

LAWS
OF THE
1980 Regular Session
OF THE
Sixty-eighth General Assembly
OF THE
STATE OF IOWA

PASSED AT DES MOINES, THE CAPITAL OF THE STATE, BEGUN ON THE
FOURTEENTH DAY OF JANUARY, AND ENDED ON THE TWENTY-SIXTH
DAY OF APRIL, A.D. 1980 IN THE ONE HUNDRED THIRTY-FOURTH
YEAR OF THE STATE

APPROPRIATIONS
AND
GENERAL LAWS

CHAPTER 1001
APPROPRIATIONS TO VARIOUS AGENCIES
H. F. 2580

AN ACT appropriating funds to finance designated state programs and adding procedures and criteria for administering designated programs of the state educational radio and television facility board; the school for the deaf; the Iowa college aid commission; merged area V; the state board of regents for capitation grants; the commission on the aging; the Iowa state civil rights commission; the Spanish-speaking peoples commission; the commission on the status of women, the board of medical examiners; the Iowa mental health authority; the mental health advisory council; the health planning agency, personal and family health services, the community health division, and in-home health care grants of the state department of health; the elderly care program; the Iowa department of substance abuse;

the European office of the Iowa development commission; the energy policy council; the department of soil conservation; the governor's economy committee recommendations; the state board of engineering examiners; the Iowa beer and liquor control department; the department of revenue; the Iowa public employees' retirement system; judicial salaries and the judicial retirement system; Terrace Hill; the census data center coordinating unit; the communications division of the department of general services; the legislative fiscal bureau; the Iowa crime commission; the road use tax fund; the state department of transportation; governmental subdivisions and agencies required to record instruments; the department of public safety; and the general administration, correctional personnel, community-based corrections, legal assistance program, substance abuse screening, mental health institutes, division of mental health resources, patients' personal deposit funds, aid to dependent children, medical assistance, contractual services-medical carrier, children's services, state supplementary assistance, child support recoveries, title XX, foster residential care, subsidized adoption, the Glenwood state hospital-school, cost reimbursement for skilled, residential, and intermediate care facilities, the community integrated youth services project, support for the poor for Indians residing on the Tama county settlement, and various rules of the department of social services, prohibiting group policies of life, accident or health insurance from excluding from coverage employees and employees' spouses and dependents on the basis of their eligibility for medical assistance under chapter two hundred forty-nine A (249A) of the Code, and appropriating funds for the merit employment commission and the older Iowans' legislature.

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

DIVISION I

Section 1. Chapter eighteen (18), division five (V), Code 1979, is amended by adding the following new section:

NEW SECTION. CAPITAL EQUIPMENT REPLACEMENT REVOLVING FUND.

1. Notwithstanding section eighteen point one hundred fifty-one (18.151) of the Code, the state educational radio and television facility board may provide noncommercial production or reproduction services for other public agencies, nonprofit corporations or associations organized under state law, or other organizations which are not operated for a profit and shall collect the costs of providing such services from the public agency, nonprofit corporation, association, or organization plus a separate equipment usage fee in an amount determined by the board and based upon the equipment used. The costs shall be deposited to the credit of the state educational radio and television facility board. The separate equipment usage fee shall be deposited in the capital equipment replacement revolving fund.

2. The state educational radio and television facility board may establish a capital equipment replacement revolving fund into which shall be deposited equipment usage fees collected under subsection one (1) of this section and funds from other sources designated for deposit in the capital

equipment replacement revolving fund. The state educational radio and television facility board may expend moneys from the capital equipment replacement revolving fund to purchase technical equipment for operating the educational radio and television facility.

Sec. 2. Chapter eighteen (18), division five (V), Code 1979, is amended by adding the following new section:

NEW SECTION. TRUSTS. Notwithstanding section six hundred thirty-three point sixty-three (633.63) of the Code, the state educational radio and television facility board may accept and administer trusts and may authorize nonprofit foundations acting solely for the support of the educational radio and television facility to accept and administer trusts deemed by the board to be beneficial to the operation of the educational radio and television facility. The board and such foundations may act as trustees in such instances.

Sec. 3. Section two hundred seventy point one (270.1), Code 1979, is amended to read as follows:

270.1 SUPERINTENDENT. The superintendent of the school for the deaf shall be a trained and experienced educator of the deaf. His The superintendent's salary may include residence in the institution ~~and--beared from--the--funds--or--supplies--thereof~~, but no such allowance shall be made except by express contract in advance.

Sec. 4. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirteen (13), section two (2), subsection one (1), paragraph b, is amended to read as follows:

b. For administration of Iowa guaranteed student loan program for not more than five full-time equivalent positions for fiscal year 1980-1981 \$ 204,000 \$ 284,000

Sec. 5. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirteen (13), section five (5), is amended to read as follows:

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, and for the fiscal year beginning July 1, 1980 and ending June 30, 1981, an additional sum of thirty thousand (30,000) 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 and who are enrolled as ~~an--undergraduate~~ undergraduates in an Iowa postsecondary educational institution institutions. 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. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirteen (13), section six (6), is amended to read as follows:

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:

	<u>1979-1980</u>	<u>1980-1981</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
For salaries, support, maintenance and miscellaneous purposes	\$ 4,492,000	\$ 4,769,700 <u>4,801,000</u>

Sec. 7. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirteen (13), section seven (7), subsection eleven (11), is amended by adding the following new paragraph:

NEW PARAGRAPH. For merged area V.

For operation of the radio station \$ 50,000

Sec. 8. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirteen (13), section nine (9), is amended to read as follows:

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, and for the fiscal year beginning July 1, 1980 and ending June 30, 1981, 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. 9. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirteen (13) is amended by adding the following new section:

NEW SECTION. The department shall employ a consultant for gifted and talented children programs.

DIVISION II

Sec. 10. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter nine (9), section one (1), subsection one (1), is amended to read as follows:

1. For salaries and support of not more than ~~twenty-six~~ twenty-eight point twenty-five full-time equivalent positions annually, of which two care review positions are contingent upon the receipt of federal funds, maintenance and miscellaneous purposes

\$ 171,051	\$ 167,900
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Sec. 11. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter nine (9), section one (1), is amended by adding the following new subsection:

5. For the older Iowans model legislature ... \$ 14,000

Sec. 12. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter nine (9), section two (2), subsection one (1), is amended to read as follows:

1. IOWA STATE CIVIL RIGHTS COMMISSION

a. For salaries and support of not more than thirty-five full-time equivalent positions an-

nually, maintenance and miscellaneous purposes ..	\$ 540,463	\$ 540,943
		<u>547,943</u>

b. For salaries, support, maintenance, and miscellaneous purposes of the Spanish-speaking peoples commission, including not more than one full-time equivalent position and expenses of the commission

	\$	\$ 31,000
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Sec. 13. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter nine (9), section two (2), subsection four (4), is amended to read as follows:

4. COMMISSION ON THE STATUS OF WOMEN

For salaries and support of not more than three point twenty-five full-time equivalent positions annually, maintenance and miscellaneous purposes

	\$ 76,100	\$ 76,570
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Sec. 14. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter nine (9), section three (3), subsection one (1), is amended to read as follows:

1. BOARD OF MEDICAL EXAMINERS

For salaries and support of not more than seven full-time equivalent positions annually, maintenance and miscellaneous purposes

	\$ 198,411	\$ 193,442
		<u>205,442</u>

Sec. 15. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter nine (9), section three (3), subsections four (4) and five (5), are amended to read as follows:

4. IOWA MENTAL HEALTH AUTHORITY

For salaries and support of not more than eight point five full-time equivalent positions annually, maintenance and miscellaneous purposes

	\$ 136,081	\$ 148,084
		<u>238,084</u>

If legislation prescribing the title, administrative structure, and specific powers and duties of the unified state mental health agency has not been approved prior to July 1, 1980 and notwithstanding the provisions of sections two hundred twenty-five B point two (225B.2) and two hundred twenty-five B point eight (225B.8), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter fiftyfour* (54), sections one (1) and two (2), the division of mental health resources of the department of social services and the Iowa mental health authority shall continue to be governed respectively by sections two hundred seventeen point ten (217.10) through two hundred seventeen point twelve (217.12), Code 1979 and chapter two hundred twenty-five B (225B), Code 1977, until July 1, 1981. The Iowa mental health authority shall continue to be the designated state agency for the purpose of directing the benefits of United States Pub. L. No. 79-487, 60 Stat. L. 538 (1946) and amendments thereto.

5. MENTAL HEALTH ADVISORY COUNCIL

For salaries and support of not more than

*According to enrolled Act

three full-time equivalent positions annually, maintenance and miscellaneous purposes \$ 64,269 \$ 50,000

Sec. 16. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter nine (9), section four (4), subsection two (2), paragraph b, is amended to read as follows:

b. Health planning agency.

For salaries and support of not more than ~~eleven~~ thirteen full-time equivalent positions annually, maintenance and miscellaneous purposes \$ 66,940 \$ 66,407

Sec. 17. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter nine (9), section four (4), subsection six (6), unnumbered paragraph one (1), is amended to read as follows:

For salaries and support of not more than sixty full-time equivalent positions annually, maintenance and miscellaneous purposes \$ 879,931 \$ ~~861,373~~ 881,373

Sec. 18. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter nine (9), section four (4), subsection seven (7), paragraph a, is amended to read as follows:

a. Community health division.

(1) For salaries and support of not more than ~~forty-two~~ forty-four full-time equivalent positions annually of which two shall be for deaf services, maintenance and miscellaneous purposes \$ 982,111 \$ ~~1,015,376~~ 1,445,376

(2) Of the appropriation for the 1980-1981 fiscal year, the sum of sixty thousand (60,000) dollars is allocated for deaf services, the sum of three hundred fifty thousand (350,000) dollars is allocated for the renal disease program, and the sum of twenty thousand (20,000) dollars is allocated for the emergency medical service program.

Sec. 19. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter nine (9), section four (4), subsection seven (7), paragraph d, is amended to read as follows:

d. In-home health care grants. For grants to local boards of health or county health centers for programs to maintain or expand the availability of in-home health care to elderly persons in the state in accordance with section five (5) of this Act \$ 2,765,960 \$ 3,015,960

Sec. 20. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter nine (9), section five (5), subsection four (4), is amended to read as follows:

4. The state department of health shall make the money allocated for use in each county under subsection three (3) of this section available to be expended in that county as provided in this subsection. The local board of health or county health centers having jurisdiction, after consultation with

other in-home health care provider agencies in the jurisdiction, shall prepare a proposal for the use of the funds available for that jurisdiction that will provide the maximum benefits of expanded home health care to elderly persons in the jurisdiction, and that shall include a statement assuring that the appropriate local agencies have participated in the formulation of the proposal. After approval of the proposal by the department, the department shall enter into a contract with the local board of health or county health centers. The local board of health or county health centers may subcontract with a nonprofit nurses' association, an independent nonprofit agency, the department of social services or a suitable local governmental or nongovernmental body to use the funds to expand or maintain in-home health services. Local boards of health or county health centers shall make an effort to subcontract with agencies that are currently providing services to prevent duplication of services. In counties where a county health center has been established under chapter three hundred forty-six A (346A) of the Code, the board of supervisors may appoint itself to act as the county board of health.

Sec. 21. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter nine (9), section nine (9), is amended to read as follows:

SEC. 9. Section sixteen point eight (16.8), Code 1979, is amended to read as follows:

16.8 COMMISSION ~~TERMINATION~~ TRANSFERRED. ~~Without affirmative action by the general assembly before June 30, 1980, the~~ The Spanish-speaking peoples commission shall expire on June 30, 1981 be transferred to the Iowa state civil rights commission on July 1, 1980. The Spanish-speaking peoples commission shall continue to be appointed and function as provided in sections sixteen point one (16.1) through sixteen point seven (16.7) of the Code, but the Iowa state civil rights commission shall provide support services to the Spanish-speaking peoples commission including, but not limited to, office space, secretarial assistance, supplies, and similar services.

Sec. 22. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter sixteen (16), section one (1), is amended to read as follows:

SECTION 1. There is appropriated from the general fund to the commission on the aging eight hundred thousand (800,000) dollars, or so much thereof as may be necessary, for the 1979-1980 fiscal year and eight hundred thousand (800,000) dollars, or so much thereof as is necessary, for the 1980-1981 fiscal year, for the elderly care program to be used for chore, telephone reassurance, adult day care, and home repair services, including the winterizing of homes, and for the construction of entrance ramps which meet the requirements of section one hundred four A point four (104A.4) of the Code and make residences accessible to the physically handicapped, for citizens of Iowa over sixty-five years of age. All funds appropriated under this section shall be received and disbursed by the commission and shall not be used for administrative purposes.

Sec. 23. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter sixteen (16), section nine (9), is amended to read as follows:

SEC. 9. NEW SECTION. LOCAL MATCH. Funds appropriated to the commission from the general fund for the elderly care program shall only be awarded and distributed to local projects which provide significant matching effort either in cash or in equivalent support. Funds appropriated to the commission from the general fund for the elderly care program shall only be used to establish new projects, ~~or~~ to expand existing programs ~~and~~ or to continue existing elderly care projects. Elderly care funds shall not be used to replace funds in existing programs or to free funds for other state supported services. The interagency coordinating committee may waive or modify the local match requirements of this section in accordance with the rules promulgated by the commission.

Sec. 24. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter seventeen (17), section one (1), subsection two (2), is amended to read as follows:

2. For substance abuse program grants	\$ 2,265,000	\$ 2,265,000
		<u>2,475,000</u>

DIVISION III

Sec. 25. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter twelve (12), section ten (10), subsection two (2), is amended to read as follows:

2. For salaries, support of no more than two full-time equivalent positions, maintenance and miscellaneous purposes of the European office ...	\$ 178,000	\$ <u>200,000</u>
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Sec. 26. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter twelve (12), section thirteen (13), subsection one (1), is amended to read as follows:

1. OPERATIONS

For salaries and support of--not-more-than eleven-full-time-equivalent--positions, and for maintenance and miscellaneous purposes	\$ 230,192	\$ 233,683
		<u>336,683</u>

Sec. 27. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter twelve (12), section nineteen (19), subsection one (1), is amended to read as follows:

1. For salaries and support of not more than one hundred seventy-three full-time equivalent positions and maintenance, assistance to soil conservation districts and for miscellaneous purposes	\$ 2,544,670	\$ 2,528,876
		<u>2,549,476</u>

It is the intent of the general assembly that twenty one hundred clerk-typist II positions be upgraded to that of ~~secretary~~ clerk-typist III, and that a position of director of conservancy districts be created.

Sec. 28. There is appropriated from the general fund of the state to the department of soil conservation for the fiscal period beginning July 1, 1980 and ending June 30, 1984 the amount of nine hundred seventy-nine thousand four hundred (979,400) dollars, or so much thereof as is necessary, to be used for and supplement the funds appropriated by Acts of the Sixty-eighth

General Assembly, 1979 Session, chapter twelve (12), section nineteen (19), subsection five (5), for cost-sharing to provide state funding of not more than fifty percent of the approved cost of permanent soil conservation practices instituted under chapter four hundred sixty-seven A (467A) of the Code with priority given to projects on owner-operated and family-owned farms. However, not more than five percent of the amount appropriated in this section may be used for compensation of production losses due to summer construction of permanent soil and water conservation practices.

DIVISION IV

Sec. 29. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter four (4), section one (1), subsection five (5), is amended to read as follows:

5. STATE BOARD OF ENGINEERING EXAMINERS

For salaries and wages for not more than two point fifty full-time equivalent positions and for support, maintenance, and other operational purposes \$ 88,044 \$ ~~92,771~~
96,771

It is the intent of the general assembly that the per diem and travel expenses of the members of the state board of engineering examiners be reduced to an amount not more than eighteen thousand eight hundred sixty-six (18,866) dollars for the fiscal year 1979-1980 and to not more than twenty thousand seven hundred fifty-three (20,753) dollars for the fiscal year 1980-1981.

The department of general services shall provide for security for the offices of the board of engineering examiners by providing the board with offices and file cabinets that can be locked to prevent unauthorized access to the files, documents and papers of the board of engineering examiners.

Sec. 30. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter four (4), section two (2), subsection three (3), is amended to read as follows:

3. IOWA BEER AND LIQUOR CONTROL DEPARTMENT

For salaries and wages for not more than nine hundred five point fourteen full-time equivalent positions and for support, maintenance, and other operational purposes \$14,746,842 \$~~14,860,474~~
15,135,474

It is the intent of the general assembly that two hundred seventy-five thousand (275,000) dollars, or so much thereof as is necessary, for the fiscal year beginning July 1, 1980 and ending June 30, 1981 be used for outside warehousing and rent.

It is the further intent of the general assembly that all state liquor stores in operation as of March 1, 1980 shall continue in operation. If there is more than one liquor store in a city only one must continue in operation. Hours of operation of each store shall remain substantially the same.

Sec. 31. Chapter one hundred twenty-three (123), Code 1979, is amended by adding the following new sections as a new division:

NEW SECTION. 123.153 DEFINITIONS. As used in this division, unless the context otherwise requires:

1. "Project" means acquisition, construction, reconstruction, improvement, repair and equipment of land, buildings, facilities and property of every kind except inventory, deemed necessary by the council for use as a warehouse, which shall include office space.

2. "Gross revenue" means all income or receipts derived from the operation of liquor sale activities.

3. "Net revenues" means gross revenues less operating expense.

4. "Operating expense" means salaries, wages, costs of maintenance and operation, materials, supplies, inventories, insurance, and other items in relation to liquor sale activities included under recognized public agency accounting practices, but does not include allowances for depreciation in the value of physical property.

5. "Revenue bond" or "bond" means a negotiable bond issued by the state and payable from the net revenues of liquor sale activities or of any part or project thereof.

6. "Liquor sale activities" means any activities conducted by the council and the department with reference to the sale of alcoholic liquor.

NEW SECTION. 123.154 PROJECT--REVENUE BONDS. On behalf of the state, the council shall carry out a project, issue revenue bonds in an amount not to exceed four million dollars to pay all or part of the cost of the project, or refund at or before maturity a like principal amount of revenue bonds or other obligations issued under this division and sell revenue bonds at public or private sale in the discretion of the council. The cost of the project may include interest on the bonds during construction and for one year after completion, costs of sale and issuance of bonds, professional services and provision for contingencies.

NEW SECTION. 123.155 PROCEEDINGS. Revenue bonds shall be issued pursuant to one or more resolutions of the council adopted at a regular or special meeting by a majority of the members in attendance. Revenue bonds may bear interest at such rates, be in one or more series, bear such dates, mature at times not exceeding thirty years from their respective dates, be payable at places within or without the state, carry registration privileges, be subject to terms of redemption, with or without premium, be executed and contain terms, limitations, covenants and conditions as the resolution provides.

The bonds shall be executed by the governor and attested by the treasurer of state. The facsimile signature of either the governor or treasurer of state may be printed on the face of each bond in lieu of the manual signature of the officer. Interest coupons, if any, shall be executed by the original or facsimile signature of the treasurer of state. Bonds bearing the original or facsimile signature of an officer in office on the date of the signing are valid for all purposes, notwithstanding that before delivery the signer has ceased to hold the office. Each bond shall state on its face that it is payable solely from the revenues pledged thereto and that it does not constitute a debt or charge against the state of Iowa within the meaning or application of any constitutional or statutory limitation or provision.

The proceedings authorizing the issuance of the bonds may provide for the establishment of reserve funds or sinking funds as deemed necessary for the application of surplus net revenues, and for the continuation of liquor sale activities on a revenue producing basis and the maintenance of net revenues at levels at least sufficient to pay principal of and interest on the revenue bonds as they become due and to maintain reserves or sinking funds therefor.

NEW SECTION. 123.156 BONDS NOT DEBT OF STATE. Revenue bonds shall not be a debt of or charge upon the state of Iowa within the meaning of any constitutional or statutory limitation. Taxes or appropriations shall not be pledged for the payment of the revenue bonds. The sole remedy for any breach or default of the terms of any revenue bonds or proceedings authorizing the bonds shall be a proceeding in law or equity, to which consent is given, to enforce and compel performance of the duties required by this division and the terms of the resolutions under which the bonds are issued.

NEW SECTION. 123.157 ANTICIPATORY NOTES. The council may borrow money and issue notes in anticipation of the receipt of proceeds of the sale of revenue bonds. Any such loan shall be paid within three years. Notes issued for moneys so borrowed may be renewed from time to time within the three-year limitation. Notes shall be issued and sold in the same manner as provided for the issuance of bonds.

NEW SECTION. 123.158 NOTICE. The council may publish a notice of its intention to issue revenue bonds in a newspaper published in and with general circulation in the state. The notice shall include a statement of the maximum amount of bonds proposed to be issued, and in general, what net revenues will be pledged to pay the revenue bonds and interest thereon. An action which questions the legality of revenue bonds or the power of the council to issue the bonds or the effectiveness of any proceedings adopted for the authorization or issuance of the bonds shall not be brought after sixty days from the date of publication of the notice.

NEW SECTION. 123.159 EXEMPTION FROM TAXATION. Bonds or notes issued under this division are exempt from taxation by the state of Iowa and the interest thereon is exempt from state income tax.

NEW SECTION. 123.160 BONDS AS INVESTMENTS. All banks, trust companies, savings and loan associations, investment companies and other persons carrying on a banking or investment business, all insurance companies, insurance associations, and other persons carrying on an insurance business and all executors, administrators, guardians, trustees, and other fiduciaries may legally invest any sinking funds, moneys, or other funds belonging to them or within their control in bonds issued pursuant to this division. However, this section does not relieve any persons from a duty of exercising reasonable care in selecting securities for purchase or investment.

NEW SECTION. 123.161 INDEPENDENT AUTHORIZATION. This division provides an independent method for the carrying out of a project and for the sale and issuance of revenue bonds and notes without reference to any other statute and is not subject to the provisions of any other law relating to the issuance of bonds.

NEW SECTION. 123.162 LIMITATION. The council shall not carry out more than one project under this division.

Sec. 32. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter four (4), section two (2), subsection fourteen (14), is amended to read as follows:

14. DEPARTMENT OF REVENUE

For salaries and wages for not more than six hundred seventy-eight point sixty-four full-time equivalent positions and for support, maintenance, and other operational purposes

\$12,228,072	\$12,145,839
	<u>12,200,832</u>

It is the intent of the general assembly that fifty-five thousand (55,000) dollars, or so much thereof as is necessary, for the fiscal year beginning July 1, 1980 and ending June 30, 1981 be used for the capital assets pricing model program.

Sec. 33. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter four (4), section seven (7), is amended to read as follows:

SEC. 7. There is appropriated from the Iowa public employees' retirement system fund for each fiscal year of the biennium beginning July 1, 1979 and ending June 30, 1981 to the Iowa department of job service, the following amounts, or so much thereof as is necessary, to be used for the following purposes:

	<u>1979-1980</u>	<u>1980-1981</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
For salaries and wages for not more than thirty-eight <u>forty</u> point fifty full-time equivalent positions and for support, maintenance, and other operational purposes to pay the costs of administration of the Iowa public employees' retirement system	\$ 1,535,755	\$ 1,622,074 <u>1,719,404</u>

It is the intent of the general assembly that seventy-five thousand (75,000) dollars, or so much thereof as may be necessary, for the fiscal year beginning July 1, 1980 and ending June 30, 1981 be used to establish a systems development program.

DIVISION V

Sec. 34. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter two (2), section three (3), is amended to read as follows:

SEC. 3. 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 is necessary, to be used to fund increases in judicial salaries as provided in section two (2) of this Act and for the state's contribution to the judicial retirement system provided for in chapter six hundred five A

(605A) of the Code required because of the increased salaries

	1979-1980	1980-1981
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
	\$ 650,000	\$ 650,000
		733,000

Sec. 35. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter three (3), section one (1), subsection three (3), is amended to read as follows:

3. For salaries and support of not more than eight point five full-time equivalent positions and maintenance of the Terrace Hill governor's mansion which shall be open for the public tours by individuals or groups of ten or fewer persons without prior appointment, and for groups of more than ten persons with a prior appointment, a minimum of twenty hours per week and a minimum of five days per week, ~~in addition to arranged special-group-tours, and.~~ The visiting hours and tour arrangements may be adjusted in order to provide access to Terrace Hill which will best serve the public and also cause the least inconvenience to the governor and the governor's family. The final tour in any day when requested shall begin not earlier than 2:00 p.m. Terrace Hill shall be closed during the months of January and February except for special tours which may be conducted at the discretion of the Terrace Hill site coordinator \$ 174,570 \$ 171,580

Notwithstanding the provisions of subsection eight (8) of section eighteen point twelve (18.12) of the Code, proceeds received from the sale of excess Terrace Hill personal property to be disposed of by a public auction conducted by the department of general services shall be added to the funds appropriated by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter fourteen (14), section fifteen (15), subsection five (5), and shall be used for the restoration of Terrace Hill in the same manner as the funds appropriated in that subsection.

***Sec. 36. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter three (3), section four (4), subsection three (3), unnumbered paragraph two (2), is amended to read as follows:

There is established a census data center coordinating unit composed of the state librarian, a representative of the office for planning and programming, and three representatives each representing one of the state universities. The census data center coordinating unit shall provide for not less than fifty census data training sessions throughout the state, and shall negotiate a joint statistical agreement with the United States bureau of the census. The census data center coordinating unit shall be the agency designated in Iowa to approve all such agreements with the bureau of the census.***

***Item veto

Sec. 37. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter three (3), section ten (10), subsection one (1), paragraph f, is amended to read as follows:

f. COMMUNICATIONS DIVISION

For salaries and support of not more than ~~seventeen~~ eighteen point seventy full-time equivalent positions, maintenance, and miscellaneous purposes \$ 336,670 \$ ~~336,051~~ 364,051

Sec. 38. Notwithstanding the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter three (3), section six (6), subsection ten (10), the full-time equivalent positions for the legislative fiscal bureau for the fiscal year beginning July 1, 1980, shall be thirteen.

Sec. 39. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1980 and ending June 30, 1981 the sum of fifty thousand (50,000) dollars, or so much thereof as is necessary, to the Iowa merit employment department for conversion, design, testing, installation, and implementation of a data processing system.

Sec. 40. Section two point forty-three (2.43), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

The legislative council in co-operation with the officers of the senate and house shall have the duty and responsibility for preparing for each session of the general assembly. Pursuant to such duty and responsibility, the legislative council may assign areas in the state capitol or other state buildings, in consultation with the director of the department of general services and the capitol planning commission, for use of the general assembly or legislative agencies. The legislative council may authorize the renovation, remodeling and preparation of the physical facilities used or to be used by the general assembly or legislative agencies subject to the jurisdiction of the legislative council and award contracts pursuant to such authority to carry out such preparation. The legislative council may purchase supplies and equipment deemed necessary for the proper functioning of the legislative branch of government.

DIVISION VI

Sec. 41. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eleven (11), section one (1), subsections one (1), two (2), and four (4), are amended to read as follows:

1. For the purpose of matching federal funds available to the Iowa crime commission for state and court planning programs, for salaries and support of not more than twenty-two full-time equivalent positions, and for maintenance and miscellaneous purposes \$ 110,000 \$ ~~70,200~~ 100,000

2. For the purpose of providing funds for area planning purposes to the Iowa crime commis-

sion, and for salaries, support, maintenance and miscellaneous purposes	\$	100,000	\$	40,000
				<u>50,000</u>

a. It is the intent of the general assembly that if federal law enforcement assistance administration planning funds are not appropriated for the fiscal year beginning October 1, 1980 and ending September 30, 1981, the appropriations subcommittee on transportation and law enforcement shall review the budget needs of the Iowa crime commission. If federal law enforcement assistance administration planning funds are appropriated, funds appropriated under subsections one (1) and two (2) of this section which are not required for matching federal funds shall revert to the general fund of the state.

4. For the purpose of matching federal funds available to the Iowa crime commission through the Juvenile Justice and Delinquency Prevention Act of 1974 as amended by the United States Congress for salaries and support of not more than one full-time equivalent position, and for maintenance and miscellaneous purposes	\$	6,600	\$	14,000
				<u>19,000</u>

Sec. 42. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eleven (11), is amended by adding the following new section:

NEW SECTION. There is appropriated from the general fund of the state to the road use tax fund for the fiscal year beginning July 1, 1980 and ending June 30, 1981 the amount of one million (1,000,000) dollars.

Sec. 43. Section three hundred twelve point two (312.2), subsection six (6), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1980 Session, House File seven hundred forty-seven (747), section one (1), is amended to read as follows:

6. The treasurer of state shall before making the allotments provided for in this section credit monthly to the ~~division of motor vehicle registration of the~~ state department of transportation funds sufficient in amount to pay the costs of purchasing certificate of title and registration forms, and supplies and materials and for the cost of prison labor used in manufacturing motor vehicle registration plates, decalcomania emblems, and validation stickers at the prison industries.

Sec. 44. Section three hundred thirteen point five (313.5), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

The department shall submit to the comptroller, as provided by chapter 8, a detailed estimate of the amount required by the department during each succeeding biennium for the support of the department and for engineering and administration of highway work and maintenance of the primary road system. Such estimate shall be in the same general form and detail as is required by chapter 8 and said chapter shall apply to the budgeting, appropriation, and

expenditure of funds in the primary road fund in the same manner as such chapter applies to other departments. However, the amount of contracts for bituminous resurfacing, bridge painting and repair, concrete-paving pavement and shoulder repair, and agreements with municipalities cities for maintenance on primary road extensions and agreements with counties, cities, and institutions for maintenance on state park, state institution, and other state land roads need not be included in the amount appropriated for maintenance.

Sec. 45. Section three hundred twenty-eight point twenty-four (328.24), Code 1979, is amended to read as follows:

328.24 REFUNDS OF FEES. If, during the year for which an aircraft, except nonresident aircraft used for the application of herbicides and pesticides, was registered and the required fee paid ~~therefor,~~ such the aircraft is destroyed by fire or accident or junked, and its identity as an aircraft entirely eliminated, or it is removed and continuously used beyond the boundaries of the state, then the owner in whose name it was registered at the time of ~~such~~ destruction, dismantling, or removal from the state shall return the certificate of registration to the ~~commission~~ department within ten days and make affidavit of such destruction, dismantling, or removal and make claim for ~~such the~~ refund. The refund shall be paid from the state aviation fund.

The registration fee for the unexpired portion of the year shall ~~thereupon~~ be refunded pro rata to the nearest full calendar month.

Sec. 46. Sections forty-three (43), forty-four (44), and forty-five (45) of this Act take effect July 1, 1981.

Sec. 47. Notwithstanding the provisions of chapters three hundred ten (310) and three hundred thirteen (313) of the Code, if in the judgment of the state department of transportation the anticipated claims against the primary road fund or farm-to-market road fund for any month are in excess of funds available, a temporary transfer for construction costs may be made between funds providing there will remain in the transferring fund a sufficient balance to meet the anticipated obligations. Fund transfers shall be repaid when anticipated balances for any month are in excess of anticipated obligations. All such transfers shall be repaid prior to January 31, 1981. Any transfer shall be made with the approval of the state comptroller and shall comply with the state comptroller's rules relating to the transfer of funds.

This section is applicable only for the period July 1, 1980 through January 31, 1981.

Sec. 48. Section five hundred fifty-eight point fifty-eight (558.58), Code 1979, is amended to read as follows:

558.58 RECORDER TO COLLECT AND DELIVER TO AUDITOR.

1. At the time of filing any a deed or other instrument mentioned in section 558.57, the recorder shall collect from the person filing the ~~same deed or instrument~~ the recording fee provided by law, ~~also~~ and the auditor's transfer fee, ~~and-furtherwith~~ except as provided in subsection two (2) of this section. The recorder shall deliver the deed or instrument and the transfer fee to the county auditor, after endorsing upon said instrument the

following:

Filed for record, indexed, and delivered to county auditor this day of, 19 .., at o'clock ..M. Recorder's and auditor's fee \$ paid.

..... Recorder

2. When the person required to pay a fee relating to a real estate transaction is a governmental subdivision or agency, the recorder, at the request of the governmental subdivision or agency, shall bill the governmental subdivision or agency for the fees required to be paid. The governmental subdivision or agency shall pay the fees and taxes due within thirty days after the date of filing.

Sec. 49. It is the intent of the general assembly that the state department of transportation may construct a hangar addition if sufficient funds, not to exceed eighteen thousand (18,000) dollars, are available for transfer from any funds appropriated to the state department of transportation from the general fund of the state for the fiscal biennium beginning July 1, 1979 and ending June 30, 1981.

Sec. 50. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter fourteen (14), section eighteen (18), subsection two (2), paragraph b, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. It is the intent of the general assembly that the department of public safety shall not dismantle the lower portion of the radio tower located on Second Avenue in Des Moines until further consideration by the general assembly. However, the department may expend the necessary funds to maintain the structural safety of the tower.

Sec. 51. The legislative council may create a crime commission study committee composed of three members of the senate and the house of representatives from the respective standing committees on state government, two members from the house transportation appropriations subcommittee and two members of the senate transportation and law enforcement appropriations subcommittee to review the recommendations of the governor's economy committee relating to the crime commission and the crime commission program evaluation report prepared by the legislative fiscal bureau. The committee shall include as advisory nonvoting members two representatives of the judicial branch of government, and two representatives of local law enforcement agencies. The study committee shall report its findings and recommendations, with legislative bill drafts required to implement its recommendations to the respective standing committees on state government, the legislative council, and the general assembly convening in January, 1981.

DIVISION VII

Sec. 52. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section one (1), subsection one (1), is amended to read as follows:

1. For general administration, including salaries and support, maintenance and miscellaneous purposes \$ 6,140,000 \$ 6,220,000
6,628,584

adverse parties.***

13. For substance abuse screening \$ 200,000 \$ ~~200,000~~

***Sec. 54. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section five (5), subsection six (6), is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The division of adult corrections, in conjunction with other appropriate state agencies, shall continue its study of alternative means of making further improvements in the salaries and retirement benefits of corrections officers and supporting personnel, and any job reclassifications necessary to implement such improvements. The department of social services shall include recommendations necessary to implement these improvements in its 1982-1983 budget request.***

Sec. 55. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section six (6), subsections one (1) and six (6), are amended to read as follows:

1. For salaries and support, maintenance and miscellaneous purposes \$28,150,000 \$~~28,365,000~~
28,265,000

6. It is the intent of the general assembly that not more than one hundred thousand (100,000) dollars of the appropriation provided under subsection one (1) of this section for ~~each--of~~ the fiscal ~~years~~ year beginning July 1, 1979 and ~~July 1, 1980~~ ending June 30, 1980 shall be used by the division of mental health resources to contract for mental health and mental retardation screening services for inmates of the state's adult correctional system and juvenile offenders at the state's juvenile institutions.

Sec. 56. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section six (6), is amended by adding the following new subsection:

NEW SUBSECTION.

a. It is the intent of the general assembly that from the funds appropriated by this section for the fiscal year beginning July 1, 1980, reimbursement be provided to counties for a portion of the cost of local inpatient mental health treatment as provided by this subsection.

b. Each county which pays, from county funds budgeted under section four hundred forty-four point twelve (444.12) of the Code, the cost of care and treatment of a mentally ill person who is admitted pursuant to a preliminary diagnostic evaluation under sections two hundred twenty-five B point four (225B.4) through two hundred twenty-five B point seven (225B.7) of the Code as an inpatient of an Iowa hospital facility, other than a state mental health institute, which has a distinct psychiatric program of twenty or more beds and which hospital facility is accredited by the joint commission on accreditation of hospitals, is entitled to reimbursement from the state for a portion of daily cost so incurred by the county. However, a county is not entitled to reimbursement under this subsection for any cost incurred in connection with the hospitalization of a person who is eligible for medical assistance under chapter two hundred forty-nine A (249A) of the Code, or who is entitled to have his or her care or treatment paid for by any other third

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party payer, or who is admitted for preliminary diagnostic evaluation under sections two hundred twenty-five B point four (225B.4) through two hundred twenty-five B point seven (225B.7) of the Code. The amount of reimbursement for the cost of care and treatment of a local inpatient to which a county is entitled under this subsection, on a per-patient-per-day basis, is an amount equal to twenty percent of the average daily patient costs in the most recent calendar quarter for the program in which the local inpatient would have been served if he or she had been admitted to a state mental health institute.

c. Each county may claim the reimbursement provided for by paragraph a of this subsection by filing with the department a claim in a form prescribed by the director of the division of mental health by administrative rule. Claims may be filed on a quarterly basis, and when received shall be verified expeditiously by the director. The director shall certify to the state comptroller the amount to which each county claiming reimbursement under this section is entitled, and the comptroller shall issue warrants to the respective counties drawn upon funds appropriated by the general assembly for the purpose of this subsection. Each county shall place funds received under this subsection in the county mental health and institutions fund. If the appropriation for any fiscal year is insufficient to pay all claims arising under this subsection, the comptroller shall prorate the funds appropriated for that year among the claimant counties so that an equal proportion of each county's claim is paid in each quarter for which proration is necessary.

d. There is appropriated from the general fund of the state to the department of social services, for the fiscal year beginning July 1, 1980, the sum of three hundred ninety-four thousand (394,000) dollars, or so much thereof as may be necessary, to be used to reimburse counties for a portion of the cost of local inpatient mental health treatment as provided by this subsection.

Sec. 57. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section seven (7), is amended by adding the following new subsection:

NEW SUBSECTION. If more than two hundred dollars is on deposit to the credit of a patient at a hospital school or mental health institute, in a patients' personal deposit fund established pursuant to section two hundred twenty-two point eighty-six (222.86) or two hundred twenty-six point forty-three (226.43) of the Code, and that patient has no county of legal settlement in this state, the business manager of the hospital school or mental health institute may transfer from the patients' personal deposit fund to a central account all money in excess of two hundred dollars on deposit to the credit of that patient, up to an amount equal to the patient's accumulated liability to the state for the cost of that patient's care, support and maintenance. The funds transferred to a central account pursuant to this subsection may be used by the department of social services during the fiscal year beginning July 1, 1980 to provide community based care for mentally retarded or mentally ill persons who do not have a county of legal settlement in this state. Any funds transferred to a central account and not expended as authorized by this subsection shall revert to the general fund of the state on June 30, 1981.

Sec. 58. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section eight (8), subsection two (2), is amended to read as follows:

2. For aid to dependent children	\$47,130,000	\$47,100,000
		56,100,000

Sec. 59. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section eight (8), subsection four (4), paragraph d, is amended to read as follows:

d. Any spontaneous abortion, commonly known as a miscarriage, wherein not all of the products of conception are expelled

\$88,260,000	\$95,350,000
	97,750,000

Notwithstanding the provisions of section eight point thirty-nine (8.39) of the Code, funds appropriated under this section are not subject to transfer to any other department, institution or agency. Any unencumbered or unobligated balance of any appropriation made under this section which exists on June 30, 1981 shall revert to the fund from which it was appropriated.

Sec. 60. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section eight (8), subsections five (5), six (6), nine (9) and eleven (11) are amended to read as follows:

5. For contractual services-medical carrier	\$ 1,084,000	\$ 1,232,000
		1,120,000
6. For children's services	\$20,455,000	\$21,250,000
		22,030,000

Notwithstanding section eight point thirty-three (8.33) of the Code, unencumbered or unobligated funds remaining in the allocation made by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section seventeen (17), subsection two (2), from the appropriation made by this subsection for the fiscal year beginning July 1, 1979, shall not revert to the general fund of the state until June 30, 1981, and shall be governed by the provisions of Acts of the Sixty-eighth General Assembly, chapter eight (8), section four (4), subsection two (2), as added by Acts of the Sixty-eighth General Assembly, Senate File two thousand two hundred forty-one (2241), section sixteen (16), which relate to use by the department of social services of delayed reversion funds.

9. For state supplementary assistance, including state supplementary assistance for the blind	\$ 6,090,000	\$ 6,520,000
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It is the intent of the general assembly that the department of social services shall increase the maximum cost-related reimbursement for residential care facility services for the fiscal year beginning July 1, 1980 to thirteen fourteen dollars and fifty cents per day and the flat rate to eight nine dollars and twenty fifty cents per day.

11. For child support recoveries, including salary and support, maintenance and miscellaneous purposes	\$ 428,219	\$ 435,160
		520,160

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The commissioner of social services, within the limitations of the funds appropriated in this subsection or funds transferred from the aid to dependent children program for this purpose, and subject to the staffing limitations imposed by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section thirty (30), may add additional child support recovery workers when the commissioner determines that additional workers can reasonably be expected to recover for the aid to dependent children program more than twice the amount of money required to pay the salary and support for those additional workers.

Sec. 61. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section eight (8), subsection thirteen (13), as amended by Acts of the Sixty-eighth General Assembly, 1980 Session, Senate File two thousand two hundred forty-one (2241), section twenty-two (22), is amended to read as follows:

13. State supplementation to Title XX	\$ 1,000,000	\$ 1,000,000
		2,200,000

It is the intent of the general assembly that funds appropriated under this subsection be used for local purchase of service contracts for services listed in the overall statewide Title XX plan.

Sec. 62. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section ten (10), is amended by adding the following new subsection:

NEW SUBSECTION. It is the intent of the general assembly that assistance shall be granted under chapter two hundred thirty-nine (239) of the Code to an expectant mother in the last trimester of pregnancy if she meets all other eligibility requirements of the aid to dependent children program. The mother and fetus together shall be treated as a one-person family with assistance payable to the expectant mother as an eligible group of one, and a payment of ten dollars per month shall also be made for the fetus. The department of social services shall continue in effect, or update as may be necessary, the rules adopted as required by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter seven (7), section one (1), subsection two (2).

Sec. 63. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section ten (10), subsection four (4) is amended to read as follows:

4. It is the intent of the general assembly that the department shall maintain a system of current needs budgeting in computing monthly assistance grants for ADC recipients until the department has presented to the governor and the joint social services appropriations subcommittee of the Sixty-eighth General Assembly a study and report including a cost-benefit comparison and client impact comparison between prior-month budgeting and current needs budgeting. The report shall be submitted on December 3, 1979. Further, the department shall not implement a prior-month budgeting system on a statewide basis without first establishing its cost-effectiveness through at least a one-year pilot program employing prior-month budgeting in selected Iowa counties.

Sec. 64. Acts of the Sixty-eighth General Assembly,* 1979 Session, chapter eight (8), section twelve (12), is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Beginning July 1, 1980, the basis for establishing the maximum medical assistance reimbursement rate for intermediate care facilities shall be the seventy-fourth percentile of all facilities' per diems as calculated from the March 31, 1980 compilation of unaudited financial and statistical reports. This compilation is composed of facility cost reports received prior to February 1, 1980. Beginning January 1, 1981, the basis for establishing the maximum reimbursement rate for intermediate care facilities shall be the seventy-fourth percentile of all facilities' per diems as calculated from the December 31, 1980 compilation of unaudited financial and statistical reports. This compilation is composed of facility cost reports received prior to November 1, 1980.

Sec. 65. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section fourteen (14), is amended to read as follows:

SEC. 14. It is the intent of the general assembly that medical assistance shall be made available to any person who is an inpatient of a hospital, skilled nursing facility or intermediate care facility; who is eligible for supplemental security income in all respects except income; and whose income does not exceed ~~six-hundred-dollars-per-month~~ three hundred percent of the maximum monthly payment to an individual who is a recipient under the federal supplementary security income program as defined in section two hundred forty-nine point one (249.1), subsection one (1), of the Code.

***Sec. 66. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section sixteen (16), is amended to read as follows:

SEC. 16. It is the intent of the general assembly that, for the fiscal year beginning July 1, 1979, foster parent payments be increased by ten percent. It is further the intent of the general assembly that, for the fiscal year beginning July 1, 1980, foster residential care payments shall increase from fifty-five to fifty-eight dollars per day and foster group home payments shall increase from forty-four to forty-six dollars per day. It is also the intent of the general assembly that subsidized adoption rates shall be increased to the same level as the foster family home rates for the fiscal year beginning July 1, 1980.***

Sec. 67. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), is amended by adding the following new sections:

NEW SECTION. Notwithstanding sections two hundred eighteen point seventy-eight (218.78) and two hundred eighteen point one hundred one (218.101) of the Code, all receipts of the Glenwood state hospital-school attributable to billings for laundry services furnished the Iowa school for the deaf shall be available to the hospital-school.

NEW SECTION. The department of social services shall arrange for a study of alternative methods of cost reimbursement for skilled, intermediate and residential care facilities and congregate housing and independent group residents. The study shall be conducted by an independent consulting firm which shall be employed by the department of social services after consultation with the governor, and the joint appropriations subcommittee on

*According to enrolled Act
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social services. The co-chairpersons of the joint appropriations subcommittee on social services shall select three members of that subcommittee to sit on a committee organized by the department of social services to set study parameters, receive consultant study proposals, select the consultant, and receive periodic progress reports. Progress reports shall be given to the governor, the commissioner of social services, and the joint appropriations subcommittee on social services at least twice prior to the final report which shall be submitted to the governor, the department of social services, and the joint appropriations subcommittee on social services no later than January 15, 1981. The department may use not more than seventy-five thousand dollars of the appropriation made by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section eight (8), subsection four (4), as amended by this Act, for the fiscal year beginning July 1, 1980 and ending June 30, 1981, to pay the costs of the study mandated by this section.

Sec. 68. Section two hundred thirty-nine point one (239.1), subsection three (3), Code 1979, is amended to read as follows:

3. A "dependent child" means a needy child under the age of ~~sixteen~~ eighteen years, ~~--or-under-the-age-of-twenty-years-who-is-a-student-regularly-attending-a-high-school-in-pursuance-of-a-course-of-study-leading-to--a--high-school--diploma-or-its-equivalent,--or-who-is,--in-lieu-of-pursuing-a-course-of-study-leading-to-a-high-school-diploma-or-its-equivalent,--regularly-attending-a-course-of-veocational-or-technical-training-designed-to-fit-him-for--gainful-employment,~~ who has been deprived of parental support and care by reason of death, continued absence from home, physical or mental incapacity or unfitness of either parent, or partial or total unemployment of the father, and who is living with his or her father or mother, or both, or with his or her grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle or aunt, in a place of residence maintained by one or more of such relatives as his or her or their home or has been placed in a licensed foster home or with a public or nonprofit child care agency by the state division or by the county department of social welfare in lieu of living with any relative designated in this subsection.

Sec. 69. Acts of the Sixty-eighth General Assembly, 1980 Session, Senate File two thousand two hundred forty-one (2241), section twenty (20), is amended to read as follows:

SEC. 20. There is appropriated from the general fund of the state to the department of social services for the fiscal year beginning July 1, 1979 and ending June 30, 1980, the sum of one hundred thirty-eight thousand (138,000) dollars, or so much thereof as may be necessary, to supplement funds appropriated by the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section eight (8), subsection six (6). The money appropriated by this section shall be used for the purpose provided by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section seventeen (17), subsection two (2). Notwithstanding section eight point thirty-three (8.33) of the Code, unencumbered or unobligated funds appropriated by this section shall not revert to the general fund of the state until June 30, 1981, and shall be governed by the provisions of Acts of

the Sixty-eighth General Assembly, chapter eight (8), section four (4), subsection two (2), as added by Acts of the Sixty-eighth General Assembly, Senate File two thousand two hundred forty-one (2241), section sixteen (16), which relate to use by the department of social services of delayed reversion funds.

Sec. 70. Section two hundred thirty-nine point four (239.4), unnumbered paragraph two (2), Code 1979, is amended by striking the unnumbered paragraph.

Sec. 71. Section two hundred fifty-two point forty-three (252.43), unnumbered paragraph three (3), Code 1979, is amended to read as follows:

~~The expense of support for the poor for Indians residing in the settlement referred to in section 1-12 located in Tama county shall be paid from funds of the state division of child and family services of~~ appropriated for that purpose to the department of social services. The tribal council of the settlement shall administer such support for Indians residing on a the settlement, such state division shall have the powers and duties assigned to county officials by this chapter, or the state division or director of same may designate the director of social welfare in the county where such Indians reside to administer such relief. The tribal council shall submit a report annually to the department delineating program expenditures.

Sec. 72. Section five hundred nine point one (509.1), subsection one (1), Code 1979, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. The policy shall not exclude from coverage an employee or an employee's spouse or dependents on the basis of the eligibility of the employee or the employee's spouse or dependents for medical assistance under chapter two hundred forty-nine A (249A) of the Code.

Sec. 73. Section five hundred nine point one (509.1), subsection four (4), Code 1979, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. The policy shall not exclude from coverage a member or a member's spouse or dependents on the basis of the eligibility of the member or the member's spouse or dependents for medical assistance under chapter two hundred forty-nine A (249A) of the Code.

Sec. 74. Section five hundred nine point one (509.1), subsection five (5), Code 1979, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. The policy shall not exclude from coverage an employee or member or an employee's or member's spouse or dependents on the basis of the eligibility of the employee or member or employee's or member's spouse or dependents for medical assistance under chapter two hundred forty-nine A (249A) of the Code.

Sec. 75. Section five hundred nine point one (509.1), subsection six (6), Code 1979, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. The policy shall not exclude from coverage an employee or an employee's spouse or dependents on the basis of the eligibility of the employee or the employee's spouse or dependents for medical assistance under chapter two hundred forty-nine A (249A) of the Code. This paragraph shall also apply to corporations operating within the state who provide insurance coverage for their employees directly, and the commissioner shall have the authority to enforce the provisions of this paragraph.

Sec. 76. The department of social services shall adopt rules under section seventeen A point four (17A.4), subsection two (2) of the Code, which may become effective under section seventeen A point five (17A.5), subsection two (2), paragraph b of the Code as follows:

1. To change the effective date of assistance provided under chapter two hundred thirty-nine (239) of the Code from the date of application to not more than seven days after the date of application.

2. To eliminate payment for laxative drugs.

3. To limit orthodontia and posterior dental bridgework, except that assistance shall be available for injuries requiring emergency treatment.

4. To limit the types of eyeglass frames provided.

5. To extend the time period which must elapse before a person may obtain new eyeglasses, except that provision shall be made for emergency needs.

6. To provide that dentures shall be replaced no oftener than once every five years, except that allowance shall be made for emergency needs.

7. To provide reimbursement for hearing aids at factory cost plus a dispensing fee covering ear mold fitting and service for six months, and payment for batteries as requested by recipient.

8. To provide co-payment for the following optional services--dental, optometry, optical, audiology, orthopedic shoes, hearing aids and medical equipment.

9. To provide for a fifty cent drug co-payment and to require that pharmacists who reduce the total cost, including the reduction of either the ingredient cost or the professional fee, or both, of a prescription drug or insulin to persons, as defined in section four point one (4.1), subsection thirteen (13) of the Code, participating in a private, third-party payor prescription drug insurance or benefit plan or to the insurance or benefit plan, also reduce by the same amount the total cost of the same prescription drug or insulin to persons participating in the medical assistance program established by chapter two hundred forty-nine A (249A) of the Code or to the program.

Sec. 77. The department of social services is authorized to promulgate rules under section seventy-six (76) of this Act subsequent to the approval of that section by the governor and prior to the effective date of this Act, and those rules shall not be declared unlawful under section seventeen A point nineteen (17A.19), subsection eight (8), paragraph d of the Code for failure to comply with section seventeen A point four (17A.4), subsections one (1) or two (2) or section seventeen A point five (17A.5) of the Code.

Approved May 26, 1980

The Honorable Melvin D. Synhorst
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit House File 2580, an act appropriating funds to finance designated state programs and adding procedures and criteria for administering designated programs of the State Educational Radio and Television Facility Board; the School for the Deaf; the Iowa College Aid Commission; merged Area V; the State Board of Regents for capitation grants; the Commission on the Aging; the Iowa State Civil Rights Commission; the Spanish-Speaking Peoples Commission, the Commission on the Status of Women; the Board of Medical Examiners; the Iowa Mental Health Authority; the Mental Health Advisory Council; the health planning agency, personal and family health services, the Community Health Division, and in-home health care grants of the State Department of Health; the elderly care program; the Iowa Department of Substance Abuse; the European Office of the Iowa Development Commission; the Energy Policy Council; the Department of Soil Conservation; the Governor's Economy Committee recommendations; the State Board of Engineering Examiners; the Iowa Beer and Liquor Control Department; the Department of Revenue; the Iowa Public Employees' Retirement System; judicial salaries and the judicial retirement system; Terrace Hill; the census data center coordinating unit; the Communications Division of the Department of General Services; the Legislative Fiscal Bureau; the Iowa Crime Commission; the road use tax fund; the State Department of Transportation; governmental subdivisions and agencies required to record instruments; the Department of Public Safety; and the general administration, correctional personnel, community-based corrections, legal assistance program, substance abuse screening, mental health institutes, Division of Mental Health Resources, patients' personal deposit funds, Aid to Dependent Children, medical assistance, contractual services-medical carrier, children's services, state supplementary assistance, child support recoveries, Title XX, foster residential care, subsidized adoption, the Glenwood State Hospital-School, cost reimbursement for skilled, residential, and intermediate care facilities, the community integrated youth services project, support for the poor for Indians residing on the Tama County settlement, and various rules of the Department of Social Services, prohibiting group policies of life, accident or health insurance from excluding from coverage employees and employees' spouses and dependents on the basis of their eligibility for medical assistance under Chapter Two Hundred Forty-nine A (249A) of the Code, and appropriating funds for the Merit Employment Commission and the Older Iowans' Legislature.

House File 2580 is approved May 26, 1980, with the following exceptions which I hereby disapprove.

I am unable to approve the item designated in the Act as Section 36 which reads as follows:

Sec. 36. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter three (3), section four (4), subsection three (3), unnumbered paragraph two (2), is amended to read as follows:

There is established a census data center coordinating unit composed of the state librarian, a representative of the office for planning and programming, and three representatives each representing one of the state universities. The census data center coordi-

nating unit shall provide for not less than fifty census data training sessions throughout the state, and shall negotiate a joint statistical agreement with the United States bureau of the census. The census data center coordinating unit shall be the agency designated in Iowa to approve all such agreements with the bureau of the census.

I am unable to approve that portion of Section 53 which reads as follows:

11. For a legal assistance program to provide civil legal assistance to inmates of the Iowa correctional system in matters of child custody, bankruptcy and dissolution of marriage \$ 25,000 \$ 25,000

Expenditures shall be authorized by the citizens' aide office, and may include the costs of transporting prisoners, secretarial support and administrative oversight.

It was and is the intent of the general assembly that this program was established for and be continued for expenditure for civil matters of inmates, which matters occurred outside the state's institutions. Thus it is the intent of the general assembly that funds from the appropriation shall not be used for civil matters in which the inmate and the state of Iowa are adverse parties.

I am unable to approve the item designated in the Act as Section 54 which reads as follows:

Sec. 54. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section five (5), subsection six (6), is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The division of adult corrections, in conjunction with other appropriate state agencies, shall continue its study of alternative means of making further improvements in the salaries and retirement benefits of corrections officers and supporting personnel, and any job reclassifications necessary to implement such improvements. The department of social services shall include recommendations necessary to implement these improvements in its 1982-1983 budget requests.*

I am unable to approve that portion of Section 59 which reads as follows:

Notwithstanding the provisions of section eight point thirty-nine (8.39) of the Code, funds appropriated under this section are not subject to transfer to any other department, institution or agency. Any unencumbered or unobligated balance of any appropriation made under this section which exists on June 30, 1981 shall revert to the fund from which it was appropriated.

I am unable to approve the item designated in the Act as Section 66 which reads as follows:

Sec. 66. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section sixteen (16), is amended to read as follows:

*See §54 of this Act

SEC. 16. It is the intent of the general assembly that, for the fiscal year beginning July 1, 1979, foster parent payments be increased by ten percent. It is further the intent of the general assembly that, for the fiscal year beginning July 1, 1980, foster residential care payments shall increase from fifty-five to fifty-eight dollars per day and foster group home payments shall increase from forty-four to forty-six dollars per day. It is also the intent of the general assembly that subsidized adoption rates shall be increased to the same level as the foster family home rates for the fiscal year beginning July 1, 1980.

Section 36 purports to grant to the census data center coordinating unit created last year the right to negotiate a joint federal/state statistical agreement in conjunction with the current census. This provision is both illegal and moot. Federal law provides that these agreements must be approved by the Governor--and state law cannot grant that authority to other officials. The issue is moot since such an agreement was executed by me on behalf of the State of Iowa and Daniel B. Levine, Acting Director, Bureau of the Census, U.S. Department of Commerce, on January 9, 1980. That agreement, which designated the Office for Planning and Programming as the agency to receive census information for public distribution in Iowa, cannot now be substituted with a new arrangement.

Section 53 revises several appropriations approved last year for adult corrections. One of these revisions would transfer certain administrative authority of an executive agency, the Department of Social Services, to a legislative agency, the Citizens' Aide Office, for the legal assistance program for inmates. Article III of the Iowa Constitution clearly sets forth the powers of each branch of state government. Granting administrative authority for the legal assistance program to a legislative agency would violate that separation. This item would remove from the Department of Social Services and its prison wardens a substantial amount of control over residents of their institutions.

In pursuing the civil legal assistance this section provides to inmates, the Citizens' Aide Office would be empowered to authorize expenditures for transporting prisoners, secretarial support and administrative oversight. An executive agency cannot operate effectively if it must first secure the approval of a legislative agency to carry out its day-to-day operations any more than the legislature could operate if an executive agency could step in daily to amend unilaterally bills that are being debated.

As the initiator of the Citizens' Aide Office, I support and encourage its work. However, I do not believe that its duties include administration of the executive agencies. The administrators of the Department of Social Services indicate that they will be amenable to recommendations from the Citizens' Aide Office for the use of the legal assistance fund. This item veto leaves the original appropriation for the legal assistance program intact. With cooperation between the agencies, hopefully we will have the results desired without violating the separation of power.

Section 54 would require the Division of Adult Corrections in the Department of Social Services to conduct a study on improving salaries and retirement benefits for corrections officers and supporting personnel. Furthermore, the section would mandate the Department to include the recommendations of the study in their upcoming biennial budget request to the Governor and the General Assembly. This study would

directly concern mandatory subjects of collective bargaining under Iowa law. Corrections employees, whose salaries and pension benefits would be reviewed, are members of a certified bargaining unit and are represented at the bargaining table by the American Federation of State, County and Municipal Employees, Council 61. In the upcoming months, the State will be actively negotiating with that union for a collective bargaining agreement to become effective July 1, 1981. Since there is little doubt the union will demand that the State bargain on salaries, it would be inappropriate to conduct a study which concludes with an automatic request for an appropriation of funds totally outside the bargaining process. With the adoption of collective bargaining, our lawmakers must be sensitive to the fact that they cannot selectively intervene in the process without disrupting and possibly harming the negotiations. This could be the case unless the legislature exempted corrections personnel from collective bargaining--which it hasn't done, and I don't think it wants to.

In recognition of the important work corrections personnel do and the need to retain a high level of staff morale and because I do appreciate the concerns of the legislators, I am directing a study be made relative to these items. I will ask the Office of Employment Relations in the Comptroller's Office to conduct the review with the assistance of the Department of Social Services and the Merit Employment Department.

Section 59 would restrict the authority to transfer funds appropriated for Title XIX (medicaid). I have vetoed similar transfer limitations in previous appropriation bills, including the supplemental fiscal year 1979-80 appropriation bill for Title XIX.

As I have pointed out in other veto messages, current law contains safeguards giving the legislature the opportunity to review and comment on proposed transfers. We have been responsive to these comments--indeed, several transfers have been modified or eliminated following the receipt of recommendations from legislators.

As with the earlier item veto on Title XIX funds, we believe this provision to be severable from the appropriation. Its deletion will not in any manner alter the purposes of the original appropriation, the test suggested by the Supreme Court in reviewing the legality of item vetoes. We do not anticipate making transfers from the Title XIX appropriation. As a matter of fact, there are strong indications that, if anything, Title XIX has been underfunded by the legislature and will either require a transfer to the appropriation or a supplemental appropriation next year. Section 8.39 of the Code provides for the transfer authority by the Governor and the State Comptroller. This item's restriction is an attempt to circumvent the transfer law without following the proper legislative procedure.

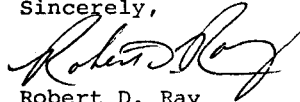
Section 66 contains intent language to raise the maximum payments for foster residential care and foster group homes and to increase the rates paid for subsidized adoption. The Department of Social Services received from the General Assembly funds with the intent language to raise the rates to a maximum of \$58 per day for foster residential care, \$46 per day for foster group homes and by 10 percent for subsidized adoption.

However, the wording in this section is ambiguous and probably would not accomplish the legislative intent. The language seems to establish uniform rates for the two foster care payments rather than maximum rates. These services currently have widely varying per diem rates based on their individual costs and charges. This cost-related reimbursement is appropriate and should continue. By deleting this provision, the Department, under existing authority, will follow the desired intent of the legislature and set the new maximum reimbursement rates effective July 1, 1980.

The language which was intended to raise subsidized adoption rates by a percentage actually raises the rates to equal foster parent payments. The adoptive family's income is taken into consideration when determining the amount of subsidy payment, thus these payments do not and should not equal foster family payment rates, which are based on the needs of the child rather than on foster family income. Since it has the funds to raise subsidized adoption rates by 10 percent and has the authority to do so, the Department will establish rules implementing the increase effective July 1, 1980.

For these reasons, I hereby disapprove these items in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the State of Iowa. All other items of House File 2580 are hereby approved this date.

Sincerely,



Robert D. Ray
Governor