each racing facility which
17 21 becomes operational during the fiscal year which begins July 1,
17 22 2011. One additional gaming enforcement officer, up to a total
17 23 of four per riverboat or gambling structure, may be employed
17 24 for each riverboat or gambling structure that has extended
17 25 operations to 24 hours and has not previously operated with a
17 26 24-hour schedule. Positions authorized in this subsection are
17 27 in addition to the full-time equivalent positions otherwise
17 28 authorized in this section.

17 29 Sec. 16. CIVIL RIGHTS COMMISSION. There is appropriated
17 30 from the general fund of the state to the Iowa state civil

Department is not allowed to reallocate the appropriations for the
purpose of eliminating a program.

Gaming Enforcement Revolving Fund appropriation to the Department of
Public Safety for direct and indirect support costs for DCI agents and
officers for gaming enforcement.

DETAIL: This is no change in funding and FTE positions compared to
estimated net FY 2011.

If an additional gambling license is granted in FY 2012, an additional
\$521,000 and 6.00 FTE positions may be expended from the Gaming
Enforcement Fund.

Permits the DPS to employ a maximum of two special agents and four
gaming enforcement officers if approved by the DOM for new riverboats
licensed after July 1, 2011, and for riverboats that have extended
operations to 24 hours. Also, permits the employment of one special
agent for each racing facility that becomes operational during FY 2012.

17 31 rights commission for the fiscal year beginning July 1,
17 32 2011, and ending June 30, 2012, the following amount, or so
17 33 much thereof as is necessary, to be used for the purposes
17 34 designated:

17 35 For salaries, support, maintenance, miscellaneous purposes,
18 1 and for not more than the following full-time equivalent
18 2 positions:
18 3 \$ 1,297,069
18 4 FTEs 28.00

18 5 The Iowa state civil rights commission may enter into
18 6 a contract with a nonprofit organization to provide legal
18 7 assistance to resolve civil rights complaints.

18 8 Sec. 17. Section 654.4B, subsection 2, paragraph b, Code
18 9 2011, is amended to read as follows:
18 10 b. This subsection is repealed July 1, ~~2011~~ 2012.

18 11 Sec. 18. Section 124.204, subsection 4, Code 2011, is
18 12 amended by adding the following new paragraph:
18 13 NEWPARAGRAPH ai. (1) Mephedrone, also known as
18 14 4-methylmethcathinone,(RS)-2-methylamino-1-(4-methylphenyl)
18 15 propan-1-one.
18 16 (2) Methylene-dioxypyrovalerone(MDPV)[(1-(1,3-
18 17 Benzodioxol-5-yl)-2-(1-pyrrolidinyl)-1-pentanone].
18 18 (3) Salvia divinorum.
18 19 (4) Salvinorin A.
18 20 (5) Any substance, compound, mixture or preparation which
18 21 contains any quantity of any synthetic cannabinoid that is not
18 22 approved as a pharmaceutical, including but not limited to the
18 23 following:
18 24 (a) CP 47, 497 and homologues 2-[(1R, 3S)-3-
18 25 hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol).
18 26 (b) HU-210[(6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-
18 27 (2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]
18 28 chromen-1-ol]].
18 29 (c) HU-211(dexanabinol,(6aS,10aS)-9-(hydroxymethyl)-6,6-
18 30 dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]
18 31 chromen-1-ol).
18 32 (d) JWH-018 1-Pentyl-3-(1-naphthoyl)indole.
18 33 (e) JWH-073 1-Butyl-3-(1-naphthoyl)indole.
18 34 (f) JWH-200[1-[2-(4-morpholinyl)ethyl]-1H-indol-3-yl]-1-
18 35 naphthalenyl-methanone.

19 1 Sec. 19. Section 124.401, subsection 1, paragraph c,
19 2 subparagraph (8), Code 2011, is amended to read as follows:
19 3 (8) Any other controlled substance, counterfeit substance,
19 4 or simulated controlled substance classified in schedule I, II,

General Fund appropriation to the Civil Rights Commission.

DETAIL: This is a decrease of \$38,213 compared to the estimated net
FY 2011. The \$100,000 one-time allocation from the PSEF was not
replaced.

Permits the Iowa Civil Rights Commission to enter into a contract with a
nonprofit organization for legal assistance.

Extends s requirement that a notice of the availability of mortgage
foreclosure counseling and mediation services be provided to individuals
facing foreclosure proceedings prior to July 1, 2012.

Adds bath salts, salvia divinorum, and K2 to the list of Schedule I
controlled substances. The penalty for manufacturing, delivery, or
possession with intent to manufacture or deliver is an aggravated
misdemeanor. Possession under Code Section 124.401(5) is a serious
misdemeanor. The changes related to K2 take effect upon enactment.
The changes related to salvia divinorum and bath salts take effect 30
days after enactment.

NOTE: In SF 533 (Standing Appropriations Act), the DPS is required to
establish and operate a Controlled Substance Collection and Disposal
Program for 30 days for the collection of bath salts and salvia divinorum
from persons in possession of the substances and retailers. Senate File
510 was signed after SF 533, so the Department of Public Safety has 30
days from July 29, 2011 to establish and operate a Controlled
Substance Collection and Disposal Program for the collection of bath
salts and salvia divinorum from persons in possession of the substances
and retailers.

19 5 or III, except as provided in paragraph "d".
19 6 Sec. 20. Section 124.401, subsection 1, paragraph d, Code
19 7 2011, is amended to read as follows:
19 8 d. Violation of this subsection, with respect to any other
19 9 controlled substances, counterfeit substances, or simulated
19 10 controlled substances classified in section 124.204, subsection
19 11 4, paragraph "ai", or classified in schedule IV or V is an
19 12 aggravated misdemeanor. However, violation of this subsection
19 13 involving fifty kilograms or less of marijuana or involving
19 14 flunitrazepam is a class "D" felony.

19 15 Sec. 21. 2009 Iowa Acts, chapter 178, section 20, is amended
19 16 to read as follows:

19 17 SEC. 20. CONSUMER EDUCATION AND LITIGATION
19 18 FUND. Notwithstanding section 714.16C, for each fiscal
19 19 year of the period beginning July 1, 2008, and ending June
19 20 30, ~~2011~~ 2013, the annual appropriations in section 714.16C,
19 21 are increased from \$1,125,000 to \$1,875,000, and \$75,000 to
19 22 \$125,000 respectively. Moneys appropriated from the consumer
19 23 education and litigation fund may be allocated for cash flow
19 24 purposes to the victim compensation fund established in section
19 25 915.94 during each of the fiscal years enumerated, provided
19 26 that any moneys so allocated are returned to the consumer
19 27 education and litigation fund by the end of each fiscal year an
19 28 allocation occurs.

19 29 Sec. 22. IOWA COMMUNICATIONS NETWORK. It is the
19 30 intent of the general assembly that the executive branch
19 31 agencies receiving an appropriation in this Act utilize
19 32 the Iowa communications network or secure other electronic
19 33 communications in lieu of traveling for the fiscal year
19 34 addressed by the appropriations.

19 35 Sec. 23. HOMELAND SECURITY AND EMERGENCY MANAGEMENT
20 1 DIVISION. There is appropriated from the wireless E911
20 2 emergency communications fund created in section 34A.7A to the
20 3 administrator of the homeland security and emergency management
20 4 division of the department of public defense for the fiscal
20 5 year beginning July 1, 2011, and ending June 30, 2012, an
20 6 amount not exceeding \$200,000 to be used for implementation,
20 7 support, and maintenance of the functions of the administrator
20 8 and program manager under chapter 34A and to employ the auditor
20 9 of the state to perform an annual audit of the wireless E911
20 10 emergency communications fund.

20 11 Sec. 24. GERIATRIC AND PSYCHIATRIC TREATMENT — LEGISLATIVE
20 12 STUDY. The legislative council is requested to establish an
20 13 interim study committee to examine the treatment and placement
20 14 options for geriatric and psychiatric patients under the

Permits the Office of the Attorney General to continue to spend up to \$2,000,000 from the Consumer Education and Litigation Fund for FY 2012 and FY 2013.

DETAIL: Maintains current law.

Encourages State agencies that receive an appropriation in this Act to utilize the Iowa Communications Network in lieu of travel.

Permits continued funding from the Wireless E911 Emergency Communications Fund for the E911 Program Manager in the Homeland Security and Emergency Management Division of the Department of Public Defense through FY 2012.

DETAIL: The Division receives up to \$200,000 and 2.00 FTE positions for the administration of the wireless E911 service and to employ the State Auditor to perform an annual audit on the Fund.

Requests the Legislative Council establish an interim study committee to review the treatment and placement of geriatric and psychiatric patients under the custody and control of the DOC, or in the psychiatric hospital at the Oakdale Correctional Facility.

20 15 care, custody, and control of the state, or for patients
20 16 who are otherwise specifically housed at the Iowa medical
20 17 and classification center at Oakdale or other correctional
20 18 facilities for geriatric or psychiatric treatment purposes.
20 19 The committee shall focus on maximizing the availability of
20 20 treatment options for such patients while achieving fiscal
20 21 efficiencies. The committee shall review programs used in
20 22 other states and by the federal government including but not
20 23 limited to the use of forensic hospitals, prison-based hospice
20 24 care, compassionate release, and the funding mechanisms used
20 25 to implement such programs. Members of the interim study
20 26 committee shall include the co-chairpersons and the ranking
20 27 members of the joint appropriations subcommittee on justice
20 28 system and the co-chairpersons and the ranking members of the
20 29 joint appropriations subcommittee on human services. The
20 30 committee shall provide a report detailing the findings of the
20 31 committee to the general assembly for consideration during the
20 32 2012 legislative session.

20 33 Sec. 25. GERIATRIC AND PSYCHIATRIC TREATMENT REPORT. The
20 34 departments of corrections, human services, inspections and
20 35 appeals, and public health, and the board of parole, shall
21 1 jointly study the development and establishment of treatment
21 2 options for geriatric and psychiatric patients currently under
21 3 the care, custody, and control of the state to provide maximum
21 4 treatment opportunities for such persons while achieving fiscal
21 5 efficiencies. The department of corrections in consultation
21 6 with the other departments and the board of parole, shall
21 7 provide a report detailing the results of the study to
21 8 the co-chairpersons and the ranking members of the joint
21 9 appropriations subcommittee on health and human services, the
21 10 co-chairpersons and ranking members of the joint appropriations
21 11 subcommittee on justice system, the legislative interim study
21 12 committee examining such treatment options, if established by
21 13 the legislative council pursuant to this division of this Act,
21 14 and the legislative services agency by November 15, 2011.

21 15 Sec. 26. SALARY INCREASES — CERTAIN REVOLVING FUNDS.
21 16 For the fiscal year beginning July 1, 2011, there is
21 17 appropriated from the gaming enforcement revolving fund
21 18 an amount necessary for funding annual pay adjustments and
21 19 related benefits for agents and officers of the division of
21 20 criminal investigation's racetrack, excursion boat, or gambling
21 21 structure enforcement activities. Moneys appropriated pursuant
21 22 to this subsection shall be in addition to and supplement other
21 23 appropriations from the fund.

21 24 Sec. 27. EFFECTIVE DATE. The following provision of this
21 25 division of this Act takes effect thirty days after enactment,

Requires the DOC, DHS, DIA, DPH, and the Board of Parole to jointly study the development and establishment of treatment options for geriatric and psychiatric patients. Requires the DOC to issue a report by November 15, 2011 to the Chairpersons and Ranking Members of the Justice System Appropriations Subcommittee, the Health and Human Services Appropriations Subcommittee, the interim committee if established by the Legislative Council, and the LSA.

Permits funding annual pay adjustments and related benefits for racetrack, excursion boat, or gambling enforcement activities for agents and officers of the DCI.

The provisions relating to the criminalization of bath salts and salvia divinorum take effect 30 days after enactment.

21 26 notwithstanding section 3.7:
21 27 The section of this division of this Act amending section
21 28 124.204, subsection 4, paragraph "ai", subparagraphs (1)
21 29 through (4).

21 30 Sec. 28. EFFECTIVE UPON ENACTMENT. The following provision
21 31 of this division of this Act, being deemed of immediate
21 32 importance, and notwithstanding section 3.7 takes effect upon
21 33 enactment:

21 34 The section of this Act amending section 124.204, subsection
21 35 4, paragraph "ai", subparagraph (5).

22 1 Sec. 29. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
22 2 APPLICABILITY. The following provision of this division of
22 3 this Act takes effect upon enactment, and if approved by the
22 4 governor on or after July 1, 2011, shall apply retroactively
22 5 to June 30, 2011:

22 6 The section of this division of this Act amending section
22 7 654.4B.

22 8 DIVISION II
22 9 FY 2012-2013

22 10 Sec. 30. DEPARTMENT OF JUSTICE.

22 11 1. There is appropriated from the general fund of the state
22 12 to the department of justice for the fiscal year beginning July
22 13 1, 2012, and ending June 30, 2013, the following amounts, or
22 14 so much thereof as is necessary, to be used for the purposes
22 15 designated:

22 16 a. For the general office of attorney general for salaries,
22 17 support, maintenance, and miscellaneous purposes, including
22 18 the prosecuting attorneys training program, matching funds
22 19 for federal violence against women grant programs, victim
22 20 assistance grants, office of drug control policy prosecuting
22 21 attorney program, and odometer fraud enforcement, and for not
22 22 more than the following full-time equivalent positions:
22 23 \$ 3,896,465
22 24 FTEs 212.00

22 25 It is the intent of the general assembly that as a condition
22 26 of receiving the appropriation provided in this lettered
22 27 paragraph, the department of justice shall maintain a record
22 28 of the estimated time incurred representing each agency or
22 29 department.

22 30 b. For victim assistance grants:
22 31 \$ 1,438,200

22 32 The funds appropriated in this lettered paragraph shall be
22 33 used to provide grants to care providers providing services to
22 34 crime victims of domestic abuse or to crime victims of rape and
22 35 sexual assault.

23 1 The balance of the victim compensation fund established in

The provisions relating to the criminalization of K2 take effect upon enactment.

The provision that extends requirements that a notice of the availability of mortgage foreclosure counseling and mediation services be provided to individuals facing foreclosure proceedings prior to July 1, 2012, takes effect upon enactment and applies retroactively to June 30, 2011.

Biennial Budgeting – FY 2013: Division II appropriates General Fund, other funds, and FTE positions for FY 2013 for the Justice System budget and includes necessary corresponding language. These appropriations are equal to 50.0% of the appropriations for FY 2012.

VETOED: The Governor vetoed the following provisions for FY 2012 and FY 2013:

A provision that prohibits the DOC from entering into new contracts in excess of \$100,000 for privatized services during FY 2012 and FY 2013, without prior notification of the Chairpersons and Ranking Members of the Justice System Appropriations Subcommittee.

A provision that requires the DOC to transfer at least \$300,000 from canteen funds of the Institutions to the Corrections Education Program for FY 2012 and FY 2013.

A provision that requires each CBC District Department to accept the transfer of offenders into residential facilities between CBC District Departments for FY 2012 and FY 2013.

23 2 section 915.94 may be used to provide salary and support of not
23 3 more than 24 FTEs and to provide maintenance for the victim
23 4 compensation functions of the department of justice.

23 5 The department of justice shall transfer at least \$150,000
23 6 from the victim compensation fund established in section 915.94
23 7 to the victim assistance grant program.

23 8 c. For legal services for persons in poverty grants as
23 9 provided in section 13.34:

23 10 \$ 907,416

23 11 2. a. The department of justice, in submitting budget
23 12 estimates for the fiscal year commencing July 1, 2013, pursuant
23 13 to section 8.23, shall include a report of funding from sources
23 14 other than amounts appropriated directly from the general fund
23 15 of the state to the department of justice or to the office of
23 16 consumer advocate. These funding sources shall include but
23 17 are not limited to reimbursements from other state agencies,
23 18 commissions, boards, or similar entities, and reimbursements
23 19 from special funds or internal accounts within the department
23 20 of justice. The department of justice shall also report actual
23 21 reimbursements for the fiscal year commencing July 1, 2011,
23 22 and actual and expected reimbursements for the fiscal year
23 23 commencing July 1, 2012.

23 24 b. The department of justice shall include the report
23 25 required under paragraph "a", as well as information regarding
23 26 any revisions occurring as a result of reimbursements actually
23 27 received or expected at a later date, in a report to the
23 28 co-chairpersons and ranking members of the joint appropriations
23 29 subcommittee on the justice system and the legislative services
23 30 agency. The department of justice shall submit the report on
23 31 or before January 15, 2013.

23 32 Sec. 31. OFFICE OF CONSUMER ADVOCATE. There is appropriated
23 33 from the department of commerce revolving fund created in
23 34 section 546.12 to the office of consumer advocate of the
23 35 department of justice for the fiscal year beginning July 1,
24 1 2012, and ending June 30, 2013, the following amount, or so
24 2 much thereof as is necessary, to be used for the purposes
24 3 designated:

24 4 For salaries, support, maintenance, miscellaneous purposes,
24 5 and for not more than the following full-time equivalent
24 6 positions:

24 7 \$ 1,568,082

24 8 FTEs 22.00

24 9 Sec. 32. DEPARTMENT OF CORRECTIONS — FACILITIES.

24 10 1. There is appropriated from the general fund of the
24 11 state to the department of corrections for the fiscal year
24 12 beginning July 1, 2012, and ending June 30, 2013, the following
24 13 amounts, or so much thereof as is necessary, to be used for the
24 14 operation of adult correctional institutions, reimbursement
24 15 of counties for certain confinement costs, and federal prison

24 16 reimbursement, to be allocated as follows:
 24 17 a. For the operation of the Fort Madison correctional
 24 18 facility, including salaries, support, maintenance, and
 24 19 miscellaneous purposes:
 24 20 \$ 20,515,641
 24 21 b. For the operation of the Anamosa correctional facility,
 24 22 including salaries, support, maintenance, and miscellaneous
 24 23 purposes:
 24 24 \$ 15,992,987
 24 25 c. For the operation of the Oakdale correctional facility,
 24 26 including salaries, support, maintenance, and miscellaneous
 24 27 purposes:
 24 28 \$ 27,797,213
 24 29 d. For the operation of the Newton correctional facility,
 24 30 including salaries, support, maintenance, and miscellaneous
 24 31 purposes:
 24 32 \$ 12,979,379
 24 33 e. For the operation of the Mt.Pleasant correctional
 24 34 facility, including salaries, support, maintenance, and
 24 35 miscellaneous purposes:
 25 1 \$ 12,958,908
 25 2 f. For the operation of the Rockwell City correctional
 25 3 facility, including salaries, support, maintenance, and
 25 4 miscellaneous purposes:
 25 5 \$ 4,658,233
 25 6 g. For the operation of the Clarinda correctional facility,
 25 7 including salaries, support, maintenance, and miscellaneous
 25 8 purposes:
 25 9 \$ 12,241,178
 25 10 Moneys received by the department of corrections as
 25 11 reimbursement for services provided to the Clarinda youth
 25 12 corporation are appropriated to the department and shall be
 25 13 used for the purpose of operating the Clarinda correctional
 25 14 facility.
 25 15 h. For the operation of the Mitchellville correctional
 25 16 facility, including salaries, support, maintenance, and
 25 17 miscellaneous purposes:
 25 18 \$ 7,807,687
 25 19 i. For the operation of the Fort Dodge correctional
 25 20 facility, including salaries, support, maintenance, and
 25 21 miscellaneous purposes:
 25 22 \$ 14,531,118
 25 23 j. For reimbursement of counties for temporary confinement
 25 24 of work release and parole violators, as provided in sections
 25 25 901.7, 904.908, and 906.17, and for offenders confined pursuant
 25 26 to section 904.513:
 25 27 \$ 387,546
 25 28 k. For federal prison reimbursement, reimbursements for
 25 29 out-of-state placements, and miscellaneous contracts:

25 30 \$ 119,706

25 31 I. For three correctional officer full-time equivalent
25 32 positions that are to be assigned to a correctional institution
25 33 by the director of the department of corrections:

25 34 \$ 78,581

25 35 2. The department of corrections shall use moneys
26 1 appropriated in subsection 1 to continue to contract for the
26 2 services of a Muslim imam and a Native American spiritual
26 3 leader.

26 4 Sec. 33. DEPARTMENT OF CORRECTIONS — ADMINISTRATION.

26 5 There is appropriated from the general fund of the state to
26 6 the department of corrections for the fiscal year beginning
26 7 July 1, 2012, and ending June 30, 2013, the following amounts,
26 8 or so much thereof as is necessary, to be used for the purposes
26 9 designated:

26 10 1. For general administration, including salaries, support,
26 11 maintenance, employment of an education director to administer
26 12 a centralized education program for the correctional system,
26 13 and miscellaneous purposes:

26 14 \$ 2,417,771

26 15 a. ~~It is the intent of the general assembly that as a~~
26 16 ~~condition of receiving the appropriation provided in this~~
26 17 ~~lettered paragraph the department of corrections shall not,~~
26 18 ~~except as otherwise provided in paragraph "c", enter into a~~
26 19 ~~new contract, unless the contract is a renewal of an existing~~
26 20 ~~contract, for the expenditure of moneys in excess of \$100,000~~
26 21 ~~during the fiscal year beginning July 1, 2012, for the~~
26 22 ~~privatization of services performed by the department using~~
26 23 ~~state employees as of July 1, 2012, or for the privatization~~
26 24 ~~of new services by the department without prior consultation~~
26 25 ~~with any applicable state employee organization affected~~
26 26 ~~by the proposed new contract and prior notification of the~~
26 27 ~~co chairpersons and ranking members of the joint appropriations~~
26 28 ~~subcommittee on the justice system.~~

VETOED

26 29 b. It is the intent of the general assembly that each
26 30 lease negotiated by the department of corrections with a
26 31 private corporation for the purpose of providing private
26 32 industry employment of inmates in a correctional institution
26 33 shall prohibit the private corporation from utilizing inmate
26 34 labor for partisan political purposes for any person seeking
26 35 election to public office in this state and that a violation
27 1 of this requirement shall result in a termination of the lease
27 2 agreement.

27 3 c. It is the intent of the general assembly that as a
27 4 condition of receiving the appropriation provided in this
27 5 subsection the department of corrections shall not enter into
27 6 a lease or contractual agreement pursuant to section 904.809
27 7 with a private corporation for the use of building space for
27 8 the purpose of providing inmate employment without providing

27 9 that the terms of the lease or contract establish safeguards to
27 10 restrict, to the greatest extent feasible, access by inmates
27 11 working for the private corporation to personal identifying
27 12 information of citizens.

27 13 2. For educational programs for inmates at state penal
27 14 institutions:
27 15 \$ 1,154,055

27 16 a. ~~As a condition of receiving the appropriation in this~~
27 17 ~~subsection, the department of corrections shall transfer at~~
27 18 ~~least \$300,000 from the canteen operating funds established~~
27 19 ~~pursuant to section 904.310 to be used for correctional~~
27 20 ~~educational programs funded in this subsection.~~

VETOED

27 21 b. It is the intent of the general assembly that moneys
27 22 appropriated in this subsection shall be used solely for the
27 23 purpose indicated and that the moneys shall not be transferred
27 24 for any other purpose. In addition, it is the intent of the
27 25 general assembly that the department shall consult with the
27 26 community colleges in the areas in which the institutions are
27 27 located to utilize moneys appropriated in this subsection
27 28 to fund the high school completion, high school equivalency
27 29 diploma, adult literacy, and adult basic education programs in
27 30 a manner so as to maintain these programs at the institutions.

27 31 c. To maximize the funding for educational programs,
27 32 the department shall establish guidelines and procedures to
27 33 prioritize the availability of educational and vocational
27 34 training for inmates based upon the goal of facilitating an
27 35 inmate's successful release from the correctional institution.

28 1 d. The director of the department of corrections may
28 2 transfer moneys from Iowa prison industries for use in
28 3 educational programs for inmates.

28 4 e. Notwithstanding section 8.33, moneys appropriated in
28 5 this subsection that remain unobligated or unexpended at the
28 6 close of the fiscal year shall not revert but shall remain
28 7 available to be used only for the purposes designated in this
28 8 subsection until the close of the succeeding fiscal year.

28 9 3. For the development of the Iowa corrections offender
28 10 network (ICON) data system:
28 11 \$ 212,182

28 12 4. For offender mental health and substance abuse
28 13 treatment:
28 14 \$ 11,160

28 15 5. For viral hepatitis prevention and treatment:
28 16 \$ 83,941

28 17 6. It is the intent of the general assembly that for
28 18 the fiscal year addressed by this section the department of
28 19 corrections shall continue to operate the correctional farms
28 20 under the control of the department at the same or greater
28 21 level of participation and involvement as existed as of January
28 22 1, 2011; shall not enter into any rental agreement or contract

28 23 concerning any farmland under the control of the department
28 24 that is not subject to a rental agreement or contract as of
28 25 January 1, 2011, without prior legislative approval; and
28 26 shall further attempt to provide job opportunities at the
28 27 farms for inmates. The department shall attempt to provide
28 28 job opportunities at the farms for inmates by encouraging
28 29 labor-intensive farming or gardening where appropriate; using
28 30 inmates to grow produce and meat for institutional consumption;
28 31 researching the possibility of instituting food canning
28 32 and cook-and-chill operations; and exploring opportunities
28 33 for organic farming and gardening, livestock ventures,
28 34 horticulture, and specialized crops.

28 35 7. The department of corrections shall solicit requests for
29 1 information to improve efficiencies at the pharmacy under the
29 2 control of the department.

29 3 Sec. 34. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL
29 4 SERVICES.

29 5 1. There is appropriated from the general fund of the state
29 6 to the department of corrections for the fiscal year beginning
29 7 July 1, 2012, and ending June 30, 2013, for salaries, support,
29 8 maintenance, and miscellaneous purposes, the following amounts,
29 9 or so much thereof as is necessary, to be allocated as follows:

29 10 a. For the first judicial district department of 29 11 correctional services:	
29 12	\$ 6,102,474
29 13 b. For the second judicial district department of 29 14 correctional services:	
29 15	\$ 5,168,474
29 16 c. For the third judicial district department of 29 17 correctional services:	
29 18	\$ 2,799,883
29 19 d. For the fourth judicial district department of 29 20 correctional services:	
29 21	\$ 2,695,678
29 22 e. For the fifth judicial district department of 29 23 correctional services, including funding for electronic 29 24 monitoring devices for use on a statewide basis:	
29 25	\$ 9,371,065
29 26 f. For the sixth judicial district department of 29 27 correctional services:	
29 28	\$ 6,556,282
29 29 g. For the seventh judicial district department of 29 30 correctional services:	
29 31	\$ 3,246,407
29 32 h. For the eighth judicial district department of 29 33 correctional services:	
29 34	\$ 3,439,858

29 35 2. Each judicial district department of correctional
30 1 services, within the funding available, shall continue programs

30 2 and plans established within that district to provide for
30 3 intensive supervision, sex offender treatment, diversion of
30 4 low-risk offenders to the least restrictive sanction available,
30 5 job development, and expanded use of intermediate criminal
30 6 sanctions.

30 7 3. Each judicial district department of correctional
30 8 services shall provide alternatives to prison consistent with
30 9 chapter 901B. The alternatives to prison shall ensure public
30 10 safety while providing maximum rehabilitation to the offender.
30 11 A judicial district department of correctional services may
30 12 also establish a day program.

30 13 4. The governor's office of drug control policy or any
30 14 succeeding entity of the governor's office of drug control
30 15 policy shall consider federal grants made to the department
30 16 of corrections for the benefit of each of the eight judicial
30 17 district departments of correctional services as local
30 18 government grants, as defined pursuant to federal regulations.

30 19 5. The department of corrections shall continue to contract
30 20 with a judicial district department of correctional services to
30 21 provide for the rental of electronic monitoring equipment which
30 22 shall be available statewide.

~~30 23 6. A judicial district department of correctional services
30 24 shall accept into the facilities of the district department
30 25 offenders assigned from other judicial district departments of
30 26 correctional services.~~

VETOED

30 27 Sec. 35. DEPARTMENT OF CORRECTIONS — REALLOCATION OF
30 28 APPROPRIATIONS. Notwithstanding section 8.39, within the
30 29 moneys appropriated in this division of this Act to the
30 30 department of corrections, the department may reallocate the
30 31 moneys appropriated and allocated as necessary to best fulfill
30 32 the needs of the correctional institutions, administration
30 33 of the department, and the judicial district departments of
30 34 correctional services. However, in addition to complying with
30 35 the requirements of sections 904.116 and 905.8 and providing
31 1 notice to the legislative services agency, the department
31 2 of corrections shall also provide notice to the department
31 3 of management, prior to the effective date of the revision
31 4 or reallocation of an appropriation made pursuant to this
31 5 section. The department of corrections shall not reallocate an
31 6 appropriation or allocation for the purpose of eliminating any
31 7 program.

31 8 Sec. 36. INTENT — REPORTS.

31 9 1. The department of corrections in cooperation with
31 10 townships, the Iowa cemetery associations, and other nonprofit
31 11 or governmental entities may use inmate labor during the
31 12 fiscal year beginning July 1, 2012, to restore or preserve
31 13 rural cemeteries and historical landmarks. The department in
31 14 cooperation with the counties may also use inmate labor to
31 15 clean up roads, major water sources, and other water sources

31 16 around the state.

31 17 2. On a quarterly basis the department shall provide a
31 18 status report regarding private-sector employment to the
31 19 legislative services agency beginning on July 1, 2012. The
31 20 report shall include the number of offenders employed in the
31 21 private sector, the combined number of hours worked by the
31 22 offenders, the total amount of allowances, and the distribution
31 23 of allowances pursuant to section 904.702, including any moneys
31 24 deposited in the general fund of the state.

31 25 Sec. 37. ELECTRONIC MONITORING REPORT. The department of
31 26 corrections shall submit a report on electronic monitoring to
31 27 the general assembly, to the co-chairpersons and the ranking
31 28 members of the joint appropriations subcommittee on the justice
31 29 system, and to the legislative services agency by January
31 30 15, 2013. The report shall specifically address the number
31 31 of persons being electronically monitored and break down the
31 32 number of persons being electronically monitored by offense
31 33 committed. The report shall also include a comparison of any
31 34 data from the prior fiscal year with the current year.

31 35 Sec. 38. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.

32 1 1. As used in this section, unless the context otherwise
32 2 requires, "state agency" means the government of the state
32 3 of Iowa, including but not limited to all executive branch
32 4 departments, agencies, boards, bureaus, and commissions, the
32 5 judicial branch, the general assembly and all legislative
32 6 agencies, institutions within the purview of the state board of
32 7 regents, and any corporation whose primary function is to act
32 8 as an instrumentality of the state.

32 9 2. State agencies are hereby encouraged to purchase
32 10 products from Iowa state industries, as defined in section
32 11 904.802, when purchases are required and the products are
32 12 available from Iowa state industries. State agencies shall
32 13 obtain bids from Iowa state industries for purchases of
32 14 office furniture during the fiscal year beginning July 1,
32 15 2012, exceeding \$5,000 or in accordance with applicable
32 16 administrative rules related to purchases for the agency.

32 17 Sec. 39. IOWA LAW ENFORCEMENT ACADEMY.

32 18 1. There is appropriated from the general fund of the
32 19 state to the Iowa law enforcement academy for the fiscal year
32 20 beginning July 1, 2012, and ending June 30, 2013, the following
32 21 amount, or so much thereof as is necessary, to be used for the
32 22 purposes designated:

32 23	For salaries, support, maintenance, miscellaneous purposes,	
32 24	including jailer training and technical assistance, and for not	
32 25	more than the following full-time equivalent positions:	
32 26 \$	434,349
32 27 FTEs	24.55

32 28 It is the intent of the general assembly that the Iowa law
32 29 enforcement academy may provide training of state and local

32 30 law enforcement personnel concerning the recognition of and
32 31 response to persons with Alzheimer's disease.
32 32 The Iowa law enforcement academy may temporarily exceed and
32 33 draw more than the amount appropriated in this subsection and
32 34 incur a negative cash balance as long as there are receivables
32 35 equal to or greater than the negative balance and the amount
33 1 appropriated in this subsection is not exceeded at the close
33 2 of the fiscal year.

33 3 2. The Iowa law enforcement academy may select at least
33 4 five automobiles of the department of public safety, division
33 5 of state patrol, prior to turning over the automobiles to
33 6 the department of administrative services to be disposed
33 7 of by public auction, and the Iowa law enforcement academy
33 8 may exchange any automobile owned by the academy for each
33 9 automobile selected if the selected automobile is used in
33 10 training law enforcement officers at the academy. However, any
33 11 automobile exchanged by the academy shall be substituted for
33 12 the selected vehicle of the department of public safety and
33 13 sold by public auction with the receipts being deposited in the
33 14 depreciation fund to the credit of the department of public
33 15 safety, division of state patrol.

33 16 Sec. 40. STATE PUBLIC DEFENDER. There is appropriated from
33 17 the general fund of the state to the office of the state public
33 18 defender of the department of inspections and appeals for the
33 19 fiscal year beginning July 1, 2012, and ending June 30, 2013,
33 20 the following amounts, or so much thereof as is necessary, to
33 21 be allocated as follows for the purposes designated:

33 22 1. For salaries, support, maintenance, miscellaneous
33 23 purposes, and for not more than the following full-time
33 24 equivalent positions:
33 25 \$ 12,541,591
33 26 FTEs 219.00

33 27 2. For the fees of court-appointed attorneys for indigent
33 28 adults and juveniles, in accordance with section 232.141 and
33 29 chapter 815:
33 30 \$ 15,340,464

33 31 Sec. 41. BOARD OF PAROLE. There is appropriated from the
33 32 general fund of the state to the board of parole for the fiscal
33 33 year beginning July 1, 2012, and ending June 30, 2013, the
33 34 following amount, or so much thereof as is necessary, to be
33 35 used for the purposes designated:

34 1 For salaries, support, maintenance, miscellaneous purposes,
34 2 and for not more than the following full-time equivalent
34 3 positions:
34 4 \$ 526,918
34 5 FTEs 12.50

34 6 Sec. 42. DEPARTMENT OF PUBLIC DEFENSE. There is
34 7 appropriated from the general fund of the state to the
34 8 department of public defense for the fiscal year beginning July

34 9 1, 2012, and ending June 30, 2013, the following amounts, or
34 10 so much thereof as is necessary, to be used for the purposes
34 11 designated:

34 12 1. MILITARY DIVISION

34 13 For salaries, support, maintenance, miscellaneous purposes,
34 14 and for not more than the following full-time equivalent
34 15 positions:

34 16	\$	2,763,521
34 17	FTEs	313.00

34 18 The military division may temporarily exceed and draw more
34 19 than the amount appropriated in this subsection and incur a
34 20 negative cash balance as long as there are receivables of
34 21 federal funds equal to or greater than the negative balance and
34 22 the amount appropriated in this subsection is not exceeded at
34 23 the close of the fiscal year.

34 24 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION

34 25 For salaries, support, maintenance, miscellaneous purposes,
34 26 and for not more than the following full-time equivalent
34 27 positions:

34 28	\$	918,439
34 29	FTEs	40.00

34 30 a. The homeland security and emergency management
34 31 division may temporarily exceed and draw more than the amount
34 32 appropriated in this subsection and incur a negative cash
34 33 balance as long as there are receivables of federal funds
34 34 equal to or greater than the negative balance and the amount
34 35 appropriated in this subsection is not exceeded at the close
35 1 of the fiscal year.

35 2 b. It is the intent of the general assembly that the
35 3 homeland security and emergency management division work in
35 4 conjunction with the department of public safety, to the extent
35 5 possible, when gathering and analyzing information related
35 6 to potential domestic or foreign security threats, and when
35 7 monitoring such threats.

35 8 Sec. 43. DEPARTMENT OF PUBLIC SAFETY. There is appropriated
35 9 from the general fund of the state to the department of public
35 10 safety for the fiscal year beginning July 1, 2012, and ending
35 11 June 30, 2013, the following amounts, or so much thereof as is
35 12 necessary, to be used for the purposes designated:

35 13 1. For the department's administrative functions, including
35 14 the criminal justice information system, and for not more than
35 15 the following full-time equivalent positions:

35 16	\$	2,003,538
35 17	FTEs	36.00

35 18 2. For the division of criminal investigation, including
35 19 the state's contribution to the peace officers' retirement,
35 20 accident, and disability system provided in chapter 97A in the
35 21 amount of the state's normal contribution rate, as defined in
35 22 section 97A.8, multiplied by the salaries for which the funds

35 23 are appropriated, to meet federal fund matching requirements,
35 24 and for not more than the following full-time equivalent
35 25 positions:

35 26	\$	6,266,966
35 27	FTEs	159.10

35 28 The department shall employ one additional special agent and
35 29 one additional criminalist for the purpose of investigating
35 30 cold cases. Prior to employing the additional special agent
35 31 and criminalist authorized in this paragraph, the department
35 32 shall provide a written statement to prospective employees that
35 33 states to the effect that the positions are being funded by a
35 34 temporary federal grant and there are no assurances that funds
35 35 from other sources will be available after the federal funding
36 1 expires. If the federal funding for the additional positions
36 2 expires during the fiscal year, the number of full-time
36 3 equivalent positions authorized in this subsection is reduced
36 4 by 2.00 FTEs.

36 5 3. For the criminalistics laboratory fund created in
36 6 section 691.9:

36 7	\$	151,173
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36 8 4. a. For the division of narcotics enforcement, including
36 9 the state's contribution to the peace officers' retirement,
36 10 accident, and disability system provided in chapter 97A in the
36 11 amount of the state's normal contribution rate, as defined in
36 12 section 97A.8, multiplied by the salaries for which the funds
36 13 are appropriated, to meet federal fund matching requirements,
36 14 and for not more than the following full-time equivalent
36 15 positions:

36 16	\$	3,214,942
36 17	FTEs	74.00

36 18 b. For the division of narcotics enforcement for undercover
36 19 purchases:

36 20	\$	54,521
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36 21 5. For the division of state fire marshal, for fire
36 22 protection services as provided through the state fire service
36 23 and emergency response council as created in the department,
36 24 and for the state's contribution to the peace officers'
36 25 retirement, accident, and disability system provided in chapter
36 26 97A in the amount of the state's normal contribution rate, as
36 27 defined in section 97A.8, multiplied by the salaries for which
36 28 the funds are appropriated, and for not more than the following
36 29 full-time equivalent positions:

36 30	\$	2,149,354
36 31	FTEs	55.00

36 32 6. For the division of state patrol, for salaries, support,
36 33 maintenance, workers' compensation costs, and miscellaneous
36 34 purposes, including the state's contribution to the peace
36 35 officers' retirement, accident, and disability system provided
37 1 in chapter 97A in the amount of the state's normal contribution

37 2 rate, as defined in section 97A.8, multiplied by the salaries
37 3 for which the funds are appropriated, and for not more than the
37 4 following full-time equivalent positions:

37 5 \$ 25,951,617
37 6 FTEs 513.00

37 7 It is the intent of the general assembly that members of the
37 8 state patrol be assigned to patrol the highways and roads in
37 9 lieu of assignments for inspecting school buses for the school
37 10 districts.

37 11 7. For deposit in the sick leave benefits fund established
37 12 under section 80.42 for all departmental employees eligible to
37 13 receive benefits for accrued sick leave under the collective
37 14 bargaining agreement:

37 15 \$ 139,759

37 16 8. For costs associated with the training and equipment
37 17 needs of volunteer fire fighters:

37 18 \$ 362,760

37 19 a. Notwithstanding section 8.33, moneys appropriated in
37 20 this subsection that remain unencumbered or unobligated at the
37 21 close of the fiscal year shall not revert but shall remain
37 22 available for expenditure only for the purpose designated in
37 23 this subsection until the close of the succeeding fiscal year.

37 24 b. Notwithstanding section 8.39, within the moneys
37 25 appropriated in this section, the department of public safety
37 26 may reallocate moneys as necessary to best fulfill the needs
37 27 provided for in the appropriation. However, the department
37 28 shall not reallocate an appropriation made to the department
37 29 in this section unless notice of the reallocation is given
37 30 to the legislative services agency and the department of
37 31 management prior to the effective date of the reallocation.
37 32 The notice shall include information regarding the rationale
37 33 for reallocating the appropriation. The department shall
37 34 not reallocate an appropriation made in this section for the
37 35 purpose of eliminating any program.

38 1 Sec. 44. GAMING ENFORCEMENT.

38 2 1. There is appropriated from the gaming enforcement
38 3 revolving fund created in section 80.43 to the department of
38 4 public safety for the fiscal year beginning July 1, 2012, and
38 5 ending June 30, 2013, the following amount, or so much thereof
38 6 as is necessary, to be used for the purposes designated:

38 7 For any direct and indirect support costs for agents
38 8 and officers of the division of criminal investigation's
38 9 excursion gambling boat, gambling structure, and racetrack
38 10 enclosure enforcement activities, including salaries, support,
38 11 maintenance, miscellaneous purposes, and for not more than the
38 12 following full-time equivalent positions:

38 13 \$ 4,918,153
38 14 FTEs 120.00

38 15 2. For each additional license to conduct gambling games on

38 16 an excursion gambling boat, gambling structure, or racetrack
38 17 enclosure issued during the fiscal year beginning July 1, 2012,
38 18 there is appropriated from the gaming enforcement fund to the
38 19 department of public safety for the fiscal year beginning July
38 20 1, 2012, and ending June 30, 2013, an additional amount of not
38 21 more than \$521,000 to be used for not more than 6.00 additional
38 22 full-time equivalent positions.

38 23 3. The department of public safety, with the approval
38 24 of the department of management, may employ no more than two
38 25 special agents and four gaming enforcement officers for each
38 26 additional riverboat or gambling structure regulated after July
38 27 1, 2012, and one special agent for each racing facility which
38 28 becomes operational during the fiscal year which begins July 1,
38 29 2012. One additional gaming enforcement officer, up to a total
38 30 of four per riverboat or gambling structure, may be employed
38 31 for each riverboat or gambling structure that has extended
38 32 operations to 24 hours and has not previously operated with a
38 33 24-hour schedule. Positions authorized in this subsection are
38 34 in addition to the full-time equivalent positions otherwise
38 35 authorized in this section.

39 1 Sec. 45. CIVIL RIGHTS COMMISSION. There is appropriated
39 2 from the general fund of the state to the Iowa state civil
39 3 rights commission for the fiscal year beginning July 1,
39 4 2012, and ending June 30, 2013, the following amount, or so
39 5 much thereof as is necessary, to be used for the purposes
39 6 designated:

39 7 For salaries, support, maintenance, miscellaneous purposes,
39 8 and for not more than the following full-time equivalent
39 9 positions:

39 10	\$	648,535
39 11	FTEs	28.00

39 12 The Iowa state civil rights commission may enter into
39 13 a contract with a nonprofit organization to provide legal
39 14 assistance to resolve civil rights complaints.

39 15 Sec. 46. HOMELAND SECURITY AND EMERGENCY MANAGEMENT

39 16 DIVISION. There is appropriated from the wireless E911
39 17 emergency communications fund created in section 34A.7A to the
39 18 administrator of the homeland security and emergency management
39 19 division of the department of public defense for the fiscal
39 20 year beginning July 1, 2012, and ending June 30, 2013, an
39 21 amount not exceeding \$200,000 to be used for implementation,
39 22 support, and maintenance of the functions of the administrator
39 23 and program manager under chapter 34A and to employ the auditor
39 24 of the state to perform an annual audit of the wireless E911
39 25 emergency communications fund.

39 26 DIVISION III
39 27 CONDITIONAL EFFECTIVE DATE AND RETROACTIVE APPLICABILITY

39 28 Sec. 47. EFFECTIVE DATE AND RETROACTIVE

This Act is effective on enactment and retroactive to July 1, 2011.

39 29 APPLICABILITY. Unless otherwise provided, this Act, if
39 30 approved by the governor on or after July 1, 2011, takes effect
39 31 upon enactment and applies retroactively to July 1, 2011.