

Finance De Book 4/27/83 (p. 1427)

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APR 22 1983

SENATE FILE 532

BY COMMITTEE ON APPROPRIATIONS

Approved 4/22 (p. 1350)

Passed Senate, Date 4-28-83 (p. 1442) Passed House, Date 5-6-83 (p. 1872)
 Vote: Ayes 45 Nays 0 Vote: Ayes 96 Nays 0
 Approved Item Veto 6-9-83

A BILL FOR

1 An Act relating to the administration and financing of
 2 correctional and mental health programs under the jurisd-
 3 diction of the department of social services for the
 4 fiscal period beginning July 1, 1983, and ending June 30,
 5 1984.

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

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S.F. 532

1 Section 1. There is appropriated from the general fund
2 of the state for the fiscal year beginning July 1, 1983, and
3 ending June 30, 1984, to the department of social services
4 for general administration for the division of adult
5 corrections, including salaries and support, maintenance,
6 and miscellaneous purposes the following amount, or so much
7 thereof as is necessary:

8	1983-1984
9	<u>Fiscal Year</u>
10	\$ 1,095,000

11 Sec. 2. There is appropriated from the general fund of
12 the state for the fiscal year beginning July 1, 1983, and
13 ending June 30, 1984, to the department of social services
14 for operation of the Iowa veterans home, including salaries
15 and support, maintenance, and miscellaneous purposes, the
16 following amount, or so much thereof as is necessary:

17	1983-1984
18	<u>Fiscal Year</u>
19	\$17,650,000

20 Sec. 3. There is appropriated from the general fund of
21 the state for the fiscal year beginning July 1, 1983, and
22 ending June 30, 1984, to the department of social services
23 the following amounts, or so much thereof as is necessary,
24 to be used for adult correctional services as designated:

25	1983-1984
26	<u>Fiscal Year</u>

27 1. For operation of adult
28 correctional institutions, in-
29 cluding salaries and support,
30 maintenance, and miscellaneous
31 purposes, provided that the
32 commissioner of social services,
33 in order to keep expenditures
34 from exceeding the amount of
35 funds appropriated by this sub-

1 section, shall declare a prison
2 overcrowding state of emergency
3 in the state's prisons whenever
4 the population of the prison
5 system exceeds two thousand
6 seven hundred eighty inmates for
7 forty-five consecutive days.
8 Upon the declaration of a pris-
9 on overcrowding state of emer-
10 gency, the board of parole shall
11 consider all inmates, except
12 for inmates convicted of class
13 "A" felonies, for parole who are
14 within nine months of their
15 tentative discharge date. If
16 the board of parole's actions
17 do not reduce the population of
18 the prison system below two
19 thousand seven hundred eighty in-
20 mates within ninety days of the
21 date of the declaration of the
22 prison overcrowding state of
23 emergency, the tentative dis-
24 charge dates of all inmates,
25 whose most serious offenses for
26 which the inmates are currently
27 incarcerated are crimes against
28 property and who are incarcer-
29 ated in state prisons on the
30 date of the declaration, shall
31 be reduced by ninety days by
32 the director of the division
33 of adult corrections. However,
34 the tentative discharge date of
35 a prisoner sentenced under sec-

1 tion 204.406, 204.413, 902.7,
2 902.8, or 906.5 shall not be
3 reduced under this subsection
4 prior to completion of the
5 mandatory minimum sentence re-
6 quired by the section. The
7 commissioner of social services
8 shall terminate a prison over-
9 crowding state of emergency in
10 the state's prisons whenever
11 the population of the prison
12 system is reduced below two
13 thousand seven hundred eighty
14 inmates. The department shall
15 adopt administrative rules which
16 identify all offenses as either
17 crimes against property or
18 crimes against persons. As
19 used in this subsection, "pris-
20 on" means a correctional fa-
21 cility operated by the divi-
22 sion of corrections and funded
23 under this subsection, "prison
24 system" means the prisons of
25 this state, and "tentative dis-
26 charge date" means the date at
27 which an inmate is scheduled
28 for release including good con-
29 duct and work time currently

30 received \$47,270,000

31 Of the funds appropriated by this subsection, the following
32 amounts, or so much thereof as is necessary, are appropriated
33 to the following institutions or for the following purposes:

34 Men's penitentiary \$16,266,000
35 Men's reformatory \$11,089,000

1	Iowa security and medical facility	\$ 4,830,000
2	Inmate classification system	\$ 135,000
3	Riverview correctional release center	\$ 1,880,000
4	Work release houses	\$ 1,410,000
5	Medium security correctional facility	
6	at Mount Pleasant	\$ 4,400,000
7	Correctional training center	\$ 306,000
8	Men's medium security correctional facility	
9	at Rockwell City	\$ 1,760,000
10	Correctional treatment unit at Clarinda	\$ 2,708,000
11	Federal prison reimbursements	\$ 390,000
12	Iowa correctional institution for women	\$ 2,096,000

13 Of the funds appropriated by this subsection, thirty
14 thousand (30,000) dollars, or so much thereof as is necessary,
15 is appropriated to the department of social services for the
16 provision of legal services, to be supervised by the appellate
17 defender, to inmates of adult correctional institutions in
18 civil cases involving prison litigation.

19 The division of adult corrections shall use funds
20 appropriated in this subsection to continue to contract for
21 the services of a muslim imam.

22 The department shall use funds appropriated by this
23 subsection to continue to provide correspondence courses to
24 inmates at the Iowa correctional institution for women.

25 The division of adult corrections shall establish a plan
26 to reduce the inmate population of the men's reformatory to
27 eight hundred eighty-five inmates by September 1, 1984. On
28 and after September 1, 1984, the superintendent of the men's
29 reformatory shall not admit additional inmates to the men's
30 reformatory if the inmate population of the men's reformatory
31 equals or exceeds eight hundred eighty-five inmates.

32 An impact statement prepared by the legislative fiscal
33 bureau shall be attached to any bill introduced in the general
34 assembly which reasonably could have an effect on the inmate
35 populations of the adult correctional institutions.

1 The department shall provide the general assembly with
2 evidence from independent experts of the validity and
3 effectiveness of the inmate classification system and shall
4 suggest changes in the system to make it more effective by
5 January 15, 1985.

6 2. The department shall identify all individuals currently
7 in the correctional system and those individuals entering
8 the system who are mentally retarded, as defined in section
9 222.2, subsection 5. In assigning a mentally retarded
10 offender, or an offender with an inadequately developed
11 intelligence or with impaired mental abilities, to a
12 correctional facility, the department shall consider both
13 the program needs and the security needs of the offender.
14 The division of adult corrections shall consult with the
15 mental health and mental retardation commission to obtain
16 the commission's advice concerning the identification,
17 correctional facility assignment, and program needs of mentally
18 retarded offenders.

19 3. Community-based correc-
20 tions \$14,130,000

21 Funds appropriated under this subsection may be used for
22 the acquisition or improvement of residential correctional
23 facilities as provided in section 8.45.

24 Of the funds appropriated in this subsection, four hundred
25 thousand (400,000) dollars shall be used for the renovation
26 or replacement of residential facilities and judicial district
27 offices as follows: one hundred fifty thousand (150,000)
28 dollars for the Hope House residential facility in Iowa City;
29 two hundred thousand (200,000) dollars for the first judicial
30 district department of correctional services; and fifty
31 thousand (50,000) dollars for the fifth judicial district
32 department of correctional services.

33 A judicial district which uses funds appropriated under
34 this subsection may contract for services from or provide
35 funds to private agencies to provide education, job placement,

1 or counseling services to ex-offenders intended to facilitate
2 the transition from incarceration to living in a free society.

3 4. For parole services, in-
4 cluding salaries and support,
5 maintenance, and miscellaneous
6 purposes \$ 1,165,000

7 5. For a legal assistance
8 program to provide civil legal
9 assistance to inmates of the
10 Iowa correctional system in
11 matters of child custody,
12 bankruptcy, and dissolution
13 of marriage \$ 25,000

14 6. For reimbursement of
15 counties for temporary con-
16 finement of work release and
17 parole violators, as pro-
18 vided by sections 247A.10,
19 901.7, and 906.17 \$ 47,500

20 7. The department shall develop a long-range corrections
21 planning process and an ongoing five-year corrections master
22 plan. The director of the division of adult corrections shall
23 report to the general assembly by January 15, 1984 concerning
24 the status and content of the master plan. The master plan
25 shall include goals and objectives and operations and funding
26 needs. The master plan shall include, but not be limited
27 to, an analysis of current and future inmate populations,
28 incarceration costs, needs of inmates placed in community
29 correctional programs, and inmate, staff, and public safety
30 needs. The master plan shall incorporate incarceration
31 policies based on the least restrictive incarceration
32 alternative which is consistent with public safety and inmate
33 needs, including the alternative of incarcerating inmates
34 in community correctional facilities. The department shall
35 seek input from knowledgeable experts and from the public

1 in the formulation of the master plan.

2 Sec. 4. There is appropriated from the general fund of
3 the state for the fiscal year beginning July 1, 1983, and
4 ending June 30, 1984, to the board of parole, including
5 salaries and support, maintenance, and miscellaneous purposes,
6 the following amount, or so much thereof as is necessary:

7	1983-1984
8	<u>Fiscal Year</u>
9	\$ 440,000

10 The board of parole shall develop and use objective parole
11 criteria in evaluating inmates for parole, with the goal of
12 increasing parole rates without increasing the risk to society
13 of release on parole.

14 Sec. 5. There is appropriated from the general fund of
15 the state for the fiscal year beginning July 1, 1983, and
16 ending June 30, 1984, to the department of social services,
17 for the state mental health institutes the following amount,
18 or so much thereof as is necessary:

19	1983-1984
20	<u>Fiscal Year</u>

21	1. For salaries and sup-	
22	port, maintenance, and miscel-	
23	aneous purposes	\$31,100,000

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

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

35 4. A state mental health institute shall not accept

1 physical custody of a child alleged to be a child in need
2 of assistance, on guest status or otherwise, for more than
3 thirty days. A child found to be a child in need of assistance
4 shall not be placed in a state mental health institute or
5 other appropriate secure facility unless the juvenile court
6 finds that the standard for involuntary commitment in chapter
7 229 has been met. The finding may be made by the court under
8 section 232.103 at any time prior to the expiration of a
9 dispositional order.

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

18 Sec. 6. There is appropriated from the general fund of
19 the state for the fiscal year beginning July 1, 1983, and
20 ending June 30, 1984, to the department of social services,
21 for the state hospital-schools the following amount, or so
22 much thereof as is necessary:

23		1983-1984
24		<u>Fiscal Year</u>

25	1. For salaries and sup-	
26	port, maintenance, and miscel-	
27	laneous purposes	\$48,370,000

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

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

34 4. If more than twenty percent of the cost of a patient's
35 care is initially paid from any source other than state-

1 appropriated funds, the amount so paid shall be subtracted
2 from the per-patient-per-day cost of that patient's care
3 computed pursuant to section 222.73 and the patient's county
4 of legal settlement shall be billed for the full balance of
5 the cost so computed.

6 Sec. 7. A state hospital-school or mental health institute
7 shall, upon receipt of a payment made under chapter 249A for
8 the care of a patient, segregate an amount equal to that
9 portion of the payment which is required by law to be made
10 from nonfederal funds. The money segregated shall be deposited
11 in the medical assistance fund of the department of social
12 services. In the calculation of per diem rates, charges
13 assessed to the county shall be credited with one hundred
14 percent of client participation for eligible Title XIX, medical
15 assistance patients at the state hospital-schools.

16 Sec. 8. There is appropriated from the general fund of
17 the state for the fiscal year beginning July 1, 1983, and
18 ending June 30, 1984, to the state community mental health
19 and mental retardation services fund established in section
20 225C.7, the following amount, or so much thereof as is
21 necessary:

22	1983-1984
23	<u>Fiscal Year</u>
24	\$ 2,360,000

25 Sec. 9. The general assembly and the corrections and
26 mental health appropriations subcommittee shall review the
27 general assembly's action which abolished the hospital-schools
28 revolving fund, reverted current moneys in the fund to the
29 general fund of the state in order to balance the state budget
30 on June 30, 1983, and appropriated reverted funds to the
31 hospital-schools for the fiscal year beginning July 1, 1983.
32 The review shall include an examination of the continuing
33 need for a hospital-schools revolving fund which could channel
34 moneys to the community mental health and mental retardation
35 services fund provided pursuant to chapter 225C.

1 Sec. 10. Billings by the central warehouse and supply
2 depot established in section 218.100 to institutions under
3 the control of the department of social services shall not
4 include the costs incurred by the central warehouse and supply
5 depot in the distribution of federal surplus commodities.

6 Sec. 11. Notwithstanding section 217.23, subsection 2,
7 the department of social services may expend moneys from the
8 support allocation of the department as reimbursement for
9 replacement or repair of personal items of the department's
10 employees damaged or destroyed by clients of the department
11 during the employee's tour of duty. The reimbursement shall
12 not exceed one hundred fifty dollars for each item.

13 Sec. 12. NEW SECTION. 13B.7 SUPERVISORY DUTY. The
14 appellate defender may supervise the provision of legal
15 services, funded by an appropriation to the department of
16 social services, to inmates of adult correctional institutions
17 in civil cases involving prison litigation.

18 Sec. 13. NEW SECTION. EXCHANGE OF OFFENDERS UNDER TREATY-
19 -CONSENT BY GOVERNOR. If a treaty in effect between the
20 United States and a foreign country provides for the transfer
21 or exchange of convicted offenders to the country of which
22 the offenders are citizens or nationals, the governor or the
23 governor's designee, on behalf of the state and subject to
24 the terms of the treaty, may authorize the transfer or exchange
25 of offenders.

26 Sec. 14. Section 216.8, subsection 1, unnumbered paragraph
27 1, and paragraph b, Code 1983, are amended to read as follows:

28 No A product appearing possessing the performance
29 characteristics of a product listed in the price lists prepared
30 pursuant to section 216.7 shall not be purchased by any
31 department or agency of state government from any-ether a
32 source other than Iowa state industries, except:

33 b. When the state director releases, in writing, the
34 obligation of the department or agency to purchase the product
35 from Iowa state industries, after determining that Iowa state

1 industries is unable to meet the performance characteristics
2 of the purchase request for the product, and a copy of the
3 release is attached to the request to the state comptroller
4 for payment for a similar product, or when Iowa state
5 industries is unable to furnish needed ~~articles~~ products,
6 comparable in both quality and price to those available from
7 alternative sources, within a reasonable length of time.
8 Any disputes arising between a purchasing ~~authority~~ department
9 or agency and Iowa state industries regarding similarity of
10 ~~articles~~ products, or comparability of quality or price, or
11 the availability of the product shall be referred to the
12 director of the department of general services, whose decision
13 shall be subject to appeal as provided in section 18.7.

14 Sec. 15. Section 216.9, subsection 4, Code 1983, is amended
15 to read as follows:

16 4. The fund established by this section shall not revert
17 to the general fund of the state at the end of any annual
18 or biennial period and the investment proceeds earned from
19 the balance of the fund shall be credited to the fund and
20 used for the purposes provided for in this section.

21 Sec. 16. Section 218.74, unnumbered paragraph 1, Code
22 1983, is amended to read as follows:

23 A revolving farm fund is created in the state treasury
24 in which the department of social services shall deposit
25 receipts from agricultural products, nursery stock,
26 agricultural land rentals, and the sale of livestock. However,
27 before any agricultural operation is phased out, the department
28 which proposes to discontinue this operation shall notify
29 the governor, chairpersons and ranking members of the house
30 and senate appropriations committees, and cochairpersons and
31 ranking members of the subcommittee in the senate and house
32 of representatives which has handled the appropriation for
33 this department in the past session of the legislature.
34 Before any department sells farmland under the control of
35 the department, that department shall notify the governor,

1 chairpersons and ranking members of the house and senate
2 appropriations committees, and cochairpersons and ranking
3 members of the joint appropriations subcommittee that handled
4 the appropriation for the department during the past
5 legislative session. The department may pay from the fund
6 for the operation, maintenance, and improvement of farms and
7 agricultural or nursery property under the control of the
8 department. A purchase order for five thousand dollars or
9 less payable from the fund is exempt from the general
10 purchasing requirements of chapter 18. Notwithstanding section
11 8.33, unencumbered or unobligated receipts in the revolving
12 farm fund at the end of a fiscal year shall not revert to
13 the general fund of the state and the investment proceeds
14 earned from the balance of the fund shall be credited to the
15 fund and used for the purposes provided for in this section.

16 Sec. 17. NEW SECTION. 246.50 CLARINDA CORRECTIONAL
17 FACILITY. The state correctional facility for men at Clarinda
18 shall be known as the "Clarinda correctional facility". The
19 facility shall be utilized as a secure men's correctional
20 facility primarily for chemically dependent, mentally retarded,
21 and socially inadequate offenders, and shall be operated by
22 the director in accordance with this chapter.

23 Sec. 18. All federal grants to and the federal receipts
24 of the department of social services are appropriated for
25 the purposes set forth in the federal grants or receipts.
26 The veterans per diem payable for veterans at the veterans
27 home and funds received under Title XIX of the federal Social
28 Security Act by the state mental health institutes and state
29 hospital-schools shall be deposited in the general fund.

30 Sec. 19. TRANSITION TO THE NEW DEPARTMENT OF CORRECTIONS.
31 The department of human services shall provide staffing and
32 support for the board of corrections from July 1, 1983 until
33 October 1, 1983. In addition to the staffing and support
34 provided by the department of human services, the acting
35 director of the department of corrections shall employ a

1 transition team to help organize the department and to
2 identify with the department of human services the
3 administrative support staff, equipment, and other resources
4 to be transferred to the department of corrections. Employees
5 so transferred or reassigned shall not lose any rights,
6 privileges, or benefits accrued that were associated with
7 their status prior to the effective date of this Act.

8 Employees of the department of human services employed on
9 the transition team shall receive their salaries during the
10 transition period from the department of human services.

11 On October 1, 1983, all policies, procedures, and rules
12 established for or by the division of adult corrections of
13 the department of social services or human services shall
14 apply respectively to the department of corrections, its
15 employees, residents, and inmates, until otherwise changed
16 as provided by law or rule adopted by the board of cor-
17 rections. All applicable contracts and leasing arrangements
18 shall be transferred to the jurisdiction of the department
19 of corrections on October 1, 1983. All equipment, supplies,
20 and property in the custody of the division of adult correc-
21 tions of the department of social services or human services
22 shall be transferred to the department of corrections on
23 October 1, 1983.

24 Sec. 20. TRANSFER OF FUNDS. Funds appropriated to the
25 department of human services for the division of adult
26 corrections or for adult correctional services in sections
27 1 and 3 of this Act shall be transferred and be available
28 for the use of the department of corrections on and after
29 October 1, 1983. On and after October 1, 1983, any reference
30 to the "division of adult corrections of the department of
31 social services" appearing in this Act shall be deemed a
32 reference to the "department of corrections".

33 Sec. 21. APPROPRIATION. There is appropriated from the
34 general fund of the state for the fiscal year beginning July
35 1, 1983, and ending June 30, 1984, to the board of corrections,

1 the following amount, or so much thereof as is necessary:

2	1983-1984
3	<u>Fiscal Year</u>
4	\$ 150,000

5 Sec. 22. Except for funds appropriated under section 3,
6 subsection 3, funds appropriated by this Act shall not be
7 used for capital acquisitions or improvements.

8 EXPLANATION

9 This bill appropriates state funds to the department of
10 social services for the 1983-1984 fiscal year. The major
11 categories of appropriations are: general administration
12 for the division of adult corrections; the Iowa veterans home;
13 adult correctional services; community-based corrections;
14 parole services; prisoner legal assistance; work release;
15 the board of parole; state mental health institutional
16 services; state mental retardation institutional services;
17 and the state community mental health and mental retardation
18 services fund.

19 The bill authorizes reimbursements of up to \$150 for certain
20 personal items of employees damaged or destroyed at work.
21 The appellate defender is authorized to supervise attorneys
22 paid by the department of social services, who provide legal
23 services to inmates involved in civil suits related to prison
24 conditions. The bill requires the director of adult
25 corrections to release a state agency's obligation to buy
26 products from Iowa state industries after determining that
27 Iowa state industries cannot meet the performance
28 characteristics of the product requested.

29 The bill provides that investment proceeds earned on the
30 Iowa state industries revolving fund and on the revolving
31 farm fund remain in the respective funds. The bill permits
32 the transfer or exchange of convicted offenders to the country
33 of which the offenders are citizens or nationals. The bill
34 provides for the codification of a statutory reference to
35 the Clarinda correctional facility.

1 The bill includes transition language for the new department
2 of corrections.

3 The bill would become law July 1 following enactment.

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SENATE FILE 532

S-3681

Amend Senate File 532 as follows:

1. Page 12, line 31, by striking the words "human services" and inserting in lieu thereof the words "social services or its successor agency".
2. Page 12, line 34, by striking the words "human services" and inserting in lieu thereof the words "social services or its successor agency".
3. Page 13, line 2, by striking the words "human services" and inserting in lieu thereof the words "social services or its successor agency".
4. Page 13, line 8, by striking the words "human services" and inserting in lieu thereof the words "social services or its successor agency".
5. Page 13, line 10, by striking the words "human services" and inserting in lieu thereof the words "social services or its successor agency".
6. Page 13, line 13, by striking the words "human services" and inserting in lieu thereof the words "its successor agency".
7. Page 13, line 21, by striking the words "human services" and inserting in lieu thereof the words "its successor agency".
8. Page 13, line 25, by striking the words "human services" and inserting in lieu thereof the words "social services or its successor agency".
9. Page 13, line 31, by inserting after the word "services" the words "or its successor agency".
10. Page 14, by inserting after line 4 the following:
"Sec. _____. Any reference to the "division of adult corrections of the department of social services" or to the "department of social services", appearing in an Act of the general assembly shall be construed to mean "department of corrections" or "department of human services", as the case may be, consistent with the intent of Senate File 464, when Senate File 464 is enacted into law."
11. Title page, line 3, by inserting after the word "services" the words "or its successor agencies".
12. By renumbering as necessary.

S-3681 FILED
APRIL 27, 1983

BY BOB CARR

Adopted 4/28/83 (p 1442)

S-3716

1 Amend Senate File 532 as follows:

- 2 1. Page 3, line 30, by striking the figure
- 3 "47,270,000" and inserting in lieu thereof the figure
- 4 "46,439,000".
- 5 2. By striking page 3, line 31, through page 4,
- 6 line 12 and inserting in lieu thereof the following:
- 7 "If the department of social services changes the
- 8 allocations to the various adult correctional
- 9 institutions on which the appropriation in this
- 10 subsection was based, the department shall notify
- 11 the chairpersons and ranking members of the corrections
- 12 and mental health appropriations subcommittee and
- 13 the legislative fiscal bureau of the changes to the
- 14 allocations."
- 15 3. Page 5, by inserting after line 5 the following:
- 16 "2. For the inmate
- 17 classification system \$135,000
- 18 3. For the correctional
- 19 training center \$306,000
- 20 4. For federal prison
- 21 reimbursements \$390,000".
- 22 4. By renumbering as necessary.

S-3716 FILED & ADOPTED BY ROBERT M. CARR
APRIL 28, 1983 (p. 144)

SENATE FILE 532

S-3717

1 Amend Senate File 532 as follows:

- 2 1. Page 7, by striking line 13 and inserting in
- 3 lieu thereof the following: "of release on parole,
- 4 and with the goal of granting those paroles more
- 5 uniformly throughout the year."

S-3717 FILED & ADOPTED BY DOUGLAS RITSEMA
APRIL 28, 1983 (p. 144)

SENATE FILE 532

S-3721

1 Amend Senate File 532:

- 2 1. Page 9, line 24, by striking the figure
- 3 "2,360,000" and inserting in lieu thereof the
- 4 figure "4,000,000".

S-3721 FILED & LOST BY JULIA B. GENTLEMAN
APRIL 28, 1983 (p. 144)

1 Section 1. There is appropriated from the general fund
2 of the state for the fiscal year beginning July 1, 1983, and
3 ending June 30, 1984, to the department of social services
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5 corrections, including salaries and support, maintenance,
6 and miscellaneous purposes the following amount, or so much
7 thereof as is necessary:

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28 correctional institutions, in-
29 cluding salaries and support,
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32 commissioner of social services,
33 in order to keep expenditures
34 from exceeding the amount of
35 funds appropriated by this sub-

1 section, shall declare a prison
2 overcrowding state of emergency
3 in the state's prisons whenever
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6 seven hundred eighty inmates for
7 forty-five consecutive days.
8 Upon the declaration of a pris-
9 on overcrowding state of emer-
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13 "A" felonies, for parole who are
14 within nine months of their
15 tentative discharge date. If
16 the board of parole's actions
17 do not reduce the population of
18 the prison system below two
19 thousand seven hundred eighty in-
20 mates within ninety days of the
21 date of the declaration of the
22 prison overcrowding state of
23 emergency, the tentative dis-
24 charge dates of all inmates,
25 whose most serious offenses for
26 which the inmates are currently
27 incarcerated are crimes against
28 property and who are incarcer-
29 ated in state prisons on the
30 date of the declaration, shall
31 be reduced by ninety days by
32 the director of the division
33 of adult corrections. However,
34 the tentative discharge date of
35 a prisoner sentenced under sec-

1 tion 204.406, 204.413, 902.7,
2 902.8, or 906.5 shall not be
3 reduced under this subsection
4 prior to completion of the
5 mandatory minimum sentence re-
6 quired by the section. The
7 commissioner of social services
8 shall terminate a prison over-
9 crowding state of emergency in
10 the state's prisons whenever
11 the population of the prison
12 system is reduced below two
13 thousand seven hundred eighty
14 inmates. The department shall
15 adopt administrative rules which
16 identify all offenses as either
17 crimes against property or
18 crimes against persons. As
19 used in this subsection, "pris-
20 on" means a correctional fa-
21 cility operated by the divi-
22 sion of corrections and funded
23 under this subsection, "prison
24 system" means the prisons of
25 this state, and "tentative dis-
26 charge date" means the date at
27 which an inmate is scheduled
28 for release including good con-
29 duct and work time currently
30 received \$ 46,439,000

31 If the department of social services changes the allocations
32 to the various adult correctional institutions on which the
33 appropriation in this subsection was based, the department
34 shall notify the chairpersons and ranking members of the
35 corrections and mental health appropriations subcommittee

1 and the legislative fiscal bureau of the changes to the
2 allocations.

3 Of the funds appropriated by this subsection, thirty
4 thousand (30,000) dollars, or so much thereof as is necessary,
5 is appropriated to the department of social services for the
6 provision of legal services, to be supervised by the appellate
7 defender, to inmates of adult correctional institutions in
8 civil cases involving prison litigation.

9 The division of adult corrections shall use funds
10 appropriated in this subsection to continue to contract for
11 the services of a muslim imam.

12 The department shall use funds appropriated by this
13 subsection to continue to provide correspondence courses to
14 inmates at the Iowa correctional institution for women.

15 The division of adult corrections shall establish a plan
16 to reduce the inmate population of the men's reformatory to
17 eight hundred eighty-five inmates by September 1, 1984. On
18 and after September 1, 1984, the superintendent of the men's
19 reformatory shall not admit additional inmates to the men's
20 reformatory if the inmate population of the men's reformatory
21 equals or exceeds eight hundred eighty-five inmates.

22 An impact statement prepared by the legislative fiscal
23 bureau shall be attached to any bill introduced in the general
24 assembly which reasonably could have an effect on the inmate
25 populations of the adult correctional institutions.

26 The department shall provide the general assembly with
27 evidence from independent experts of the validity and
28 effectiveness of the inmate classification system and shall
29 suggest changes in the system to make it more effective by
30 January 15, 1985.

31 2. For the inmate
32 classification system \$135,000

33 3. For the correctional
34 training center \$306,000

35 4. For federal prison

1 reimbursements \$390,000

2 5. The department shall identify all individuals currently
3 in the correctional system and those individuals entering
4 the system who are mentally retarded, as defined in section
5 222.2, subsection 5. In assigning a mentally retarded
6 offender, or an offender with an inadequately developed
7 intelligence or with impaired mental abilities, to a
8 correctional facility, the department shall consider both
9 the program needs and the security needs of the offender.
10 The division of adult corrections shall consult with the
11 mental health and mental retardation commission to obtain
12 the commission's advice concerning the identification,
13 correctional facility assignment, and program needs of mentally
14 retarded offenders.

15 6. Community-based correc-
16 tions \$14,130,000

17 Funds appropriated under this subsection may be used for
18 the acquisition or improvement of residential correctional
19 facilities as provided in section 8.45.

20 Of the funds appropriated in this subsection, four hundred
21 thousand (400,000) dollars shall be used for the renovation
22 or replacement of residential facilities and judicial district
23 offices as follows: one hundred fifty thousand (150,000)
24 dollars for the Hope House residential facility in Iowa City;
25 two hundred thousand (200,000) dollars for the first judicial
26 district department of correctional services; and fifty
27 thousand (50,000) dollars for the fifth judicial district
28 department of correctional services.

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

34 7. For parole services, in-
35 cluding salaries and support,

1 maintenance, and miscellaneous
2 purposes \$ 1,165,000

3 8. For a legal assistance
4 program to provide civil legal
5 assistance to inmates of the
6 Iowa correctional system in
7 matters of child custody,
8 bankruptcy, and dissolution
9 of marriage \$ 25,000

10 9. For reimbursement of
11 counties for temporary con-
12 finement of work release and
13 parole violators, as pro-
14 vided by sections 247A.10,
15 901.7, and 906.17 \$ 47,500

16 10. The department shall develop a long-range corrections
17 planning process and an ongoing five-year corrections master
18 plan. The director of the division of adult corrections shall
19 report to the general assembly by January 15, 1984 concerning
20 the status and content of the master plan. The master plan
21 shall include goals and objectives and operations and funding
22 needs. The master plan shall include, but not be limited
23 to, an analysis of current and future inmate populations,
24 incarceration costs, needs of inmates placed in community
25 correctional programs, and inmate, staff, and public safety
26 needs. The master plan shall incorporate incarceration
27 policies based on the least restrictive incarceration
28 alternative which is consistent with public safety and inmate
29 needs, including the alternative of incarcerating inmates
30 in community correctional facilities. The department shall
31 seek input from knowledgeable experts and from the public
32 in the formulation of the master plan.

33 Sec. 4. There is appropriated from the general fund of
34 the state for the fiscal year beginning July 1, 1983, and
35 ending June 30, 1984, to the board of parole, including

1 salaries and support, maintenance, and miscellaneous purposes,
2 the following amount, or so much thereof as is necessary:

3	1983-1984
4	<u>Fiscal Year</u>
5	\$ 440,000

6 The board of parole shall develop and use objective parole
7 criteria in evaluating inmates for parole, with the goal of
8 increasing parole rates without increasing the risk to society
9 of release on parole, and with the goal of granting those
10 paroles more uniformly throughout the year.

11 Sec. 5. There is appropriated from the general fund of
12 the state for the fiscal year beginning July 1, 1983, and
13 ending June 30, 1984, to the department of social services,
14 for the state mental health institutes the following amount,
15 or so much thereof as is necessary:

16	1983-1984
17	<u>Fiscal Year</u>

18 1. For salaries and sup-
19 port, maintenance, and miscel-
20 laneous purposes \$31,100,000

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

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

32 4. A state mental health institute shall not accept
33 physical custody of a child alleged to be a child in need
34 of assistance, on guest status or otherwise, for more than
35 thirty days. A child found to be a child in need of assistance

1 shall not be placed in a state mental health institute or
2 other appropriate secure facility unless the juvenile court
3 finds that the standard for involuntary commitment in chapter
4 229 has been met. The finding may be made by the court under
5 section 232.103 at any time prior to the expiration of a
6 dispositional order.

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

15 Sec. 6. There is appropriated from the general fund of
16 the state for the fiscal year beginning July 1, 1983, and
17 ending June 30, 1984, to the department of social services,
18 for the state hospital-schools the following amount, or so
19 much thereof as is necessary:

20	1983-1984
21	<u>Fiscal Year</u>

22	1. For salaries and sup-	
23	port, maintenance, and miscel-	
24	laneous purposes	\$48,370,000

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

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

31 4. If more than twenty percent of the cost of a patient's
32 care is initially paid from any source other than state-
33 appropriated funds, the amount so paid shall be subtracted
34 from the per-patient-per-day cost of that patient's care
35 computed pursuant to section 222.73 and the patient's county

1 of legal settlement shall be billed for the full balance of
2 the cost so computed.

3 Sec. 7. A state hospital-school or mental health institute
4 shall, upon receipt of a payment made under chapter 249A for
5 the care of a patient, segregate an amount equal to that
6 portion of the payment which is required by law to be made
7 from nonfederal funds. The money segregated shall be deposited
8 in the medical assistance fund of the department of social
9 services. In the calculation of per diem rates, charges
10 assessed to the county shall be credited with one hundred
11 percent of client participation for eligible Title XIX, medical
12 assistance patients at the state hospital-schools.

13 Sec. 8. There is appropriated from the general fund of
14 the state for the fiscal year beginning July 1, 1983, and
15 ending June 30, 1984, to the state community mental health
16 and mental retardation services fund established in section
17 225C.7, the following amount, or so much thereof as is
18 necessary:

19	1983-1984
20	<u>Fiscal Year</u>
21	\$ 2,360,000

22 Sec. 9. The general assembly and the corrections and
23 mental health appropriations subcommittee shall review the
24 general assembly's action which abolished the hospital-schools
25 revolving fund, reverted current moneys in the fund to the
26 general fund of the state in order to balance the state budget
27 on June 30, 1983, and appropriated reverted funds to the
28 hospital-schools for the fiscal year beginning July 1, 1983.
29 The review shall include an examination of the continuing
30 need for a hospital-schools revolving fund which could channel
31 moneys to the community mental health and mental retardation
32 services fund provided pursuant to chapter 225C.

33 Sec. 10. Billings by the central warehouse and supply
34 depot established in section 218.100 to institutions under
35 the control of the department of social services shall not

1 include the costs incurred by the central warehouse and supply
2 depot in the distribution of federal surplus commodities.

3 Sec. 11. Notwithstanding section 217.23, subsection 2,
4 the department of social services may expend moneys from the
5 support allocation of the department as reimbursement for
6 replacement or repair of personal items of the department's
7 employees damaged or destroyed by clients of the department
8 during the employee's tour of duty. The reimbursement shall
9 not exceed one hundred fifty dollars for each item.

10 Sec. 12. NEW SECTION. 13B.7 SUPERVISORY DUTY. The
11 appellate defender may supervise the provision of legal
12 services, funded by an appropriation to the department of
13 social services, to inmates of adult correctional institutions
14 in civil cases involving prison litigation.

15 Sec. 13. NEW SECTION. EXCHANGE OF OFFENDERS UNDER TREATY-
16 -CONSENT BY GOVERNOR. If a treaty in effect between the
17 United States and a foreign country provides for the transfer
18 or exchange of convicted offenders to the country of which
19 the offenders are citizens or nationals, the governor or the
20 governor's designee, on behalf of the state and subject to
21 the terms of the treaty, may authorize the transfer or exchange
22 of offenders.

23 Sec. 14. Section 216.8, subsection 1, unnumbered paragraph
24 1, and paragraph b, Code 1983, are amended to read as follows:

25 No A product appearing possessing the performance
26 characteristics of a product listed in the price lists prepared
27 pursuant to section 216.7 shall not be purchased by any
28 department or agency of state government from any-ether a
29 source other than Iowa state industries, except:

30 b. When the state director releases, in writing, the
31 obligation of the department or agency to purchase the product
32 from Iowa state industries, after determining that Iowa state
33 industries is unable to meet the performance characteristics
34 of the purchase request for the product, and a copy of the
35 release is attached to the request to the state comptroller

1 for payment for a similar product, or when Iowa state
2 industries is unable to furnish needed articles products,
3 comparable in both quality and price to those available from
4 alternative sources, within a reasonable length of time.
5 Any disputes arising between a purchasing authority department
6 or agency and Iowa state industries regarding similarity of
7 articles products, or comparability of quality or price, or
8 the availability of the product shall be referred to the
9 director of the department of general services, whose decision
10 shall be subject to appeal as provided in section 18.7.

11 Sec. 15. Section 216.9, subsection 4, Code 1983, is amended
12 to read as follows:

13 4. The fund established by this section shall not revert
14 to the general fund of the state at the end of any annual
15 or biennial period and the investment proceeds earned from
16 the balance of the fund shall be credited to the fund and
17 used for the purposes provided for in this section.

18 Sec. 16. Section 218.74, unnumbered paragraph 1, Code
19 1983, is amended to read as follows:

20 A revolving farm fund is created in the state treasury
21 in which the department of social services shall deposit
22 receipts from agricultural products, nursery stock,
23 agricultural land rentals, and the sale of livestock. However,
24 before any agricultural operation is phased out, the department
25 which proposes to discontinue this operation shall notify
26 the governor, chairpersons and ranking members of the house
27 and senate appropriations committees, and cochairpersons and
28 ranking members of the subcommittee in the senate and house
29 of representatives which has handled the appropriation for
30 this department in the past session of the legislature.
31 Before any department sells farmland under the control of
32 the department, that department shall notify the governor,
33 chairpersons and ranking members of the house and senate
34 appropriations committees, and cochairpersons and ranking
35 members of the joint appropriations subcommittee that handled

1 the appropriation for the department during the past
2 legislative session. The department may pay from the fund
3 for the operation, maintenance, and improvement of farms and
4 agricultural or nursery property under the control of the
5 department. A purchase order for five thousand dollars or
6 less payable from the fund is exempt from the general
7 purchasing requirements of chapter 18. Notwithstanding section
8 8.33, unencumbered or unobligated receipts in the revolving
9 farm fund at the end of a fiscal year shall not revert to
10 the general fund of the state and the investment proceeds
11 earned from the balance of the fund shall be credited to the
12 fund and used for the purposes provided for in this section.

13 Sec. 17. NEW SECTION. 246.50 CLARINDA CORRECTIONAL
14 FACILITY. The state correctional facility for men at Clarinda
15 shall be known as the "Clarinda correctional facility". The
16 facility shall be utilized as a secure men's correctional
17 facility primarily for chemically dependent, mentally retarded,
18 and socially inadequate offenders, and shall be operated by
19 the director in accordance with this chapter.

20 Sec. 18. All federal grants to and the federal receipts
21 of the department of social services are appropriated for
22 the purposes set forth in the federal grants or receipts.
23 The veterans per diem payable for veterans at the veterans
24 home and funds received under Title XIX of the federal Social
25 Security Act by the state mental health institutes and state
26 hospital-schools shall be deposited in the general fund.

27 Sec. 19. TRANSITION TO THE NEW DEPARTMENT OF CORRECTIONS.
28 The department of social services or its successor agency
29 shall provide staffing and support for the board of corrections
30 from July 1, 1983 until October 1, 1983. In addition to the
31 staffing and support provided by the department of social
32 services or its successor agency, the acting director of the
33 department of corrections shall employ a transition team to
34 help organize the department and to identify with the
35 department of social services or its successor agency the

1 administrative support staff, equipment, and other resources
2 to be transferred to the department of corrections. Employees
3 so transferred or reassigned shall not lose any rights,
4 privileges, or benefits accrued that were associated with
5 their status prior to the effective date of this Act.
6 Employees of the department of social services or its successor
7 agency employed on the transition team shall receive their
8 salaries during the transition period from the department
9 of social services or its successor agency.

10 On October 1, 1983, all policies, procedures, and rules
11 established for or by the division of adult corrections of
12 the department of social services or its successor agency
13 shall apply respectively to the department of corrections,
14 its employees, residents, and inmates, until otherwise changed
15 as provided by law or rule adopted by the board of cor-
16 rections. All applicable contracts and leasing arrangements
17 shall be transferred to the jurisdiction of the department
18 of corrections on October 1, 1983. All equipment, supplies,
19 and property in the custody of the division of adult correc-
20 tions of the department of social services or its successor
21 agency shall be transferred to the department of corrections
22 on October 1, 1983.

23 Sec. 20. TRANSFER OF FUNDS. Funds appropriated to the
24 department of social services or its successor agency for
25 the division of adult corrections or for adult correctional
26 services in sections 1 and 3 of this Act shall be transferred
27 and be available for the use of the department of corrections
28 on and after October 1, 1983. On and after October 1, 1983,
29 any reference to the "division of adult corrections of the
30 department of social services or its successor agency"
31 appearing in this Act shall be deemed a reference to the
32 "department of corrections".

33 Sec. 21. APPROPRIATION. There is appropriated from the
34 general fund of the state for the fiscal year beginning July
35 1, 1983, and ending June 30, 1984, to the board of corrections,

1 the following amount, or so much thereof as is necessary:

2	1983-1984
3	<u>Fiscal Year</u>
4	\$ 150,000

5 Sec. 22. Any reference to the "division of adult
6 corrections of the department of social services" or to the
7 "department of social services", appearing in an Act of the
8 general assembly shall be construed to mean "department of
9 corrections" or "department of human services", as the case
10 may be, consistent with the intent of Senate File 464, when
11 Senate File 464 is enacted into law.

12 Sec. 23. Except for funds appropriated under section 3,
13 subsection 3, funds appropriated by this Act shall not be
14 used for capital acquisitions or improvements.

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SENATE FILE 532

H-3990

- 1 Amend Senate File 532 as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 5, by inserting after line 14 the
- 4 following:
- 5 "The department shall identify and recommend to
- 6 the corrections and mental health appropriations
- 7 subcommittee a prison industry to be established at
- 8 the north central correctional facility."

H-3990 FILED MAY 3, 1983

BY MAULSBY of Calhoun

Final 5/6/83 (p 1871)

SENATE FILE 532

H-3994

- 1 Amend Senate File 532 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 6, by striking the words "seven
- 4 hundred eighty" and inserting in lieu thereof the
- 5 words "six hundred twenty".
- 6 2. Page 2, line 19, by striking the words "seven
- 7 hundred eighty" and inserting in lieu thereof the
- 8 words "five hundred ninety-five".
- 9 3. Page 3, line 13, by striking the words "seven
- 10 hundred eighty" and inserting in lieu thereof the
- 11 words "five hundred ninety-five".
- 12 4. Page 3, line 25, by inserting after the word
- 13 "state" the words "which are the Iowa correctional
- 14 institution for women, the Iowa state men's
- 15 reformatory, the Iowa state penitentiary, the Iowa
- 16 security and medical facility, the north central
- 17 correctional facility, the Mount Pleasant correctional
- 18 facility, the Clarinda correctional treatment facility,
- 19 the correctional release center, and the rehabilitation
- 20 camps".

H-3994 FILED MAY 3, 1983

BY SHERZAN of Polk

Adopted as amended by 4076 5/6 (p 1871)

SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE FILE 532

H-4121

- 1 Amend the House amendment, S-3824 to Senate File
- 2 532, as amended, passed and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, line 26, by striking the figure
- 5 "46,397,000" and inserting in lieu thereof the figure
- 6 "46,427,000".
- 7 2. Page 1, by striking line 27.
- 8 3. Page 1, by striking line 42.

H-4121 FILED MAY 10, 1983

RECEIVED FROM THE SENATE

CONCURRED

House concurred 5/10/83 (p 2002)

SENATE FILE 532

H-4003

1 Amend Senate File 532 as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 4, by striking lines 3 through 8.

4 2. Page 4, line 13, by striking the words
5 "correspondence courses" and inserting in lieu thereof
6 the words "at least correspondence courses, graduation
7 equivalent diploma program, college night courses,
8 adult basic education, and a reentry course".

9 3. Page 5, line 16, by striking the figure
10 "14,130,000" and inserting in lieu thereof the figure
11 "14,060,000".

12 4. Page 5, lines 20 and 21, by striking the words
13 and figure "four hundred thousand (400,000)" and
14 inserting in lieu thereof the words and figure "three
15 hundred thirty thousand (330,000)".

16 5. Page 5, line 23, by striking the words and
17 figure "one hundred fifty thousand (150,000)" and
18 inserting in lieu thereof the words and figure "eighty
19 thousand (80,000)".

20 6. Page 8, line 24, by striking the figure
21 "48,370,000" and inserting in lieu thereof the figure
22 "48,385,000".

23 7. Page 10, by striking lines 10 through 14.

24 8. By renumbering as necessary.

H-4003 FILED MAY 4, 1983 BY COMMITTEE ON APPROPRIATIONS

A. B. Adopted as amended by 4071 5/6/83 (p. 1869)
C. H/O (p. 1869)
D. Placed out of order (p. 1869)

SENATE FILE 532

H-4042

1 Amend H-4003 to Senate File 532 as amended, passed,
2 and reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 2 the following:

4 "_____. Page 3, line 30, by striking the figure
5 "46,439,000" and inserting in lieu thereof the figure
6 "46,409,000".

H-4042 FILED MAY 5, 1983

BY JOCHUM of Dubuque

H/O 5/6 (p. 1868)

H-4052

SENATE FILE 532

1 Amend H-3994 to Senate File 532 as amended, passed,
2 and reprinted by the Senate, as follows:

3 1. Page 1, line 8, by striking the words "five
4 hundred ninety-five" and inserting in lieu thereof
5 the words "six hundred twenty".

6 2. Page 1, line 11, by striking the words "five
7 hundred ninety-five" and inserting in lieu thereof
8 the words "six hundred twenty".

H-4052 FILED MAY 5, 1983

BY SPEAR of Lee

Classed out of order 5/6/83 (p. 1871)

SENATE FILE 532

H-4053

1 Amend H-3994 to Senate File 532 as amended, passed
2 and reprinted by the Senate, as follows:

3 1. Page 1, line 5, by striking the word "twenty"
4 and inserting in lieu thereof the word "forty-five".

5 2. Page 1, line 8, by striking the words "five
6 hundred ninety-five" and inserting in lieu thereof
7 the words "six hundred forty-five".

8 3. Page 1, line 11, by striking the words "five
9 hundred ninety-five" and inserting in lieu thereof
10 the words "six hundred forty-five".

H-4053 FILED MAY 5, 1983

BY HALVORSON of Clayton

Classed out of order 5/6 (p. 1871)

SENATE FILE 532

H-4055

1 Amend Senate File 532 as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 19, by striking the figure
4 "17,650,000" and inserting in lieu thereof the figure
5 "17,646,000".

6 2. Page 3, line 30, by striking the figure
7 "46,439,000" and inserting in lieu thereof the figure
8 "46,427,000".

9 3. Page 6, line 2, by striking the figure
10 "1,165,000" and inserting in lieu thereof the figure
11 "1,161,500".

12 4. Page 7, line 20, by striking the figure
13 "31,100,000" and inserting in lieu thereof the figure
14 "31,087,000".

15 5. Page 8, line 24, by striking the figure
16 "48,370,000" and inserting in lieu thereof the figure
17 "48,351,000".

H-4055 FILED MAY 5, 1983

BY SPEAR of Lee

Adopted as amended by 4061 5/6 (p. 1869)

SENATE FILE 532

H-4061

1 Amend amendment H-4055 to Senate File 532 as amended,
2 passed, and reprinted by the Senate as follows:

3 1. Page 1, by striking line 8 and inserting in
4 lieu thereof the figure "46,397,000".

5 2. Page 1, by striking line 17 and inserting in
6 lieu thereof the figure "48,366,000".

H-4061 FILED MAY 5, 1983

BY SPEAR of Lee

Adopted 5/3 (p. 1869)

DAILY
HOUSE CLIP SHEET

FRIDAY, MAY 6, 1983

SENATE FILE 532

H-4032

1 Amend Senate File 532 as amended, passed, and
2 reprinted by the Senate as follows:
3 1. Page 1, by striking lines 14 through 19 and
4 inserting in lieu thereof the following: "for
5 operation of the Iowa veterans home, the following
6 amounts, or so much thereof as is necessary:
7
8

	1983-1984
	<u>Fiscal Year</u>

9 1. For salaries and
10 support, maintenance, and
11 miscellaneous purposes \$17,634,000
12 2. For purchases of
13 motor fuel and special fuel \$ 12,000".
14 2. Page 3, line 30, by striking the figure
15 "46,439,000" and inserting in lieu thereof the figure
16 "46,380,500".
17 3. Page 3, by inserting after line 30 the
18 following:
19 "____. For purchases of motor
20 fuel and special fuel \$ 46,000".
21 4. By striking page 5, line 34 through page 6,
22 line 2 and inserting in lieu thereof the following:
23 "7. For parole services:
24 a. For salaries and
25 support, maintenance, and
26 miscellaneous purposes \$ 1,146,000
27 b. For purchases of
28 motor fuel and special fuel \$ 15,000".
29 5. Page 7, line 20, by striking the figure
30 "31,100,000" and inserting in lieu thereof the figure
31 "31,034,000".
32 6. Page 7, by inserting after line 20 the
33 following:
34 "____. For purchases of
35 motor fuel and special fuel \$ 53,000".
36 7. Page 8, line 24, by striking the figure
37 "48,370,000" and inserting in lieu thereof the figure
38 "48,275,000".
39 8. Page 8, by inserting after line 24 the
40 following:
41 "____. For purchases of
42 motor fuel and special fuel \$ 76,000".
43 9. By renumbering as necessary.

H-4032 FILED MAY 5, 1983

BY SPEAR of Lee

4/10 5/6/83 (p. 1276)

H-4071

1 Amend H-4003 to Senate File 532 as amended, passed
2 and reprinted by the Senate, as follows:

3 1. Page 1, line 7, by striking the word "night".

H-4071 FILED MAY 6, 1983 BY SPEAR of Lee
ADOPTED (p. 1868)

SENATE FILE 532

H-4072

1 Amend Senate File 532 as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 12, by inserting after line 19 the
4 following:

5 "Sec. ____ Section 247A.5, Code 1983, is amended
6 to read as follows:

7 247A.5 HOUSING FACILITIES--HALF-WAY HOUSES. The
8 department shall designate and adopt facilities in
9 the institutions and camps under its jurisdiction
10 for the housing of inmates granted work release
11 privileges. In areas where facilities are not within
12 reasonable proximity of the place of employment of
13 an inmate so released, the department may contract
14 with the proper authorities of political subdivisions
15 of the state or suitable public or private agencies
16 for the quartering of the inmate in local housing
17 facilities. The committee shall include as a specific
18 term or condition in the work release plan of any
19 inmate the place where the inmate is to be housed
20 when not on the work assignment. ~~The committee shall~~
21 ~~not place an inmate on work release for longer than~~
22 ~~six months in any twelve month period provided,~~
23 ~~however, that an inmate may be placed on work release~~
24 ~~for a period in excess of six months in any twelve~~
25 ~~month period if unanimous approval is given by the~~
26 ~~committee.~~ Inmates may be temporarily released to
27 the supervision of a responsible person to participate
28 in family and selected community, religious,
29 educational, social, civic and recreational activities
30 when it is determined that the participation will
31 directly facilitate the release transition from
32 institution to community."

33 2. By renumbering as necessary.

H-4072 FILED MAY 6, 1983 BY HALVORSON of Clayton
NOT GERMANE (p. 1872)

SENATE FILE 532

H-4076

1 Amend H-3994 to Senate File 532 as amended, passed
2 and reprinted by the Senate, as follows:

3 1. Page 1, line 5, by striking the word "twenty"
4 and inserting in lieu thereof the word "forty-five".

5 2. Page 1, line 8, by striking the words "five
6 hundred ninety-five" and inserting in lieu thereof
7 the words "six hundred twenty".

8 3. Page 1, line 11, by striking the words "five
9 hundred ninety-five" and inserting in lieu thereof
10 the words "six hundred twenty".

H-4076 FILED MAY 6, 1983 BY HALVORSON of Clayton
ADOPTED (p. 1871)

HOUSE AMENDMENT TO SENATE FILE 532

S-3824

- 1 Amend Senate File 532 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 19, by striking the figure
- 4 "17,650,000" and inserting in lieu thereof the figure
- 5 "17,646,000".
- 6 2. Page 2, line 6, by striking the words "seven
- 7 hundred eighty" and inserting in lieu thereof the
- 8 words "six hundred forty-five".
- 9 3. Page 2, line 19, by striking the words "seven
- 10 hundred eighty" and inserting in lieu thereof the
- 11 words "six hundred twenty".
- 12 4. Page 3, line 13, by striking the words "seven
- 13 hundred eighty" and inserting in lieu thereof the
- 14 words "six hundred twenty".
- 15 5. Page 3, line 25, by inserting after the word
- 16 "state" the words "which are the Iowa correctional
- 17 institution for women, the Iowa state men's
- 18 reformatory, the Iowa state penitentiary, the Iowa
- 19 security and medical facility, the north central
- 20 correctional facility, the Mount Pleasant correctional
- 21 facility, the Clarinda correctional treatment facility,
- 22 the correctional release center, and the rehabilitation
- 23 camps".
- 24 6. Page 3, line 30, by striking the figure
- 25 "46,439,000" and inserting in lieu thereof the figure
- 26 "46,397,000".
- 27 7. Page 4, by striking lines 3 through 8.
- 28 8. Page 4, line 13, by striking the words
- 29 "correspondence courses" and inserting in lieu thereof
- 30 the words "at least correspondence courses, graduation
- 31 equivalent diploma program, college courses, adult
- 32 basic education, and a reentry course".
- 33 9. Page 6, line 2, by striking the figure
- 34 "1,165,000" and inserting in lieu thereof the figure
- 35 "1,161,500".
- 36 10. Page 7, line 20, by striking the figure
- 37 "31,100,000" and inserting in lieu thereof the figure
- 38 "31,087,000".
- 39 11. Page 8, line 24, by striking the figure
- 40 "48,370,000" and inserting in lieu thereof the figure
- 41 "48,366,000".
- 42 12. Page 10, by striking lines 10 through 14.
- 43 13. Renumbering as necessary.

S-3824 FILED
MAY 9, 1983

RECEIVED FROM THE HOUSE

Senate amended & concurred 5/10/83 (p. 1623)

SENATE FILE 532

S-3875

1 Amend the House amendment, S-3824 to Senate File
2 532, as amended, passed and reprinted by the Senate,
3 as follows:

- 4 1. Page 1, line 26, by striking the figure
5 "46,397,000" and inserting in lieu thereof the figure
6 "46,427,000".
- 7 2. Page 1, by striking line 27.
- 8 3. Page 1, by striking line 42.

S-3875 FILED & ADOPTED
MAY 10, 1983 (g. 16.23)

BY ROBERT M. CARR



Ruth

OFFICE OF THE GOVERNOR

STATE CAPITOL

DES MOINES, IOWA 50319

515 281-5211

TERRY E. BRANSTAD
GOVERNOR

June 9, 1983

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

Dear Madam Secretary:

I hereby transmit Senate File 532, an act relating to the administration and financing of correctional and mental health programs under the jurisdiction of the Department of Social Services or its successor agencies for the fiscal period beginning July 1, 1983, and ending June 30, 1984.

Senate File 532 is approved June 9, 1983, with the following exception which I hereby disapprove.

I am unable to approve that portion of Section 3 which reads as follows:

The division of adult corrections shall establish a plan to reduce the inmate population of the men's reformatory to eight hundred eighty-five inmates by September 1, 1984. On and after September 1, 1984, the superintendent of the men's reformatory shall not admit additional inmates to the men's reformatory if the inmate population of the men's reformatory equals or exceeds eight hundred eighty-five inmates.

The foregoing portion of Section 3 of Senate File 532 requires the Division of Adult Corrections to establish a plan to reduce the inmate population at the Anamosa men's reformatory to 885 inmates by September 1, 1984. It also prohibits the Anamosa superintendent from accepting any additional inmates on or after September 1, 1984, if the inmate population is 885 or greater. Thus, an effective population cap is placed on the men's reformatory.

The Honorable Mary Jane Odell
June 9, 1983
Page 2

This provision was added to Senate File 532 in subcommittee by legislators who were concerned about the prison population levels at Anamosa. Indeed, periodically during the past year the population at Anamosa has exceeded the level for which it was funded. While I can understand this concern about the prison population at Anamosa, I must disapprove this effort to place a prison cap on the men's reformatory.

First, requiring the superintendent at Anamosa to turn away inmates if the population there is 885 or greater would reduce the administrative flexibility needed to properly and safely manage our prison system. Presently, those inmates entering our prison system are carefully screened through a classification system and sent to the corrections facility which best suits their needs and the security requirements of the system. Medium security male inmates are sent to the Anamosa, Rockwell City or Mount Pleasant correctional facilities. In addition, those inmates representing the greatest security risk are sent to Anamosa and those requiring less secure facilities are sent to Rockwell City and Mount Pleasant. This proposed cap at Anamosa could effectively require prison officials to send inmates to Mount Pleasant and Rockwell City even though those facilities cannot secure those inmates properly. The public's safety could thus be threatened.

Moreover, this proposed cap at Anamosa could divert inmates to other institutions and cause the population at those facilities to increase beyond all previous expectations. This could present serious management and safety problems for prison officials and the public. Also, such a cap could arbitrarily prevent an inmate from receiving appropriate work experience or training which may be offered only at the Anamosa facility. In short, prison officials need the flexibility to control the inmate population at individual institutions so that inmate needs and the public's safety can be protected.

Second, while there have been prison population problems at Anamosa, the present inmate count at the men's reformatory is 1,013. And, that is approximately the population level for which funding has been provided. While the design capacity of the institution may be somewhat less than 1,000, state prison officials have assured me that Anamosa has the management space

The Honorable Mary Jane Odell

June 9, 1983

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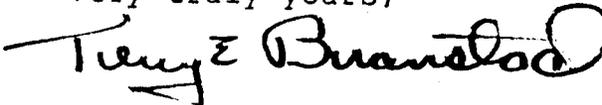
for that number of inmates. Indeed, Anamosa prison officials have done a commendable job of efficiently and safely managing prison populations of over 1,100. Thus, Anamosa can be properly managed and funded without the proposed reduction in the inmate population.

Third, the cap may not be needed to reduce the population at Anamosa. Legislative capital appropriations should allow for the opening of the Oakdale facility and the expansion of the Mount Pleasant unit by September 1, 1984. These additional 464 prison beds are designed to reduce the inmate population at both Fort Madison and Anamosa. Indeed, prison officials expect the additional prison capacity to allow them to reduce the Anamosa population below 900 by September of 1984. Therefore, the intent of the proponents of this provision -- to reduce the Anamosa prison population -- may be met without an Anamosa prison cap.

Moreover, the legislature has retained the system-wide prison population cap. While I believe a more appropriate prison population control mechanism would be a classified sentencing system, the system-wide cap does act to regulate the overall prison population without tampering with the population at each institution.

For the above reasons, I hereby disapprove 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 532 are hereby approved as of this date.

Very truly yours,



Terry E. Branstad
Governor

TEB/ps

cc: Secretary of the Senate
Chief Clerk of the House

SENATE FILE 532

AN ACT

RELATING TO THE ADMINISTRATION AND FINANCING OF CORRECTIONAL AND MENTAL HEALTH PROGRAMS UNDER THE JURISDICTION OF THE DEPARTMENT OF SOCIAL SERVICES OR ITS SUCCESSOR AGENCIES FOR THE FISCAL PERIOD BEGINNING JULY 1, 1983, AND ENDING JUNE 30, 1984.

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

Section 1. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1983, and ending June 30, 1984, to the department of social services for general administration for the division of adult corrections, including salaries and support, maintenance, and miscellaneous purposes the following amount, or so much thereof as is necessary:

1983-1984
Fiscal Year
\$ 1,095,000

Sec. 2. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1983, and ending June 30, 1984, to the department of social services for operation of the Iowa veterans home, including salaries and support, maintenance, and miscellaneous purposes, the following amount, or so much thereof as is necessary:

1983-1984
Fiscal Year
\$17,646,000

Sec. 3. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1983, and ending June 30, 1984, to the department of social services the following amounts, or so much thereof as is necessary,

to be used for adult correctional services as designated:

1983-1984
Fiscal Year

1. For operation of adult correctional institutions, including salaries and support, maintenance, and miscellaneous purposes, 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 forty-five 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 six hundred twenty inmates within ninety days of the date of the declaration of the prison overcrowding state of emergency, the tentative dis-

charge 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 the 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 six hundred twenty 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 which are the Iowa correctional institution for women, the Iowa state men's reformatory, the Iowa state penitentiary, the Iowa security and medical facility, the north central correctional facility, the Mount Pleasant correctional facility, the Clarinda correctional treatment facility, the correctional release center, and the rehabilitation camps, and "tentative discharge date" means the date at which an inmate is scheduled for release including good conduct and work time currently received \$46,427,000

If the department of social services changes the allocations to the various adult correctional institutions on which the appropriation in this subsection was based, the department shall notify the chairpersons and ranking members of the corrections and mental health appropriations subcommittee and the legislative fiscal bureau of the changes to the allocations.

Of the funds appropriated by this subsection, thirty thousand (30,000) dollars, or so much thereof as is necessary, is appropriated to the department of social services for the provision of legal services, to be supervised by the appellate defender, to inmates of adult correctional institutions in civil cases involving prison litigation.

The division of adult corrections shall use funds appropriated in this subsection to continue to contract for the services of a muslim imam.

The department shall use funds appropriated by this subsection to continue to provide at least correspondence courses, graduation equivalent diploma program, college courses, adult basic education, and a reentry course to inmates at the Iowa correctional institution for women.

The division of adult corrections shall establish a plan to reduce the inmate population of the men's reformatory to eight hundred eighty-five inmates by September 1, 1984. On and after September 1, 1984, the superintendent of the men's reformatory shall not admit additional inmates to the men's reformatory if the inmate population of the men's reformatory equals or exceeds eight hundred eighty-five inmates.

An impact statement prepared by the legislative fiscal bureau shall be attached to any bill introduced in the general assembly which reasonably could have an effect on the inmate populations of the adult correctional institutions.

The department shall provide the general assembly with evidence from independent experts of the validity and effectiveness of the inmate classification system and shall suggest changes in the system to make it more effective by January 15, 1985.

- 2. For the inmate classification system \$ 135,000
- 3. For the correctional training center \$ 306,000
- 4. For federal prison reimbursements \$ 390,000

5. The department shall identify all individuals currently in the correctional system and those individuals entering the system who are mentally retarded, as defined in section 222.2, subsection 5. In assigning a mentally retarded offender, or an offender with an inadequately developed intelligence or with impaired mental abilities, to a correctional facility, the department shall consider both the program needs and the security needs of the offender.

The division of adult corrections shall consult with the mental health and mental retardation commission to obtain the commission's advice concerning the identification, correctional facility assignment, and program needs of mentally retarded offenders.

- 6. Community-based corrections \$14,130,000

Funds appropriated under this subsection may be used for the acquisition or improvement of residential correctional facilities as provided in section 8.45.

Of the funds appropriated in this subsection, four hundred thousand (400,000) dollars shall be used for the renovation or replacement of residential facilities and judicial district offices as follows: one hundred fifty thousand (150,000) dollars for the Hope House residential facility in Iowa City; two hundred thousand (200,000) dollars for the first judicial district department of correctional services; and fifty thousand (50,000) dollars for the fifth judicial district department of correctional services.

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.

- 7. For parole services, including salaries and support, maintenance, and miscellaneous purposes \$ 1,161,500

- 8. 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 \$ 25,000

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

10. The department shall develop a long-range corrections planning process and an ongoing five-year corrections master plan. The director of the division of adult corrections shall report to the general assembly by January 15, 1984 concerning the status and content of the master plan. The master plan shall include goals and objectives and operations and funding needs. The master plan shall include, but not be limited to, an analysis of current and future inmate populations, incarceration costs, needs of inmates placed in community correctional programs, and inmate, staff, and public safety needs. The master plan shall incorporate incarceration policies based on the least restrictive incarceration alternative which is consistent with public safety and inmate needs, including the alternative of incarcerating inmates in community correctional facilities. The department shall seek input from knowledgeable experts and from the public in the formulation of the master plan.

Sec. 4. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1983, and ending June 30, 1984, to the board of parole, including salaries and support, maintenance, and miscellaneous purposes, the following amount, or so much thereof as is necessary:

1983-1984
Fiscal Year
\$ 440,000

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, and with the goal of granting those paroles more uniformly throughout the year.

Sec. 5. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1983, and ending June 30, 1984, to the department of social services, for the state mental health institutes the following amount, or so much thereof as is necessary:

1983-1984
Fiscal Year

1. For salaries and support, maintenance, and miscellaneous purposes \$31,087,000

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 not be achieved by eliminating a specific program, 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. 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.

5. 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. 6. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1983, and ending June 30, 1984, to the department of social services, for the state hospital-schools the following amount, or so much thereof as is necessary:

1983-1984
Fiscal Year

1. For salaries and support, maintenance, and miscellaneous purposes \$48,366,000

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. 7. 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. 8. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1983, and ending June 30, 1984, to the state community mental health and mental retardation services fund established in section 225C.7, the following amount, or so much thereof as is necessary:

1983-1984
Fiscal Year
\$ 2,360,000

Sec. 9. The general assembly and the corrections and mental health appropriations subcommittee shall review the general assembly's action which abolished the hospital-schools revolving fund, reverted current moneys in the fund to the general fund of the state in order to balance the state budget on June 30, 1983, and appropriated reverted funds to the hospital-schools for the fiscal year beginning July 1, 1983. The review shall include an examination of the continuing need for a hospital-schools revolving fund which could channel moneys to the community mental health and mental retardation services fund provided pursuant to chapter 225C.

Sec. 10. Billings by the central warehouse and supply depot established in section 218.100 to institutions under the control of the department of social services shall not include the costs incurred by the central warehouse and supply depot in the distribution of federal surplus commodities.

Sec. 11. Notwithstanding section 217.23, subsection 2, the department of social services may expend moneys from the support allocation of the department as reimbursement for replacement or repair of personal items of the department's employees damaged or destroyed by clients of the department during the employee's tour of duty. The reimbursement shall not exceed one hundred fifty dollars for each item.

Sec. 12. NEW SECTION. 13B.7 SUPERVISORY DUTY. The appellate defender may supervise the provision of legal services, funded by an appropriation to the department of social services, to inmates of adult correctional institutions in civil cases involving prison litigation.

Sec. 13. NEW SECTION. EXCHANGE OF OFFENDERS UNDER TREATY-CONSENT BY GOVERNOR. If a treaty in effect between the United States and a foreign country provides for the transfer or exchange of convicted offenders to the country of which the offenders are citizens or nationals, the governor or the governor's designee, on behalf of the state and subject to the terms of the treaty, may authorize the transfer or exchange of offenders.

Sec. 14. Section 216.8, subsection 1, unnumbered paragraph 1, and paragraph b, Code 1983, are amended to read as follows:

No A product appearing possessing the performance characteristics of a product listed in the price lists prepared pursuant to section 216.7 shall not be purchased by any department or agency of state government from ~~any other~~ a source other than Iowa state industries, except:

b. When the state director releases, in writing, the obligation of the department or agency to purchase the product from Iowa state industries, after determining that Iowa state industries is unable to meet the performance characteristics of the purchase request for the product, and a copy of the release is attached to the request to the state comptroller for payment for a similar product, or when Iowa state industries is unable to furnish needed articles products, comparable in both quality and price to those available from alternative sources, within a reasonable length of time. Any disputes arising between a purchasing authority department or agency and Iowa state industries regarding similarity of articles products, or comparability of quality or price, or the availability of the product shall be referred to the director of the department of general services, whose decision shall be subject to appeal as provided in section 18.7.

Sec. 15. Section 216.9, subsection 4, Code 1983, is amended to read as follows:

4. The fund established by this section shall not revert to the general fund of the state at the end of any annual or biennial period and the investment proceeds earned from the balance of the fund shall be credited to the fund and used for the purposes provided for in this section.

Sec. 16. Section 218.74, unnumbered paragraph 1, Code 1983, is amended to read as follows:

A revolving farm fund is created in the state treasury in which the department of social services shall deposit receipts from agricultural products, nursery stock, agricultural land rentals, and the sale of livestock. However, before any agricultural operation is phased out, the department which proposes to discontinue this operation shall notify the governor, chairpersons and ranking members of the house and senate appropriations committees, and cochairpersons and ranking members of the subcommittee in the senate and house of representatives which has handled the appropriation for this department in the past session of the legislature. Before any department sells farmland under the control of the department, that department shall notify the governor, chairpersons and ranking members of the house and senate appropriations committees, and cochairpersons and ranking members of the joint appropriations subcommittee that handled the appropriation for the department during the past legislative session. The department may pay from the fund for the operation, maintenance, and improvement of farms and agricultural or nursery property under the control of the department. A purchase order for five thousand dollars or less payable from the fund is exempt from the general purchasing requirements of chapter 18. Notwithstanding section 8.33, unencumbered or unobligated receipts in the revolving farm fund at the end of a fiscal year shall not revert to the general fund of the state and the investment proceeds

earned from the balance of the fund shall be credited to the fund and used for the purposes provided for in this section.

Sec. 17. NEW SECTION. 246.50 CLARINDA CORRECTIONAL FACILITY. The state correctional facility for men at Clarinda shall be known as the "Clarinda correctional facility". The facility shall be utilized as a secure men's correctional facility primarily for chemically dependent, mentally retarded, and socially inadequate offenders, and shall be operated by the director in accordance with this chapter.

Sec. 18. All federal grants to and the federal receipts of the department of social services are appropriated for the purposes set forth in the federal grants or receipts. The veterans per diem payable for veterans at the veterans home and funds received under Title XIX of the federal Social Security Act by the state mental health institutes and state hospital-schools shall be deposited in the general fund.

Sec. 19. TRANSITION TO THE NEW DEPARTMENT OF CORRECTIONS. The department of social services or its successor agency shall provide staffing and support for the board of corrections from July 1, 1983 until October 1, 1983. In addition to the staffing and support provided by the department of social services or its successor agency, the acting director of the department of corrections shall employ a transition team to help organize the department and to identify with the department of social services or its successor agency the administrative support staff, equipment, and other resources to be transferred to the department of corrections. Employees so transferred or reassigned shall not lose any rights, privileges, or benefits accrued that were associated with their status prior to the effective date of this Act. Employees of the department of social services or its successor agency employed on the transition team shall receive their salaries during the transition period from the department of social services or its successor agency.

On October 1, 1983, all policies, procedures, and rules established for or by the division of adult corrections of the department of social services or its successor agency shall apply respectively to the department of corrections, its employees, residents, and inmates, until otherwise changed as provided by law or rule adopted by the board of corrections. All applicable contracts and leasing arrangements shall be transferred to the jurisdiction of the department of corrections on October 1, 1983. All equipment, supplies, and property in the custody of the division of adult corrections of the department of social services or its successor agency shall be transferred to the department of corrections on October 1, 1983.

Sec. 20. TRANSFER OF FUNDS. Funds appropriated to the department of social services or its successor agency for the division of adult corrections or for adult correctional services in sections 1 and 3 of this Act shall be transferred and be available for the use of the department of corrections on and after October 1, 1983. On and after October 1, 1983, any reference to the "division of adult corrections of the department of social services or its successor agency" appearing in this Act shall be deemed a reference to the "department of corrections".

Sec. 21. APPROPRIATION. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1983, and ending June 30, 1984, to the board of corrections, the following amount, or so much thereof as is necessary:

	1983-1984
	<u>Fiscal Year</u>
	\$ 150,000

Sec. 22. Any reference to the "division of adult corrections of the department of social services" or to the "department of social services", appearing in an Act of the general assembly shall be construed to mean "department of corrections" or "department of human services", as the case

may be, consistent with the intent of Senate File 464, when Senate File 464 is enacted into law.

Sec. 23. Except for funds appropriated under section 3, subsection 3, funds appropriated by this Act shall not be used for capital acquisitions or improvements.

ROBERT T. ANDERSON
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 532, Seventieth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved *Sten Vets June 9*, 1983

TERRY E. BRANSTAD
Governor