

Senate File 575 - Enrolled

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1 1 SENATE FILE 575
1 2
1 3 AN ACT
1 4 RELATING TO AND MAKING APPROPRIATIONS TO THE JUSTICE SYSTEM.
1 5
1 6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
1 7
1 8 Section 1. DEPARTMENT OF JUSTICE.
1 9 1. There is appropriated from the general fund of the
1 10 state to the department of justice for the fiscal year
1 11 beginning July 1, 2007, and ending June 30, 2008, the
1 12 following amounts, or so much thereof as is necessary, to be
1 13 used for the purposes designated:
1 14 a. For the general office of attorney general for
1 15 salaries, support, maintenance, miscellaneous purposes
1 16 including the prosecuting attorneys training program, victim
1 17 assistance grants, office of drug control policy (ODCP)
1 18 prosecuting attorney program, odometer fraud enforcement, and
1 19 for not more than the following full-time equivalent
1 20 positions:
1 21 \$ 8,907,205
1 22 FTEs 225.50
1 23 It is the intent of the general assembly that as a
1 24 condition of receiving the appropriation provided in this
1 25 lettered paragraph, the department of justice shall maintain a
1 26 record of the estimated time incurred representing each agency
1 27 or department.
1 28 b. For victim assistance grants:
1 29 \$ 150,000
1 30 The funds appropriated in this lettered paragraph shall be
1 31 used to provide grants to care providers providing services to
1 32 crime victims of domestic abuse or to crime victims of rape
1 33 and sexual assault.
1 34 The balance of the victim compensation fund established in
1 35 section 915.94 may be used to provide salary and support of
2 1 not more than 22 FTEs and to provide maintenance for the
2 2 victim compensation functions of the department of justice.
2 3 As a condition of receiving the appropriation in this
2 4 subsection, the department of justice shall transfer at least
2 5 \$3,200,000 from the victim compensation fund established in
2 6 section 915.94 to the victim assistance grant program.
2 7 c. For legal services for persons in poverty grants as
2 8 provided in section 13.34:
2 9 \$ 1,550,000
2 10 d. For the purpose of funding farm mediation services and
2 11 other farm assistance program provisions in accordance with
2 12 sections 13.13 through 13.24:
2 13 \$ 150,000
2 14 e. For a grant to be determined by the attorney general or
2 15 the attorney general's designee through a competitive bidding

2 16 process under procedures established by the office of attorney
2 17 general, for the establishment of a pilot project with a
2 18 nonprofit agency that focuses primarily on the representation
2 19 of children in dissolution proceedings:

2 20 \$ 50,000

2 21 The nonprofit agency shall be an agency that provides a
2 22 support group for school-age children whose parents are
2 23 involved in a dissolution of marriage proceeding and shall
2 24 provide an alternative dispute resolution family coordinator
2 25 for families where one parent has contemplated filing a
2 26 petition for dissolution of marriage or has filed such a
2 27 petition. The nonprofit agency shall provide a report to the
2 28 attorney general on the number of children and families served
2 29 under the pilot project and any other measures used to
2 30 determine the success of the pilot project by December 15,
2 31 2007. The attorney general shall provide the report prepared
2 32 by the nonprofit agency to the co-chairpersons and ranking
2 33 members of the joint appropriations subcommittee on the
2 34 justice system and the legislative services agency by January
2 35 15, 2008.

3 1 2. a. The department of justice, in submitting budget
3 2 estimates for the fiscal year commencing July 1, 2008,
3 3 pursuant to section 8.23, shall include a report of funding
3 4 from sources other than amounts appropriated directly from the
3 5 general fund of the state to the department of justice or to
3 6 the office of consumer advocate. These funding sources shall
3 7 include but are not limited to reimbursements from other state
3 8 agencies, commissions, boards, or similar entities, and
3 9 reimbursements from special funds or internal accounts within
3 10 the department of justice. The department of justice shall
3 11 also report actual reimbursements for the fiscal year
3 12 commencing July 1, 2006, and actual and expected
3 13 reimbursements for the fiscal year commencing July 1, 2007.

3 14 b. The department of justice shall include the report
3 15 required under paragraph "a", as well as information regarding
3 16 any revisions occurring as a result of reimbursements actually
3 17 received or expected at a later date, in a report to the co=
3 18 chairpersons and ranking members of the joint appropriations
3 19 subcommittee on the justice system and the legislative
3 20 services agency. The department of justice shall submit the
3 21 report on or before January 15, 2008.

3 22 Sec. 2. OFFICE OF CONSUMER ADVOCATE. There is
3 23 appropriated from the general fund of the state to the office
3 24 of consumer advocate of the department of justice for the
3 25 fiscal year beginning July 1, 2007, and ending June 30, 2008,
3 26 the following amount, or so much thereof as is necessary, to
3 27 be used for the purposes designated:

3 28 For salaries, support, maintenance, miscellaneous purposes,
3 29 and for not more than the following full-time equivalent
3 30 positions:

3 31 \$ 2,985,115
3 32 FTEs 27.00

3 33 Sec. 3. DEPARTMENT OF CORRECTIONS == FACILITIES.

3 34 1. There is appropriated from the general fund of the
3 35 state to the department of corrections for the fiscal year
4 1 beginning July 1, 2007, and ending June 30, 2008, the
4 2 following amounts, or so much thereof as is necessary, to be

4 3 used for the purposes designated:

4 4 For the operation of adult correctional institutions,
4 5 reimbursement of counties for certain confinement costs, and
4 6 federal prison reimbursement, to be allocated as follows:

4 7 a. For the operation of the Fort Madison correctional
4 8 facility, including salaries, support, maintenance, and
4 9 miscellaneous purposes:
4 10 \$ 43,008,741

4 11 b. For the operation of the Anamosa correctional facility,
4 12 including salaries, support, maintenance, and miscellaneous
4 13 purposes:
4 14 \$ 29,762,656

4 15 Moneys are provided within this appropriation for one full=
4 16 time substance abuse counselor for the Luster Heights
4 17 facility, for the purpose of certification of a substance
4 18 abuse program at that facility.

4 19 c. For the operation of the Oakdale correctional facility,
4 20 including salaries, support, maintenance, and miscellaneous
4 21 purposes:
4 22 \$ 54,703,304

4 23 d. For the operation of the Newton correctional facility,
4 24 including salaries, support, maintenance, and miscellaneous
4 25 purposes:
4 26 \$ 26,390,784

4 27 e. For the operation of the Mt. Pleasant correctional
4 28 facility, including salaries, support, maintenance, and
4 29 miscellaneous purposes:
4 30 \$ 25,384,926

4 31 f. For the operation of the Rockwell City correctional
4 32 facility, including salaries, support, maintenance, and
4 33 miscellaneous purposes:
4 34 \$ 8,706,242

4 35 g. For the operation of the Clarinda correctional
5 1 facility, including salaries, support, maintenance, and
5 2 miscellaneous purposes:
5 3 \$ 24,099,579

5 4 Moneys received by the department of corrections as
5 5 reimbursement for services provided to the Clarinda youth
5 6 corporation are appropriated to the department and shall be
5 7 used for the purpose of operating the Clarinda correctional
5 8 facility.

5 9 h. For the operation of the Mitchellville correctional
5 10 facility, including salaries, support, maintenance, and
5 11 miscellaneous purposes:
5 12 \$ 15,294,520

5 13 i. For the operation of the Fort Dodge correctional
5 14 facility, including salaries, support, maintenance, and
5 15 miscellaneous purposes:
5 16 \$ 28,407,564

5 17 j. For reimbursement of counties for temporary confinement
5 18 of work release and parole violators, as provided in sections
5 19 901.7, 904.908, and 906.17, and for offenders confined
5 20 pursuant to section 904.513:
5 21 \$ 1,199,954

5 22 k. For federal prison reimbursement, reimbursements for
5 23 out-of-state placements, and miscellaneous contracts:
5 24 \$ 241,293

5 25 2. The department of corrections shall use funds
5 26 appropriated in subsection 1 to continue to contract for the
5 27 services of a Muslim imam.

5 28 3. As a condition of the appropriations in subsection 1,
5 29 the department shall hire 37 full-time equivalent correctional
5 30 officer positions that were vacant on March 13, 2007.

5 31 Sec. 4. DEPARTMENT OF CORRECTIONS == ADMINISTRATION.

5 32 1. There is appropriated from the general fund of the
5 33 state to the department of corrections for the fiscal year
5 34 beginning July 1, 2007, and ending June 30, 2008, the
5 35 following amounts, or so much thereof as is necessary, to be
6 1 used for the purposes designated:

6 2 a. For general administration, including salaries,
6 3 support, maintenance, employment of an education director to
6 4 administer a centralized education program for the
6 5 correctional system, and miscellaneous purposes:

6 6 \$ 4,855,626

6 7 (1) It is the intent of the general assembly that as a
6 8 condition of receiving the appropriation provided in this
6 9 lettered paragraph, the department of corrections shall not,
6 10 except as otherwise provided in subparagraph (3), enter into a
6 11 new contract, unless the contract is a renewal of an existing
6 12 contract, for the expenditure of moneys in excess of \$100,000
6 13 during the fiscal year beginning July 1, 2007, for the
6 14 privatization of services performed by the department using
6 15 state employees as of July 1, 2007, or for the privatization
6 16 of new services by the department, without prior consultation
6 17 with any applicable state employee organization affected by
6 18 the proposed new contract and prior notification of the co=
6 19 chairpersons and ranking members of the joint appropriations
6 20 subcommittee on the justice system.

6 21 (2) It is the intent of the general assembly that each
6 22 lease negotiated by the department of corrections with a
6 23 private corporation for the purpose of providing private
6 24 industry employment of inmates in a correctional institution
6 25 shall prohibit the private corporation from utilizing inmate
6 26 labor for partisan political purposes for any person seeking
6 27 election to public office in this state and that a violation
6 28 of this requirement shall result in a termination of the lease
6 29 agreement.

6 30 (3) It is the intent of the general assembly that as a
6 31 condition of receiving the appropriation provided in this
6 32 lettered paragraph, the department of corrections shall not
6 33 enter into a lease or contractual agreement pursuant to
6 34 section 904.809 with a private corporation for the use of
6 35 building space for the purpose of providing inmate employment
7 1 without providing that the terms of the lease or contract
7 2 establish safeguards to restrict, to the greatest extent
7 3 feasible, access by inmates working for the private
7 4 corporation to personal identifying information of citizens.

7 5 b. For educational programs for inmates at state penal
7 6 institutions:

7 7 \$ 2,070,358

7 8 It is the intent of the general assembly that moneys
7 9 appropriated in this lettered paragraph shall be used solely
7 10 for the purpose indicated and that the moneys shall not be
7 11 transferred for any other purpose. In addition, it is the

7 12 intent of the general assembly that the department shall
7 13 consult with the community colleges in the areas in which the
7 14 institutions are located to utilize moneys appropriated in
7 15 this lettered paragraph to fund the high school completion,
7 16 high school equivalency diploma, adult literacy, and adult
7 17 basic education programs in a manner so as to maintain these
7 18 programs at the institutions.

7 19 To maximize the funding for educational programs, the
7 20 department shall establish guidelines and procedures to
7 21 prioritize the availability of educational and vocational
7 22 training for inmates based upon the goal of facilitating an
7 23 inmate's successful release from the correctional institution.

7 24 The director of the department of corrections may transfer
7 25 moneys from Iowa prison industries for use in educational
7 26 programs for inmates.

7 27 Notwithstanding section 8.33, moneys appropriated in this
7 28 lettered paragraph that remain unobligated or unexpended at
7 29 the close of the fiscal year shall not revert but shall remain
7 30 available for expenditure only for the purpose designated in
7 31 this lettered paragraph until the close of the succeeding
7 32 fiscal year.

7 33 c. For the development of the Iowa corrections offender
7 34 network (ICON) data system:

7 35 \$ 427,700

8 1 d. For offender mental health and substance abuse
8 2 treatment:

8 3 \$ 25,000

8 4 e. For viral hepatitis prevention and treatment:

8 5 \$ 188,000

8 6 f. For a transitional housing pilot project for offenders
8 7 on parole who are in the early stages of recovery from
8 8 substance abuse:

8 9 \$ 30,000

8 10 The department of corrections shall contract with a private
8 11 nonprofit substance abuse treatment provider in a city with a
8 12 population exceeding sixty-five thousand but not exceeding
8 13 seventy thousand to implement the pilot project. The
8 14 department shall file a report with the co-chairpersons and
8 15 ranking members of the appropriations subcommittee on the
8 16 justice system and the legislative services agency by February
8 17 1, 2008, detailing the number of offenders served by the pilot
8 18 project, the recidivism rate, a description of the type of
8 19 services received by the offenders, and the number of prison
8 20 bed days saved by the pilot project.

8 21 2. It is the intent of the general assembly that the
8 22 department of corrections shall continue to operate the
8 23 correctional farms under the control of the department at the
8 24 same or greater level of participation and involvement as
8 25 existed as of January 1, 2007, shall not enter into any rental
8 26 agreement or contract concerning any farmland under the
8 27 control of the department that is not subject to a rental
8 28 agreement or contract as of January 1, 2007, without prior
8 29 legislative approval, and shall further attempt to provide job
8 30 opportunities at the farms for inmates. The department shall
8 31 attempt to provide job opportunities at the farms for inmates
8 32 by encouraging labor-intensive farming or gardening where
8 33 appropriate, using inmates to grow produce and meat for

8 34 institutional consumption, researching the possibility of
8 35 instituting food canning and cook=and=chill operations, and
9 1 exploring opportunities for organic farming and gardening,
9 2 livestock ventures, horticulture, and specialized crops.
9 3 3. The department of corrections shall submit a report to
9 4 the general assembly by January 1, 2008, concerning moneys
9 5 recouped from inmate earnings for the reimbursement of
9 6 operational expenses of the applicable facility during the
9 7 fiscal year beginning July 1, 2006, for each correctional
9 8 institution and judicial district department of correctional
9 9 services. In addition, each correctional institution and
9 10 judicial district department of correctional services shall
9 11 continue to submit a report to the legislative services agency
9 12 on a monthly basis concerning moneys recouped from inmate
9 13 earnings pursuant to sections 904.702, 904.809, and 905.14.

9 14 4. It is the intent of the general assembly that as a
9 15 condition of receiving the appropriation provided in
9 16 subsection 1, the department shall not enter into any
9 17 agreement with a private sector nongovernmental entity for the
9 18 purpose of housing inmates committed to the custody of the
9 19 director of the department, without express authorization of
9 20 the general assembly to do so.

9 21 Sec. 5. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL
9 22 SERVICES.

9 23 1. There is appropriated from the general fund of the
9 24 state to the department of corrections for the fiscal year
9 25 beginning July 1, 2007, and ending June 30, 2008, for the
9 26 treatment and supervision of probation and parole violators
9 27 who have been released from the department of corrections
9 28 violator program, the following amounts, or so much thereof as
9 29 is necessary, to be allocated as follows:

9 30 a. For the first judicial district department of
9 31 correctional services:

9 32 \$ 12,012,728

9 33 b. For the second judicial district department of
9 34 correctional services:

9 35 \$ 9,526,073

10 1 c. For the third judicial district department of
10 2 correctional services:

10 3 \$ 5,664,144

10 4 d. For the fourth judicial district department of
10 5 correctional services:

10 6 \$ 5,054,664

10 7 e. For the fifth judicial district department of
10 8 correctional services, including funding for electronic
10 9 monitoring devices for use on a statewide basis:

10 10 \$ 17,115,974

10 11 f. For the sixth judicial district department of
10 12 correctional services:

10 13 \$ 12,203,009

10 14 The sixth judicial district department of correctional
10 15 services shall maintain a youth leadership model program to
10 16 help at=risk youth. As a part of the program, the district
10 17 department may recruit college or high school students in the
10 18 judicial district to work with at=risk youth. The student
10 19 workers shall be recruited regardless of gender and be
10 20 recommended by their respective schools as good role models,

10 21 including but not limited to students who possess capabilities
10 22 in one or more of the following areas of ability:
10 23 intellectual capacity, athletics, visual arts, or performing
10 24 arts.

10 25 g. For the seventh judicial district department of
10 26 correctional services:
10 27 \$ 6,713,412

10 28 h. For the eighth judicial district department of
10 29 correctional services:
10 30 \$ 6,794,585

10 31 2. Each judicial district department of correctional
10 32 services, within the funding available, shall continue
10 33 programs and plans established within that district to provide
10 34 for intensive supervision, sex offender treatment, diversion
10 35 of low-risk offenders to the least restrictive sanction
11 1 available, job development, and expanded use of intermediate
11 2 criminal sanctions.

11 3 3. Each judicial district department of correctional
11 4 services shall provide alternatives to prison consistent with
11 5 chapter 901B. The alternatives to prison shall ensure public
11 6 safety while providing maximum rehabilitation to the offender.
11 7 A judicial district department may also establish a day
11 8 program.

11 9 4. The governor's office of drug control policy shall
11 10 consider federal grants made to the department of corrections
11 11 for the benefit of each of the eight judicial district
11 12 departments of correctional services as local government
11 13 grants, as defined pursuant to federal regulations.

11 14 5. The department of corrections shall continue to
11 15 contract with a judicial district department of correctional
11 16 services to provide for the rental of electronic monitoring
11 17 equipment which shall be available statewide.

11 18 Sec. 6. DEPARTMENT OF CORRECTIONS == REALLOCATION OF
11 19 APPROPRIATIONS. Notwithstanding section 8.39, within the
11 20 funds appropriated in this Act to the department of
11 21 corrections, the department may reallocate the funds
11 22 appropriated and allocated as necessary to best fulfill the
11 23 needs of the correctional institutions, administration of the
11 24 department, and the judicial district departments of
11 25 correctional services. However, in addition to complying with
11 26 the requirements of sections 904.116 and 905.8 and providing
11 27 notice to the legislative services agency, the department of
11 28 corrections shall also provide notice to the department of
11 29 management, prior to the effective date of the revision or
11 30 reallocation of an appropriation made pursuant to this
11 31 section. The department shall not reallocate an appropriation
11 32 or allocation for the purpose of eliminating any program.

11 33 Sec. 7. INTENT == REPORTS.

11 34 1. The department in cooperation with townships, the Iowa
11 35 cemetery associations, and other nonprofit or governmental
12 1 entities may use inmate labor during the fiscal year beginning
12 2 July 1, 2007, to restore or preserve rural cemeteries and
12 3 historical landmarks. The department in cooperation with the
12 4 counties may also use inmate labor to clean up roads, major
12 5 water sources, and other water sources around the state.

12 6 2. Each month the department shall provide a status report
12 7 regarding private-sector employment to the legislative

12 8 services agency beginning on July 1, 2007. The report shall
12 9 include the number of offenders employed in the private
12 10 sector, the combined number of hours worked by the offenders,
12 11 and the total amount of allowances, and the distribution of
12 12 allowances pursuant to section 904.702, including any moneys
12 13 deposited in the general fund of the state.

12 14 Sec. 8. ELECTRONIC MONITORING REPORT. The department of
12 15 corrections shall submit a report on electronic monitoring to
12 16 the general assembly, to the co=chairpersons and the ranking
12 17 members of the joint appropriations subcommittee on the
12 18 justice system, and to the legislative services agency by
12 19 January 15, 2008. The report shall specifically address the
12 20 number of persons being electronically monitored and break
12 21 down the number of persons being electronically monitored by
12 22 offense committed. The report shall also include a comparison
12 23 of any data from the prior fiscal year with the current year.

12 24 Sec. 9. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.

12 25 1. As used in this section, unless the context otherwise
12 26 requires, "state agency" means the government of the state of
12 27 Iowa, including but not limited to all executive branch
12 28 departments, agencies, boards, bureaus, and commissions, the
12 29 judicial branch, the general assembly and all legislative
12 30 agencies, institutions within the purview of the state board
12 31 of regents, and any corporation whose primary function is to
12 32 act as an instrumentality of the state.

12 33 2. State agencies are hereby encouraged to purchase
12 34 products from Iowa state industries, as defined in section
12 35 904.802, when purchases are required and the products are
13 1 available from Iowa state industries. State agencies shall
13 2 obtain bids from Iowa state industries for purchases of office
13 3 furniture during the fiscal year beginning July 1, 2007,
13 4 exceeding \$5,000 or in accordance with applicable
13 5 administrative rules related to purchases for the agency.

13 6 Sec. 10. STATE PUBLIC DEFENDER. There is appropriated
13 7 from the general fund of the state to the office of the state
13 8 public defender of the department of inspections and appeals
13 9 for the fiscal year beginning July 1, 2007, and ending June
13 10 30, 2008, the following amounts, or so much thereof as is
13 11 necessary, to be allocated as follows for the purposes
13 12 designated:

13 13 1. For salaries, support, maintenance, and miscellaneous
13 14 purposes, and for not more than the following full-time
13 15 equivalent positions:

13 16 \$ 20,845,271
13 17 FTEs 202.00

13 18 As a condition of receiving moneys under this subsection
13 19 the state public defender shall make recommendations about
13 20 containing the costs incurred by the office of the state
13 21 public defender and court-appointed attorneys for providing
13 22 legal representation of indigent persons. The state public
13 23 defender shall report the recommendations to the
13 24 co=chairpersons and ranking members of the joint
13 25 appropriations subcommittee on the justice system, and to the
13 26 legislative services agency by December 15, 2007.

13 27 2. For the fees of court-appointed attorneys for indigent
13 28 adults and juveniles, in accordance with section 232.141 and
13 29 chapter 815:

13 30 \$ 28,282,538

13 31 Sec. 11. IOWA LAW ENFORCEMENT ACADEMY.

13 32 1. There is appropriated from the general fund of the
13 33 state to the Iowa law enforcement academy for the fiscal year
13 34 beginning July 1, 2007, and ending June 30, 2008, the
13 35 following amount, or so much thereof as is necessary, to be
14 1 used for the purposes designated:

14 2 For salaries, support, maintenance, miscellaneous purposes,
14 3 including jailer training and technical assistance, and for
14 4 not more than the following full-time equivalent positions:
14 5 \$ 1,218,985
14 6 FTEs 30.05

14 7 It is the intent of the general assembly that the Iowa law
14 8 enforcement academy may provide training of state and local
14 9 law enforcement personnel concerning the recognition of and
14 10 response to persons with Alzheimer's disease.

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

14 17 2. The Iowa law enforcement academy may select at least
14 18 five automobiles of the department of public safety, division
14 19 of state patrol, prior to turning over the automobiles to the
14 20 department of administrative services to be disposed of by
14 21 public auction and the Iowa law enforcement academy may
14 22 exchange any automobile owned by the academy for each
14 23 automobile selected if the selected automobile is used in
14 24 training law enforcement officers at the academy. However,
14 25 any automobile exchanged by the academy shall be substituted
14 26 for the selected vehicle of the department of public safety
14 27 and sold by public auction with the receipts being deposited
14 28 in the depreciation fund to the credit of the department of
14 29 public safety, division of state patrol.

14 30 Sec. 12. BOARD OF PAROLE. There is appropriated from the
14 31 general fund of the state to the board of parole for the
14 32 fiscal year beginning July 1, 2007, and ending June 30, 2008,
14 33 the following amount, or so much thereof as is necessary, to
14 34 be used for the purposes designated:

14 35 For salaries, support, maintenance, miscellaneous purposes,
15 1 and for not more than the following full-time equivalent
15 2 positions:
15 3 \$ 1,177,849
15 4 FTEs 17.50

15 5 Sec. 13. DEPARTMENT OF PUBLIC DEFENSE. There is
15 6 appropriated from the general fund of the state to the
15 7 department of public defense for the fiscal year beginning
15 8 July 1, 2007, and ending June 30, 2008, the following amounts,
15 9 or so much thereof as is necessary, to be used for the
15 10 purposes designated:

15 11 1. MILITARY DIVISION

15 12 For salaries, support, maintenance, miscellaneous purposes,
15 13 and for not more than the following full-time equivalent
15 14 positions:
15 15 \$ 6,003,767
15 16 FTEs 316.85

15 17 The military division may temporarily exceed and draw more
15 18 than the amount appropriated and incur a negative cash balance
15 19 as long as there are receivables of federal funds equal to or
15 20 greater than the negative balance and the amount appropriated
15 21 in this subsection is not exceeded at the close of the fiscal
15 22 year.

15 23 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION

15 24 a. For salaries, support, maintenance, miscellaneous
15 25 purposes, and for not more than the following full-time
15 26 equivalent positions:

15 27 \$ 2,101,033
15 28 FTEs 35.00

15 29 b. For the Iowa civil air patrol:

15 30 \$ 120,000

15 31 It is the intent of the general assembly that the homeland
15 32 security and emergency management division work in conjunction
15 33 with the department of public safety, to the extent possible,
15 34 when gathering and analyzing information related to potential
15 35 domestic or foreign security threats, and when monitoring such
16 1 threats.

16 2 Sec. 14. DEPARTMENT OF PUBLIC SAFETY. There is
16 3 appropriated from the general fund of the state to the
16 4 department of public safety for the fiscal year beginning July
16 5 1, 2007, and ending June 30, 2008, the following amounts, or
16 6 so much thereof as is necessary, to be used for the purposes
16 7 designated:

16 8 1. For the department's administrative functions,
16 9 including the criminal justice information system, and for not
16 10 more than the following full-time equivalent positions:

16 11 \$ 4,097,900
16 12 FTEs 37.00

16 13 2. For the division of criminal investigation, including
16 14 the state's contribution to the peace officers' retirement,
16 15 accident, and disability system provided in chapter 97A in the
16 16 amount of 17 percent of the salaries for which the funds are
16 17 appropriated, to meet federal fund matching requirements, and
16 18 for not more than the following full-time equivalent
16 19 positions:

16 20 \$ 20,512,962
16 21 FTEs 289.50

16 22 The department of public safety, with the approval of the
16 23 department of management, may employ no more than two special
16 24 agents and four gaming enforcement officers for each
16 25 additional riverboat regulated after July 1, 2007, and one
16 26 special agent for each racing facility which becomes
16 27 operational during the fiscal year which begins July 1, 2007.
16 28 One additional gaming enforcement officer, up to a total of
16 29 four per riverboat, may be employed for each riverboat that
16 30 has extended operations to 24 hours and has not previously
16 31 operated with a 24-hour schedule. Positions authorized in
16 32 this paragraph are in addition to the full-time equivalent
16 33 positions otherwise authorized in this subsection.

16 34 3. For the criminalistics laboratory fund created in
16 35 section 691.9:

17 1 \$ 342,000

17 2 4. a. For the division of narcotics enforcement,
17 3 including the state's contribution to the peace officers'

17 4 retirement, accident, and disability system provided in
17 5 chapter 97A in the amount of 17 percent of the salaries for
17 6 which the funds are appropriated, to meet federal fund
17 7 matching requirements, and for not more than the following
17 8 full-time equivalent positions:

17 9	\$	5,963,415
17 10	FTEs	87.00

17 11 b. For the division of narcotics enforcement for
17 12 undercover purchases:

17 13	\$	123,343
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17 14 5. a. For the division of state fire marshal, including
17 15 the state's contribution to the peace officers' retirement,
17 16 accident, and disability system provided in chapter 97A in the
17 17 amount of 17 percent of the salaries for which the funds are
17 18 appropriated, and for not more than the following full-time
17 19 equivalent positions:

17 20	\$	3,157,454
17 21	FTEs	47.00

17 22 b. For the division of state fire marshal, for fire
17 23 protection services as provided through the state fire service
17 24 and emergency response council as created in the department,
17 25 and for not more than the following full-time equivalent
17 26 positions:

17 27	\$	804,110
17 28	FTEs	10.00

17 29 6. For the division of state patrol, for salaries,
17 30 support, maintenance, workers' compensation costs, and
17 31 miscellaneous purposes, including the state's contribution to
17 32 the peace officers' retirement, accident, and disability
17 33 system provided in chapter 97A in the amount of 17 percent of
17 34 the salaries for which the funds are appropriated, and for not
17 35 more than the following full-time equivalent positions:

18 1	\$	48,126,059
18 2	FTEs	533.00

18 3 It is the intent of the general assembly that members of
18 4 the state patrol be assigned to patrol the highways and roads
18 5 in lieu of assignments for inspecting school buses for the
18 6 school districts.

18 7 7. For deposit in the sick leave benefits fund established
18 8 under section 80.42, for all departmental employees eligible
18 9 to receive benefits for accrued sick leave under the
18 10 collective bargaining agreement:

18 11	\$	316,179
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18 12 8. For costs associated with the training and equipment
18 13 needs of volunteer fire fighters:

18 14	\$	699,587
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18 15 Notwithstanding section 8.33, moneys appropriated in this
18 16 subsection that remain unencumbered or unobligated at the
18 17 close of the fiscal year shall not revert but shall remain
18 18 available for expenditure only for the purpose designated in
18 19 this subsection until the close of the succeeding fiscal year.

18 20 Notwithstanding section 8.39, within the funds appropriated
18 21 in this section the department of public safety may reallocate
18 22 funds as necessary to best fulfill the needs provided for in
18 23 the appropriation. However, the department shall not
18 24 reallocate an appropriation made to the department in this
18 25 section unless notice of the reallocation is given to the

18 26 legislative services agency and the department of management
18 27 prior to the effective date of the reallocation. The notice
18 28 shall include information about the rationale for reallocating
18 29 the appropriation. The department shall not reallocate an
18 30 appropriation made in this section for the purpose of
18 31 eliminating any program.

18 32 Sec. 15. CIVIL RIGHTS COMMISSION. There is appropriated
18 33 from the general fund of the state to the Iowa state civil
18 34 rights commission for the fiscal year beginning July 1, 2007,
18 35 and ending June 30, 2008, the following amount, or so much
19 1 thereof as is necessary, to be used for the purposes

19 2 designated:
19 3 For salaries, support, maintenance, miscellaneous purposes,
19 4 and for not more than the following full-time equivalent
19 5 positions:

19 6	\$ 1,412,647
19 7	FTEs 29.00

19 8 The Iowa state civil rights commission may enter into a
19 9 contract with a nonprofit organization to provide legal
19 10 assistance to resolve civil rights complaints.

19 11 Sec. 16. HOMELAND SECURITY AND EMERGENCY MANAGEMENT
19 12 DIVISION == E911. There is appropriated from the wireless
19 13 E911 emergency communications fund in section 34A.7A to the
19 14 homeland security and emergency management division of the
19 15 department of public defense for the fiscal year beginning
19 16 July 1, 2007, and ending June 30, 2008, the following amount,

19 17 or so much thereof as is necessary, to be used for the
19 18 purposes designated:

19 19 For distribution on an equal basis to each public safety
19 20 answering point for wireless E911 phase 2 upgrades and
19 21 equipment purchases:

19 22	\$ 496,000
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19 23 Each joint E911 service board shall report to the E911
19 24 program manager, the wireless E911 phase 2 upgrade and
19 25 equipment expenditures for each public safety answering point
19 26 within the board's E911 service area by December 15, 2007.
19 27 The E911 program manager shall compile the reports from each
19 28 joint E911 service board into one expenditure report and
19 29 provide the expenditure report to the co-chairpersons and
19 30 ranking members of the joint appropriations subcommittee on
19 31 the justice system and the legislative services agency by
19 32 January 15, 2008.

19 33 Sec. 17. HOMELAND SECURITY AND EMERGENCY MANAGEMENT
19 34 DIVISION. There is appropriated from the wireless E911
19 35 emergency communications fund created in section 34A.7A to the
20 1 administrator of the homeland security and emergency
20 2 management division of the department of public defense for
20 3 the fiscal year beginning July 1, 2007, and ending June 30,
20 4 2008, an amount not exceeding \$200,000 to be used for
20 5 implementation, support, and maintenance of the functions of
20 6 the administrator and program manager under chapter 34A and to
20 7 employ the auditor of the state to perform an annual audit of
20 8 the wireless E911 emergency communications fund.

20 9 Sec. 18. IOWA LAW ENFORCEMENT ACADEMY == FEES.
20 10 Notwithstanding section 80B.11B, the Iowa law enforcement
20 11 academy may charge more than one-half the cost of providing

20 12 the basic training course if a majority of the Iowa law
20 13 enforcement academy council authorizes charging more than one=
20 14 half of the cost of providing basic training. This section is
20 15 repealed on June 30, 2008.

20 16 Sec. 19. STATE PATROL VEHICLES == DIGITAL CAMERA STUDY.
20 17 The department of public safety shall study and make
20 18 recommendations regarding the benefits as well as the
20 19 disadvantages of converting the recording equipment in the
20 20 state patrol enforcement motor vehicles to digital camera
20 21 recording technology for use in such vehicles. The study
20 22 shall include an estimate of the cost of converting to the
20 23 technology, an assessment of issues related to data storage
20 24 and the rules of evidence, implementation concerns, and if a
20 25 conversion is recommended, a timeline for acquiring and
20 26 deploying the digital camera recording technology in the motor
20 27 vehicles of the state patrol. The department of public safety
20 28 shall report the department's recommendations to the
20 29 co-chairpersons and ranking members of the joint
20 30 appropriations subcommittee on the justice system and the
20 31 legislative services agency by December 15, 2007.

20 32 Sec. 20. STATE EMPLOYEE TELECOMMUTING == POLICY
20 33 DEVELOPMENT == IMPLEMENTATION.

20 34 1. The director of a department or state agency to which
20 35 appropriations are made pursuant to the provisions of this Act
21 1 shall assess the extent to which job classifications or
21 2 individual employment positions with the department or agency
21 3 might be effectively performed from an employee's residence or
21 4 other remote location through telecommuting, thereby
21 5 increasing office space within the department or agency and
21 6 reducing administrative costs. The assessment shall include
21 7 an estimate of the number of department or agency employees
21 8 whose job responsibilities could be effectively performed on a
21 9 telecommuting basis, projected costs of establishing and
21 10 maintaining work stations at an employee's residence or other
21 11 remote location and providing telecommuter support,
21 12 anticipated savings to the department or agency through a
21 13 reduction in the office-based workforce, and anticipated time
21 14 and cost savings to telecommuting employees. A report
21 15 summarizing the assessment shall be submitted to the director
21 16 of the department of administrative services, and the members
21 17 of the general assembly, by November 1, 2007.

21 18 2. Based on the assessment conducted pursuant to
21 19 subsection 1, the director shall develop a telecommuter
21 20 employment policy for the department or agency and a timeline
21 21 for initial policy implementation and plans for expanding the
21 22 number of telecommuting employees. Specific office-based
21 23 workforce reduction percentages shall be left to the
21 24 discretion of the director, but the director shall implement a
21 25 policy transferring some number of office-based employees to
21 26 telecommuter status by January 1, 2008. The director shall
21 27 report to the director of the department of administrative
21 28 services and the members of the general assembly on an annual
21 29 basis beginning January 1, 2009, the number of telecommuting
21 30 employees, cost savings achieved by the department or agency,
21 31 and plans for continued transfer of office-based employees to
21 32 telecommuter status.

21 33 Sec. 21. Section 34A.7A, subsection 2, paragraph f,

21 34 subparagraph (2), unnumbered paragraph 1, Code 2007, is
21 35 amended to read as follows:

22 1 Upon retirement of outstanding obligations referred to in
22 2 paragraph "e", the amount allocated under this paragraph "f"
22 3 shall be ~~twenty-four~~ twenty-five percent of the total amount
22 4 of surcharge generated per calendar quarter allocated as
22 5 follows:

22 6 Sec. 22. NEW SECTION. 455B.112A ENVIRONMENTAL CRIMES
22 7 INVESTIGATION AND PROSECUTION FUND.

22 8 1. An environmental crimes investigation and prosecution
22 9 fund is created as a separate fund in the state treasury to be
22 10 administered by the attorney general. Moneys credited to the
22 11 fund shall include court-ordered fines and restitution awarded
22 12 to the attorney general as part of a judgment in an
22 13 environmental criminal case.

22 14 2. For each fiscal year not more than twenty thousand
22 15 dollars is appropriated from the fund to the department of
22 16 justice to be used for the investigation and prosecution of
22 17 environmental crimes, including the reimbursement of expenses
22 18 incurred by county, municipal, and other local government
22 19 agencies cooperating with the attorney general in the
22 20 investigation and prosecution of environmental crimes.

22 21 3. Not more than twenty thousand dollars shall be credited
22 22 to the fund in a fiscal year and any moneys in excess of this
22 23 amount shall be credited to the general fund of the state.

22 24 4. Notwithstanding section 8.33, moneys credited to the
22 25 fund shall not revert to any other fund. Notwithstanding
22 26 section 12C.7, interest or earnings deposited in the fund
22 27 shall be credited to the fund.

22 28 Sec. 23. NEW SECTION. 553.19 ANTITRUST FUND.

22 29 1. An antitrust fund is created as a separate fund in the
22 30 state treasury to be administered by the attorney general.
22 31 Moneys credited to the fund shall include amounts received as
22 32 a result of a state or federal civil antitrust judgment or
22 33 settlement which are based on damages sustained by the state,
22 34 civil penalties, costs, or attorney fees, and amounts which
22 35 are specifically directed to the credit of the fund by the
23 1 judgment or settlement, and amounts which are designated by
23 2 the judgment or settlement for use by the attorney general for
23 3 antitrust enforcement or education. Amounts based upon
23 4 damages sustained by individuals or entities outside of state
23 5 government not designated for antitrust enforcement purposes
23 6 or amounts based upon actual damages awarded to the state
23 7 which would not otherwise be deposited in the general fund of
23 8 the state shall not be credited to the fund.

23 9 2. For each fiscal year, not more than five hundred
23 10 thousand dollars is appropriated from the fund to the
23 11 department of justice to be used for enforcement of this
23 12 chapter and chapter 551, and for enforcement of federal
23 13 antitrust laws and for public education about state and
23 14 federal antitrust laws.

23 15 3. Notwithstanding section 8.33, moneys credited to the
23 16 fund shall not revert to any other fund. Notwithstanding
23 17 section 12C.7, interest or earnings on the moneys in the fund
23 18 shall be credited to the fund.

23 19 Sec. 24. NEW SECTION. 714.16C CONSUMER EDUCATION AND
23 20 LITIGATION FUND.

23 21 1. A consumer education and litigation fund is created as
23 22 a separate fund in the state treasury to be administered by
23 23 the attorney general. Moneys credited to the fund shall
23 24 include amounts received as a result of a state or federal
23 25 civil consumer fraud judgment or settlement, civil penalties,
23 26 costs, or attorney fees, and amounts which are specifically
23 27 directed to the credit of the fund by the judgment or
23 28 settlement, and amounts which are designated by the judgment
23 29 or settlement for use by the attorney general for consumer
23 30 litigation or education purposes. Moneys designated for
23 31 consumer reimbursement shall not be credited to the fund,
23 32 except to the extent that such moneys are permitted to be used
23 33 for enforcement of section 714.16.

23 34 2. For each fiscal year, not more than one million one
23 35 hundred twenty=five thousand dollars is appropriated from the
24 1 fund to the department of justice to be used for public
24 2 education relating to consumer fraud and for enforcement of
24 3 section 714.16 and federal consumer laws, and not more than
24 4 seventy=five thousand dollars is appropriated from the fund to
24 5 the department of justice to be used for investigation,
24 6 prosecution, and consumer education relating to consumer and
24 7 criminal fraud committed against older Iowans.

24 8 3. Notwithstanding section 8.33, moneys credited to the
24 9 fund shall not revert to any other fund. Notwithstanding
24 10 section 12C.7, interest or earnings on the moneys in the fund
24 11 shall be credited to the fund.

24 12 Sec. 25. Section 815.7, Code 2007, is amended to read as
24 13 follows:

24 14 815.7 FEES TO ATTORNEYS.

24 15 1. An attorney who has not entered into a contract
24 16 authorized under section 13B.4 and who is appointed by the
24 17 court to represent any person pursuant to section 814.11 or
24 18 815.10 shall be entitled to reasonable compensation and
24 19 expenses.

24 20 2. For appointments made on or after July 1, 1999, through
24 21 June 30, 2006, the reasonable compensation shall be calculated
24 22 on the basis of sixty dollars per hour for class "A" felonies,
24 23 fifty=five dollars per hour for class "B" felonies, and fifty
24 24 dollars per hour for all other cases.

24 25 3. For appointments made on or after July 1, 2006, through
24 26 June 30, 2007, the reasonable compensation shall be calculated
24 27 on the basis of sixty=five dollars per hour for class "A"
24 28 felonies, sixty dollars per hour for all other felonies, sixty
24 29 dollars per hour for misdemeanors, and fifty=five dollars per
24 30 hour for all other cases.

24 31 4. For appointments made on or after July 1, 2007, the
24 32 reasonable compensation shall be calculated on the basis of
24 33 seventy dollars per hour for class "A" felonies, sixty=five
24 34 dollars per hour for class "B" felonies, and sixty dollars per
24 35 hour for all other cases.

25 1 5. The expenses shall include any sums as are necessary
25 2 for investigations in the interest of justice, and the cost of
25 3 obtaining the transcript of the trial record and briefs if an
25 4 appeal is filed. The attorney need not follow the case into
25 5 another county or into the appellate court unless so directed
25 6 by the court. If the attorney follows the case into another
25 7 county or into the appellate court, the attorney shall be

25 8 entitled to compensation as provided in this section. Only
25 9 one attorney fee shall be so awarded in any one case except
25 10 that in class "A" felony cases, two may be authorized.

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JOHN P. KIBBIE

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President of the Senate

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25 19

PATRICK J. MURPHY

25 20

Speaker of the House

25 21

25 22 I hereby certify that this bill originated in the Senate and
25 23 is known as Senate File 575, Eighty=second General Assembly.

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MICHAEL E. MARSHALL

25 28

Secretary of the Senate

25 29 Approved _____, 2007

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25 32

25 33 CHESTER J. CULVER

25 34 Governor