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APPROPRIATIONS CALENDAR

HOUSE FILE 2558  
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HSB 730)

Passed House, Date 3-7-06 Passed Senate, Date 4-18-06  
Vote: Ayes 54 Nays 45 Vote: Ayes 49 Nays 1  
*Re-passed* Approved June 2, 2006  
*4-19-06 98-1*

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:

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HF 2558

1 Section 1. DEPARTMENT OF JUSTICE.

2 1. There is appropriated from the general fund of the  
3 state to the department of justice for the fiscal year  
4 beginning July 1, 2006, and ending June 30, 2007, the  
5 following amounts, or so much thereof as is necessary, to be  
6 used for the purposes designated:

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

14 ..... \$ 8,409,413  
15 ..... FTEs 217.50

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

21 b. For victim assistance grants:  
22 ..... \$ 5,000

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

27 c. For legal services for persons in poverty grants as  
28 provided in section 13.34:  
29 ..... \$ 900,000

30 2. In addition to the funds appropriated in subsection 1,  
31 there is appropriated from the general fund of the state to  
32 the department of justice for the fiscal year beginning July  
33 1, 2006, and ending June 30, 2007, an amount not exceeding  
34 \$200,000 to be used for the enforcement of the Iowa  
35 competition law. The funds appropriated in this subsection

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

16 3. In addition to the funds appropriated in subsection 1,  
17 there is appropriated from the general fund of the state to  
18 the department of justice for the fiscal year beginning July  
19 1, 2006, and ending June 30, 2007, an amount not exceeding  
20 \$1,125,000 to be used for public education relating to  
21 consumer fraud and for enforcement of section 714.16, and an  
22 amount not exceeding \$75,000 for investigation, prosecution,  
23 and consumer education relating to consumer and criminal fraud  
24 against older Iowans. The funds appropriated in this  
25 subsection are contingent upon receipt by the general fund of  
26 the state of an amount at least equal to the expenditure  
27 amount from damages awarded to the state or a political  
28 subdivision of the state by a civil consumer fraud judgment or  
29 settlement, if the judgment or settlement authorizes the use  
30 of the award for public education on consumer fraud. However,  
31 if the funds received as a result of these judgments and  
32 settlements are in excess of \$1,200,000, the excess funds  
33 shall not be appropriated to the department of justice  
34 pursuant to this subsection. The department of justice shall  
35 report to the co-chairpersons and ranking members of the joint

1 appropriations subcommittee on the justice system, and to the  
2 legislative services agency by November 15, 2006, the  
3 department's actual costs and an estimate of the time incurred  
4 in providing education pursuant to and enforcing this  
5 subsection.

6 4. The balance of the victim compensation fund established  
7 in section 915.94 may be used to provide salary and support of  
8 not more than 22 FTEs and to provide maintenance for the  
9 victim compensation functions of the department of justice.

10 5. As a condition of receiving the appropriation in  
11 subsection 1, the department of justice shall transfer at  
12 least \$2,450,000 from the victim compensation fund established  
13 in section 915.94 to the victim assistance grant program.

14 6. a. The department of justice, in submitting budget  
15 estimates for the fiscal year commencing July 1, 2007,  
16 pursuant to section 8.23, shall include a report of funding  
17 from sources other than amounts appropriated directly from the  
18 general fund of the state to the department of justice or to  
19 the office of consumer advocate. These funding sources shall  
20 include, but are not limited to, reimbursements from other  
21 state agencies, commissions, boards, or similar entities, and  
22 reimbursements from special funds or internal accounts within  
23 the department of justice. The department of justice shall  
24 report actual reimbursements for the fiscal year commencing  
25 July 1, 2005, and actual and expected reimbursements for the  
26 fiscal year commencing July 1, 2006.

27 b. The department of justice shall include the report  
28 required under paragraph "a", as well as information regarding  
29 any revisions occurring as a result of reimbursements actually  
30 received or expected at a later date, in a report to the co-  
31 chairpersons and ranking members of the joint appropriations  
32 subcommittee on the justice system and the legislative  
33 services agency. The department of justice shall submit the  
34 report on or before January 15, 2007.

35 Sec. 2. DEPARTMENT OF JUSTICE -- ENVIRONMENTAL CRIMES

1 INVESTIGATION AND PROSECUTION -- FUNDING. There is  
2 appropriated from the environmental crime fund of the  
3 department of justice, consisting of court-ordered fines and  
4 penalties awarded to the department arising out of the  
5 prosecution of environmental crimes, to the department of  
6 justice for the fiscal year beginning July 1, 2006, and ending  
7 June 30, 2007, an amount not exceeding \$20,000 to be used by  
8 the department, at the discretion of the attorney general, for  
9 the investigation and prosecution of environmental crimes,  
10 including the reimbursement of expenses incurred by county,  
11 municipal, and other local governmental agencies cooperating  
12 with the department in the investigation and prosecution of  
13 environmental crimes.

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

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

28 Sec. 3. OFFICE OF CONSUMER ADVOCATE. There is  
29 appropriated from the general fund of the state to the office  
30 of consumer advocate of the department of justice for the  
31 fiscal year beginning July 1, 2006, and ending June 30, 2007,  
32 the following amount, or so much thereof as is necessary, to  
33 be used for the purposes designated:

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

1 positions:

2 ..... \$ 2,887,017  
3 ..... FTEs 27.00

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

5 1. There is appropriated from the general fund of the  
6 state to the department of corrections for the fiscal year  
7 beginning July 1, 2006, and ending June 30, 2007, the  
8 following amounts, or so much thereof as is necessary, to be  
9 used for the purposes designated:

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

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

16 ..... \$ 42,423,619

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

20 ..... \$ 28,903,747

21 Moneys are provided within this appropriation for one full-  
22 time substance abuse counselor for the Luster Heights  
23 facility, for the purpose of certification of a substance  
24 abuse program at that facility.

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

28 ..... \$ 28,758,965

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

32 ..... \$ 26,100,342

33 e. For the operation of the Mt. Pleasant correctional  
34 facility, including salaries, support, maintenance, and  
35 miscellaneous purposes:

1 ..... \$ 24,929,418

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

5 ..... \$ 8,554,855

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

9 ..... \$ 24,251,587

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

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

18 ..... \$ 14,925,151

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

22 ..... \$ 27,758,806

23 j. For reimbursement of counties for temporary confinement  
24 of work release and parole violators, as provided in sections  
25 901.7, 904.908, and 906.17 and for offenders confined pursuant  
26 to section 904.513:

27 ..... \$ 799,954

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

30 ..... \$ 241,293

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

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

35 1. There is appropriated from the general fund of the

1 state to the department of corrections for the fiscal year  
2 beginning July 1, 2006, and ending June 30, 2007, the  
3 following amounts, or so much thereof as is necessary, to be  
4 used for the purposes designated:

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

9 ..... \$ 3,872,634

10 (1) It is the intent of the general assembly that as a  
11 condition of receiving the appropriation provided in this  
12 lettered paragraph, the department of corrections shall not,  
13 except as otherwise provided in subparagraph (3), enter into a  
14 new contract, unless the contract is a renewal of an existing  
15 contract, for the expenditure of moneys in excess of \$100,000  
16 during the fiscal year beginning July 1, 2006, for the  
17 privatization of services performed by the department using  
18 state employees as of July 1, 2006, or for the privatization  
19 of new services by the department, without prior consultation  
20 with any applicable state employee organization affected by  
21 the proposed new contract and prior notification of the co-  
22 chairpersons and ranking members of the joint appropriations  
23 subcommittee on the justice system.

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

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

1 enter into a lease or contractual agreement pursuant to  
2 section 904.809 with a private corporation for the use of  
3 building space for the purpose of providing inmate employment  
4 without providing that the terms of the lease or contract  
5 establish safeguards to restrict, to the greatest extent  
6 feasible, access by inmates working for the private  
7 corporation to personal identifying information of citizens.

8 b. For educational programs for inmates at state penal  
9 institutions:

10 ..... \$ 1,070,358

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

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

27 The director of the department of corrections may transfer  
28 moneys from Iowa prison industries for use in educational  
29 programs for inmates.

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

- 1 c. For the development of the Iowa corrections offender
- 2 network (ICON) data system:
- 3 ..... \$ 427,700
- 4 d. For offender mental health and substance abuse
- 5 treatment:
- 6 ..... \$ 25,000
- 7 e. For viral hepatitis prevention and treatment:
- 8 ..... \$ 188,000

9 2. It is the intent of the general assembly that the  
10 department of corrections shall continue to operate the  
11 correctional farms under the control of the department at the  
12 same or greater level of participation and involvement as  
13 existed as of January 1, 2006, shall not enter into any rental  
14 agreement or contract concerning any farmland under the  
15 control of the department that is not subject to a rental  
16 agreement or contract as of January 1, 2006, without prior  
17 legislative approval, and shall further attempt to provide job  
18 opportunities at the farms for inmates. The department shall  
19 attempt to provide job opportunities at the farms for inmates  
20 by encouraging labor-intensive farming or gardening where  
21 appropriate, using inmates to grow produce and meat for  
22 institutional consumption, researching the possibility of  
23 instituting food canning and cook-and-chill operations, and  
24 exploring opportunities for organic farming and gardening,  
25 livestock ventures, horticulture, and specialized crops.

26 3. The department shall work to increase produce gardening  
27 by inmates under the control of the correctional institutions,  
28 and, if appropriate, may use the central distribution network  
29 at the Woodward state resource center. The department shall  
30 file a report with the co-chairpersons and ranking members of  
31 the joint appropriations subcommittee on the justice system by  
32 December 1, 2006, regarding the feasibility of expanding the  
33 number of acres devoted to organic gardening and to the  
34 growing of organic produce for sale.

35 4. The department of corrections shall submit a report to

1 the general assembly by January 1, 2007, concerning moneys  
2 recouped from inmate earnings for the reimbursement of  
3 operational expenses of the applicable facility during the  
4 fiscal year beginning July 1, 2005, for each correctional  
5 institution and judicial district department of correctional  
6 services. In addition, each correctional institution and  
7 judicial district department of correctional services shall  
8 continue to submit a report to the legislative services agency  
9 on a monthly basis concerning moneys recouped from inmate  
10 earnings pursuant to sections 904.702, 904.809, and 905.14.

11 5. It is the intent of the general assembly that as a  
12 condition of receiving the appropriation provided in  
13 subsection 1, the department shall not enter into any  
14 agreement with a private sector nongovernmental entity for the  
15 purpose of housing inmates committed to the custody of the  
16 director of the department, without express authorization of  
17 the general assembly to do so.

18 Sec. 6. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL  
19 SERVICES.

20 1. There is appropriated from the general fund of the  
21 state to the department of corrections for the fiscal year  
22 beginning July 1, 2006, and ending June 30, 2007, the  
23 following amounts, or so much thereof as is necessary, to be  
24 allocated as follows:

25 a. For the first 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 ..... \$ 11,187,038

31 b. For the second 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 ..... \$ 8,866,289

2 c. For the third 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 ..... \$ 5,230,178

8 d. For the fourth 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 ..... \$ 4,754,670

14 e. For the fifth 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, and funding  
18 for electronic monitoring devices for use on a statewide  
19 basis, the following amount, or so much thereof as is  
20 necessary:

21 ..... \$ 16,290,113

22 f. For the sixth 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 ..... \$ 11,098,945

28 g. For the seventh 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 ..... \$ 6,292,137

34 h. For the eighth 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 ..... \$ 6,346,303

5 i. For a transitional housing pilot project for offenders  
6 on parole who are in the early stages of recovery from  
7 substance abuse:

8 ..... \$ 20,000

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

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

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

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

31 Sec. 7. DEPARTMENT OF CORRECTIONS -- REALLOCATION OF  
32 APPROPRIATIONS. Notwithstanding section 8.39, within the  
33 funds appropriated in this Act to the department of  
34 corrections, the department may reallocate the funds  
35 appropriated and allocated as necessary to best fulfill the

1 needs of the correctional institutions, administration of the  
2 department, and the judicial district departments of  
3 correctional services. However, in addition to the  
4 requirements of sections 904.116 and 905.8 and providing  
5 notice to the legislative services agency, the department of  
6 corrections shall also provide notice to the department of  
7 management, prior to the effective date of the revision or  
8 reallocation or an appropriation made pursuant to this  
9 section. The department shall not reallocate an appropriation  
10 or allocation for the purpose of eliminating any program.

11 Sec. 8. INTENT -- REPORTS.

12 1. The department of corrections shall submit a report on  
13 inmate labor to the general assembly, to the co-chairpersons  
14 and the ranking members of the joint appropriations  
15 subcommittee on the justice system, and to the legislative  
16 services agency by January 15, 2007. The report shall  
17 specifically address the progress the department has made in  
18 implementing the requirements of section 904.701, inmate labor  
19 on capital improvement projects, community work crews, inmate  
20 produce gardening, and private-sector employment.

21 2. The department in cooperation with townships, the Iowa  
22 cemetery associations, and other nonprofit or governmental  
23 entities may use inmate labor to restore or preserve rural  
24 cemeteries and historical landmarks. The department in  
25 cooperation with the counties may also use inmate labor to  
26 clean up roads, major water sources, and other water sources  
27 around the state.

28 3. Each month the department shall provide a status report  
29 regarding private-sector employment to the legislative  
30 services agency beginning on July 1, 2006. The report shall  
31 include the number of offenders employed in the private  
32 sector, the combined number of hours worked by the offenders,  
33 and the total amount of allowances, and the distribution of  
34 allowances pursuant to section 904.702, including any moneys  
35 deposited in the general fund of the state.

1     Sec. 9. ELECTRONIC MONITORING REPORT. The department of  
2 corrections shall submit a report on electronic monitoring to  
3 the general assembly, to the co-chairpersons and the ranking  
4 members of the joint appropriations subcommittee on the  
5 justice system, and to the legislative services agency by  
6 January 15, 2007. The report shall specifically address the  
7 number of persons being electronically monitored and break  
8 down the number of persons being electronically monitored by  
9 offense committed. The report shall also include a comparison  
10 of any data from the prior fiscal year with the current year.

11     Sec. 10. 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. 11. CORRECTIONAL FACILITY FOR THE SUBSTANCE ABUSE  
28 TREATMENT OF INMATES. The department of corrections shall  
29 develop a proposal that designates an existing correctional  
30 facility as a facility that is dedicated to providing  
31 substance abuse treatment to offenders committed to the  
32 custody of the department. The proposal shall contain a  
33 reallocation of existing resources to convert an existing  
34 correctional facility to a substance abuse treatment facility,  
35 and outline the time period for the conversion of such a

1 facility to a substance abuse facility. The department shall  
2 file the proposal with the legislative services agency no  
3 later than January 15, 2007.

4 Sec. 12. STATE PUBLIC DEFENDER. There is appropriated  
5 from the general fund of the state to the office of the state  
6 public defender of the department of inspections and appeals  
7 for the fiscal year beginning July 1, 2006, and ending June  
8 30, 2007, the following amounts, or so much thereof as is  
9 necessary, to be allocated as follows for the purposes  
10 designated:

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

14 ..... \$ 19,792,963  
15 ..... FTEs 202.00

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

19 ..... \$ 25,163,082

20 Sec. 13. IOWA LAW ENFORCEMENT ACADEMY.

21 1. There is appropriated from the general fund of the  
22 state to the Iowa law enforcement academy for the fiscal year  
23 beginning July 1, 2006, and ending June 30, 2007, the  
24 following amount, or so much thereof as is necessary, to be  
25 used for the purposes designated:

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

29 ..... \$ 1,172,389  
30 ..... FTEs 30.05

31 It is the intent of the general assembly that the Iowa law  
32 enforcement academy may provide training of state and local  
33 law enforcement personnel concerning the recognition of and  
34 response to persons with Alzheimer's disease.

35 The Iowa law enforcement academy may temporarily exceed and

1 draw more than the amount appropriated and incur a negative  
2 cash balance as long as there are receivables equal to or  
3 greater than the negative balance and the amount appropriated  
4 in this subsection is not exceeded at the close of the fiscal  
5 year.

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

19 Sec. 14. BOARD OF PAROLE. There is appropriated from the  
20 general fund of the state to the board of parole for the  
21 fiscal year beginning July 1, 2006, and ending June 30, 2007,  
22 the following amount, or so much thereof as is necessary, to  
23 be used for the purposes designated:

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

27 .....	\$	1,156,960
28 .....	FTEs	17.50

29 Sec. 15. DEPARTMENT OF PUBLIC DEFENSE. There is  
30 appropriated from the general fund of the state to the  
31 department of public defense for the fiscal year beginning  
32 July 1, 2006, and ending June 30, 2007, the following amounts,  
33 or so much thereof as is necessary, to be used for the  
34 purposes designated:

35 1. MILITARY DIVISION

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

4 ..... \$ 5,724,545  
5 ..... FTEs 316.55

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

12 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION

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

16 ..... \$ 1,254,029  
17 ..... FTEs 24.75

18 b. For the Iowa civil air patrol:

19 ..... \$ 100,000

20 Sec. 16. DEPARTMENT OF PUBLIC SAFETY. There is  
21 appropriated from the general fund of the state to the  
22 department of public safety for the fiscal year beginning July  
23 1, 2006, and ending June 30, 2007, the following amounts, or  
24 so much thereof as is necessary, to be used for the purposes  
25 designated:

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

29 ..... \$ 3,656,020  
30 ..... FTEs 38.00

31 2. For the division of criminal investigation, including  
32 the state's contribution to the peace officers' retirement,  
33 accident, and disability system provided in chapter 97A in the  
34 amount of 17 percent of the salaries for which the funds are  
35 appropriated, to meet federal fund matching requirements, and

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

3 ..... \$ 18,673,875  
4 ..... FTEs 270.50

5 The department of public safety, with the approval of the  
6 department of management, may employ no more than two special  
7 agents and four gaming enforcement officers for each  
8 additional riverboat regulated after July 1, 2006, and one  
9 special agent for each racing facility which becomes  
10 operational during the fiscal year which begins July 1, 2006.

11 One additional gaming enforcement officer, up to a total of  
12 four per riverboat, may be employed for each riverboat that  
13 has extended operations to 24 hours and has not previously  
14 operated with a 24-hour schedule. Positions authorized in  
15 this paragraph are in addition to the full-time equivalent  
16 positions otherwise authorized in this subsection.

17 3. For the criminalistics laboratory fund created in  
18 section 602.8108:

19 ..... \$ 342,000

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

27 ..... \$ 5,349,198  
28 ..... FTEs 74.00

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

31 ..... \$ 123,343

32 5. a. For the division of state fire marshal, including  
33 the state's contribution to the peace officers' retirement,  
34 accident, and disability system provided in chapter 97A in the  
35 amount of 17 percent of the salaries for which the funds are

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

3 ..... \$ 2,513,247  
4 ..... FTEs 41.00

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

10 ..... \$ 675,820  
11 ..... FTEs 10.00

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

19 ..... \$ 45,185,618  
20 ..... FTEs 531.00

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

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

29 ..... \$ 316,179

30 An employee of the department of public safety who retires  
31 after July 1, 2006, but prior to June 30, 2007, is eligible  
32 for payment of life or health insurance premiums as provided  
33 for in the collective bargaining agreement covering the public  
34 safety bargaining unit at the time of retirement if that  
35 employee previously served in a position which would have been

1 covered by the agreement. The employee shall be given credit  
2 for the service in that prior position as though it were  
3 covered by that agreement. The provisions of this subsection  
4 shall not operate to reduce any retirement benefits an  
5 employee may have earned under other collective bargaining  
6 agreements or retirement programs.

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

9 ..... \$ 699,587

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

15 9. For capitol building and judicial building security:

16 ..... \$ 775,000

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

29 Sec. 17. CIVIL RIGHTS COMMISSION. There is appropriated  
30 from the general fund of the state to the Iowa state civil  
31 rights commission for the fiscal year beginning July 1, 2006,  
32 and ending June 30, 2007, the following amount, or so much  
33 thereof as is necessary, to be used for the purposes  
34 designated:

35 For salaries, support, maintenance, miscellaneous purposes,

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

3 .....	\$	985,753
4 .....	FTEs	25.90

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

8 Sec. 18. HOMELAND SECURITY AND EMERGENCY MANAGEMENT  
9 DIVISION. There is appropriated from the wireless E911  
10 emergency communications fund created in section 34A.7A to the  
11 administrator of the homeland security and emergency  
12 management division of the department of public defense for  
13 the fiscal year beginning July 1, 2006, and ending June 30,  
14 2007, an amount not exceeding \$200,000 to be used for  
15 implementation, support, and maintenance of the functions of  
16 the administrator and program manager under chapter 34A and to  
17 employ the auditor of the state to perform an annual audit of  
18 the wireless E911 emergency communications fund.

19 Sec. 19. IOWA LAW ENFORCEMENT ACADEMY -- FEES.  
20 Notwithstanding section 80B.11B, the Iowa law enforcement  
21 academy may charge more than one-half the cost of providing  
22 the basic training course if a majority of the Iowa law  
23 enforcement academy council authorizes charging more than one-  
24 half of the cost of providing basic training. This section is  
25 repealed on June 30, 2007.

26 Sec. 20. DEPUTY ADJUTANT GENERAL. Notwithstanding section  
27 29A.16, a deputy adjutant general who is a federally  
28 recognized officer on May 1, 2006, and who subsequently loses  
29 federal recognition due to age, shall continue to serve as a  
30 deputy adjutant general until June 30, 2007.

31 Sec. 21. TRAVEL POLICY.  
32 1. For the fiscal year beginning July 1, 2006, each  
33 department or independent agency receiving an appropriation in  
34 this Act shall review the employee policy for daily or short-  
35 term travel including but not limited to the usage of motor

1 pool vehicles under the department of administrative services,  
2 employee mileage reimbursement for the use of a personal  
3 vehicle, and the usage of private automobile rental companies.  
4 Following the review, the department or agency shall implement  
5 revisions in the employee policy for daily or short-term  
6 travel as necessary to maximize cost savings.

7 2. Each department or independent agency subject to  
8 subsection 1 shall report to the general assembly's standing  
9 committees on government oversight regarding the policy  
10 revisions implemented and the savings realized from the  
11 changes. An initial report shall be submitted on or before  
12 December 1, 2006, and a follow-up report shall be submitted on  
13 or before December 1, 2007.

14 Sec. 22. Section 904.513, subsection 2, Code 2005, is  
15 amended to read as follows:

16 2. Upon request by the director a county shall provide  
17 temporary confinement for offenders allegedly violating the  
18 conditions of assignment to a program under this chapter, if  
19 space is available in the county. The department shall  
20 negotiate a reimbursement rate with each county. The amount  
21 to be reimbursed shall be determined by multiplying the number  
22 of days a person is confined by the average daily cost of  
23 confining a person in the county facility as negotiated with  
24 the department. A county holding offenders in jail due to  
25 insufficient space in a community residential facility shall  
26 be reimbursed. Payment shall be made upon submission of a  
27 voucher executed by the sheriff and approved by the director.  
28 A voucher seeking payment shall be submitted within fifteen  
29 days of the end of a calendar quarter. If a voucher seeking  
30 payment is not made within fifteen days of the end of the  
31 calendar quarter, the request may be denied by the department.

32 Sec. 23. Section 904.908, Code 2005, is amended by adding  
33 the following new subsection:

34 NEW SUBSECTION. 3. Any request for reimbursement under  
35 subsection 2 shall be made within fifteen days of the end of a

1 calendar quarter. If a request for reimbursement is not made  
2 within fifteen days of the end of the calendar quarter, the  
3 request may be denied by the department.

4 Sec. 24. Section 906.17, Code 2005, is amended by adding  
5 the following new subsection:

6 NEW SUBSECTION. 3. Any request for reimbursement under  
7 subsection 2 shall be made within fifteen days of the end of a  
8 calendar quarter. If a request for reimbursement is not made  
9 within fifteen days of the end of the calendar quarter, the  
10 request may be denied by the department of corrections.

11 Sec. 25. EFFECTIVE DATE. The section of this Act  
12 addressing section 29A.16, being deemed of immediate  
13 importance, takes effect upon enactment.

14 EXPLANATION

15 This bill makes appropriations for fiscal year 2006-2007  
16 from the general fund of the state to the departments of  
17 justice, corrections, public defense, and public safety, and  
18 the Iowa law enforcement academy, office of consumer advocate,  
19 office of the state public defender, board of parole, and Iowa  
20 state civil rights commission. The bill also makes related  
21 statutory changes.

22 The bill addresses Code section 80B.11B to provide that for  
23 FY 2006-2007 the Iowa law enforcement academy may charge a  
24 department of the state, a member of a police force, or any  
25 political subdivision of the state more than one-half of the  
26 cost to provide the basic training course for a law  
27 enforcement officer, provided a majority of the Iowa law  
28 enforcement council approves such a charge. Current law  
29 prohibits the Iowa law enforcement academy from charging more  
30 than one-half of the cost of providing the basic training  
31 course.

32 The bill provides that the department of corrections may  
33 reallocate appropriated funds between the institutions of the  
34 department of corrections, the department's administration,  
35 and the judicial district departments of correctional

1 services. The bill provides the department, prior to the  
2 effective date of any reallocation, must provide notice of the  
3 reallocation to the department of management and the  
4 legislative services agency.

5 The bill provides that the department of public safety may  
6 also reallocate the funds appropriated to the department  
7 between the divisions of the department. The bill provides  
8 that the department, prior to the effective date of any  
9 reallocation, must provide notice of the reallocation to the  
10 department of management and the legislative services agency.

11 The bill provides that the department of corrections shall  
12 develop a proposal that designates an existing correctional  
13 facility as a facility that is dedicated to providing  
14 substance abuse treatment to offenders in the custody of the  
15 department. The bill provides that any proposal developed  
16 shall be from existing funds available to the department.

17 The bill addresses Code section 29A.16 to provide that any  
18 deputy adjutant general who is a federally recognized officer  
19 on May 1, 2006, and who subsequently loses federal recognition  
20 due to age, shall continue to serve as a deputy adjutant  
21 general until June 30, 2007. This provision takes effect upon  
22 enactment.

23 The bill includes a directive for the departments and  
24 independent agencies receiving an appropriation in the bill to  
25 review employee policy for daily or short-term travel and to  
26 implement policy revisions to maximize cost savings. The  
27 directive includes requirements for reporting to the  
28 committees on government oversight.

29 The bill amends Code sections 904.513, 904.908, and 906.117  
30 to require a county seeking reimbursement for housing persons  
31 under the control of the department of corrections to submit a  
32 claim for reimbursement from the department within 15 days of  
33 the end of the calendar quarter.

34

35

HOUSE FILE 2558

H-8096

1 Amend House File 2558 as follows:  
 2 1. Page 19, line 13, by inserting after the word  
 3 "support," the following: "overtime pay,".  
 4 2. Page 19, by striking line 19 and inserting the  
 5 following:  
 6 "..... \$ 45,885,618"

By HOGG of Linn

H-8096 FILED MARCH 6, 2006

HOUSE FILE 2558

H-8100

1 Amend House File 2558 as follows:  
 2 1. Page 5, by striking line 28 and inserting the  
 3 following:  
 4 "..... \$ 28,997,360"  
 5 2. Page 5, by striking line 32 and inserting the  
 6 following:  
 7 "..... \$ 26,150,267"  
 8 3. Page 6, by striking line 5 and inserting the  
 9 following:  
 10 "..... \$ 8,604,680"  
 11 4. Page 6, by striking line 18 and inserting the  
 12 following:  
 13 "..... \$ 14,974,976"  
 14 5. Page 7, by striking line 9 and inserting the  
 15 following:  
 16 "..... \$ 3,935,025"  
 17 6. Page 10, by striking line 30 and inserting the  
 18 following:  
 19 "..... \$ 11,248,779"  
 20 7. Page 11, by striking line 1 and inserting the  
 21 following:  
 22 "..... \$ 8,931,030"  
 23 8. Page 11, by striking line 7 and inserting the  
 24 following:  
 25 "..... \$ 5,292,569"  
 26 9. Page 11, by striking line 13 and inserting the  
 27 following:  
 28 "..... \$ 4,817,061"  
 29 10. Page 11, by striking line 21 and inserting  
 30 the following:  
 31 "..... \$ 16,352,504"  
 32 11. Page 11, by striking line 27 and inserting  
 33 the following:  
 34 "..... \$ 11,160,686"  
 35 12. Page 11, by striking line 33 and inserting  
 36 the following:  
 37 "..... \$ 6,354,678"  
 38 13. Page 12, by striking line 4 and inserting the  
 39 following:  
 40 "..... \$ 6,408,344"

By T. TAYLOR of Linn

H-8100 FILED MARCH 6, 2006

**HOUSE FILE 2558**

**H-8123**

1 Amend House File 2558 as follows:  
2 1. Page 22, line 3, by inserting after the word  
3 "companies." the following: "The employee mileage  
4 reimbursement under section 8A.363 for the use of a  
5 personal vehicle for the fiscal year shall be at least  
6 the maximum allowable under the federal internal  
7 revenue service rules per mile, and the reimbursement  
8 rates for per diem allowances shall also provide the  
9 maximum allowable during the fiscal year under the  
10 federal travel regulations for government travel  
11 applicable to the appropriate type of expense."

By T. TAYLOR of Linn

**H-8123 FILED MARCH 6, 2006**

**HOUSE FILE 2558**

**H-8124**

1 Amend House File 2558 as follows:  
2 1. Page 21, by striking lines 3 and 4 and  
3 inserting the following:  
4 "..... \$ 1,076,452  
5 ..... FTEs 27.90"

By KUHN of Floyd

**H-8124 FILED MARCH 6, 2006**

**HOUSE FILE 2558**

**H-8101**

- 1 Amend House File 2558 as follows:
- 2 1. Page 5, by striking line 28 and inserting the
- 3 following:
- 4 "..... \$ 31,562,062"

**By** T. TAYLOR of Linn

**H-8101** FILED MARCH 6, 2006

**HOUSE FILE 2558**

**H-8108**

- 1 Amend House File 2558 as follows:
- 2 1. Page 20, by inserting after line 16 the
- 3 following:
- 4 "\_\_\_\_. For a sex offender compliance grant program:
- 5 ..... \$ 2,000,000
- 6 The moneys appropriated in this subsection shall be
- 7 used by local authorities to determine whether sex
- 8 offenders are complying with the registration
- 9 requirements and residency restrictions imposed under
- 10 Code chapter 692A. A local authority may apply to the
- 11 department for a grant to cover additional law
- 12 enforcement measures undertaken to determine sex
- 13 offender compliance with Code chapter 692A in the
- 14 authority's community."
- 15 2. By renumbering as necessary.

**By** REICHERT of Muscatine

**H-8108** FILED MARCH 6, 2006

**HOUSE FILE 2558**

**H-8117**

- 1 Amend House File 2558 as follows:
- 2 1. Page 22, line 3, by inserting after the word
- 3 "companies." the following: "The employee mileage
- 4 reimbursement under section 8A.363 for the use of a
- 5 personal vehicle for the fiscal year shall be at least
- 6 the maximum allowable under the federal internal
- 7 revenue service rules per mile, and the reimbursement
- 8 rates for per diem allowances shall also provide the
- 9 maximum allowable during the fiscal year under the
- 10 federal travel regulations for government travel rules
- 11 applicable to the appropriate type of expense."

**By** T. TAYLOR of Linn

**H-8117** FILED MARCH 6, 2006

**HOUSE FILE 2558**

**H-8089**

1 Amend House File 2558 as follows:  
2 1. Page 21, by inserting after line 7 the  
3 following:  
4 "Sec. \_\_\_\_ . HOMELAND SECURITY-EMERGENCY PLANNER.  
5 There is appropriated from the general fund of the  
6 state to the administrator of the homeland security  
7 and emergency management division of the department of  
8 public defense for the fiscal year beginning July 1,  
9 2006, and ending June 30, 2007, the following amount,  
10 or so much thereof as is necessary, to be used for the  
11 purposes designated:

12 For the employment of an emergency planner for the  
13 capitol complex, including salaries, support,  
14 maintenance, miscellaneous purposes, and for not more  
15 than the following full-time equivalent positions:

16 ..... \$ 82,300  
17 ..... FTEs 1.00"

**By KUHN of Floyd**

**H-8089 FILED MARCH 6, 2006**

**HOUSE FILE 2558**

**H-8095**

1 Amend House File 2558 as follows:  
2 1. Page 1, by striking line 22 and inserting the  
3 following:

4 "..... \$ 205,000"

**By MASCHER of Johnson**

**H-8095 FILED MARCH 6, 2006**

**HOUSE FILE 2558**

**S-5173**

1 Amend House File 2558 as passed by the House, as  
2 follows:  
3 1. Page 1, by striking line 22 and inserting the  
4 following:

5 "..... \$ 205,000"

**By JEFF DANIELSON**

**S-5173 FILED APRIL 10, 2006**

HOUSE FILE 2558

S-5207

1 Amend House File 2558, as passed by the House, as  
2 follows:

3 1. Page 3, line 12, by striking the figure  
4 "2,450,000" and inserting the following: "3,200,000".

5 2. Page 5, by striking line 28 and inserting the  
6 following:

7 "..... \$ 28,972,190"

8 3. Page 5, by striking line 32 and inserting the  
9 following:

10 "..... \$ 26,144,996"

11 4. Page 6, by striking line 5 and inserting the  
12 following:

13 "..... \$ 8,599,419"

14 5. Page 6, by striking line 18 and inserting the  
15 following:

16 "..... \$ 14,969,715"

17 6. Page 7, by striking line 9 and inserting the  
18 following:

19 "..... \$ 3,928,438"

20 7. Page 10, by inserting after line 17 the  
21 following:

22 "6. The department shall submit a report to the  
23 co-chairpersons and ranking members of the joint  
24 appropriations subcommittee on the justice system and  
25 the legislative services agency by January 2, 2007,  
26 regarding the special needs unit located at the Iowa  
27 medical and classification center at Oakdale which is  
28 currently under construction. The report shall  
29 specify the date when the construction of the special  
30 needs unit will be completed, the date when the unit  
31 is ready to be occupied by inmates, and the amount of  
32 funding required to operate the unit in FY 2006-  
33 2007."

34 8. Page 10, by striking line 30 and inserting the  
35 following:

36 "..... \$ 11,242,260"

37 9. Page 11, by striking line 1 and inserting the  
38 following:

39 "..... \$ 8,924,193"

40 10. Page 11, by striking line 7 and inserting the  
41 following:

42 "..... \$ 5,285,982"

43 11. Page 11, by striking line 13 and inserting  
44 the following:

45 "..... \$ 4,810,474"

46 12. Page 11, by striking line 21 and inserting  
47 the following:

48 "..... \$ 16,345,917"

49 13. Page 11, by striking line 27 and inserting  
50 the following:

S-5207

1 "..... \$ 11,204,167"

2 14. Page 11, by inserting before line 28 the  
3 following:

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

16 15. Page 11, by striking line 33 and inserting  
17 the following:

18 "..... \$ 6,348,075"

19 16. Page 12, by striking line 4 and inserting the  
20 following:

21 "..... \$ 6,401,794"

22 17. Page 12, by inserting before line 9 the  
23 following:

24 "The department of corrections shall contract with  
25 a private nonprofit substance abuse treatment provider  
26 in a city with a population exceeding sixty-five  
27 thousand but not exceeding seventy thousand to  
28 implement the pilot project. The department shall  
29 file a report with the co-chairpersons and ranking  
30 members of the appropriations subcommittee on the  
31 justice system and the legislative services agency by  
32 February 1, 2007, detailing the number of offenders  
33 served by the pilot project, the recidivism rate, a  
34 description of the type of services received by the  
35 offenders, and the number of prison bed days saved by  
36 the pilot project."

37 18. Page 17, by striking lines 16 and 17 and  
38 inserting the following:

39 "..... \$ 1,582,029

40 ..... FTEs 26.75"

41 19. Page 17, by inserting after line 19 the  
42 following:

43 "It is the intent of the general assembly that the  
44 homeland security and emergency management division  
45 work in conjunction with the department of public  
46 safety, to the extent possible, when gathering and  
47 analyzing information related to potential domestic or  
48 foreign security threats, and when monitoring such  
49 threats."

50 20. Page 21, by striking lines 3 and 4 and

1 inserting the following:

2 "	.....	\$ 1,075,753
3 "	..... FTEs	27.90"

4 21. Page 21, by inserting after line 7 the following:

5 "Sec. \_\_\_\_ . YOUTH ENRICHMENT PILOT PROJECT. There is  
6 appropriated from the general fund of the state to the judicial  
7 branch for the fiscal year beginning July 1, 2006, and ending  
8 June 30, 2007, the following amount, or so much thereof as is  
9 necessary, to be used for the purposes designated:

10 For a grant to be determined by the state court administrator,  
11 for the maintenance of a youth enrichment pilot project located  
12 in a county with a population greater than 300,000 that is  
13 involved in a public-private partnership pursuing life  
14 skills, education, and mentoring programs for offenders between  
15 the ages of 16 and 22 who have been charged with a felony:

16 .....	\$ 50,000"
----------	------------

17 22. Page 22, by inserting after line 13 the  
18 following:

19 "Sec. \_\_\_\_ . Section 903A.5, Code 2005, is amended  
20 to read as follows:

21 903A.5 TIME TO BE SERVED -- CREDIT.

22 1. An inmate shall not be discharged from the  
23 custody of the director of the Iowa department of  
24 corrections until the inmate has served the full term  
25 for which the inmate was sentenced, less earned time  
26 and other credits earned and not forfeited, unless the  
27 inmate is pardoned or otherwise legally released.  
28 Earned time accrued and not forfeited shall apply to  
29 reduce a mandatory minimum sentence being served  
30 pursuant to section 124.406, 124.413, 902.7, 902.8,  
31 902.8A, or 902.11. An inmate shall be deemed to be  
32 serving the sentence from the day on which the inmate  
33 is received into the institution. If an inmate was  
34 confined to a county jail or other correctional or  
35 mental facility at any time prior to sentencing, or  
36 after sentencing but prior to the case having been  
37 decided on appeal, because of failure to furnish bail  
38 or because of being charged with a nonbailable  
39 offense, the inmate shall be given credit for the days  
40 already served upon the term of the sentence.

41 However, if a person commits any offense while  
42 confined in a county jail or other correctional or  
43 mental health facility, the person shall not be  
44 granted jail credit for that offense. Unless the  
45 inmate was confined in a correctional facility, the  
46 sheriff of the county in which the inmate was confined  
47 shall certify to the clerk of the district court from  
48 which the inmate was sentenced and to the department  
49 of corrections' records administrator at the Iowa  
50 medical and classification center the number of days

1 so served. The department of corrections' records  
2 administrator, or the administrator's designee, shall  
3 apply jail credit as ordered by the court of proper  
4 jurisdiction or as authorized by this section and  
5 section 907.3, subsection 3, ~~and shall forward a copy~~  
6 ~~of the number of days served to the clerk of the~~  
7 ~~district court from which the inmate was sentenced.~~

8 2. An inmate shall not receive credit upon the  
9 inmate's sentence for time spent in custody in another  
10 state resisting return to Iowa following an escape.  
11 However, an inmate may receive credit upon the  
12 inmate's sentence while incarcerated in an institution  
13 or jail of another jurisdiction during any period of  
14 time the person is receiving credit upon a sentence of  
15 that other jurisdiction."

16 23. Page 22, by inserting after line 31 the  
17 following:

18 "Sec. \_\_\_\_ . Section 904.702, Code 2005, is amended  
19 to read as follows:

20 904.702 DEDUCTIONS FROM INMATE ACCOUNTS.

21 1. If allowances are paid pursuant to section  
22 904.701, the director shall establish an inmate  
23 account; for deposit of those allowances and for  
24 deposit of moneys sent to the inmate from a source  
25 other than the department of corrections. The  
26 director may deduct an amount, not to exceed ten  
27 percent of the amount of the allowance, unless the  
28 inmate requests a larger amount, to be deposited into  
29 the inmate savings fund as required under section  
30 904.508, subsection 2. In addition to deducting a  
31 portion of the allowance, the director may also deduct  
32 from an inmate account any amount, except amounts  
33 directed to be deposited in the inmate telephone fund  
34 established in section 904.508A, sent to the inmate  
35 from a source other than the department of corrections  
36 for deposit in the inmate savings fund as required  
37 under section 904.508, subsection 2, until the amount  
38 in the fund equals the amount due the inmate upon  
39 discharge, parole, or placement on work release. The  
40 director shall deduct from the inmate account an  
41 amount the inmate is legally obligated to pay for  
42 child support. The director shall deduct from the  
43 inmate account an amount established by the inmate's  
44 restitution plan of payment. The director shall also  
45 deduct from any remaining account balance an amount  
46 sufficient to pay all or part of any judgment against  
47 the inmate, including but not limited to judgments for  
48 taxes and child support, and court costs and fees  
49 assessed either as a result of the inmate's  
50 confinement or amounts required to be paid under

1 section 610A.1. Written notice of the amount of the  
2 deduction shall be given to the inmate, who shall have  
3 five days after receipt of the notice to submit in  
4 writing any and all objections to the deduction to the  
5 director, who shall consider the objections prior to  
6 transmitting the deducted amount to the clerk of the  
7 district court. The director need give only one  
8 notice for each action or appeal under section 610A.1  
9 for which periodic deductions are to be made. The  
10 director shall next deduct from any remaining account  
11 balance an amount sufficient to pay all or part of any  
12 costs assessed against the inmate for misconduct or  
13 damage to the property of others. The director may  
14 deduct from the inmate's account an amount sufficient  
15 to pay for the inmate's share of the costs of health  
16 services requested by the inmate and for the treatment  
17 of injuries inflicted by the inmate on the inmate or  
18 others. The director may deduct and disburse an  
19 amount sufficient for industries' programs to qualify  
20 under the eligibility requirements established in the  
21 Justice Assistance Act of 1984, Pub. L. No. 98-473,  
22 including an amount to pay all or part of the cost of  
23 the inmate's incarceration. The director may pay all  
24 or any part of remaining allowances paid pursuant to  
25 section 904.701 directly to a dependent of the inmate,  
26 or may deposit the allowance to the account of the  
27 inmate, or may deposit a portion and allow the inmate  
28 a portion for the inmate's personal use.

29 2. The director, ~~the institutional division,~~ and  
30 the department shall not be liable to any person for  
31 any damages caused by the withdrawal or failure to  
32 withdraw money or the payment or failure to make any  
33 payment under this section."

34 24. Page 23, by inserting after line 3 the  
35 following:

36 "Sec. \_\_\_\_\_. Section 905.14, subsection 1, Code  
37 2005, is amended to read as follows:

38 1. A person placed on probation or parole and  
39 subject to supervision by a district department shall  
40 be required to pay an enrollment fee of ~~two hundred~~  
41 fifty three hundred dollars to the district department  
42 to offset the costs of supervision. In addition to  
43 the enrollment fee, the district department may  
44 require a person to pay a fee to the district  
45 department to offset the costs of providing sex  
46 offender programming to that person."

47 25. Title page, line 2, by striking the word  
48 "and" and inserting the following: ", providing for a  
49 fee, and".

50 26. By renumbering as necessary.

By EUGENE S. FRAISE

LARRY McKIBBEN

HOUSE FILE 2558

S-5205

1 Amend House File 2558, as passed by the House, as  
2 follows:

3 1. Page 22, by inserting after line 13 the  
4 following:

5 "Sec. \_\_\_\_ Section 13.2, Code 2005, is amended by  
6 adding the following new subsection:

7 NEW SUBSECTION. 15. Diligently and exclusively  
8 enforce state law violations, which may be commenced  
9 or prosecuted in the name of the state, occurring on  
10 the Sac and Fox Indian settlement in Tama county,  
11 notwithstanding any contrary provisions of section  
12 331.756."

By JOHN PUTNEY

S-5205 FILED APRIL 18, 2006  
WITHDRAWN

**SENATE AMENDMENT TO  
HOUSE FILE 2558**

**H-8556**

1 Amend House File 2558, as passed by the House, as  
2 follows:  
3 1. Page 3, line 12, by striking the figure  
4 "2,450,000" and inserting the following: "3,200,000".  
5 2. Page 5, by striking line 28 and inserting the  
6 following:  
7 "..... \$ 28,972,190"  
8 3. Page 5, by striking line 32 and inserting the  
9 following:  
10 "..... \$ 26,144,996"  
11 4. Page 6, by striking line 5 and inserting the  
12 following:  
13 "..... \$ 8,599,419"  
14 5. Page 6, by striking line 18 and inserting the  
15 following:  
16 "..... \$ 14,969,715"  
17 6. Page 7, by striking line 9 and inserting the  
18 following:  
19 "..... \$ 3,928,438"  
20 7. Page 10, by inserting after line 17 the  
21 following:  
22 "6. The department shall submit a report to the  
23 co-chairpersons and ranking members of the joint  
24 appropriations subcommittee on the justice system and  
25 the legislative services agency by January 2, 2007,  
26 regarding the special needs unit located at the Iowa  
27 medical and classification center at Oakdale which is  
28 currently under construction. The report shall  
29 specify the date when the construction of the special  
30 needs unit will be completed, the date when the unit  
31 is ready to be occupied by inmates, and the amount of  
32 funding required to operate the unit in FY 2006-  
33 2007."  
34 8. Page 10, by striking line 30 and inserting the  
35 following:  
36 "..... \$ 11,242,260"  
37 9. Page 11, by striking line 1 and inserting the  
38 following:  
39 "..... \$ 8,924,193"  
40 10. Page 11, by striking line 7 and inserting the  
41 following:  
42 "..... \$ 5,285,982"  
43 11. Page 11, by striking line 13 and inserting  
44 the following:  
45 "..... \$ 4,810,474"  
46 12. Page 11, by striking line 21 and inserting  
47 the following:  
48 "..... \$ 16,345,917"  
49 13. Page 11, by striking line 27 and inserting  
50 the following:

**H-8556**

1 "..... \$ 11,204,167"

2 14. Page 11, by inserting before line 28 the  
3 following:

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

16 15. Page 11, by striking line 33 and inserting  
17 the following:

18 "..... \$ 6,348,075"

19 16. Page 12, by striking line 4 and inserting the  
20 following:

21 "..... \$ 6,401,794"

22 17. Page 12, by inserting before line 9 the  
23 following:

24 "The department of corrections shall contract with  
25 a private nonprofit substance abuse, treatment provider  
26 in a city with a population exceeding sixty-five  
27 thousand but not exceeding seventy thousand to  
28 implement the pilot project. The department shall  
29 file a report with the co-chairpersons and ranking  
30 members of the appropriations subcommittee on the  
31 justice system and the legislative services agency by  
32 February 1, 2007, detailing the number of offenders  
33 served by the pilot project, the recidivism rate, a  
34 description of the type of services received by the  
35 offenders, and the number of prison bed days saved by  
36 the pilot project."

37 18. Page 17, by striking lines 16 and 17 and  
38 inserting the following:

39 "..... \$ 1,582,029

40 ..... FTEs 26.75"

41 19. Page 17, by inserting after line 19 the  
42 following:

43 "It is the intent of the general assembly that the  
44 homeland security and emergency management division  
45 work in conjunction with the department of public  
46 safety, to the extent possible, when gathering and  
47 analyzing information related to potential domestic or  
48 foreign security threats, and when monitoring such  
49 threats."

50 20. Page 21, by striking lines 3 and 4 and

1 inserting the following:

2 "	.....	\$	1,075,753
3	.....	FTEs	27.90"

4 21. Page 21, by inserting after line 7 the following:

5 "Sec. \_\_\_\_ . YOUTH ENRICHMENT PILOT PROJECT. There is  
6 appropriated from the general fund of the state to the judicial  
7 branch for the fiscal year beginning July 1, 2006, and ending  
8 June 30, 2007, the following amount, or so much thereof as is  
9 necessary, to be used for the purposes designated:

10 For a grant to be determined by the state court administrator,  
11 for the maintenance of a youth enrichment pilot project located  
12 in a county with a population greater than 300,000 that is  
13 involved in a public-private partnership pursuing life  
14 skills, education, and mentoring programs for offenders between  
15 the ages of 16 and 22 who have been charged with a felony:  
16 ..... \$ 50,000"

17 22. Page 22, by inserting after line 13 the  
18 following:

19 "Sec. \_\_\_\_ . Section 903A.5, Code 2005, is amended  
20 to read as follows:

21 903A.5 TIME TO BE SERVED -- CREDIT.

22 1. An inmate shall not be discharged from the  
23 custody of the director of the Iowa department of  
24 corrections until the inmate has served the full term  
25 for which the inmate was sentenced, less earned time  
26 and other credits earned and not forfeited, unless the  
27 inmate is pardoned or otherwise legally released.  
28 Earned time accrued and not forfeited shall apply to  
29 reduce a mandatory minimum sentence being served  
30 pursuant to section 124.406, 124.413, 902.7, 902.8,  
31 902.8A, or 902.11. An inmate shall be deemed to be  
32 serving the sentence from the day on which the inmate  
33 is received into the institution. If an inmate was  
34 confined to a county jail or other correctional or  
35 mental facility at any time prior to sentencing, or  
36 after sentencing but prior to the case having been  
37 decided on appeal, because of failure to furnish bail  
38 or because of being charged with a nonbailable  
39 offense, the inmate shall be given credit for the days  
40 already served upon the term of the sentence.  
41 However, if a person commits any offense while  
42 confined in a county jail or other correctional or  
43 mental health facility, the person shall not be  
44 granted jail credit for that offense. Unless the  
45 inmate was confined in a correctional facility, the  
46 sheriff of the county in which the inmate was confined  
47 shall certify to the clerk of the district court from  
48 which the inmate was sentenced and to the department  
49 of corrections' records administrator at the Iowa  
50 medical and classification center the number of days

1 so served. The department of corrections' records  
2 administrator, or the administrator's designee, shall  
3 apply jail credit as ordered by the court of proper  
4 jurisdiction or as authorized by this section and  
5 section 907.3, subsection 3, ~~and shall forward a copy~~  
6 ~~of the number of days served to the clerk of the~~  
7 ~~district court from which the inmate was sentenced.~~

8 2. An inmate shall not receive credit upon the  
9 inmate's sentence for time spent in custody in another  
10 state resisting return to Iowa following an escape.  
11 However, an inmate may receive credit upon the  
12 inmate's sentence while incarcerated in an institution  
13 or jail of another jurisdiction during any period of  
14 time the person is receiving credit upon a sentence of  
15 that other jurisdiction."

16 23. Page 22, by inserting after line 31 the  
17 following:

18 "Sec. \_\_\_\_ . Section 904.702, Code 2005, is amended  
19 to read as follows:

20 904.702 DEDUCTIONS FROM INMATE ACCOUNTS.

21 1. If allowances are paid pursuant to section  
22 904.701, the director shall establish an inmate  
23 account, for deposit of those allowances and for  
24 deposit of moneys sent to the inmate from a source  
25 other than the department of corrections. The  
26 director may deduct an amount, not to exceed ten  
27 percent of the amount of the allowance, unless the  
28 inmate requests a larger amount, to be deposited into  
29 the inmate savings fund as required under section  
30 904.508, subsection 2. In addition to deducting a  
31 portion of the allowance, the director may also deduct  
32 from an inmate account any amount, except amounts  
33 directed to be deposited in the inmate telephone fund  
34 established in section 904.508A, sent to the inmate  
35 from a source other than the department of corrections  
36 for deposit in the inmate savings fund as required  
37 under section 904.508, subsection 2, until the amount  
38 in the fund equals the amount due the inmate upon  
39 discharge, parole, or placement on work release. The  
40 director shall deduct from the inmate account an  
41 amount the inmate is legally obligated to pay for  
42 child support. The director shall deduct from the  
43 inmate account an amount established by the inmate's  
44 restitution plan of payment. The director shall also  
45 deduct from any remaining account balance an amount  
46 sufficient to pay all or part of any judgment against  
47 the inmate, including but not limited to judgments for  
48 taxes and child support, and court costs and fees  
49 assessed either as a result of the inmate's  
50 confinement or amounts required to be paid under

1 section 610A.1. Written notice of the amount of the  
 2 deduction shall be given to the inmate, who shall have  
 3 five days after receipt of the notice to submit in  
 4 writing any and all objections to the deduction to the  
 5 director, who shall consider the objections prior to  
 6 transmitting the deducted amount to the clerk of the  
 7 district court. The director need give only one  
 8 notice for each action or appeal under section 610A.1  
 9 for which periodic deductions are to be made. The  
 10 director shall next deduct from any remaining account  
 11 balance an amount sufficient to pay all or part of any  
 12 costs assessed against the inmate for misconduct or  
 13 damage to the property of others. The director may  
 14 deduct from the inmate's account an amount sufficient  
 15 to pay for the inmate's share of the costs of health  
 16 services requested by the inmate and for the treatment  
 17 of injuries inflicted by the inmate on the inmate or  
 18 others. The director may deduct and disburse an  
 19 amount sufficient for industries' programs to qualify  
 20 under the eligibility requirements established in the  
 21 Justice Assistance Act of 1984, Pub. L. No. 98-473,  
 22 including an amount to pay all or part of the cost of  
 23 the inmate's incarceration. The director may pay all  
 24 or any part of remaining allowances paid pursuant to  
 25 section 904.701 directly to a dependent of the inmate,  
 26 or may deposit the allowance to the account of the  
 27 inmate, or may deposit a portion and allow the inmate  
 28 a portion for the inmate's personal use.

29 2. The director, ~~the institutional division,~~ and  
 30 the department shall not be liable to any person for  
 31 any damages caused by the withdrawal or failure to  
 32 withdraw money or the payment or failure to make any  
 33 payment under this section."

34 24. Page 23, by inserting after line 3 the  
 35 following:

36 "Sec. \_\_\_\_ . Section 905.14, subsection 1, Code  
 37 2005, is amended to read as follows:

38 1. A person placed on probation or parole and  
 39 subject to supervision by a district department shall  
 40 be required to pay an enrollment fee of ~~two hundred~~  
 41 fifty three hundred dollars to the district department  
 42 to offset the costs of supervision. In addition to  
 43 the enrollment fee, the district department may  
 44 require a person to pay a fee to the district  
 45 department to offset the costs of providing sex  
 46 offender programming to that person."

47 25. Title page, line 2, by striking the word  
 48 "and" and inserting the following: ", providing for a  
 49 fee, and".

50 26. By renumbering as necessary.

RECEIVED FROM THE SENATE

Succeeded By  
JF/HF 2558

HSB 730  
APPROPRIATIONS

HOUSE FILE \_\_\_\_\_

BY (PROPOSED COMMITTEE ON  
APPROPRIATIONS BILL BY HOUSE  
APPROPRIATIONS 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 and providing an effective date.

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

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1 Section 1. DEPARTMENT OF JUSTICE.

2 1. There is appropriated from the general fund of the  
3 state to the department of justice for the fiscal year  
4 beginning July 1, 2006, and ending June 30, 2007, the  
5 following amounts, or so much thereof as is necessary, to be  
6 used for the purposes designated:

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

14 .....	\$	8,409,413
15 .....	FTEs	217.50

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

21 b. For victim assistance grants:

22 .....	\$	5,000
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23 The funds appropriated in this lettered paragraph shall be  
24 used to provide grants to care providers providing services to  
25 crime victims of domestic abuse or to crime victims of rape  
26 and sexual assault.

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

29 .....	\$	900,000
----------	----	---------

30 2. In addition to the funds appropriated in subsection 1,  
31 there is appropriated from the general fund of the state to  
32 the department of justice for the fiscal year beginning July  
33 1, 2006, and ending June 30, 2007, an amount not exceeding  
34 \$200,000 to be used for the enforcement of the Iowa  
35 competition law. The funds appropriated in this subsection

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

16 3. In addition to the funds appropriated in subsection 1,  
17 there is appropriated from the general fund of the state to  
18 the department of justice for the fiscal year beginning July  
19 1, 2006, and ending June 30, 2007, an amount not exceeding  
20 \$1,125,000 to be used for public education relating to  
21 consumer fraud and for enforcement of section 714.16, and an  
22 amount not exceeding \$75,000 for investigation, prosecution,  
23 and consumer education relating to consumer and criminal fraud  
24 against older Iowans. The funds appropriated in this  
25 subsection are contingent upon receipt by the general fund of  
26 the state of an amount at least equal to the expenditure  
27 amount from damages awarded to the state or a political  
28 subdivision of the state by a civil consumer fraud judgment or  
29 settlement, if the judgment or settlement authorizes the use  
30 of the award for public education on consumer fraud. However,  
31 if the funds received as a result of these judgments and  
32 settlements are in excess of \$1,200,000, the excess funds  
33 shall not be appropriated to the department of justice  
34 pursuant to this subsection. The department of justice shall  
35 report to the co-chairpersons and ranking members of the joint

1 appropriations subcommittee on the justice system, and to the  
2 legislative services agency by November 15, 2006, the  
3 department's actual costs and an estimate of the time incurred  
4 in providing education pursuant to and enforcing this  
5 subsection.

6 4. The balance of the victim compensation fund established  
7 in section 915.94 may be used to provide salary and support of  
8 not more than 22 FTEs and to provide maintenance for the  
9 victim compensation functions of the department of justice.

10 5. As a condition of receiving the appropriation in  
11 subsection 1, the department of justice shall transfer at  
12 least \$2,450,000 from the victim compensation fund established  
13 in section 915.94 to the victim assistance grant program.

14 6. a. The department of justice, in submitting budget  
15 estimates for the fiscal year commencing July 1, 2007,  
16 pursuant to section 8.23, shall include a report of funding  
17 from sources other than amounts appropriated directly from the  
18 general fund of the state to the department of justice or to  
19 the office of consumer advocate. These funding sources shall  
20 include, but are not limited to, reimbursements from other  
21 state agencies, commissions, boards, or similar entities, and  
22 reimbursements from special funds or internal accounts within  
23 the department of justice. The department of justice shall  
24 report actual reimbursements for the fiscal year commencing  
25 July 1, 2005, and actual and expected reimbursements for the  
26 fiscal year commencing July 1, 2006.

27 b. The department of justice shall include the report  
28 required under paragraph "a", as well as information regarding  
29 any revisions occurring as a result of reimbursements actually  
30 received or expected at a later date, in a report to the co-  
31 chairpersons and ranking members of the joint appropriations  
32 subcommittee on the justice system and the legislative  
33 services agency. The department of justice shall submit the  
34 report on or before January 15, 2007.

35 Sec. 2. DEPARTMENT OF JUSTICE -- ENVIRONMENTAL CRIMES

1 INVESTIGATION AND PROSECUTION -- FUNDING. There is  
2 appropriated from the environmental crime fund of the  
3 department of justice, consisting of court-ordered fines and  
4 penalties awarded to the department arising out of the  
5 prosecution of environmental crimes, to the department of  
6 justice for the fiscal year beginning July 1, 2006, and ending  
7 June 30, 2007, an amount not exceeding \$20,000 to be used by  
8 the department, at the discretion of the attorney general, for  
9 the investigation and prosecution of environmental crimes,  
10 including the reimbursement of expenses incurred by county,  
11 municipal, and other local governmental agencies cooperating  
12 with the department in the investigation and prosecution of  
13 environmental crimes.

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

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

28 Sec. 3. OFFICE OF CONSUMER ADVOCATE. There is  
29 appropriated from the general fund of the state to the office  
30 of consumer advocate of the department of justice for the  
31 fiscal year beginning July 1, 2006, and ending June 30, 2007,  
32 the following amount, or so much thereof as is necessary, to  
33 be used for the purposes designated:

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

1 positions:

2 ..... \$ 2,887,017

3 ..... FTEs 27.00

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

5 1. There is appropriated from the general fund of the  
6 state to the department of corrections for the fiscal year  
7 beginning July 1, 2006, and ending June 30, 2007, the  
8 following amounts, or so much thereof as is necessary, to be  
9 used for the purposes designated:

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

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

16 ..... \$ 42,423,619

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

20 ..... \$ 28,903,747

21 Moneys are provided within this appropriation for one full-  
22 time substance abuse counselor for the Luster Heights  
23 facility, for the purpose of certification of a substance  
24 abuse program at that facility.

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

28 ..... \$ 28,758,965

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

32 ..... \$ 26,100,342

33 e. For the operation of the Mt. Pleasant correctional  
34 facility, including salaries, support, maintenance, and  
35 miscellaneous purposes:

730

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 ..... \$ 24,929,418

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

5 ..... \$ 8,554,855

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

9 ..... \$ 24,251,587

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

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

18 ..... \$ 14,925,151

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

22 ..... \$ 27,758,806

23 j. For reimbursement of counties for temporary confinement  
24 of work release and parole violators, as provided in sections  
25 901.7, 904.908, and 906.17 and for offenders confined pursuant  
26 to section 904.513:

27 ..... \$ 799,954

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

30 ..... \$ 241,293

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

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

35 1. There is appropriated from the general fund of the

1 state to the department of corrections for the fiscal year  
2 beginning July 1, 2006, and ending June 30, 2007, the  
3 following amounts, or so much thereof as is necessary, to be  
4 used for the purposes designated:

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

9 .....: \$ 3,872,634

10 (1) It is the intent of the general assembly that as a  
11 condition of receiving the appropriation provided in this  
12 lettered paragraph, the department of corrections shall not,  
13 except as otherwise provided in subparagraph (3), enter into a  
14 new contract, unless the contract is a renewal of an existing  
15 contract, for the expenditure of moneys in excess of \$100,000  
16 during the fiscal year beginning July 1, 2006, for the  
17 privatization of services performed by the department using  
18 state employees as of July 1, 2006, or for the privatization  
19 of new services by the department, without prior consultation  
20 with any applicable state employee organization affected by  
21 the proposed new contract and prior notification of the co-  
22 chairpersons and ranking members of the joint appropriations  
23 subcommittee on the justice system.

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

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

1 enter into a lease or contractual agreement pursuant to  
2 section 904.809 with a private corporation for the use of  
3 building space for the purpose of providing inmate employment  
4 without providing that the terms of the lease or contract  
5 establish safeguards to restrict, to the greatest extent  
6 feasible, access by inmates working for the private  
7 corporation to personal identifying information of citizens.

8 b. For educational programs for inmates at state penal  
9 institutions:

10 ..... \$ 1,070,358

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

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

27 The director of the department of corrections may transfer  
28 moneys from Iowa prison industries for use in educational  
29 programs for inmates.

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

1 c. For the development of the Iowa corrections offender  
2 network (ICON) data system:  
3 ..... \$ 427,700

4 d. For offender mental health and substance abuse  
5 treatment:  
6 ..... \$ 25,000

7 e. For viral hepatitis prevention and treatment:  
8 ..... \$ 188,000

9 2. It is the intent of the general assembly that the  
10 department of corrections shall continue to operate the  
11 correctional farms under the control of the department at the  
12 same or greater level of participation and involvement as  
13 existed as of January 1, 2006, shall not enter into any rental  
14 agreement or contract concerning any farmland under the  
15 control of the department that is not subject to a rental  
16 agreement or contract as of January 1, 2006, without prior  
17 legislative approval, and shall further attempt to provide job  
18 opportunities at the farms for inmates. The department shall  
19 attempt to provide job opportunities at the farms for inmates  
20 by encouraging labor-intensive farming or gardening where  
21 appropriate, using inmates to grow produce and meat for  
22 institutional consumption, researching the possibility of  
23 instituting food canning and cook-and-chill operations, and  
24 exploring opportunities for organic farming and gardening,  
25 livestock ventures, horticulture, and specialized crops.

26 3. The department shall work to increase produce gardening  
27 by inmates under the control of the correctional institutions,  
28 and, if appropriate, may use the central distribution network  
29 at the Woodward state resource center. The department shall  
30 file a report with the co-chairpersons and ranking members of  
31 the joint appropriations subcommittee on the justice system by  
32 December 1, 2006, regarding the feasibility of expanding the  
33 number of acres devoted to organic gardening and to the  
34 growing of organic produce for sale.

35 4. The department of corrections shall submit a report to

1 the general assembly by January 1, 2007, concerning moneys  
 2 recouped from inmate earnings for the reimbursement of  
 3 operational expenses of the applicable facility during the  
 4 fiscal year beginning July 1, 2005, for each correctional  
 5 institution and judicial district department of correctional  
 6 services. In addition, each correctional institution and  
 7 judicial district department of correctional services shall  
 8 continue to submit a report to the legislative services agency  
 9 on a monthly basis concerning moneys recouped from inmate  
 10 earnings pursuant to sections 904.702, 904.809, and 905.14.

11 5. It is the intent of the general assembly that as a  
 12 condition of receiving the appropriation provided in  
 13 subsection 1, the department shall not enter into any  
 14 agreement with a private sector nongovernmental entity for the  
 15 purpose of housing inmates committed to the custody of the  
 16 director of the department, without express authorization of  
 17 the general assembly to do so.

18 Sec. 6. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL  
 19 SERVICES.

20 1. There is appropriated from the general fund of the  
 21 state to the department of corrections for the fiscal year  
 22 beginning July 1, 2006, and ending June 30, 2007, the  
 23 following amounts, or so much thereof as is necessary, to be  
 24 allocated as follows:

25 a. For the first 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 ..... \$ 11,187,038

31 b. For the second 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:

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 ..... \$ 8,866,289

2 c. For the third 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 ..... \$ 5,230,178

8 d. For the fourth 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 ..... \$ 4,754,670

14 e. For the fifth 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, and funding  
18 for electronic monitoring devices for use on a statewide  
19 basis, the following amount, or so much thereof as is  
20 necessary:

21 ..... \$ 16,290,113

22 f. For the sixth 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 ..... \$ 11,098,945

28 g. For the seventh 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 ..... \$ 6,292,137

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

730

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

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 ..... \$ 6,346,303

5 i. For a transitional housing pilot project for offenders  
6 on parole who are in the early stages of recovery from  
7 substance abuse:

8 ..... \$ 20,000

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

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

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

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

31 Sec. 7. DEPARTMENT OF CORRECTIONS -- REALLOCATION OF  
32 APPROPRIATIONS. Notwithstanding section 8.39, within the  
33 funds appropriated in this Act to the department of  
34 corrections, the department may reallocate the funds  
35 appropriated and allocated as necessary to best fulfill the

1 needs of the correctional institutions, administration of the  
2 department, and the judicial district departments of  
3 correctional services. However, in addition to the  
4 requirements of sections 904.116 and 905.8, the department of  
5 corrections shall also provide notice to the department of  
6 management and the district board of any judicial district  
7 department of correctional services affected by the revision  
8 or reallocation, prior to the effective date of the revision  
9 or reallocation or an appropriation made pursuant to this  
10 section. The department shall not reallocate an appropriation  
11 or allocation for the purpose of eliminating any program.

12 Sec. 8. INTENT -- REPORTS.

13 1. The department of corrections shall submit a report on  
14 inmate labor to the general assembly, to the co-chairpersons  
15 and the ranking members of the joint appropriations  
16 subcommittee on the justice system, and to the legislative  
17 services agency by January 15, 2007. The report shall  
18 specifically address the progress the department has made in  
19 implementing the requirements of section 904.701, inmate labor  
20 on capital improvement projects, community work crews, inmate  
21 produce gardening, and private-sector employment.

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

29 3. Each month the department shall provide a status report  
30 regarding private-sector employment to the legislative  
31 services agency beginning on July 1, 2006. The report shall  
32 include the number of offenders employed in the private  
33 sector, the combined number of hours worked by the offenders,  
34 and the total amount of allowances, and the distribution of  
35 allowances pursuant to section 904.702, including any moneys

1 deposited in the general fund of the state.

2     Sec. 9. ELECTRONIC MONITORING REPORT. The department of  
3 corrections shall submit a report on electronic monitoring to  
4 the general assembly, to the co-chairpersons and the ranking  
5 members of the joint appropriations subcommittee on the  
6 justice system, and to the legislative services agency by  
7 January 15, 2007. The report shall specifically address the  
8 number of persons being electronically monitored and break  
9 down the number of persons being electronically monitored by  
10 offense committed. The report shall also include a comparison  
11 of any data from the prior fiscal year with the current year.

12     Sec. 10. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.

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

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

28     Sec. 11. CORRECTIONAL FACILITY FOR THE SUBSTANCE ABUSE  
29 TREATMENT OF INMATES. The department of corrections shall  
30 develop a proposal that designates an existing correctional  
31 facility as a facility that is dedicated to providing  
32 substance abuse treatment to offenders committed to the  
33 custody of the department. The proposal shall contain a  
34 reallocation of existing resources to convert an existing  
35 correctional facility to a substance abuse treatment facility,

1 and outline the time period for the conversion of such a  
2 facility to a substance abuse facility. The department shall  
3 file the proposal with the legislative services agency no  
4 later than January 15, 2007.

5 Sec. 12. STATE PUBLIC DEFENDER. There is appropriated  
6 from the general fund of the state to the office of the state  
7 public defender of the department of inspections and appeals  
8 for the fiscal year beginning July 1, 2006, and ending June  
9 30, 2007, the following amounts, or so much thereof as is  
10 necessary, to be allocated as follows for the purposes  
11 designated:

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

15 ..... \$ 19,792,963  
16 ..... FTEs 202.00

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

20 ..... \$ 25,163,082

21 Sec. 13. IOWA LAW ENFORCEMENT ACADEMY.

22 1. There is appropriated from the general fund of the  
23 state to the Iowa law enforcement academy for the fiscal year  
24 beginning July 1, 2006, and ending June 30, 2007, the  
25 following amount, or so much thereof as is necessary, to be  
26 used for the purposes designated:

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

30 ..... \$ 1,172,389  
31 ..... FTEs 30.05

32 It is the intent of the general assembly that the Iowa law  
33 enforcement academy may provide training of state and local  
34 law enforcement personnel concerning the recognition of and  
35 response to persons with Alzheimer's disease.

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

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

20 Sec. 14. BOARD OF PAROLE. There is appropriated from the  
21 general fund of the state to the board of parole for the  
22 fiscal year beginning July 1, 2006, and ending June 30, 2007,  
23 the following amount, or so much thereof as is necessary, to  
24 be used for the purposes designated:

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

28 .....	\$	1,156,960
29 .....	FTEs	17.50

30 Sec. 15. DEPARTMENT OF PUBLIC DEFENSE. There is  
31 appropriated from the general fund of the state to the  
32 department of public defense for the fiscal year beginning  
33 July 1, 2006, and ending June 30, 2007, the following amounts,  
34 or so much thereof as is necessary, to be used for the  
35 purposes designated:

1 1. MILITARY DIVISION

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

5 ..... \$ 5,724,545  
6 ..... FTES 316.55

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

13 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION

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

17 ..... \$ 1,254,029  
18 ..... FTES 24.75

19 b. For the Iowa civil air patrol:

20 ..... \$ 100,000

21 Sec. 16. 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, 2006, and ending June 30, 2007, 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 ..... \$ 3,656,020  
31 ..... FTES 38.00

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

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

4 ..... \$ 18,673,875  
 5 ..... FTEs 270.50

6 The department of public safety, with the approval of the  
 7 department of management, may employ no more than two special  
 8 agents and four gaming enforcement officers for each  
 9 additional riverboat regulated after July 1, 2006, and one  
 10 special agent for each racing facility which becomes  
 11 operational during the fiscal year which begins July 1, 2006.  
 12 One additional gaming enforcement officer, up to a total of  
 13 four per riverboat, may be employed for each riverboat that  
 14 has extended operations to 24 hours and has not previously  
 15 operated with a 24-hour schedule. Positions authorized in  
 16 this paragraph are in addition to the full-time equivalent  
 17 positions otherwise authorized in this subsection.

18 3. For the criminalistics laboratory fund created in  
 19 section 602.8108:

20 ..... \$ 342,000

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 ..... \$ 5,349,198  
 29 ..... FTEs 74.00

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

32 ..... \$ 123,343

33 5. a. For the division of state fire marshal, including  
 34 the 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 ..... \$ 2,513,247  
5 ..... FTEs 41.00

6 b. For the division of state fire marshal, 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 ..... \$ 675,820  
12 ..... FTEs 10.00

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

20 ..... \$ 45,185,618  
21 ..... FTEs 531.00

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

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

30 ..... \$ 316,179

31 An employee of the department of public safety who retires  
32 after July 1, 2006, but prior to June 30, 2007, is eligible  
33 for payment of life or health insurance premiums as provided  
34 for in the collective bargaining agreement covering the public  
35 safety bargaining unit at the time of retirement if that

1 employee previously served in a position which would have been  
2 covered by the agreement. The employee shall be given credit  
3 for the service in that prior position as though it were  
4 covered by that agreement. The provisions of this subsection  
5 shall not operate to reduce any retirement benefits an  
6 employee may have earned under other collective bargaining  
7 agreements or retirement programs.

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

10 ..... \$ 699,587

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

16 9. For capitol building and judicial building security:

17 ..... \$ 775,000

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

30 Sec. 17. 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, 2006,  
33 and ending June 30, 2007, 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 ..... \$ 985,753  
5 ..... FTEs 25.90

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. 18. HOMELAND SECURITY AND EMERGENCY MANAGEMENT  
10 DIVISION. There is appropriated from the wireless E911  
11 emergency communications fund created in section 34A.7A to the  
12 administrator of the homeland security and emergency  
13 management division of the department of public defense for  
14 the fiscal year beginning July 1, 2006, and ending June 30,  
15 2007, an amount not exceeding \$200,000 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. 19. 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, 2007.

27 Sec. 20. DEPUTY ADJUTANT GENERAL. Notwithstanding section  
28 29A.16, a deputy adjutant general who is a federally  
29 recognized officer on May 1, 2006, and who subsequently loses  
30 federal recognition due to age, shall continue to serve as a  
31 deputy adjutant general until June 30, 2007.

32 Sec. 21. TRAVEL POLICY.

33 1. For the fiscal year beginning July 1, 2006, each  
34 department or independent agency receiving an appropriation in  
35 this Act shall review the employee policy for daily or short-

1 term travel including but not limited to the usage of motor  
2 pool vehicles under the department of administrative services,  
3 employee mileage reimbursement for the use of a personal  
4 vehicle, and the usage of private automobile rental companies.  
5 Following the review, the department or agency shall implement  
6 revisions in the employee policy for daily or short-term  
7 travel as necessary to maximize cost savings.

8 2. Each department or independent agency subject to  
9 subsection 1 shall report to the general assembly's standing  
10 committees on government oversight regarding the policy  
11 revisions implemented and the savings realized from the  
12 changes. An initial report shall be submitted on or before  
13 December 1, 2006, and a follow-up report shall be submitted on  
14 or before December 1, 2007.

15 Sec. 22. Section 904.513, subsection 2, Code 2005, is  
16 amended to read as follows:

17 2. Upon request by the director a county shall provide  
18 temporary confinement for offenders allegedly violating the  
19 conditions of assignment to a program under this chapter, if  
20 space is available in the county. The department shall  
21 negotiate a reimbursement rate with each county. The amount  
22 to be reimbursed shall be determined by multiplying the number  
23 of days a person is confined by the average daily cost of  
24 confining a person in the county facility as negotiated with  
25 the department. A county holding offenders in jail due to  
26 insufficient space in a community residential facility shall  
27 be reimbursed. Payment shall be made upon submission of a  
28 voucher executed by the sheriff and approved by the director.  
29 A voucher seeking payment shall be submitted within fifteen  
30 days of the end of a calendar quarter. If a voucher seeking  
31 payment is not made within fifteen days of the end of the  
32 calendar quarter, the request may be denied by the department.

33 Sec. 23. Section 904.908, Code 2005, is amended by adding  
34 the following new subsection:

35 NEW SUBSECTION. 3. Any request for reimbursement under

1 subsection 2 shall be made within fifteen days of the end of a  
2 calendar quarter. If a request for reimbursement is not made  
3 within fifteen days of the end of the calendar quarter, the  
4 request may be denied by the department.

5 Sec. 24. Section 906.17, Code 2005, is amended by adding  
6 the following new subsection:

7 NEW SUBSECTION. 3. Any request for reimbursement under  
8 subsection 2 shall be made within fifteen days of the end of a  
9 calendar quarter. If a request for reimbursement is not made  
10 within fifteen days of the end of the calendar quarter, the  
11 request may be denied by the department of corrections.

12 Sec. 25. EFFECTIVE DATE. The section of this Act  
13 addressing section 29A.16, being deemed of immediate  
14 importance, takes effect upon enactment.

15

EXPLANATION

16 This bill makes appropriations for fiscal year 2006-2007  
17 from the general fund of the state to the departments of  
18 justice, corrections, public defense, and public safety, and  
19 the Iowa law enforcement academy, office of consumer advocate,  
20 office of the state public defender, board of parole, and Iowa  
21 state civil rights commission. The bill also makes related  
22 statutory changes.

23 The bill addresses Code section 80B.11B to provide that for  
24 FY 2006-2007 the Iowa law enforcement academy may charge a  
25 department of the state, a member of a police force, or any  
26 political subdivision of the state more than one-half of the  
27 cost to provide the basic training course for a law  
28 enforcement officer, provided a majority of the Iowa law  
29 enforcement council approves such a charge. Current law  
30 prohibits the Iowa law enforcement academy from charging more  
31 than one-half of the cost of providing the basic training  
32 course.

33 The bill provides that the department of corrections may  
34 reallocate appropriated funds between the institutions of the  
35 department of corrections, the department's administration,

730

1 and the judicial district departments of correctional  
2 services. The bill provides the department, prior to the  
3 effective date of any reallocation, must provide notice to the  
4 department of management, the legislative services agency, and  
5 the district board of any judicial district department of  
6 correctional services affected by the reallocation.

7 The bill provides that the department of public safety may  
8 also reallocate the funds appropriated to the department  
9 between the divisions of the department. The bill provides  
10 that the department, prior to the effective date of any  
11 reallocation, must provide notice of the reallocation to the  
12 department of management and the legislative services agency.

13 The bill provides that the department of corrections shall  
14 develop a proposal that designates an existing correctional  
15 facility as a facility that is dedicated to providing  
16 substance abuse treatment to offenders in the custody of the  
17 department. The bill provides that any proposal developed  
18 shall be from existing funds available to the department.

19 The bill addresses Code section 29A.16 to provide that any  
20 deputy adjutant general who is a federally recognized officer  
21 on May 1, 2006, and who subsequently loses federal recognition  
22 due to age, shall continue to serve as a deputy adjutant  
23 general until June 30, 2007. This provision takes effect upon  
24 enactment.

25 The bill includes a directive for the departments and  
26 independent agencies receiving an appropriation in the bill to  
27 review employee policy for daily or short-term travel and to  
28 implement policy revisions to maximize cost savings. The  
29 directive includes requirements for reporting to the  
30 committees on government oversight.

31 The bill amends Code sections 904.513, 904.908, and 906.117  
32 to require a county seeking reimbursement for housing persons  
33 under the control of the department of corrections to submit a  
34 claim for reimbursement from the department within 15 days of  
35 the end of the calendar quarter.

HOUSE FILE 2558

AN ACT

RELATING TO AND MAKING APPROPRIATIONS TO THE JUSTICE SYSTEM,  
PROVIDING FOR A FEE, AND PROVIDING AN EFFECTIVE DATE.

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

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, 2006, and ending June 30, 2007, 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, odometer fraud enforcement, and for not more than the following full-time equivalent positions:

..... \$ 8,409,413  
..... FTEs 217.50

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, 2006, and ending June 30, 2007, 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, 2006.

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, 2006, and ending June 30, 2007, 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, 2006, 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 \$3,200,000 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, 2007, 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, 2005, and actual and expected reimbursements for the fiscal year commencing July 1, 2006.

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, 2007.

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, 2006, and ending June 30, 2007, 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, 2006, and ending June 30, 2007, 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:

..... \$ 2,887,017  
..... 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, 2006, and ending June 30, 2007, 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:

..... \$ 42,423,619

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

..... \$ 28,903,747

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:

..... \$ 28,972,190

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

..... \$ 26,144,996

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

..... \$ 24,929,418

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

..... \$ 8,599,419

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

..... \$ 24,251,587

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:

..... \$ 14,969,715

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

..... \$ 27,758,806

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:

..... \$ 799,954

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, 2006, and ending June 30, 2007, 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: ..... \$ 3,928,438

(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, 2006, for the privatization of services performed by the department using state employees as of July 1, 2006, 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: ..... \$ 1,070,358

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:

..... \$ 25,000

e. For viral hepatitis prevention and treatment:

..... \$ 188,000

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, 2006, 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, 2006, 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, 2006, 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, 2007, concerning moneys recouped from inmate earnings for the reimbursement of operational expenses of the applicable facility during the fiscal year beginning July 1, 2005, 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 subsection 1, 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.

6. The department shall submit a report to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system and the legislative services agency by January 2, 2007, regarding the special needs unit located at the Iowa medical and classification center at Oakdale which is currently under construction. The report shall specify the date when the construction of the special needs unit will be completed, the

date when the unit is ready to be occupied by inmates, and the amount of funding required to operate the unit in FY 2006-2007.

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, 2006, and ending June 30, 2007, 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:
..... \$ 11,242,260

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:
..... \$ 8,924,193

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:
..... \$ 5,285,982

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:
..... \$ 4,810,474

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:

..... \$ 16,345,917

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:

..... \$ 11,204,167

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

h. 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:

..... \$ 6,348,075

i. 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:

..... \$ 6,401,794

j. For a transitional housing pilot project for offenders on parole who are in the early stages of recovery from substance abuse:

..... \$ 20,000

The department of corrections shall contract with a private nonprofit substance abuse treatment provider in a city with a population exceeding sixty-five thousand but not exceeding seventy thousand to implement the pilot project. The department shall file a report with the co-chairpersons and ranking members of the appropriations subcommittee on the justice system and the legislative services agency by February 1, 2007, detailing the number of offenders served by the pilot project, the recidivism rate, a description of the type of services received by the offenders, and the number of prison bed days saved by the pilot project.

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

Sec. 8. 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, 2007. 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, 2006. 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. 9. 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, 2007. 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. 10. 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. 11. CORRECTIONAL FACILITY FOR THE SUBSTANCE ABUSE TREATMENT OF INMATES. The department of corrections shall develop a proposal that designates an existing correctional facility as a facility that is dedicated to providing substance abuse treatment to offenders committed to the custody of the department. The proposal shall contain a reallocation of existing resources to convert an existing correctional facility to a substance abuse treatment facility, and outline the time period for the conversion of such a facility to a substance abuse facility. The department shall file the proposal with the legislative services agency no later than January 15, 2007.

Sec. 12. 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, 2006, and ending June 30, 2007, 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:
  - ..... \$ 19,792,963
  - ..... 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:
  - ..... \$ 25,163,082

Sec. 13. 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, 2006, and ending June 30, 2007, 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:

..... \$ 1,172,389  
..... 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 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 state patrol.

Sec. 14. 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, 2006, and ending June 30, 2007, 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:

..... \$ 1,156,960  
..... FTEs 17.50

Sec. 15. 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, 2006, and ending June 30, 2007, 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:

..... \$ 5,724,545  
..... FTEs 316.55

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

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

..... \$ 1,582,029  
..... FTEs 26.75

b. For the Iowa civil air patrol:

..... \$ 100,000

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

Sec. 16. 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, 2006, and ending June 30, 2007, 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:  
..... \$ 3,656,020  
..... FTEs 38.00

2. For the division of criminal investigation, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of 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:

..... \$ 18,673,875  
..... FTEs 270.50

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, 2006, and one special agent for each racing facility which becomes operational during the fiscal year which begins July 1, 2006. 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.

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

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:

..... \$ 5,349,198  
..... FTEs 74.00

b. For the division of narcotics enforcement for undercover purchases:  
..... \$ 123,343

5. a. For the division of state fire marshal, 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:

..... \$ 2,513,247  
..... FTEs 41.00

b. For the division of state fire marshal, for fire protection services as provided through the state fire service and emergency response council as created in the department, and for not more than the following full-time equivalent positions:

..... \$ 675,820  
..... FTEs 10.00

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

..... \$ 45,185,618  
..... FTEs 531.00

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

7: For deposit in the sick leave benefits fund established 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, 2006, but prior to June 30, 2007, 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:

..... \$ 699,587

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.

9. For capitol building and judicial building security:

..... \$ 775,000

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

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

Sec. 17. 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, 2006, and ending June 30, 2007, 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:

..... \$ 1,075,753  
..... FTEs 27.90

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

Sec. 18. YOUTH ENRICHMENT PILOT PROJECT. There is appropriated from the general fund of the state to the judicial branch for the fiscal year beginning July 1, 2006, and ending June 30, 2007, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For a grant to be determined by the state court administrator, for the maintenance of a youth enrichment pilot project located in a county with a population greater than 300,000 that is involved in a public-private partnership pursuing life skills, education, and mentoring programs for offenders between the ages of 16 and 22 who have been charged with a felony:

..... \$ 50,000

Sec. 19. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION. There is appropriated from the wireless E911 emergency communications fund created in section 34A.7A to the administrator of the homeland security and emergency management division of the department of public defense for the fiscal year beginning July 1, 2006, and ending June 30, 2007, an amount not exceeding \$200,000 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. 20. 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, 2007.

Sec. 21. DEPUTY ADJUTANT GENERAL. Notwithstanding section 29A.16, a deputy adjutant general who is a federally recognized officer on May 1, 2006, and who subsequently loses federal recognition due to age, shall continue to serve as a deputy adjutant general until June 30, 2007.

Sec. 22. TRAVEL POLICY.

1. For the fiscal year beginning July 1, 2006, each department or independent agency receiving an appropriation in this Act shall review the employee policy for daily or short-term travel including but not limited to the usage of motor pool vehicles under the department of administrative services, employee mileage reimbursement for the use of a personal vehicle, and the usage of private automobile rental companies. Following the review, the department or agency shall implement revisions in the employee policy for daily or short-term travel as necessary to maximize cost savings.

2. Each department or independent agency subject to subsection 1 shall report to the general assembly's standing committees on government oversight regarding the policy revisions implemented and the savings realized from the changes. An initial report shall be submitted on or before December 1, 2006, and a follow-up report shall be submitted on or before December 1, 2007.

Sec. 23. Section 903A.5, Code 2005, is amended to read as follows:

903A.5 TIME TO BE SERVED -- CREDIT.

1. An inmate shall not be discharged from the custody of the director of the Iowa department of corrections until the inmate has served the full term for which the inmate was sentenced, less earned time and other credits earned and not forfeited, unless the inmate is pardoned or otherwise legally released. Earned time accrued and not forfeited shall apply to reduce a mandatory minimum sentence being served pursuant to section 124.406, 124.413, 902.7, 902.8, 902.8A, or 902.11. An inmate shall be deemed to be serving the sentence from the day on which the inmate is received into the institution. If an inmate was confined to a county jail or other correctional or mental facility at any time prior to sentencing, or after sentencing but prior to the case having been decided on appeal, because of failure to furnish bail or because of being charged with a nonbailable offense, the inmate shall be given credit for the days already served upon the term of the sentence. However, if a person commits any offense while confined in a county jail or other correctional or mental health facility, the person shall not be granted jail credit for that offense. Unless the inmate was confined in a correctional facility, the sheriff of the county in which the inmate was confined shall certify to the clerk of the district court from which the inmate was sentenced and to the department of corrections' records administrator at the Iowa medical and classification center the number of days so

served. The department of corrections' records administrator, or the administrator's designee, shall apply jail credit as ordered by the court of proper jurisdiction or as authorized by this section and section 907.3, subsection 3, ~~and shall forward a copy of the number of days served to the clerk of the district court from which the inmate was sentenced.~~

2. An inmate shall not receive credit upon the inmate's sentence for time spent in custody in another state resisting return to Iowa following an escape. However, an inmate may receive credit upon the inmate's sentence while incarcerated in an institution or jail of another jurisdiction during any period of time the person is receiving credit upon a sentence of that other jurisdiction.

Sec. 24. Section 904.513, subsection 2, Code 2005, is amended to read as follows:

2. Upon request by the director a county shall provide temporary confinement for offenders allegedly violating the conditions of assignment to a program under this chapter, if space is available in the county. The department shall negotiate a reimbursement rate with each county. The amount to be reimbursed shall be determined by multiplying the number of days a person is confined by the average daily cost of confining a person in the county facility as negotiated with the department. A county holding offenders in jail due to insufficient space in a community residential facility shall be reimbursed. Payment shall be made upon submission of a voucher executed by the sheriff and approved by the director. A voucher seeking payment shall be submitted within fifteen days of the end of a calendar quarter. If a voucher seeking payment is not made within fifteen days of the end of the calendar quarter, the request may be denied by the department.

Sec. 25. Section 904.702, Code 2005, is amended to read as follows:

904.702 DEDUCTIONS FROM INMATE ACCOUNTS.

1. If allowances are paid pursuant to section 904.701, the director shall establish an inmate account, for deposit of those allowances and for deposit of moneys sent to the inmate from a source other than the department of corrections. The director may deduct an amount, not to exceed ten percent of the amount of the allowance, unless the inmate requests a larger amount, to be deposited into the inmate savings fund as required under section 904.508, subsection 2. In addition to deducting a portion of the allowance, the director may also deduct from an inmate account any amount, except amounts directed to be deposited in the inmate telephone fund established in section 904.508A, sent to the inmate from a source other than the department of corrections for deposit in the inmate savings fund as required under section 904.508, subsection 2, until the amount in the fund equals the amount due the inmate upon discharge, parole, or placement on work release. The director shall deduct from the inmate account an amount the inmate is legally obligated to pay for child support. The director shall deduct from the inmate account an amount established by the inmate's restitution plan of payment. The director shall also deduct from any remaining account balance an amount sufficient to pay all or part of any judgment against the inmate, including but not limited to judgments for taxes and child support, and court costs and fees assessed either as a result of the inmate's confinement or amounts required to be paid under section 610A.1. Written notice of the amount of the deduction shall be given to the inmate, who shall have five days after receipt of the notice to submit in writing any and all objections to the deduction to the director, who shall consider the objections prior to transmitting the deducted amount to the clerk of the district court. The director need give only one notice for each action or appeal under section 610A.1 for which periodic deductions are to be made. The director shall next deduct from any remaining account balance an amount sufficient to pay all or

part of any costs assessed against the inmate for misconduct or damage to the property of others. The director may deduct from the inmate's account an amount sufficient to pay for the inmate's share of the costs of health services requested by the inmate and for the treatment of injuries inflicted by the inmate on the inmate or others. The director may deduct and disburse an amount sufficient for industries' programs to qualify under the eligibility requirements established in the Justice Assistance Act of 1984, Pub. L. No. 98-473, including an amount to pay all or part of the cost of the inmate's incarceration. The director may pay all or any part of remaining allowances paid pursuant to section 904.701 directly to a dependent of the inmate, or may deposit the allowance to the account of the inmate, or may deposit a portion and allow the inmate a portion for the inmate's personal use.

2. The director, ~~the institutional division,~~ and the department shall not be liable to any person for any damages caused by the withdrawal or failure to withdraw money or the payment or failure to make any payment under this section.

Sec. 26. Section 904.908, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 3. Any request for reimbursement under subsection 2 shall be made within fifteen days of the end of a calendar quarter. If a request for reimbursement is not made within fifteen days of the end of the calendar quarter, the request may be denied by the department.

Sec. 27. Section 905.14, subsection 1, Code 2005, is amended to read as follows:

1. A person placed on probation or parole and subject to supervision by a district department shall be required to pay an enrollment fee of ~~two-hundred-fifty~~ three hundred dollars to the district department to offset the costs of supervision. In addition to the enrollment fee, the district department may require a person to pay a fee to the district department to offset the costs of providing sex offender programming to that person.

Sec. 28. Section 906.17, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 3. Any request for reimbursement under subsection 2 shall be made within fifteen days of the end of a calendar quarter. If a request for reimbursement is not made within fifteen days of the end of the calendar quarter, the request may be denied by the department of corrections.

Sec. 29. EFFECTIVE DATE. The section of this Act addressing section 29A.16, being deemed of immediate importance, takes effect upon enactment.

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CHRISTOPHER C. RANTS  
Speaker of the House

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JEFFREY M. LAMBERTI  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2558, Eighty-first General Assembly.

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MARGARET THOMSON  
Chief Clerk of the House

Approved \_\_\_\_\_, 2006

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THOMAS J. VILSACK  
Governor