

MAR 17 2005  
APPROPRIATIONS CALENDAR

HOUSE FILE 811  
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HSB 279)

Passed House, Date 4-16-05 Passed Senate, Date \_\_\_\_\_  
Vote: Ayes 58 Nays 42 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved Item Veto 6/14/05

**A BILL FOR**

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

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

4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

HF 811

1 JUSTICE SYSTEM

2 Section 1. DEPARTMENT OF JUSTICE.

3 1. There is appropriated from the general fund of the  
4 state to the department of justice for the fiscal year  
5 beginning July 1, 2005, and ending June 30, 2006, the  
6 following amounts, or so much thereof as is necessary, to be  
7 used for the purposes designated:

8 a. For the general office of attorney general for  
9 salaries, support, maintenance, miscellaneous purposes  
10 including the prosecuting attorneys training program, victim  
11 assistance grants, office of drug control policy (ODCP)  
12 prosecuting attorney program, legal services for persons in  
13 poverty grants as provided in section 13.34, odometer fraud  
14 enforcement, and for not more than the following full-time  
15 equivalent positions:

16 ..... \$ 7,774,280  
17 ..... FTEs 214.50

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

23 b. For victim assistance grants:  
24 ..... \$ 5,000

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

29 c. For legal services for persons in poverty grants as  
30 provided in section 13.34:  
31 ..... \$ 0

32 2. In addition to the funds appropriated in subsection 1,  
33 there is appropriated from the general fund of the state to  
34 the department of justice for the fiscal year beginning July  
35 1, 2005, and ending June 30, 2006, an amount not exceeding

1 \$200,000 to be used for the enforcement of the Iowa  
2 competition law. The funds appropriated in this subsection  
3 are contingent upon receipt by the general fund of the state  
4 of an amount at least equal to the expenditure amount from  
5 either damages awarded to the state or a political subdivision  
6 of the state by a civil judgment under chapter 553, if the  
7 judgment authorizes the use of the award for enforcement  
8 purposes or costs or attorneys fees awarded the state in state  
9 or federal antitrust actions. However, if the amounts  
10 received as a result of these judgments are in excess of  
11 \$200,000, the excess amounts shall not be appropriated to the  
12 department of justice pursuant to this subsection. The  
13 department of justice shall report the department's actual  
14 costs and an estimate of the time incurred enforcing the  
15 competition law, to the co-chairpersons and ranking members of  
16 the joint appropriations subcommittee on the justice system,  
17 and to the legislative services agency by November 15, 2004.

18 3. In addition to the funds appropriated in subsection 1,  
19 there is appropriated from the general fund of the state to  
20 the department of justice for the fiscal year beginning July  
21 1, 2005, and ending June 30, 2006, an amount not exceeding  
22 \$300,000 to be used for administration and operations. The  
23 funds appropriated in this subsection are contingent upon  
24 receipt by the general fund of the state of an amount at least  
25 equal to the expenditure amount from costs or attorney fees  
26 awarded the state in settlement of its antitrust action  
27 against Microsoft brought under chapter 553. However, if the  
28 amounts received as a result of this settlement are in excess  
29 of \$300,000, the excess amounts shall not be appropriated to  
30 the department of justice pursuant to this subsection.

31 4. In addition to the funds appropriated in subsection 1,  
32 there is appropriated from the general fund of the state to  
33 the department of justice for the fiscal year beginning July  
34 1, 2005, and ending June 30, 2006, an amount not exceeding  
35 \$1,125,000 to be used for public education relating to

1 consumer fraud and for enforcement of section 714.16, and an  
2 amount not exceeding \$75,000 for investigation, prosecution,  
3 and consumer education relating to consumer and criminal fraud  
4 against older Iowans. The funds appropriated in this  
5 subsection are contingent upon receipt by the general fund of  
6 the state of an amount at least equal to the expenditure  
7 amount from damages awarded to the state or a political  
8 subdivision of the state by a civil consumer fraud judgment or  
9 settlement, if the judgment or settlement authorizes the use  
10 of the award for public education on consumer fraud. However,  
11 if the funds received as a result of these judgments and  
12 settlements are in excess of \$1,200,000, the excess funds  
13 shall not be appropriated to the department of justice  
14 pursuant to this subsection. The department of justice shall  
15 report to the co-chairpersons and ranking members of the joint  
16 appropriations subcommittee on the justice system, and to the  
17 legislative services agency by November 15, 2005, the  
18 department's actual costs and an estimate of the time incurred  
19 in providing education pursuant to and enforcing this  
20 subsection.

21 5. The balance of the victim compensation fund established  
22 in section 915.94 may be used to provide salary and support of  
23 not more than 22 FTEs and to provide maintenance for the  
24 victim compensation functions of the department of justice.

25 6. a. The department of justice, in submitting budget  
26 estimates for the fiscal year commencing July 1, 2006,  
27 pursuant to section 8.23, shall include a report of funding  
28 from sources other than amounts appropriated directly from the  
29 general fund of the state to the department of justice or to  
30 the office of consumer advocate. These funding sources shall  
31 include, but are not limited to, reimbursements from other  
32 state agencies, commissions, boards, or similar entities, and  
33 reimbursements from special funds or internal accounts within  
34 the department of justice. The department of justice shall  
35 report actual reimbursements for the fiscal year commencing

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

4 Sec. 3. OFFICE OF CONSUMER ADVOCATE. There is  
5 appropriated from the general fund of the state to the office  
6 of consumer advocate of the department of justice for the  
7 fiscal year beginning July 1, 2005, and ending June 30, 2006,  
8 the following amount, or so much thereof as is necessary, to  
9 be used for the purposes designated:

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

13 .....	\$ 2,810,442
14 .....	FTEs 27.00

15 Sec. 4. DEPARTMENT OF CORRECTIONS -- FACILITIES.

16 1. There is appropriated from the general fund of the  
17 state to the department of corrections for the fiscal year  
18 beginning July 1, 2005, and ending June 30, 2006, the  
19 following amounts, or so much thereof as is necessary, to be  
20 used for the purposes designated:

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

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

27 .....	\$ 38,923,261
----------	---------------

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

31 .....	\$ 27,257,452
----------	---------------

32 Moneys are provided within this appropriation for one full-  
33 time substance abuse counselor for the Luster Heights  
34 facility, for the purpose of certification of a substance  
35 abuse program at that facility.

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

4 ..... \$ 24,730,278

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

8 ..... \$ 25,073,632

9 e. For the operation of the Mt. Pleasant correctional  
10 facility, including salaries, support, maintenance, and  
11 miscellaneous purposes:

12 ..... \$ 23,003,340

13 In addition to the funds allocated in this paragraph "e",  
14 there is appropriated from the general fund of the state to  
15 the department of corrections for the fiscal year beginning  
16 July 1, 2005, and ending June 30, 2006, an amount not  
17 exceeding \$10,000 to be used for the chapel at the Mount  
18 Pleasant correctional facility. The funds appropriated in  
19 this paragraph are contingent upon receipt by the general fund  
20 of the state of an amount at least equal to the expenditure  
21 amount from costs or attorney fees awarded the state in  
22 settlement of its antitrust action against Microsoft brought  
23 under chapter 553. However, if the amounts received as a  
24 result of this settlement are in excess of \$10,000, the excess  
25 amounts shall not be appropriated to the department of  
26 corrections pursuant to this paragraph.

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

30 ..... \$ 8,096,378

31 g. For the operation of the Clarinda correctional  
32 facility, including salaries, support, maintenance, and  
33 miscellaneous purposes:

34 ..... \$ 22,904,497

35 Moneys received by the department of corrections as

1 reimbursement for services provided to the Clarinda youth  
2 corporation are appropriated to the department and shall be  
3 used for the purpose of operating the Clarinda correctional  
4 facility.

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

8 ..... \$ 14,002,603

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

12 ..... \$ 26,315,943

13 j. For inmate substance abuse and mental health treatment:

14 ..... \$ 1,000,000

15 In addition to the funds appropriated in this paragraph,  
16 there is appropriated from the general fund of the state to  
17 the department of corrections for the fiscal year beginning  
18 July 1, 2005, and ending June 30, 2006, an amount not to  
19 exceed \$214,000 to be used for inmate substance abuse and  
20 mental health treatment. The funds appropriated in this  
21 paragraph are contingent upon the receipt by the general fund  
22 of the state of an amount at least equal to the expenditure  
23 amount from costs or attorney fees awarded the state in  
24 settlement of its antitrust action against Microsoft brought  
25 under chapter 553. However, if the amounts received as a  
26 result of this settlement are in excess of \$214,000, the  
27 excess amounts shall not be appropriated to the department of  
28 corrections pursuant to this paragraph.

29 k. For reimbursement of counties for temporary confinement  
30 of work release and parole violators, as provided in sections  
31 901.7, 904.908, and 906.17 and for offenders confined pursuant  
32 to section 904.513:

33 ..... \$ 674,954

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

1 ..... \$ 241,293

2 2. The department of corrections shall use funds  
3 appropriated in subsection 1 to continue to contract for the  
4 services of a Muslim imam.

5 3. In addition to the funds appropriated in subsection 1,  
6 there is appropriated from the general fund of the state to  
7 the department of corrections for the fiscal year beginning  
8 July 1, 2005, and ending June 30, 2006, an amount not  
9 exceeding \$42,000 to be used for education programming. The  
10 funds appropriated in this subsection are contingent upon  
11 receipt by the general fund of the state of an amount at least  
12 equal to the expenditure amount from costs or attorney fees  
13 awarded the state in settlement of its antitrust action  
14 against Microsoft brought under chapter 553. However, if the  
15 amounts received as a result of this settlement are in excess  
16 of \$42,000, the excess amounts shall not be appropriated to  
17 the department of corrections pursuant to this subsection.

18 Sec. 5. DEPARTMENT OF CORRECTIONS -- ADMINISTRATION.

19 1. There is appropriated from the general fund of the  
20 state to the department of corrections for the fiscal year  
21 beginning July 1, 2005, and ending June 30, 2006, the  
22 following amounts, or so much thereof as is necessary, to be  
23 used for the purposes designated:

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

28 ..... \$ 2,829,708

29 (1) It is the intent of the general assembly that as a  
30 condition of receiving the appropriation provided in this  
31 lettered paragraph, the department of corrections shall not,  
32 except as otherwise provided in subparagraph (3), enter into a  
33 new contract, unless the contract is a renewal of an existing  
34 contract, for the expenditure of moneys in excess of \$100,000  
35 during the fiscal year beginning July 1, 2005, for the

1 privatization of services performed by the department using  
2 state employees as of July 1, 2005, or for the privatization  
3 of new services by the department, without prior consultation  
4 with any applicable state employee organization affected by  
5 the proposed new contract and prior notification of the co-  
6 chairpersons and ranking members of the joint appropriations  
7 subcommittee on the justice system.

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

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

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

29 ..... \$ 1,008,358

30 It is the intent of the general assembly that moneys  
31 appropriated in this lettered paragraph shall be used solely  
32 for the purpose indicated and that the moneys shall not be  
33 transferred for any other purpose. In addition, it is the  
34 intent of the general assembly that the department shall  
35 consult with the community colleges in the areas in which the

1 institutions are located to utilize moneys appropriated in  
2 this lettered paragraph to fund the high school completion,  
3 high school equivalency diploma, adult literacy, and adult  
4 basic education programs in a manner so as to maintain these  
5 programs at the institutions.

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

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

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

20 c. For the development of the Iowa corrections offender  
21 network (ICON) data system:

22 ..... \$ 427,700

23 2. It is the intent of the general assembly that the  
24 department of corrections shall continue to operate the  
25 correctional farms under the control of the department at the  
26 same or greater level of participation and involvement as  
27 existed as of January 1, 2005, shall not enter into any rental  
28 agreement or contract concerning any farmland under the  
29 control of the department that is not subject to a rental  
30 agreement or contract as of January 1, 2005, without prior  
31 legislative approval, and shall further attempt to provide job  
32 opportunities at the farms for inmates. The department shall  
33 attempt to provide job opportunities at the farms for inmates  
34 by encouraging labor-intensive farming or gardening where  
35 appropriate, using inmates to grow produce and meat for

1 institutional consumption, researching the possibility of  
2 instituting food canning and cook-and-chill operations, and  
3 exploring opportunities for organic farming and gardening,  
4 livestock ventures, horticulture, and specialized crops.

5 3. The department shall work to increase produce gardening  
6 by inmates under the control of the correctional institutions,  
7 and, if appropriate, may use the central distribution network  
8 at the Woodward state resource center. The department shall  
9 file a report with the co-chairpersons and ranking members of  
10 the joint appropriations subcommittee on the justice system by  
11 December 1, 2005, regarding the feasibility of expanding the  
12 number of acres devoted to organic gardening and to the  
13 growing of organic produce for sale.

14 4. The department of corrections shall submit a report to  
15 the general assembly by January 1, 2006, concerning moneys  
16 recouped from inmate earnings for the reimbursement of  
17 operational expenses of the applicable facility during the  
18 fiscal year beginning July 1, 2004, for each correctional  
19 institution and judicial district department of correctional  
20 services. In addition, each correctional institution and  
21 judicial district department of correctional services shall  
22 continue to submit a report to the legislative services agency  
23 on a monthly basis concerning moneys recouped from inmate  
24 earnings pursuant to sections 904.702, 904.809, and 905.14.

25 5. The department of corrections, in consultation with the  
26 board of parole, shall study the feasibility of establishing a  
27 mentoring program using unpaid volunteers to mentor persons  
28 who are on probation or parole. The department of corrections  
29 shall file a report regarding the study with the co-  
30 chairpersons and ranking members of the joint appropriations  
31 subcommittee on the justice system and the legislative  
32 services agency by December 15, 2005. The report shall detail  
33 the feasibility of establishing such a mentoring program.

34 Sec. 6. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL  
35 SERVICES.

1 1. There is appropriated from the general fund of the  
2 state to the department of corrections for the fiscal year  
3 beginning July 1, 2005, and ending June 30, 2006, the  
4 following amounts, or so much thereof as is necessary, to be  
5 allocated as follows:

6 a. For the first judicial district department of  
7 correctional services, including the treatment and supervision  
8 of probation and parole violators who have been released from  
9 the department of corrections violator program, the following  
10 amount, or so much thereof as is necessary:

11 ..... \$ 10,406,624

12 b. For the second judicial district department of  
13 correctional services, including the treatment and supervision  
14 of probation and parole violators who have been released from  
15 the department of corrections violator program, the following  
16 amount, or so much thereof as is necessary:

17 ..... \$ 8,017,509

18 c. For the third judicial district department of  
19 correctional services, including the treatment and supervision  
20 of probation and parole violators who have been released from  
21 the department of corrections violator program, the following  
22 amount, or so much thereof as is necessary:

23 ..... \$ 4,836,472

24 d. For the fourth judicial district department of  
25 correctional services, including the treatment and supervision  
26 of probation and parole violators who have been released from  
27 the department of corrections violator program, the following  
28 amount, or so much thereof as is necessary:

29 ..... \$ 4,305,545

30 e. For the fifth judicial district department of  
31 correctional services, including the treatment and supervision  
32 of probation and parole violators who have been released from  
33 the department of corrections violator program, the following  
34 amount, or so much thereof as is necessary:

35 ..... \$ 13,547,738

1 f. For the sixth judicial district department of  
2 correctional services, including the treatment and supervision  
3 of probation and parole violators who have been released from  
4 the department of corrections violator program, the following  
5 amount, or so much thereof as is necessary:

6 ..... \$ 10,331,724

7 g. For the seventh judicial district department of  
8 correctional services, including the treatment and supervision  
9 of probation and parole violators who have been released from  
10 the department of corrections violator program, the following  
11 amount, or so much thereof as is necessary:

12 ..... \$ 5,787,248

13 h. For the eighth judicial district department of  
14 correctional services, including the treatment and supervision  
15 of probation and parole violators who have been released from  
16 the department of corrections violator program, the following  
17 amount, or so much thereof as is necessary:

18 ..... \$ 5,722,888

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

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

32 4. The governor's office of drug control policy shall  
33 consider federal grants made to the department of corrections  
34 for the benefit of each of the eight judicial district  
35 departments of correctional services as local government

1 grants, as defined pursuant to federal regulations.

2 Sec. 7. INTENT -- REPORTS.

3 1. The department of corrections shall submit a report on  
4 inmate labor to the general assembly, to the co-chairpersons  
5 and the ranking members of the joint appropriations  
6 subcommittee on the justice system, and to the legislative  
7 services agency by January 15, 2006. The report shall  
8 specifically address the progress the department has made in  
9 implementing the requirements of section 904.701, inmate labor  
10 on capital improvement projects, community work crews, inmate  
11 produce gardening, and private-sector employment.

12 2. The department in cooperation with townships, the Iowa  
13 cemetery associations, and other nonprofit or governmental  
14 entities may use inmate labor to restore or preserve rural  
15 cemeteries and historical landmarks. The department in  
16 cooperation with the counties may also use inmate labor to  
17 clean up roads, major water sources, and other water sources  
18 around the state.

19 3. Each month the department shall provide a status report  
20 regarding private-sector employment to the legislative  
21 services agency beginning on July 1, 2005. The report shall  
22 include the number of offenders employed in the private  
23 sector, the combined number of hours worked by the offenders,  
24 and the total amount of allowances, and the distribution of  
25 allowances pursuant to section 904.702, including any moneys  
26 deposited in the general fund of the state.

27 Sec. 8. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.

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

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

8 Sec. 9. STATE PUBLIC DEFENDER. There is appropriated from  
9 the general fund of the state to the office of the state  
10 public defender of the department of inspections and appeals  
11 for the fiscal year beginning July 1, 2005, and ending June  
12 30, 2006, the following amounts, or so much thereof as is  
13 necessary, to be allocated as follows for the purposes  
14 designated:

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

18 ..... \$ 18,444,964  
19 ..... FTEs 202.00

20 2. For the fees of court-appointed attorneys for indigent  
21 adults and juveniles, in accordance with section 232.141 and  
22 chapter 815:

23 ..... \$ 21,163,082

24 Sec. 10. IOWA LAW ENFORCEMENT ACADEMY.

25 1. There is appropriated from the general fund of the  
26 state to the Iowa law enforcement academy for the fiscal year  
27 beginning July 1, 2005, and ending June 30, 2006, the  
28 following amount, or so much thereof as is necessary, to be  
29 used for the purposes designated:

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

33 ..... \$ 1,075,138  
34 ..... FTEs 30.05

35 It is the intent of the general assembly that the Iowa law

1 enforcement academy may provide training of state and local  
2 law enforcement personnel concerning the recognition of and  
3 response to persons with Alzheimer's disease.

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

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

23 Sec. 11. BOARD OF PAROLE. There is appropriated from the  
24 general fund of the state to the board of parole for the  
25 fiscal year beginning July 1, 2005, and ending June 30, 2006,  
26 the following amount, or so much thereof as is necessary, to  
27 be used for the purposes designated:

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

31 .....	\$	1,121,044
32 .....	FTEs	17.50

33 Sec. 12. DEPARTMENT OF PUBLIC DEFENSE. There is  
34 appropriated from the general fund of the state to the  
35 department of public defense for the fiscal year beginning

1 July 1, 2005, and ending June 30, 2006, the following amounts,  
2 or so much thereof as is necessary, to be used for the  
3 purposes designated:

4 1. MILITARY DIVISION

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

8 ..... \$ 5,130,040  
9 ..... FTEs 312.55

10 If there is a surplus in the general fund of the state for  
11 the fiscal year ending June 30, 2006, within 60 days after the  
12 close of the fiscal year, the military division may incur up  
13 to an additional \$500,000 in expenditures from the surplus  
14 prior to transfer of the surplus pursuant to section 8.57.

15 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION

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

19 ..... \$ 1,172,230  
20 ..... FTEs 24.75

21 Sec. 13. DEPARTMENT OF PUBLIC SAFETY. There is  
22 appropriated from the general fund of the state to the  
23 department of public safety for the fiscal year beginning July  
24 1, 2005, and ending June 30, 2006, the following amounts, or  
25 so much thereof as is necessary, to be used for the purposes  
26 designated:

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

30 ..... \$ 3,095,033  
31 ..... FTEs 38.00

32 2. For the division of criminal investigation and bureau  
33 of identification, including the state's contribution to the  
34 peace officers' retirement, accident, and disability system  
35 provided in chapter 97A in the amount of 17 percent of the

1 salaries for which the funds are appropriated, to meet federal  
2 fund matching requirements, and for not more than the  
3 following full-time equivalent positions:

4 ..... \$ 14,807,052  
5 ..... FTEs 222.50

6 3. For the criminalistics laboratory fund, if created in  
7 section 602.8108:

8 ..... \$ 0

9 The department of public safety, with the approval of the  
10 department of management, may employ no more than two special  
11 agents and four gaming enforcement officers for each  
12 additional riverboat regulated after July 1, 2005, and one  
13 special agent for each racing facility which becomes  
14 operational during the fiscal year which begins July 1, 2005.  
15 One additional gaming enforcement officer, up to a total of  
16 four per riverboat, may be employed for each riverboat that  
17 has extended operations to 24 hours and has not previously  
18 operated with a 24-hour schedule. Positions authorized in  
19 this paragraph are in addition to the full-time equivalent  
20 positions otherwise authorized in this subsection.

21 4. a. For the division of narcotics enforcement,  
22 including the state's contribution to the peace officers'  
23 retirement, accident, and disability system provided in  
24 chapter 97A in the amount of 17 percent of the salaries for  
25 which the funds are appropriated, to meet federal fund  
26 matching requirements, and for not more than the following  
27 full-time equivalent positions:

28 ..... \$ 4,701,141  
29 ..... FTEs 75.00

30 b. For the division of narcotics enforcement for  
31 undercover purchases:

32 ..... \$ 123,343

33 5. a. For the state fire marshal's office, including the  
34 state's contribution to the peace officers' retirement,  
35 accident, and disability system provided in chapter 97A in the

1 amount of 17 percent of the salaries for which the funds are  
2 appropriated, and for not more than the following full-time  
3 equivalent positions:

4 ..... \$ 2,456,998  
5 ..... FTEs 42.00

6 b. For the state fire marshal's office, for fire  
7 protection services as provided through the state fire service  
8 and emergency response council as created in the department,  
9 and for not more than the following full-time equivalent  
10 positions:

11 ..... \$ 638,021  
12 ..... FTEs 10.00

13 6. For the division of the Iowa state patrol of the  
14 department of public safety, for salaries, support,  
15 maintenance, workers' compensation costs, and miscellaneous  
16 purposes, including the state's contribution to the peace  
17 officers' retirement, accident, and disability system provided  
18 in chapter 97A in the amount of 17 percent of the salaries for  
19 which the funds are appropriated, and for not more than the  
20 following full-time equivalent positions:

21 ..... \$ 43,151,973  
22 ..... FTEs 531.00

23 In addition to the funds otherwise appropriated in this  
24 subsection, there is appropriated from the general fund of the  
25 state to the division of the Iowa state patrol for the fiscal  
26 year beginning July 1, 2005, and ending June 30, 2006, an  
27 amount not exceeding \$390,000 to be used for motor vehicle  
28 depreciation. The funds appropriated in this paragraph are  
29 contingent upon receipt by the general fund of the state of an  
30 amount at least equal to the expenditure amount from costs or  
31 attorney fees awarded the state in settlement of its antitrust  
32 action against Microsoft brought under chapter 553. However,  
33 if the amounts received as a result of this settlement are in  
34 excess of \$390,000, the excess amounts shall not be  
35 appropriated to the division of the Iowa state patrol pursuant

1 to this paragraph.

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

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

10 ..... \$ 316,179

11 An employee of the department of public safety who retires  
12 after July 1, 2005, but prior to June 30, 2006, is eligible  
13 for payment of life or health insurance premiums as provided  
14 for in the collective bargaining agreement covering the public  
15 safety bargaining unit at the time of retirement if that  
16 employee previously served in a position which would have been  
17 covered by the agreement. The employee shall be given credit  
18 for the service in that prior position as though it were  
19 covered by that agreement. The provisions of this subsection  
20 shall not operate to reduce any retirement benefits an  
21 employee may have earned under other collective bargaining  
22 agreements or retirement programs.

23 8. For costs associated with the training and equipment  
24 needs of volunteer fire fighters and for not more than the  
25 following full-time equivalent position:

26 ..... \$ 699,587  
27 ..... FTEs 1.00

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

33 Sec. 14. CIVIL RIGHTS COMMISSION. There is appropriated  
34 from the general fund of the state to the Iowa state civil  
35 rights commission for the fiscal year beginning July 1, 2005,

1 and ending June 30, 2006, the following amount, or so much  
2 thereof as is necessary, to be used for the purposes  
3 designated:

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

7 .....	\$	950,788
8 .....	FTEs	27.50

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

12 Sec. 15. HOMELAND SECURITY AND EMERGENCY MANAGEMENT  
13 DIVISION. There is appropriated from the wireless E911  
14 emergency communications fund to the administrator of the  
15 homeland security and emergency management division of the  
16 department of public defense for the fiscal year beginning  
17 July 1, 2005, and ending June 30, 2006, an amount not  
18 exceeding two hundred thousand dollars to be used for  
19 implementation, support, and maintenance of the functions of  
20 the administrator and program manager under chapter 34A and to  
21 employ the auditor of the state to perform an annual audit of  
22 the wireless E911 emergency communications fund.

23 Sec. 16. IOWA LAW ENFORCEMENT ACADEMY -- FEES.  
24 Notwithstanding section 80B.11B, the Iowa law enforcement  
25 academy may charge more than one-half the cost of providing  
26 the basic training course if a majority of the Iowa law  
27 enforcement academy council authorizes charging more than one-  
28 half of the cost of providing basic training. This section is  
29 repealed on June 30, 2006.

30 EXPLANATION

31 This bill makes appropriations for fiscal year 2005-2006  
32 from the general fund of the state to the departments of  
33 justice, corrections, public defense, and public safety, and  
34 the Iowa law enforcement academy, office of the state public  
35 defender, board of parole, and Iowa state civil rights

1 commission.

2 The bill also makes appropriations to the department of  
3 justice, the department of corrections, and the Iowa state  
4 patrol that are contingent upon the general fund of the state  
5 receiving moneys from the Microsoft antitrust settlement.

6 The bill provides that the Iowa law enforcement academy may  
7 charge a department of the state, a member of a police force,  
8 or any political subdivision of the state more than one-half  
9 of the cost to provide the basic training course for a law  
10 enforcement officer, provided a majority of the Iowa law  
11 enforcement council approves such a charge. Current law  
12 prohibits the Iowa law enforcement academy from charging more  
13 than one-half of the cost of providing the basic training  
14 course.

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

**HOUSE FILE 811**

**H-1123**

1 Amend House File 811 as follows:

2 1. Page 1, by striking line 24 and inserting the  
3 following:

4 "..... \$ 1,935,806"

**By MASCHER of Johnson**

**H-1123 FILED MARCH 21, 2005**

**HOUSE FILE 811**

**H-1124**

1 Amend House File 811 as follows:

2 1. Page 1, by striking line 31, and inserting the  
3 following:

4 "..... \$ 1,500,000"

**By MASCHER of Johnson**

**H-1124 FILED MARCH 21, 2005**

**HOUSE FILE 811**

**H-1126**

1 Amend House File 811 as follows:

2 1. Page 11, by inserting after line 33 the  
3 following:

4 "\_\_\_\_. It is the intent of the general assembly  
5 that as a condition of receiving the appropriation  
6 provided in this lettered paragraph, the department  
7 shall not enter into any agreement with a private  
8 sector nongovernmental entity for the purpose of  
9 housing inmates committed to the custody of the  
10 director of the department, without express  
11 authorization of the general assembly to do so."

**By HORBACH of Tama**

**T. TAYLOR of Linn**

**H-1126 FILED MARCH 21, 2005**

HOUSE FILE 811

H-1246

1 Amend House File 811 as follows:

2 1. Page 21, by inserting after line 29 the  
3 following:

4 "Sec. \_\_\_\_ Section 815.7, Code 2005, is amended to  
5 read as follows:

6 815.7 FEES TO ATTORNEYS.

7 An attorney who has not entered into a contract  
8 authorized under section 13B.4 and who is appointed by  
9 the court to represent any person charged with a crime  
10 in this state, seeking postconviction relief, against  
11 whom a contempt action is pending, appealing a  
12 criminal conviction, appealing a denial of  
13 postconviction relief, or subject to a proceeding  
14 under section 811.1A or chapter 229A or 812, or to  
15 serve as counsel for any person or guardian ad litem  
16 for any child in juvenile court, shall be entitled to  
17 reasonable compensation and expenses. For  
18 appointments made on or after July 1, 1999, the  
19 reasonable compensation shall be calculated on the  
20 basis of ~~sixty~~ sixty-five dollars per hour for class  
21 "A" felonies, ~~fifty-five~~ sixty dollars per hour for  
22 class "B" felonies, and ~~fifty~~ fifty-five dollars per  
23 hour for all other cases. The expenses shall include  
24 any sums as are necessary for investigations in the  
25 interest of justice, and the cost of obtaining the  
26 transcript of the trial record and briefs if an appeal  
27 is filed. The attorney need not follow the case into  
28 another county or into the appellate court unless so  
29 directed by the court. If the attorney follows the  
30 case into another county or into the appellate court,  
31 the attorney shall be entitled to compensation as  
32 provided in this section. Only one attorney fee shall  
33 be so awarded in any one case except that in class "A"  
34 felony cases, two may be authorized."

By FOEGE of Linn

WINCKLER of Scott

LENSING of Johnson

JOCHUM of Dubuque

WESSEL-KROESCHELL of Story

HUTTER of Scott

J. R. VAN FOSSEN of Scott

SWAIM of Davis

ANDERSON of Page

R. OLSON of Polk

TOMENGA of Polk

H-1246 FILED MARCH 30, 2005

HOUSE FILE 811

H-1138

1 Amend House File 811 as follows:

2 1. Page 21, by inserting after line 11 the  
3 following:

4 "Sec. \_\_\_\_\_. Section 99D.15, Code 2005, is amended  
5 by adding the following new subsection:

6 NEW SUBSECTION. 6. a. One-quarter of one percent  
7 of the gross sum wagered by the pari-mutuel method  
8 from the tax revenue received by the commission  
9 pursuant to subsections 1 and 3 is appropriated to the  
10 department of corrections to be used for inmate  
11 substance abuse and mental health treatment.

12 b. One-quarter of one percent of the gross sum  
13 wagered by the pari-mutuel method from the tax revenue  
14 received by the commission pursuant to subsections 1  
15 and 3 is appropriated to the Iowa department of public  
16 health to be used for substance abuse treatment.

17 Sec. \_\_\_\_\_. Section 99F.11, subsection 3, Code 2005,  
18 is amended by adding the following new paragraphs:

19 NEW PARAGRAPH. dd. One-quarter of one percent of  
20 the adjusted gross receipts is appropriated to the  
21 department of corrections to be used for inmate  
22 substance abuse and mental health treatment.

23 NEW PARAGRAPH. de. One-quarter of one percent of  
24 the adjusted gross receipts is appropriated to the  
25 Iowa department of public health to be used for  
26 substance abuse treatment.

27 Sec. \_\_\_\_\_. Section 99G.39, subsection 1, Code 2005,  
28 is amended by adding the following new paragraphs:

29 NEW PARAGRAPH. c. An amount equal to one-quarter  
30 of one percent of the gross lottery revenue for the  
31 year is appropriated to the department of corrections  
32 to be used for inmate substance abuse and mental  
33 health treatment.

34 NEW PARAGRAPH. d. An amount equal to one-quarter  
35 of one percent of the gross lottery revenue for the  
36 year is appropriated to the Iowa department of public  
37 health to be used for substance abuse treatment."

38 2. By renumbering as necessary.

By JOCHUM of Dubuque  
FORD of Polk

H-1138 FILED MARCH 22, 2005

H-1304

1 Amend House File 811 as follows:

2 1. Page 13, by inserting after line 18 the  
3 following:

4 "2. There is appropriated from the general fund of  
5 the state to the department of corrections for the  
6 fiscal year beginning July 1, 2005, and ending June  
7 30, 2006, the following amount, or so much thereof as  
8 is necessary, to be used for the purpose designated:

9 For use by the judicial district departments of  
10 correctional services for electronic tracking and  
11 monitoring of persons required to register as sex  
12 offenders:

13 ..... \$ 2,300,000"  
14 2. By renumbering as necessary.

- |                       |                            |
|-----------------------|----------------------------|
| By MURPHY of Dubuque  | OLDSON of Polk             |
| BELL of Jasper        | D. OLSON of Boone          |
| BERRY of Black Hawk   | R. OLSON of Polk           |
| BUKTA of Clinton      | PETERSEN of Polk           |
| COHOON of Des Moines  | PETTENGILL of Benton       |
| DANDEKAR of Linn      | QUIRK of Chickasaw         |
| DAVITT of Warren      | REASONER of Union          |
| FOEGE of Linn         | REICHERT of Muscatine      |
| FREVERT of Palo Alto  | SCHUELLER of Jackson       |
| GASKILL of Wapello    | SHOMSHOR of Pottawattamie  |
| HEDDENS of Story      | SMITH of Marshall          |
| HOGG of Linn          | SWAIM of Davis             |
| HUNTER of Polk        | D. TAYLOR of Linn          |
| JACOBY of Johnson     | T. TAYLOR of Linn          |
| JOCHUM of Dubuque     | THOMAS of Clayton          |
| KRESSIG of Black Hawk | WENDT of Woodbury          |
| KUHN of Floyd         | WESSEL-KROESCHELL of Story |
| LENSING of Johnson    | WHITAKER of Van Buren      |
| LYKAM of Scott        | WHITEAD of Woodbury        |
| MASCHER of Johnson    | WINCKLER of Scott          |
| MCCARTHY of Polk      | WISE of Lee                |
| MERTZ of Kossuth      | ZIRKELBACH of Jones        |
| MILLER of Webster     |                            |

HOUSE FILE 811

H-1236

1 Amend House File 811 as follows:

2 1. Page 21, by inserting after line 11, the  
3 following:

4 "Sec. \_\_\_\_ . PILOT PROJECT. The division of  
5 criminal investigation and bureau of identification of  
6 the department of public safety shall conduct a pilot  
7 project to evaluate the use of brain fingerprinting as  
8 a pretrial investigative technique, including, but not  
9 limited to, the effectiveness of brain fingerprinting  
10 as a method of reducing investigatory costs by  
11 assisting in determining whether a defendant has  
12 knowledge of specific information regarding a crime  
13 and the effectiveness of brain fingerprinting as a  
14 method of reducing trial costs by assisting the county  
15 attorney or the defendant in determining the validity  
16 of the criminal offense charged. The pilot project  
17 shall be conducted pursuant to a contract with an Iowa  
18 business that has experience using brain  
19 fingerprinting technology in actual criminal cases.  
20 The contract shall contain a provision under which the  
21 business agrees to forgo reimbursement of its expenses  
22 regarding the pilot project up to \$108,000, unless the  
23 division determines that, as a result of conducting  
24 the pilot project, the state of Iowa realizes a  
25 savings of at least \$108,000. The division, in  
26 consultation with the contracting business, shall file  
27 a report regarding the results of the pilot project  
28 with the cochairpersons and ranking members of the  
29 joint appropriations subcommittee on the justice  
30 system and the legislative services agency by January  
31 15, 2006."

By WHITAKER of Van Buren

H-1236 FILED MARCH 30, 2005

HOUSE FILE 811

H-1286

1 Amend House File 811 as follows:

2 1. Page 18, by inserting after line 5 the  
3 following:

4 "2A. For the division of criminal investigation  
5 and bureau of identification to update the sex  
6 offender registry:

7 ..... \$ 25,000"

8 2. By renumbering as necessary.

By HOGG of Linn

H-1286 FILED MARCH 31, 2005

HOUSE FILE 811

H-1306

1 Amend House File 811 as follows:  
2 1. Page 18, by inserting after line 5 the  
3 following:

4 "2A. For three agents to maintain information,  
5 including addresses and photographs, for the sex  
6 offender registry's web page:

7 ..... \$ 330,000  
8 ..... FTEs 3.00"

- |                       |                            |
|-----------------------|----------------------------|
| By MURPHY of Dubuque  | OLDSON of Polk             |
| BELL of Jasper        | D. OLSON of Boone          |
| BERRY of Black Hawk   | R. OLSON of Polk           |
| BUKTA of Clinton      | PETERSEN of Polk           |
| COHOON of Des Moines  | PETTENGILL of Benton       |
| DANDEKAR of Linn      | QUIRK of Chickasaw         |
| DAVITT of Warren      | REASONER of Union          |
| FOEGE of Linn         | REICHERT of Muscatine      |
| FREVERT of Palo Alto  | SCHUELLER of Jackson       |
| GASKILL of Wapello    | SHOMSHOR of Pottawattamie  |
| HEDDENS of Story      | SMITH of Marshall          |
| HOGG of Linn          | SWAIM of Davis             |
| HUNTER of Polk        | D. TAYLOR of Linn          |
| JACOBY of Johnson     | T. TAYLOR of Linn          |
| JOCHUM of Dubuque     | THOMAS of Clayton          |
| KRESSIG of Black Hawk | WENDT of Woodbury          |
| KUHN of Floyd         | WESSEL-KROESCHELL of Story |
| LENSING of Johnson    | WHITAKER of Van Buren      |
| LYKAM of Scott        | WHITEAD of Woodbury        |
| MASCHER of Johnson    | WINCKLER of Scott          |
| MCCARTHY of Polk      | WISE of Lee                |
| MERTZ of Kossuth      | ZIRKELBACH of Jones        |
| MILLER of Webster     |                            |

H-1306 FILED APRIL 4, 2005

HOUSE FILE 811

H-1328

1 Amend House File 811 as follows:  
2 1. Page 18, by striking line 4 and inserting the  
3 following:

4 "..... \$ 14,075,052"

By T. TAYLOR of Linn

H-1328 FILED APRIL 5, 2005

HOUSE FILE 811

H-1305

1 Amend House File 811 as follows:  
2 1. Page 17, by inserting after line 31 the  
3 following:

4 "1A. For the DNA profiling of felons:  
5 ..... \$ 1,078,808"

<b>By</b> MURPHY of Dubuque	OLDSON of Polk
BELL of Jasper	D. OLSON of Boone
BERRY of Black Hawk	R. OLSON of Polk
BUKTA of Clinton	PETERSEN of Polk
COHOON of Des Moines	PETTENGILL of Benton
DANDEKAR of Linn	QUIRK of Chickasaw
DAVITT of Warren	REASONER of Union
FOEGE of Linn	REICHERT of Muscatine
FREVERT of Palo Alto	SCHUELLER of Jackson
GASKILL of Wapello	SHOMSHOR of Pottawattamie
HEDDENS of Story	SMITH of Marshall
HOGG of Linn	SWAIM of Davis
HUNTER of Polk	D. TAYLOR of Linn
JACOBY of Johnson	T. TAYLOR of Linn
JOCHUM of Dubuque	THOMAS of Clayton
KRESSIG of Black Hawk	WENDT of Woodbury
KUHN of Floyd	WESSEL-KROESCHELL of Story
LENSING of Johnson	WHITAKER of Van Buren
LYKAM of Scott	WHITEAD of Woodbury
MASCHER of Johnson	WINCKLER of Scott
MCCARTHY of Polk	WISE of Lee
MERTZ of Kossuth	ZIRKELBACH of Jones
MILLER of Webster	

H-1305 FILED APRIL 4, 2005

H-1332

1 Amend House File 811 as follows:

2 1. Page 1, by inserting before line 1 the  
3 following:

4 "DIVISION I

5 FY 2005-2006 APPROPRIATIONS"

6 2. Page 21, by inserting after line 29 the  
7 following:

8 "DIVISION II

9 SUPPLEMENTAL APPROPRIATIONS

10 DEPARTMENT OF CORRECTIONS -- FACILITIES

11 Sec. \_\_\_\_\_. 2004 Iowa Acts, chapter 1175, section  
12 183, subsection 1, paragraph c, is amended to read as  
13 follows:

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

17 ..... \$ ~~23,536,936~~  
18 23,636,936

19 Of the funds allocated in this paragraph "c",  
20 \$100,000 is allocated for the costs of remodeling and  
21 construction to establish a specialized 24-bed mental  
22 health unit for offenders who are not ordered to  
23 inpatient mental health treatment. The unit shall  
24 operate as an adjunct to the licensed hospital program  
25 within the Oakdale correctional facility.

26 DEPARTMENT OF CORRECTIONS -- ADMINISTRATION

27 Sec. \_\_\_\_\_. 2004 Iowa Acts, chapter 1175, section  
28 184, subsection 1, paragraph a, unnumbered paragraph  
29 1, is amended to read as follows:

30 For general administration, including salaries,  
31 support, maintenance, employment of an education  
32 director to administer a centralized education program  
33 for the correctional system, and miscellaneous  
34 purposes:

35 ..... \$ ~~2,784,393~~  
36 3,198,809

37 JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL  
38 SERVICES

39 Sec. \_\_\_\_\_. 2004 Iowa Acts, chapter 1175, section  
40 185, subsection 1, is amended to read as follows:

41 1. There is appropriated from the general fund of  
42 the state to the department of corrections for the  
43 fiscal year beginning July 1, 2004, and ending June  
44 30, 2005, the following amounts, or so much thereof as  
45 is necessary, to be allocated as follows:

46 a. For the first judicial district department of  
47 correctional services, including the treatment and  
48 supervision of probation and parole violators who have  
49 been released from the department of corrections  
50 violator program, the following amount, or so much

H-1332

1 thereof as is necessary:  
 2 ..... \$ ~~10,090,207~~  
 3 10,142,332

4 b. For the second judicial district department of  
 5 correctional services, including the treatment and  
 6 supervision of probation and parole violators who have  
 7 been released from the department of corrections  
 8 violator program, the following amount, or so much  
 9 thereof as is necessary:  
 10 ..... \$ ~~7,755,402~~  
 11 7,803,027

12 c. For the third judicial district department of  
 13 correctional services, including the treatment and  
 14 supervision of probation and parole violators who have  
 15 been released from the department of corrections  
 16 violator program, the following amount, or so much  
 17 thereof as is necessary:  
 18 ..... \$ ~~4,631,423~~  
 19 4,668,548

20 d. For the fourth judicial district department of  
 21 correctional services, including the treatment and  
 22 supervision of probation and parole violators who have  
 23 been released from the department of corrections  
 24 violator program, the following amount, or so much  
 25 thereof as is necessary:  
 26 ..... \$ ~~4,248,965~~  
 27 4,268,465

28 e. For the fifth judicial district department of  
 29 correctional services, including the treatment and  
 30 supervision of probation and parole violators who have  
 31 been released from the department of corrections  
 32 violator program, the following amount, or so much  
 33 thereof as is necessary:  
 34 ..... \$ ~~12,982,837~~  
 35 13,105,462

36 f. For the sixth judicial district department of  
 37 correctional services, including the treatment and  
 38 supervision of probation and parole violators who have  
 39 been released from the department of corrections  
 40 violator program, the following amount, or so much  
 41 thereof as is necessary:  
 42 ..... \$ ~~10,064,717~~  
 43 10,105,217

44 g. For the seventh judicial district department of  
 45 correctional services, including the treatment and  
 46 supervision of probation and parole violators who have  
 47 been released from the department of corrections  
 48 violator program, the following amount, or so much  
 49 thereof as is necessary:  
 50 ..... \$ ~~5,677,314~~

1 5,700,939  
2 h. For the eighth judicial district department of  
3 correctional services, including the treatment and  
4 supervision of probation and parole violators who have  
5 been released from the department of corrections  
6 violator program, the following amount, or so much  
7 thereof as is necessary:  
8 ..... \$ ~~5,574,865~~  
9 5,606,740

10 The appropriations made in this subsection include  
11 additional funding for costs to address additional  
12 methamphetamine drug offenders under supervision.

13 Sec. \_\_\_\_\_. 2004 Iowa Acts, chapter 1175, section  
14 188, is amended to read as follows:

15 SEC. 188. STATE PUBLIC DEFENDER. There is  
16 appropriated from the general fund of the state to the  
17 office of the state public defender of the department  
18 of inspections and appeals for the fiscal year  
19 beginning July 1, 2004, and ending June 30, 2005, the  
20 following amounts, or so much thereof as is necessary,  
21 to be allocated as follows for the purposes  
22 designated:

23 1. For salaries, support, maintenance, and  
24 miscellaneous purposes, and for not more than the  
25 following full-time equivalent positions:  
26 ..... \$ ~~16,663,446~~  
27 18,247,561  
28 ..... FTEs 202.00

29 2. For the fees of court-appointed attorneys for  
30 indigent adults and juveniles, in accordance with  
31 section 232.141 and chapter 815:

32 ..... \$ ~~19,355,297~~  
33 22,251,339

34 Sec. \_\_\_\_\_. 2004 Iowa Acts, chapter 1175, section  
35 192, subsection 2, unnumbered paragraph 1, is amended  
36 to read as follows:

37 For the division of criminal investigation and  
38 bureau of identification, including the state's  
39 contribution to the peace officers' retirement,  
40 accident, and disability system provided in chapter  
41 97A in the amount of 17 percent of the salaries for  
42 which the funds are appropriated, to meet federal fund  
43 matching requirements, and for not more than the  
44 following full-time equivalent positions:

45 ..... \$ ~~14,058,510~~  
46 14,208,510  
47 ..... FTEs 221.50

48 Sec. \_\_\_\_\_. 2004 Iowa Acts, chapter 1175, section  
49 193, is amended to read as follows:

50 SEC. 193. CIVIL RIGHTS COMMISSION. There is

1 appropriated from the general fund of the state to the  
2 Iowa state civil rights commission for the fiscal year  
3 beginning July 1, 2004, and ending June 30, 2005, the  
4 following amount, or so much thereof as is necessary,  
5 to be used for the purposes designated:

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

9 .....	\$	<u>825,752</u>
10 .....		<u>881,752</u>
11 .....	FTEs	28.00

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

16 Sec. \_\_\_\_ . EFFECTIVE DATE. This division of this  
17 Act, being deemed of immediate importance, takes  
18 effect upon enactment."

19 3. Title page, line 2, by inserting after the  
20 word "system" the following: "and providing an  
21 effective date".

22 4. By renumbering as necessary.

By DIX of Butler  
HORBACH of Tama

HOUSE FILE 811

H-1333

1 Amend House File 811 as follows:

2 1. Page 1, by inserting before line 1 the  
3 following:

4 "APPROPRIATIONS"

5 2. Page 2, line 22, by striking the words "to be  
6 used for administration and operations" and inserting  
7 the following: "of which \$250,000 shall be used for  
8 the civil commitment of sexually violent predators".

9 3. Page 14, by inserting after line 1 the  
10 following:

11 "Sec. \_\_\_\_ . ELECTRONIC TRACKING AND MONITORING. Of  
12 the amounts appropriated in sections 4, 5, and 6, the  
13 department of corrections shall allocate the funds  
14 necessary for electronic tracking and monitoring of  
15 persons under supervision and who are required to  
16 register as sex offenders.

17 It is the intent of the general assembly that  
18 persons who are subject to electronic tracking and  
19 monitoring shall reimburse the department of  
20 corrections the cost of such tracking and monitoring."

21 4. Page 20, by inserting after line 32 the  
22 following:

23 "Of the amounts appropriated in this section, the  
24 department shall allocate the funds necessary for the  
25 DNA profiling of all felons. In addition, of the  
26 amounts appropriated in this section the department  
27 shall allocate the funds necessary for personnel to  
28 maintain information, including addresses and  
29 photographs, for the sex offender registry's internet  
30 page, and shall allocate \$25,000 to update the sex  
31 offender registry."

By HORBACH of Tama

H-1333 FILED APRIL 5, 2005

HOUSE FILE 811

H-1335

1 Amend the amendment, H-1328, to House File 811 as  
2 follows:

3 1. Page 1, line 4, by striking the figure  
4 "14,075,052" and inserting the following:  
5 "15,539,052".

6 2. Page 1, by inserting after line 4 the  
7 following:

8 " \_\_\_\_ . Page 19, line 21, by striking the figure  
9 "43,151,973" and inserting the following:  
10 "43,511,973"."

11 3. By renumbering as necessary.

By T. TAYLOR of Linn

H-1335 FILED APRIL 6, 2005

ADOPTED

HOUSE FILE 811

H-1337

1 Amend the amendment, H-1246, to House File 811 as  
2 follows:  
3 1. Page 1, line 18, by striking the figure "1999"  
4 and inserting the following: "~~1999~~ 2006".  
5 2. Page 1, by inserting after line 34 the  
6 following:  
7 "\_\_\_\_. Page 21, by inserting after line 29 the  
8 following:  
9 "Sec. \_\_\_\_ . EFFECTIVE DATE. The section of this  
10 Act amending section 815.7 takes effect on July 1,  
11 2006."  
12 "\_\_\_\_. Title page, line 2, by inserting after the  
13 word "system" the following: ", and providing an  
14 effective date"."  
15 3. By renumbering as necessary.

By HUSER of Polk

H-1337 FILED APRIL 6, 2005  
ADOPTED

HOUSE FILE 811

H-1338

1 Amend the amendment, H-1126, to House File 811 as  
2 follows:  
3 1. Page 1, by inserting after line 11 the  
4 following:  
5 "\_\_\_\_. Page 19, by inserting after line 12 the  
6 following: "Of the amount appropriated in this  
7 paragraph, the state fire marshal shall allocate \$200  
8 for the mailing of a notice to all affected agencies  
9 or emergency services providers informing the agencies  
10 or providers about the requirement of an autopsy under  
11 section 144.56A".  
12 \_\_\_\_ . Page 21, by inserting after line 29 the  
13 following:  
14 "Sec. \_\_\_\_ . NEW SECTION. 144.56A PUBLIC SAFETY  
15 OFFICER DEATH -- REQUIRED NOTICE -- AUTOPSY.  
16 A person who is authorized to pronounce individuals  
17 dead is required to inform one of the persons  
18 authorized to request an autopsy, as provided in  
19 section 144.56, that an autopsy will be required if  
20 the individual who died was a public safety officer  
21 who may have died in the line of duty and an eligible  
22 beneficiary of the deceased seeks to claim a federal  
23 public safety officer death benefit.""  
24 2. By renumbering as necessary.

By HUSER of Polk

H-1338 FILED APRIL 6, 2005  
ADOPTED

HOUSE FILE 811  
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HSB 279)

(As Amended and Passed by the House April 6, 2005)

Re- Passed House, Date 5-20-05 Passed Senate, Date 5-4-05  
Vote: Ayes 95 Nays 0 Vote: Ayes 50 Nays 0  
Approved \_\_\_\_\_ *Re-passed 5-20-05*  
*48-0*

A BILL FOR

1 An Act relating to and making appropriations to the justice  
2 system and providing an effective date.

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

4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21

House Amendments \_\_\_\_\_

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

DIVISION I  
FY 2005-2006 APPROPRIATIONS  
JUSTICE SYSTEM

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, 2005, and ending June 30, 2006, 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, miscellaneous purposes including the prosecuting attorneys training program, victim assistance grants, office of drug control policy (ODCP) prosecuting attorney program, legal services for persons in poverty grants as provided in section 13.34, odometer fraud enforcement, and for not more than the following full-time equivalent positions:

.....	\$ 7,774,280
.....	FTEs 214.50

It is the intent of the general assembly that 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.

b. For victim assistance grants:  
..... \$ 5,000

The funds 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.

c. For legal services for persons in poverty grants as provided in section 13.34:  
..... \$ 0

2. In addition to the funds appropriated in subsection 1, there is appropriated from the general fund of the state to

1 the department of justice for the fiscal year beginning July  
2 1, 2005, and ending June 30, 2006, an amount not exceeding  
3 \$200,000 to be used for the enforcement of the Iowa  
4 competition law. The funds appropriated in this subsection  
5 are contingent upon receipt by the general fund of the state  
6 of an amount at least equal to the expenditure amount from  
7 either damages awarded to the state or a political subdivision  
8 of the state by a civil judgment under chapter 553, if the  
9 judgment authorizes the use of the award for enforcement  
10 purposes or costs or attorneys fees awarded the state in state  
11 or federal antitrust actions. However, if the amounts  
12 received as a result of these judgments are in excess of  
13 \$200,000, the excess amounts shall not be appropriated to the  
14 department of justice pursuant to this subsection. The  
15 department of justice shall report the department's actual  
16 costs and an estimate of the time incurred enforcing the  
17 competition law, to the co-chairpersons and ranking members of  
18 the joint appropriations subcommittee on the justice system,  
19 and to the legislative services agency by November 15, 2004.

20 3. In addition to the funds appropriated in subsection 1,  
21 there is appropriated from the general fund of the state to  
22 the department of justice for the fiscal year beginning July  
23 1, 2005, and ending June 30, 2006, an amount not exceeding  
24 \$300,000 of which \$250,000 shall be used for the civil  
25 commitment of sexually violent predators. The funds  
26 appropriated in this subsection are contingent upon receipt by  
27 the general fund of the state of an amount at least equal to  
28 the expenditure amount from costs or attorney fees awarded the  
29 state in settlement of its antitrust action against Microsoft  
30 brought under chapter 553. However, if the amounts received  
31 as a result of this settlement are in excess of \$300,000, the  
32 excess amounts shall not be appropriated to the department of  
33 justice pursuant to this subsection.

34 4. In addition to the funds appropriated in subsection 1,  
35 there is appropriated from the general fund of the state to

1 the department of justice for the fiscal year beginning July  
2 1, 2005, and ending June 30, 2006, an amount not exceeding  
3 \$1,125,000 to be used for public education relating to  
4 consumer fraud and for enforcement of section 714.16, and an  
5 amount not exceeding \$75,000 for investigation, prosecution,  
6 and consumer education relating to consumer and criminal fraud  
7 against older Iowans. The funds appropriated in this  
8 subsection are contingent upon receipt by the general fund of  
9 the state of an amount at least equal to the expenditure  
10 amount from damages awarded to the state or a political  
11 subdivision of the state by a civil consumer fraud judgment or  
12 settlement, if the judgment or settlement authorizes the use  
13 of the award for public education on consumer fraud. However,  
14 if the funds received as a result of these judgments and  
15 settlements are in excess of \$1,200,000, the excess funds  
16 shall not be appropriated to the department of justice  
17 pursuant to this subsection. The department of justice shall  
18 report to the co-chairpersons and ranking members of the joint  
19 appropriations subcommittee on the justice system, and to the  
20 legislative services agency by November 15, 2005, the  
21 department's actual costs and an estimate of the time incurred  
22 in providing education pursuant to and enforcing this  
23 subsection.

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

28 6. a. The department of justice, in submitting budget  
29 estimates for the fiscal year commencing July 1, 2006,  
30 pursuant to section 8.23, shall include a report of funding  
31 from sources other than amounts appropriated directly from the  
32 general fund of the state to the department of justice or to  
33 the office of consumer advocate. These funding sources shall  
34 include, but are not limited to, reimbursements from other  
35 state agencies, commissions, boards, or similar entities, and

1 reimbursements from special funds or internal accounts within  
2 the department of justice. The department of justice shall  
3 report actual reimbursements for the fiscal year commencing  
4 July 1, 2004, and actual and expected reimbursements for the  
5 fiscal year commencing July 1, 2005.

6 b. The department of justice shall include the report  
7 required under paragraph "a", as well as information regarding  
8 any revisions occurring as a result of reimbursements actually  
9 received or expected at a later date, in a report to the co-  
10 chairpersons and ranking members of the joint appropriations  
11 subcommittee on the justice system and the legislative  
12 services agency. The department of justice shall submit the  
13 report on or before January 15, 2006.

14 Sec. 2. DEPARTMENT OF JUSTICE -- ENVIRONMENTAL CRIMES  
15 INVESTIGATION AND PROSECUTION -- FUNDING. There is  
16 appropriated from the environmental crime fund of the  
17 department of justice, consisting of court-ordered fines and  
18 penalties awarded to the department arising out of the  
19 prosecution of environmental crimes, to the department of  
20 justice for the fiscal year beginning July 1, 2005, and ending  
21 June 30, 2006, an amount not exceeding \$20,000 to be used by  
22 the department, at the discretion of the attorney general, for  
23 the investigation and prosecution of environmental crimes,  
24 including the reimbursement of expenses incurred by county,  
25 municipal, and other local governmental agencies cooperating  
26 with the department in the investigation and prosecution of  
27 environmental crimes.

28 The funds appropriated in this section are contingent upon  
29 receipt by the environmental crime fund of the department of  
30 justice of an amount at least equal to the appropriations made  
31 in this section and received from contributions, court-ordered  
32 restitution as part of judgments in criminal cases, and  
33 consent decrees entered into as part of civil or regulatory  
34 enforcement actions. However, if the funds received during  
35 the fiscal year are in excess of \$20,000, the excess funds

1 shall be deposited in the general fund of the state.

2 Notwithstanding section 8.33, moneys appropriated in this  
3 section that remain unencumbered or unobligated at the close  
4 of the fiscal year shall not revert but shall remain available  
5 for expenditure for the purpose designated until the close of  
6 the succeeding fiscal year.

7 Sec. 3. OFFICE OF CONSUMER ADVOCATE. There is  
8 appropriated from the general fund of the state to the office  
9 of consumer advocate of the department of justice for the  
10 fiscal year beginning July 1, 2005, and ending June 30, 2006,  
11 the following amount, or so much thereof as is necessary, to  
12 be used for the purposes designated:

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

16 .....	\$	2,810,442
17 .....	FTEs	27.00

18 Sec. 4. DEPARTMENT OF CORRECTIONS -- FACILITIES.

19 1. There is appropriated from the general fund of the  
20 state to the department of corrections for the fiscal year  
21 beginning July 1, 2005, and ending June 30, 2006, the  
22 following amounts, or so much thereof as is necessary, to be  
23 used for the purposes designated:

24 For the operation of adult correctional institutions,  
25 reimbursement of counties for certain confinement costs, and  
26 federal prison reimbursement, to be allocated as follows:

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

30 .....	\$	38,923,261
----------	----	------------

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

34 .....	\$	27,257,452
----------	----	------------

35 Moneys are provided within this appropriation for one full-

1 time substance abuse counselor for the Luster Heights  
2 facility, for the purpose of certification of a substance  
3 abuse program at that facility.

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

7 ..... \$ 24,730,278

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

11 ..... \$ 25,073,632

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

15 ..... \$ 23,003,340

16 In addition to the funds allocated in this paragraph "e",  
17 there is appropriated from the general fund of the state to  
18 the department of corrections for the fiscal year beginning  
19 July 1, 2005, and ending June 30, 2006, an amount not  
20 exceeding \$10,000 to be used for the chapel at the Mount  
21 Pleasant correctional facility. The funds appropriated in  
22 this paragraph are contingent upon receipt by the general fund  
23 of the state of an amount at least equal to the expenditure  
24 amount from costs or attorney fees awarded the state in  
25 settlement of its antitrust action against Microsoft brought  
26 under chapter 553. However, if the amounts received as a  
27 result of this settlement are in excess of \$10,000, the excess  
28 amounts shall not be appropriated to the department of  
29 corrections pursuant to this paragraph.

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

33 ..... \$ 8,096,378

34 g. For the operation of the Clarinda correctional  
35 facility, including salaries, support, maintenance, and

1 miscellaneous purposes:

2 ..... \$ 22,904,497

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

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

11 ..... \$ 14,002,603

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

15 ..... \$ 26,315,943

16 j. For inmate substance abuse and mental health treatment:

17 ..... \$ 1,000,000

18 In addition to the funds appropriated in this paragraph,  
19 there is appropriated from the general fund of the state to  
20 the department of corrections for the fiscal year beginning  
21 July 1, 2005, and ending June 30, 2006, an amount not to  
22 exceed \$214,000 to be used for inmate substance abuse and  
23 mental health treatment. The funds appropriated in this  
24 paragraph are contingent upon the receipt by the general fund  
25 of the state of an amount at least equal to the expenditure  
26 amount from costs or attorney fees awarded the state in  
27 settlement of its antitrust action against Microsoft brought  
28 under chapter 553. However, if the amounts received as a  
29 result of this settlement are in excess of \$214,000, the  
30 excess amounts shall not be appropriated to the department of  
31 corrections pursuant to this paragraph.

32 k. For reimbursement of counties for temporary confinement  
33 of work release and parole violators, as provided in sections  
34 901.7, 904.908, and 906.17 and for offenders confined pursuant  
35 to section 904.513:

1 ..... \$ 674,954

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

4 ..... \$ 241,293

5 2. The department of corrections shall use funds  
6 appropriated in subsection 1 to continue to contract for the  
7 services of a Muslim imam.

8 3. In addition to the funds appropriated in subsection 1,  
9 there is appropriated from the general fund of the state to  
10 the department of corrections for the fiscal year beginning  
11 July 1, 2005, and ending June 30, 2006, an amount not  
12 exceeding \$42,000 to be used for education programming. The  
13 funds appropriated in this subsection are contingent upon  
14 receipt by the general fund of the state of an amount at least  
15 equal to the expenditure amount from costs or attorney fees  
16 awarded the state in settlement of its antitrust action  
17 against Microsoft brought under chapter 553. However, if the  
18 amounts received as a result of this settlement are in excess  
19 of \$42,000, the excess amounts shall not be appropriated to  
20 the department of corrections pursuant to this subsection.

21 Sec. 5. DEPARTMENT OF CORRECTIONS -- ADMINISTRATION.

22 1. There is appropriated from the general fund of the  
23 state to the department of corrections for the fiscal year  
24 beginning July 1, 2005, and ending June 30, 2006, the  
25 following amounts, or so much thereof as is necessary, to be  
26 used for the purposes designated:

27 a. For general administration, including salaries,  
28 support, maintenance, employment of an education director to  
29 administer a centralized education program for the  
30 correctional system, and miscellaneous purposes:

31 ..... \$ 2,829,708

32 (1) It is the intent of the general assembly that as a  
33 condition of receiving the appropriation provided in this  
34 lettered paragraph, the department of corrections shall not,  
35 except as otherwise provided in subparagraph (3), enter into a

1 new contract, unless the contract is a renewal of an existing  
2 contract, for the expenditure of moneys in excess of \$100,000  
3 during the fiscal year beginning July 1, 2005, for the  
4 privatization of services performed by the department using  
5 state employees as of July 1, 2005, or for the privatization  
6 of new services by the department, without prior consultation  
7 with any applicable state employee organization affected by  
8 the proposed new contract and prior notification of the co-  
9 chairpersons and ranking members of the joint appropriations  
10 subcommittee on the justice system.

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

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

30 b. For educational programs for inmates at state penal  
31 institutions:

32 ..... \$ 1,008,358

33 It is the intent of the general assembly that moneys  
34 appropriated in this lettered paragraph shall be used solely  
35 for the purpose indicated and that the moneys shall not be

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

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

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

17 Notwithstanding section 8.33, moneys appropriated in this  
18 lettered paragraph that remain unobligated or unexpended at  
19 the close of the fiscal year shall not revert but shall remain  
20 available for expenditure only for the purpose designated in  
21 this lettered paragraph until the close of the succeeding  
22 fiscal year.

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

25 ..... \$ 427,700

26 2. It is the intent of the general assembly that the  
27 department of corrections shall continue to operate the  
28 correctional farms under the control of the department at the  
29 same or greater level of participation and involvement as  
30 existed as of January 1, 2005, shall not enter into any rental  
31 agreement or contract concerning any farmland under the  
32 control of the department that is not subject to a rental  
33 agreement or contract as of January 1, 2005, without prior  
34 legislative approval, and shall further attempt to provide job  
35 opportunities at the farms for inmates. The department shall

1 attempt to provide job opportunities at the farms for inmates  
2 by encouraging labor-intensive farming or gardening where  
3 appropriate, using inmates to grow produce and meat for  
4 institutional consumption, researching the possibility of  
5 instituting food canning and cook-and-chill operations, and  
6 exploring opportunities for organic farming and gardening,  
7 livestock ventures, horticulture, and specialized crops.

8 3. The department shall work to increase produce gardening  
9 by inmates under the control of the correctional institutions,  
10 and, if appropriate, may use the central distribution network  
11 at the Woodward state resource center. The department shall  
12 file a report with the co-chairpersons and ranking members of  
13 the joint appropriations subcommittee on the justice system by  
14 December 1, 2005, regarding the feasibility of expanding the  
15 number of acres devoted to organic gardening and to the  
16 growing of organic produce for sale.

17 4. The department of corrections shall submit a report to  
18 the general assembly by January 1, 2006, concerning moneys  
19 recouped from inmate earnings for the reimbursement of  
20 operational expenses of the applicable facility during the  
21 fiscal year beginning July 1, 2004, for each correctional  
22 institution and judicial district department of correctional  
23 services. In addition, each correctional institution and  
24 judicial district department of correctional services shall  
25 continue to submit a report to the legislative services agency  
26 on a monthly basis concerning moneys recouped from inmate  
27 earnings pursuant to sections 904.702, 904.809, and 905.14.

28 5. The department of corrections, in consultation with the  
29 board of parole, shall study the feasibility of establishing a  
30 mentoring program using unpaid volunteers to mentor persons  
31 who are on probation or parole. The department of corrections  
32 shall file a report regarding the study with the co-  
33 chairpersons and ranking members of the joint appropriations  
34 subcommittee on the justice system and the legislative  
35 services agency by December 15, 2005. The report shall detail

1 the feasibility of establishing such a mentoring program.

2 6. It is the intent of the general assembly that as a  
3 condition of receiving the appropriation provided in this  
4 lettered paragraph, the department shall not enter into any  
5 agreement with a private sector nongovernmental entity for the  
6 purpose of housing inmates committed to the custody of the  
7 director of the department, without express authorization of  
8 the general assembly to do so.

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

11 1. There is appropriated from the general fund of the  
12 state to the department of corrections for the fiscal year  
13 beginning July 1, 2005, and ending June 30, 2006, the  
14 following amounts, or so much thereof as is necessary, to be  
15 allocated as follows:

16 a. For the first judicial district department of  
17 correctional services, including the treatment and supervision  
18 of probation and parole violators who have been released from  
19 the department of corrections violator program, the following  
20 amount, or so much thereof as is necessary:

21 ..... \$ 10,406,624

22 b. For the second judicial district department of  
23 correctional services, including the treatment and supervision  
24 of probation and parole violators who have been released from  
25 the department of corrections violator program, the following  
26 amount, or so much thereof as is necessary:

27 ..... \$ 8,017,509

28 c. For the third judicial district department of  
29 correctional services, including the treatment and supervision  
30 of probation and parole violators who have been released from  
31 the department of corrections violator program, the following  
32 amount, or so much thereof as is necessary:

33 ..... \$ 4,836,472

34 d. For the fourth judicial district department of  
35 correctional services, including the treatment and supervision

1 of probation and parole violators who have been released from  
2 the department of corrections violator program, the following  
3 amount, or so much thereof as is necessary:

4 ..... \$ 4,305,545

5 e. For the fifth judicial district department of  
6 correctional services, including the treatment and supervision  
7 of probation and parole violators who have been released from  
8 the department of corrections violator program, the following  
9 amount, or so much thereof as is necessary:

10 ..... \$ 13,547,738

11 f. For the sixth judicial district department of  
12 correctional services, including the treatment and supervision  
13 of probation and parole violators who have been released from  
14 the department of corrections violator program, the following  
15 amount, or so much thereof as is necessary:

16 ..... \$ 10,331,724

17 g. For the seventh judicial district department of  
18 correctional services, including the treatment and supervision  
19 of probation and parole violators who have been released from  
20 the department of corrections violator program, the following  
21 amount, or so much thereof as is necessary:

22 ..... \$ 5,787,248

23 h. For the eighth judicial district department of  
24 correctional services, including the treatment and supervision  
25 of probation and parole violators who have been released from  
26 the department of corrections violator program, the following  
27 amount, or so much thereof as is necessary:

28 ..... \$ 5,722,888

29 2. Each judicial district department of correctional  
30 services, within the funding available, shall continue  
31 programs and plans established within that district to provide  
32 for intensive supervision, sex offender treatment, diversion  
33 of low-risk offenders to the least restrictive sanction  
34 available, job development, and expanded use of intermediate  
35 criminal sanctions.

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

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

12 Sec. 7. ELECTRONIC TRACKING AND MONITORING. Of the  
13 amounts appropriated in sections 4, 5, and 6, the department  
14 of corrections shall allocate the funds necessary for  
15 electronic tracking and monitoring of persons under  
16 supervision and who are required to register as sex offenders.

17 It is the intent of the general assembly that persons who  
18 are subject to electronic tracking and monitoring shall  
19 reimburse the department of corrections the cost of such  
20 tracking and monitoring.

21 Sec. 8. INTENT -- REPORTS.

22 1. The department of corrections shall submit a report on  
23 inmate labor to the general assembly, to the co-chairpersons  
24 and the ranking members of the joint appropriations  
25 subcommittee on the justice system, and to the legislative  
26 services agency by January 15, 2006. The report shall  
27 specifically address the progress the department has made in  
28 implementing the requirements of section 904.701, inmate labor  
29 on capital improvement projects, community work crews, inmate  
30 produce gardening, and private-sector employment.

31 2. The department in cooperation with townships, the Iowa  
32 cemetery associations, and other nonprofit or governmental  
33 entities may use inmate labor to restore or preserve rural  
34 cemeteries and historical landmarks. The department in  
35 cooperation with the counties may also use inmate labor to

1 clean up roads, major water sources, and other water sources  
2 around the state.

3 3. Each month the department shall provide a status report  
4 regarding private-sector employment to the legislative  
5 services agency beginning on July 1, 2005. The report shall  
6 include the number of offenders employed in the private  
7 sector, the combined number of hours worked by the offenders,  
8 and the total amount of allowances, and the distribution of  
9 allowances pursuant to section 904.702, including any moneys  
10 deposited in the general fund of the state.

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

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

20 2. State agencies are hereby encouraged to purchase  
21 products from Iowa state industries, as defined in section  
22 904.802, when purchases are required and the products are  
23 available from Iowa state industries. State agencies shall  
24 obtain bids from Iowa state industries for purchases of office  
25 furniture exceeding \$5,000 or in accordance with applicable  
26 administrative rules related to purchases for the agency.

27 Sec. 10. STATE PUBLIC DEFENDER. There is appropriated  
28 from the general fund of the state to the office of the state  
29 public defender of the department of inspections and appeals  
30 for the fiscal year beginning July 1, 2005, and ending June  
31 30, 2006, the following amounts, or so much thereof as is  
32 necessary, to be allocated as follows for the purposes  
33 designated:

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

1 equivalent positions:

2 ..... \$ 18,444,964  
3 ..... FTEs 202.00

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

7 ..... \$ 21,163,082

8 Sec. 11. IOWA LAW ENFORCEMENT ACADEMY.

9 1. There is appropriated from the general fund of the  
10 state to the Iowa law enforcement academy for the fiscal year  
11 beginning July 1, 2005, and ending June 30, 2006, the  
12 following amount, or so much thereof as is necessary, to be  
13 used for the purposes designated:

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

17 ..... \$ 1,075,138  
18 ..... FTEs 30.05

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

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

29 2. The Iowa law enforcement academy may select at least  
30 five automobiles of the department of public safety, division  
31 of the Iowa state patrol, prior to turning over the  
32 automobiles to the department of administrative services to be  
33 disposed of by public auction and the Iowa law enforcement  
34 academy may exchange any automobile owned by the academy for  
35 each automobile selected if the selected automobile is used in

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

7 Sec. 12. BOARD OF PAROLE. There is appropriated from the  
8 general fund of the state to the board of parole for the  
9 fiscal year beginning July 1, 2005, and ending June 30, 2006,  
10 the following amount, or so much thereof as is necessary, to  
11 be used for the purposes designated:

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

15 ..... \$ 1,121,044  
16 ..... FTEs 17.50

17 Sec. 13. DEPARTMENT OF PUBLIC DEFENSE. There is  
18 appropriated from the general fund of the state to the  
19 department of public defense for the fiscal year beginning  
20 July 1, 2005, and ending June 30, 2006, the following amounts,  
21 or so much thereof as is necessary, to be used for the  
22 purposes designated:

23 1. MILITARY DIVISION

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

27 ..... \$ 5,130,040  
28 ..... FTEs 312.55

29 If there is a surplus in the general fund of the state for  
30 the fiscal year ending June 30, 2006, within 60 days after the  
31 close of the fiscal year, the military division may incur up  
32 to an additional \$500,000 in expenditures from the surplus  
33 prior to transfer of the surplus pursuant to section 8.57.

34 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION

35 For salaries, support, maintenance, miscellaneous purposes,

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

3 ..... \$ 1,172,230  
4 ..... FTEs 24.75

5 Sec. 14. DEPARTMENT OF PUBLIC SAFETY. There is  
6 appropriated from the general fund of the state to the  
7 department of public safety for the fiscal year beginning July  
8 1, 2005, and ending June 30, 2006, the following amounts, or  
9 so much thereof as is necessary, to be used for the purposes  
10 designated:

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

14 ..... \$ 3,095,033  
15 ..... FTEs 38.00

16 2. For the division of criminal investigation and bureau  
17 of identification, including the state's contribution to the  
18 peace officers' retirement, accident, and disability system  
19 provided in chapter 97A in the amount of 17 percent of the  
20 salaries for which the funds are appropriated, to meet federal  
21 fund matching requirements, and for not more than the  
22 following full-time equivalent positions:

23 ..... \$ 14,807,052  
24 ..... FTEs 222.50

25 3. For the criminalistics laboratory fund, if created in  
26 section 602.8108:

27 ..... \$ 0

28 The department of public safety, with the approval of the  
29 department of management, may employ no more than two special  
30 agents and four gaming enforcement officers for each  
31 additional riverboat regulated after July 1, 2005, and one  
32 special agent for each racing facility which becomes  
33 operational during the fiscal year which begins July 1, 2005.  
34 One additional gaming enforcement officer, up to a total of  
35 four per riverboat, may be employed for each riverboat that

1 has extended operations to 24 hours and has not previously  
2 operated with a 24-hour schedule. Positions authorized in  
3 this paragraph are in addition to the full-time equivalent  
4 positions otherwise authorized in this subsection.

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

12 ..... \$ 4,701,141  
13 ..... FTEs 75.00

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

16 ..... \$ 123,343

17 5. a. For the state fire marshal's office, including the  
18 state's contribution to the peace officers' retirement,  
19 accident, and disability system provided in chapter 97A in the  
20 amount of 17 percent of the salaries for which the funds are  
21 appropriated, and for not more than the following full-time  
22 equivalent positions:

23 ..... \$ 2,456,998  
24 ..... FTEs 42.00

25 b. For the state fire marshal's office, for fire  
26 protection services as provided through the state fire service  
27 and emergency response council as created in the department,  
28 and for not more than the following full-time equivalent  
29 positions:

30 ..... \$ 638,021  
31 ..... FTEs 10.00

32 Of the amount appropriated in this paragraph, the state  
33 fire marshal shall allocate \$200 for the mailing of a notice  
34 to all affected agencies or emergency services providers  
35 informing the agencies or providers about the requirement of

1 an autopsy under section 144.56A.

2 6. For the division of the Iowa state patrol of the  
3 department of public safety, for salaries, support,  
4 maintenance, workers' compensation costs, and miscellaneous  
5 purposes, including the state's contribution to the peace  
6 officers' retirement, accident, and disability system provided  
7 in chapter 97A in the amount of 17 percent of the salaries for  
8 which the funds are appropriated, and for not more than the  
9 following full-time equivalent positions:

10 ..... \$ 43,151,973  
11 ..... FTEs 531.00

12 In addition to the funds otherwise appropriated in this  
13 subsection, there is appropriated from the general fund of the  
14 state to the division of the Iowa state patrol for the fiscal  
15 year beginning July 1, 2005, and ending June 30, 2006, an  
16 amount not exceeding \$390,000 to be used for motor vehicle  
17 depreciation. The funds appropriated in this paragraph are  
18 contingent upon receipt by the general fund of the state of an  
19 amount at least equal to the expenditure amount from costs or  
20 attorney fees awarded the state in settlement of its antitrust  
21 action against Microsoft brought under chapter 553. However,  
22 if the amounts received as a result of this settlement are in  
23 excess of \$390,000, the excess amounts shall not be  
24 appropriated to the division of the Iowa state patrol pursuant  
25 to this paragraph.

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

30 7. For deposit in the public safety law enforcement sick  
31 leave benefits fund established under section 80.42, for all  
32 departmental employees eligible to receive benefits for  
33 accrued sick leave under the collective bargaining agreement:

34 ..... \$ 316,179

35 An employee of the department of public safety who retires

1 after July 1, 2005, but prior to June 30, 2006, is eligible  
2 for payment of life or health insurance premiums as provided  
3 for in the collective bargaining agreement covering the public  
4 safety bargaining unit at the time of retirement if that  
5 employee previously served in a position which would have been  
6 covered by the agreement. The employee shall be given credit  
7 for the service in that prior position as though it were  
8 covered by that agreement. The provisions of this subsection  
9 shall not operate to reduce any retirement benefits an  
10 employee may have earned under other collective bargaining  
11 agreements or retirement programs.

12 8. For costs associated with the training and equipment  
13 needs of volunteer fire fighters and for not more than the  
14 following full-time equivalent position:

15 .....	\$	699,587
16 .....	FTEs	1.00

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

22 Of the amounts appropriated in this section, the department  
23 shall allocate the funds necessary for the DNA profiling of  
24 all felons. In addition, of the amounts appropriated in this  
25 section the department shall allocate the funds necessary for  
26 personnel to maintain information, including addresses and  
27 photographs, for the sex offender registry's internet page,  
28 and shall allocate \$25,000 to update the sex offender  
29 registry.

30 Sec. 15. CIVIL RIGHTS COMMISSION. There is appropriated  
31 from the general fund of the state to the Iowa state civil  
32 rights commission for the fiscal year beginning July 1, 2005,  
33 and ending June 30, 2006, the following amount, or so much  
34 thereof as is necessary, to be used for the purposes  
35 designated:

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

4 .....	\$	950,788
5 .....	FTEs	27.50

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

9 Sec. 16. HOMELAND SECURITY AND EMERGENCY MANAGEMENT  
10 DIVISION. There is appropriated from the wireless E911  
11 emergency communications fund to the administrator of the  
12 homeland security and emergency management division of the  
13 department of public defense for the fiscal year beginning  
14 July 1, 2005, and ending June 30, 2006, an amount not  
15 exceeding two hundred thousand dollars to be used for  
16 implementation, support, and maintenance of the functions of  
17 the administrator and program manager under chapter 34A and to  
18 employ the auditor of the state to perform an annual audit of  
19 the wireless E911 emergency communications fund.

20 Sec. 17. IOWA LAW ENFORCEMENT ACADEMY -- FEES.  
21 Notwithstanding section 80B.11B, the Iowa law enforcement  
22 academy may charge more than one-half the cost of providing  
23 the basic training course if a majority of the Iowa law  
24 enforcement academy council authorizes charging more than one-  
25 half of the cost of providing basic training. This section is  
26 repealed on June 30, 2006.

27 Sec. 18. NEW SECTION. 144.56A PUBLIC SAFETY OFFICER  
28 DEATH -- REQUIRED NOTICE -- AUTOPSY.

29 A person who is authorized to pronounce individuals dead is  
30 required to inform one of the persons authorized to request an  
31 autopsy, as provided in section 144.56, that an autopsy will  
32 be required if the individual who died was a public safety  
33 officer who may have died in the line of duty and an eligible  
34 beneficiary of the deceased seeks to claim a federal public  
35 safety officer death benefit.

DIVISION II

SUPPLEMENTAL APPROPRIATIONS

DEPARTMENT OF CORRECTIONS -- FACILITIES

1  
2  
3  
4 Sec. 19. 2004 Iowa Acts, chapter 1175, section 183,  
5 subsection 1, paragraph c, is amended to read as follows:

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

9 ..... \$ 23,536,936  
10 ..... 23,636,936

11 Of the funds allocated in this paragraph "c", \$100,000 is  
12 allocated for the costs of remodeling and construction to  
13 establish a specialized 24-bed mental health unit for  
14 offenders who are not ordered to inpatient mental health  
15 treatment. The unit shall operate as an adjunct to the  
16 licensed hospital program within the Oakdale correctional  
17 facility.

18 DEPARTMENT OF CORRECTIONS -- ADMINISTRATION

19 Sec. 20. 2004 Iowa Acts, chapter 1175, section 184,  
20 subsection 1, paragraph a, unnumbered paragraph 1, is amended  
21 to read as follows:

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

26 ..... \$ 2,784,393  
27 ..... 3,198,809

28 JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL  
29 SERVICES

30 Sec. 21. 2004 Iowa Acts, chapter 1175, section 185,  
31 subsection 1, is amended to read as follows:

32 1. There is appropriated from the general fund of the  
33 state to the department of corrections for the fiscal year  
34 beginning July 1, 2004, and ending June 30, 2005, the  
35 following amounts, or so much thereof as is necessary, to be

1 allocated as follows:

2 a. For the first judicial district department of  
3 correctional services, including the treatment and supervision  
4 of probation and parole violators who have been released from  
5 the department of corrections violator program, the following  
6 amount, or so much thereof as is necessary:

7 ..... \$ ~~10,090,207~~  
8 10,142,332

9 b. For the second judicial district department of  
10 correctional services, including the treatment and supervision  
11 of probation and parole violators who have been released from  
12 the department of corrections violator program, the following  
13 amount, or so much thereof as is necessary:

14 ..... \$ ~~7,755,402~~  
15 7,803,027

16 c. For the third judicial district department of  
17 correctional services, including the treatment and supervision  
18 of probation and parole violators who have been released from  
19 the department of corrections violator program, the following  
20 amount, or so much thereof as is necessary:

21 ..... \$ ~~4,631,423~~  
22 4,668,548

23 d. For the fourth judicial district department of  
24 correctional services, including the treatment and supervision  
25 of probation and parole violators who have been released from  
26 the department of corrections violator program, the following  
27 amount, or so much thereof as is necessary:

28 ..... \$ ~~4,248,965~~  
29 4,268,465

30 e. For the fifth judicial district department of  
31 correctional services, including the treatment and supervision  
32 of probation and parole violators who have been released from  
33 the department of corrections violator program, the following  
34 amount, or so much thereof as is necessary:

35 ..... \$ ~~12,982,837~~

13,105,462

1  
2 f. For the sixth judicial district department of  
3 correctional services, including the treatment and supervision  
4 of probation and parole violators who have been released from  
5 the department of corrections violator program, the following  
6 amount, or so much thereof as is necessary:

7 ..... \$ 10,706,471  
8 10,105,217

9 g. For the seventh judicial district department of  
10 correctional services, including the treatment and supervision  
11 of probation and parole violators who have been released from  
12 the department of corrections violator program, the following  
13 amount, or so much thereof as is necessary:

14 ..... \$ 5,767,731  
15 5,700,939

16 h. For the eighth judicial district department of  
17 correctional services, including the treatment and supervision  
18 of probation and parole violators who have been released from  
19 the department of corrections violator program, the following  
20 amount, or so much thereof as is necessary:

21 ..... \$ 5,757,865  
22 5,606,740

23 The appropriations made in this subsection include  
24 additional funding for costs to address additional  
25 methamphetamine drug offenders under supervision.

26 Sec. 22. 2004 Iowa Acts, chapter 1175, section 188, is  
27 amended to read as follows:

28 SEC. 188. STATE PUBLIC DEFENDER. There is appropriated  
29 from the general fund of the state to the office of the state  
30 public defender of the department of inspections and appeals  
31 for the fiscal year beginning July 1, 2004, and ending June  
32 30, 2005, the following amounts, or so much thereof as is  
33 necessary, to be allocated as follows for the purposes  
34 designated:

35 1. For salaries, support, maintenance, and miscellaneous

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

3 ..... \$ 16,663,446  
4 ..... 18,247,561  
5 ..... FTEs 202.00

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

9 ..... \$ 19,355,297  
10 ..... 22,251,339

11 Sec. 23. 2004 Iowa Acts, chapter 1175, section 192,  
12 subsection 2, unnumbered paragraph 1, is amended to read as  
13 follows:

14 For the division of criminal investigation and bureau of  
15 identification, including the state's contribution to the  
16 peace officers' retirement, accident, and disability system  
17 provided in chapter 97A in the amount of 17 percent of the  
18 salaries for which the funds are appropriated, to meet federal  
19 fund matching requirements, and for not more than the  
20 following full-time equivalent positions:

21 ..... \$ 14,058,510  
22 ..... 14,208,510  
23 ..... FTEs 221.50

24 Sec. 24. 2004 Iowa Acts, chapter 1175, section 193, is  
25 amended to read as follows:

26 SEC. 193. CIVIL RIGHTS COMMISSION. There is appropriated  
27 from the general fund of the state to the Iowa state civil  
28 rights commission for the fiscal year beginning July 1, 2004,  
29 and ending June 30, 2005, the following amount, or so much  
30 thereof as is necessary, to be used for the purposes  
31 designated:

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

35 ..... \$ 825,752

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

881,752  
28.00

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

S-3261

1 Amend House File 811, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. By striking everything after the enacting  
4 clause and inserting the following:

5 "DIVISION I  
6 FY 2005-2006 APPROPRIATIONS  
7 JUSTICE SYSTEM

8 Section 1. DEPARTMENT OF JUSTICE.

9 1. There is appropriated from the general fund of  
10 the state to the department of justice for the fiscal  
11 year beginning July 1, 2005, and ending June 30, 2006,  
12 the following amounts, or so much thereof as is  
13 necessary, to be used for the purposes designated:

14 a. For the general office of attorney general for  
15 salaries, support, maintenance, miscellaneous purposes  
16 including the prosecuting attorneys training program,  
17 victim assistance grants, office of drug control  
18 policy (ODCP) prosecuting attorney program, legal  
19 services for persons in poverty grants as provided in  
20 section 13.34, odometer fraud enforcement, and for not  
21 more than the following full-time equivalent  
22 positions:

23 .....	\$	8,024,280
24 .....	FTEs	214.50

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

30 b. For victim assistance grants:	\$	305,000
-------------------------------------	----	---------

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

35 c. For legal services for persons in poverty 36 grants as provided in section 13.34:	\$	750,000
--	----	---------

37 2. In addition to the funds appropriated in  
38 subsection 1, there is appropriated from the general  
39 fund of the state to the department of justice for the  
40 fiscal year beginning July 1, 2005, and ending June  
41 30, 2006, an amount not exceeding \$200,000 to be used  
42 for the enforcement of the Iowa competition law. The  
43 funds appropriated in this subsection are contingent  
44 upon receipt by the general fund of the state of an  
45 amount at least equal to the expenditure amount from  
46 either damages awarded to the state or a political  
47 subdivision of the state by a civil judgment under  
48 chapter 553, if the judgment authorizes the use of the

S-3261

1 award for enforcement purposes or costs or attorneys  
2 fees awarded the state in state or federal antitrust  
3 actions. However, if the amounts received as a result  
4 of these judgments are in excess of \$200,000, the  
5 excess amounts shall not be appropriated to the  
6 department of justice pursuant to this subsection.  
7 The department of justice shall report the  
8 department's actual costs and an estimate of the time  
9 incurred enforcing the competition law, to the co-  
10 chairpersons and ranking members of the joint  
11 appropriations subcommittee on the justice system, and  
12 to the legislative services agency by November 15,  
13 2005.

14 3. In addition to the funds appropriated in  
15 subsection 1, there is appropriated from the general  
16 fund of the state to the department of justice for the  
17 fiscal year beginning July 1, 2005, and ending June  
18 30, 2006, an amount not exceeding \$1,125,000 to be  
19 used for public education relating to consumer fraud  
20 and for enforcement of section 714.16, and an amount  
21 not exceeding \$75,000 for investigation, prosecution,  
22 and consumer education relating to consumer and  
23 criminal fraud against older Iowans. The funds  
24 appropriated in this subsection are contingent upon  
25 receipt by the general fund of the state of an amount  
26 at least equal to the expenditure amount from damages  
27 awarded to the state or a political subdivision of the  
28 state by a civil consumer fraud judgment or  
29 settlement, if the judgment or settlement authorizes  
30 the use of the award for public education on consumer  
31 fraud. However, if the funds received as a result of  
32 these judgments and settlements are in excess of  
33 \$1,200,000, the excess funds shall not be appropriated  
34 to the department of justice pursuant to this  
35 subsection. The department of justice shall report to  
36 the co-chairpersons and ranking members of the joint  
37 appropriations subcommittee on the justice system, and  
38 to the legislative services agency by November 15,  
39 2005, the department's actual costs and an estimate of  
40 the time incurred in providing education pursuant to  
41 and enforcing this subsection.

42 4. The balance of the victim compensation fund  
43 established in section 915.94 may be used to provide  
44 salary and support of not more than 22 FTEs and to  
45 provide maintenance for the victim compensation  
46 functions of the department of justice.

47 5. a. The department of justice, in submitting  
48 budget estimates for the fiscal year commencing July  
49 1, 2006, pursuant to section 8.23, shall include a  
50 report of funding from sources other than amounts

1 appropriated directly from the general fund of the  
2 state to the department of justice or to the office of  
3 consumer advocate. These funding sources shall  
4 include, but are not limited to, reimbursements from  
5 other state agencies, commissions, boards, or similar  
6 entities, and reimbursements from special funds or  
7 internal accounts within the department of justice.  
8 The department of justice shall report actual  
9 reimbursements for the fiscal year commencing July 1,  
10 2004, and actual and expected reimbursements for the  
11 fiscal year commencing July 1, 2005.

12 b. The department of justice shall include the  
13 report required under paragraph "a", as well as  
14 information regarding any revisions occurring as a  
15 result of reimbursements actually received or expected  
16 at a later date, in a report to the co-chairpersons  
17 and ranking members of the joint appropriations  
18 subcommittee on the justice system and the legislative  
19 services agency. The department of justice shall  
20 submit the report on or before January 15, 2006.

21 6. In addition to the funds appropriated in  
22 subsection 1, there is appropriated from the general  
23 fund of the state to the department of justice for the  
24 fiscal year beginning July 1, 2005, and ending June  
25 30, 2006, an amount not exceeding \$150,000 to be used  
26 for legal services for persons in poverty grants as  
27 provided in section 13.34, and an amount not exceeding  
28 \$95,000 for legal services related to the department  
29 of elder affairs legal hotline. The funds  
30 appropriated in this subsection are contingent upon  
31 receipt by the general fund of the state of an amount  
32 at least equal to the expenditure amount from costs or  
33 attorney fees awarded the state in settlement of its  
34 antitrust action against Microsoft brought under  
35 chapter 553. However, if the amounts received as a  
36 result of this settlement are in excess of \$245,000,  
37 the excess amounts shall not be appropriated to the  
38 department of justice pursuant to this paragraph.

39 Sec. 2. DEPARTMENT OF JUSTICE -- ENVIRONMENTAL  
40 CRIMES INVESTIGATION AND PROSECUTION -- FUNDING.  
41 There is appropriated from the environmental crime  
42 fund of the department of justice, consisting of  
43 court-ordered fines and penalties awarded to the  
44 department arising out of the prosecution of  
45 environmental crimes, to the department of justice for  
46 the fiscal year beginning July 1, 2005, and ending  
47 June 30, 2006, an amount not exceeding \$20,000 to be  
48 used by the department, at the discretion of the  
49 attorney general, for the investigation and  
50 prosecution of environmental crimes, including the

1 reimbursement of expenses incurred by county,  
2 municipal, and other local governmental agencies  
3 cooperating with the department in the investigation  
4 and prosecution of environmental crimes.

5 The funds appropriated in this section are  
6 contingent upon receipt by the environmental crime  
7 fund of the department of justice of an amount at  
8 least equal to the appropriations made in this section  
9 and received from contributions, court-ordered  
10 restitution as part of judgments in criminal cases,  
11 and consent decrees entered into as part of civil or  
12 regulatory enforcement actions. However, if the funds  
13 received during the fiscal year are in excess of  
14 \$20,000, the excess funds shall be deposited in the  
15 general fund of the state.

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

22 Sec. 3. OFFICE OF CONSUMER ADVOCATE. There is  
23 appropriated from the general fund of the state to the  
24 office of consumer advocate of the department of  
25 justice for the fiscal year beginning July 1, 2005,  
26 and ending June 30, 2006, the following amount, or so  
27 much thereof as is necessary, to be used for the  
28 purposes designated:

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

32 .....	\$	2,810,442
33 .....	FTEs	27.00

34 Sec. 4. DEPARTMENT OF CORRECTIONS -- FACILITIES.

35 1. There is appropriated from the general fund of  
36 the state to the department of corrections for the  
37 fiscal year beginning July 1, 2005, and ending June  
38 30, 2006, the following amounts, or so much thereof as  
39 is necessary, to be used for the purposes designated:

40 For the operation of adult correctional  
41 institutions, reimbursement of counties for certain  
42 confinement costs, and federal prison reimbursement,  
43 to be allocated as follows:

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

47 .....	\$	38,923,261
----------	----	------------

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

1 ..... \$ 27,257,452

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

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

9 ..... \$ 25,730,278

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

13 ..... \$ 25,073,632

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

17 ..... \$ 23,753,340

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

21 ..... \$ 8,096,378

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

25 ..... \$ 22,904,497

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

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

34 ..... \$ 14,002,603

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

38 ..... \$ 26,315,943

39 j. For reimbursement of counties for temporary  
40 confinement of work release and parole violators, as  
41 provided in sections 901.7, 904.908, and 906.17 and  
42 for offenders confined pursuant to section 904.513:

43 ..... \$ 674,954

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

47 ..... \$ 241,293

48 2. The department of corrections shall use funds  
49 appropriated in subsection 1 to continue to contract  
50 for the services of a Muslim imam.

1 Sec. 5. DEPARTMENT OF CORRECTIONS --

2 ADMINISTRATION.

3 1. There is appropriated from the general fund of  
4 the state to the department of corrections for the  
5 fiscal year beginning July 1, 2005, and ending June  
6 30, 2006, the following amounts, or so much thereof as  
7 is necessary, to be used for the purposes designated:

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

13 ..... \$ 2,829,708

14 (1) It is the intent of the general assembly that  
15 as a condition of receiving the appropriation provided  
16 in this lettered paragraph, the department of  
17 corrections shall not, except as otherwise provided in  
18 subparagraph (3), enter into a new contract, unless  
19 the contract is a renewal of an existing contract, for  
20 the expenditure of moneys in excess of \$100,000 during  
21 the fiscal year beginning July 1, 2005, for the  
22 privatization of services performed by the department  
23 using state employees as of July 1, 2005, or for the  
24 privatization of new services by the department,  
25 without prior consultation with any applicable state  
26 employee organization affected by the proposed new  
27 contract and prior notification of the co-  
28 chairpersons and ranking members of the joint  
29 appropriations subcommittee on the justice system.

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

40 (3) It is the intent of the general assembly that  
41 as a condition of receiving the appropriation provided  
42 in this lettered paragraph, the department of  
43 corrections shall not enter into a lease or  
44 contractual agreement pursuant to section 904.809 with  
45 a private corporation for the use of building space  
46 for the purpose of providing inmate employment without  
47 providing that the terms of the lease or contract  
48 establish safeguards to restrict, to the greatest  
49 extent feasible, access by inmates working for the  
50 private corporation to personal identifying

1 information of citizens.

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

4 ..... \$ 1,008,358

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

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

23 The director of the department of corrections may  
24 transfer moneys from Iowa prison industries for use in  
25 educational programs for inmates.

26 Notwithstanding section 8.33, moneys appropriated  
27 in this lettered paragraph that remain unobligated or  
28 unexpended at the close of the fiscal year shall not  
29 revert but shall remain available for expenditure only  
30 for the purpose designated in this lettered paragraph  
31 until the close of the succeeding fiscal year.

32 c. For the development of the Iowa corrections  
33 offender network (ICON) data system:

34 ..... \$ 427,700

35 2. It is the intent of the general assembly that  
36 the department of corrections shall continue to  
37 operate the correctional farms under the control of  
38 the department at the same or greater level of  
39 participation and involvement as existed as of January  
40 1, 2005, shall not enter into any rental agreement or  
41 contract concerning any farmland under the control of  
42 the department that is not subject to a rental  
43 agreement or contract as of January 1, 2005, without  
44 prior legislative approval, and shall further attempt  
45 to provide job opportunities at the farms for inmates.  
46 The department shall attempt to provide job  
47 opportunities at the farms for inmates by encouraging  
48 labor-intensive farming or gardening where  
49 appropriate, using inmates to grow produce and meat  
50 for institutional consumption, researching the

1 possibility of instituting food canning and cook-and-  
2 chill operations, and exploring opportunities for  
3 organic farming and gardening, livestock ventures,  
4 horticulture, and specialized crops.

5 3. The department shall work to increase produce  
6 gardening by inmates under the control of the  
7 correctional institutions, and, if appropriate, may  
8 use the central distribution network at the Woodward  
9 state resource center. The department shall file a  
10 report with the co-chairpersons and ranking members of  
11 the joint appropriations subcommittee on the justice  
12 system by December 1, 2005, regarding the feasibility  
13 of expanding the number of acres devoted to organic  
14 gardening and to the growing of organic produce for  
15 sale.

16 4. The department of corrections shall submit a  
17 report to the general assembly by January 1, 2006,  
18 concerning moneys recouped from inmate earnings for  
19 the reimbursement of operational expenses of the  
20 applicable facility during the fiscal year beginning  
21 July 1, 2004, for each correctional institution and  
22 judicial district department of correctional services.  
23 In addition, each correctional institution and  
24 judicial district department of correctional services  
25 shall continue to submit a report to the legislative  
26 services agency on a monthly basis concerning moneys  
27 recouped from inmate earnings pursuant to sections  
28 904.702, 904.809, and 905.14.

29 5. It is the intent of the general assembly that  
30 as a condition of receiving the appropriation provided  
31 in this lettered paragraph, the department shall not  
32 enter into any agreement with a private sector  
33 nongovernmental entity for the purpose of housing  
34 inmates committed to the custody of the director of  
35 the department, without express authorization of the  
36 general assembly to do so.

37 Sec. 6. JUDICIAL DISTRICT DEPARTMENTS OF  
38 CORRECTIONAL SERVICES.

39 1. There is appropriated from the general fund of  
40 the state to the department of corrections for the  
41 fiscal year beginning July 1, 2005, and ending June  
42 30, 2006, the following amounts, or so much thereof as  
43 is necessary, to be allocated as follows:

44 a. For the first judicial district department of  
45 correctional services, including the treatment and  
46 supervision of probation and parole violators who have  
47 been released from the department of corrections  
48 violator program, the following amount, or so much  
49 thereof as is necessary:

50 ..... \$ 10,718,695

1 b. For the second judicial district department of  
 2 correctional services, including the treatment and  
 3 supervision of probation and parole violators who have  
 4 been released from the department of corrections  
 5 violator program, the following amount, or so much  
 6 thereof as is necessary:  
 7 ..... \$ 8,308,209

8 c. For the third judicial district department of  
 9 correctional services, including the treatment and  
 10 supervision of probation and parole violators who have  
 11 been released from the department of corrections  
 12 violator program, the following amount, or so much  
 13 thereof as is necessary:  
 14 ..... \$ 4,983,792

15 d. For the fourth judicial district department of  
 16 correctional services, including the treatment and  
 17 supervision of probation and parole violators who have  
 18 been released from the department of corrections  
 19 violator program, the following amount, or so much  
 20 thereof as is necessary:  
 21 ..... \$ 4,443,392

22 e. For the fifth judicial district department of  
 23 correctional services, including the treatment and  
 24 supervision of probation and parole violators who have  
 25 been released from the department of corrections  
 26 violator program, the following amount, or so much  
 27 thereof as is necessary:  
 28 ..... \$ 14,678,288

29 f. For the sixth judicial district department of  
 30 correctional services, including the treatment and  
 31 supervision of probation and parole violators who have  
 32 been released from the department of corrections  
 33 violator program, the following amount, or so much  
 34 thereof as is necessary:  
 35 ..... \$ 10,598,160

36 g. For the seventh judicial district department of  
 37 correctional services, including the treatment and  
 38 supervision of probation and parole violators who have  
 39 been released from the department of corrections  
 40 violator program, the following amount, or so much  
 41 thereof as is necessary:  
 42 ..... \$ 6,010,963

43 h. For the eighth judicial district department of  
 44 correctional services, including the treatment and  
 45 supervision of probation and parole violators who have  
 46 been released from the department of corrections  
 47 violator program, the following amount, or so much  
 48 thereof as is necessary:  
 49 ..... \$ 6,164,249

50 As a condition of the funds appropriated in this

1 paragraph, the eighth judicial district department of  
2 correctional services shall establish a drug court  
3 that uses the community-panel model.

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

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

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

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

29 Sec. 7. INTENT -- REPORTS.

30 1. The department of corrections shall submit a  
31 report on inmate labor to the general assembly, to the  
32 co-chairpersons and the ranking members of the joint  
33 appropriations subcommittee on the justice system, and  
34 to the legislative services agency by January 15,  
35 2006. The report shall specifically address the  
36 progress the department has made in implementing the  
37 requirements of section 904.701, inmate labor on  
38 capital improvement projects, community work crews,  
39 inmate produce gardening, and private-sector  
40 employment.

41 2. The department in cooperation with townships,  
42 the Iowa cemetery associations, and other nonprofit or  
43 governmental entities may use inmate labor to restore  
44 or preserve rural cemeteries and historical landmarks.  
45 The department in cooperation with the counties may  
46 also use inmate labor to clean up roads, major water  
47 sources, and other water sources around the state.

48 3. Each month the department shall provide a  
49 status report regarding private-sector employment to  
50 the legislative services agency beginning on July 1,

1 2005. The report shall include the number of  
2 offenders employed in the private sector, the combined  
3 number of hours worked by the offenders, and the total  
4 amount of allowances, and the distribution of  
5 allowances pursuant to section 904.702, including any  
6 moneys deposited in the general fund of the state.

7 Sec. 8. ELECTRONIC MONITORING REPORT. The  
8 department of corrections shall submit a report on  
9 electronic monitoring to the general assembly, to the  
10 co-chairpersons and the ranking members of the joint  
11 appropriations subcommittee on the justice system, and  
12 to the legislative services agency by January 15,

13 2006. The report shall specifically address the  
14 number of persons being electronically monitored and  
15 break down the number of persons being electronically  
16 monitored by offense committed. The report shall also  
17 include a comparison of any data from the prior fiscal  
18 year with the current year.

19 Sec. 9. STATE AGENCY PURCHASES FROM PRISON  
20 INDUSTRIES.

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

30 2. State agencies are hereby encouraged to  
31 purchase products from Iowa state industries, as  
32 defined in section 904.802, when purchases are  
33 required and the products are available from Iowa  
34 state industries. State agencies shall obtain bids  
35 from Iowa state industries for purchases of office  
36 furniture exceeding \$5,000 or in accordance with  
37 applicable administrative rules related to purchases  
38 for the agency.

39 Sec. 10. STATE PUBLIC DEFENDER. There is  
40 appropriated from the general fund of the state to the  
41 office of the state public defender of the department  
42 of inspections and appeals for the fiscal year  
43 beginning July 1, 2005, and ending June 30, 2006, the  
44 following amounts, or so much thereof as is necessary,  
45 to be allocated as follows for the purposes  
46 designated:

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

50 ..... \$ 18,444,964

1 ..... FTEs 202.00  
 2 2. For the fees of court-appointed attorneys for  
 3 indigent adults and juveniles, in accordance with  
 4 section 232.141 and chapter 815:  
 5 ..... \$ 21,163,082

6 Sec. 11. IOWA LAW ENFORCEMENT ACADEMY.

7 1. There is appropriated from the general fund of  
 8 the state to the Iowa law enforcement academy for the  
 9 fiscal year beginning July 1, 2005, and ending June  
 10 30, 2006, the following amount, or so much thereof as  
 11 is necessary, to be used for the purposes designated:

12 For salaries, support, maintenance, miscellaneous  
 13 purposes, including jailer training and technical  
 14 assistance, and for not more than the following full-  
 15 time equivalent positions:  
 16 ..... \$ 1,075,138  
 17 ..... FTEs 30.05

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

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

29 2. The Iowa law enforcement academy may select at  
 30 least five automobiles of the department of public  
 31 safety, division of the Iowa state patrol, prior to  
 32 turning over the automobiles to the department of  
 33 administrative services to be disposed of by public  
 34 auction and the Iowa law enforcement academy may  
 35 exchange any automobile owned by the academy for each  
 36 automobile selected if the selected automobile is used  
 37 in training law enforcement officers at the academy.  
 38 However, any automobile exchanged by the academy shall  
 39 be substituted for the selected vehicle of the  
 40 department of public safety and sold by public auction  
 41 with the receipts being deposited in the depreciation  
 42 fund to the credit of the department of public safety,  
 43 division of the Iowa state patrol.

44 Sec. 12. BOARD OF PAROLE. There is appropriated  
 45 from the general fund of the state to the board of  
 46 parole for the fiscal year beginning July 1, 2005, and  
 47 ending June 30, 2006, the following amount, or so much  
 48 thereof as is necessary, to be used for the purposes  
 49 designated:

50 For salaries, support, maintenance, miscellaneous

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

3 ..... \$ 1,121,044  
4 ..... FTEs 17.50

5 Sec. 13. DEPARTMENT OF PUBLIC DEFENSE. There is  
6 appropriated from the general fund of the state to the  
7 department of public defense for the fiscal year  
8 beginning July 1, 2005, and ending June 30, 2006, the  
9 following amounts, or so much thereof as is necessary,  
10 to be used for the purposes designated:

11 1. MILITARY DIVISION

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

15 ..... \$ 5,130,040  
16 ..... FTEs 312.55

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

23 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT  
24 DIVISION

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

28 ..... \$ 1,172,230  
29 ..... FTEs 24.75

30 Sec. 14. DEPARTMENT OF PUBLIC SAFETY. There is  
31 appropriated from the general fund of the state to the  
32 department of public safety for the fiscal year  
33 beginning July 1, 2005, and ending June 30, 2006, the  
34 following amounts, or so much thereof as is necessary,  
35 to be used for the purposes designated:

36 1. For the department's administrative functions,  
37 including the criminal justice information system, and  
38 for not more than the following full-time equivalent  
39 positions:

40 ..... \$ 3,370,033  
41 ..... FTEs 38.00

42 2. For the division of criminal investigation and  
43 bureau of identification, including the state's  
44 contribution to the peace officers' retirement,  
45 accident, and disability system provided in chapter  
46 97A in the amount of 17 percent of the salaries for  
47 which the funds are appropriated, to meet federal fund  
48 matching requirements, and for not more than the  
49 following full-time equivalent positions:

50 ..... \$ 15,682,052

1 ..... FTEs 225.50  
 2 In addition to the funds appropriated in this  
 3 subsection, there is appropriated from the general  
 4 fund of the state to the department of public safety,  
 5 division of criminal investigation and bureau of  
 6 identification for the fiscal year beginning July 1,  
 7 2005, and ending June 30, 2006, an amount not  
 8 exceeding \$304,206 to be used for the purchase of DNA  
 9 profiling equipment. The funds appropriated in this  
 10 paragraph are contingent upon receipt by the general  
 11 fund of the state of an amount at least equal to the  
 12 expenditure amount from costs or attorney fees awarded  
 13 the state in settlement of its antitrust action  
 14 against Microsoft brought under chapter 553. However,  
 15 if the amounts received as a result of this settlement  
 16 are in excess of \$304,206, the excess amounts shall  
 17 not be appropriated to the department pursuant to this  
 18 paragraph.

19 3. For the criminalistics laboratory fund, if  
 20 created in section 602.8108:  
 21 ..... \$ 342,000

22 In addition to the funds appropriated in this  
 23 subsection, there is appropriated from the general  
 24 fund of the state to the department of public safety  
 25 for the fiscal year beginning July 1, 2005, and ending  
 26 June 30, 2006, an amount not exceeding \$390,000 to be  
 27 used for the purchase of crime laboratory equipment.  
 28 The funds appropriated in this paragraph are  
 29 contingent upon receipt by the general fund of the  
 30 state of an amount at least equal to the expenditure  
 31 amount from costs or attorney fees awarded the state  
 32 in settlement of its antitrust action against  
 33 Microsoft brought under chapter 553. However, if the  
 34 amounts received as a result of this settlement are in  
 35 excess of \$390,000, the excess amounts shall not be  
 36 appropriated to the department pursuant to this  
 37 paragraph.

38 The department of public safety, with the approval  
 39 of the department of management, may employ no more  
 40 than two special agents and four gaming enforcement  
 41 officers for each additional riverboat regulated after  
 42 July 1, 2005, and one special agent for each racing  
 43 facility which becomes operational during the fiscal  
 44 year which begins July 1, 2005. One additional gaming  
 45 enforcement officer, up to a total of four per  
 46 riverboat, may be employed for each riverboat that has  
 47 extended operations to 24 hours and has not previously  
 48 operated with a 24-hour schedule. Positions  
 49 authorized in this paragraph are in addition to the  
 50 full-time equivalent positions otherwise authorized in

1 this subsection.

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

10 ..... \$ 4,701,141  
11 ..... FTEs 75.00

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

14 ..... \$ 123,343

15 5. a. For the state fire marshal's office,  
16 including the state's contribution to the peace  
17 officers' retirement, accident, and disability system  
18 provided in chapter 97A in the amount of 17 percent of  
19 the salaries for which the funds are appropriated, and  
20 for not more than the following full-time equivalent  
21 positions:

22 ..... \$ 2,181,998  
23 ..... FTEs 39.00

24 b. For the state fire marshal's office, for fire  
25 protection services as provided through the state fire  
26 service and emergency response council as created in  
27 the department, and for not more than the following  
28 full-time equivalent positions:

29 ..... \$ 638,021  
30 ..... FTEs 10.00

31 Of the amount appropriated in this paragraph, the  
32 state fire marshal shall allocate \$200 for the mailing  
33 of a notice to all affected agencies or emergency  
34 services providers informing the agencies or providers  
35 about the requirement of an autopsy under section  
36 144.56A.

37 6. For the division of the Iowa state patrol of  
38 the department of public safety, for salaries,  
39 support, maintenance, workers' compensation costs, and  
40 miscellaneous purposes, including the state's  
41 contribution to the peace officers' retirement,  
42 accident, and disability system provided in chapter  
43 97A in the amount of 17 percent of the salaries for  
44 which the funds are appropriated, and for not more  
45 than the following full-time equivalent positions:

46 ..... \$ 43,747,973  
47 ..... FTEs 531.00

48 In addition to the funds appropriated in this  
49 subsection, there is appropriated from the general  
50 fund of the state to the division of the Iowa state

1 patrol for the fiscal year beginning July 1, 2005, and  
 2 ending June 30, 2006, an amount not exceeding \$700,000  
 3 to be used for motor vehicle depreciation, and an  
 4 amount not exceeding \$75,000 for the purchase of  
 5 weapons. The funds appropriated in this paragraph are  
 6 contingent upon receipt by the general fund of the  
 7 state of an amount at least equal to the expenditure  
 8 amount from costs or attorney fees awarded the state  
 9 in settlement of its antitrust action against  
 10 Microsoft brought under chapter 553. However, if the  
 11 amounts received as a result of this settlement are in  
 12 excess of \$775,000, the excess amounts shall not be  
 13 appropriated to the division of the Iowa state patrol  
 14 pursuant to this paragraph.

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

19 7. For deposit in the public safety law  
 20 enforcement sick leave benefits fund established under  
 21 section 80.42, for all departmental employees eligible  
 22 to receive benefits for accrued sick leave under the  
 23 collective bargaining agreement:

24 ..... \$ 316,179

25 An employee of the department of public safety who  
 26 retires after July 1, 2005, but prior to June 30,  
 27 2006, is eligible for payment of life or health  
 28 insurance premiums as provided for in the collective  
 29 bargaining agreement covering the public safety  
 30 bargaining unit at the time of retirement if that  
 31 employee previously served in a position which would  
 32 have been covered by the agreement. The employee  
 33 shall be given credit for the service in that prior  
 34 position as though it were covered by that agreement.  
 35 The provisions of this subsection shall not operate to  
 36 reduce any retirement benefits an employee may have  
 37 earned under other collective bargaining agreements or  
 38 retirement programs.

39 8. For costs associated with the training and  
 40 equipment needs of volunteer fire fighters and for not  
 41 more than the following full-time equivalent position:

42 ..... \$ 699,587  
 43 ..... FTEs 1.00

44 Notwithstanding section 8.33, moneys appropriated  
 45 in this subsection that remain unobligated or  
 46 unexpended at the close of the fiscal year shall not  
 47 revert but shall remain available for expenditure only  
 48 for the purpose designated in this subsection until  
 49 the close of the succeeding fiscal year.

50 Sec. 15. CIVIL RIGHTS COMMISSION. There is

1 appropriated from the general fund of the state to the  
2 Iowa state civil rights commission for the fiscal year  
3 beginning July 1, 2005, and ending June 30, 2006, the  
4 following amount, or so much thereof as is necessary,  
5 to be used for the purposes designated:

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

9 .....	\$	1,000,788
10 .....	FTEs	27.50

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

15 Sec. 16. DIVISION OF CRIMINAL AND JUVENILE JUSTICE  
16 PLANNING. In addition to any other funds appropriated  
17 to the division of criminal and juvenile justice  
18 planning of the department of human rights, there is  
19 appropriated from the general fund of the state to the  
20 division of criminal and juvenile justice planning for  
21 the fiscal year beginning July 1, 2005, and ending  
22 June 30, 2006, the following amount, or so much  
23 thereof as is necessary, to be used for the purposes  
24 designated:

25 For the establishment and administration of the sex  
26 offender treatment and supervision task force:

27 .....	\$	75,000
----------	----	--------

28 Sec. 17. HOMELAND SECURITY AND EMERGENCY  
29 MANAGEMENT DIVISION. There is appropriated from the  
30 wireless E911 emergency communications fund to the  
31 administrator of the homeland security and emergency  
32 management division of the department of public  
33 defense for the fiscal year beginning July 1, 2005,  
34 and ending June 30, 2006, an amount not exceeding two  
35 hundred thousand dollars to be used for  
36 implementation, support, and maintenance of the  
37 functions of the administrator and program manager  
38 under chapter 34A and to employ the auditor of the  
39 state to perform an annual audit of the wireless E911  
40 emergency communications fund.

41 Sec. 18. IOWA LAW ENFORCEMENT ACADEMY -- FEES.  
42 Notwithstanding section 80B.11B, the Iowa law  
43 enforcement academy may charge more than one-half the  
44 cost of providing the basic training course if a  
45 majority of the Iowa law enforcement academy council  
46 authorizes charging more than one-half of the cost of  
47 providing basic training. This section is repealed on  
48 June 30, 2006.

49 Sec. 19. NEW SECTION. 144.56A PUBLIC SAFETY  
50 OFFICER DEATH -- REQUIRED NOTICE -- AUTOPSY.

1 A person who is authorized to pronounce individuals  
2 dead is required to inform one of the persons  
3 authorized to request an autopsy, as provided in  
4 section 144.56, that an autopsy will be required if  
5 the individual who died was a public safety officer  
6 who may have died in the line of duty and an eligible  
7 beneficiary of the deceased seeks to claim a federal  
8 public safety officer death benefit.

9 Sec. 20. Section 158.2, Code 2005, is amended by  
10 adding the following new subsection:

11 NEW SUBSECTION. 7. Offenders committed to the  
12 custody of the director of the department of  
13 corrections who cut the hair, or trim or shave the  
14 beard of any other offender within a correctional  
15 facility, without receiving direct compensation from  
16 the person receiving the service.

17 DIVISION II

18 SUPPLEMENTAL APPROPRIATIONS

19 DEPARTMENT OF CORRECTIONS -- FACILITIES

20 Sec. 21. Section 804.21, subsection 1, Code 2005,  
21 as amended by 2005 Iowa Acts, Senate File 169, section  
22 7, is amended to read as follows:

23 1. A person arrested in obedience to a warrant  
24 shall be taken without unnecessary delay before the  
25 nearest or most accessible magistrate. The officer  
26 shall at the same time deliver to the magistrate the  
27 warrant with the officer's return endorsed on it and  
28 subscribed by the officer with the officer's official  
29 title. However, this section, and sections 804.22 and  
30 804.23, do not preclude the release of an arrested  
31 person within the period of time the person would  
32 otherwise remain incarcerated while waiting to be  
33 taken before a magistrate if the release is pursuant  
34 to pretrial release guidelines or a bond schedule  
35 promulgated by the judicial council, unless the person  
36 is charged with manufacture, ~~delivery,~~ or possession  
37 with intent to ~~deliver, or distribution of~~ manufacture  
38 methamphetamine. If, however, a person is released  
39 pursuant to pretrial release guidelines, a magistrate  
40 must, within twenty-four hours of the release, or as  
41 soon as practicable on the next subsequent working day  
42 of the court, either approve in writing of the  
43 release, or disapprove of the release and issue a  
44 warrant for the person's arrest.

45 Sec. 22. Section 804.22, unnumbered paragraph 2,  
46 Code 2005, as amended by 2005 Iowa Acts, Senate File  
47 169, section 8, is amended to read as follows:

48 This section and the rules of criminal procedure do  
49 not affect the provisions of chapter 805 authorizing  
50 the release of a person on citation or bail prior to

1 initial appearance, unless the person is charged with  
2 manufacture, ~~delivery, or possession with intent to~~  
3 ~~deliver, or distribution of manufacture~~  
4 methamphetamine. The initial appearance of a person  
5 so released shall be scheduled for a time not more  
6 than thirty days after the date of release.

7 Sec. 23. Section 811.2, subsection 1, unnumbered  
8 paragraph 2, Code 2005, as amended by 2005 Iowa Acts,  
9 Senate File 169, section 10, is amended to read as  
10 follows:

11 Any bailable defendant who is charged with unlawful  
12 possession, manufacture, delivery, or distribution of  
13 a controlled substance or other drug under chapter 124  
14 and is ordered released shall be required, as a  
15 condition of that release, to submit to a substance  
16 abuse evaluation and follow any recommendations  
17 proposed in the evaluation for appropriate substance  
18 abuse treatment. However, if a bailable defendant is  
19 charged with manufacture, ~~delivery, or possession with~~  
20 ~~the intent to deliver, or distribution of manufacture~~  
21 methamphetamine, its salts, optical isomers, and salts  
22 of its optical isomers, the defendant shall, in  
23 addition to a substance abuse evaluation, remain under  
24 supervision and be required to undergo random drug  
25 tests as a condition of release.

26 Sec. 24. Section 811.2, subsection 3, Code 2005,  
27 as amended by 2005 Iowa Acts, Senate File 169, section  
28 11, is amended to read as follows:

29 3. RELEASE AT INITIAL APPEARANCE. This chapter  
30 does not preclude the release of an arrested person as  
31 authorized by section 804.21, unless the arrested  
32 person is charged with manufacture, ~~delivery, or~~  
33 ~~possession with the intent to deliver, or distribution~~  
34 ~~of manufacture~~ methamphetamine.

35 Sec. 25. 2004 Iowa Acts, chapter 1175, section  
36 183, subsection 1, paragraph c, is amended to read as  
37 follows:

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

41 ..... \$ ~~23,536,936~~  
42 23,636,936

43 Of the funds allocated in this paragraph "c",  
44 \$100,000 is allocated for the costs of remodeling and  
45 construction to establish a specialized 24-bed mental  
46 health unit for offenders who are not ordered to  
47 inpatient mental health treatment. The unit shall  
48 operate as an adjunct to the licensed hospital program  
49 within the Oakdale correctional facility.

50 DEPARTMENT OF CORRECTIONS -- ADMINISTRATION

1 Sec. 26. 2004 Iowa Acts, chapter 1175, section  
2 184, subsection 1, paragraph a, unnumbered paragraph  
3 1, is amended to read as follows:

4 For general administration, including salaries,  
5 support, maintenance, employment of an education  
6 director to administer a centralized education program  
7 for the correctional system, and miscellaneous  
8 purposes:

9 ..... \$ ~~2,784,393~~  
10 3,198,809

11 JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL  
12 SERVICES

13 Sec. 27. 2004 Iowa Acts, chapter 1175, section  
14 185, subsection 1, is amended to read as follows:

15 1. There is appropriated from the general fund of  
16 the state to the department of corrections for the  
17 fiscal year beginning July 1, 2004, and ending June  
18 30, 2005, the following amounts, or so much thereof as  
19 is necessary, to be allocated as follows:

20 a. For the first judicial district department of  
21 correctional services, including the treatment and  
22 supervision of probation and parole violators who have  
23 been released from the department of corrections  
24 violator program, the following amount, or so much  
25 thereof as is necessary:

26 ..... \$ ~~10,090,207~~  
27 10,142,332

28 b. For the second judicial district department of  
29 correctional services, including the treatment and  
30 supervision of probation and parole violators who have  
31 been released from the department of corrections  
32 violator program, the following amount, or so much  
33 thereof as is necessary:

34 ..... \$ ~~7,755,402~~  
35 7,803,027

36 c. For the third judicial district department of  
37 correctional services, including the treatment and  
38 supervision of probation and parole violators who have  
39 been released from the department of corrections  
40 violator program, the following amount, or so much  
41 thereof as is necessary:

42 ..... \$ ~~4,631,423~~  
43 4,668,548

44 d. For the fourth judicial district department of  
45 correctional services, including the treatment and  
46 supervision of probation and parole violators who have  
47 been released from the department of corrections  
48 violator program, the following amount, or so much  
49 thereof as is necessary:

50 ..... \$ ~~4,248,965~~

4,268,465

1  
2 e. For the fifth judicial district department of  
3 correctional services, including the treatment and  
4 supervision of probation and parole violators who have  
5 been released from the department of corrections  
6 violator program, the following amount, or so much  
7 thereof as is necessary:

8 ..... \$ 12,982,837  
9 13,105,462

10 f. For the sixth judicial district department of  
11 correctional services, including the treatment and  
12 supervision of probation and parole violators who have  
13 been released from the department of corrections  
14 violator program, the following amount, or so much  
15 thereof as is necessary:

16 ..... \$ 10,064,717  
17 10,105,217

18 g. For the seventh judicial district department of  
19 correctional services, including the treatment and  
20 supervision of probation and parole violators who have  
21 been released from the department of corrections  
22 violator program, the following amount, or so much  
23 thereof as is necessary:

24 ..... \$ 5,677,314  
25 5,700,939

26 h. For the eighth judicial district department of  
27 correctional services, including the treatment and  
28 supervision of probation and parole violators who have  
29 been released from the department of corrections  
30 violator program, the following amount, or so much  
31 thereof as is necessary:

32 ..... \$ 5,574,865  
33 5,606,740

34 The appropriations made in this subsection include  
35 additional funding for costs to address additional  
36 methamphetamine drug offenders under supervision.

MILITARY DIVISION

38 Sec. 28. 2004 Iowa Acts, chapter 1175, section  
39 191, subsection 1, unnumbered paragraph 1, is amended  
40 to read as follows:

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

44 ..... \$ 5,084,143  
45 10,837,143  
46 ..... FTEs 310.80

47 Of the amount appropriated in this section  
48 \$5,753,000 is allocated for repayment of grant funding  
49 and accrued interest to the federal government.

50 Sec. 29. 2004 Iowa Acts, chapter 1175, section

1 188, is amended to read as follows:

2 SEC. 188. STATE PUBLIC DEFENDER. There is  
3 appropriated from the general fund of the state to the  
4 office of the state public defender of the department  
5 of inspections and appeals for the fiscal year  
6 beginning July 1, 2004, and ending June 30, 2005, the  
7 following amounts, or so much thereof as is necessary,  
8 to be allocated as follows for the purposes  
9 designated:

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

13 .....	\$	16,663,446
14 .....		<u>18,247,561</u>
15 .....	FTEs	<u>202.00</u>

16 2. For the fees of court-appointed attorneys for  
17 indigent adults and juveniles, in accordance with  
18 section 232.141 and chapter 815:

19 .....	\$	<u>19,355,297</u>
20 .....		<u>25,251,339</u>

21 Sec. 30. 2004 Iowa Acts, chapter 1175, section  
22 192, subsection 2, unnumbered paragraph 1, is amended  
23 to read as follows:

24 For the division of criminal investigation and  
25 bureau of identification, including the state's  
26 contribution to the peace officers' retirement,  
27 accident, and disability system provided in chapter  
28 97A in the amount of 17 percent of the salaries for  
29 which the funds are appropriated, to meet federal fund  
30 matching requirements, and for not more than the  
31 following full-time equivalent positions:

32 .....	\$	<u>14,058,510</u>
33 .....		<u>14,208,510</u>
34 .....	FTEs	<u>221.50</u>

35 Sec. 31. 2004 Iowa Acts, chapter 1175, section  
36 193, is amended to read as follows:

37 SEC. 193. CIVIL RIGHTS COMMISSION. There is  
38 appropriated from the general fund of the state to the  
39 Iowa state civil rights commission for the fiscal year  
40 beginning July 1, 2004, and ending June 30, 2005, the  
41 following amount, or so much thereof as is necessary,  
42 to be used for the purposes designated:

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

46 .....	\$	<u>825,752</u>
47 .....		<u>911,752</u>
48 .....	FTEs	<u>28.00</u>

49 The Iowa state civil rights commission may enter  
50 into a contract with a nonprofit organization to

**S-3261**

Page 23

1 provide legal assistance to resolve civil rights  
2 complaints.

3 Sec. 32. EFFECTIVE DATE. This division of this  
4 Act, being deemed of immediate importance, takes  
5 effect upon enactment."

6 2. Title page, line 2, by inserting after the  
7 word "system" the following: ", revising pretrial  
8 release requirements for certain criminal offenses,".

**By** EUGENE S. FRAISE  
LARRY McKIBBEN

**S-3261** FILED MAY 4, 2005  
ADOPTED

**EIGHTY-FIRST GENERAL ASSEMBLY**  
**2005 REGULAR SESSION**  
**DAILY**  
**HOUSE CLIP SHEET**

MAY 20, 2005

**SENATE AMENDMENT TO**  
**HOUSE FILE 811**

H-1701

1 Amend House File 811, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. By striking everything after the enacting  
4 clause and inserting the following:

5 "DIVISION I  
6 FY 2005-2006 APPROPRIATIONS  
7 JUSTICE SYSTEM

8 Section 1. DEPARTMENT OF JUSTICE.

9 1. There is appropriated from the general fund of  
10 the state to the department of justice for the fiscal  
11 year beginning July 1, 2005, and ending June 30, 2006,  
12 the following amounts, or so much thereof as is  
13 necessary, to be used for the purposes designated:

14 a. For the general office of attorney general for  
15 salaries, support, maintenance, miscellaneous purposes  
16 including the prosecuting attorneys training program,  
17 victim assistance grants, office of drug control  
18 policy (ODCP) prosecuting attorney program, legal  
19 services for persons in poverty grants as provided in  
20 section 13.34, odometer fraud enforcement, and for not  
21 more than the following full-time equivalent  
22 positions:

23 ..... \$ 8,024,280  
24 ..... FTEs 214.50

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

30 b. For victim assistance grants:

31 ..... \$ 305,000

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

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

38 ..... \$ 750,000

39 2. In addition to the funds appropriated in  
40 subsection 1, there is appropriated from the general  
41 fund of the state to the department of justice for the  
42 fiscal year beginning July 1, 2005, and ending June  
43 30, 2006, an amount not exceeding \$200,000 to be used  
44 for the enforcement of the Iowa competition law. The  
45 funds appropriated in this subsection are contingent  
46 upon receipt by the general fund of the state of an  
47 amount at least equal to the expenditure amount from  
48 either damages awarded to the state or a political  
49 subdivision of the state by a civil judgment under  
50 chapter 553, if the judgment authorizes the use of the

H-1701

1 award for enforcement purposes or costs or attorneys  
2 fees awarded the state in state or federal antitrust  
3 actions. However, if the amounts received as a result  
4 of these judgments are in excess of \$200,000, the  
5 excess amounts shall not be appropriated to the  
6 department of justice pursuant to this subsection.  
7 The department of justice shall report the  
8 department's actual costs and an estimate of the time  
9 incurred enforcing the competition law, to the co-  
10 chairpersons and ranking members of the joint  
11 appropriations subcommittee on the justice system, and  
12 to the legislative services agency by November 15,  
13 2005.

14 3. In addition to the funds appropriated in  
15 subsection 1, there is appropriated from the general  
16 fund of the state to the department of justice for the  
17 fiscal year beginning July 1, 2005, and ending June  
18 30, 2006, an amount not exceeding \$1,125,000 to be  
19 used for public education relating to consumer fraud  
20 and for enforcement of section 714.16, and an amount  
21 not exceeding \$75,000 for investigation, prosecution,  
22 and consumer education relating to consumer and  
23 criminal fraud against older Iowans. The funds  
24 appropriated in this subsection are contingent upon  
25 receipt by the general fund of the state of an amount  
26 at least equal to the expenditure amount from damages  
27 awarded to the state or a political subdivision of the  
28 state by a civil consumer fraud judgment or  
29 settlement, if the judgment or settlement authorizes  
30 the use of the award for public education on consumer  
31 fraud. However, if the funds received as a result of  
32 these judgments and settlements are in excess of  
33 \$1,200,000, the excess funds shall not be appropriated  
34 to the department of justice pursuant to this  
35 subsection. The department of justice shall report to  
36 the co-chairpersons and ranking members of the joint  
37 appropriations subcommittee on the justice system, and  
38 to the legislative services agency by November 15,  
39 2005, the department's actual costs and an estimate of  
40 the time incurred in providing education pursuant to  
41 and enforcing this subsection.

42 4. The balance of the victim compensation fund  
43 established in section 915.94 may be used to provide  
44 salary and support of not more than 22 FTEs and to  
45 provide maintenance for the victim compensation  
46 functions of the department of justice.

47 5. a. The department of justice, in submitting  
48 budget estimates for the fiscal year commencing July  
49 1, 2006, pursuant to section 8.23, shall include a  
50 report of funding from sources other than amounts

1 appropriated directly from the general fund of the  
2 state to the department of justice or to the office of  
3 consumer advocate. These funding sources shall  
4 include, but are not limited to, reimbursements from  
5 other state agencies, commissions, boards, or similar  
6 entities, and reimbursements from special funds or  
7 internal accounts within the department of justice.  
8 The department of justice shall report actual  
9 reimbursements for the fiscal year commencing July 1,  
10 2004, and actual and expected reimbursements for the  
11 fiscal year commencing July 1, 2005.

12 b. The department of justice shall include the  
13 report required under paragraph "a", as well as  
14 information regarding any revisions occurring as a  
15 result of reimbursements actually received or expected  
16 at a later date, in a report to the co-chairpersons  
17 and ranking members of the joint appropriations  
18 subcommittee on the justice system and the legislative  
19 services agency. The department of justice shall  
20 submit the report on or before January 15, 2006.

21 6. In addition to the funds appropriated in  
22 subsection 1, there is appropriated from the general  
23 fund of the state to the department of justice for the  
24 fiscal year beginning July 1, 2005, and ending June  
25 30, 2006, an amount not exceeding \$150,000 to be used  
26 for legal services for persons in poverty grants as  
27 provided in section 13.34, and an amount not exceeding  
28 \$95,000 for legal services related to the department  
29 of elder affairs legal hotline. The funds  
30 appropriated in this subsection are contingent upon  
31 receipt by the general fund of the state of an amount  
32 at least equal to the expenditure amount from costs or  
33 attorney fees awarded the state in settlement of its  
34 antitrust action against Microsoft brought under  
35 chapter 553. However, if the amounts received as a  
36 result of this settlement are in excess of \$245,000,  
37 the excess amounts shall not be appropriated to the  
38 department of justice pursuant to this paragraph.

39 Sec. 2. DEPARTMENT OF JUSTICE -- ENVIRONMENTAL  
40 CRIMES INVESTIGATION AND PROSECUTION -- FUNDING.  
41 There is appropriated from the environmental crime  
42 fund of the department of justice, consisting of  
43 court-ordered fines and penalties awarded to the  
44 department arising out of the prosecution of  
45 environmental crimes, to the department of justice for  
46 the fiscal year beginning July 1, 2005, and ending  
47 June 30, 2006, an amount not exceeding \$20,000 to be  
48 used by the department, at the discretion of the  
49 attorney general, for the investigation and  
50 prosecution of environmental crimes, including the

1 reimbursement of expenses incurred by county,  
 2 municipal, and other local governmental agencies  
 3 cooperating with the department in the investigation  
 4 and prosecution of environmental crimes.  
 5 The funds appropriated in this section are  
 6 contingent upon receipt by the environmental crime  
 7 fund of the department of justice of an amount at  
 8 least equal to the appropriations made in this section  
 9 and received from contributions, court-ordered  
 10 restitution as part of judgments in criminal cases,  
 11 and consent decrees entered into as part of civil or  
 12 regulatory enforcement actions. However, if the funds  
 13 received during the fiscal year are in excess of  
 14 \$20,000, the excess funds shall be deposited in the  
 15 general fund of the state.

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

22 Sec. 3. OFFICE OF CONSUMER ADVOCATE. There is  
 23 appropriated from the general fund of the state to the  
 24 office of consumer advocate of the department of  
 25 justice for the fiscal year beginning July 1, 2005,  
 26 and ending June 30, 2006, the following amount, or so  
 27 much thereof as is necessary, to be used for the  
 28 purposes designated:

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

32 .....	\$	2,810,442
33 .....	FTEs	27.00

34 Sec. 4. DEPARTMENT OF CORRECTIONS -- FACILITIES.

35 1. There is appropriated from the general fund of  
 36 the state to the department of corrections for the  
 37 fiscal year beginning July 1, 2005, and ending June  
 38 30, 2006, the following amounts, or so much thereof as  
 39 is necessary, to be used for the purposes designated:

40 For the operation of adult correctional  
 41 institutions, reimbursement of counties for certain  
 42 confinement costs, and federal prison reimbursement,  
 43 to be allocated as follows:

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

47 .....	\$	38,923,261
----------	----	------------

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

1 ..... \$ 27,257,452

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

6 c. For the operation of the Oakdale correctional  
7 facility, including salaries, support, maintenance,  
8 and miscellaneous purposes:  
9 ..... \$ 25,730,278

10 d. For the operation of the Newton correctional  
11 facility, including salaries, support, maintenance,  
12 and miscellaneous purposes:  
13 ..... \$ 25,073,632

14 e. For the operation of the Mt. Pleasant  
15 correctional facility, including salaries, support,  
16 maintenance, and miscellaneous purposes:  
17 ..... \$ 23,753,340

18 f. For the operation of the Rockwell City  
19 correctional facility, including salaries, support,  
20 maintenance, and miscellaneous purposes:  
21 ..... \$ 8,096,378

22 g. For the operation of the Clarinda correctional  
23 facility, including salaries, support, maintenance,  
24 and miscellaneous purposes:  
25 ..... \$ 22,904,497

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

31 h. For the operation of the Mitchellville  
32 correctional facility, including salaries, support,  
33 maintenance, and miscellaneous purposes:  
34 ..... \$ 14,002,603

35 i. For the operation of the Fort Dodge  
36 correctional facility, including salaries, support,  
37 maintenance, and miscellaneous purposes:  
38 ..... \$ 26,315,943

39 j. For reimbursement of counties for temporary  
40 confinement of work release and parole violators, as  
41 provided in sections 901.7, 904.908, and 906.17 and  
42 for offenders confined pursuant to section 904.513:  
43 ..... \$ 674,954

44 k. For federal prison reimbursement,  
45 reimbursements for out-of-state placements, and  
46 miscellaneous contracts:  
47 ..... \$ 241,293

48 2. The department of corrections shall use funds  
49 appropriated in subsection 1 to continue to contract  
50 for the services of a Muslim imam.

1 Sec. 5. DEPARTMENT OF CORRECTIONS --  
2 ADMINISTRATION.

3 1. There is appropriated from the general fund of  
4 the state to the department of corrections for the  
5 fiscal year beginning July 1, 2005, and ending June  
6 30, 2006, the following amounts, or so much thereof as  
7 is necessary, to be used for the purposes designated:

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

13 ..... \$ 2,829,708

14 (1) It is the intent of the general assembly that  
15 as a condition of receiving the appropriation provided  
16 in this lettered paragraph, the department of  
17 corrections shall not, except as otherwise provided in  
18 subparagraph (3), enter into a new contract, unless  
19 the contract is a renewal of an existing contract, for  
20 the expenditure of moneys in excess of \$100,000 during  
21 the fiscal year beginning July 1, 2005, for the  
22 privatization of services performed by the department  
23 using state employees as of July 1, 2005, or for the  
24 privatization of new services by the department,  
25 without prior consultation with any applicable state  
26 employee organization affected by the proposed new  
27 contract and prior notification of the co-  
28 chairpersons and ranking members of the joint  
29 appropriations subcommittee on the justice system.

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

40 (3) It is the intent of the general assembly that  
41 as a condition of receiving the appropriation provided  
42 in this lettered paragraph, the department of  
43 corrections shall not enter into a lease or  
44 contractual agreement pursuant to section 904.809 with  
45 a private corporation for the use of building space  
46 for the purpose of providing inmate employment without  
47 providing that the terms of the lease or contract  
48 establish safeguards to restrict, to the greatest  
49 extent feasible, access by inmates working for the  
50 private corporation to personal identifying

1 information of citizens.

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

4 ..... \$ 1,008,358

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

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

23 The director of the department of corrections may  
24 transfer moneys from Iowa prison industries for use in  
25 educational programs for inmates.

26 Notwithstanding section 8.33, moneys appropriated  
27 in this lettered paragraph that remain unobligated or  
28 unexpended at the close of the fiscal year shall not  
29 revert but shall remain available for expenditure only  
30 for the purpose designated in this lettered paragraph  
31 until the close of the succeeding fiscal year.

32 c. For the development of the Iowa corrections  
33 offender network (ICON) data system:

34 ..... \$ 427,700

35 2. It is the intent of the general assembly that  
36 the department of corrections shall continue to  
37 operate the correctional farms under the control of  
38 the department at the same or greater level of  
39 participation and involvement as existed as of January  
40 1, 2005, shall not enter into any rental agreement or  
41 contract concerning any farmland under the control of  
42 the department that is not subject to a rental  
43 agreement or contract as of January 1, 2005, without  
44 prior legislative approval, and shall further attempt  
45 to provide job opportunities at the farms for inmates.  
46 The department shall attempt to provide job  
47 opportunities at the farms for inmates by encouraging  
48 labor-intensive farming or gardening where  
49 appropriate, using inmates to grow produce and meat  
50 for institutional consumption, researching the

1 possibility of instituting food canning and cook-and-  
2 chill operations, and exploring opportunities for  
3 organic farming and gardening, livestock ventures,  
4 horticulture, and specialized crops.

5 3. The department shall work to increase produce  
6 gardening by inmates under the control of the  
7 correctional institutions, and, if appropriate, may  
8 use the central distribution network at the Woodward  
9 state resource center. The department shall file a  
10 report with the co-chairpersons and ranking members of  
11 the joint appropriations subcommittee on the justice  
12 system by December 1, 2005, regarding the feasibility  
13 of expanding the number of acres devoted to organic  
14 gardening and to the growing of organic produce for  
15 sale.

16 4. The department of corrections shall submit a  
17 report to the general assembly by January 1, 2006,  
18 concerning moneys recouped from inmate earnings for  
19 the reimbursement of operational expenses of the  
20 applicable facility during the fiscal year beginning  
21 July 1, 2004, for each correctional institution and  
22 judicial district department of correctional services.  
23 In addition, each correctional institution and  
24 judicial district department of correctional services  
25 shall continue to submit a report to the legislative  
26 services agency on a monthly basis concerning moneys  
27 recouped from inmate earnings pursuant to sections  
28 904.702, 904.809, and 905.14.

29 5. It is the intent of the general assembly that  
30 as a condition of receiving the appropriation provided  
31 in this lettered paragraph, the department shall not  
32 enter into any agreement with a private sector  
33 nongovernmental entity for the purpose of housing  
34 inmates committed to the custody of the director of  
35 the department, without express authorization of the  
36 general assembly to do so.

37 Sec. 6. JUDICIAL DISTRICT DEPARTMENTS OF  
38 CORRECTIONAL SERVICES.

39 1. There is appropriated from the general fund of  
40 the state to the department of corrections for the  
41 fiscal year beginning July 1, 2005, and ending June  
42 30, 2006, the following amounts, or so much thereof as  
43 is necessary, to be allocated as follows:

44 a. For the first judicial district department of  
45 correctional services, including the treatment and  
46 supervision of probation and parole violators who have  
47 been released from the department of corrections  
48 violator program, the following amount, or so much  
49 thereof as is necessary:

50 ..... \$ 10,718,695

1 b. For the second judicial district department of  
 2 correctional services, including the treatment and  
 3 supervision of probation and parole violators who have  
 4 been released from the department of corrections  
 5 violator program, the following amount, or so much  
 6 thereof as is necessary:  
 7 ..... \$ 8,308,209

8 c. For the third judicial district department of  
 9 correctional services, including the treatment and  
 10 supervision of probation and parole violators who have  
 11 been released from the department of corrections  
 12 violator program, the following amount, or so much  
 13 thereof as is necessary:  
 14 ..... \$ 4,983,792

15 d. For the fourth judicial district department of  
 16 correctional services, including the treatment and  
 17 supervision of probation and parole violators who have  
 18 been released from the department of corrections  
 19 violator program, the following amount, or so much  
 20 thereof as is necessary:  
 21 ..... \$ 4,443,392

22 e. For the fifth judicial district department of  
 23 correctional services, including the treatment and  
 24 supervision of probation and parole violators who have  
 25 been released from the department of corrections  
 26 violator program, the following amount, or so much  
 27 thereof as is necessary:  
 28 ..... \$ 14,678,288

29 f. For the sixth judicial district department of  
 30 correctional services, including the treatment and  
 31 supervision of probation and parole violators who have  
 32 been released from the department of corrections  
 33 violator program, the following amount, or so much  
 34 thereof as is necessary:  
 35 ..... \$ 10,598,160

36 g. For the seventh judicial district department of  
 37 correctional services, including the treatment and  
 38 supervision of probation and parole violators who have  
 39 been released from the department of corrections  
 40 violator program, the following amount, or so much  
 41 thereof as is necessary:  
 42 ..... \$ 6,010,963

43 h. For the eighth judicial district department of  
 44 correctional services, including the treatment and  
 45 supervision of probation and parole violators who have  
 46 been released from the department of corrections  
 47 violator program, the following amount, or so much  
 48 thereof as is necessary:  
 49 ..... \$ 6,164,249

50 As a condition of the funds appropriated in this

1 paragraph, the eighth judicial district department of  
2 correctional services shall establish a drug court  
3 that uses the community-panel model.

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

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

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

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

29 Sec. 7. INTENT -- REPORTS.

30 1. The department of corrections shall submit a  
31 report on inmate labor to the general assembly, to the  
32 co-chairpersons and the ranking members of the joint  
33 appropriations subcommittee on the justice system, and  
34 to the legislative services agency by January 15,  
35 2006. The report shall specifically address the  
36 progress the department has made in implementing the  
37 requirements of section 904.701, inmate labor on  
38 capital improvement projects, community work crews,  
39 inmate produce gardening, and private-sector  
40 employment.

41 2. The department in cooperation with townships,  
42 the Iowa cemetery associations, and other nonprofit or  
43 governmental entities may use inmate labor to restore  
44 or preserve rural cemeteries and historical landmarks.  
45 The department in cooperation with the counties may  
46 also use inmate labor to clean up roads, major water  
47 sources, and other water sources around the state.

48 3. Each month the department shall provide a  
49 status report regarding private-sector employment to  
50 the legislative services agency beginning on July 1,

1 2005. The report shall include the number of  
2 offenders employed in the private sector, the combined  
3 number of hours worked by the offenders, and the total  
4 amount of allowances, and the distribution of  
5 allowances pursuant to section 904.702, including any  
6 moneys deposited in the general fund of the state.

7 Sec. 8. ELECTRONIC MONITORING REPORT. The  
8 department of corrections shall submit a report on  
9 electronic monitoring to the general assembly, to the  
10 co-chairpersons and the ranking members of the joint  
11 appropriations subcommittee on the justice system, and  
12 to the legislative services agency by January 15,

13 2006. The report shall specifically address the  
14 number of persons being electronically monitored and  
15 break down the number of persons being electronically  
16 monitored by offense committed. The report shall also  
17 include a comparison of any data from the prior fiscal  
18 year with the current year.

19 Sec. 9. STATE AGENCY PURCHASES FROM PRISON  
20 INDUSTRIES.

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

30 2. State agencies are hereby encouraged to  
31 purchase products from Iowa state industries, as  
32 defined in section 904.802, when purchases are  
33 required and the products are available from Iowa  
34 state industries. State agencies shall obtain bids  
35 from Iowa state industries for purchases of office  
36 furniture exceeding \$5,000 or in accordance with  
37 applicable administrative rules related to purchases  
38 for the agency.

39 Sec. 10. STATE PUBLIC DEFENDER. There is  
40 appropriated from the general fund of the state to the  
41 office of the state public defender of the department  
42 of inspections and appeals for the fiscal year  
43 beginning July 1, 2005, and ending June 30, 2006, the  
44 following amounts, or so much thereof as is necessary,  
45 to be allocated as follows for the purposes  
46 designated:

- 47 1. For salaries, support, maintenance, and  
48 miscellaneous purposes, and for not more than the  
49 following full-time equivalent positions:  
50 ..... \$ 18,444,964

1 ..... FTEs 202.00  
 2 2. For the fees of court-appointed attorneys for  
 3 indigent adults and juveniles, in accordance with  
 4 section 232.141 and chapter 815:  
 5 ..... \$ 21,163,082

6 Sec. 11. IOWA LAW ENFORCEMENT ACADEMY.

7 1. There is appropriated from the general fund of  
 8 the state to the Iowa law enforcement academy for the  
 9 fiscal year beginning July 1, 2005, and ending June  
 10 30, 2006, the following amount, or so much thereof as  
 11 is necessary, to be used for the purposes designated:

12 For salaries, support, maintenance, miscellaneous  
 13 purposes, including jailer training and technical  
 14 assistance, and for not more than the following full-  
 15 time equivalent positions:  
 16 ..... \$ 1,075,138  
 17 ..... FTEs 30.05

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

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

29 2. The Iowa law enforcement academy may select at  
 30 least five automobiles of the department of public  
 31 safety, division of the Iowa state patrol, prior to  
 32 turning over the automobiles to the department of  
 33 administrative services to be disposed of by public  
 34 auction and the Iowa law enforcement academy may  
 35 exchange any automobile owned by the academy for each  
 36 automobile selected if the selected automobile is used  
 37 in training law enforcement officers at the academy.  
 38 However, any automobile exchanged by the academy shall  
 39 be substituted for the selected vehicle of the  
 40 department of public safety and sold by public auction  
 41 with the receipts being deposited in the depreciation  
 42 fund to the credit of the department of public safety,  
 43 division of the Iowa state patrol.

44 Sec. 12. BOARD OF PAROLE. There is appropriated  
 45 from the general fund of the state to the board of  
 46 parole for the fiscal year beginning July 1, 2005, and  
 47 ending June 30, 2006, the following amount, or so much  
 48 thereof as is necessary, to be used for the purposes  
 49 designated:

50 For salaries, support, maintenance, miscellaneous

1 purposes, and for not more than the following full-  
 2 time equivalent positions:  
 3 ..... \$ 1,121,044  
 4 ..... FTEs 17.50

5 Sec. 13. DEPARTMENT OF PUBLIC DEFENSE. There is  
 6 appropriated from the general fund of the state to the  
 7 department of public defense for the fiscal year  
 8 beginning July 1, 2005, and ending June 30, 2006, the  
 9 following amounts, or so much thereof as is necessary,  
 10 to be used for the purposes designated:

11 1. MILITARY DIVISION  
 12 For salaries, support, maintenance, miscellaneous  
 13 purposes, and for not more than the following full-  
 14 time equivalent positions:  
 15 ..... \$ 5,130,040  
 16 ..... FTEs 312.55

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

23 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT  
 24 DIVISION  
 25 For salaries, support, maintenance, miscellaneous  
 26 purposes, and for not more than the following full-  
 27 time equivalent positions:  
 28 ..... \$ 1,172,230  
 29 ..... FTEs 24.75

30 Sec. 14. DEPARTMENT OF PUBLIC SAFETY. There is  
 31 appropriated from the general fund of the state to the  
 32 department of public safety for the fiscal year  
 33 beginning July 1, 2005, and ending June 30, 2006, the  
 34 following amounts, or so much thereof as is necessary,  
 35 to be used for the purposes designated:

36 1. For the department's administrative functions,  
 37 including the criminal justice information system, and  
 38 for not more than the following full-time equivalent  
 39 positions:  
 40 ..... \$ 3,370,033  
 41 ..... FTEs 38.00

42 2. For the division of criminal investigation and  
 43 bureau of identification, including the state's  
 44 contribution to the peace officers' retirement,  
 45 accident, and disability system provided in chapter  
 46 97A in the amount of 17 percent of the salaries for  
 47 which the funds are appropriated, to meet federal fund  
 48 matching requirements, and for not more than the  
 49 following full-time equivalent positions:  
 50 ..... \$ 15,682,052

1 ..... FTEs 225.50  
 2 In addition to the funds appropriated in this  
 3 subsection, there is appropriated from the general  
 4 fund of the state to the department of public safety,  
 5 division of criminal investigation and bureau of  
 6 identification for the fiscal year beginning July 1,  
 7 2005, and ending June 30, 2006, an amount not  
 8 exceeding \$304,206 to be used for the purchase of DNA  
 9 profiling equipment. The funds appropriated in this  
 10 paragraph are contingent upon receipt by the general  
 11 fund of the state of an amount at least equal to the  
 12 expenditure amount from costs or attorney fees awarded  
 13 the state in settlement of its antitrust action  
 14 against Microsoft brought under chapter 553. However,  
 15 if the amounts received as a result of this settlement  
 16 are in excess of \$304,206, the excess amounts shall  
 17 not be appropriated to the department pursuant to this  
 18 paragraph.

19 3. For the criminalistics laboratory fund, if  
 20 created in section 602.8108:  
 21 ..... \$ 342,000

22 In addition to the funds appropriated in this  
 23 subsection, there is appropriated from the general  
 24 fund of the state to the department of public safety  
 25 for the fiscal year beginning July 1, 2005, and ending  
 26 June 30, 2006, an amount not exceeding \$390,000 to be  
 27 used for the purchase of crime laboratory equipment.  
 28 The funds appropriated in this paragraph are  
 29 contingent upon receipt by the general fund of the  
 30 state of an amount at least equal to the expenditure  
 31 amount from costs or attorney fees awarded the state  
 32 in settlement of its antitrust action against  
 33 Microsoft brought under chapter 553. However, if the  
 34 amounts received as a result of this settlement are in  
 35 excess of \$390,000, the excess amounts shall not be  
 36 appropriated to the department pursuant to this  
 37 paragraph.

38 The department of public safety, with the approval  
 39 of the department of management, may employ no more  
 40 than two special agents and four gaming enforcement  
 41 officers for each additional riverboat regulated after  
 42 July 1, 2005, and one special agent for each racing  
 43 facility which becomes operational during the fiscal  
 44 year which begins July 1, 2005. One additional gaming  
 45 enforcement officer, up to a total of four per  
 46 riverboat, may be employed for each riverboat that has  
 47 extended operations to 24 hours and has not previously  
 48 operated with a 24-hour schedule. Positions  
 49 authorized in this paragraph are in addition to the  
 50 full-time equivalent positions otherwise authorized in

1 this subsection.

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

10	.....	\$	4,701,141
11	.....	FTEs	75.00

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

14	.....	\$	123,343
----	-------	----	---------

15 5. a. For the state fire marshal's office,  
16 including the state's contribution to the peace  
17 officers' retirement, accident, and disability system  
18 provided in chapter 97A in the amount of 17 percent of  
19 the salaries for which the funds are appropriated, and  
20 for not more than the following full-time equivalent  
21 positions:

22	.....	\$	2,181,998
23	.....	FTEs	39.00

24 b. For the state fire marshal's office, for fire  
25 protection services as provided through the state fire  
26 service and emergency response council as created in  
27 the department, and for not more than the following  
28 full-time equivalent positions:

29	.....	\$	638,021
30	.....	FTEs	10.00

31 Of the amount appropriated in this paragraph, the  
32 state fire marshal shall allocate \$200 for the mailing  
33 of a notice to all affected agencies or emergency  
34 services providers informing the agencies or providers  
35 about the requirement of an autopsy under section  
36 144.56A.

37 6. For the division of the Iowa state patrol of  
38 the department of public safety, for salaries,  
39 support, maintenance, workers' compensation costs, and  
40 miscellaneous purposes, including the state's  
41 contribution to the peace officers' retirement,  
42 accident, and disability system provided in chapter  
43 97A in the amount of 17 percent of the salaries for  
44 which the funds are appropriated, and for not more  
45 than the following full-time equivalent positions:

46	.....	\$	43,747,973
47	.....	FTEs	531.00

48 In addition to the funds appropriated in this  
49 subsection, there is appropriated from the general  
50 fund of the state to the division of the Iowa state

1 patrol for the fiscal year beginning July 1, 2005, and  
 2 ending June 30, 2006, an amount not exceeding \$700,000  
 3 to be used for motor vehicle depreciation, and an  
 4 amount not exceeding \$75,000 for the purchase of  
 5 weapons. The funds appropriated in this paragraph are  
 6 contingent upon receipt by the general fund of the  
 7 state of an amount at least equal to the expenditure  
 8 amount from costs or attorney fees awarded the state  
 9 in settlement of its antitrust action against  
 10 Microsoft brought under chapter 553. However, if the  
 11 amounts received as a result of this settlement are in  
 12 excess of \$775,000, the excess amounts shall not be  
 13 appropriated to the division of the Iowa state patrol  
 14 pursuant to this paragraph.

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

19 7. For deposit in the public safety law  
 20 enforcement sick leave benefits fund established under  
 21 section 80.42, for all departmental employees eligible  
 22 to receive benefits for accrued sick leave under the  
 23 collective bargaining agreement:

24 ..... \$ 316,179

25 An employee of the department of public safety who  
 26 retires after July 1, 2005, but prior to June 30,  
 27 2006, is eligible for payment of life or health  
 28 insurance premiums as provided for in the collective  
 29 bargaining agreement covering the public safety  
 30 bargaining unit at the time of retirement if that  
 31 employee previously served in a position which would  
 32 have been covered by the agreement. The employee  
 33 shall be given credit for the service in that prior  
 34 position as though it were covered by that agreement.  
 35 The provisions of this subsection shall not operate to  
 36 reduce any retirement benefits an employee may have  
 37 earned under other collective bargaining agreements or  
 38 retirement programs.

39 8. For costs associated with the training and  
 40 equipment needs of volunteer fire fighters and for not  
 41 more than the following full-time equivalent position:

42 ..... \$ 699,587

43 ..... FTEs 1.00

44 Notwithstanding section 8.33, moneys appropriated  
 45 in this subsection that remain unobligated or  
 46 unexpended at the close of the fiscal year shall not  
 47 revert but shall remain available for expenditure only  
 48 for the purpose designated in this subsection until  
 49 the close of the succeeding fiscal year.

50 Sec. 15. CIVIL RIGHTS COMMISSION. There is

1 appropriated from the general fund of the state to the  
2 Iowa state civil rights commission for the fiscal year  
3 beginning July 1, 2005, and ending June 30, 2006, the  
4 following amount, or so much thereof as is necessary,  
5 to be used for the purposes designated:

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

9 .....	\$	1,000,788
10 .....	FTEs	27.50

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

15 Sec. 16. DIVISION OF CRIMINAL AND JUVENILE JUSTICE  
16 PLANNING. In addition to any other funds appropriated  
17 to the division of criminal and juvenile justice  
18 planning of the department of human rights, there is  
19 appropriated from the general fund of the state to the  
20 division of criminal and juvenile justice planning for  
21 the fiscal year beginning July 1, 2005, and ending  
22 June 30, 2006, the following amount, or so much  
23 thereof as is necessary, to be used for the purposes  
24 designated:

25 For the establishment and administration of the sex  
26 offender treatment and supervision task force:

27 .....	\$	75,000
----------	----	--------

28 Sec. 17. HOMELAND SECURITY AND EMERGENCY  
29 MANAGEMENT DIVISION. There is appropriated from the  
30 wireless E911 emergency communications fund to the  
31 administrator of the homeland security and emergency  
32 management division of the department of public  
33 defense for the fiscal year beginning July 1, 2005,  
34 and ending June 30, 2006, an amount not exceeding two  
35 hundred thousand dollars to be used for  
36 implementation, support, and maintenance of the  
37 functions of the administrator and program manager  
38 under chapter 34A and to employ the auditor of the  
39 state to perform an annual audit of the wireless E911  
40 emergency communications fund.

41 Sec. 18. IOWA LAW ENFORCEMENT ACADEMY -- FEES.  
42 Notwithstanding section 80B.11B, the Iowa law  
43 enforcement academy may charge more than one-half the  
44 cost of providing the basic training course if a  
45 majority of the Iowa law enforcement academy council  
46 authorizes charging more than one-half of the cost of  
47 providing basic training. This section is repealed on  
48 June 30, 2006.

49 Sec. 19. NEW SECTION. 144.56A PUBLIC SAFETY  
50 OFFICER DEATH -- REQUIRED NOTICE -- AUTOPSY.

1 A person who is authorized to pronounce individuals  
2 dead is required to inform one of the persons  
3 authorized to request an autopsy, as provided in  
4 section 144.56, that an autopsy will be required if  
5 the individual who died was a public safety officer  
6 who may have died in the line of duty and an eligible  
7 beneficiary of the deceased seeks to claim a federal  
8 public safety officer death benefit.

9 Sec. 20. Section 158.2, Code 2005, is amended by  
10 adding the following new subsection:

11 NEW SUBSECTION. 7. Offenders committed to the  
12 custody of the director of the department of  
13 corrections who cut the hair, or trim or shave the  
14 beard of any other offender within a correctional  
15 facility, without receiving direct compensation from  
16 the person receiving the service.

17 DIVISION II

18 SUPPLEMENTAL APPROPRIATIONS

19 DEPARTMENT OF CORRECTIONS -- FACILITIES

20 Sec. 21. Section 804.21, subsection 1, Code 2005,  
21 as amended by 2005 Iowa Acts, Senate File 169, section  
22 7, is amended to read as follows:

23 1. A person arrested in obedience to a warrant  
24 shall be taken without unnecessary delay before the  
25 nearest or most accessible magistrate. The officer  
26 shall at the same time deliver to the magistrate the  
27 warrant with the officer's return endorsed on it and  
28 subscribed by the officer with the officer's official  
29 title. However, this section, and sections 804.22 and  
30 804.23, do not preclude the release of an arrested  
31 person within the period of time the person would  
32 otherwise remain incarcerated while waiting to be  
33 taken before a magistrate if the release is pursuant  
34 to pretrial release guidelines or a bond schedule  
35 promulgated by the judicial council, unless the person  
36 is charged with manufacture, ~~delivery,~~ or possession  
37 with intent to ~~deliver, or distribution of~~ manufacture  
38 methamphetamine. If, however, a person is released  
39 pursuant to pretrial release guidelines, a magistrate  
40 must, within twenty-four hours of the release, or as  
41 soon as practicable on the next subsequent working day  
42 of the court, either approve in writing of the  
43 release, or disapprove of the release and issue a  
44 warrant for the person's arrest.

45 Sec. 22. Section 804.22, unnumbered paragraph 2,  
46 Code 2005, as amended by 2005 Iowa Acts, Senate File  
47 169, section 8, is amended to read as follows:

48 This section and the rules of criminal procedure do  
49 not affect the provisions of chapter 805 authorizing  
50 the release of a person on citation or bail prior to

1 initial appearance, unless the person is charged with  
2 manufacture, ~~delivery, or~~ possession with intent to  
3 ~~deliver, or distribution of~~ manufacture  
4 methamphetamine. The initial appearance of a person  
5 so released shall be scheduled for a time not more  
6 than thirty days after the date of release.

7 Sec. 23. Section 811.2, subsection 1, unnumbered  
8 paragraph 2, Code 2005, as amended by 2005 Iowa Acts,  
9 Senate File 169, section 10, is amended to read as  
10 follows:

11 Any bailable defendant who is charged with unlawful  
12 possession, manufacture, delivery, or distribution of  
13 a controlled substance or other drug under chapter 124  
14 and is ordered released shall be required, as a  
15 condition of that release, to submit to a substance  
16 abuse evaluation and follow any recommendations  
17 proposed in the evaluation for appropriate substance  
18 abuse treatment. However, if a bailable defendant is  
19 charged with manufacture, ~~delivery, or~~ possession with  
20 the intent to ~~deliver, or distribution of~~ manufacture  
21 methamphetamine, its salts, optical isomers, and salts  
22 of its optical isomers, the defendant shall, in  
23 addition to a substance abuse evaluation, remain under  
24 supervision and be required to undergo random drug  
25 tests as a condition of release.

26 Sec. 24. Section 811.2, subsection 3, Code 2005,  
27 as amended by 2005 Iowa Acts, Senate File 169, section  
28 11, is amended to read as follows:

29 3. RELEASE AT INITIAL APPEARANCE. This chapter  
30 does not preclude the release of an arrested person as  
31 authorized by section 804.21, unless the arrested  
32 person is charged with manufacture, ~~delivery, or~~  
33 possession with the intent to ~~deliver, or distribution~~  
34 of manufacture methamphetamine.

35 Sec. 25. 2004 Iowa Acts, chapter 1175, section  
36 183, subsection 1, paragraph c, is amended to read as  
37 follows:

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

41 ..... \$ ~~23,536,936~~  
42 23,636,936

43 Of the funds allocated in this paragraph "c",  
44 \$100,000 is allocated for the costs of remodeling and  
45 construction to establish a specialized 24-bed mental  
46 health unit for offenders who are not ordered to  
47 inpatient mental health treatment. The unit shall  
48 operate as an adjunct to the licensed hospital program  
49 within the Oakdale correctional facility.

50 DEPARTMENT OF CORRECTIONS -- ADMINISTRATION

1 Sec. 26. 2004 Iowa Acts, chapter 1175, section  
2 184, subsection 1, paragraph a, unnumbered paragraph  
3 1, is amended to read as follows:

4 For general administration, including salaries,  
5 support, maintenance, employment of an education  
6 director to administer a centralized education program  
7 for the correctional system, and miscellaneous  
8 purposes:

9 ..... \$ ~~2,784,393~~  
10 3,198,809

11 JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL  
12 SERVICES

13 Sec. 27. 2004 Iowa Acts, chapter 1175, section  
14 185, subsection 1, is amended to read as follows:

15 1. There is appropriated from the general fund of  
16 the state to the department of corrections for the  
17 fiscal year beginning July 1, 2004, and ending June  
18 30, 2005, the following amounts, or so much thereof as  
19 is necessary, to be allocated as follows:

20 a. For the first judicial district department of  
21 correctional services, including the treatment and  
22 supervision of probation and parole violators who have  
23 been released from the department of corrections  
24 violator program, the following amount, or so much  
25 thereof as is necessary:

26 ..... \$ ~~10,090,207~~  
27 10,142,332

28 b. For the second judicial district department of  
29 correctional services, including the treatment and  
30 supervision of probation and parole violators who have  
31 been released from the department of corrections  
32 violator program, the following amount, or so much  
33 thereof as is necessary:

34 ..... \$ ~~7,755,402~~  
35 7,803,027

36 c. For the third judicial district department of  
37 correctional services, including the treatment and  
38 supervision of probation and parole violators who have  
39 been released from the department of corrections  
40 violator program, the following amount, or so much  
41 thereof as is necessary:

42 ..... \$ ~~4,631,423~~  
43 4,668,548

44 d. For the fourth judicial district department of  
45 correctional services, including the treatment and  
46 supervision of probation and parole violators who have  
47 been released from the department of corrections  
48 violator program, the following amount, or so much  
49 thereof as is necessary:

50 ..... \$ ~~4,248,965~~

4,268,465

1  
2 e. For the fifth judicial district department of  
3 correctional services, including the treatment and  
4 supervision of probation and parole violators who have  
5 been released from the department of corrections  
6 violator program, the following amount, or so much  
7 thereof as is necessary:

8 ..... \$ 12,982,837  
9 13,105,462

10 f. For the sixth judicial district department of  
11 correctional services, including the treatment and  
12 supervision of probation and parole violators who have  
13 been released from the department of corrections  
14 violator program, the following amount, or so much  
15 thereof as is necessary:

16 ..... \$ 10,064,717  
17 10,105,217

18 g. For the seventh judicial district department of  
19 correctional services, including the treatment and  
20 supervision of probation and parole violators who have  
21 been released from the department of corrections  
22 violator program, the following amount, or so much  
23 thereof as is necessary:

24 ..... \$ 5,677,314  
25 5,700,939

26 h. For the eighth judicial district department of  
27 correctional services, including the treatment and  
28 supervision of probation and parole violators who have  
29 been released from the department of corrections  
30 violator program, the following amount, or so much  
31 thereof as is necessary:

32 ..... \$ 5,574,865  
33 5,606,740

34 The appropriations made in this subsection include  
35 additional funding for costs to address additional  
36 methamphetamine drug offenders under supervision.

MILITARY DIVISION

38 Sec. 28. 2004 Iowa Acts, chapter 1175, section  
39 191, subsection 1, unnumbered paragraph 1, is amended  
40 to read as follows:

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

44 ..... \$ 5,084,143  
45 10,837,143  
46 ..... FTEs 310.80

47 Of the amount appropriated in this section  
48 \$5,753,000 is allocated for repayment of grant funding  
49 and accrued interest to the federal government.

50 Sec. 29. 2004 Iowa Acts, chapter 1175, section

1 188, is amended to read as follows:

2 SEC. 188. STATE PUBLIC DEFENDER. There is  
3 appropriated from the general fund of the state to the  
4 office of the state public defender of the department  
5 of inspections and appeals for the fiscal year  
6 beginning July 1, 2004, and ending June 30, 2005, the  
7 following amounts, or so much thereof as is necessary,  
8 to be allocated as follows for the purposes  
9 designated:

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

13 .....	\$	<del>16,663,446</del>
14 .....		<u>18,247,561</u>
15 .....	FTEs	202.00

16 2. For the fees of court-appointed attorneys for  
17 indigent adults and juveniles, in accordance with  
18 section 232.141 and chapter 815:

19 .....	\$	<del>19,355,297</del>
20 .....		<u>25,251,339</u>

21 Sec. 30. 2004 Iowa Acts, chapter 1175, section  
22 192, subsection 2, unnumbered paragraph 1, is amended  
23 to read as follows:

24 For the division of criminal investigation and  
25 bureau of identification, including the state's  
26 contribution to the peace officers' retirement,  
27 accident, and disability system provided in chapter  
28 97A in the amount of 17 percent of the salaries for  
29 which the funds are appropriated, to meet federal fund  
30 matching requirements, and for not more than the  
31 following full-time equivalent positions:

32 .....	\$	<del>14,058,510</del>
33 .....		<u>14,208,510</u>
34 .....	FTEs	221.50

35 Sec. 31. 2004 Iowa Acts, chapter 1175, section  
36 193, is amended to read as follows:

37 SEC. 193. CIVIL RIGHTS COMMISSION. There is  
38 appropriated from the general fund of the state to the  
39 Iowa state civil rights commission for the fiscal year  
40 beginning July 1, 2004, and ending June 30, 2005, the  
41 following amount, or so much thereof as is necessary,  
42 to be used for the purposes designated:

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

46 .....	\$	<del>825,752</del>
47 .....		<u>911,752</u>
48 .....	FTEs	28.00

49 The Iowa state civil rights commission may enter  
50 into a contract with a nonprofit organization to

H-1701

Page 23

1 provide legal assistance to resolve civil rights  
2 complaints.

3 Sec. 32. EFFECTIVE DATE. This division of this  
4 Act, being deemed of immediate importance, takes  
5 effect upon enactment."

6 2. Title page, line 2, by inserting after the  
7 word "system" the following: ", revising pretrial  
8 release requirements for certain criminal offenses,".

RECEIVED FROM THE SENATE

H-1701 FILED MAY 19, 2005

HOUSE AMENDMENT TO SENATE AMENDMENT TO  
HOUSE FILE 811

S-3326

1 Amend the Senate amendment, H-1701, to House File  
2 811, as amended, passed, and reprinted by the House,  
3 as follows:

4 1. Page 1, line 31, by striking the figure  
5 "305,000" and inserting the following: "5,000".

6 2. Page 1, line 38, by striking the figure  
7 "750,000" and inserting the following: "900,000".

8 3. Page 2, by inserting after line 46 the  
9 following:

10 "4A. As a condition of receiving the appropriation  
11 in subsection 1, the department of justice shall  
12 transfer at least \$2,450,000 from the victim  
13 compensation fund established in section 915.94 to the  
14 victim assistance grant program."

15 4. Page 3, by striking lines 21 through 38.

16 5. Page 4, line 47, by striking the figure  
17 "38,923,261" and inserting the following:  
18 "38,840,761".

19 6. Page 5, line 1, by striking the figure  
20 "27,257,452" and inserting the following:  
21 "27,199,702".

22 7. Page 5, line 9, by striking the figure  
23 "25,730,278" and inserting the following:  
24 "25,650,778".

25 8. Page 5, line 13, by striking the figure  
26 "25,073,632" and inserting the following:  
27 "24,916,132".

28 9. Page 5, line 17, by striking the figure  
29 "23,753,340" and inserting the following:  
30 "23,694,840".

31 10. Page 5, line 21, by striking the figure  
32 "8,096,378" and inserting the following: "8,039,378".

33 11. Page 5, line 25, by striking the figure  
34 "22,904,497" and inserting the following:  
35 "22,853,497".

36 12. Page 5, line 34, by striking the figure  
37 "14,002,603" and inserting the following:  
38 "13,867,603".

39 13. Page 5, line 38, by striking the figure  
40 "26,315,943" and inserting the following:  
41 "26,244,693".

42 14. Page 7, line 4, by striking the figure  
43 "1,008,358" and inserting the following: "1,058,358".

44 15. Page 7, by inserting after line 34 the  
45 following:

46 "d. For offender mental health and substance abuse  
47 treatment:

48 ..... \$ 125,000"

49 16. Page 8, line 50, by striking the figure  
50 "10,718,695" and inserting the following:

S-3326

- 1 "10,501,186".
- 2 17. Page 9, line 7, by striking the figure
- 3 "8,308,209" and inserting the following: "8,230,603".
- 4 18. Page 9, line 14, by striking the figure
- 5 "4,983,792" and inserting the following: "4,805,458".
- 6 19. Page 9, line 21, by striking the figure
- 7 "4,443,392" and inserting the following: "4,427,796".
- 8 20. Page 9, line 26, by inserting after the word
- 9 "program," the following: "and funding for electronic
- 10 monitoring devices for use on a statewide basis,".
- 11 21. Page 9, line 28, by striking the figure
- 12 "14,678,288" and inserting the following:
- 13 "14,167,169".
- 14 22. Page 9, line 35, by striking the figure
- 15 "10,598,160" and inserting the following:
- 16 "10,378,668".
- 17 23. Page 9, line 42, by striking the figure
- 18 "6,010,963" and inserting the following: "5,870,653".
- 19 24. Page 9, line 49, by striking the figure
- 20 "6,164,249" and inserting the following: "5,970,648".
- 21 25. Page 13, line 40, by striking the figure
- 22 "3,370,033" and inserting the following: "3,073,274".
- 23 26. Page 13, line 50, by striking the figure
- 24 "15,682,052" and inserting the following:
- 25 "14,760,898".
- 26 27. Page 14, line 1, by striking the figure
- 27 "225.50" and inserting the following: "228.50".
- 28 28. Page 14, by striking lines 2 through 18.
- 29 29. Page 14, by striking lines 22 through 37.
- 30 30. Page 15, line 22, by striking the figure
- 31 "2,181,998" and inserting the following: "2,256,998".
- 32 31. Page 15, line 23, by striking the figure "39.00" and
- 33 inserting the following: "42.00".
- 34 32. Page 15, line 46, by striking the figure
- 35 "43,747,973" and inserting the following:
- 36 "43,076,973".
- 37 33. By striking page 15, line 48, through page
- 38 16, line 14.
- 39 34. Page 17, line 9, by striking the figure
- 40 "1,000,788" and inserting the following: "950,788".
- 41 35. By striking page 18, line 18 through page 19,
- 42 line 34 and inserting the following:
- 43 "METHAMPHETAMINE BAIL
- 44 PROVISIONS
- 45 Sec. \_\_\_\_\_. Section 804.21, subsection 1, Code 2005,
- 46 as amended by 2005 Iowa Acts, Senate File 169, section
- 47 7, is amended to read as follows:
- 48 1. A person arrested in obedience to a warrant
- 49 shall be taken without unnecessary delay before the
- 50 nearest or most accessible magistrate. The officer

1 shall at the same time deliver to the magistrate the  
2 warrant with the officer's return endorsed on it and  
3 subscribed by the officer with the officer's official  
4 title. However, this section, and sections 804.22 and  
5 804.23, do not preclude the release of an arrested  
6 person within the period of time the person would  
7 otherwise remain incarcerated while waiting to be  
8 taken before a magistrate if the release is pursuant  
9 to pretrial release guidelines or a bond schedule  
10 promulgated by the judicial council, unless the person  
11 is charged with manufacture, delivery, possession with  
12 intent to manufacture or deliver, or distribution of  
13 methamphetamine. If, however, a person is released  
14 pursuant to pretrial release guidelines, a magistrate  
15 must, within twenty-four hours of the release, or as  
16 soon as practicable on the next subsequent working day  
17 of the court, either approve in writing of the  
18 release, or disapprove of the release and issue a  
19 warrant for the person's arrest.

20 Sec. \_\_\_\_\_. Section 804.22, unnumbered paragraph 2,  
21 Code 2005, as amended by 2005 Iowa Acts, Senate File  
22 169, section 8, is amended to read as follows:

23 This section and the rules of criminal procedure do  
24 not affect the provisions of chapter 805 authorizing  
25 the release of a person on citation or bail prior to  
26 initial appearance, unless the person is charged with  
27 manufacture, delivery, possession with intent to  
28 manufacture or deliver, or distribution of  
29 methamphetamine. The initial appearance of a person  
30 so released shall be scheduled for a time not more  
31 than thirty days after the date of release.

32 Sec. \_\_\_\_\_. Section 811.2, subsection 1, unnumbered  
33 paragraph 2, Code 2005, as amended by 2005 Iowa Acts,  
34 Senate File 169, section 10, is amended to read as  
35 follows:

36 Any bailable defendant who is charged with unlawful  
37 possession, manufacture, delivery, or distribution of  
38 a controlled substance or other drug under chapter 124  
39 and is ordered released shall be required, as a  
40 condition of that release, to submit to a substance  
41 abuse evaluation and follow any recommendations  
42 proposed in the evaluation for appropriate substance  
43 abuse treatment. However, if a bailable defendant is  
44 charged with manufacture, delivery, possession with  
45 the intent to manufacture or deliver, or distribution  
46 of methamphetamine, its salts, optical isomers, and  
47 salts of its optical isomers, the defendant shall, in  
48 addition to a substance abuse evaluation, remain under  
49 supervision and be required to undergo random drug  
50 tests as a condition of release.

1 Sec. \_\_\_\_\_. Section 811.2, subsection 3, Code 2005,  
2 as amended by 2005 Iowa Acts, Senate File 169, section  
3 11, is amended to read as follows:

4 3. RELEASE AT INITIAL APPEARANCE. This chapter  
5 does not preclude the release of an arrested person as  
6 authorized by section 804.21, unless the arrested  
7 person is charged with manufacture, delivery,  
8 possession with the intent to manufacture or deliver,  
9 or distribution of methamphetamine.

10 Sec. \_\_\_\_\_. EFFECTIVE DATE. This division of this  
11 Act, being deemed of immediate importance, takes  
12 effect upon enactment."

13 36. Page 19, by inserting before line 35 the  
14 following:

15 "DIVISION III  
16 SUPPLEMENTAL APPROPRIATIONS".

17 37. Page 21, by striking lines 37 through 49.

18 38. Page 22, line 20, by striking the figure  
19 "25,251,339" and inserting the following:  
20 "22,251,339".

21 39. Page 22, by inserting after line 34 the  
22 following:

23 "Sec. \_\_\_\_\_. 2004 Iowa Acts, chapter 1175, section  
24 192, subsection 4, paragraph a, is amended to read as  
25 follows:

26 a. For the state fire marshal's office, including  
27 the state's contribution to the peace officers'  
28 retirement, accident, and disability system provided  
29 in chapter 97A in the amount of 17 percent of the  
30 salaries for which the funds are appropriated, and for  
31 not more than the following full-time equivalent  
32 positions:

33 .....	\$	2,181,998
34 .....		<u>2,281,998</u>
35 .....	FTEs	39.00

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

42 40. Page 23, by inserting after line 5 the  
43 following:

44 "DIVISION IV  
45 APPROPRIATIONS FROM HEALTHY IOWANS TOBACCO TRUST

46 Sec. \_\_\_\_\_. In addition to any other funds  
47 appropriated from the healthy Iowans tobacco trust  
48 created in section 12.65 to the department of  
49 corrections for the fiscal year beginning July 1,  
50 2005, and ending June 30, 2006, there is appropriated

1 from the healthy Iowans tobacco trust to the  
2 department of corrections for the fiscal year  
3 beginning July 1, 2005, and ending June 30, 2006, the  
4 following amount, or so much thereof as is necessary,  
5 to be used for the purpose designated:

6 For the judicial district departments of  
7 correctional services:

8 ..... \$ 800,000

9 Of the funds appropriated in this division,  
10 \$100,000 shall be allocated to each judicial district  
11 department of correctional services.

12 DIVISION V  
13 CONTINGENT APPROPRIATIONS FROM  
14 MICROSOFT SETTLEMENT

15 Sec. \_\_\_\_ . DIVISION OF THE IOWA STATE PATROL. In  
16 addition to any other funds appropriated from the  
17 general fund of the state to the division of the Iowa  
18 state patrol, there is appropriated from the general  
19 fund of the state to the division of the Iowa state  
20 patrol for the fiscal year beginning July 1, 2005, and  
21 ending June 30, 2006, an amount not exceeding \$785,000  
22 to be used for motor vehicle depreciation. The funds  
23 appropriated in this section are contingent upon  
24 receipt by the general fund of the state of an amount  
25 at least equal to the expenditure amount from costs or  
26 attorney fees awarded the state in settlement of its  
27 antitrust action against Microsoft brought under  
28 chapter 553. However, if the amounts received as a  
29 result of this settlement are in excess of \$785,000,  
30 the excess amounts shall not be appropriated to the  
31 division of the Iowa state patrol pursuant to this  
32 section.

33 Sec. \_\_\_\_ . DIVISION OF CRIMINAL INVESTIGATION AND  
34 BUREAU OF IDENTIFICATION. In addition to any other  
35 funds appropriated from the general fund of the state  
36 to the division of criminal investigation and bureau  
37 of identification, there is appropriated from the  
38 general fund of the state to the division of criminal  
39 investigation and bureau of identification for the  
40 fiscal year beginning July 1, 2005, and ending June  
41 30, 2006, an amount not exceeding \$929,206. The funds  
42 appropriated in this section are contingent upon  
43 receipt by the general fund of the state of an amount  
44 at least equal to the expenditure amount from costs or  
45 attorney fees awarded the state in settlement of its  
46 antitrust action against Microsoft brought under  
47 chapter 553. However, if the amounts received as a  
48 result of this settlement are in excess of \$929,206,  
49 the excess amounts shall not be appropriated to the  
50 division of criminal investigation and bureau of

**S-3326**

Page 6

1 identification pursuant to this section."

2 41. By renumbering as necessary.

RECEIVED FROM THE HOUSE

**S-3326** FILED MAY 20, 2005

CONCURRED

**EIGHTY-FIRST GENERAL ASSEMBLY  
2005 REGULAR SESSION  
DAILY  
HOUSE CLIP SHEET**

MAY 23, 2005

**HOUSE FILE 811**

**H-1706**

1 Amend the Senate amendment, H-1701, to House File  
2 811, as amended, passed, and reprinted by the House,  
3 as follows:  
4 1. Page 1, line 31, by striking the figure  
5 "305,000" and inserting the following: "5,000".  
6 2. Page 1, line 38, by striking the figure  
7 "750,000" and inserting the following: "900,000".  
8 3. Page 2, by inserting after line 46 the  
9 following:  
10 "4A. As a condition of receiving the appropriation  
11 in subsection 1, the department of justice shall  
12 transfer at least \$2,450,000 from the victim  
13 compensation fund established in section 915.94 to the  
14 victim assistance grant program."  
15 4. Page 3, by striking lines 21 through 38.  
16 5. Page 4, line 47, by striking the figure  
17 "38,923,261" and inserting the following:  
18 "38,840,761".  
19 6. Page 5, line 1, by striking the figure  
20 "27,257,452" and inserting the following:  
21 "27,199,702".  
22 7. Page 5, line 9, by striking the figure  
23 "25,730,278" and inserting the following:  
24 "25,650,778".  
25 8. Page 5, line 13, by striking the figure  
26 "25,073,632" and inserting the following:  
27 "24,916,132".  
28 9. Page 5, line 17, by striking the figure  
29 "23,753,340" and inserting the following:  
30 "23,694,840".  
31 10. Page 5, line 21, by striking the figure  
32 "8,096,378" and inserting the following: "8,039,378".  
33 11. Page 5, line 25, by striking the figure  
34 "22,904,497" and inserting the following:  
35 "22,853,497".  
36 12. Page 5, line 34, by striking the figure  
37 "14,002,603" and inserting the following:  
38 "13,867,603".  
39 13. Page 5, line 38, by striking the figure  
40 "26,315,943" and inserting the following:  
41 "26,244,693".  
42 14. Page 7, line 4, by striking the figure  
43 "1,008,358" and inserting the following: "1,058,358".  
44 15. Page 7, by inserting after line 34 the  
45 following:  
46 "d. For offender mental health and substance abuse  
47 treatment:  
48 ..... \$ 125,000"  
49 16. Page 8, line 50, by striking the figure  
50 "10,718,695" and inserting the following:

**H-1706**

- 1 "10,501,186".
- 2 17. Page 9, line 7, by striking the figure
- 3 "8,308,209" and inserting the following: "8,230,603".
- 4 18. Page 9, line 14, by striking the figure
- 5 "4,983,792" and inserting the following: "4,805,458".
- 6 19. Page 9, line 21, by striking the figure
- 7 "4,443,392" and inserting the following: "4,427,796".
- 8 20. Page 9, line 26, by inserting after the word
- 9 "program," the following: "and funding for electronic
- 10 monitoring devices for use on a statewide basis,".
- 11 21. Page 9, line 28, by striking the figure
- 12 "14,678,288" and inserting the following:
- 13 "14,167,169".
- 14 22. Page 9, line 35, by striking the figure
- 15 "10,598,160" and inserting the following:
- 16 "10,378,668".
- 17 23. Page 9, line 42, by striking the figure
- 18 "6,010,963" and inserting the following: "5,870,653".
- 19 24. Page 9, line 49, by striking the figure
- 20 "6,164,249" and inserting the following: "5,970,648".
- 21 25. Page 13, line 40, by striking the figure
- 22 "3,370,033" and inserting the following: "3,073,274".
- 23 26. Page 13, line 50, by striking the figure
- 24 "15,682,052" and inserting the following:
- 25 "14,760,898".
- 26 27. Page 14, line 1, by striking the figure
- 27 "225.50" and inserting the following: "228.50".
- 28 28. Page 14, by striking lines 2 through 18.
- 29 29. Page 14, by striking lines 22 through 37.
- 30 30. Page 15, line 22, by striking the figure
- 31 "2,181,998" and inserting the following: "2,256,998".
- 32 31. Page 15, line 23, by striking the figure "39.00" and
- 33 inserting the following: "42.00".
- 34 32. Page 15, line 46, by striking the figure
- 35 "43,747,973" and inserting the following:
- 36 "43,076,973".
- 37 33. By striking page 15, line 48, through page
- 38 16, line 14.
- 39 34. Page 17, line 9, by striking the figure
- 40 "1,000,788" and inserting the following: "950,788".
- 41 35. By striking page 18, line 18 through page 19,
- 42 line 34 and inserting the following:
- 43 "METHAMPHETAMINE BAIL
- 44 PROVISIONS
- 45 Sec. \_\_\_\_\_. Section 804.21, subsection 1, Code 2005,
- 46 as amended by 2005 Iowa Acts, Senate File 169, section
- 47 7, is amended to read as follows:
- 48 1. A person arrested in obedience to a warrant
- 49 shall be taken without unnecessary delay before the
- 50 nearest or most accessible magistrate. The officer

1 shall at the same time deliver to the magistrate the  
2 warrant with the officer's return endorsed on it and  
3 subscribed by the officer with the officer's official  
4 title. However, this section, and sections 804.22 and  
5 804.23, do not preclude the release of an arrested  
6 person within the period of time the person would  
7 otherwise remain incarcerated while waiting to be  
8 taken before a magistrate if the release is pursuant  
9 to pretrial release guidelines or a bond schedule  
10 promulgated by the judicial council, unless the person  
11 is charged with manufacture, delivery, possession with  
12 intent to manufacture or deliver, or distribution of  
13 methamphetamine. If, however, a person is released  
14 pursuant to pretrial release guidelines, a magistrate  
15 must, within twenty-four hours of the release, or as  
16 soon as practicable on the next subsequent working day  
17 of the court, either approve in writing of the  
18 release, or disapprove of the release and issue a  
19 warrant for the person's arrest.

20 Sec. \_\_\_\_\_. Section 804.22, unnumbered paragraph 2,  
21 Code 2005, as amended by 2005 Iowa Acts, Senate File  
22 169, section 8, is amended to read as follows:

23 This section and the rules of criminal procedure do  
24 not affect the provisions of chapter 805 authorizing  
25 the release of a person on citation or bail prior to  
26 initial appearance, unless the person is charged with  
27 manufacture, delivery, possession with intent to  
28 manufacture or deliver, or distribution of  
29 methamphetamine. The initial appearance of a person  
30 so released shall be scheduled for a time not more  
31 than thirty days after the date of release.

32 Sec. \_\_\_\_\_. Section 811.2, subsection 1, unnumbered  
33 paragraph 2, Code 2005, as amended by 2005 Iowa Acts,  
34 Senate File 169, section 10, is amended to read as  
35 follows:

36 Any bailable defendant who is charged with unlawful  
37 possession, manufacture, delivery, or distribution of  
38 a controlled substance or other drug under chapter 124  
39 and is ordered released shall be required, as a  
40 condition of that release, to submit to a substance  
41 abuse evaluation and follow any recommendations  
42 proposed in the evaluation for appropriate substance  
43 abuse treatment. However, if a bailable defendant is  
44 charged with manufacture, delivery, possession with  
45 the intent to manufacture or deliver, or distribution  
46 of methamphetamine, its salts, optical isomers, and  
47 salts of its optical isomers, the defendant shall, in  
48 addition to a substance abuse evaluation, remain under  
49 supervision and be required to undergo random drug  
50 tests as a condition of release.

1 Sec. \_\_\_\_\_. Section 811.2, subsection 3, Code 2005,  
2 as amended by 2005 Iowa Acts, Senate File 169, section  
3 11, is amended to read as follows:

4 3. RELEASE AT INITIAL APPEARANCE. This chapter  
5 does not preclude the release of an arrested person as  
6 authorized by section 804.21, unless the arrested  
7 person is charged with manufacture, delivery,  
8 possession with the intent to manufacture or deliver,  
9 or distribution of methamphetamine.

10 Sec. \_\_\_\_\_. EFFECTIVE DATE. This division of this  
11 Act, being deemed of immediate importance, takes  
12 effect upon enactment."

13 36. Page 19, by inserting before line 35 the  
14 following:

15 "DIVISION III  
16 SUPPLEMENTAL APPROPRIATIONS".

17 37. Page 21, by striking lines 37 through 49.

18 38. Page 22, line 20, by striking the figure  
19 "25,251,339" and inserting the following:  
20 "22,251,339".

21 39. Page 22, by inserting after line 34 the  
22 following:

23 "Sec. \_\_\_\_\_. 2004 Iowa Acts, chapter 1175, section  
24 192, subsection 4, paragraph a, is amended to read as  
25 follows:

26 a. For the state fire marshal's office, including  
27 the state's contribution to the peace officers'  
28 retirement, accident, and disability system provided  
29 in chapter 97A in the amount of 17 percent of the  
30 salaries for which the funds are appropriated, and for  
31 not more than the following full-time equivalent  
32 positions:

33	.....	\$	<u>2,181,998</u>
34			<u>2,281,998</u>
35	..... FTEs		39.00

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

42 40. Page 23, by inserting after line 5 the  
43 following:

44 "DIVISION IV  
45 APPROPRIATIONS FROM HEALTHY IOWANS TOBACCO TRUST

46 Sec. \_\_\_\_\_. In addition to any other funds  
47 appropriated from the healthy Iowans tobacco trust  
48 created in section 12.65 to the department of  
49 corrections for the fiscal year beginning July 1,  
50 2005, and ending June 30, 2006, there is appropriated

1 from the healthy Iowans tobacco trust to the  
2 department of corrections for the fiscal year  
3 beginning July 1, 2005, and ending June 30, 2006, the  
4 following amount, or so much thereof as is necessary,  
5 to be used for the purpose designated:

6 For the judicial district departments of  
7 correctional services:

8 ..... \$ 800,000

9 Of the funds appropriated in this division,  
10 \$100,000 shall be allocated to each judicial district  
11 department of correctional services.

12 DIVISION V  
13 CONTINGENT APPROPRIATIONS FROM  
14 MICROSOFT SETTLEMENT

15 Sec. \_\_\_\_ . DIVISION OF THE IOWA STATE PATROL. In  
16 addition to any other funds appropriated from the  
17 general fund of the state to the division of the Iowa  
18 state patrol, there is appropriated from the general  
19 fund of the state to the division of the Iowa state  
20 patrol for the fiscal year beginning July 1, 2005, and  
21 ending June 30, 2006, an amount not exceeding \$785,000  
22 to be used for motor vehicle depreciation. The funds  
23 appropriated in this section are contingent upon  
24 receipt by the general fund of the state of an amount  
25 at least equal to the expenditure amount from costs or  
26 attorney fees awarded the state in settlement of its  
27 antitrust action against Microsoft brought under  
28 chapter 553. However, if the amounts received as a  
29 result of this settlement are in excess of \$785,000,  
30 the excess amounts shall not be appropriated to the  
31 division of the Iowa state patrol pursuant to this  
32 section.

33 Sec. \_\_\_\_ . DIVISION OF CRIMINAL INVESTIGATION AND  
34 BUREAU OF IDENTIFICATION. In addition to any other  
35 funds appropriated from the general fund of the state  
36 to the division of criminal investigation and bureau  
37 of identification, there is appropriated from the  
38 general fund of the state to the division of criminal  
39 investigation and bureau of identification for the  
40 fiscal year beginning July 1, 2005, and ending June  
41 30, 2006, an amount not exceeding \$929,206. The funds  
42 appropriated in this section are contingent upon  
43 receipt by the general fund of the state of an amount  
44 at least equal to the expenditure amount from costs or  
45 attorney fees awarded the state in settlement of its  
46 antitrust action against Microsoft brought under  
47 chapter 553. However, if the amounts received as a  
48 result of this settlement are in excess of \$929,206,  
49 the excess amounts shall not be appropriated to the  
50 division of criminal investigation and bureau of

**H-1706**

Page 6

1 identification pursuant to this section."

2 41. By renumbering as necessary.

**By** HORBACH of Tama

**H-1706** FILED MAY 20, 2005

ADOPTED

HORBACH - CH  
WATTS  
ZIRKELBACH

Succeeded By  
SF 0811

HSB 279  
APPROPRIATIONS

HOUSE FILE \_\_\_\_\_

BY (PROPOSED COMMITTEE ON  
APPROPRIATIONS BILL BY  
HOUSE SUBCOMMITTEE  
ON JUSTICE SYSTEM)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

**A BILL FOR**

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

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

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21

TLSB 1091HA 81

jm/sh/8

JUSTICE SYSTEM

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, 2005, and ending June 30, 2006, 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, miscellaneous purposes including the prosecuting attorneys training program, victim assistance grants, office of drug control policy (ODCP) prosecuting attorney program, legal services for persons in poverty grants as provided in section 13.34, odometer fraud enforcement, and for not more than the following full-time equivalent positions:

..... \$ 7,774,280
..... FTEs 214.50

It is the intent of the general assembly that 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.

b. For victim assistance grants:

..... \$ 5,000

The funds 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.

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

..... \$ 0

2. In addition to the funds appropriated in subsection 1, there is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 2005, and ending June 30, 2006, an amount not exceeding

1 \$200,000 to be used for the enforcement of the Iowa  
2 competition law. The funds appropriated in this subsection  
3 are contingent upon receipt by the general fund of the state  
4 of an amount at least equal to the expenditure amount from  
5 either damages awarded to the state or a political subdivision  
6 of the state by a civil judgment under chapter 553, if the  
7 judgment authorizes the use of the award for enforcement  
8 purposes or costs or attorneys fees awarded the state in state  
9 or federal antitrust actions. However, if the amounts  
10 received as a result of these judgments are in excess of  
11 \$200,000, the excess amounts shall not be appropriated to the  
12 department of justice pursuant to this subsection. The  
13 department of justice shall report the department's actual  
14 costs and an estimate of the time incurred enforcing the  
15 competition law, to the co-chairpersons and ranking members of  
16 the joint appropriations subcommittee on the justice system,  
17 and to the legislative services agency by November 15, 2004.

18 3. In addition to the funds appropriated in subsection 1,  
19 there is appropriated from the general fund of the state to  
20 the department of justice for the fiscal year beginning July  
21 1, 2005, and ending June 30, 2006, an amount not exceeding  
22 \$300,000 to be used for administration and operations. The  
23 funds appropriated in this subsection are contingent upon  
24 receipt by the general fund of the state of an amount at least  
25 equal to the expenditure amount from costs or attorney fees  
26 awarded the state in settlement of its antitrust action  
27 against Microsoft brought under chapter 553. However, if the  
28 amounts received as a result of this settlement are in excess  
29 of \$300,000, the excess amounts shall not be appropriated to  
30 the department of justice pursuant to this subsection.

31 4. In addition to the funds appropriated in subsection 1,  
32 there is appropriated from the general fund of the state to  
33 the department of justice for the fiscal year beginning July  
34 1, 2005, and ending June 30, 2006, an amount not exceeding  
35 \$1,125,000 to be used for public education relating to

1 consumer fraud and for enforcement of section 714.16, and an  
2 amount not exceeding \$75,000 for investigation, prosecution,  
3 and consumer education relating to consumer and criminal fraud  
4 against older Iowans. The funds appropriated in this  
5 subsection are contingent upon receipt by the general fund of  
6 the state of an amount at least equal to the expenditure  
7 amount from damages awarded to the state or a political  
8 subdivision of the state by a civil consumer fraud judgment or  
9 settlement, if the judgment or settlement authorizes the use  
10 of the award for public education on consumer fraud. However,  
11 if the funds received as a result of these judgments and  
12 settlements are in excess of \$1,200,000, the excess funds  
13 shall not be appropriated to the department of justice  
14 pursuant to this subsection. The department of justice shall  
15 report to the co-chairpersons and ranking members of the joint  
16 appropriations subcommittee on the justice system, and to the  
17 legislative services agency by November 15, 2005, the  
18 department's actual costs and an estimate of the time incurred  
19 in providing education pursuant to and enforcing this  
20 subsection.

21 5. The balance of the victim compensation fund established  
22 in section 915.94 may be used to provide salary and support of  
23 not more than 22 FTEs and to provide maintenance for the  
24 victim compensation functions of the department of justice.

25 6. a. The department of justice, in submitting budget  
26 estimates for the fiscal year commencing July 1, 2006,  
27 pursuant to section 8.23, shall include a report of funding  
28 from sources other than amounts appropriated directly from the  
29 general fund of the state to the department of justice or to  
30 the office of consumer advocate. These funding sources shall  
31 include, but are not limited to, reimbursements from other  
32 state agencies, commissions, boards, or similar entities, and  
33 reimbursements from special funds or internal accounts within  
34 the department of justice. The department of justice shall  
35 report actual reimbursements for the fiscal year commencing

1 July 1, 2004, and actual and expected reimbursements for the  
2 fiscal year commencing July 1, 2005.

3 b. The department of justice shall include the report  
4 required under paragraph "a", as well as information regarding  
5 any revisions occurring as a result of reimbursements actually  
6 received or expected at a later date, in a report to the co-  
7 chairpersons and ranking members of the joint appropriations  
8 subcommittee on the justice system and the legislative  
9 services agency. The department of justice shall submit the  
10 report on or before January 15, 2006.

11 Sec. 2. DEPARTMENT OF JUSTICE -- ENVIRONMENTAL CRIMES  
12 INVESTIGATION AND PROSECUTION -- FUNDING. There is  
13 appropriated from the environmental crime fund of the  
14 department of justice, consisting of court-ordered fines and  
15 penalties awarded to the department arising out of the  
16 prosecution of environmental crimes, to the department of  
17 justice for the fiscal year beginning July 1, 2005, and ending  
18 June 30, 2006, an amount not exceeding \$20,000 to be used by  
19 the department, at the discretion of the attorney general, for  
20 the investigation and prosecution of environmental crimes,  
21 including the reimbursement of expenses incurred by county,  
22 municipal, and other local governmental agencies cooperating  
23 with the department in the investigation and prosecution of  
24 environmental crimes.

25 The funds appropriated in this section are contingent upon  
26 receipt by the environmental crime fund of the department of  
27 justice of an amount at least equal to the appropriations made  
28 in this section and received from contributions, court-ordered  
29 restitution as part of judgments in criminal cases, and  
30 consent decrees entered into as part of civil or regulatory  
31 enforcement actions. However, if the funds received during  
32 the fiscal year are in excess of \$20,000, the excess funds  
33 shall be deposited in the general fund of the state.

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

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

4 Sec. 3. OFFICE OF CONSUMER ADVOCATE. There is  
5 appropriated from the general fund of the state to the office  
6 of consumer advocate of the department of justice for the  
7 fiscal year beginning July 1, 2005, and ending June 30, 2006,  
8 the following amount, or so much thereof as is necessary, to  
9 be used for the purposes designated:

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

13 .....	\$	2,810,442
14 .....	FTEs	27.00

15 Sec. 4. DEPARTMENT OF CORRECTIONS -- FACILITIES.

16 1. There is appropriated from the general fund of the  
17 state to the department of corrections for the fiscal year  
18 beginning July 1, 2005, and ending June 30, 2006, the  
19 following amounts, or so much thereof as is necessary, to be  
20 used for the purposes designated:

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

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

27 ..... \$ 38,923,261

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

31 ..... \$ 27,257,452

32 Moneys are provided within this appropriation for one full-  
33 time substance abuse counselor for the Luster Heights  
34 facility, for the purpose of certification of a substance  
35 abuse program at that facility.

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

4 ..... \$ 24,730,278

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

8 ..... \$ 25,073,632

9 e. For the operation of the Mt. Pleasant correctional  
10 facility, including salaries, support, maintenance, and  
11 miscellaneous purposes:

12 ..... \$ 23,003,340

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

16 ..... \$ 8,096,378

17 g. For the operation of the Clarinda correctional  
18 facility, including salaries, support, maintenance, and  
19 miscellaneous purposes:

20 ..... \$ 22,904,497

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

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

29 ..... \$ 14,002,603

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

33 ..... \$ 26,315,943

34 j. For inmate substance abuse and mental health treatment:

35 ..... \$ 1,000,000

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

5 ..... \$ 674,954

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

8 ..... \$ 241,293

9 2. The department of corrections shall use funds  
10 appropriated in subsection 1 to continue to contract for the  
11 services of a Muslim imam.

12 3. In addition to the funds appropriated in subsection 1,  
13 there is appropriated from the general fund of the state to  
14 the department of corrections for the fiscal year beginning  
15 July 1, 2005, and ending June 30, 2006, an amount not  
16 exceeding \$42,000 to be used for education programming. The  
17 funds appropriated in this subsection are contingent upon  
18 receipt by the general fund of the state of an amount at least  
19 equal to the expenditure amount from costs or attorney fees  
20 awarded the state in settlement of its antitrust action  
21 against Microsoft brought under chapter 553. However, if the  
22 amounts received as a result of this settlement are in excess  
23 of \$42,000, the excess amounts shall not be appropriated to  
24 the department of corrections pursuant to this subsection.

25 Sec. 5. DEPARTMENT OF CORRECTIONS -- ADMINISTRATION.

26 1. There is appropriated from the general fund of the  
27 state to the department of corrections for the fiscal year  
28 beginning July 1, 2005, and ending June 30, 2006, the  
29 following amounts, or so much thereof as is necessary, to be  
30 used for the purposes designated:

31 a. For general administration, including salaries,  
32 support, maintenance, employment of an education director to  
33 administer a centralized education program for the  
34 correctional system, and miscellaneous purposes:

35 ..... \$ 2,829,708

1 (1) It is the intent of the general assembly that as a  
2 condition of receiving the appropriation provided in this  
3 lettered paragraph, the department of corrections shall not,  
4 except as otherwise provided in subparagraph (3), enter into a  
5 new contract, unless the contract is a renewal of an existing  
6 contract, for the expenditure of moneys in excess of \$100,000  
7 during the fiscal year beginning July 1, 2005, for the  
8 privatization of services performed by the department using  
9 state employees as of July 1, 2005, or for the privatization  
10 of new services by the department, without prior consultation  
11 with any applicable state employee organization affected by  
12 the proposed new contract and prior notification of the co-  
13 chairpersons and ranking members of the joint appropriations  
14 subcommittee on the justice system.

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

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

34 b. For educational programs for inmates at state penal  
35 institutions:

1 ..... \$ 1,008,358

2 It is the intent of the general assembly that moneys  
3 appropriated in this lettered paragraph shall be used solely  
4 for the purpose indicated and that the moneys shall not be  
5 transferred for any other purpose. In addition, it is the  
6 intent of the general assembly that the department shall  
7 consult with the community colleges in the areas in which the  
8 institutions are located to utilize moneys appropriated in  
9 this lettered paragraph to fund the high school completion,  
10 high school equivalency diploma, adult literacy, and adult  
11 basic education programs in a manner so as to maintain these  
12 programs at the institutions.

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

18 The director of the department of corrections may transfer  
19 moneys from Iowa prison industries for use in educational  
20 programs for inmates.

21 Notwithstanding section 8.33, moneys appropriated in this  
22 lettered paragraph that remain unobligated or unexpended at  
23 the close of the fiscal year shall not revert but shall remain  
24 available for expenditure only for the purpose designated in  
25 this lettered paragraph until the close of the succeeding  
26 fiscal year.

27 c. For the development of the Iowa corrections offender  
28 network (ICON) data system:

29 ..... \$ 427,700

30 2. It is the intent of the general assembly that the  
31 department of corrections shall continue to operate the  
32 correctional farms under the control of the department at the  
33 same or greater level of participation and involvement as  
34 existed as of January 1, 2005, shall not enter into any rental  
35 agreement or contract concerning any farmland under the

1 control of the department that is not subject to a rental  
2 agreement or contract as of January 1, 2005, without prior  
3 legislative approval, and shall further attempt to provide job  
4 opportunities at the farms for inmates. The department shall  
5 attempt to provide job opportunities at the farms for inmates  
6 by encouraging labor-intensive farming or gardening where  
7 appropriate, using inmates to grow produce and meat for  
8 institutional consumption, researching the possibility of  
9 instituting food canning and cook-and-chill operations, and  
10 exploring opportunities for organic farming and gardening,  
11 livestock ventures, horticulture, and specialized crops.

12 3. The department shall work to increase produce gardening  
13 by inmates under the control of the correctional institutions,  
14 and, if appropriate, may use the central distribution network  
15 at the Woodward state resource center. The department shall  
16 file a report with the co-chairpersons and ranking members of  
17 the joint appropriations subcommittee on the justice system by  
18 December 1, 2005, regarding the feasibility of expanding the  
19 number of acres devoted to organic gardening and to the  
20 growing of organic produce for sale.

21 4. The department of corrections shall submit a report to  
22 the general assembly by January 1, 2006, concerning moneys  
23 recouped from inmate earnings for the reimbursement of  
24 operational expenses of the applicable facility during the  
25 fiscal year beginning July 1, 2004, for each correctional  
26 institution and judicial district department of correctional  
27 services. In addition, each correctional institution and  
28 judicial district department of correctional services shall  
29 continue to submit a report to the legislative services agency  
30 on a monthly basis concerning moneys recouped from inmate  
31 earnings pursuant to sections 904.702, 904.809, and 905.14.

32 5. The department of corrections, in consultation with the  
33 board of parole, shall study the feasibility of establishing a  
34 mentoring program using unpaid volunteers to mentor persons  
35 who are on probation or parole. The department of corrections

1 shall file a report regarding the study with the co-  
2 chairpersons and ranking members of the joint appropriations  
3 subcommittee on the justice system and the legislative  
4 services agency by December 15, 2005. The report shall detail  
5 the feasibility of establishing such a mentoring program.

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

8 1. There is appropriated from the general fund of the  
9 state to the department of corrections for the fiscal year  
10 beginning July 1, 2005, and ending June 30, 2006, the  
11 following amounts, or so much thereof as is necessary, to be  
12 allocated as follows:

13 a. For the first judicial district department of  
14 correctional services, including the treatment and supervision  
15 of probation and parole violators who have been released from  
16 the department of corrections violator program, the following  
17 amount, or so much thereof as is necessary:

18 ..... \$ 10,406,624

19 b. For the second judicial district department of  
20 correctional services, including the treatment and supervision  
21 of probation and parole violators who have been released from  
22 the department of corrections violator program, the following  
23 amount, or so much thereof as is necessary:

24 ..... \$ 8,017,509

25 c. For the third judicial district department of  
26 correctional services, including the treatment and supervision  
27 of probation and parole violators who have been released from  
28 the department of corrections violator program, the following  
29 amount, or so much thereof as is necessary:

30 ..... \$ 4,836,472

31 d. For the fourth judicial district department of  
32 correctional services, including the treatment and supervision  
33 of probation and parole violators who have been released from  
34 the department of corrections violator program, the following  
35 amount, or so much thereof as is necessary:

1 ..... \$ 4,305,545

2 e. For the fifth judicial district department of  
3 correctional services, including the treatment and supervision  
4 of probation and parole violators who have been released from  
5 the department of corrections violator program, the following  
6 amount, or so much thereof as is necessary:

7 ..... \$ 13,547,738

8 f. For the sixth judicial district department of  
9 correctional services, including the treatment and supervision  
10 of probation and parole violators who have been released from  
11 the department of corrections violator program, the following  
12 amount, or so much thereof as is necessary:

13 ..... \$ 10,331,724

14 g. For the seventh judicial district department of  
15 correctional services, including the treatment and supervision  
16 of probation and parole violators who have been released from  
17 the department of corrections violator program, the following  
18 amount, or so much thereof as is necessary:

19 ..... \$ 5,787,248

20 h. For the eighth judicial district department of  
21 correctional services, including the treatment and supervision  
22 of probation and parole violators who have been released from  
23 the department of corrections violator program, the following  
24 amount, or so much thereof as is necessary:

25 ..... \$ 5,722,888

26 2. In addition to the funds appropriated in subsection 1,  
27 there is appropriated from the general fund of the state to  
28 the department of corrections for the fiscal year beginning  
29 July 1, 2005, and ending June 30, 2006, the following amounts  
30 to be allocated as follows: \$149,000 for use by the second  
31 judicial district for the operation of a drug court and  
32 \$65,000 to the third judicial district for the operation of a  
33 drug court. The funds appropriated in this subsection are  
34 contingent upon the receipt by the general fund of the state  
35 of an amount at least equal to the expenditure amount from

1 costs or attorney fees awarded the state in settlement of its  
2 antitrust action against Microsoft brought under chapter 553.  
3 However, if the amounts received as a result of this  
4 settlement are in excess of \$214,000, the excess amounts shall  
5 not be appropriated to the department of corrections pursuant  
6 to this subsection.

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

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

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

25 Sec. 7. INTENT -- REPORTS.

26 1. The department of corrections shall submit a report on  
27 inmate labor to the general assembly, to the co-chairpersons  
28 and the ranking members of the joint appropriations  
29 subcommittee on the justice system, and to the legislative  
30 services agency by January 15, 2006. The report shall  
31 specifically address the progress the department has made in  
32 implementing the requirements of section 904.701, inmate labor  
33 on capital improvement projects, community work crews, inmate  
34 produce gardening, and private-sector employment.

35 2. The department in cooperation with townships, the Iowa

1 cemetery associations, and other nonprofit or governmental  
2 entities may use inmate labor to restore or preserve rural  
3 cemeteries and historical landmarks. The department in  
4 cooperation with the counties may also use inmate labor to  
5 clean up roads, major water sources, and other water sources  
6 around the state.

7 3. Each month the department shall provide a status report  
8 regarding private-sector employment to the legislative  
9 services agency beginning on July 1, 2005. The report shall  
10 include the number of offenders employed in the private  
11 sector, the combined number of hours worked by the offenders,  
12 and the total amount of allowances, and the distribution of  
13 allowances pursuant to section 904.702, including any moneys  
14 deposited in the general fund of the state.

15 Sec. 8. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.

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

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

31 Sec. 9. STATE PUBLIC DEFENDER. There is appropriated from  
32 the general fund of the state to the office of the state  
33 public defender of the department of inspections and appeals  
34 for the fiscal year beginning July 1, 2005, and ending June  
35 30, 2006, the following amounts, or so much thereof as is

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

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

6 ..... \$ 18,444,964

7 ..... FTEs 202.00

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

11 ..... \$ 21,163,082

12 Sec. 10. IOWA LAW ENFORCEMENT ACADEMY.

13 1. There is appropriated from the general fund of the  
14 state to the Iowa law enforcement academy for the fiscal year  
15 beginning July 1, 2005, and ending June 30, 2006, the  
16 following amount, or so much thereof as is necessary, to be  
17 used for the purposes designated:

18 For salaries, support, maintenance, miscellaneous purposes,

19 including jailer training and technical assistance, and for  
20 not more than the following full-time equivalent positions:

21 ..... \$ 1,075,138

22 ..... FTEs 30.05

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

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

33 2. The Iowa law enforcement academy may select at least  
34 five automobiles of the department of public safety, division  
35 of the Iowa state patrol, prior to turning over the

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

11 Sec. 11. BOARD OF PAROLE. There is appropriated from the  
12 general fund of the state to the board of parole for the  
13 fiscal year beginning July 1, 2005, and ending June 30, 2006,  
14 the following amount, or so much thereof as is necessary, to  
15 be used for the purposes designated:

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

19 ..... \$ 1,121,044  
20 ..... FTEs 17.50

21 Sec. 12. DEPARTMENT OF PUBLIC DEFENSE. There is  
22 appropriated from the general fund of the state to the  
23 department of public defense for the fiscal year beginning  
24 July 1, 2005, and ending June 30, 2006, the following amounts,  
25 or so much thereof as is necessary, to be used for the  
26 purposes designated:

27 1. MILITARY DIVISION

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

31 ..... \$ 5,130,040  
32 ..... FTEs 312.55

33 If there is a surplus in the general fund of the state for  
34 the fiscal year ending June 30, 2006, within 60 days after the  
35 close of the fiscal year, the military division may incur up

1 to an additional \$500,000 in expenditures from the surplus  
2 prior to transfer of the surplus pursuant to section 8.57.

3 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION

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

7 .....	\$	1,172,230
8 .....	FTEs	24.75

9 Sec. 13. DEPARTMENT OF PUBLIC SAFETY. There is  
10 appropriated from the general fund of the state to the  
11 department of public safety for the fiscal year beginning July  
12 1, 2005, and ending June 30, 2006, the following amounts, or  
13 so much thereof as is necessary, to be used for the purposes  
14 designated:

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

18 .....	\$	3,095,033
19 .....	FTEs	38.00

20 2. For the division of criminal investigation and bureau  
21 of identification, including the state's contribution to the  
22 peace officers' retirement, accident, and disability system  
23 provided in chapter 97A in the amount of 17 percent of the  
24 salaries for which the funds are appropriated, to meet federal  
25 fund matching requirements, and for not more than the  
26 following full-time equivalent positions:

27 .....	\$	14,807,052
28 .....	FTEs	222.50

29 3. For the criminalistics laboratory fund, if created in  
30 section 602.8108:

31 .....	\$	0
----------	----	---

32 The department of public safety, with the approval of the  
33 department of management, may employ no more than two special  
34 agents and four gaming enforcement officers for each  
35 additional riverboat regulated after July 1, 2005, and one

1 special agent for each racing facility which becomes  
2 operational during the fiscal year which begins July 1, 2005.  
3 One additional gaming enforcement officer, up to a total of  
4 four per riverboat, may be employed for each riverboat that  
5 has extended operations to 24 hours and has not previously  
6 operated with a 24-hour schedule. Positions authorized in  
7 this paragraph are in addition to the full-time equivalent  
8 positions otherwise authorized in this subsection.

9 4. a. For the division of narcotics enforcement,  
10 including the state's contribution to the peace officers'  
11 retirement, accident, and disability system provided in  
12 chapter 97A in the amount of 17 percent of the salaries for  
13 which the funds are appropriated, to meet federal fund  
14 matching requirements, and for not more than the following  
15 full-time equivalent positions:

16 ..... \$ 4,701,141  
17 ..... FTEs 75.00

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

20 ..... \$ 123,343

21 5. a. For the state fire marshal's office, including the  
22 state's contribution to the peace officers' retirement,  
23 accident, and disability system provided in chapter 97A in the  
24 amount of 17 percent of the salaries for which the funds are  
25 appropriated, and for not more than the following full-time  
26 equivalent positions:

27 ..... \$ 2,456,998  
28 ..... FTEs 42.00

29 b. For the state fire marshal's office, for fire  
30 protection services as provided through the state fire service  
31 and emergency response council as created in the department,  
32 and for not more than the following full-time equivalent  
33 positions:

34 ..... \$ 638,021  
35 ..... FTEs 10.00

1 6. For the division of the Iowa state patrol of the  
2 department of public safety, for salaries, support,  
3 maintenance, workers' compensation costs, and miscellaneous  
4 purposes, including the state's contribution to the peace  
5 officers' retirement, accident, and disability system provided  
6 in chapter 97A in the amount of 17 percent of the salaries for  
7 which the funds are appropriated, and for not more than the  
8 following full-time equivalent positions:

9 ..... \$ 43,151,973  
10 ..... FTEs 531.00

11 In addition to the funds otherwise appropriated in this  
12 subsection, there is appropriated from the general fund of the  
13 state to the division of the Iowa state patrol for the fiscal  
14 year beginning July 1, 2005, and ending June 30, 2006, an  
15 amount not exceeding \$400,000 to be used for motor vehicle  
16 depreciation. The funds appropriated in this paragraph are  
17 contingent upon receipt by the general fund of the state of an  
18 amount at least equal to the expenditure amount from costs or  
19 attorney fees awarded the state in settlement of its antitrust  
20 action against Microsoft brought under chapter 553. However,  
21 if the amounts received as a result of this settlement are in  
22 excess of \$400,000, the excess amounts shall not be  
23 appropriated to the division of the Iowa state patrol pursuant  
24 to this paragraph.

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

29 7. For deposit in the public safety law enforcement sick  
30 leave benefits fund established under section 80.42, for all  
31 departmental employees eligible to receive benefits for  
32 accrued sick leave under the collective bargaining agreement:

33 ..... \$ 316,179

34 An employee of the department of public safety who retires  
35 after July 1, 2005, but prior to June 30, 2006, is eligible

1 for payment of life or health insurance premiums as provided  
2 for in the collective bargaining agreement covering the public  
3 safety bargaining unit at the time of retirement if that  
4 employee previously served in a position which would have been  
5 covered by the agreement. The employee shall be given credit  
6 for the service in that prior position as though it were  
7 covered by that agreement. The provisions of this subsection  
8 shall not operate to reduce any retirement benefits an  
9 employee may have earned under other collective bargaining  
10 agreements or retirement programs.

11 8. For costs associated with the training and equipment  
12 needs of volunteer fire fighters and for not more than the  
13 following full-time equivalent position:

14 .....	\$	699,587
15 .....	FTEs	1.00

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

21 Sec. 14. CIVIL RIGHTS COMMISSION. There is appropriated  
22 from the general fund of the state to the Iowa state civil  
23 rights commission for the fiscal year beginning July 1, 2005,  
24 and ending June 30, 2006, the following amount, or so much  
25 thereof as is necessary, to be used for the purposes  
26 designated:

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

30 .....	\$	950,788
31 .....	FTEs	27.50

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

35 Sec. 15. HOMELAND SECURITY AND EMERGENCY MANAGEMENT

1 DIVISION. There is appropriated from the wireless E911  
2 emergency communications fund to the administrator of the  
3 homeland security and emergency management division of the  
4 department of public defense for the fiscal year beginning  
5 July 1, 2005, and ending June 30, 2006, an amount not  
6 exceeding two hundred thousand dollars to be used for  
7 implementation, support, and maintenance of the functions of  
8 the administrator and program manager under chapter 34A and to  
9 employ the auditor of the state to perform an annual audit of  
10 the wireless E911 emergency communications fund.

11 Sec. 16. IOWA LAW ENFORCEMENT ACADEMY -- FEES.

12 Notwithstanding section 80B.11B, the Iowa law enforcement  
13 academy may charge more than one-half the cost of providing  
14 the basic training course if a majority of the Iowa law  
15 enforcement academy council authorizes charging more than one-  
16 half of the cost of providing basic training. This section is  
17 repealed on June 30, 2006.

18 EXPLANATION

19 This bill makes appropriations for fiscal year 2005-2006  
20 from the general fund of the state to the departments of  
21 justice, corrections, public defense, and public safety, and  
22 the Iowa law enforcement academy, office of the state public  
23 defender, board of parole, and Iowa state civil rights  
24 commission.

25 The bill also makes appropriations to the department of  
26 justice, the department of corrections, the Iowa state patrol,  
27 and the second and third judicial districts that are  
28 contingent upon the general fund of the state receiving moneys  
29 from the Microsoft antitrust settlement.

30 The bill provides that the Iowa law enforcement academy may  
31 charge a department of the state, a member of a police force,  
32 or any political subdivision of the state more than one-half  
33 of the cost to provide the basic training course for a law  
34 enforcement officer, provided a majority of the Iowa law  
35 enforcement council approves such a charge. Current law

1 prohibits the Iowa law enforcement academy from charging more  
2 than one-half of the cost of providing the basic training  
3 course.

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

June 14, 2005

The Honorable Chester Culver  
Secretary of State  
State Capitol Building  
L O C A L

Dear Mr. Secretary:

I hereby transmit **House File 811**, an Act relating to and making appropriations to the justice system, revising pretrial release requirements for certain criminal offenses, and providing an effective date.

House File 811 is approved on this date, with the following exception, which I hereby disapprove:

I am unable to approve the item designated as Division I, Section 6, subsection 1h, 1<sup>st</sup> unnumbered paragraph in its entirety. This paragraph deals with a reference to the establishment of a community panel drug court in the eighth judicial district department of correctional service, which during the final days, the funding was removed, however the language remained due to an oversight. Since the funding was removed and not included, this language becomes unnecessary.

I am unable to approve the item designated as Division I, Section 14, subsection 5b, 1<sup>st</sup> unnumbered paragraph in its entirety. This paragraph deals with a reference to the allocation of \$200 for the mailing of a notice to all affected agencies or emergency services providers informing the agencies or providers about the requirement of an autopsy under section 144.56A. Unfortunately, the wording may actually serve as a barrier to proper notification. The cost of mailing notices to hundreds of public safety agencies, professional organizations, and other relevant parties, including county medical examiners, may substantially exceed the \$200 amount. As such, I want to ensure that the Department of Public Safety is not hindered or unduly limited in their ability to provide notice by multiple means, including mailing notices even if the cost of such mailings exceeds \$200.

I have instructed the Department of Public Safety, in cooperation with the State Medical Examiner, to fully inform agencies whose employees and volunteers are subject to the provisions of the new Iowa Code Section 144.56A of this provision as well as families of the deceased. The Department of Public Safety will enlist various means of providing notification, through presentations at conferences of organizations representing public safety officers, articles and notices in those organizations' newsletters, and notices by U.S. mail or electronic mail, when available, to those organizations and agencies with covered employees or volunteers.

For the above reasons, I respectfully disapprove these items in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in **House File 811** are hereby approved as of this date.

Sincerely,

Thomas J. Vilsack  
Governor

TJV:jmc

cc: Secretary of the Senate  
Chief Clerk of the House

HOUSE FILE 811

AN ACT  
RELATING TO AND MAKING APPROPRIATIONS TO THE JUSTICE SYSTEM,  
REVISING PRETRIAL RELEASE REQUIREMENTS FOR CERTAIN CRIMINAL  
OFFENSES, AND PROVIDING AN EFFECTIVE DATE.

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

DIVISION I  
FY 2005-2006 APPROPRIATIONS  
JUSTICE SYSTEM

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, 2005, and ending June 30, 2006, 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, miscellaneous purposes including the prosecuting attorneys training program, victim assistance grants, office of drug control policy (ODCP) prosecuting attorney program, legal services for persons in poverty grants as provided in section 13.34, odometer fraud enforcement, and for not more than the following full-time equivalent positions:

..... \$ 8,024,280  
..... FTEs 214.50

It is the intent of the general assembly that 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.

b. For victim assistance grants:  
..... \$ 5,000

The funds 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.

c. For legal services for persons in poverty grants as provided in section 13.34:  
..... \$ 900,000

2. In addition to the funds appropriated in subsection 1, there is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 2005, and ending June 30, 2006, an amount not exceeding \$200,000 to be used for the enforcement of the Iowa competition law. The funds appropriated in this subsection are contingent upon receipt by the general fund of the state of an amount at least equal to the expenditure amount from either damages awarded to the state or a political subdivision of the state by a civil judgment under chapter 553, if the judgment authorizes the use of the award for enforcement purposes or costs or attorneys fees awarded the state in state or federal antitrust actions. However, if the amounts received as a result of these judgments are in excess of \$200,000, the excess amounts shall not be appropriated to the department of justice pursuant to this subsection. The department of justice shall report the department's actual costs and an estimate of the time incurred enforcing the competition law, to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system, and to the legislative services agency by November 15, 2005.

3. In addition to the funds appropriated in subsection 1, there is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 2005, and ending June 30, 2006, an amount not exceeding \$1,125,000 to be used for public education relating to consumer fraud and for enforcement of section 714.16, and an

amount not exceeding \$75,000 for investigation, prosecution, and consumer education relating to consumer and criminal fraud against older Iowans. The funds appropriated in this subsection are contingent upon receipt by the general fund of the state of an amount at least equal to the expenditure amount from damages awarded to the state or a political subdivision of the state by a civil consumer fraud judgment or settlement, if the judgment or settlement authorizes the use of the award for public education on consumer fraud. However, if the funds received as a result of these judgments and settlements are in excess of \$1,200,000, the excess funds shall not be appropriated to the department of justice pursuant to this subsection. The department of justice shall report to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system, and to the legislative services agency by November 15, 2005, the department's actual costs and an estimate of the time incurred in providing education pursuant to and enforcing this subsection.

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

5. As a condition of receiving the appropriation in subsection 1, the department of justice shall transfer at least \$2,450,000 from the victim compensation fund established in section 915.94 to the victim assistance grant program.

6. a. The department of justice, in submitting budget estimates for the fiscal year commencing July 1, 2006, 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 report actual reimbursements for the fiscal year commencing July 1, 2004, and actual and expected reimbursements for the fiscal year commencing July 1, 2005.

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 co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system and the legislative services agency. The department of justice shall submit the report on or before January 15, 2006.

**Sec. 2. DEPARTMENT OF JUSTICE -- ENVIRONMENTAL CRIMES INVESTIGATION AND PROSECUTION -- FUNDING.** There is appropriated from the environmental crime fund of the department of justice, consisting of court-ordered fines and penalties awarded to the department arising out of the prosecution of environmental crimes, to the department of justice for the fiscal year beginning July 1, 2005, and ending June 30, 2006, an amount not exceeding \$20,000 to be used by the department, at the discretion of the attorney general, for the investigation and prosecution of environmental crimes, including the reimbursement of expenses incurred by county, municipal, and other local governmental agencies cooperating with the department in the investigation and prosecution of environmental crimes.

The funds appropriated in this section are contingent upon receipt by the environmental crime fund of the department of justice of an amount at least equal to the appropriations made in this section and received from contributions, court-ordered restitution as part of judgments in criminal cases, and consent decrees entered into as part of civil or regulatory enforcement actions. However, if the funds received during the fiscal year are in excess of \$20,000, the excess funds shall be deposited in the general fund of the state.

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 purpose designated until the close of the succeeding fiscal year.

Sec. 3. OFFICE OF CONSUMER ADVOCATE. There is appropriated from the general fund of the state to the office of consumer advocate of the department of justice for the fiscal year beginning July 1, 2005, and ending June 30, 2006, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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

..... \$ 2,810,442  
..... FTEs 27.00

Sec. 4. 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, 2005, and ending June 30, 2006, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

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

a. For the operation of the Fort Madison correctional facility, including salaries, support, maintenance, and miscellaneous purposes:  
..... \$ 38,840,761

b. For the operation of the Anamosa correctional facility, including salaries, support, maintenance, and miscellaneous purposes:  
..... \$ 27,199,702

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

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

..... \$ 25,650,778

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

..... \$ 24,916,132

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

..... \$ 23,694,840

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

..... \$ 8,039,378

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

..... \$ 22,853,497

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:

..... \$ 13,867,603

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

..... \$ 26,244,693

j. For reimbursement of counties for temporary confinement of work release and parole violators, as provided in sections 901.7, 904.908, and 906.17 and for offenders confined pursuant

to section 904.513:

..... \$ 674,954

k. For federal prison reimbursement, reimbursements for out-of-state placements, and miscellaneous contracts: ..... \$ 241,293

2. The department of corrections shall use funds appropriated in subsection 1 to continue to contract for the services of a Muslim imam.

Sec. 5. DEPARTMENT OF CORRECTIONS -- ADMINISTRATION.

1. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 2005, and ending June 30, 2006, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. For general administration, including salaries, support, maintenance, employment of an education director to administer a centralized education program for the correctional system, and miscellaneous purposes: ..... \$ 2,829,708

(1) It is the intent of the general assembly that as a condition of receiving the appropriation provided in this lettered paragraph, the department of corrections shall not, except as otherwise provided in subparagraph (3), enter into a new contract, unless the contract is a renewal of an existing contract, for the expenditure of moneys in excess of \$100,000 during the fiscal year beginning July 1, 2005, for the privatization of services performed by the department using state employees as of July 1, 2005, or for the privatization of new services by the department, without prior consultation with any applicable state employee organization affected by the proposed new contract and prior notification of the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system.

(2) 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.

(3) It is the intent of the general assembly that as a condition of receiving the appropriation provided in this lettered paragraph, 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.

b. For educational programs for inmates at state penal institutions: ..... \$ 1,058,358

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

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.

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

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

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

..... \$ 427,700

d. For offender mental health and substance abuse treatment:

..... \$ 125,000

2. It is the intent of the general assembly that the department of corrections shall continue to operate the correctional farms under the control of the department at the same or greater level of participation and involvement as existed as of January 1, 2005, shall not enter into any rental agreement or contract concerning any farmland under the control of the department that is not subject to a rental agreement or contract as of January 1, 2005, without prior legislative approval, and shall further attempt to provide job opportunities at the farms for inmates. The department shall attempt to provide job opportunities at the farms for inmates by encouraging labor-intensive farming or gardening where appropriate, using inmates to grow produce and meat for institutional consumption, researching the possibility of instituting food canning and cook-and-chill operations, and exploring opportunities for organic farming and gardening, livestock ventures, horticulture, and specialized crops.

3. The department shall work to increase produce gardening by inmates under the control of the correctional institutions, and, if appropriate, may use the central distribution network at the Woodward state resource center. The department shall

file a report with the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system by December 1, 2005, regarding the feasibility of expanding the number of acres devoted to organic gardening and to the growing of organic produce for sale.

4. The department of corrections shall submit a report to the general assembly by January 1, 2006, concerning moneys recouped from inmate earnings for the reimbursement of operational expenses of the applicable facility during the fiscal year beginning July 1, 2004, for each correctional institution and judicial district department of correctional services. In addition, each correctional institution and judicial district department of correctional services shall continue to submit a report to the legislative services agency on a monthly basis concerning moneys recouped from inmate earnings pursuant to sections 904.702, 904.809, and 905.14.

5. It is the intent of the general assembly that as a condition of receiving the appropriation provided in this lettered paragraph, the department shall not enter into any agreement with a private sector nongovernmental entity for the purpose of housing inmates committed to the custody of the director of the department, without express authorization of the general assembly to do so.

Sec. 6. 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, 2005, and ending June 30, 2006, the following amounts, or so much thereof as is necessary, to be allocated as follows:

a. For the first judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, the following amount, or so much thereof as is necessary:

..... \$ 10,501,186

b. For the second judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, the following amount, or so much thereof as is necessary:

..... \$ 8,230,603

c. For the third judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, the following amount, or so much thereof as is necessary:

..... \$ 4,805,458

d. For the fourth judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, the following amount, or so much thereof as is necessary:

..... \$ 4,427,796

e. For the fifth judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, and funding for electronic monitoring devices for use on a statewide basis, the following amount, or so much thereof as is necessary:

..... \$ 14,167,169

f. For the sixth judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, the following amount, or so much thereof as is necessary:

..... \$ 10,378,668

g. For the seventh judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, the following

amount, or so much thereof as is necessary:

..... \$ 5,870,653

h. For the eighth judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, the following amount, or so much thereof as is necessary:

..... \$ 5,970,648

As a condition of the funds appropriated in this paragraph, the eighth judicial district department of correctional services shall establish a drug court that uses the community-panel model.

2. Each judicial district department of correctional services, within the funding 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.

3. 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 may also establish a day program.

4. 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.

5. 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.

Sec. 7. INTENT -- REPORTS.

1. The department of corrections shall submit a report on inmate labor to the general assembly, to the co-chairpersons and the ranking members of the joint appropriations subcommittee on the justice system, and to the legislative services agency by January 15, 2006. The report shall specifically address the progress the department has made in implementing the requirements of section 904.701, inmate labor on capital improvement projects, community work crews, inmate produce gardening, and private-sector employment.

2. The department in cooperation with townships, the Iowa cemetery associations, and other nonprofit or governmental entities may use inmate labor 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.

3. Each month the department shall provide a status report regarding private-sector employment to the legislative services agency beginning on July 1, 2005. The report shall include the number of offenders employed in the private sector, the combined number of hours worked by the offenders, and 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, to the co-chairpersons and the ranking members of the joint appropriations subcommittee on the justice system, and to the legislative services agency by January 15, 2006. 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 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 hereby 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 exceeding \$5,000 or in accordance with applicable administrative rules related to purchases for the agency.

Sec. 10. 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, 2005, and ending June 30, 2006, the following amounts, or so much thereof as is necessary, to be allocated as follows for the purposes designated:

- 1. For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:
  - ..... \$ 18,444,964
  - ..... FTEs 202.00
- 2. For the fees of court-appointed attorneys for indigent adults and juveniles, in accordance with section 232.141 and chapter 815:
  - ..... \$ 21,163,082

Sec. 11. 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, 2005, and ending June 30, 2006, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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

.....	\$ 1,075,138
..... FTEs	30.05

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

The Iowa law enforcement academy may temporarily exceed and draw more than the amount appropriated 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 the Iowa 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 to the credit of the department of public safety, division of the Iowa state patrol.

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, 2005, and ending June 30, 2006, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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

.....	\$ 1,121,044
..... FTEs	17.50

Sec. 13. DEPARTMENT OF PUBLIC DEFENSE. There is appropriated from the general fund of the state to the department of public defense for the fiscal year beginning July 1, 2005, and ending June 30, 2006, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. MILITARY DIVISION

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

.....	\$ 5,130,040
..... FTEs	312.55

The military division may temporarily exceed and draw more than the amount appropriated 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 subsection is not exceeded at the close of the fiscal year.

2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION

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

.....	\$ 1,172,230
..... FTEs	24.75

Sec. 14. 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, 2005, and ending June 30, 2006, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

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

.....	\$ 3,073,274
..... FTEs	38.00

2. For the division of criminal investigation and bureau of identification, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of 17 percent of the salaries for which the funds are appropriated, to meet federal fund matching requirements, and for not more than the following full-time equivalent positions:

..... \$ 14,760,898  
..... FTEs 228.50

3. For the criminalistics laboratory fund, if created in section 602.8108:

..... \$ 342,000

The department of public safety, with the approval of the department of management, may employ no more than two special agents and four gaming enforcement officers for each additional riverboat regulated after July 1, 2005, and one special agent for each racing facility which becomes operational during the fiscal year which begins July 1, 2005. One additional gaming enforcement officer, up to a total of four per riverboat, may be employed for each riverboat that has extended operations to 24 hours and has not previously operated with a 24-hour schedule. Positions authorized in this paragraph are in addition to the full-time equivalent positions otherwise authorized in this subsection.

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 17 percent of the salaries for which the funds are appropriated, to meet federal fund matching requirements, and for not more than the following full-time equivalent positions:

..... \$ 4,701,141  
..... FTEs 75.00

b. For the division of narcotics enforcement for undercover purchases:  
..... \$ 123,343

5. a. For the state fire marshal's office, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of 17 percent of the salaries for which the funds are appropriated, and for not more than the following full-time equivalent positions:

..... \$ 2,256,998  
..... FTEs 42.00

b. For the state fire marshal's office, for fire protection services as provided through the state fire service and emergency response council as created in the department, and for not more than the following full-time equivalent positions:

..... \$ 638,021  
..... FTEs 10.00

Of the amount appropriated in this paragraph, the state fire marshal shall allocate \$200 for the mailing of a notice to all affected agencies or emergency services providers informing the agencies or providers about the requirement of an autopsy under section 144.56A.

6. For the division of the Iowa state patrol of the department of public safety, 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 17 percent of the salaries for which the funds are appropriated, and for not more than the following full-time equivalent positions:

..... \$ 43,076,973  
..... FTEs 531.00

It is the intent of the general assembly that members of the Iowa 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 public safety law enforcement sick leave benefits fund established under section 80.42, for all

departmental employees eligible to receive benefits for accrued sick leave under the collective bargaining agreement: ..... \$ 316,179

An employee of the department of public safety who retires after July 1, 2005, but prior to June 30, 2006, is eligible for payment of life or health insurance premiums as provided for in the collective bargaining agreement covering the public safety bargaining unit at the time of retirement if that employee previously served in a position which would have been covered by the agreement. The employee shall be given credit for the service in that prior position as though it were covered by that agreement. The provisions of this subsection shall not operate to reduce any retirement benefits an employee may have earned under other collective bargaining agreements or retirement programs.

8. For costs associated with the training and equipment needs of volunteer fire fighters and for not more than the following full-time equivalent position:

..... \$ 699,587
..... FTEs 1.00

Notwithstanding section 8.33, moneys appropriated in this subsection that remain unobligated or unexpended 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.

Sec. 15. CIVIL RIGHTS COMMISSION. There is appropriated from the general fund of the state to the Iowa state civil rights commission for the fiscal year beginning July 1, 2005, and ending June 30, 2006, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions: ..... \$ 950,788
..... FTEs 27.50

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. 16. DIVISION OF CRIMINAL AND JUVENILE JUSTICE PLANNING. In addition to any other funds appropriated to the division of criminal and juvenile justice planning of the department of human rights, there is appropriated from the general fund of the state to the division of criminal and juvenile justice planning for the fiscal year beginning July 1, 2005, and ending June 30, 2006, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For the establishment and administration of the sex offender treatment and supervision task force: ..... \$ 75,000

Sec. 17. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION. There is appropriated from the wireless E911 emergency communications fund to the administrator of the homeland security and emergency management division of the department of public defense for the fiscal year beginning July 1, 2005, and ending June 30, 2006, an amount not exceeding two hundred thousand dollars to be used 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 wireless E911 emergency communications fund.

Sec. 18. IOWA LAW ENFORCEMENT ACADEMY -- FEES. Notwithstanding section 80B.11B, the Iowa law enforcement academy may charge more than one-half the cost of providing the basic training course if a majority of the Iowa law enforcement academy council authorizes charging more than one-half of the cost of providing basic training. This section is repealed on June 30, 2006.

Sec. 19. NEW SECTION. 144.56A PUBLIC SAFETY OFFICER DEATH -- REQUIRED NOTICE -- AUTOPSY.

A person who is authorized to pronounce individuals dead is required to inform one of the persons authorized to request an autopsy, as provided in section 144.56, that an autopsy will be required if the individual who died was a public safety officer who may have died in the line of duty and an eligible beneficiary of the deceased seeks to claim a federal public safety officer death benefit.

Sec. 20. Section 158.2, Code 2005, is amended by adding the following new subsection:

**NEW SUBSECTION.** 7. Offenders committed to the custody of the director of the department of corrections who cut the hair, or trim or shave the beard of any other offender within a correctional facility, without receiving direct compensation from the person receiving the service.

DIVISION II

METHAMPHETAMINE BAIL

PROVISIONS

Sec. 21. Section 804.21, subsection 1, Code 2005, as amended by 2005 Iowa Acts, Senate File 169, section 7, is amended to read as follows:

1. A person arrested in obedience to a warrant shall be taken without unnecessary delay before the nearest or most accessible magistrate. The officer shall at the same time deliver to the magistrate the warrant with the officer's return endorsed on it and subscribed by the officer with the officer's official title. However, this section, and sections 804.22 and 804.23, do not preclude the release of an arrested person within the period of time the person would otherwise remain incarcerated while waiting to be taken before a magistrate if the release is pursuant to pretrial release guidelines or a bond schedule promulgated by the judicial council, unless the person is charged with manufacture, delivery, possession with intent to manufacture or deliver, or distribution of methamphetamine. If, however, a person is released pursuant to pretrial release guidelines, a magistrate must, within twenty-four hours of the release, or as soon as

practicable on the next subsequent working day of the court, either approve in writing of the release, or disapprove of the release and issue a warrant for the person's arrest.

Sec. 22. Section 804.22, unnumbered paragraph 2, Code 2005, as amended by 2005 Iowa Acts, Senate File 169, section 8, is amended to read as follows:

This section and the rules of criminal procedure do not affect the provisions of chapter 805 authorizing the release of a person on citation or bail prior to initial appearance, unless the person is charged with manufacture, delivery, possession with intent to manufacture or deliver, or distribution of methamphetamine. The initial appearance of a person so released shall be scheduled for a time not more than thirty days after the date of release.

Sec. 23. Section 811.2, subsection 1, unnumbered paragraph 2, Code 2005, as amended by 2005 Iowa Acts, Senate File 169, section 10, is amended to read as follows:

Any bailable defendant who is charged with unlawful possession, manufacture, delivery, or distribution of a controlled substance or other drug under chapter 124 and is ordered released shall be required, as a condition of that release, to submit to a substance abuse evaluation and follow any recommendations proposed in the evaluation for appropriate substance abuse treatment. However, if a bailable defendant is charged with manufacture, delivery, possession with the intent to manufacture or deliver, or distribution of methamphetamine, its salts, optical isomers, and salts of its optical isomers, the defendant shall, in addition to a substance abuse evaluation, remain under supervision and be required to undergo random drug tests as a condition of release.

Sec. 24. Section 811.2, subsection 3, Code 2005, as amended by 2005 Iowa Acts, Senate File 169, section 11, is amended to read as follows:

3. **RELEASE AT INITIAL APPEARANCE.** This chapter does not preclude the release of an arrested person as authorized by

section 804.21, unless the arrested person is charged with manufacture, delivery, possession with the intent to manufacture or deliver, or distribution of methamphetamine.

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

DIVISION III

SUPPLEMENTAL APPROPRIATIONS

Sec. 26. 2004 Iowa Acts, chapter 1175, section 183, subsection 1, paragraph c, is amended to read as follows:

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

..... \$ 23,536,936  
23,636,936

Of the funds allocated in this paragraph "c", \$100,000 is allocated for the costs of remodeling and construction to establish a specialized 24-bed mental health unit for offenders who are not ordered to inpatient mental health treatment. The unit shall operate as an adjunct to the licensed hospital program within the Oakdale correctional facility.

DEPARTMENT OF CORRECTIONS -- ADMINISTRATION

Sec. 27. 2004 Iowa Acts, chapter 1175, section 184, subsection 1, paragraph a, unnumbered paragraph 1, is amended to read as follows:

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

..... \$ 2,784,393  
3,198,809

JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL SERVICES

Sec. 28. 2004 Iowa Acts, chapter 1175, section 185, subsection 1, is amended to read as follows:

1. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 2004, and ending June 30, 2005, the following amounts, or so much thereof as is necessary, to be allocated as follows:

a. For the first judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, the following amount, or so much thereof as is necessary:  
..... \$ 10,090,207  
10,142,332

b. For the second judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, the following amount, or so much thereof as is necessary:  
..... \$ 7,755,402  
7,803,027

c. For the third judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, the following amount, or so much thereof as is necessary:  
..... \$ 4,631,423  
4,668,548

d. For the fourth judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, the following amount, or so much thereof as is necessary:  
..... \$ 4,248,965  
4,268,465

e. For the fifth judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from

the department of corrections violator program, the following amount, or so much thereof as is necessary:

..... \$ 12,982,837  
13,105,462

f. For the sixth judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, the following amount, or so much thereof as is necessary:

..... \$ 10,864,717  
10,105,217

g. For the seventh judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, the following amount, or so much thereof as is necessary:

..... \$ 5,677,314  
5,700,939

h. For the eighth judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, the following amount, or so much thereof as is necessary:

..... \$ 5,574,865  
5,606,740

The appropriations made in this subsection include additional funding for costs to address additional methamphetamine drug offenders under supervision.

Sec. 29. 2004 Iowa Acts, chapter 1175, section 188, is amended to read as follows:

SEC. 188. 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, 2004, and ending June 30, 2005, the following amounts, or so much thereof as is necessary, to be allocated as follows for the purposes designated:

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

..... \$ 16,663,446  
18,247,561  
..... FTEs 202.00

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

..... \$ 19,355,297  
22,251,339

Sec. 30. 2004 Iowa Acts, chapter 1175, section 192, subsection 2, unnumbered paragraph 1, is amended to read as follows:

For the division of criminal investigation and bureau of identification, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of 17 percent of the salaries for which the funds are appropriated, to meet federal fund matching requirements, and for not more than the following full-time equivalent positions:

..... \$ 14,858,510  
14,208,510  
..... FTEs 221.50

Sec. 31. 2004 Iowa Acts, chapter 1175, section 192, subsection 4, paragraph a, is amended to read as follows:

a. For the state fire marshal's office, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of 17 percent of the salaries for which the funds are appropriated, and for not more than the following full-time equivalent positions:

..... \$ 2,181,998  
2,281,998  
..... FTEs 39.00

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.

Sec. 32. 2004 Iowa Acts, chapter 1175, section 193, is amended to read as follows:

SEC. 193. CIVIL RIGHTS COMMISSION. There is appropriated from the general fund of the state to the Iowa state civil rights commission for the fiscal year beginning July 1, 2004, and ending June 30, 2005, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:	
.....	\$ 825,752
	<u>911,752</u>
..... FTEs	28.00

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

DIVISION IV

APPROPRIATIONS FROM HEALTHY IOWANS TOBACCO TRUST

Sec. 34. In addition to any other funds appropriated from the healthy Iowans tobacco trust created in section 12.65 to the department of corrections for the fiscal year beginning July 1, 2005, and ending June 30, 2006, there is appropriated from the healthy Iowans tobacco trust to the department of corrections for the fiscal year beginning July 1, 2005, and ending June 30, 2006, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the judicial district departments of correctional services:	
.....	\$ 800,000

Of the funds appropriated in this division, \$100,000 shall be allocated to each judicial district department of correctional services.

DIVISION V  
CONTINGENT APPROPRIATIONS FROM  
MICROSOFT SETTLEMENT

Sec. 35. DIVISION OF THE IOWA STATE PATROL. In addition to any other funds appropriated from the general fund of the state to the division of the Iowa state patrol, there is appropriated from the general fund of the state to the division of the Iowa state patrol for the fiscal year beginning July 1, 2005, and ending June 30, 2006, an amount not exceeding \$785,000 to be used for motor vehicle depreciation. The funds appropriated in this section are contingent upon receipt by the general fund of the state of an amount at least equal to the expenditure amount from costs or attorney fees awarded the state in settlement of its antitrust action against Microsoft brought under chapter 553. However, if the amounts received as a result of this settlement are in excess of \$785,000, the excess amounts shall not be appropriated to the division of the Iowa state patrol pursuant to this section.

Sec. 36. DIVISION OF CRIMINAL INVESTIGATION AND BUREAU OF IDENTIFICATION. In addition to any other funds appropriated from the general fund of the state to the division of criminal investigation and bureau of identification, there is appropriated from the general fund of the state to the division of criminal investigation and bureau of identification for the fiscal year beginning July 1, 2005, and ending June 30, 2006, an amount not exceeding \$929,206. The funds appropriated in this section are contingent upon receipt by the general fund of the state of an amount at least equal to the expenditure amount from costs or attorney fees awarded the state in settlement of its antitrust action against Microsoft brought under chapter 553. However, if the amounts received as a result of this settlement are in excess of

\$929,206, the excess amounts shall not be appropriated to the division of criminal investigation and bureau of identification pursuant to this section.

---

CHRISTOPHER C. RANTS  
Speaker of the House

---

JOHN P. KIBBIE  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 811, Eighty-first General Assembly.

---

MARGARET THOMSON  
Chief Clerk of the House

Approved *Tom Vilsack* 6/14, 2005

---

THOMAS J. VILSACK  
Governor