

land preservation policy. Unencumbered or unobligated funds remaining on June 30, 1980 shall revert to the general fund as provided for in section eight point thirty-three (8.33) of the Code.

Sec. 20. All federal grants to and the federal receipts of the agencies appropriated funds under this Act are appropriated for the purposes set forth in the federal grants or receipts. Positions within state agencies funded with federal funds are approved for the duration of those funds only.

Approved June 10, 1979

CHAPTER 13
EDUCATIONAL PROGRAMS APPROPRIATIONS

S. F. 485

AN ACT relating to and making appropriations to agencies, institutions, commissions, departments, and boards responsible for education programs of this state.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. There is appropriated from the general fund of the state for each fiscal year of the fiscal biennium beginning July 1, 1979 and ending June 30, 1981, the following amounts, or so much thereof as may be necessary, to be used by the following agency for the purposes designated:

	1979-1980	1980-1981
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
IOWA COMMISSION FOR THE BLIND.		
For salaries, support, maintenance and miscellaneous purposes	\$ 949,000	\$ 942,000

Sec. 2. There is appropriated from the general fund of the state to the Iowa college aid commission for each fiscal year of the fiscal biennium beginning July 1, 1979 and ending June 30, 1981, the following amounts, or so much thereof as may be necessary, to be used for the funding of the following programs for the purposes designated:

	1979-1980	1980-1981
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. IOWA COLLEGE AID COMMISSION		
a. For salaries, support, maintenance and miscellaneous purposes	\$ 290,000	\$ 294,000
b. For administration of Iowa guaranteed student loan program	\$ 204,000	\$ 284,000

2. TUITION GRANT PROGRAM

To supplement the appropriation provided in subsection one (1) of section two hundred sixty-one point twenty-five (261.25) of the Code for

tuition grants to full-time resident students attending accredited private institutions of higher education in Iowa under sections two hundred sixty-one point nine (261.9) to two hundred sixty-one point sixteen (261.16) of the Code \$ 1,750,000 \$ 2,750,000

3. VOCATIONAL TECHNICAL TUITION GRANT PROGRAM

To supplement the appropriation provided in subsection three (3) of section two hundred sixty-one point twenty-five (261.25) of the Code for tuition grants to full-time resident students in a vocational-technical program in Iowa as provided in section two hundred sixty-one point seventeen (261.17) of the Code \$ 50,000 \$ 100,000

Sec. 3.

1. There is appropriated from the general fund of the state for each fiscal year of the fiscal biennium beginning July 1, 1979 and ending June 30, 1981 to the Iowa college aid commission the sum of one hundred twenty thousand (120,000) dollars, or so much thereof as may be necessary, to be used for the purposes provided in sections two hundred sixty-one point twenty-six (261.26) and two hundred sixty-one point twenty-seven (261.27) of the Code. From the funds appropriated by this section not more than thirty thousand (30,000) dollars shall be allocated to each class which commences its academic year during the fiscal year for which funds are appropriated by this section.

2. In addition to the requirements of sections two hundred sixty-one point twenty-six (261.26) and two hundred sixty-one point twenty-seven (261.27) of the Code, the availability of funds appropriated by this section shall be subject to the following conditions:

a. One-half of the funds appropriated for fiscal year 1979-1980 shall not be released until delivery to the legislative fiscal bureau of the June 30, 1979, financial audits, conducted by an independent third party, of the participating colleges of optometry.

b. One-half of the funds appropriated for fiscal year 1980-1981 shall not be released until delivery to the legislative fiscal bureau of the June 30, 1980, financial audits conducted by an independent third party, of the participating colleges of optometry.

Sec. 4.

1. There is appropriated from the general fund of the state to the Iowa college aid commission for each fiscal year of the fiscal biennium beginning July 1, 1979 and ending June 30, 1981 the sum of one million two hundred thousand (1,200,000) dollars, or so much thereof as may be necessary, to be paid to the college of osteopathic medicine and surgery for the subvention program created pursuant to sections two hundred sixty-one point eighteen (261.18) and two hundred sixty-one point nineteen (261.19) of the Code. The subvention shall be used for the admission and education of not more than thirty percent of each of the three classes of students in the college of osteopathic medicine and surgery for the fiscal years beginning July 1, 1979

and July 1, 1980. Funds shall only be expended for resident students and funds expended on behalf of each class each year shall not exceed four hundred thousand (400,000) dollars.

2. In addition to the requirements of sections two hundred sixty-one point eighteen (261.18) and two hundred sixty-one point nineteen (261.19) of the Code, the availability of funds appropriated by this section shall be subject to the following conditions:

a. One-half of the funds appropriated for fiscal year 1979-1980 shall not be released until delivery to the legislative fiscal bureau of the June 30, 1979, financial audits, conducted by an independent third party, of the college of osteopathic medicine and surgery.

b. One-half of the funds appropriated for fiscal year 1980-1981 shall not be released until delivery to the legislative fiscal bureau of the June 30, 1980, financial audits, conducted by an independent third party, of the college of osteopathic medicine and surgery.

Sec. 5. There is appropriated from the general fund of the state to the Iowa college aid commission for the fiscal biennium beginning July 1, 1979, and ending June 30, 1981, the sum of fifty thousand (50,000) dollars, or so much thereof as may be necessary, to provide for a national guard education program. Funds shall only be expended for Iowa residents who are enlisted members in good standing in the Iowa national guard who are enrolled as an undergraduate in an Iowa postsecondary educational institution. Funds expended on behalf of each full-time undergraduate student shall not exceed two hundred fifty (250) dollars per year. Funds expended on behalf of each half-time undergraduate student shall not exceed one hundred twenty-five (125) dollars per year.

Sec. 6. There is appropriated from the general fund of the state for each year of the fiscal biennium beginning July 1, 1979 and ending June 30, 1981 to the state educational radio and television facility the following amounts, or so much thereof as may be necessary, to be used for the purposes designated:

	1979-1980	1980-1981
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
For salaries, support, maintenance and miscellaneous purposes	\$ 4,492,000	\$ 4,697,000

Sec. 7. There is appropriated from the general fund of the state for each year of the fiscal biennium beginning July 1, 1979 and ending June 30, 1981 to the department of public instruction the following amounts, or so much thereof as may be necessary, to be used in the manner designated:

	1979-1980	1980-1981
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. GENERAL OFFICE ADMINISTRATION		
a. For salaries, support, maintenance and miscellaneous purposes	\$ 3,047,000	\$ 3,024,000
b. For fire service education	\$ 200,000	\$ 200,000
2. VOCATIONAL EDUCATION ADMINISTRATION		
For salaries, support, maintenance and miscellaneous purposes	\$ 772,000	\$ 755,700

3. VOCATIONAL EDUCATION

a. For vocational education aid to secondary schools \$ 3,285,000 \$ 3,597,000

Funds appropriated by this paragraph are to be used for aid to school districts for development and the conduct of both continuing and new vocational programs, services and activities of vocational education through secondary schools in accordance with the provisions of chapter two hundred fifty-eight (258) and chapter two hundred eighty A (280A) of the Code, to purchase instructional equipment for vocational and technical courses of instruction in such schools, and to match federal reimbursement for continuing and new secondary vocational programs.

b. For existing jointly administered secondary vocational education programs \$ 150,000 \$ 150,000

Funds appropriated by this paragraph are to be used to support existing jointly administered secondary vocational programs in accordance with provisions of chapter two hundred fifty-eight (258) and chapter two hundred eighty A (280A) of the Code.

c. For Iowa industrial start-up training program \$ 200,000 \$ 200,000

Funds appropriated by this paragraph are to be used to establish an industrial start-up training program to assist the state in attracting and retaining industries.

4. VOCATIONAL REHABILITATION

a. For salaries, support, maintenance and miscellaneous purposes \$ 2,497,000 \$ 2,445,000

b. To match federal funds and provide assistance in independent living to severely disabled \$ 222,000 \$ 222,000

5. COMPACT FOR EDUCATION

For membership fees for Iowa as a member of the education commission of the states as provided in chapter two hundred seventy-two B (272B) of the Code \$ 23,625 \$ 23,625

6. PROFESSIONAL TEACHING PRACTICES COMMISSION

For the use of the professional teaching practices commission to carry out the provisions of chapter two hundred seventy-two A (272A) of the Code \$ 49,600 \$ 50,000

7. VOCATIONAL YOUTH ORGANIZATION FUND

To carry out the provisions of section two hundred fifty-eight point fourteen (258.14) of the Code \$ 10,000 \$ 10,000

8. SCHOOL FOOD SERVICE

For the purpose of providing assistance to students enrolled in public school districts and nonpublic schools of the state for breakfasts, lunches and minimal equipment programs with the funds being used as state matching funds for

federal programs and which shall be disbursed according to federal regulations \$ 3,488,000 \$ 3,662,000

9. TEXTBOOKS OF NONPUBLIC SCHOOL PUPILS

To provide funds for costs of providing textbooks to each resident pupil who attends a nonpublic school or authorized by section three hundred one point one (301.1) of the Code. Such funding shall be limited to ten dollars per pupil and shall not exceed the comparable services offered to resident public school pupils \$ 400,000 \$ 400,000

10. SCHOOL BUDGET REVIEW COMMITTEE \$ 300,000 \$ 1,300,000

a. From the funds appropriated to the school budget review committee for fiscal year 1980-1981 nine hundred thousand (900,000) dollars shall be used exclusively for transportation costs unusually increased above the normal rate of inflation, including costs arising because of the need for replacement vehicles and the repair of vehicles and two hundred thousand (200,000) dollars or as much thereof as necessary shall be used exclusively for grants to public schools and for nonpublic school pupils for programs for instruction in the English language, a transitional bilingual program, or other special instruction program within the requirements of sections eighteen (18) and nineteen (19) of this Act. From the two hundred thousand (200,000) dollars for a transitional bilingual, instruction in the English language or other special instruction program, the school budget review committee may allocate an amount not to exceed ten thousand (10,000) dollars to the department of public instruction to cover the actual, and necessary costs of administering the program as required in section nineteen (19) of this Act.

b. From the funds appropriated to the school budget review committee for the fiscal year 1979-1980 one hundred thousand (100,000) dollars shall be used exclusively for supplemental aid to public school districts for transportation equipment needs which would become necessary because of the furnishing of transportation to nonpublic school pupils under chapter two hundred eighty-five (285) of the Code and any unused funds appropriated by this lettered subparagraph shall not revert until June 30, 1981.

11. MERGED AREA SCHOOLS

a. For general state financial aid to merged areas as defined in section two hundred eighty A point two (280A.2) of the Code the amount of forty-two million one hundred sixty-eight thousand five hundred (42,168,500) dollars for fiscal year 1979-1980 and forty-eight million one hundred forty-one thousand five hundred (48,141,500) dollars for fiscal year 1980-1981 to be allocated as follows:

(1) Merged Area I	\$ 1,929,040	\$ 2,221,421
(2) Merged Area II	\$ 2,733,833	\$ 3,095,669
(3) Merged Area III	\$ 2,464,600	\$ 2,798,513
(4) Merged Area IV	\$ 868,613	\$ 1,023,727

(5)	Merged Area V	\$ 3,111,971	\$ 3,512,316
(6)	Merged Area VI	\$ 2,707,690	\$ 3,015,591
(7)	Merged Area VII	\$ 2,997,490	\$ 3,480,487
(8)	Merged Area IX	\$ 3,460,903	\$ 3,919,949
(9)	Merged Area X	\$ 5,120,162	\$ 5,851,448
(10)	Merged Area XI	\$ 6,313,960	\$ 7,248,257
(11)	Merged Area XII	\$ 1,916,996	\$ 2,264,101
(12)	Merged Area XIII	\$ 2,973,597	\$ 3,375,211
(13)	Merged Area XIV	\$ 1,075,177	\$ 1,213,137
(14)	Merged Area XV	\$ 2,498,359	\$ 2,831,299
(15)	Merged Area XVI	\$ 1,996,109	\$ 2,290,374

It is the intent of the general assembly in appropriating funds in this lettered paragraph that no merged area school in the state shall change its official name during this fiscal biennium.

b. To provide for equipment replacement and upgrading in all merged area schools on a prorated basis consistent with past allocations made from equipment inventory listings \$ 1,600,000 \$ 1,850,000

c. To provide funds for matching federal reimbursement for continuing and new vocational education programs in merged area schools in accordance with the provisions of chapter two hundred fifty-eight (258) and chapter two hundred eighty A (280A) of the Code, and to purchase instructional equipment for vocational and technical courses of instruction in such schools \$ 8,700,000 \$ 8,700,000

d. For added enrollment in merged area schools to be allocated on the basis of the following priorities:

(1) To add additional sections of preparatory vocational programs in merged area schools where the number of students seeking enrollment exceed the number of spaces available;

(2) To add new sections of preparatory vocational programs in merged area schools to accommodate students seeking enrollment that could not be accommodated in similar programs in other merged area schools;

(3) To add sections of preparatory career programs in merged area schools that are not currently available in the state if student interest and a survey of employers indicate a definite need for such new programs \$ 200,000 \$ 200,000

e. For Merged Area XII
 For operation of the radio station \$ 130,500 \$ 130,500

f. For Merged Area XIII
 For operation of the radio station \$ 120,000 \$ 130,500

12. PROGRAMS FOR GIFTED AND TALENTED CHILDREN

For programs for gifted and talented children approved by the department under section four hundred forty-two point thirty-four (442.34) of the Code

\$ 100,000

Sec. 8. There is appropriated from the general fund of the state to the state board of regents for each fiscal year of the fiscal biennium beginning July 1, 1979 and ending June 30, 1981 the following amounts, or so much thereof as may be necessary for use for the following designated purposes, however, as a condition for the appropriation of these funds, the state board of regents, for purposes of implementing and administering collective bargaining pursuant to chapter twenty (20) of the Code, shall act as the exclusive representative of the state of Iowa with respect to its faculty, scientific, and other professional staff.

	<u>1979-1980</u>	<u>1980-1981</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. OFFICE OF STATE BOARD OF REGENTS		
a. For salaries, support, maintenance, equipment, and miscellaneous purposes, including state board of regents members receiving a per diem not to exceed forty dollars per day	\$ 352,000	\$ 356,000
b. For western Iowa continuing education	\$ 100,000	\$ 100,000
c. For enrollment increase costs	\$ 500,000	\$ 600,000

Funds appropriated to the state board of regents to be allocated to the institutions to be used for instructional purposes and direct instructional support.

2. STATE UNIVERSITY OF IOWA

a. General university, including lakeside laboratory.

For salaries, support, maintenance, equipment, and miscellaneous purposes and for the pediatric department of the college of medicine to continue to fund the program of research at the current level in the cause, course, treatment, cure, and management of diabetes mellitus

\$80,979,000 \$83,812,000

b. University hospitals

For salaries, support, maintenance, equipment, and miscellaneous purposes; for medical and surgical treatment of indigent patients as provided in chapter two hundred fifty-five (255) of the Code

\$19,437,000 \$20,394,000

c. Psychiatric hospital

For salaries, support, maintenance, equipment, and miscellaneous purposes and for the care, treatment and maintenance of committed and voluntary public patients

\$ 4,095,000 \$ 4,225,000

d. State hygienic laboratory		
For salaries, support, maintenance, equipment, and miscellaneous purposes	\$ 1,618,500	\$ 1,612,000
e. Hospital school		
For salaries, support, maintenance, equipment, and miscellaneous purposes	\$ 2,903,000	\$ 3,012,000
f. Oakdale campus		
For salaries, support, maintenance, equipment, and miscellaneous purposes beyond that amount underwritten from charges to counties, agencies, and individual patients at no less than twenty- five percent of per diem cost	\$ 1,642,000	\$ 1,717,600
3. IOWA STATE UNIVERSITY OF SCIENCE AND TECH- NOLOGY		
a. General university		
For salaries, support, maintenance, equipment, and miscellaneous purposes	\$65,639,000	\$68,493,000
b. Agricultural experiment station		
For salaries, support, maintenance, equipment, and miscellaneous purposes	\$ 7,534,000	\$ 7,723,000
c. Cooperative extension service in agricul- ture and home economics		
For salaries, support, maintenance, and mis- cellaneous purposes	\$ 6,960,000	\$ 7,278,000
4. UNIVERSITY OF NORTHERN IOWA		
For salaries, support, maintenance, equipment, and miscellaneous purposes	\$26,876,000	\$27,939,000
5. STATE SCHOOL FOR THE DEAF		
For salaries, support, maintenance, and mis- cellaneous purposes	\$ 3,360,000	\$ 3,463,000
6. IOWA BRAILLE AND SIGHT-SAVING SCHOOL		
For salaries, support, maintenance, and mis- cellaneous purposes	\$ 1,838,600	\$ 1,913,800
7. FAMILY PRACTICE PROGRAM		
For allocation by the dean of the college of medicine, with approval of the advisory board, to qualified participants, to carry out the provi- sions of chapter one hundred forty-eight C (148C) of the Code	\$ 1,085,000	\$ 1,195,000

Sec. 9. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1979 and ending June 30, 1980, to the state board of regents, subject to the conditions provided in this section, the sum of four hundred thousand (400,000) dollars, or so much thereof as may be necessary, to replace actual losses of federal funds for capitation grants by the colleges of dentistry, medicine, veterinary medicine, pharmacy, and nursing. The funds or any portion of the funds shall not be allocated unless there is actually a loss of federal funds for capitation grants and the state comptroller has reviewed the amount of the loss and approved the allocation of the funds appropriated by this section to replace the loss.

***Sec. 10. Section twenty point three (20.3), subsection one (1), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. For purposes of implementing and administering the provisions of this chapter, the governor shall act as the exclusive representative of the state of Iowa with respect to all state employees, except for faculty, scientific, and other professional staff who are employed at institutions under the authority of the state board of regents; the state board of regents shall act as the exclusive representative of the state of Iowa with respect to its faculty, scientific, and other professional staff.***

Sec. 11. Section two hundred fifty-nine point one (259.1), Code 1979, is amended to read as follows:

259.1 ACCEPTANCE OF FEDERAL ACT. The state of Iowa does hereby, through its legislative authority, accept the provisions and benefits of the Act of Congress, entitled ~~"The Federal Vocational Rehabilitation Act--(68--Stat.--Lr-652)--29--U.S.C.--ch-4)-approved-August-37-1954--(P--Lr-565--83d-Congress)-as amended"~~, and will observe and comply with all the requirements of ~~such--Act~~ "The Rehabilitation Act of 1973 (P. L. 93-112) and (P. L. 95-602) entitled the Rehabilitation, Comprehensive Services and Developmental Disabilities Amendments of 1978".

~~In--the--same--manner--the--Act--of--Congress--known--as--"The--Rehabilitation--Act--of--1973--(P--Lr--93--112)"--is--accepted.~~

Sec. 12. Section two hundred sixty-one point twelve (261.12), subsection one (1), paragraph b, Code 1979, is amended to read as follows:

b. One For the fiscal year beginning July 1, 1979 one thousand five six hundred dollars and for each following fiscal year one thousand seven hundred dollars.

Sec. 13. Section two hundred sixty-one point twenty-five (261.25), subsection one (1), Code 1979, is amended to read as follows:

1. There is appropriated from the general fund of the state to the commission for each fiscal year the sum of ~~ten~~ twelve million dollars for tuition grants.

Sec. 14. Section two hundred sixty-one point twenty-five (261.25), subsection three (3), Code 1979, is amended to read as follows:

3. There is appropriated from the general fund of the state to the commission for each fiscal year the sum of ~~one~~ three hundred fifty thousand dollars for vocational-technical tuition grants.

Sec. 15. Section two hundred sixty-one point twenty-six (261.26), Code 1979, is amended to read as follows:

261.26 OPTOMETRY SCHOOLS. The commission shall contract with the proper officials of states which have accredited schools and colleges of optometry for the admission and education of qualified applicants who are domiciliaries of Iowa and who have demonstrated interest, aptitude, and readiness for study in the field of optometry. In making a final determination of who is a domiciliary of Iowa, the commission shall adopt rules for ~~the--academic--year commencing--in--1976--and--for~~ each academic year thereafter consistent with those followed for determining Iowa resident students in section 261.15 and subject to the provisions of chapter 17A.

Sec. 16. Section two hundred sixty-one point twenty-seven (261.27), Code 1979, is amended to read as follows:

261.27 CONTRACT FOR RIGHT TO ENTER SCHOOL. In carrying out its duties under the provisions of section 261.26 the commission shall contract for the right of not less than ten qualified persons for each academic class to enter accredited schools and colleges of optometry during the each academic school year commencing in the year 1976. The commission shall initiate an affirmative action program to insure equal opportunity for participation by women, men, and minority students in the program provided for in this section and section 261.26. Funds expended on behalf of each person shall not exceed three thousand dollars during any one fiscal year. The commission shall make a report regarding its duties under section 261.26 to the legislative fiscal committee at such time as the legislative fiscal committee shall request.

Sec. 17. Section two hundred sixty-seven point eight (267.8), Code 1979, is amended to read as follows:

267.8 LIVESTOCK DISEASE RESEARCH FUND. There is created a fund in the office of the treasurer of state to be known as the livestock disease fund, and for the purpose of establishing and maintaining said fund for each fiscal year, there is appropriated from funds in the general fund, not otherwise appropriated, the sum of ~~two~~ three hundred thousand dollars. Any balance in said fund on June 30 of each fiscal year shall revert to the general fund.

Sec. 18. Section two hundred eighty point four (280.4), Code 1979, is amended to read as follows:

280.4 MEDIUM OF INSTRUCTION. The medium of instruction in all secular subjects taught in both public and nonpublic schools shall be the English language, except when the use of a foreign language is deemed appropriate in the teaching of any subject or when the student is non-English-speaking. When the student is non-English-speaking, both public and nonpublic schools shall provide special instruction, which shall include but need not be limited to either instruction in the English language or a transitional bilingual program, until the student demonstrates a functional ability to speak, write, read and understand the English language. As used in this section, "non-English-speaking student" means a student whose native language is not English and whose inability or limited ability to speak, write or read English significantly impedes educational progress.

Sec. 19.

1. The board of directors of a school district may submit an application to the school budget review committee for funds provided by section seven (7), subsection ten (10) of this Act for instruction in the English language, a transitional bilingual, or other special instruction program when support for the program from other federal, state or local sources is not available or is inadequate. The department of public instruction shall review all applications for funding and provide recommendations to the school budget review committee regarding their disposition. The school budget review committee shall not grant funds to a public school for instruction in the English language, a transitional bilingual or other special instruction program unless the program offered by the public school is available to nonpublic school students in the district.

2. The department of public instruction shall promulgate rules relating to the identification of non-English-speaking students who require special instruction under section eighteen (18) of this Act and to application procedures for funds available under this Act.

3. Grants made to a school pursuant to this section shall not exceed four hundred dollars for each student in the program. A public school may receive funds for nonpublic school students attending the program offered by the public school. However, the amount granted for each nonpublic school student in a program shall not exceed the amount granted for each public school student in the program.

Sec. 20. Section four hundred forty-two point thirty-one (442.31), Code 1979, is amended to read as follows:

442.31 GIFTED AND TALENTED CHILDREN. For the school years beginning July 1, 1979 and July 1, 1980 only, a school district may make application to the department of public instruction ~~for approval of a program of instruction~~ for gifted and talented children to be funded for the school year beginning July 1, 1979 by an increase in allowable growth, as defined in section 442.7 and funded for the school year beginning July 1, 1980, by moneys appropriated in section seven (7), subsection twelve (12), of this Act. The department shall not approve programs for which the total budgets are in excess of funds appropriated in section seven (7), subsection twelve (12), of this Act. The department shall transmit moneys allocated to each school district for a program approved under section four hundred forty-two point thirty-four (442.34) to that school district and the moneys shall be considered miscellaneous income and shall not be included in district cost. The department shall promulgate rules under the provisions of chapter 17A relating to administration of sections 442.31 to 442.36. The rules shall require that approved gifted and talented children programs provide each child with an individually guided educational program which considers the individual abilities and needs of each child.

Sec. 21. Section four hundred forty-two point thirty-four (442.34), Code 1979, is amended to read as follows:

442.34 ~~LIMITED-TO-TEN-DISTRICTS~~ PROGRAMS APPROVED. The department of public instruction may approve gifted and talented children programs for the school ~~years~~ year beginning July 1, 1979 ~~and July 1, 1980 only~~, for not more than ten school districts in this state, and for the school year beginning July 1, 1980 may renew approval for the programs established for the school year beginning July 1, 1979 and may approve additional programs for gifted and talented children in school districts in this state, including districts of various enrollments and geographic locations. The department shall approve at least one program in each area education agency to the extent that districts in an area education agency make application for approval of a program of instruction which meets the qualifications for approval prescribed in the rules of the department. A single program may be provided by two or more districts acting jointly.

Sec. 22. Section four hundred forty-two point thirty-five (442.35), Code 1979, is amended to read as follows:

442.35 COMMITTEE INFORMED. The For the school year beginning July 1, 1979, the department shall inform the school budget review committee of the names of the school districts approved for gifted and talented children programs and the approved budget of each program. The school budget review committee shall approve a modified allowable growth for each such district as an unusual circumstance, under the authority granted to it in section 442.13, to provide funds equal to the budget approved by the department of public instruction for the school year beginning July 1, 1979.

Sec. 23.

1. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1979, and ending June 30, 1980, the sum of twenty thousand (20,000) dollars and for the fiscal year beginning July 1, 1980, and ending June 30, 1981, the sum of forty thousand (40,000) dollars, or so much thereof as may be necessary, to be used for the purposes provided in sections twenty-four (24) and twenty-five (25) of this Act.

2. In addition to the requirements of sections twenty-four (24) and twenty-five (25) of this Act, the availability of funds appropriated by this section shall be subject to the following conditions:

a. One-half of the funds appropriated for fiscal year 1979-1980 shall not be released until delivery to the legislative fiscal bureau of the June 30, 1978, financial audits, conducted by an independent third party, of the participating colleges of podiatry.

b. The remaining one-half of the funds appropriated for fiscal year 1979-1980 shall not be released until delivery to the legislative fiscal bureau of the June 30, 1979, financial audits, conducted by an independent third party, of the participating colleges of podiatry.

c. The second one-half of the funds appropriated for fiscal year 1980-1981 shall not be released until delivery to the legislative fiscal bureau of the June 30, 1980, financial audits, conducted by an independent third party, of the participating colleges of podiatry.

Sec. 24. NEW SECTION. PODIATRY SCHOOLS. The commission shall contract with the proper officials of states which have accredited schools and colleges of podiatry for the admission and education of qualified applicants who are domiciliaries of Iowa and who have demonstrated interest, aptitude, and readiness for study in the field of podiatry. In making a final determination of who is a domiciliary of Iowa, the commission shall adopt rules for each academic year consistent with those followed for determining Iowa resident students in section two hundred sixty-one point fifteen (261.15) of the Code and subject to the provisions of chapter seventeen A (17A) of the Code.

Sec. 25. NEW SECTION. CONTRACT FOR RIGHT TO ENTER SCHOOL. In carrying out its duties under the provisions of section twenty-four (24) of this Act the commission shall contract for the right of not less than five qualified persons for each academic class to enter accredited schools and colleges of podiatry during each academic school year. The commission shall initiate an affirmative action program to insure equal opportunity for participation by women, men, and minority students in the program provided for in this section and section twenty-four (24) of this Act. Funds expended on behalf of each

person shall not exceed four thousand dollars during any fiscal year. The commission shall make a report regarding its duties under section twenty-four (24) of this Act to the legislative fiscal committee at such time as the legislative fiscal committee shall request.

Sec. 26. The intent of the general assembly in appropriating funds pursuant to section eight (8) of this Act is to provide additional funds, if needed, during the 1980 or 1981 session of the general assembly for the purchase of fuel and electricity if the costs for fuel and electricity will exceed sixteen million seven hundred fifty-one thousand (16,751,000) dollars for 1979-1980 or will exceed eighteen million five hundred ninety-four thousand (18,594,000) dollars for 1980-1981. If the amount actually expended for fuel and electricity costs is less than sixteen million seven hundred fifty-one thousand (16,751,000) dollars in 1979-1980 or less than eighteen million five hundred ninety-four thousand (18,594,000) dollars in 1980-1981, the difference may be used for other purposes such as maintenance, equipment, and miscellaneous purposes.

Sec. 27. It is the intent of the general assembly that the state board of regents increase the energy efficiency of their motor vehicle fleets. The state board of regents shall attempt to purchase motor vehicles that will increase the overall energy efficiency of existing fleets. The state board of regents shall submit a report on their progress toward increasing the energy efficiency of their fleets to the general assembly by February 1, 1980. The report shall include a list of all new vehicles purchased during the prior fiscal year.

Sec. 28. The intent of the general assembly in appropriating funds pursuant to section two (2), subsection one (1), paragraph b is to advance funds to the Iowa guaranteed student loan program for operating costs. It is the intent that all state funds advanced to this program shall be repaid. On June 30, 1981 the sum of five hundred thousand (500,000) dollars shall revert from the Iowa guaranteed student loan reserve fund to the state general fund.

Sec. 29. Section two hundred eighty-five point two (285.2), Code 1979, is amended by striking unnumbered paragraphs one (1) and two (2) and inserting in lieu thereof the following:

Boards of directors of school districts shall be required to provide transportation services to nonpublic school pupils as provided in section two hundred eighty-five point one (285.1) of the Code when the general assembly appropriates funds to the department of public instruction for the payment of claims for transportation costs submitted by the school district.

There is appropriated from the general fund of the state to the department of public instruction funds sufficient to pay the approved claims of public school districts for transportation services to nonpublic school pupils as provided in this section.

Sec. 30. Sections eighteen (18) and nineteen (19) of this Act are effective July 1, 1980.

Sec. 31. All federal grants to and the federal receipts of agencies appropriated funds under this Act are appropriated for the purposes set forth in such federal grants or receipts.

Sec. 32. Moneys appropriated by this Act shall not be used for capital improvements.

Sec. 33. When any laws of this state are in conflict with this Act, the provisions of this Act shall govern for the fiscal biennium 1979-1981.

Approved June 7, 1979, except the item designated as Section 10 herein which I hereby disapprove for the reasons in my veto message delivered to the Secretary of State this same date, the original of which is attached hereto.

Robert D. Ray
Governor

Dear Mr. Secretary:

I hereby transmit Senate File 485, an act relating to and making appropriations to agencies, institutions, commissions, departments, and boards responsible for education programs of this state.

Senate File 485 is approved June 7, 1979, with the following exception which I hereby disapprove.

I am unable to approve the item designated in the Act as Section 10 which reads as follows:

Sec. 10. Section twenty point three (20.3), subsection one (1), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. For purposes of implementing and administering the provisions of this chapter, the governor shall act as the exclusive representative of the state of Iowa with respect to all state employees, except for faculty, scientific, and other professional staff who are employed at institutions under the authority of the state board of regents, the state board of regents shall act as the exclusive representative of the state of Iowa with respect to its faculty, scientific, and other professional staff.

Simply put, Section 10 provides that the Board of Regents shall have the responsibility for bargaining with respect to faculty, scientific and other professional staff employed at Regents' institutions. The Governor would be responsible for bargaining for the remainder of state employees.

The issue as to who is the employer for purposes of implementing collective bargaining pursuant to Chapter 20 has been addressed by the Iowa Public Employment Relations Board (PERB) which ruled "that the State of Iowa is the public employer of all state employees for the purpose of collective bargaining under the act . . ." PERB concluded that an individual department, including the Board of Regents, did not constitute a separate employer for purposes of implementing Chapter 20. That decision was appealed and subsequently sustained by the Supreme Court of Iowa. Therefore, the contention that the State Board of Regents is the employer and not the Governor was reviewed and rejected by the Iowa Supreme Court.

Subsequent to the PERB decision in 1976, riders have been attached to the Board of Regents appropriation bills designating the Regents as the employer for their faculty, professional and scientific employees. Written as conditions to the Regents appropriations and, therefore not severable through an item veto, the riders have, nonetheless, been held by PERB not to overrule their earlier decision which was based on permanent, statutory language. Senate File 485 also contains such a rider.

All boards, departments, and agencies carry out the policies of the executive branch of state government through their employees. The Iowa Constitution establishes the Governor as the chief executive and provides our agencies, boards, and commissions to be accountable to the people through the Governor. The Governor has constitutional and statutory responsibilities for supervising the executive branch of state government including preparation of the state budget that is submitted to the legislature.

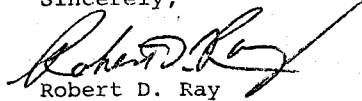
The concept of collective bargaining grants to employees the ability to negotiate certain terms and conditions of their employment with their employer, and by its very nature places additional restrictions and constraints upon the operation of state government. Inherent in the concept of bargaining is the potential for government to be whipsawed by the various employee bargaining units with the result being inconsistent treatment of employees and lack of uniformity in employee benefits.

Obviously it would be almost impossible to conduct collective bargaining if every agency was considered a different bargaining employer. To single out one particular agency for that purpose alone is not wise.

Proponents of Section 10 have argued that it would prevent interference in academic freedom at our state universities. Academic freedom has been and remains an important concept to us. Academic freedom can be protected by the Governor as well as, if not better than, the legislature. As a matter of fact, I have heretofore delegated the responsibility of bargaining under Chapter 20 to the Board of Regents for its faculty and academically-related professionals. We think this method is proper, and it has and continues to work effectively.

Since Senate File 485 makes appropriations to our educational agencies for the next biennium, this bill is subject to the item veto. For the above reasons, I hereby disapprove this item in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the State of Iowa. All other items of Senate File 485 are hereby approved this date.

Sincerely,


Robert D. Ray
Governor