

FILED MAR 27 1974

SENATE FILE **1343**

By COMMITTEE ON APPROPRIATIONS

Passed Senate, Date 3-29-74 (1094) Passed House, Date 5-4-74 (2496)

Vote: Ayes 39 Nays 7 Vote: Ayes 92 Nays 0

Approved 6-3-74*

*Passed Senate as amended by House
5-4-74 (2656)
44-1*

A BILL FOR

1 An Act appropriating from the general fund of the state of Iowa
2 to the Annie Wittenmyer Home, Davenport for the fiscal year
3 beginning July 1, 1974 and ending June 30, 1975.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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** Item veto. See House amend
of May 4. Governor's letter
filed following bill.*

1 Section 1. There is appropriated from the general fund of
2 the state for the fiscal year beginning July 1, 1974 and ending
3 June 30, 1975 the sum of nine hundred ninety-six thousand one
4 hundred eighty (996,180) dollars, or so much thereof as may be
5 necessary, to the department of social services, bureau of
6 family and childrens services, for the operation of the Annie
7 Wittenmyer Home of Davenport, Iowa.

8 Sec. 2. The maintenance recovery shall be available to the
9 Annie Wittenmyer Home. The maintenance recovery is the rental
10 charge to employees or others for room, apartment or house and
11 meals. All other institutional receipts shall be deposited in
12 the general fund of the state.

13 Sec. 3. 1. No funds appropriated by this Act shall be used
14 for capital improvements.

15 2. Where any of the laws of this state are in conflict with
16 this Act, the provisions of this Act shall govern for the
17 biennium.

18 3. All federal funds received by the Annie Wittenmyer Home
19 shall be used for the purpose set forth in the federal grant.

20 Sec. 4. Unencumbered funds appropriated by this Act for the
21 fiscal year commencing July 1, 1974 remaining as of June 30,
22 1975 shall revert to the general fund of the state on September 30,
23 1975.

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Senate 4
May 7, 1974

HOUSE AMENDMENT TO SENATE FILE 1343

1 Amend Senate File 1343 as amended and passed by the
2 Senate as follows:
3 1. Page 2, lines 3 and 4, by striking "nine hundred
4 ninety-six thousand one hundred eighty (996,180)" and
5 inserting in lieu thereof "five hundred thousand
6 (500,000)".
7 2. Page 2, before line 8 add the following:
8 ("When another location is found for a child who is a
9 resident of the home on July 1, 1974 funds appropriated
10 by this Act which have been allocated for the care of
11 such child shall be made available for the care of the
12 child at the new location. In determining the amount
13 of funds allocated for the child's care, the sum of
14 fifty thousand dollars shall be subtracted from the
15 amount appropriated in section one (1) of this Act.
16 The fifty thousand dollars represent the funds required
17 to provide security and maintenance for the institu-
18 tion. The remaining funds shall be divided by the
19 population of the institution existing on July 1, 1974
20 and the resulting individual calculation shall be
21 divided by twelve to arrive at a monthly cost for each
22 child. The specific allocation for the care of each
23 child shall be the individual rate established multi-
24 plied by the months remaining in fiscal year 1974-75
25 at the time of placement. If necessary a monthly rate

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1 may be prorated if placement of a child does not occur
2 at the beginning or end of a month.")^{*}
3 3. Page 2, line 27, after the word "improvements"
4 insert the words ", furniture, and equipment".
5 4. Page 2, by inserting after line 32 the following
6 section:
7 Sec.--. Notwithstanding the provisions of section
8 eight point thirty-three (8.33) of the Code and Acts of
9 the Sixty-fifth General Assembly, 1973 Session, chapter
10 one hundred fifteen (115), sections one (1) and six (6),
11 all unencumbered or unobligated balances of appropria-
12 tions made by Acts of the Sixty-fifth General Assembly,
13 1973 Session, chapter one hundred fifteen (115), section
14 one (1), to the Annie Wittenmyer home for the fiscal
15 year beginning July 1, 1973 and ending June 30, 1974
16 shall be available for expenditure during the fiscal
17 year beginning July 1, 1974 and shall revert to the
18 general fund of the state on September 30, 1975.

Received from the House -
May 4, 1974

Senate concurred 5/4

S—2617

1 Amend Senate File 1343, page 2, by inserting after
2 line 7 the following new section:

3 Sec. _____. The department of social services shall
4 begin preparations on or before July 1, 1974 to dis-
5 continue providing care, custody and education of
6 children at the Iowa Annie Wittenmyer Home, and shall
7 make such arrangements as may be necessary to provide
8 these services at other locations to children who are
9 on July 1, 1974, residents of the home. All residents
10 of the home shall be removed as expeditiously as is
11 reasonably possible, but in no case later than June 30,
12 1975, and the department shall thereafter conduct no
13 activities of any kind at the home except to provide
14 minimum necessary maintenance and protection of its
15 buildings and grounds pending their disposition.

S—2617 Filed and adopted
March 29, 1974

By MURRAY

SENATE FILE 1343

H—3142

1 Amend Senate File 1343 as amended and passed by the
2 Senate as follows:
3 1. Page 2, lines 3 and 4, by striking "nine hundred
4 ninety-six thousand one hundred eighty (996,180)" and
5 inserting in lieu thereof "five hundred thousand
6 (500,000)".
7 2. Page 2, before line 8 add the following:
8 ("When another location is found for a child who is a
9 resident of the home on July 1, 1974 funds appropriated
10 by this Act which have been allocated for the care of
11 such child shall be made available for the care of the
12 child at the new location. In determining the amount
13 of funds allocated for the child's care, the sum of
14 fifth thousand dollars shall be subtracted from the
15 amount appropriated in section one (1) of this Act.
16 The fifty thousand dollars represent the funds required
17 to provide security and maintenance for the institu-
18 tion. The remaining funds shall be divided by the
19 population of the institution existing on July 1, 1974
20 and the resulting individual calculation shall be
21 divided by twelve to arrive at a monthly cost for each
22 child. The specific allocation for the care of each
23 child shall be the individual rate established multi-
24 plied by the months remaining in fiscal year 1974-75
25 at the time of placement. If necessary a monthly rate
26 may be prorated if placement of a child does not occur
27 at the beginning or end of a month.")^x
28 3. Page 2, line 14, after the word "improvements"
29 insert the words ", furniture, and equipment".
30 4. Page 2, by inserting after line 19 the following
31 section:
32 Sec. _____. Notwithstanding the provisions of section
33 eight point thirty-three (8.33) of the Code and Acts of
34 the Sixty-fifth General Assembly, 1973 Session, chapter
35 one hundred fifteen (115), sections one (1) and six (6),
36 all unencumbered or unobligated balances of appropria-
37 tions made by Acts of the Sixty-fifth General Assembly,
38 1973 Session, chapter one hundred fifteen (115), section
39 one (1), to the Annie Wittenmyer home for the fiscal
40 year beginning July 1, 1973 and ending June 30, 1974
41 shall be available for expenditure during the fiscal
42 year beginning July 1, 1974 and shall revert to the
43 general fund of the state on September 30, 1975.

H—3142 Filed - *Adopted 5-4*
May 3, 1974

By DEN HERDER of Sioux
CUSACK of Scott
CAFFREY of Polk
ANDERSON of Ringgold
KISER of Scott
HUSAK of Tama
FISHER of Greene



ROBERT D. RAY
GOVERNOR

Office of the Governor

STATE CAPITOL
DES MOINES, IOWA 50319

June 3, 1974

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

Dear Mr. Secretary:

I hereby transmit Senate File 1343, An Act appropriating from the General Fund of the State of Iowa to the Annie Wittenmyer Home, Davenport for the fiscal year beginning July 1, 1974 and ending June 30, 1975.

Senate File 1343 is approved June 3, 1974, with the following exception which I hereby disapprove:

That portion of Section 1, second unnumbered paragraph thereof, which reads as follows: "When another location is found for a child who is a resident of the home on July 1, 1974 funds appropriated by this Act which have been allocated for the care of such child shall be made available for the care of the child at the new location. In determining the amount of funds allocated for the child's care, the sum of fifty thousand dollars shall be subtracted from the amount appropriated in section one (1) of this Act. The fifty thousand dollars represents the funds required to provide security and maintenance for the institution. The remaining funds shall be divided by the population of the institution existing on July 1, 1974 and the resulting individual calculation shall be divided by twelve to arrive at a monthly cost for each child. The specific allocation for the care of each child shall be the individual rate established multiplied by the months remaining in fiscal year 1974-75 at the time of placement. If necessary a monthly rate may be prorated if placement of a child does not occur at the beginning or end of a month."

It is my opinion that this item was included in this bill with good intentions on the part of the legislators. However, in my judgement this paragraph would establish an unreasonable

The Honorable Melvin D. Synhorst
June 3, 1974
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formula for the Iowa Department of Social Services as it acts to respond to the legislative directive to close the Annie Wittenmyer Home at Davenport. This provision arbitrarily fixes the costs for institutional operation on the basis of direct proportion to the number of children cared for in the home. This in actual practice in this case is not realistic.

Certain fixed costs -- costs that are over and above the security and maintenance of the facility -- cannot decline as rapidly as will be the decline in the number of persons served by this institution as it is phased out.

The Department of Social Services is obligated to follow the mandate of the Legislature in phasing out this institution, but it should be allowed the administrative capability for a sound closing procedure. For example, professional staff at Annie Wittenmyer will be primarily involved in planning and implementing alternative care for the children, as well as continuing day-to-day services so long as there are children at Annie Wittenmyer. Funds must be available to provide for these staff salaries and accrued benefits for those involved in these activities as well as to provide salaries and vacation benefits for those who terminate employment with the State of Iowa as a result of the legislative direction.

The dilemma that this formula would present to the Department of Social Services is similar to that faced frequently in public school systems of declining enrollments. Certain costs of providing educational services remain even though fewer pupils are on hand to receive the services. The correlation between costs of services and the number of those served is not necessarily a direct one.

Furthermore, I interpret the language in the disapproved paragraph to require that the amount of money by which the appropriation to Annie Wittenmyer is reduced once a child leaves the institution shall actually follow the youngster to the child's new location. This general concept is meritorious. However, the Department of Social Services should have some discretion in the amount and procedure of transfer of funds. Based on the forty children estimated to be at the Annie Wittenmyer Home on July 1, 1974, this provision could require, regardless of need, that \$11,200 annually per youngster be

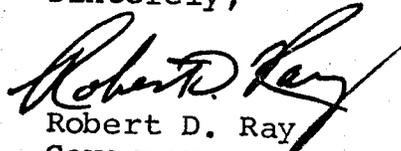
The Honorable Melvin D. Synhorst
June 3, 1974
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transferred with the child to another facility or foster care home. This could lock in an inconsistency with similar care in other places, and it could require payment in excess of the actual costs of the new foster care services.

I am advised that the Department of Social Services will have the funds that become available because of the reduced number of residents to carry out the basic desire and intent expressed in this vetoed provision. This would be a safer, more satisfactory method to achieve the desired results.

For these reasons, I disapprove the second unnumbered paragraph of Section One (1) of Senate File 1343 in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the State of Iowa. All other items of Senate File 1343 are hereby approved this date.

Sincerely,


Robert D. Ray
Governor

RDR/jn