

## CHAPTER 1007

APPROPRIATIONS TO COMMISSION FOR BLIND; RADIO AND TELEVISION;  
CIVIL RIGHTS; STATUS OF WOMEN; MEDICAL EXAMINERS;  
HEALTH DEPARTMENT; AGING COMMISSION; ENERGY POLICY;  
NATURAL RESOURCES; ENGINEERING EXAMINERS;  
REVENUE DEPARTMENT; TRAINING SCHOOLS;  
SOCIAL SERVICES; GENERAL SERVICES AND PUBLIC SAFETY

S. F. 2241

AN ACT relating to appropriations for the fiscal years beginning July 1, 1979 and 1980, by supplementing and adjusting appropriations and amending restrictions contained in the Acts of the Sixty-eighth General Assembly, 1979 Session, and making additional appropriations.

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

Section 1. The appropriation from the general fund of the state to the Iowa commission for the blind made for the fiscal year beginning July 1, 1979 and ending June 30, 1980 by the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirteen (13), section one (1), is reduced by twenty-two thousand four hundred (22,400) dollars.

Sec. 2. There is appropriated from the general fund of the state to the state educational radio and television facility for the fiscal year beginning July 1, 1979 and ending June 30, 1980, the sum of eighty-seven thousand (87,000) dollars, or so much thereof as may be necessary, to supplement funds appropriated by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirteen (13), section six (6).

Sec. 3. There is appropriated from the general fund of the state to the Iowa state civil rights commission for the fiscal year beginning July 1, 1979 and ending June 30, 1980, the sum of nine thousand (9,000) dollars, or so much thereof as may be necessary, to be used for the same purposes and to supplement funds appropriated by the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter nine (9), section two (2), subsection one (1).

Sec. 4. There is appropriated from the general fund of the state to the commission on the status of women for the fiscal year beginning July 1, 1979 and ending June 30, 1980, the sum of five thousand one hundred (5,100) dollars, or so much thereof as may be necessary, to be used for the same purposes and to supplement funds appropriated by the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter nine (9), section two (2), subsection four (4). Notwithstanding the provisions of the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter nine (9), section two (2), subsection four (4), the full-time equivalent positions shall be three point twenty-five for the fiscal year beginning July 1, 1979.

Sec. 5. There is appropriated from the general fund of the state to the board of medical examiners for the fiscal year beginning July 1, 1979 and ending June 30, 1980, the sum of sixteen thousand (16,000) dollars, or so much thereof as may be necessary, to be used for the same purposes and to supplement funds appropriated by the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter nine (9), section three (3), subsection one (1).

Sec. 6. There is appropriated from the general fund of the state to the state department of health, community health division, for the fiscal year beginning July 1, 1979 and ending June 30, 1980 the sum of five hundred seventy-eight thousand (578,000) dollars, or so much thereof as may be necessary, to be used for the same purposes and to supplement funds appropriated by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter nine (9), section four (4), subsection seven (7), paragraph a. However, from the funds appropriated by this section ninety-four thousand (94,000) dollars, or so much thereof as may be necessary, shall be used to pay bills which were outstanding prior to July 1, 1979.

Sec. 7. There is appropriated from the general fund of the state to the state department of health, health facilities division, for the fiscal year beginning July 1, 1979 and ending June 30, 1980 the sum of one hundred sixty-seven thousand (167,000) dollars, or so much thereof as may be necessary, to be used for the same purposes and to supplement funds appropriated by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter nine (9), section four (4), subsection two (2), paragraph a.

Sec. 8. Notwithstanding the provisions of the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter nine (9), section four (4), subsection two (2), paragraph b, the full-time equivalent positions for the health planning agency shall be thirteen for the fiscal year beginning July 1, 1979.

Sec. 9. Notwithstanding the provisions of the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter nine (9), section one (1), subsection one (1), the full-time equivalent positions for the commission on aging shall be twenty-eight point twenty-five for the fiscal year beginning July 1, 1979. Two full-time equivalent positions are approved for care review activities contingent upon the receipt of federal funds.

Sec. 10. There is appropriated from the general fund of the state to the energy policy council for the fiscal year beginning July 1, 1979 and ending June 30, 1980 the sum of forty thousand (40,000) dollars, or so much thereof as may be necessary, to be used for the same purposes and to supplement funds appropriated by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter twelve (12), section thirteen (13), subsection one (1). The limit on full-time equivalent positions contained in that subsection shall not apply during the fiscal year beginning July 1, 1979.

Sec. 11. There is appropriated from the general fund of the state to the Iowa natural resources council for the fiscal year beginning July 1, 1979 and ending June 30, 1980 the sum of sixteen thousand (16,000) dollars, or so much thereof as may be necessary, to be used for the same purposes and to supplement funds appropriated by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter twelve (12), section eighteen (18), subsection two (2).

Sec. 12. There is appropriated from the general fund of the state to the state board of engineering examiners for the fiscal year beginning July 1, 1979 and ending June 30, 1980, the sum of two thousand (2,000) dollars, or so much thereof as may be necessary, to be used for the same purposes and to supplement funds appropriated by the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter four (4), section one (1), subsection five

(5). Notwithstanding the number of full-time equivalent positions specified in Acts of the Sixty-eighth General Assembly, 1979 Session, chapter four (4), section one (1), subsection five (5), the maximum number of full-time equivalent positions for the state board of engineering examiners for the 1979-80 fiscal year is two point one hundred twenty-five.

Sec. 13. There is appropriated from the general fund of the state to the department of revenue for the fiscal year beginning July 1, 1979 and ending June 30, 1980, the sum of eighteen thousand (18,000) dollars, or so much thereof as may be necessary, to be used for a humidifier system and to supplement funds appropriated by the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter four (4), section two (2), subsection fourteen (14).

Sec. 14. There is appropriated from the general fund of the state to the department of revenue for the fiscal year beginning July 1, 1979 and ending June 30, 1980, the sum of one hundred thousand (100,000) dollars, or so much thereof as may be necessary, to be used for its capital assets pricing model program and to supplement funds appropriated by the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter four (4), section two (2), subsection fourteen (14).

Sec. 15. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section three (3), subsection one (1) is amended to read as follows:

1. For the operation of the Eldora training school, Mitchellville training school and state juvenile home, including salaries and support, maintenance and miscellaneous purposes . . . . . \$ 7,000,000 \$ 6,900,000

Notwithstanding section eight point thirty-three (8.33) of the Code, unencumbered or unobligated funds appropriated by this subsection for the fiscal year beginning July 1, 1979 and ending June 30, 1980 shall not revert to the general fund of the state until June 30, 1981. It is the intent of the general assembly that funds not expended under this subsection be expended to provide juvenile services pursuant to Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section four (4).

Sec. 16. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section four (4) is amended to read as follows:

SEC. 4. There is appropriated from the general fund of the state for each fiscal year of the biennium beginning July 1, 1979 and ending June 30, 1981 to the department of social services for juvenile community-based ~~corrections~~ services designed to deinstitutionalize individuals or to prevent their institutionalization the following amounts, or so much thereof as may be necessary:

	1979-1980	1980-1981
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
	\$ 320,000	\$ 320,000

1. The department of social services shall continue the program of project grants to communities which are developing community-based juvenile services designed to deinstitutionalize individuals or to prevent their institutionalization, including but not limited to community-based

correctional services and community-based residential correctional programs services. It shall work with local communities and the Iowa crime commission to provide incentives to make maximum use of available federal funds. Insofar as practical, the department shall provide technical assistance to local groups which intend to establish or improve community-based juvenile residential-correctional-programs services designed to deinstitutionalize individuals or prevent their institutionalization.

2. Service specifications shall be developed by the department to meet the goals of deinstitutionalization of individuals and prevention of their institutionalization, with special emphasis given to services needed by localities. During the fiscal year beginning July 1, 1980 and ending June 30, 1981, the department may use up to forty percent of the funds available to it pursuant to the delayed reversion provided for by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section three (3), subsection one (1), as amended by section fifteen (15) of this Act, but in no event more than one hundred fifty thousand (150,000) dollars, to stimulate, develop and operate such programs in areas for which service needs have been clearly identified but for which there is no community service provider capable of providing a needed service.

Sec. 17. Acts of the Sixty-seventh General Assembly, 1978 Session, chapter one thousand eighteen (1018), section six (6), subsection one (1), paragraph c, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section five (5), subsection nine (9), is amended to read as follows:

c. Community-based corrections ..... \$ 8,175,000

Notwithstanding section eight point thirty-three (8.33) of the Code, unencumbered or unobligated funds appropriated by this paragraph shall not revert to the general fund until June 30, ~~1980~~ 1981.

Sec. 18. 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 four million five hundred seventy thousand (4,570,000) dollars, or so much thereof as may be necessary, to be used for the same purposes and to supplement funds appropriated by the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section eight (8), subsection two (2).

\*\*\*Sec. 19. The appropriation from the general fund of the state to the department of social services made for the fiscal year beginning July 1, 1979 and ending June 30, 1980 by the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section eight (8), subsection four (4), is reduced by six hundred ten thousand (610,000) dollars.\*\*\*

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

\*\*\*Item veto

†Amended by 68GA, ch 1001, §69

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).

Sec. 21. 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 million two hundred thousand (1,200,000) dollars, or so much thereof as may be necessary, to be used for the same purposes and to supplement funds appropriated by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section eight (8), subsection thirteen (13).

Sec. 22. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section eight (8), subsection thirteen (13), unnumbered paragraph two (2) is amended to read as follows:

It is the intent of the general assembly that funds appropriated under this subsection be used for local purchase of service contracts, ~~and primarily to help avoid the institutionalization of individuals and to provide child care.~~

Sec. 23. There is appropriated from the general fund of the state to the courts of this state for the fiscal year beginning July 1, 1979 and ending June 30, 1980, the sum of eighty-three thousand five hundred fifty-seven (83,557) dollars, or so much thereof as may be necessary, to be used for the same purposes and to supplement funds appropriated by the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter two (2), section three (3).

Sec. 24. There is appropriated from the general fund of the state to the department of general services for the fiscal year beginning July 1, 1979 and ending June 30, 1980 for the remodeling of executive hills for the use of the Iowa arts council and other departments the sum of twenty-five thousand (25,000) dollars, or so much thereof as may be necessary. The director of the Iowa arts council shall select the coloring of the carpet to be installed in that portion of executive hills which contains offices of the Iowa arts council.

Sec. 25. There is appropriated from the general fund of the state to the Iowa law enforcement academy for the fiscal year beginning July 1, 1979 and ending June 30, 1980, the sum of eleven thousand (11,000) dollars, or so much thereof as may be necessary, to be used for the same purposes and to supplement funds appropriated by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eleven (11), section two (2), subsection one (1), paragraph a.

Sec. 26. There is appropriated from the general fund of the state to the department of public defense for the fiscal year beginning July 1, 1979 and ending June 30, 1980, the sum of eight thousand seven hundred fifty (8,750) dollars, or so much thereof as may be necessary, to be used for the same purposes and to supplement funds appropriated by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eleven (11), section two (2), subsection two (2), paragraph a.

Sec. 27. There is appropriated from the general fund of the state to the department of public safety for the fiscal year beginning July 1, 1979 and ending June 30, 1980, the sum of eighty-five thousand (85,000) dollars, or so

much thereof as may be necessary, to be used for the same purposes and to supplement funds appropriated by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eleven (11), section three (3), subsection three (3), paragraph a.

Sec. 28. There is appropriated from the general fund of the state to the department of public safety for the fiscal year beginning July 1, 1979 and ending June 30, 1980, the sum of one hundred sixty-five thousand (165,000) dollars, or so much thereof as may be necessary, to be used for the same purposes and to supplement funds appropriated by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eleven (11), section three (3), subsection four (4), paragraph a.

Sec. 29. There is appropriated from the general fund of the state to the department of public safety for the fiscal year beginning July 1, 1979 and ending June 30, 1980 the sum of sixty thousand (60,000) dollars, or so much thereof as may be necessary, for the acquisition of land and construction of a departmental office building in the area of post eleven.

Any unencumbered balance remaining as of June 30, 1982, of the funds appropriated by this section shall revert to the general fund of the state on September 30, 1982.

\*\*\*Sec. 30. Notwithstanding the provisions of section eight point thirty-nine (8.39) of the Code, funds appropriated under sections eighteen (18) and twenty (20) of this Act shall not be subject to transfer to any other department, institution or agency. Any unencumbered or unobligated balance of any appropriation made under sections eighteen (18) or twenty (20) of this Act which exists on June 30, 1980 shall revert to the fund from which it was appropriated.\*\*\*

Sec. 31. This Act, being deemed of immediate importance, takes effect from and after its publication in The Independent, a newspaper published in Hawarden, Iowa, and in the Oskaloosa Daily Herald, a newspaper published in Oskaloosa, Iowa.

Approved March 28, 1980

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

I hereby transmit Senate File 2241, an act relating to appropriations for the fiscal years beginning July 1, 1979 and 1980, by supplementing and adjusting appropriations and amending restrictions contained in the Acts of the Sixty-eighth General Assembly, 1979 Session, and making additional appropriations.

Senate File 2241 is approved March 28, 1980, with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 19 which reads as follows:

Sec. 19. The appropriation from the general fund of the state to the department of social services made for the fiscal year beginning July 1, 1979 and ending June 30, 1980 by the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section eight (8),

subsection four (4), is reduced by six hundred ten thousand (610,000) dollars.

I am unable to approve the item designated as Section 30 which reads as follows:

Sec. 30. Notwithstanding the provisions of section eight point thirty-nine (8.39) of the Code, funds appropriated under sections eighteen (18) and twenty (20) of this Act shall not be subject to transfer to any other department, institution or agency. Any unencumbered or unobligated balance of any appropriation made under sections eighteen (18) or twenty (20) of this Act which exists on June 30, 1980 shall revert to the fund from which it was appropriated.

As reasons for this disapproval I submit the following:

The purpose of Section 19 of this bill is to reduce the FY 1980 medical assistance (Title XIX) appropriation by \$610,000. The Department of Social Services believes that such a reduction can be made without adversely affecting this medical assistance program.

On the other hand, this bill does not appropriate sufficient funds to cover the anticipated increase in the Aid to Dependent Children caseload. This deficiency can be partially met by retaining the \$610,000 in this bill and making a fund transfer under Section 8.39 of the Iowa Code. The Chairmen of the Social Services Appropriations Subcommittees concur in this course of action.

While as Governor I have used this transfer authority sparingly and have not used it at all during this fiscal year, I do believe it should be employed on occasion when a mandated program must be funded and the appropriation is insufficient. This option needs to be available in this case.

It is difficult to estimate accurately the costs of the medical assistance and the Aid to Dependent Children programs. The legislature has tended to regard these two appropriations as though they were standing unlimited appropriations due to the difficulty in estimating their final costs. While it is always hoped that adjustments at the end of the year will not be necessary for the ADC and medical assistance programs, it seldom happens.

Since the time I submitted our budget recommendations to the General Assembly and the Social Services Appropriations Subcommittees acted upon the requests, the Department of Social Services has reported that the current caseload is 102,300, which is 4,000 persons more on a per-month average than was estimated in January. In addition to the \$4,570,000 contained in this bill, the Department of Social Services estimates that slightly more than \$1,000,000 will be necessary to maintain current benefit levels for the remainder of this fiscal year.

The under-funding in ADC and the surplus in medical assistance just discussed underscores the need for flexibility in the executive branch once legislative appropriations have been made. Section 30 of this bill restricts the Governor and State Comptroller's authority to transfer funds from one agency to another when the original appropriation has proven to be insufficient to meet the legitimate expenses of the receiving agency. The transfer authority provides flexibility to make necessary adjustments when unforeseen or changing circumstances arise.

Previously, I have vetoed limitations on the transfer authority. The law contains safeguards giving the legislature an opportunity to review and comment on any proposed transfer. We have accepted and respected such comments, and, indeed,

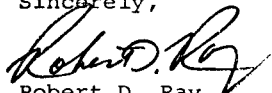
several transfers have been modified or eliminated following receipt of recommendations from legislators.

In 1969 the people of this State voted to amend the Constitution of the State of Iowa to allow the Governor to "disapprove any item" of an appropriation bill. Since then there have been several court cases and a number of Attorney General opinions which have attempted to demarcate this gubernatorial authority. Throughout those discussions runs the thread of separability, that is, will the vetoed item alter positively or negatively the function of the appropriation to which it is purportably attached? If there remains no "scar tissue" from excising such a provision, then assuredly it is an item within the meaning of the Iowa Constitution.

In this bill, Section 30 is totally unrelated to Sections 18 and 20. Its deletion will not in any manner effect the purposes of those appropriations. While we do not anticipate making transfers from the appropriations affected by Section 30, nonetheless, the restriction violates the transfer authority established by law and sets a bad precedent. I would hope that the legislative branch would want to work with the executive branch in determining budget policy without circumventing a statutory authority allowing limited flexibility which is indeed desirable to implement the budget effectively.

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 Senate File 2241 are hereby approved this date.

Sincerely,



Robert D. Ray  
Governor

I hereby certify that the foregoing Act, Senate File 2241, and Governor Robert D. Ray's item veto message were published in entirety in The Independent, Hawarden, Iowa on April 10, 1980, and in the Oskaloosa Daily Herald, Oskaloosa, Iowa on April 4, 1980.

MELVIN D. SYNHORST, *Secretary of State*

## CHAPTER 1008

### COMMUNICATIONS REVIEW COMMITTEE

S.F. 2269

AN ACT to establish a communications review committee and to abolish the police communications review committee.

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

Section 1. Chapter two (2), Code 1979, is amended by adding the following new sections:

NEW SECTION. COMMUNICATIONS REVIEW COMMITTEE ESTABLISHED. There is established a communications review committee which shall consist of three members of the senate appointed by the president of the senate and three members of the house of representatives appointed by the speaker of the house. The committee shall select a chairperson and vice chairperson. Meetings may be called by the chairperson or a majority of the members.