

**CHAPTER 1310**  
**APPROPRIATIONS FOR CERTAIN HUMAN SERVICES PROGRAMS**  
*S.F. 2351*

**AN ACT** relating to the administration and financing of current programs other than mental health programs under the jurisdiction of the department of human services and to the foster care review board for the fiscal year beginning July 1, 1984, and ending June 30, 1985.

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

Section 1. **GENERAL ADMINISTRATION.** There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1984, and ending June 30, 1985, to the department of human services for general administration, the following amounts, or so much thereof as is necessary:

1984-1985  
Fiscal Year

For salaries and support of not more than four hundred twenty-six and seventy-three hundredths full-time equivalent positions annually, maintenance, and miscellaneous purposes, including an amount necessary to implement a medically needy program ..... \$ 7,187,000

For the fiscal year beginning July 1, 1984, and ending June 30, 1985, the department may receive and there is appropriated, in addition to its appropriations from the general fund of the state, such funds from damages awarded to the state by the civil antitrust judgment involving the sale of chickens, to the department for use in the distribution of federal surplus commodities, if the judgment allows the funds received to be used for such purposes.

Sec. 2. **FIELD OPERATIONS.** There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1984, and ending June 30, 1985, to the department of human services for the division of field operations, the following amounts, or so much thereof as is necessary:

1984-1985  
Fiscal Year

For salaries and support of not more than two thousand one hundred eighty-nine and three-tenths full-time equivalent positions annually which includes three additional protective service workers, maintenance, and miscellaneous purposes ..... \$ 19,768,000

Sec. 3. **SPECIAL PROGRAMS.** There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1984, and ending June 30, 1985, to the department of human services, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1984-1985  
Fiscal Year

SPECIAL PROGRAMS

1. For aid to families with dependent children ..... \$ 64,600,000

a. The department shall establish the schedule of living costs for one person at two hundred thirteen dollars, for two persons at four hundred twenty-one dollars, for three persons at four hundred ninety-seven dollars, for four persons at five hundred seventy-eight dollars, for five persons at six hundred forty dollars, for six persons at seven hundred twelve dollars, for seven persons at seven hundred eighty-two dollars, for eight persons at eight hundred fifty-three dollars, for nine persons at nine hundred twenty-three dollars, for ten persons at one thousand nine dollars, and for each additional person at one hundred one dollars per person. The department shall not increase current grant payments under the aid to families with dependent children program.

b. The department shall establish and operate a work incentive demonstration program for recipients of aid to families with dependent children and shall incorporate the coordinated manpower services demonstration projects for recipients of aid to families with dependent children in two of the department's districts as a part of the work incentive demonstration program. All recipients who participate in the work incentive demonstration program shall be paid a transportation and participation allowance of five dollars for each day the recipients are determined to be eligible for the allowance. The department may use funds appropriated by this subsection to pay the allowances if federal funds are insufficient to pay the allowances.

2. For medical assistance, including reimbursement for all covered services, except for services in institutions for mental diseases or intermediate care facilities for the mentally retarded, to a pregnant woman or child under twenty-one years of age under a medically needy program to be effective November 1, 1984, for a two-month certification period and retroactive for a three-month period as authorized under federal law or regulation, provided the income of the woman or child is reduced by allowable medical expenses to one hundred thirty-three percent of the assistance which would be payable to a similarly situated woman or child under the aid to families with dependent children program and provided the woman or child would also qualify under the resource guidelines of the aid to families with dependent children program, notwithstanding any contrary provision of chapter 249A, and reimbursement for abortion services, which shall be available under the medical assistance program only for those abortions which are medically necessary. Medically necessary abortions are those performed under any of the following conditions:

a. The attending physician certifies that continuing the pregnancy would endanger the life of the pregnant woman.

b. The attending physician certifies that the fetus is physically deformed, mentally deficient, or afflicted with a congenital illness.

c. The pregnancy is the result of a rape which is reported within forty-five days of the incident to a law enforcement agency or public or private health agency which may include a family physician.

d. The pregnancy is the result of incest which is reported within one hundred fifty days of the incident to a law enforcement agency or public or private health agency which may include a family physician.

e. Any spontaneous abortion, commonly known as a miscarriage, if not all of the products of conception are expelled ..... \$ 134,350,000

For purposes of a medically needy program, the department may seek a waiver pursuant to Title XIX, section 1915(b) of the federal Social Security Act and, if a waiver is granted, the department may enter into contracts with cost-effective providers, including the university of Iowa hospitals and clinics. It is the intent of the general assembly that the funds due the university hospitals under such a contract shall be taken from the appropriation to the university hospitals for medical and surgical treatment of indigent patients as provided in chapter 255. The department and the university hospitals, in consultation with the state comptroller, shall establish procedures for the proper accounting of the funds due the university hospitals under such a contract for the purpose of qualifying the amount of the funds as state matching funds pursuant to Title XIX of the federal Social Security Act. Such a contract for the provision of hospital and professional care for medically needy indigent obstetric and newborn patients by the university of Iowa hospitals and clinics, shall be limited in applicability to those counties containing and adjacent to counties which contain the university hospitals or existing prenatal clinics of the university hospitals, and shall take into consideration the number of obstetric and newborn patients served from those counties during the prior fiscal year under the statewide indigent patient care program established by chapter 255. The medically needy program established under this section shall not limit a patient's right to use the statewide indigent patient care program for obstetric and newborn services.

During the fiscal year beginning July 1, 1984, the university hospitals shall collect and submit monthly to the legislative fiscal bureau, while maintaining patient confidentiality, the following data related to the medically needy program:

(1) The number and types of indigent patients referred to the university hospitals under the statewide indigent patient care program established by chapter 255, the types of services, including obstetrical services, provided to the indigent patients, and associated hospital charges incurred related to available appropriation support.

(2) The number and types of all medical assistance patients served at the university hospitals, the types of services, including obstetrical services, provided to the patients, and the actual hospital charges and medical assistance payments associated with the provision of the services.

(3) The number and types of medically needy patients served at the university hospitals, the types of services, including obstetrical services, provided to the patients, and the actual hospital charges and medical assistance payments associated with the provision of the services.

The university hospitals shall also provide to the legislative fiscal bureau the data described in subparagraph (1) for the fiscal year beginning July 1, 1983, and ending June 30, 1984.

During the fiscal year beginning July 1, 1984, the university hospitals shall continue to collect information from the counties on patients served under the statewide indigent patient care program established by chapter 255, including information on family, employment, and financial status, third-party coverage, county of residence, and other necessary information, with all information identifying individuals considered patient records of the university hospitals and its confidentiality maintained accordingly. The information shall be integrated with data regarding services provided to the patients and the charges for the services and shall be provided to the legislative fiscal bureau. The department shall maintain records on the use of the medical assistance program by individuals qualifying under the medically needy program and the cost of that use to the state. By March 1, 1985, from the data collected, the department shall estimate the annual medical assistance cost of the program to the state, and,

if that amount exceeds four million five hundred thousand dollars, the department shall present to the general assembly program alternatives to reduce the cost to the medical assistance program to or below four million five hundred thousand dollars. The legislative fiscal bureau shall estimate the increased reimbursements to the university of Iowa hospitals and clinics under the medically needy program for patients who otherwise would have used the statewide indigent patient care program. The legislative fiscal bureau shall not collect information on the use of county emergency relief funds to provide medical services to persons who would qualify for medical services under a medically needy component of the medical assistance program. The legislative fiscal bureau shall review options for hospital involvement in the financing of any potential modifications to the medically needy program.

The department shall not require prior authorization under the medical assistance program for the receipt of prescription drugs subject to the maximum allowable cost limitations.

The department shall make available reimbursements under the medical assistance program for the following over-the-counter drugs if ordered by a person authorized to prescribe prescription drugs: aspirin and acetaminophen; ferrous salts of iron; prenatal multiple vitamins; and with prior authorization, other multiple vitamins.

If the department reasonably expects that savings from the implementation of a drug utilization review program will cover the department's share of the costs of a contract for the development and implementation of such a program, the department may contract with the Iowa pharmacy foundation for the development and implementation of such a program. The program shall establish written criteria and standards defining acceptable pharmaceutical services, assess rendered services by using the criteria and standards, correct performance deficiencies through education, assess the results of the education directed at correcting the deficiencies, and document any savings as a result of the implementation of the program.

The department shall proceed with its proposal for a program of home and community-based services to be provided pursuant to a waiver under Title XIX of the federal Social Security Act in order to provide cost effective alternatives to placements in long-term-care medical institutions. The program shall be funded with the appropriation made by this subsection. A county shall reimburse the department for the cost of services under the program, which is not paid from federal funds, to mentally retarded or mentally ill persons with legal settlement in the county at the same percentage which the county is required to reimburse the state for mentally retarded or mentally ill persons receiving services at state institutions.

- 3. For contractual services-medical carrier ..... \$ 2,200,000
- 4. For child support recoveries, including salaries and support of not more than ninety-six full-time equivalent positions annually, except as otherwise provided in this subsection, maintenance, and miscellaneous purposes ..... \$ 840,000

The commissioner of human services, within the limitations of the funds appropriated in this subsection or funds transferred from the aid to families with dependent children program for this purpose, may establish new positions and add additional employees to the child support recovery unit when the commissioner determines that both the current and additional employees together can reasonably be expected to recover for the aid to families with dependent children program and the nonpublic assistance support recovery program more than twice the amount of money required to pay the salaries and support for both the current and additional employees. The department shall demonstrate the cost effectiveness of the current and additional employees by reporting to the social services appropriations subcommittee the ratio of the total amount of administrative costs for child support recoveries to the total amount of the child support recoveries.

5. For state supplementary assistance, including state supplementary assistance for the blind ..... \$ 8,450,000

6. For aid to Indians under section 252.43 ..... \$ 37,000

The tribal council shall not use more than ten percent of the funds for administrative expenses.

7. For home-based services ..... \$ 5,180,000

Of the funds appropriated by this subsection, one hundred sixty thousand (160,000) dollars, or so much thereof as is necessary, is appropriated for family planning services.

8. For foster care ..... \$ 21,930,000

Of the funds appropriated by this subsection, sixty-three thousand (63,000) dollars, or so much thereof as is necessary, is appropriated for foster parent training.

The department may transfer a portion of the funds appropriated by this subsection for use in providing subsidized adoption services, if funds allocated under subsection 7 are insufficient to provide necessary subsidized adoption services.

No more than forty percent of all children in foster care funded under Title IV, Part E of the federal Social Security Act shall be in foster care for more than twenty-four months.

9. For community-based services ..... \$ 1,650,000

a. Of the funds appropriated by this subsection, four hundred twenty-five thousand (425,000) dollars, or so much thereof as is necessary, is appropriated to assist child care centers under section 237A.13. Notwithstanding section 237A.13, subsection 4, funds unencumbered as of April 30, 1985, shall not be reallocated unless the unencumbered funds reclaimed exceed two thousand dollars.

b. Of the funds appropriated by this subsection, one hundred twenty-five thousand (125,000) dollars, or so much thereof as is necessary, is appropriated for child abuse prevention services.

c. Of the funds appropriated by this subsection, one hundred thousand (100,000) dollars, or so much thereof as is necessary, is appropriated for programs for displaced homemakers, and one hundred thousand (100,000) dollars, or so much thereof as is necessary, is appropriated for programs for victims of domestic abuse.

d. Of the funds appropriated by this subsection, two hundred fifty-five thousand (255,000) dollars, or so much thereof as is necessary, is appropriated to provide grants for community-based juvenile services to reduce the need for long-term juvenile institutional placements and to encourage home-based treatment programs as alternatives to juvenile institutional care. Except as provided in paragraph "e", the department shall only approve grants for nonresidential community-based juvenile services and shall give priority in the approval of grants to projects which divert juveniles from incarceration in jails or provide services to reduce the population at state juvenile institutions.

e. Of the funds appropriated by paragraph "d", fifty thousand (50,000) dollars, or so much thereof as is necessary, may be used for diagnostic and evaluation services for juveniles.

f. The commissioner of human services shall pay from funds appropriated by this subsection, as the entitled aid from the state under section 232.142, subsection 4, one-half of one percent of the total cost of the establishment, improvements, operation, and maintenance of approved county or multicounty juvenile homes.

10. For county-based reimbursement under section 232.141, subsection 4, paragraph d ..... \$ 1,550,000

11. For operation of the state training school and the Iowa juvenile home, including salaries and support of not more than one hundred ninety-six and one-half full-time equivalent positions at the state training school and of not more than one hundred fifteen full-time equivalent positions at the Iowa juvenile home, maintenance, and miscellaneous purposes ..... \$ 7,235,000

\*The department shall close a living unit at the training school for juvenile delinquents at Eldora and shall periodically notify the chief judges of the judicial districts and the chairpersons and ranking members of the social services appropriations subcommittee of the number of resident inmates at the Eldora campus when that number equals or approaches one hundred eighty. Notwithstanding the entering of orders for placement at the Eldora campus of the state training school pursuant to section 232.52, subsection 2, paragraph "e", on and after the date of the closing of the living unit at the Eldora campus the department shall not admit any juvenile to the Eldora campus unless the Eldora campus has less than one hundred eighty resident inmates at the time of admission. The department shall place the names of those juveniles, who are subject to orders for placement at the Eldora campus of the state training school but cannot be admitted upon the entering of the orders, on a waiting list. The department shall establish priority admission policies for those juveniles on the waiting list and shall notify the courts ordering placement of the tentative admission dates for the juveniles.\*

12. For volunteers ..... \$ 72,000

Sec. 4. BLOCK GRANT SUPPLEMENTATION. There is appropriated from the general fund of this state for the fiscal year beginning July 1, 1984, and ending June 30, 1985, to the department of human services for supplementation of federal social services block grant funds and for allocation to the various counties for the purchase of local services for eligible individuals, the following amount, or so much thereof as is necessary:

	1984-1985
	<u>Fiscal Year</u>
	\$ 2,940,000

1. Of the funds appropriated by this section, two million six hundred ninety thousand (2,690,000) dollars, or so much thereof as is necessary, is appropriated for allocation to counties for the purchase of local services other than additional child day care services for which funds are appropriated in subsection 2. The department shall increase the current income guidelines for income eligible persons receiving services, other than child day care services, funded with federal social services block grant funds for the fiscal year beginning July 1, 1984 by the same percentage and at the same time as federal social security benefits are increased due to a recognized increase in the cost of living. The department shall increase the current income guidelines for income eligible persons receiving child day care services funded with federal social services block grant funds for the fiscal year beginning July 1, 1984 by no more

\*Item veto; see message at end of this Act

than ten percent. If the department determines that funds allocated under this subsection will not be fully expended, the department may increase the income guidelines in order to provide for the expenditure of all funds allocated under this subsection. A county may use up to four percent of the federal social services block grant funds and funds allocated to the county under this subsection for the purchase of child day care services without matching the federal and state funds with local funds.

2. Of the funds appropriated by this section, two hundred fifty thousand (250,000) dollars, or so much thereof as is necessary, is appropriated for allocation to counties, on the same basis as funds are allocated under subsection 1, for the purchase of additional child day care services without requiring the counties to provide matching local funds. The funds appropriated by this subsection shall be used to supplement and shall not be used to replace federal social services block grant funds or state funds allocated under subsection 1 by the county for child day care services, provided the county's allocation of such funds for child day care services is at least equal to the county's expenditure of such funds for child day care services in the fiscal year ending June 30, 1983. The department shall reallocate funds under this subsection from counties which do not qualify for or do not utilize the funds to counties which do qualify for the funds. If the department determines that funds allocated under this subsection will not be fully expended, the department may increase the income guidelines in order to provide for the expenditure of all funds allocated under this subsection.

3. The department, in establishing eligibility standards for sheltered work and work activity services, shall disregard the first sixty-five dollars of income from sheltered work or work activity services and fifty percent of any income from sheltered work or work activity services above sixty-five dollars.

#### Sec. 5. REIMBURSEMENT RATES.

1. Except for inpatient and outpatient hospital services, skilled nursing facility services, intermediate care facility services, intermediate care facility services for the mentally retarded, home health agency services, rural health clinic services, rehabilitation agency services, mental hospital services, and out-of-state hospital services, the reimbursement rates and reimbursements for medical assistance providers on July 1, 1984 shall be established at the levels in effect on July 1, 1983, increased by an amount which equals no more than one and two-tenths percent of the reimbursement rates in effect on July 1, 1983. The department shall continue to reduce reimbursements for services other than rural health clinic services by a factor of two and one-half percent in the same manner as provided in 1983 Iowa Acts, chapter 201, section 5, subsection 1, paragraph "b".

a. Beginning July 1, 1984, the department shall establish the medical assistance reimbursement rate for psychologists at the fortieth percentile of psychologist profiles compiled for the fiscal year beginning July 1, 1982, and ending June 30, 1983. However, no reimbursement rate shall be less than the rate in effect on June 30, 1984. Effective November 1, 1984, the reimbursement rate may be increased by an amount which equals no more than three percent of the reimbursement rate in effect on July 1, 1984.

b. Beginning July 1, 1984, the department shall establish the medical assistance reimbursement rate for optometrists at the twenty-eighth percentile of optometrist profiles compiled for the fiscal year beginning July 1, 1982, and ending June 30, 1983. However, no reimbursement rate shall be less than the rate in effect on June 30, 1984. Effective November 1, 1984, the reimbursement rate may be increased by an amount which equals no more than three percent of the reimbursement rate in effect on July 1, 1984.

c. Beginning July 1, 1984, the basis for establishing the maximum medical assistance reimbursement rate for intermediate care facilities shall be no higher than the sixty-sixth percentile of all facilities' per diems as calculated from the June 30, 1984 compilation of unaudited financial and statistical reports. The department shall reinstate the incentive and inflation payments, as set forth in departmental rules prior to November 1, 1983, to facilities with costs below the maximum reimbursement rate for services provided on or after July 1, 1984.

2. For the fiscal year beginning July 1, 1984:

a. The maximum reimbursement rate for residential care facilities utilizing the cost-related reimbursement system shall be established at the point where twenty-five percent of such facilities would have received full cost coverage for their actual allowable per diems in effect on June 30, 1984.

b. The flat reimbursement rate for residential care facilities shall be established at twelve dollars and thirty-five cents per day.

c. The reimbursement rates and reimbursements for in-home health related care under the state supplementary assistance program shall be established at the levels in effect on October 31, 1983.

3. For the fiscal year beginning July 1, 1984, the current reimbursement rates for all foster family homes and for subsidized adoptions may be increased, on the average, by not more than three percent of the reimbursement rates in effect on July 1, 1983. However, that average increase shall be distributed in such a manner as to increase the reimbursements to all foster family age categories by the same dollar amount.

4. For the fiscal year beginning July 1, 1984, except as provided in subsection 5, the current reimbursement rates for purchase of service providers may be increased by not more than three percent of the reimbursement rates authorized on July 1, 1983.

5. For the fiscal year beginning July 1, 1984, the current reimbursement rates for local purchase of service providers which receive reimbursement from federal social services block grant funds and state funds supplementing those federal funds, may be increased by not more than three and one-half percent of the reimbursement rates authorized on July 1, 1983.

6. The board of pharmacy examiners shall rescind its rules, adopted pursuant to 1982 Iowa Acts, chapter 1260, section 96, relating to the reduction of charges to the medical assistance program.

7. The department of human services and the state department of health shall study jointly the feasibility and costs of establishing by administrative rule, within the intermediate care facility category in chapter 135C, a special classification for facilities intended to provide specialized rehabilitative services to brain-injured individuals. The study shall include an examination of reimbursement methodologies for such facilities under the medical assistance program. The departments shall complete the study and report the findings of the study and any recommendations to the general assembly by January 15, 1985.

Sec. 6. INVOLUNTARY TRANSFERS. If a skilled nursing facility or an intermediate care facility receives payments under Title XIX of the federal Social Security Act for one or more patients in the facility, the facility shall not involuntarily transfer any patient to another facility if that patient had previously been receiving medical assistance under chapter 249A for care in the facility and has been disqualified for that medical assistance because of an increase in income, but agrees to pay all of the patient's income and resources not exempt under guidelines in Title XIX of the federal Social Security Act for continued care in the facility and that payment equals or exceeds the medical assistance reimbursement rate for the particular facility.



Sec. 7. TRANSFERS. Except as provided in section 3, subsection 4 of this Act, funds appropriated under section 3, subsections 1, 2, 8, and 10 of this Act, shall not be transferred or used for any other purposes than specified in those subsections, notwithstanding section 8.39. However, funds appropriated under section 3, subsections 1, 2, 8, and 10 of this Act may be transferred under section 8.39 among those subsections and may be used for the purposes specified in those subsections.

Sec. 8. ADDITIONAL STAFF. Notwithstanding the limitations on full-time equivalent positions in section 1, section 2, and section 3, subsections 4 and 11 of this Act, the department of human services may add staff above the limitations if the department receives additional federal funding not originally anticipated and budgeted.

Sec. 9. SUPPLEMENTAL SECURITY INCOME REIMBURSEMENTS TO COUNTIES. The commissioner of human services may enter into an agreement with the federal social security administration to secure reimbursements to counties contracting with the department for assistance paid in the form of county general relief during an interim period prior to a determination of eligibility for federal supplemental security income payments. If a reimbursement dispute arises between a county and the federal social security administration, the county shall pay for an independent audit. If the federal social security administration establishes a claim against a county and withholds funds from the state or directs the department to pay the claim to a recipient of federal supplemental security income, the department shall set off against other funds due the county from the department the amount of the claim.

Sec. 10. RULES. The department of human services shall adopt administrative rules under section 17A.4, subsection 2, and section 17A.5, subsection 2, paragraph "b", relating to transportation and participation allowances under the work incentive demonstration program in section 3, subsection 1, paragraph "b" of this Act, the medically needy program in section 3, subsection 2 of this Act and reimbursements under the medical assistance program in section 5, subsection 1 of this Act, and the Eldora campus of the state training school in section 3, subsection 11 of this Act and may adopt administrative rules under section 17A.4, subsection 2 and section 17A.5, subsection 2, paragraph "b", relating to the schedule of living costs under the aid to families with dependent children program in section 3, subsection 1, paragraph "a" of this Act, prior authorization for certain prescription drugs, reimbursements for certain over-the-counter drugs, a drug utilization review program, and the federal waiver proposal for a program of home and community-based services under the medical assistance program in section 3, subsection 2 of this Act, reimbursements in section 5, subsections 2 through 5 of this Act, income guidelines for and child day care services allocations of state funds supplementing federal social services block grant funds in section 4 of this Act, and supplemental security income reimbursements to counties in section 9 of this Act, and the rules shall become effective immediately upon filing, unless a later effective date is specified in the rules.

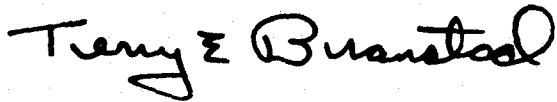
Sec. 11. FOSTER CARE REVIEW BOARD. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1984, and ending June 30, 1985, to the foster care review board, the following amount, or so much thereof as is necessary:

	1984-1985
	<u>Fiscal Year</u>
For salaries, support, maintenance, and miscellaneous purposes .....	\$ 70,000

Sec. 12. FEDERAL FUNDS. All federal grants to and the federal receipts of the department of human services and the foster care review board are appropriated for the purposes set forth in the federal grants or receipts.

Sec. 13. CAPITAL IMPROVEMENTS EXCLUDED. Funds appropriated by this Act shall not be used for capital improvements.

Approved May 18, 1984, except the item which I hereby disapprove and which is designated as that portion of section 3, subsection 11, which is herein bracketed in ink and initialed by me. This is delineated with my reasons for vetoing in the item veto message pertaining to this act to the Secretary of State this same date, a copy of which is attached hereto.



TERRY E. BRANSTAD  
Governor

The Honorable Mary Jane Odell  
Secretary of State  
State Capitol Building  
L O C A L

Dear Madam Secretary:

I hereby transmit Senate File 2351, an act relating to the administration and financing of current programs other than mental health programs under the jurisdiction of the department of human services and to the foster care review board for the fiscal year beginning July 1, 1984, and ending June 30, 1985.

Senate File 2351 is approved May 18, 1984, with the following exception which I hereby disapprove.

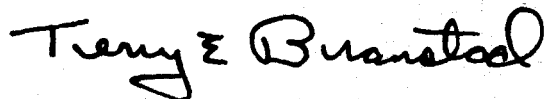
I am unable to approve of the item designated as Section 3, subsection 11, unnumbered paragraph, which reads as follows:

The department shall close a living unit at the training school for juvenile delinquents at Eldora and shall periodically notify the chief judges of the judicial districts and the chairpersons and ranking members of the social services appropriations subcommittee of the number of resident inmates at the Eldora campus when that number equals or approaches one hundred eighty. Notwithstanding the entering of orders for placement at the Eldora campus of the state training school pursuant to section 232.52, subsection 2, paragraph "e", on and after the date of the closing of the living unit at the Eldora campus the department shall not admit any juvenile to the Eldora campus unless the Eldora campus has less than one hundred eighty resident inmates at the time of admission. The department shall place the names of those juveniles, who are subject to orders for placement at the Eldora campus of the state training school but cannot be admitted upon the entering of the orders, on a waiting list. The department shall establish priority admission policies for those juveniles on the waiting list and shall notify the courts ordering placement of the tentative admission dates for the juveniles.

The State Training School is currently the only secure setting for Iowa's worst juvenile offenders. Those who are sent to Eldora have usually committed several delinquent acts. Juvenile Court judges have ordered them to be taken from their home communities for a reason. To cap the population at 180 and create a waiting list could constitute a danger to the public safety of our citizens.

For the above reason, I hereby respectfully disapprove of this item in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the State of Iowa. All other items of Senate File 2351 are hereby approved as of this date.

Very truly yours,



Terry E. Branstad  
Governor