

Sec. 18. All federal grants to and the federal receipts of the agencies appropriated funds under this Act are appropriated for the purposes set forth in such federal grants and receipts.

Approved June 13, 1981

CHAPTER 11
SOCIAL SERVICES INSTITUTIONS

H. F. 849

AN ACT relating to the administration and financing of correctional and mental health programs under the jurisdiction of the department of social services for the fiscal period beginning July 1, 1981, and ending June 30, 1983, relating to capital improvements and expenditures for designated institutions under the department of social services, creating a temporary advisory commission on appropriate uses for the women's correctional and juvenile state institutions, and relating to the closing of certain juvenile and correctional institutions.

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

Section 1.

1. To obtain independent and expert advice from qualified persons chosen by the judicial, executive, and legislative branches of government, there is created as a temporary body the advisory commission on the appropriate uses for the women's correctional and juvenile state institutions. Two members of the commission shall be appointed by the chief justice of the Iowa supreme court, two by the governor, and two by the legislative council. Appointments shall be made within thirty days of the effective date of this Act. The members of the commission who are not state employees shall be entitled to receive forty dollars per diem for each day devoted to their duties as commission members. All members shall receive reimbursement for expenses actually and necessarily incurred in discharge of their duties. Staff assistance shall be provided to the commission by the legislative fiscal bureau.

2. The commission shall make interim progress reports as the legislative council may request, and shall submit a final report not later than January 15, 1982. The final report shall include, but need not be limited to, recommendations concerning:

a. Future uses of the campus currently operated by the state as a women's reformatory. The report shall include an analysis of any alternative uses of the facility that might help meet area human resource needs; the legal, programmatic, security, and capital renovation considerations involved in maintaining the facility as a women's reformatory; and the community's needs and programmatic concerns if the facility is converted for use as a

reformatory for low-risk adult male offenders. The report shall include an analysis of alternative sites upon which the women's reformatory might be located, and the relative advantages and disadvantages such sites would have to the present site at Rockwell City.

b. Future uses of the campus currently operated as a state training school at Mitchellville. The report shall include an analysis of any sewerage, security force, or other community resource needs that might exist as a result of the facility's use as a corrections facility for either men or women offenders, and of the possible disposition by the state of the land owned by the state immediately around the grounds of the Mitchellville campus.

c. Future uses of and programs for the facility operated for juveniles at Toledo. The report shall include an analysis of legal, financial, and programmatic concerns involved with maintaining the facility with both children adjudicated to be children in need of assistance and children adjudicated to have committed delinquent acts and of the need of or desirability for maintaining a state institution for children adjudicated to be children in need of assistance.

3. The commission shall spend at least one meeting day at each of the three institutional sites referred to in subsection two (2) of this section, which shall include discussions with local community leaders and the public. The commission shall also provide the opportunity for public comment through at least one general public hearing held at the state capitol. To insure that the general assembly is knowledgeable of the commission's work and of the background of the report submitted by it, the joint corrections and mental health appropriations subcommittee shall meet periodically with the commission. No more than three such meetings shall be held during the interval between adjournment of the 1981 session and the convening of the 1982 session of the general assembly. The joint corrections and mental health appropriations subcommittee shall not modify or alter the report required to be made by the commission by subsection two (2) of this section.

4. There is appropriated from the general fund of the state to the legislative council for the fiscal year beginning July 1, 1981 to be used for the per diem and expenses of members of the advisory commission on women's correctional and juvenile state institutions and for other expenses incidental for the study, the sum of ten thousand (10,000) dollars or so much thereof as may be necessary. The legislative council may expend other funds available to it to carry out this Act. The commission is abolished March 1, 1982.

Sec. 2. There is appropriated from the general fund of the state for each fiscal year of the biennium beginning July 1, 1981, and ending June 30, 1983, to the department of social services, the following amounts, or so much thereof as may be necessary, to be used for the purposes designated:

	1981-1982	1982-1983
	<u>Fiscal Year</u>	<u>Fiscal Year</u>

1. For the operation of the training schools for delinquent juveniles and the Iowa juvenile

home at Toledo, including salaries and support,
 maintenance, and miscellaneous purposes \$ 7,000,000 \$ 7,000,000

The Mitchellville training school shall be closed no later than June 1, 1982 and its female juvenile population shall be transferred to the Iowa juvenile home at Toledo. Notwithstanding any provision of the Code to the contrary, both children in need of assistance and juveniles adjudicated to have committed a delinquent act may be placed at the Iowa juvenile home at Toledo. That portion of the juvenile home housing delinquent juveniles shall be considered a second campus of the Eldora training school. Chapter 242 applies to that portion of the juvenile home and the delinquent juveniles housed in that portion. Chapter 244 applies to children in need of assistance placed at the juvenile home and the portion of the juvenile home housing those children.

2. For the purposes of providing community-based services for children in need of assistance \$ 400,000 \$ 400,000

Funds appropriated under this subsection shall be used to provide community-based services for children, including start-up funds to establish programs or services to prevent the institutionalization of children. These services may include, but need not be limited to, foster family care, group home care, or residential care.

3. For transition, closing, and moving costs at the Mitchellville training school \$ 80,000 \$

4. For operation of the Iowa veterans home, including salaries and support, maintenance, and miscellaneous purposes \$11,750,000 \$14,500,000

Sec. 3. There is appropriated from the general fund of the state for each fiscal year of the biennium beginning July 1, 1981, and ending June 30, 1983, to the department of social services the following amounts, or so much thereof as may be necessary, to be used for adult correctional services as designated:

	1981-1982	1982-1983
	<u>Fiscal Year</u>	<u>Fiscal Year</u>

1. For operation of adult correctional institutions, including salaries and support, maintenance, and miscellaneous purposes, excluding any funding for the women's reformatory at Rockwell City for the 1982-1983 fiscal year, provided that the commissioner of social services, in order to keep expenditures from exceeding the amount of funds appropriated by this subsection, shall declare a prison overcrowding state of emergency in the state's prisons whenever the population of the prison system exceeds two thousand six hundred fifty inmates for forty-five consecutive days. Upon the declaration of a prison overcrowding state of emergency, the board of parole shall consider all inmates, except for inmates

convicted of class A felonies, for parole who are within nine months of their tentative discharge date. If the board of parole's actions do not reduce the population of the prison system below two thousand five hundred fifty inmates within ninety days of the date of the declaration of the prison overcrowding state of emergency, the tentative discharge dates of all inmates, whose most serious offenses for which the inmates are currently incarcerated are crimes against property and who are incarcerated in state prisons on the date of the declaration, shall be reduced by ninety days by the director of the division of adult corrections. However, the tentative discharge date of a prisoner sentenced under section 204.406, 204.413, 902.7, 902.8, or 906.5 shall not be reduced under this subsection prior to completion of the mandatory minimum sentence required by this section. The commissioner of social services shall terminate a prison overcrowding state of emergency in the state's prisons whenever the population of the prison system is reduced below two thousand five hundred fifty inmates. The department shall adopt administrative rules which identify all offenses as either crimes against property or crimes against persons. As used in this subsection, "prison" means a correctional facility operated by the division of corrections and funded under this subsection, "prison system" means the prisons of this state, and "tentative discharge date" means the date at which an inmate is scheduled for release including good conduct and work time currently received

..... \$35,410,000 \$35,715,000

If legislation creating a criminal justice improvement fund becomes law the funds appropriated by this subsection for the corrections training program are reduced for each fiscal year of the biennium which begins July 1, 1981, by one hundred seventy-five thousand (175,000) dollars.

The appropriation made by this subsection is based upon an average daily population in the adult correctional system of two thousand five hundred seventy-five inmates.

2. The department shall establish and maintain, to the extent that resources are available, treatment, training, education, and rehabilitation services in the various state correctional institutions. The services shall include, to the extent that resources are available, habilitative services and treatment for mentally retarded offenders. For the purposes of this subsection habilitative services and treatment means medical, mental health, social, educational, counseling, and other services which will assist a

mentally retarded person in becoming self-reliant. A person is considered mentally retarded if the person is diagnosed as mentally retarded, as defined in section 222.2, subsection 5, by a qualified mental retardation professional. However, the director may also provide habilitative services and treatment to other persons who would benefit from the services and treatment.

3. Community-based corrections \$10,620,000 \$11,150,000

A judicial district which uses funds appropriated under this subsection may contract for services from or provide funds to private agencies to provide education, job placement, or counseling services to ex-offenders intended to facilitate the transition from incarceration to living in a free society.

4. For parole services, including salaries and support, maintenance, and miscellaneous purposes \$ 980,000 \$ 980,000

The board of parole shall develop and use objective parole criteria in evaluating inmates for parole, with the goal of increasing parole rates without increasing the risk to society of release on parole. The statistical analysis center of the office for planning and programming shall monitor the board of parole's use of the objective parole criteria, and report to the general assembly by January 1, 1983 on the impact of the use of the criteria on parole rates and risk to society. As used in this subsection, "objective parole criteria" means criteria which statistically have been shown to be good predictors of risk to society of release on parole.

5. 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 \$ 23,850 \$ 25,000

6. For reimbursement of counties for temporary confinement of work release and parole violators, as provided by sections 247A.10, 901.7, and 906.17 \$ 45,315 \$ 47,500

7. For establishment of a standardized classification system to place inmates in the appropriate level of security and to operate the system commencing on or before February 1, 1982 \$ 50,000 \$

The department shall report to the general assembly by January 15, 1982 on the structure, testing and evaluation procedure, and case plan development procedure of the standardized classification system.

Sec. 4. There is appropriated from the general fund of the state for each fiscal year of the biennium beginning July 1, 1981, and ending June 30, 1983, to the department of social services, for the state mental health institutes the following amounts, or so much thereof as may be necessary:

	<u>1981-1982</u>	<u>1982-1983</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. For salaries and support, maintenance, and miscellaneous purposes	\$27,400,000	\$28,350,000

2. As long as there is a demonstrated need, the department of social services shall continue to operate a geriatric program at the state mental health institute at Mount Pleasant. A reduction in the patient population at the institute necessary as a result of the correctional addition at the institute shall be achieved by reducing the institute's catchment area and shall not be achieved by eliminating specific programs, unless the institute's citizens' advisory board or the general assembly determines that there is no longer a demonstrable need for the specific program.

3. All funds received from client participation shall be deposited in the general fund of the state.

4. The state mental health institutes' daily per diem as determined pursuant to section 230.20 shall be billed at eighty percent for each fiscal year.

5. A state mental health institute shall not accept physical custody of a child alleged to be a child in need of assistance, on guest status or otherwise, for more than thirty days. A child found to be a child in need of assistance shall not be placed in a state mental health institute or other appropriate secure facility unless the juvenile court finds that the standard for involuntary commitment in chapter 229 has been met. The finding may be made by the court under section 232.103 at any time prior to the expiration of a dispositional order.

6. The superintendents of the state mental health institutes at Cherokee and Independence, in discharging the duties imposed by section 230.20, shall not include the costs of the psychiatric residency and chaplain intern programs maintained at those institutes in computing the institutes' respective daily charges to patients. The commissioner of social services shall seek to maintain reasonably uniform daily charges at the four mental health institutes.

Sec. 5. There is appropriated from the general fund of the state for each fiscal year of the biennium beginning July 1, 1981, and ending June 30, 1983, to the department of social services, for the state hospital-schools the following amounts, or so much thereof as may be necessary:

	1981-1982	1982-1983
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. For salaries and support, maintenance, and miscellaneous purposes	\$25,300,000	\$26,500,000

2. All funds received from client participation shall be deposited in the general fund of the state.

3. The state hospital-schools' per-patient-per-day cost as determined pursuant to section 222.73 shall be billed at eighty percent for the fiscal year, except as otherwise provided by subsection 4.

4. If more than twenty percent of the cost of a patient's care is initially paid from any source other than state-appropriated funds, the amount so paid shall be subtracted from the per-patient-per-day cost of that patient's care computed pursuant to section 222.73 and the patient's county of legal settlement shall be billed for the full balance of the cost so computed.

Sec. 6. A state hospital-school or mental health institute shall, upon receipt of a payment made under chapter 249A for the care of a patient, segregate an amount equal to that portion of the payment which is required by law to be made from nonfederal funds. The money segregated shall be deposited in the medical assistance fund of the department of social services. In the calculation of per diem rates, charges assessed to the county shall be credited with one hundred percent of client participation for eligible title XIX, medical assistance patients at the state hospital-schools.

Sec. 7. In order to establish a more balanced funding relationship between institutional and community-based mental retardation and mental health services the department of social services shall cooperate with interested groups and agencies to develop a mechanism to fund community-based services, taking into account the future use of funds available under title XIX of the federal Social Security Act, and report its recommendations to the general assembly by January 1, 1982.

Sec. 8. There is appropriated from the general fund of the state for each fiscal year of the biennium beginning July 1, 1981, and ending June 30, 1983, to the Iowa mental health authority the following amounts or so much thereof as may be necessary, to be used for the purposes designated:

	<u>1981-1982</u>	<u>1982-1983</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
For salaries, support, maintenance, and miscellaneous purposes	\$ 231,000	\$ 242,000

Sec. 9. There is appropriated from the general fund of the state for each fiscal year of the biennium beginning July 1, 1981, and ending June 30, 1983, to the state mental health advisory council the following amounts or so much thereof as may be necessary, to be used for the purposes designated:

	<u>1981-1982</u>	<u>1982-1983</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
For salaries, support, maintenance, and miscellaneous purposes	\$ 52,000	\$ 54,500

Sec. 10. Notwithstanding section 227.17, there is appropriated from the general fund of the state for each fiscal year of the biennium beginning July 1, 1981, and ending June 30, 1983, to the state mental aid fund four hundred forty thousand (440,000) dollars, or so much thereof as may be necessary.

Sec. 11. There is appropriated from the general fund of the state to the department of social services for each fiscal year of the fiscal biennium beginning July 1, 1981, and ending June 30, 1983, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

	<u>1981-1982</u>	<u>1982-1983</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. For capital improvements at institutions under the department of social services other than at the women's reformatory at Rockwell City	\$ 650,000	\$ 800,000

Sec. 15. Section 222.86, Code 1981, is amended to read as follows:

222.86 PAYMENT FOR CARE FROM FUND. ~~Whenever~~ If a patient is not receiving medical assistance under chapter 249A and the amount in the account of any patient in the patients' personal deposit fund exceeds ~~the sum of~~ two hundred dollars, the business manager of the hospital-school or special unit may apply any amount of the excess to reimburse the county of legal settlement or the state in a case where no legal settlement exists for liability incurred by ~~such~~ the county or the state for the payment of care, support, and maintenance of the patient, when billed ~~therefor~~ by the county of legal settlement or by the director for a patient having no legal settlement.

Sec. 16. Section 226.45, Code 1981, is amended to read as follows:

226.45 REIMBURSEMENT TO COUNTY OR STATE. ~~Whenever~~ If a patient is not receiving medical assistance under chapter 249A and the amount to the account of any patient in the patients' personal deposit fund exceeds ~~the sum of~~ two hundred dollars, the business manager of the hospital may apply any of the excess to reimburse the county of legal settlement or the state in a case where no legal settlement exists for liability incurred by ~~such~~ the county or the state for the payment of care, support, and maintenance of the patient, when billed ~~therefor~~ by the county of legal settlement or by the director for a patient having no legal settlement.

Sec. 17. Section 232.102, subsection 2, Code 1981, is amended to read as follows:

2. After a dispositional hearing and upon written findings of fact based upon evidence in the record that an alternative placement set forth in subsection 1, paragraph b has previously been made and is not appropriate the court may enter an order transferring the guardianship of the court for the purposes of subsection 6, to the commissioner ~~of--the--department~~ of social services for the purposes of placement in the Iowa Juvenile Home at Toledo.

Sec. 18. Section 904.1, Code 1981, is amended to read as follows:

904.1 BOARD OF PAROLE. The board of parole shall consist of ~~five~~ seven electors of the state. Not more than ~~three~~ four members shall belong to the same political party. At least ~~two~~ three members shall be practicing attorneys-at-law at the time of appointment. Each member shall serve a term of five years beginning and ending as provided by section 69.19, except appointments to fill vacancies who shall serve for the balance of the unexpired term. The chairperson of the board shall be elected by the members of the board to a term of one year and may serve more than one term. A majority of the members of the board constitutes a quorum to transact business. However, the board shall be divided into hearing panels of three or more members to interview and consider inmates for parole and to conduct parole revocation hearings. A majority vote of the members of the hearing panel is required to grant or revoke a parole, however, a parole shall not be granted or revoked without the affirmative votes of at least three members of the full board.

Sec. 19. Notwithstanding section 8.33 and Acts of the Sixty-eighth General Assembly, 1980 Session, chapter 1060, section 1, the unencumbered or unobligated funds remaining in the farm accounts of the department of social

services on June 30, 1981 shall not revert to the general fund of the state, but shall be credited to the revolving farm fund created in section 218.74. This section takes effect July 1, 1981 and for the purpose of preventing reversion of funds remaining in the farm accounts of the department of social services on June 30, 1981, is retroactive to June 30, 1981.

Sec. 20. Section 244.15, Code 1981, is repealed.

Approved June 19, 1981

CHAPTER 12

GRANTS AND AIDS FOR AGRICULTURAL AFFAIRS, ECONOMIC DEVELOPMENT AND ENERGY RESOURCES

S. F. 553

AN ACT relating to and appropriating from the general fund of the state and various trust funds for various operations and grants and aids to departments and agencies of the state whose responsibility relate to agricultural affairs, economic development, and energy and natural resources management.

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

Section 1. DEPARTMENT OF AGRICULTURE. There is appropriated from the general fund of the state and the trust funds indicated to the department of agriculture for each fiscal year of the fiscal biennium beginning July 1, 1981 and ending June 30, 1983 the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

	<u>1981-1982</u>	<u>1982-1983</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. GENERAL ADMINISTRATION		
a. From the general fund for salaries, support, maintenance, and miscellaneous purposes ...	\$ 1,071,467	\$ 1,124,846
b. From the fertilizer fund to be transferred to the administration division	\$ 31,393	\$ 32,104
c. From the dairy trade practice fund to be transferred to the administration division	\$ 59,748	\$ 61,238
d. From the commercial feed fund to be transferred to the administration division	\$ 31,393	\$ 32,104
e. It is the intent of the general assembly that the department of agriculture solicit funds from private sources for the support of agricultural promotion activities.		

f. It is a condition of the funds appropriated by this section and section 7 of this Act that the secretary of agriculture and the director of the Iowa development commission execute an agreement under chapter 28E by July 1, 1981 specifying the responsibilities of each department for agriculture marketing, promotion and development. A copy of this agreement shall be provided to the legislative fiscal director upon its completion.