

State Government
Craft, Chairperson
Gentleman
C. Miller

FILED MAR 19 1981

SENATE FILE 443

BY BISENIUS

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the duties of the state board of regents
2 and transferring the jurisdiction and control of the Iowa
3 braille and sight-saving school, the school for the deaf,
4 and the state hospital-school from the state board of
5 regents to the department of public instruction, which
6 takes effect July 1, 1982.

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

- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

1 DIVISION I

2 Section 1. Section 262.1, Code 1981, is amended to read
3 as follows:

4 262.1 ~~MEMBERSHIP~~ ESTABLISHMENT OF AUTHORITY. The state
5 regent authority is created as an independent establishment
6 of the executive branch. The state regent authority is
7 governed by the state board of regents shall-consist which
8 consists of nine members, who shall be selected by the
9 governor, subject to confirmation by the senate. The governor
10 shall select the members from the state at large solely with
11 regard to their qualifications and fitness to discharge the
12 duties of the office. Not more than five members shall be
13 of the same political party.

14 Sec. 2. Section 262.7, subsections 4, 5, and 7, Code 1981,
15 are amended by striking the subsections.

16 Sec. 3. Section 262.9, Code 1981, is amended by adding
17 the following new subsection:

18 NEW SUBSECTION. Tuition rates shall be established by
19 the state board of regents to apportion the costs of the
20 institutions to the persons using the institutions on a fair
21 and equitable basis.

22 Sec. 4. Section 262.9, Code 1981, is amended by adding
23 the following new subsection:

24 NEW SUBSECTION. The state regent authority fund is estab-
25 lished in the state treasury. All moneys received by the
26 state regent authority shall be deposited in the fund. Moneys
27 shall be paid out of the fund on order of the board of regents.

28 Sec. 5. Section 262.9, subsections 5, 7, 9, and 13, Code
29 1981, are amended to read as follows:

30 5. ~~With-the-approval-of-the-executive-council,-acquire~~
31 Acquire real estate for the proper uses of said the
32 institutions, and dispose of real estate belonging to said
33 the institutions when not necessary for their purposes in
34 accordance with section 262.10. A-disposal-of-such-real
35 estate-shall-be-made-upon-such-terms,-conditions-and

1 consideration-as-the-board-may-recommend-and-subject-to-the
 2 approval-of-the-executive-council---if-real-estate-subject
 3 to-sale-hereunder-has-been-purchased-or-acquired-from
 4 appropriated-funds,-the-proceeds-of-such-sale-shall-be
 5 deposited-with-the-treasurer-of-state-and-credited-to-the
 6 general-fund-of-the-state---There-is-hereby-appropriated-from
 7 the-general-fund-of-the-state-a-sum-equal-to-the-proceeds
 8 so-deposited-and-credited-to-the-general-fund-of-the-state
 9 to-the-state-board-of-regents-which,-with-the-prior-approval
 10 of-the-executive-council,-may-be-used-to-purchase-other-real
 11 estate-and-buildings,-and-for-the-construction-and-alteration
 12 of-buildings-and-other-capital-improvements---All-transfers
 13 shall-be-by-state-patent-in-the-manner-provided-by-law-

14 7. Direct the expenditure of all-appropriations-made-to
 15 said-institutions,-and-of-any-other moneys belonging thereto
 16 to the institutions or the state regent authority, but in
 17 no-event-shall the perpetual funds of the Iowa State University
 18 of science and technology, ~~nor~~ and the permanent funds of
 19 the University of Iowa derived under Acts of Congress, shall
 20 not be diminished.

21 9. ~~With-the-approval-of-the-executive-council,-publish,~~
 22 ~~from-time-to-time,~~ Publish and distribute,-such circulars,
 23 pamphlets, bulletins, and reports as-may-be in its-judgment
 24 ~~for~~ the best interests of the institutions under its control,
 25 the expense of which shall be paid out of ~~any-funds-in-the~~
 26 ~~treasury-not-otherwise-appropriated~~ the state regent authority
 27 fund.

28 13. Lease properties and facilities, either as lessor
 29 or lessee, for the proper use and benefit of ~~said~~ the
 30 institutions upon ~~such~~ terms, conditions, and considerations
 31 as the board deems advantageous, including leases with
 32 provisions for ultimate ownership by the state ~~of-Iowa~~ regent
 33 authority, and to pay the rentals ~~from-funds-appropriated~~
 34 ~~to-the-institution-for~~ and operating expenses thereof-~~or~~ from
 35 ~~such-other-funds-as-may-be-available-therefor~~ the state regent

1 authority fund.

2 Sec. 6. Section 262.10, Code 1981, is amended to read
3 as follows:

4 262.10 PURCHASES--PROHIBITIONS. A sale of property held
5 by the state regent authority may be made by resolution of
6 the board, signed by the officer or officers designated in
7 the resolution, and further authorization by an officer of
8 the state is not required. No A sale or purchase of real
9 estate shall not be made ~~save-upon~~ without the order approval
10 of the board, made at a regular meeting, or ~~one~~ a meeting
11 called for that purpose, and then in ~~such~~ the manner and under
12 ~~such~~ the terms as the board may prescribe ~~and-only-with-the~~
13 ~~approval-of-the-executive-council.~~ No A member of the board
14 or ~~any-of~~ its committees, offices or agencies ~~nor-any~~ or an
15 officer of any an institution, shall not be directly or
16 indirectly interested in ~~such~~ the purchase or sale.

17 Purchases of real estate may be made on written contracts
18 providing for payment over a period of years but the
19 obligations ~~thereon-shall~~ on the contracts do not constitute
20 a debt or charge against the state of Iowa nor against the
21 funds of the board or the funds of the institution for which
22 ~~said~~ the purchases are made. Purchase payments may be made
23 from ~~appropriated-capital-funds-or-from-other~~ funds lawfully
24 available for that purpose and allocated ~~therefor~~ by the
25 board, ~~or-from-any-combination-of-the-foregoing,-but-not-from~~
26 ~~appropriated-operating-funds.~~ All-state-appropriated-capital
27 ~~funds-used-for-any-one-purchase-contract-shall-be-taken~~
28 ~~entirely-from-a-single-capital-appropriation-and-shall-be~~
29 ~~set-aside-for-that-purpose.~~ In event of default, the only
30 remedy of the seller shall-be is against the property itself
31 and the rents and profits ~~thereof~~ of the property, and in
32 ~~no-event-shall-any~~ a deficiency judgment shall not be entered
33 or enforced against the state of Iowa, the board, or the
34 institution for which the purchase was made. Provided,
35 ~~however,-that-no-part-of-the-tuition-fees-shall-be-used-in~~

1 ~~the-purchase-of-such-real-estate-~~

2 Sec. 7. Section 262.23, subsection 1, Code 1981, is amended
3 to read as follows:

4 1. Receive all ~~appropriations-made-by-the-general-assembly~~
5 ~~for-said-institution,-and-all-other~~ funds from all other
6 sources, belonging to ~~said-institution~~ the institutions and
7 the state regent authority.

8 Sec. 8. Section 262.25, subsections 2 and 5, Code 1981,
9 are amended to read as follows:

10 2. Interest on endowment and other funds, tuition, ~~state~~
11 ~~appropriations,~~ laboratory and janitor fees, donations, rents,
12 and income from all sources affecting the annual income of
13 the support funds of ~~said~~ the institutions.

14 5. The amount of unexpended balances of departments remain-
15 ing in the hands of the treasurer, and the amounts undrawn
16 from the state ~~treasury~~ regent authority fund on June 30 of
17 each year.

18 Sec. 9. Section 262.26, Code 1981, is amended to read
19 as follows:

20 262.26 REPORT OF BOARD. The board shall, biennially,
21 at the time provided by law, report to the governor and the
22 legislature ~~sueh~~ the facts, observations, and conclusions
23 respecting each of ~~sueh~~ the institutions as in the judgment
24 of the board should be considered by the legislature. ~~Sueh~~
25 The report shall contain an itemized account of the receipts
26 and expenditures of the board, and also the reports made to
27 the board by the executive officers of the ~~several~~ institutions
28 or a summary ~~thereof,-and-shall-submit-budgets-for-biennial~~
29 ~~appropriations-deemed-necessary-and-proper-to-be-made-for~~
30 ~~the-support-of-the-several-institutions-and-for-the~~
31 ~~extraordinary-and-special-expenditures-for-buildings,~~
32 ~~betterments,-and-other-improvements~~ of those reports.

33 Sec. 10. Section 262.29, Code 1981, is amended to read
34 as follows:

35 262.29 EXPENSES--FILING AND AUDIT. All claims for the

1 actual necessary expenses of the board and of its committees,
2 offices, agencies and employees shall be filed with and allowed
3 by the ~~state comptroller in the same manner as may now or~~
4 ~~hereafter be required in the case of claims for similar~~
5 ~~expenses by state officers~~ board as provided by rule.

6 Sec. 11. Section 262.37, Code 1981, is amended to read
7 as follows:

8 262.37 TITLE TO PROPERTY. The title to all real estate
9 so acquired and the improvements erected thereon shall be
10 taken and held in the name of the state regent authority.

11 Sec. 12. Section 262.43, Code 1981, is amended to read
12 as follows:

13 262.43 STUDENTS RESIDING ON ~~STATE-OWNED~~ LAND OWNED BY
14 STATE REGENT AUTHORITY. The state board of regents shall
15 pay to the local school boards the tuition payments and
16 transportation costs, as otherwise authorized by statutes
17 for the elementary or high school education of students
18 residing on land owned by the ~~state and under the control~~
19 ~~of the~~ state board of regents. ~~Such~~ The payments for the
20 ~~three institutions of higher learning, the~~ state University
21 of Iowa, the Iowa State University of science and technology
22 and the University of Northern Iowa, shall be made from the
23 funds of the respective institutions ~~other than state~~
24 ~~appropriations, and for the three noncollegiate institutions,~~
25 ~~the Iowa braille and sight-saving school, the state school~~
26 ~~for the deaf and the state sanatorium, there is hereby~~
27 ~~appropriated out of any funds in the state treasury not~~
28 ~~otherwise appropriated a sum sufficient to make such payments.~~

29 Sec. 13. Section 262.46, Code 1981, is amended to read
30 as follows:

31 262.46 TITLE IN NAME OF STATE REGENT AUTHORITY. The title
32 to all real estate so acquired and the improvements erected
33 ~~thereon~~ on the real estate shall be taken and held in the
34 name of the state regent authority.

35 Sec. 14. Section 262.52, Code 1981, is amended to read

1 as follows:

2 262.52 NO STATE FUNDS LOANED. ~~No-state~~ State funds shall
3 not be loaned for this purpose. This ~~shall~~ does not apply
4 to funds derived from the net earnings of ~~such~~ the buildings,
5 structures, areas and facilities ~~now-or-hereafter~~ owned by
6 the state regent authority or to funds received from student
7 fees or charges.

8 Sec. 15. Section 262.56, Code 1981, is amended to read
9 as follows:

10 262.56 AUTHORIZATION--CONTRACTS--TITLE. Subject to and
11 in accordance with ~~the-provisions-of~~ this division the state
12 board of regents ~~is-hereby-authorized-to~~ may undertake and
13 carry out any a project as ~~hereinbefore~~ defined in section
14 262.55 at the state University of Iowa, Iowa State University
15 of science and technology and the University of Northern Iowa
16 and ~~to~~ may operate, control, maintain and manage student
17 residence halls and dormitories, including dining and other
18 incidental facilities, and additions to ~~such~~ the buildings
19 at each of ~~said~~ the institutions. All contracts for the
20 construction, reconstruction, completion, equipment,
21 improvement, repair or remodeling of any buildings, additions
22 or facilities shall be let in accordance with ~~the-provisions~~
23 ~~of~~ section 262.34. The title to all real estate acquired
24 under ~~the-provisions-of~~ this division and the improvements
25 erected ~~thereon~~ on the real estate shall be taken and held
26 in the name of the state ~~of-Iowa~~ regent authority. The board
27 ~~is-authorized-to~~ may rent the rooms in ~~such~~ the residence
28 halls and dormitories to the students, officers, guests and
29 employees of ~~said~~ the institutions at ~~such~~ the rates, fees
30 or rentals as which will provide a reasonable return upon
31 the investment, but which will ~~in-any-event~~ produce net rents,
32 profits and income sufficient to insure the payment of the
33 principal of and interest on all bonds or notes issued to
34 pay any a part of the cost of any a project and refunding
35 bonds or notes issued pursuant to ~~the-provisions-of~~ this

1 division.

2 Sec. 16. Section 262.67, Code 1981, is amended to read
3 as follows:

4 262.67 ~~APPROVAL-OF-EXECUTIVE-COUNCIL~~ EASEMENTS. With
5 ~~the-approval-of-the-executive-council,-the~~ The board is hereby
6 ~~authorized-to~~ may grant easements for rights of way over,
7 across, and under the surface of public lands under its
8 jurisdiction when in its judgment ~~such~~ the easements are
9 desirable and will benefit the state of Iowa.

10 Sec. 17. Section 262A.1, Code 1981, is amended to read
11 as follows:

12 262A.1 DECLARATION OF INSUFFICIENT STATE REVENUE. The
13 general assembly hereby determines that the annual revenues
14 of the state are insufficient to finance the immediate building
15 requirements and other facilities and utilities services
16 requirements of the institutions of higher learning under
17 the jurisdiction of the state board of regents and in order
18 to provide these buildings, facilities and utilities services
19 when they are needed, it is necessary to authorize the issuance
20 of revenue bonds by the state board of regents, subject to
21 the restrictions and limitations ~~hereinafter~~ set forth in
22 this chapter. ~~It-is-the-intent-of-the-general-assembly-that~~
23 ~~revenue-bonds-issued-for-academic-and-administrative-buildings~~
24 ~~and-facilities-and-utilities-services-shall-supplement-and~~
25 ~~not-supplant-legislative-appropriations-for-the-same-or-similar~~
26 ~~purposes.~~

27 Sec. 18. Section 262A.2, subsection 6, Code 1981, is
28 amended to read as follows:

29 6. "Institutional income" ~~shall-mean~~ means income received
30 by an institution from sources other than ~~(a)~~ student fees
31 and charges, ~~(b)~~ rates, fees, rentals or charges imposed and
32 collected under ~~the-provisions-of-(1)~~ sections 262.35 through
33 262.42, ~~(2)~~-sections 262.44 through 262.53, and ~~(3)~~-sections
34 262.55 through 262.66, ~~(e)~~-state-appropriations, and ~~(d)~~
35 "hospital income", as that term is defined in subsection 5

1 of section 263A.1.

2 Sec. 19. Section 262A.3, Code 1981, is amended to read
3 as follows:

4 262A.3 TEN-YEAR PROGRAM AND TWO-YEAR BOND PROPOSAL
5 ~~SUBMITTED~~ APPROVED EACH YEAR. The board shall prepare and
6 ~~submit-to-the-general-assembly-for-approval-or-rejection-a~~
7 ~~proposed~~ approve a ten-year building program for each
8 institution, including an estimate of the maximum amount of
9 bonds which the board expects to issue under ~~the-provisions~~
10 ~~of this chapter during each year of the ensuing biennium.~~
11 ~~Such-program-and-estimate-shall-be-submitted-no-later-than~~
12 ~~seven-days-after-the-passage-of-this-chapter-by-the-general~~
13 ~~assembly-and-thereafter-no-later-than-seven-days-after-the~~
14 ~~convening-of-each-regular-annual-session-of-the-general~~
15 ~~assembly-~~ The building program shall contain a list of the
16 buildings and facilities which the board deems necessary to
17 further the educational objectives of the institutions. This
18 list shall be revised annually, but ~~no~~ a project shall not
19 be eliminated from the list when bonds have previously been
20 issued by the board to pay the cost ~~thereof~~ of the project.
21 Each ~~such~~ list shall contain an estimate of the cost of each
22 of the buildings and facilities referred to ~~therein~~. ~~If-the~~
23 ~~general-assembly-rejects-or-fails-to-approve-any-proposed~~
24 ~~ten-year-building-program,-such-action-or-inaction-shall-not~~
25 ~~affect-the-status-or-legality-of-any-project-previously-or~~
26 ~~subsequently-authorized-by-the-general-assembly-as-provided~~
27 ~~in-section-262A-4-~~

28 Sec. 20. Section 262A.4, Code 1981, is amended to read
29 as follows:

30 262A.4 AUTHORIZATION OF GENERAL-ASSEMBLY-AND-GOVERNOR
31 BOARD. Subject to and in accordance with ~~the-provisions-of~~
32 this chapter, the state board of regents ~~after-authorization~~
33 ~~by-a-constitutional-majority-of-each-house-of-the-general~~
34 ~~assembly-and-approval-by-the-governor~~ may undertake and carry
35 out any a project as ~~defined-in-this-chapter~~ at the

1 institutions ~~new-or-hereafter~~ under the jurisdiction of the
2 board. The state board of regents ~~is-authorized-to~~ may
3 operate, control, maintain, and manage buildings and facilities
4 and additions to ~~such~~ the buildings and facilities at each
5 of ~~said~~ the institutions. All contracts for the construction,
6 reconstruction, completion, equipment, improvement, repair
7 or remodeling of any buildings, additions, or facilities shall
8 be let in accordance with ~~the-provisions-of~~ section 262.34.
9 The title to all real estate acquired under ~~the-provisions~~
10 ~~of~~ this chapter and the improvements erected ~~thereon~~ on the
11 real estate shall be taken and held in the name of the state
12 ~~of-Iowa~~ regent authority.

13 Sec. 21. Section 263A.1, subsection 5, Code 1981, is
14 amended to read as follows:

15 5. "Hospital income" ~~shall-mean~~ means the income and funds
16 received by the hospitals, medical service clinics, and medi-
17 cal service laboratories of the state University of Iowa,
18 including the proceeds of rates, fees, and charges for ser-
19 vices rendered by ~~said~~ the hospitals, clinics, and
20 laboratories, ~~but-excluding-state-appropriations-to-the~~
21 ~~institution~~.

22 Sec. 22. Section 263A.2, Code 1981, is amended to read
23 as follows:

24 263A.2 ~~LEGISLATIVE-APPROVAL-BEFORE-ACTING-HEREUNDER~~
25 PROJECTS. Subject to and in accordance with ~~the-provisions~~
26 ~~of~~ this chapter, the state board of regents ~~after-authorization~~
27 ~~by-a-constitutional-majority-of-the-general-assembly~~ may
28 undertake and carry out any project ~~as-defined-in-this-chapter~~
29 at the state University of Iowa. The state board of regents
30 ~~is-authorized-to~~ may operate, control, maintain, and manage
31 buildings and facilities and additions to ~~such~~ the buildings
32 and facilities at ~~said~~ the institution. All contracts for
33 the construction, reconstruction, completion, equipment,
34 improvement, repair, or remodeling of any buildings, additions,
35 or facilities shall be let in accordance with ~~the-provisions~~

1 of section 262.34. The title to all real estate acquired
2 under ~~the provisions of~~ this chapter and the improvements
3 erected thereon on the real estate shall be taken and held
4 in the name of the state of Iowa regent authority.

5 Sec. 23. Section 265.3, Code 1981, is amended to read
6 as follows:

7 265.3 FINANCING. A laboratory school at each institution
8 where so established shall constitute a self-liquidating
9 improvement unit ~~to the extent funds are not appropriated~~
10 ~~by the general assembly~~ and shall qualify for and may be
11 financed as such under ~~the provisions of~~ sections 262.44
12 through 262.53.

13 Sec. 24. Section 265.5, Code 1981, is amended to read
14 as follows:

15 265.5 ALLOCATIONS TO DEBT RETIREMENT FUND. The state
16 board of regents may out of funds ~~appropriated or otherwise~~
17 available for the operation of the institution at which the
18 laboratory school is located may allocate an annual payment
19 to the debt retirement fund for the buildings, areas, and
20 facilities used by the institution for the laboratory school
21 until ~~such time as said~~ the cost of the improvement is fully
22 paid. The board of regents may pledge ~~said~~ the annual
23 allotment together with the tuition received from school
24 districts and all other income received from the operation
25 of ~~said~~ the laboratory school as security for the mortgage,
26 bonds, or other debt by which ~~said~~ the laboratory school is
27 financed ~~as authorized herein~~.

28 Sec. 25. Section 266.1, Code 1981, is amended to read
29 as follows:

30 266.1 GRANTS ACCEPTED. Legislative assent is given to
31 the purposes of the various congressional grants to the state
32 for the endowment and support of an Iowa State University
33 of science and technology, and an agricultural experiment
34 station as a department thereof, upon the terms, conditions,
35 and restrictions contained in all Acts of Congress relating

1 thereto, and the state board of regents assumes the duties,
2 obligations, and responsibilities thereby imposed. ~~All moneys~~
3 ~~appropriated by the state because of the obligations thus~~
4 ~~assumed, and all~~ All funds arising from said the congressional
5 grants, shall be invested or expended in accordance with the
6 provision of ~~such~~ the grant, for the use and support of said
7 the university of science and technology located at Ames.

8 DIVISION II

9 Sec. 26. Section 8.6, subsection 7, Code 1981, is amended
10 to read as follows:

11 7. FAIR BOARD ~~AND BOARD OF REGENTS~~. To control the
12 financial operations of the state fair board ~~and the~~
13 ~~institutions under the state board of regents~~:

14 a. By charging all warrants issued to the ~~respective~~
15 ~~educational institutions and the~~ state fair board to an advance
16 account to be further accounted for and not as an expense
17 which requires no further accounting.

18 b. By charging all collections made by the ~~educational~~
19 ~~institutions and~~ state fair board to the respective advance
20 accounts of the ~~institutions and~~ state fair board, and by
21 crediting all ~~such~~ the repayment collections to the respective
22 appropriations and special funds.

23 c. By charging all disbursements made to the respective
24 allotment accounts of ~~each educational institution or~~ the
25 state fair board and by crediting all ~~such~~ disbursements to
26 the respective advance and inventory accounts.

27 d. By requiring a monthly abstract of all receipts and
28 of all disbursements, both money and stores, and a complete
29 account-current each month from ~~each educational institution~~
30 ~~and~~ the state fair board.

31 Sec. 27. Section 8.32, unnumbered paragraphs 2 and 4,
32 Code 1981, are amended to read as follows:

33 Provided, that ~~such~~ the receipts or collections shall be
34 deposited in the state treasury as part of the general fund
35 or special funds in all cases, except those collections made

1 by the state fair board, ~~the institutions under the state~~
 2 ~~board of regents~~ and the state conservation commission.

3 Provided further, that the collection of repayment receipts
 4 by the state fair board ~~and the institutions under the state~~
 5 ~~board of regents~~ shall be deposited in a bank or banks duly
 6 designated and qualified as state depositories, in the name
 7 of the state of Iowa, for the use of ~~such boards and~~
 8 ~~institutions~~ the board, and ~~such~~ the funds shall be available
 9 only on the check of ~~such boards or institutions~~ the board
 10 depositing them, which ~~are hereby authorized to~~ may withdraw
 11 ~~such~~ the funds, but only after allotment by the governor as
 12 provided in section 8.31; and

13 Sec. 28. Section 255.28, Code 1981, is amended to read
 14 as follows:

15 255.28 TRANSFER OF PATIENTS FROM STATE INSTITUTIONS.

16 The commissioner of the department of social services and
 17 the director of any of the divisions of ~~such~~ the department,
 18 and the ~~board~~ department in control of the Iowa braille and
 19 sight-saving school, and the Iowa school for the deaf, and
 20 the state hospital-school, may, respectively, send any an
 21 inmate, student or patient of any of ~~said~~ the institutions,
 22 or any a person committed or applying for admission thereto,
 23 to the hospital of the medical college of the state university
 24 for treatment and care as provided in this chapter, without
 25 securing the order of court required in other cases. ~~Said~~
 26 ~~state~~ The department of social services and ~~board~~ department
 27 in control of the Iowa braille and sight-saving school and,
 28 the Iowa school for the deaf, and the state hospital-school
 29 shall respectively pay the traveling expenses of any a patient
 30 ~~thus~~ committed, and when necessary the traveling expenses
 31 of an attendant for ~~such~~ the patient, out of funds appropriated
 32 for the use of the institution from which ~~he~~ the patient is
 33 sent.

34 Sec. 29. Chapter 257, Code 1981, is amended by adding
 35 the following new sections as a new division:

1 HOSPITAL-SCHOOL FOR HANDICAPPED

2 NEW SECTION. ESTABLISHMENT AND OBJECTIVES. The department
3 of public instruction may establish and maintain in reasonable
4 proximity to Iowa City and in conjunction with the state
5 University of Iowa and the university hospital, a hospital-
6 school having as its objects the education and treatment of
7 severely handicapped children. The hospital-schools shall
8 be conducted in conjunction with the activities of the
9 University of Iowa children's hospital. Insofar as is
10 practicable, the facilities of the university children's
11 hospital shall be utilized.

12 NEW SECTION. PERSONS ADMITTED. Every resident of the
13 state who is not more than twenty-one years of age, who is
14 so severely handicapped as to be unable to acquire an education
15 in the common schools, and every such person who is twenty-
16 one and under thirty-five years of age who has the consent
17 of the department of public instruction is entitled to receive
18 an education, care, and training in the institution, and
19 nonresidents similarly situated may be entitled to an education
20 and care in the institution upon the terms fixed by the
21 department. The fee for nonresidents shall be not less than
22 the average expense of resident pupils and shall be paid in
23 advance. Residents and persons under the care and control
24 of a director of a division of the department of social
25 services who are severely handicapped may be transferred to
26 the hospital-school upon terms agreed upon by the department
27 and the director.

28 NEW SECTION. DEFINITIONS. "Severely handicapped", for
29 the purpose of this division means all of the following:
30 1. Persons who are educable but severely physically and
31 educationally handicapped as a result of cerebral palsy,
32 muscular dystrophy, spina bifida, arthritis, poliomyelitis,
33 or other severe physically handicapping conditions.
34 2. Persons who are not eligible for admission to the
35 schools already established for the deaf, blind, epileptic,

1 or feeble-minded.

2 NEW SECTION. PAYMENT BY COUNTIES. Sections 270.4 to 270.8
3 are applicable to the state hospital-school.

4 NEW SECTION. GIFTS ACCEPTED. The department of public
5 instruction may accept, for the benefit of the hospital-school,
6 gifts, devices, or bequests of property, real or personal
7 including grants from the federal government. The department
8 may exercise powers with reference to the management, sale,
9 disposition, investment, or control of property so given,
10 devised, or bequeathed, as deemed essential to the property's
11 preservation and the purposes for which the gift, devise,
12 or bequest is made. A contribution or grant shall not be
13 received or accepted if a condition is attached as to its
14 use or administration other than it be used for aid to the
15 hospital-schools.

16 Sec. 30. Chapter 257, Code 1981, is amended by adding
17 the following new section:

18 NEW SECTION. ADMINISTRATION. The board of public
19 instruction shall administer the Iowa braille and sight-saving
20 school, the school for the deaf, and the state hospital-school
21 pursuant to sections 262.9, subsections 2 through 13, 262.10
22 through 262.20, 262.23 through 262.26, 262.30 through 262.42,
23 and 262.67 through 262.69, to the extent the sections are
24 applicable. The sections shall be applied to the
25 administration of these schools by the board of public
26 instruction and for this purpose references to the board of
27 regents in these sections shall be deemed to be references
28 to the board of public instruction.

29 Sec. 31. Chapter 257, Code 1981, is amended by adding
30 the following new section:

31 NEW SECTION. EDUCATIONAL STANDARDS. The department of
32 public instruction shall establish the educational standards
33 for the Iowa braille and sight-saving school, the school for
34 the deaf, and the state hospital-school. A list of the
35 approved standards shall be maintained by the department of

1 public instruction.

2 Sec. 32. Chapter 257, Code 1981, is amended by adding the
3 following new section:

4 NEW SECTION. TUITION PAYMENTS. The department of public
5 instruction shall pay to the local school boards the tuition
6 payments and transportation costs, as otherwise authorized
7 by statutes for the elementary or high school education of
8 students residing on land owned by the state and under the
9 control of the department of public instruction. An amount
10 sufficient to make the payments for the Iowa braille and
11 sight-saving school, the school for the deaf, and the state
12 hospital-school is appropriated out of funds in the state
13 treasury not otherwise appropriated.

14 Sec. 33. Section 257.10, Code 1981, is amended by add-
15 ing the following new subsection:

16 NEW SUBSECTION. Approve policies submitted by the state
17 superintendent for governing the Iowa braille and sight-saving
18 school, the school for the deaf, and the state hospital-school.

19 Sec. 34. Section 257.17, Code 1981, is amended by adding
20 the following new subsection:

21 NEW SUBSECTION. Recommend to the state board policies
22 necessary for the operation of the Iowa braille and sight-
23 saving school, the school for the deaf, and the state hospital-
24 school.

25 Sec. 35. Section 257.18, subsections 11, 12 and 18, Code
26 1981, are amended to read as follows:

27 11. Prepare for the approval of the state board, ~~such~~
28 the forms and procedures ~~as-are~~ deemed necessary to be used
29 by area education agency boards, the Iowa braille and sight-
30 saving school, the school for the deaf, the state hospital-
31 school, district boards, school officials, principals,
32 teachers, and other employees, and to insure uniformity,
33 accuracy, and efficiency in keeping records in both pupil
34 and cost accounting, the execution of contracts, and the
35 submission of reports; furnish, when deemed advisable by ~~him~~

1 the superintendent and approved by the state board, those
2 forms which can more economically and efficiently be provided
3 in that manner; and notify the area education agency board,
4 the Iowa braille and sight-saving school, the school for the
5 deaf, the state hospital-school, or district board, or school
6 authorities, in any case when any a report has not been filed
7 in the manner or on the dates prescribed by law or by
8 regulation of the state board that the school be not approved
9 until the report has been properly filed.

10 12. Ascertain by inspection, supervision, or otherwise,
11 the condition, needs, and progress of the schools under the
12 supervision of ~~his~~ the department and make recommendations
13 to the proper authorities for the correction of deficiencies
14 and the educational and physical improvement of ~~such~~ the
15 schools, and recommend to the state board the need for a state
16 audit of the accounts of any a school district, area education
17 agency, the Iowa braille and sight-saving school, the school
18 for the deaf, the state hospital-school, school official,
19 or any a school employee handling school funds when it is
20 apparent that ~~such~~ an audit should be made. If deemed
21 advisable the state board may call upon the state auditor
22 to make ~~such~~ an audit and ~~he~~ the auditor shall proceed to
23 do so as soon as practicable.

24 18. Report biennially to the governor, at the time provided
25 by law, the condition of the schools under ~~his~~ the
26 superintendent's supervision, including the number and kinds
27 of school districts, the number of schools of each kind, the
28 number and value of schoolhouses, the enrollment and attendance
29 in each county for the previous year, the programs of the
30 Iowa braille and sight-saving school, and the school for the
31 deaf, and the state hospital-school, any measures proposed
32 or plans matured for the improvement of the public schools,
33 ~~such~~ financial and statistical information ~~as-may-be~~ of public
34 importance, and ~~such~~ general information relating to
35 educational affairs and conditions within the state or

1 elsewhere.

2 Sec. 36. Section 269.1, Code 1981, is amended to read
3 as follows:

4 269.1 ADMISSION. All blind persons and persons whose
5 vision is so defective that they cannot be properly instructed
6 in the common schools, who are residents of the state and
7 of suitable age and capacity, ~~shall-be~~ are entitled to an
8 education in the Iowa braille and sight-saving school at the
9 expense of the state. Nonresidents also may be admitted to
10 the Iowa braille and sight-saving school if their presence
11 would not be prejudicial to the interests of residents, upon
12 such terms as ~~may-be~~ fixed by the ~~state-board-of-regents~~
13 department of public instruction.

14 Sec. 37. Section 270.2, Code 1981, is amended to read
15 as follows:

16 270.2 LABOR OF PUPILS. The ~~board~~ department of public
17 instruction may utilize the labor of any a pupil of the
18 institution on the farm, in the workshops, in erection of
19 buildings for the institution, or in domestic service, so
20 far as practicable, without interference with their proper
21 education.

22 Sec. 38. Section 270.3, Code 1981, is amended to read
23 as follows:

24 270.3 ADMISSION. Any A resident of the state less than
25 twenty-one years of age, who has a hearing loss which is too
26 severe to acquire an education in the public schools is
27 eligible to attend the school for the deaf. Nonresidents
28 similarly situated may be admitted ~~to-an-education-therein~~
29 upon such terms as ~~may-be~~ fixed by the ~~state-board-of-regents~~
30 department of public instruction. The fee for nonresidents
31 shall be not less than the average expense of resident pupils
32 and shall be paid in advance.

33 Sec. 39. Section 270.8, Code 1981, is amended to read
34 as follows:

35 270.8 RESIDENCE DURING VACATION. The residence of indigent

1 or homeless children may, by order of the state-board-of
2 regents department of public instruction, may be continued
3 during vacation months.

4 Sec. 40. Section 281.2, subsection 2, unnumbered paragraph
5 2, Code 1981, is amended to read as follows:

6 It is the policy of this state to provide and to require
7 school districts to make provision, as an integral part of
8 public education, for special education opportunities
9 sufficient to meet the needs and maximize the capabilities
10 of children requiring special education. This chapter is
11 not to be construed as encouraging separate facilities or
12 segregated programs designed to meet the needs of children
13 requiring special education when such the children can benefit
14 from all or part of the education program as offered by the
15 local school district. To the maximum extent possible,
16 children requiring special education shall attend regular
17 classes and shall be educated with children who do not require
18 special education. Whenever possible, hindrances to learning
19 and to the normal functioning of children requiring special
20 education within the regular school environment shall be
21 overcome by the provision of special aids and services rather
22 than by separate programs for those in need of special
23 education. Special classes, separate schooling or other
24 removal of children requiring special education from the
25 regular educational environment, shall occur only when, and
26 to the extent that the nature or severity of the educational
27 handicap is such that education in regular classes, even with
28 the use of supplementary aids and services, cannot be
29 accomplished satisfactorily. For those children who cannot
30 adapt to the regular educational or home living conditions,
31 and who are attending facilities under chapters 263, 269 and
32 270, upon the request of the board of directors of an area
33 education agency, the department of social services shall
34 provide residential or detention facilities and the area
35 education agency shall provide special education programs

1 and services. The area education agencies shall co-operate
2 with the board of regents and the department of public
3 instruction to provide the services required by this Act.

4 Sec. 41. Section 299.19, Code 1981, is amended to read
5 as follows:

6 299.19 PROCEEDING AGAINST PARENT. Upon the failure of
7 any a person having the custody and control of sueh a child
8 to require its attendance as provided in section 299.18, the
9 ~~state-board-of-regents~~ department of public instruction may
10 make application to the district court or the juvenile court
11 of the county in which sueh the person resides for an order
12 requiring sueh the person to compel the attendance of sueh
13 the child at the proper state institution.

14 Sec. 42. Section 299.23, Code 1981, is amended to read
15 as follows:

16 299.23 AGENT OF ~~STATE-BOARD-OF-REGENTS~~ DEPARTMENT OF
17 PUBLIC INSTRUCTION. The ~~state-board-of-regents~~ department
18 of public instruction may employ an agent to aid in the
19 enforcement of law relative to the education of deaf and blind
20 children. The agent shall seek out children who should be
21 in attendance at the state schools but who are not, and require
22 sueh attendance. He The agent shall institute proceedings
23 against persons who violate ~~the-provisions-of-said-law~~ section
24 299.18. The agent shall be allowed compensation at a rate
25 fixed by the ~~board-of-regents~~ department, and ~~his-necessary~~
26 shall receive traveling and hotel expenses while away from
27 home in the performance of his duty.

28 Sec. 43. Section 305A.7, Code 1981, is amended to read
29 as follows:

30 305A.7 REINTERRING ANCIENT REMAINS. The state
31 archaeologist ~~shall-have~~ has the primary responsibility for
32 investigating, preserving and reintering discoveries of
33 ancient human remains. For the purposes of this section
34 ancient human remains ~~shall-be~~ are those remains found within
35 the state which are more than one hundred fifty years old.

1 The state archaeologist shall make arrangements for the
2 services of a forensic osteologist in studying and interpreting
3 ancient burials and may designate other qualified
4 archaeologists to assist the state archaeologist in recovering
5 physical and cultural information about the ancient burials.
6 The state archaeologist shall file with the department of
7 health a written report containing both physical and cultural
8 information regarding the remains at the conclusion of each
9 investigation. ~~{Appropriations to the state-board-of-regents}~~
10 to department of health shall be used by the state
11 archaeologist in investigating, reporting upon and interring
12 ancient human remains pursuant to this section.

13 Sec. 44. The board of regents shall transfer real and
14 personal property of the state, including but not limited
15 to records, equipment, and supplies, which is under the control
16 of the board of regents for the use of the three schools to
17 the department of public instruction. On the effective date
18 of this Act, the board of regents shall transfer to the board
19 of public instruction its rights and obligations under
20 agreements pertaining to the three schools.

21 The state comptroller shall transfer the funds encumbered,
22 but not paid out by the board of regents for the purposes
23 of the three schools to the department of public instruction.

24 The governor shall transfer employees who are subject to
25 the rules adopted or approved by the Iowa merit employment
26 department under chapter 19A from the board of regents to
27 the department of public instruction by executive order.
28 The department of public instruction may make changes in the
29 job descriptions and realign the positions of the employees
30 of the Iowa braille and sight-saving school, the school for
31 the deaf, and the state hospital-school after the transfer
32 of the three schools to the department of public instruction.

33 The board of regents, the director of the department of
34 general services, and the state comptroller shall determine
35 which properties of the state shall be transferred to the

1 board of regents and which properties shall remain under the
2 jurisdiction of the state.

3 Sec. 45. Sections 8.29, 262.22, 262.28, 263.9, 263.10,
4 263.11, 263.12, and 263.13, Code 1981, are repealed.

5 Sec. 46. This Act takes effect July 1, 1982.

6 EXPLANATION

7 This bill establishes the state board of regents as the
8 state regent authority which is an independent establishment
9 of the executive branch.

10 A state regent authority fund is established to be used
11 for the financial transactions of the authority. The title
12 to property owned by the state and under the jurisdiction
13 of the board of regents shall be transferred to the board.

14 The bill transfers the jurisdiction and control of the
15 Iowa braille and sight-saving school, the school for the deaf,
16 and the state hospital-school from the state board of regents
17 to the department of public instruction.

18 The bill takes effect July 1, 1982.

19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35