



BILL SUMMARY

Justice Systems FY 2010 Budget SF 475

April 15, 2009

Status of Bill: Committee (Passed Senate 31-19)
Committee: House Appropriations (Passed 14-10)
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Background

Senate File 475 appropriates a total of \$515 million from the general fund for fiscal year 2010, which represents a decrease of \$18.4 million compared to net fiscal year 2009. The bill also contains intent language and changes to the Iowa Code. Unlike last year, this bill does not appropriate money from other funds for Victim Assistance Grants or drug courts.

Appropriation Summary

Department of Justice – the Attorney General’s Office, and other line items overseen by the AG’s Office, are under the Department of Justice.

- Attorney General – general office is appropriated a total of \$8.6 million for FY 2010, which represents a decrease of \$767,000 from FY 2009.
- The Victim’s Assistance Grants are funded at \$2.4 million, which is the minimum amount needed to maintain federal grants. While this is an increase from the general fund appropriation, there were appropriations from other funds last year for a total of \$4.2 million.
- Legal Services Poverty Grants receives a decrease of \$15,000 for a total appropriation of \$1.9 million.
- Farm Mediation receives zero dollars, but will still continue through grants and other funding sources.

Civil Rights Commission – receives a decrease of \$12,000 for a total FY 2010 appropriation of \$1.5 million.

Department of Corrections – receives a decrease of \$10.8 million for a total of \$354 million for FY 2010. Each institution, Community Based Corrections District, administration office, and program received some type of cut, with some line items receiving a deeper cut than others.

- Community Based Corrections (CBC) Districts received a total of \$84 million for FY 2010, which represents a decrease of \$2.8 million.
- Within the central office, corrections administration took the biggest cut at \$238,000, and county confinement was the next largest cut at \$106,000. The decrease in county confinement was based upon the amount of dollars that were not being claimed by local governments.
- Ft. Madison receives a decrease of \$3.6 million for a total appropriation of \$41 million.
- Anamosa receives a decrease of \$134,000 for a total appropriation of \$31 million.

- Oakdale receives a decrease of \$574,000 for a total appropriation of \$59 million.
- Newton receives a decrease of \$339,000 for a total appropriation of \$28 million.
- Mt. Pleasant receives a decrease of \$214,000 for a total appropriation of \$27 million.
- Rockwell City receives a decrease of \$74,000 for a total appropriation of \$9 million.
- Clarinda receives a decrease of \$2 million for a total appropriation of \$23 million.
- Mitchellville receives a decrease of \$289,000 for a total appropriation of \$16 million.
- Fort Dodge receives a decrease of \$315,000 for a total appropriation of \$30 million.

Department of Inspections and Appeals – this agency receives appropriations for two line items, the state public defender’s office and the indigent defense fund.

- Public Defender’s office receives a decrease of \$171,000 for a total appropriation of \$21 million.
- Indigent Defense fund receives a decrease of \$6 million for a total appropriation of \$24 million.

Iowa Law Enforcement Academy – receives a decrease of \$109,000 for a total appropriation of \$1.2 million.

Board of Parole – receives a decrease of \$90,000 for a total appropriation of \$1.2 million.

Department of Public Defense – this agency also receives appropriations for Homeland Security and Emergency Management. Both Homeland Security and the Dept. of Public Defense are able to draw down federal dollars for their operation expenses.

- Dept. of Public Defense receives a decrease of \$112,000 for a total appropriation of \$6.2 million.
- Homeland Security receives a decrease of \$174,000 for a total appropriation of \$2 million.

Department of Public Safety – receives a decrease of \$1.6 million for a total appropriation of \$87 million for FY 2010. Each line item received a cut, including state patrol.

- Administration receives a \$79,000 decrease for a total appropriation of \$4.4 million.
- Division of Criminal Investigation receives a decrease of \$381,000 for a total appropriation of \$21 million.
- The Fire Marshal’s office receives a decrease of \$72,000 for a total appropriation of \$3.9 million.
- Fire Fighter Training receives a decrease of \$12,000 for a total appropriation of \$680,000.
- State Patrol receives a decrease of \$903,000 for a total appropriation of \$50 million.
- Sick leave payout receives a decrease of \$12,000 for a total appropriation of \$680,000.

Intent Language & Code Changes Summary

Intent language is located within each agency, some is routine language, seen year after year. Below are the highlights of the intent language and Code changes.

The Attorney General’s (AG) office is required to cooperate with the state Auditor to prepare a report detailing money that is currently reimbursed to the Office of the Attorney General. Authorizes money in the Consumer Education and Litigation Fund to be used to cash flow the Victim Compensation Fund. Permits the AG’s office to establish the reimbursement rates for medical care for payments from the Victim Compensation Fund. If this rate is accepted by the provider, no further financial claims may be made against the victim.

Requires the Department of Administrative Services and agencies that receive an appropriation in this bill to pursue a goal of 14 employees per supervisor by December 31, 2009.

States the Dept. of Corrections is required to use the John Bennett Facility (at Ft. Madison) as either a prison or CBC facility, and requires the department to operate Luster Heights at its current 88-bed capacity. The department is required to study and report back on the use of paramedics in the prison system. Increases the cap on inmate labor from \$25,000 to \$50,000 per project.

Permits the Public Defender's Office to contract with private attorneys for a set rate, for potential cost savings.

Allows the Civil Rights Commission to give one set of all relevant documents to either the party or the party's attorney, but not both. Permission must be received by the party or the party's attorney first, but this will result in less mailings and copies. The Commission is authorized to use regular or electronic mail, instead of certified, for receiving and sending of notices, determinations, orders, subpoenas, requests, correspondence. If regular or electronic mail is used and the complainant does not respond within 90 days, then the Commission is required to serve the papers by certified mail.

Amendment Summary

H-1580 by the Committee on Appropriations – makes a technical correction to a Code reference.

H-1620 by Worthan – states that as a condition of receiving funding for fiscal year 2010, the Dept of Justice (AG's Office), must comply with two provisions:

- the rates and fees set by the department to provide services cannot exceed the rates and fees set for providing services as of January 1, 2009.
- the department cannot seek reimbursement from a state agency, commission, board or other similar entity in an amount that would exceed the department's reimbursement for fiscal year 2009.

H-1606 by Raecker – states that for fiscal year 2010, any state agency or department receiving a general fund appropriation in this act shall reduce, by 50%, expenses for office supplies, service contracts, and equipment purchases. This reduction does not apply to equipment that is critical to the execution of the duties of officers of the Dept. of Corrections or Dept. of Public Safety. These reductions will be determined by the Dept. of Management and in consultation with the individual departments and agencies. Such reductions shall be outlined in a memorandum and sent to the General Assembly and Legislative Services Agency within 30 days of the effective date of this act. Reductions identified through these means must be applied before any reductions to full-time positions, and shall be in addition to any other reduction required by law. The savings identified through these reductions cannot be used for another purpose. The savings must go back to the general fund.

H-1607 by Tjepkes – states that for the fiscal year 2010, any state agency or department receiving a general fund appropriation in this act shall reduce, by 20%, expenses for printing, binding, and communications and reduce, by 50%, expenses for advertising and publicity. These reductions will be determined by the Dept. of Management and in consultation with the individual departments and agencies. Such reductions shall be outlined in a memorandum and sent to the General Assembly and Legislative Services Agency within 30 days of the effective date of this act. Reductions identified through these means are in addition to any other reductions required by law. The savings identified through these reductions cannot be used for another purpose. The savings must go back to the general fund.

H-1608 by Anderson – at the end of fiscal year 2010, if a vacant position has remained open for a period of six months or more, the director of the department or state agency must revert an amount equal to the salary and benefits of that position back to the general fund.

H-1609 by Anderson – a department receiving funds under this act shall not use money from this fund to reimburse for the initial or associated service costs for cellular telephones, personal digital assistant devices, or handheld computers. Allows for the executive council, on a case-by-case basis, to authorize an exception to address an emergency situation for a period of not more than three consecutive months, or to complete the minimum period specified under the terms of a lease or contract. This language does not apply to employees covered under a collective bargaining agreement, employees performing inspections, employees whose use of the devices is critical in the execution of the duties of the employee, or employees who are otherwise normally performing their primary duties away from a fixed location more than 70% of the time.

H-1610 by Alons – states that the Departments of Corrections and Public Safety, as a condition of receiving an appropriation, shall make every effort to preserve correctional officer and peace officer positions through the reduction of administrative and related overhead costs.

H-1611 by Tjepkes – for fiscal year 2010, out-of-state travel by an employee of a department or state agency that receives appropriations from this act are not authorized unless the executive council authorizes the travel as necessary for the performance of official state business.

H-1612 by Reichert – establishes a procedure for the director of the Dept. of Administrative Services (DAS) to create a multiple source office furniture purchasing contract for governmental agencies except the institutions under the control of the Regents. The rules that are to be established by the Dept. of Administrative Services will state that if a governmental entity is purchasing furniture, or is entering into a construction contract which will include acquiring office furniture, they must first inform DAS. DAS is required, within two business days of receiving this information, to notify prison industries. Prison industries, as required under current law in Chapter 904.808, will decide if they can fulfill the need or grant a waiver to the state agency so that they can purchase from the multiple source contract or an office furniture contract already established by an institution under the Regents.

When DAS puts forth the request for proposals to establish the multiple source purchasing contract, it must include language stating the purchases from a contract are subject to the waiver issued by prison industries. The RFP must express a preference to award the contract or contracts to an Iowa-based company. The RFP must state that the furniture manufacturers are required to make suitable materials available to prison industries for purchase or acquisition under applicable warranty provisions, so that prison industries can refurbish and recycle office furniture obtained from the manufacturer to extend the life of the furniture.

H-1613 by Worthan – states that for a state agency or department which receives an appropriation under this Act, employees are to be required to produce receipts for meals and other costs in order to seek reimbursement. The maximum amount to be reimbursed is limited to the sum of the receipts.

H-1616 by Hunter – states that the 5th District CBC cannot house a person who is required to register as a sex offender at the Ft. Des Moines facility.

	Actual FY 2008	Net FY 2009	SF 475 FY 2010
Dept. of Justice			
Att. General - General Office	9,485,145	9,359,691	8,592,145
Victim Assistance Grants	150,000	147,750	2,400,000
Legal Services Poverty Grants	2,000,000	1,970,000	1,954,634
Farm Mediation	300,000	289,457	0
Consumer Advocate	3,374,466	3,028,549	2,809,606
Dept. of Justice - TOTAL	\$ 15,309,611	\$ 14,795,447	\$ 15,756,385
Civil Rights Commission			
Civil Rights Commission	\$ 1,504,036	\$ 1,545,232	\$ 1,533,179
Dept. of Corrections			
CBC District #1	12,706,033	13,300,372	12,883,094
CBC District #2	10,080,108	11,053,717	10,843,473
CBC District #3	5,903,401	6,104,703	5,718,746
CBC District #4	5,419,406	5,603,984	5,436,248
CBC District #5	18,401,003	19,232,705	18,958,665
CBC District #6	12,675,246	14,273,011	13,417,533
CBC District #7	7,020,794	7,265,034	6,995,044
CBC District #8	6,998,544	7,109,164	6,919,964
County Confinemnet	1,199,954	967,983	861,213
Federal Prisoners/ Contractual	241,293	241,293	239,411
Corrections Administration	5,050,732	5,047,861	4,810,048
Corrections Education	1,570,358	1,570,358	1,558,109
Iowa Corrections Offender Network	427,700	427,700	424,364
Mental Health/ Substance Abuse	25,000	24,994	24,799
Hepatitis Treatment and Education	188,000	188,000	186,534
Transitional Housing - Comm. Based	30,000	0	0
Ft. Madison	44,512,509	44,737,908	41,114,692
Anamosa	30,656,614	31,548,089	31,413,895
Oakdale	56,204,468	59,219,891	58,646,095
Newton Institution	27,841,158	28,372,772	28,033,393
Mt. Pleasant	26,331,092	27,430,137	27,216,182
Rockwell City	9,108,454	9,466,021	9,392,186
Clarinda	25,078,365	25,526,358	23,421,051
Mitchelville	15,878,663	16,126,292	15,836,794
Ft. Dodge	29,773,151	30,313,681	29,999,036
Dept. of Corrections - TOTAL	\$ 353,322,046	\$ 365,152,028	\$ 354,350,569
Dept. of Inspections and Appeals			
Public Defender	21,749,296	21,914,112	21,743,182
Indigent Defense Fund	31,282,538	30,365,185	24,009,163
Dept. of Inspections and Appeals - TOTAL	\$ 53,031,834	\$ 52,279,297	\$ 45,752,345
Iowa Law Enforcement Academy			
Iowa Law Enforcement Academy	\$ 1,289,562	\$ 1,275,199	\$ 1,166,033
Board of Parole			
Board of Parole	\$ 1,256,273	\$ 1,251,903	\$ 1,161,399
Dept. of Public Defense			
Dept. of Public Defense	6,311,985	6,361,947	6,249,201
Homeland Security & Emergency Manag.	2,271,581	2,212,722	2,038,119
Dept. of Public Defense - TOTAL	\$ 8,583,566	\$ 8,574,669	\$ 8,287,320

Dept. of Public Safety			
Administration	4,180,033	4,470,414	4,391,190
DCI	21,729,482	21,506,406	21,125,270
DCI - Crime Lab Equipment/ Training	342,000	342,000	335,939
Narcotics Enforcement	6,315,289	6,501,493	6,386,274
Public Safety Undercover Funds	123,343	123,343	121,158
Fire Marshal	3,328,952	4,060,859	3,988,892
Iowa State Patrol	50,210,762	50,971,409	50,068,094
Sick Leave Payout - DPS/ SPOC	316,179	316,179	310,575
Fire Fighting Training	699,587	692,697	680,421
Dept. of Public Safety - TOTAL	\$ 87,245,627	\$ 88,984,800	\$ 87,407,813
Total Justice System	\$ 521,542,555	\$ 533,858,575	\$ 515,415,043