HOUSE FILE 861
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO LSB 1005YA)

(As Amended and Passed by the House May 18, 2021)
[= New Language by the House
* = Language Stricken by the House

A BILL FOR

An Act relating to appropriations to the justice system, [gambling regulatory fees, and creating a bureau of cyber-crime] establishing a department of corrections survivor benefits fund, and including effective date and retroactive applicability provisions[.]

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

DIVISION I

FY 2021-2022

APPROPRIATIONS

Section 1. DEPARTMENT OF JUSTICE.

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

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

* ..... $ [6,361,238]

..... FTEs 215.00

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

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

b. For victim assistance grants:

..... $ 5,016,708

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

The balance of the victim compensation fund established in section 915.94 may be used to provide salary and support of not more than 24.00 full-time equivalent positions and to provide maintenance for the victim compensation functions of the department of justice. In addition to the full-time equivalent positions authorized pursuant to this paragraph, * 7[7.00] full-time equivalent positions are authorized and shall be used by the department of justice to employ one accountant and four program planners. The department of justice may *10 employ the additional[7.00]full-time equivalent positions authorized pursuant to this paragraph that are in excess of the number of full-time equivalent positions authorized only if the department of justice receives sufficient federal moneys to maintain employment for the additional full-time equivalent positions during the current fiscal year. The department *16 of justice shall only employ the additional[7.00]full-time equivalent positions in succeeding fiscal years if sufficient federal moneys are received during each of those succeeding fiscal years.

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

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

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

..... $ 2,634,601

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

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

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

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

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

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

For salaries, support, maintenance, and miscellaneous

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

..... $ 3,137,588

..... FTEs 22.00

Sec. 3. DEPARTMENT OF CORRECTIONS — FACILITIES.

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

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

* ..... $[42,488,273]

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

* ..... $[35,868,225]

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

* ..... $[63,688,978]

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

* ..... $[29,390,947]

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

* ..... $[26,680,161]

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

* ..... $[10,841,112]

g. For the operation of the Clarinda correctional facility,

including salaries, support, maintenance, and miscellaneous purposes:

* ..... $[25,647,227]

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

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

* ..... $[23,979,152]

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

* ..... $[30,903,150]

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

..... $ 1,082,635

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

..... $ 234,411

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

Sec. 4. DEPARTMENT OF CORRECTIONS — ADMINISTRATION. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 2021, and ending June 30, 2022, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

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

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

* ..... $ [5,558,227]

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

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

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

..... $ 2,608,109

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

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

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

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

..... $ 2,000,000

4. For offender mental health and substance abuse treatment:

..... $ 28,065

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

..... $ 10,079,991

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

Sec. 5. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL SERVICES.

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

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

* ..... $[15,553,865]

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

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

* ..... $[12,015,201]

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

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

* ..... $ [7,519,274]

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

* ..... $ [5,941,717]

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

* ..... $[22,514,230]

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

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

* ..... $[15,431,664]

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

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

* ..... $ [8,213,355]

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

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

* ..... $ [8,761,954]

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

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

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

..... $ 663,219

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

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

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

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

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

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

Sec. 7. INTENT — REPORTS.

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

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

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

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

Sec. 9. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.

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

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

Sec. 10. IOWA LAW ENFORCEMENT ACADEMY.

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

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

* ..... $ [1,220,749]

..... FTEs 30.25

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

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

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

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

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

* ..... $[29,483,120]
..... FTEs 233.00

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

* ..... $[40,960,374]

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

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

* ..... $[1,285,739]
..... FTEs 10.53

Sec. 13. DEPARTMENT OF PUBLIC DEFENSE.

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

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

* ..... $[6,916,601]
..... FTEs 254.00

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

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

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

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

* ..... $ [2,287,756]
..... FTEs 30.00

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

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

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

..... $ 5,833,065
..... FTEs 43.00

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

positions:
..... $ 19,316,868
..... FTEs 180.00

3. For the criminalistics laboratory fund created in section 691.9:
..... $ 650,000

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

4. a. For the division of narcotics enforcement, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of the state's normal contribution rate, as defined in section 97A.8, multiplied by the salaries for which the moneys are appropriated, to meet federal fund matching requirements, and for not more than the following full-time equivalent positions:
..... $ 8,428,156
..... FTEs 67.00

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

b. For the division of narcotics enforcement for undercover purchases:
..... $ 209,042

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

..... $ 5,460,291

..... FTEs 49.00

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

..... $ 69,432,433

..... FTEs 506.00

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

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

..... $ 279,517

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

..... $ 825,520

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

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

9. For the public safety interoperable and broadband communications fund established in section 80.44:

..... $ 115,661

10. For the office to combat human trafficking established pursuant to section 80.45, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 197,325

..... FTEs 2.00

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

..... $ 50,000

12. For deposit in the public safety equipment fund established in section 80.48 for the purchase, maintenance, and replacement of equipment used by the department:

..... $ 2,500,000

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

Sec. 16. GAMING ENFORCEMENT.

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

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

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

..... $ [10,211,731]

..... FTEs 73.00

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

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

Sec. 17. CIVIL RIGHTS COMMISSION.

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

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

..... $ [1,318,718]

..... FTEs 27.00

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

Sec. 18. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION.

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

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

..... $ [1,288,368]

..... FTEs 8.82

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

..... $ 140,000

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

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

2. The justice advisory board and the juvenile justice

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

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

For implementation, support, and maintenance of the functions of the administrator and program manager under chapter 34A and to employ the auditor of the state to perform an annual audit of the 911 emergency communications fund:

..... $ 250,000

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

a. For farm mediation services as specified in section 13.13, subsection 2:

..... $ 300,000

b. For salaries, support, maintenance, and miscellaneous purposes for criminal prosecutions, criminal appeals, and performing duties pursuant to chapter 669:

..... $ 2,000,000

..... FTEs 2.00

DIVISION II

MISCELLANEOUS APPROPRIATIONS

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

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

..... $ 400,000

DIVISION III

ATTORNEY GENERAL

Sec. 22. Section 85.67, Code 2021, is amended to read as follows:

85.67 Administration of fund — special counsel — payment of award.

The attorney general shall appoint a staff member to represent the treasurer of state and the fund in all proceedings and matters arising under this subchapter. The attorney general shall be reimbursed up to ~~two hundred fifteen~~ four hundred fifty thousand dollars annually from the fund for services provided related to the fund. The commissioner of insurance shall consider the reimbursement to the attorney general as an outstanding liability when making a determination of funding availability under section 85.65A, subsection 2. In making an award under this subchapter, the workers' compensation commissioner shall specifically find the amount the injured employee shall be paid weekly, the number of weeks of compensation which shall be paid by the employer, the date upon which payments out of the fund shall begin, and, if possible, the length of time the payments shall continue.

Sec. 23. 2014 Iowa Acts, chapter 1138, section 21, as amended by 2016 Iowa Acts, chapter 1137, section 18, 2017 Iowa Acts, chapter 167, section 24, and 2019 Iowa Acts, chapter 163, section 26, is amended to read as follows:

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

DIVISION IV

INDIGENT DEFENSE

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

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

DIVISION V

GAMBLING — FEES

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

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

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

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

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

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

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

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

DIVISION VI

DEPARTMENT OF PUBLIC SAFETY — BUREAU OF CYBER-CRIME

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

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

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

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

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

DIVISION VII

DEPARTMENT OF CORRECTIONS

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

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

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

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

a. An employee of the Iowa department of corrections.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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