

FILED APR 4 1984

SENATE FILE 2333

BY COMMITTEE ON APPROPRIATIONS

(FORMERLY SSB 2252)

Approved 4/4 (p. 1321)

Passed Senate, Date 4-6-84 (p. 1375) Passed House, Date 7-13-84 (p. 1791)

Vote: Ayes 41 Nays 0 Vote: Ayes 78 Nays 5

Approved July 18, 1984

motion to reconsider (p. 1375) 4/2 4/4

A BILL FOR

1 An Act relating to the administration and financing of
2 correctional, mental health, mental retardation and
3 veterans programs and capital projects under the
4 jurisdiction of the department of corrections, the
5 department of human services, or the board of parole.

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

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S. 2333

1 Section 1. There is appropriated from the general fund
2 of the state for the fiscal year beginning July 1, 1984, and
3 ending June 30, 1985, to the department of corrections for
4 general administration, including salaries and support,
5 maintenance, and miscellaneous purposes the following amount,
6 or so much thereof as is necessary:

7	1984-1985
8	<u>Fiscal Year</u>
9	\$ 1,706,468

10 A portion of the funds appropriated by this section shall
11 be used to employ an affirmative action officer.

12 Sec. 2. There is appropriated from the general fund of
13 the state for the fiscal year beginning July 1, 1984, and
14 ending June 30, 1985, to the department of corrections the
15 following amounts, or so much thereof as is necessary, to
16 be used for adult correctional services as designated:

17	1984-1985
18	<u>Fiscal Year</u>

19 1. For operation of adult
20 correctional institutions, in-
21 cluding salaries and support,
22 maintenance, and miscellaneous
23 purposes, provided that the
24 director of corrections, in
25 order to keep expenditures
26 from exceeding the amount of
27 funds appropriated by this sub-
28 section, shall declare a prison
29 overcrowding state of emergency
30 in the state's prisons whenever
31 the population of the prison
32 system exceeds two thousand
33 six hundred forty-five inmates for
34 forty-five consecutive days.
35 Upon the declaration of a pris-

1 on overcrowding state of emer-
2 gency, the board of parole shall
3 consider all inmates, except
4 for inmates convicted of class
5 "A" felonies, for parole who are
6 within nine months of their
7 tentative discharge date. If
8 the board of parole's actions
9 do not reduce the population of
10 the prison system below two
11 thousand six hundred twenty in-
12 mates within ninety days of the
13 date of the declaration of the
14 prison overcrowding state of
15 emergency, the tentative dis-
16 charge dates of all inmates,
17 whose most serious offenses for
18 which the inmates are currently
19 incarcerated are crimes against
20 property and who are incarcer-
21 ated in state prisons on the
22 date of the declaration, shall
23 be reduced by ninety days by
24 the director of corrections. How-
25 ever, the tentative discharge
26 date of a prisoner sentenced
27 under section 204.406, 204.413,
28 902.7, 902.8, or 906.5 shall
29 not be reduced under this sub-
30 section prior to completion of the
31 mandatory minimum sentence re-
32 quired by the section. The
33 director of corrections shall
34 terminate a prison overcrowd-
35 ing state of emergency in

1 the state's prisons whenever
2 the population of the prison
3 system is reduced below two
4 thousand six hundred twenty
5 inmates. The department shall
6 adopt administrative rules which
7 identify all offenses as either
8 crimes against property or
9 crimes against persons. As
10 used in this subsection, "pris-
11 on" means a correctional fa-
12 cility operated by the depart-
13 ment of corrections and funded
14 under this subsection, "prison
15 system" means the prisons of
16 this state which are the Iowa
17 correctional institution for
18 women, the Iowa state men's
19 reformatory, the Iowa state
20 penitentiary, the Iowa security
21 and medical facility, the north
22 central correctional facility,
23 the Mount Pleasant correctional
24 facility, the Clarinda correctional
25 treatment facility, the correctional
26 release center, and the rehabilitation
27 camps, and "tentative dis-
28 charge date" means the date at
29 which an inmate is scheduled
30 for release including good con-
31 duct and work time currently
32 received. The department of
33 corrections shall establish a
34 plan to reduce the inmate popu-
35 lation of the men's reformatory

1 to nine hundred inmates by Octo-
2 ber 1, 1984 and to eight hundred
3 and fifty inmates by November 1,
4 1984. On and after November 1,
5 1984, the superintendent shall
6 not admit additional inmates to
7 the men's reformatory if the in-
8 mate population of the men's re-
9 formatory equals or exceeds eight
10 hundred and fifty inmates \$48,209,723

11 If the department of corrections changes the allocations
12 to the various adult correctional institutions on which the
13 appropriation in this subsection was based, the department
14 shall notify the chairpersons and ranking members of the
15 corrections and mental health appropriations subcommittee
16 and the legislative fiscal bureau of the changes to the
17 allocations.

18 The department shall provide adequate funding for the men's
19 reformatory and any reduction in the number of correctional
20 officers shall correspond to a reduction in the inmate
21 population.

22 The department of corrections shall use funds appropriated
23 in this subsection to continue to contract for the services
24 of a muslim imam.

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

30 The department may use three thousand dollars of the funds
31 available to match funds provided by the state library and
32 central Iowa regional library to establish a project at the
33 Iowa correctional institute for women.

34 An impact statement prepared by the legislative fiscal
35 bureau shall be attached to any bill introduced in the general

1 assembly which reasonably could have an effect on the inmate
2 populations of the adult correctional institutions.

3 2. For the inmate
4 classification system \$ 162,467

5 A portion of the funds appropriated by this subsection
6 shall be used to employ a licensed psychologist.

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

12 3. For the correctional
13 training center \$ 300,717

14 4. For federal prison
15 reimbursements \$ 398,520

16 5. The department shall identify all individuals currently
17 in the correctional system and those individuals entering
18 the system who are mentally retarded, as defined in section
19 222.2, subsection 5. In assigning a mentally retarded
20 offender, or an offender with an inadequately developed
21 intelligence or with impaired mental abilities, to a
22 correctional facility, the department shall consider both
23 the program needs and the security needs of the offender.
24 The department of corrections shall consult with the mental
25 health and mental retardation commission to obtain the
26 commission's advice concerning the identification, correctional
27 facility assignment, and program needs of mentally retarded
28 offenders.

29 6. For the community-based corrections programs as
30 designated:

31 a. For pre-institutional
32 community-based corrections \$13,559,400

33 b. For post-institutional
34 half-way houses \$ 1,410,618

35 c. For parole services \$ 1,200,402

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

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

9 A judicial district department of correctional services
10 may operate a program for offenders required to perform unpaid
11 community service.

12 7. For a legal assistance
13 program to provide civil legal
14 assistance to inmates of the
15 Iowa correctional system in
16 matters of child custody,
17 bankruptcy, and dissolution
18 of marriage \$ 25,000

19 The department shall determine whether an inmate applying
20 for civil legal assistance is indigent under section 815.9,
21 after submission by the inmate of the detailed financial
22 statement required by that section. The inmate has an
23 affirmative duty to provide all relevant information on the
24 issue of the inmate's indigency to the satisfaction of the
25 department that the inmate is indigent. The department may
26 establish by rule a schedule of charges, on a graduated scale
27 related to income and resources, to be paid by inmates who
28 are not indigent for the provision of civil legal assistance.

29 The department may establish by rule maximum rates of
30 reasonable compensation for attorneys providing the various
31 categories of civil legal assistance under the program funded
32 by this subsection.

33 8. For reimbursement of
34 counties for temporary con-
35 finement of work release and

1 parole violators, as pro-
2 vided by sections 247A.10,
3 901.7, and 906.17 \$ 47,500

4 9. The department shall maintain a long-range corrections
5 planning process and an ongoing five-year corrections master
6 plan. The director of the department of corrections shall
7 report to the general assembly by January 15, 1985 concerning
8 the status and content of the master plan. The master plan
9 shall include goals and objectives and operations and funding
10 needs. The master plan shall include, but not be limited
11 to, an analysis of current and future inmate populations,
12 incarceration costs, needs of inmates placed in community
13 correctional programs, and inmate, staff, and public safety
14 needs. The master plan shall incorporate incarceration
15 policies based on the least restrictive incarceration
16 alternative which is consistent with public safety and inmate
17 needs, including the alternative of incarcerating inmates
18 in community correctional facilities. The department shall
19 seek input from knowledgeable experts and from the public
20 in the formulation of the master plan.

21 Sec. 3. There is appropriated from the general fund of
22 the state for the fiscal year beginning July 1, 1984, and
23 ending June 30, 1985, to the board of parole, including
24 salaries and support, maintenance, and miscellaneous purposes,
25 the following amount, or so much thereof as is necessary:

26	1984-1985
27	<u>Fiscal Year</u>
28	\$ 417,472

29 The board of parole shall continue the development and
30 use of objective parole criteria in evaluating inmates for
31 parole, with the goal of increasing parole rates without
32 increasing the risk to society of release on parole, and with
33 the goal of granting those paroles more uniformly throughout
34 the year.

35 Sec. 4. There is appropriated from the general fund of

1 the state for the fiscal year beginning July 1, 1984, and
2 ending June 30, 1985, to the department of human services
3 for operation of the Iowa veterans home, including salaries
4 and support, maintenance, and miscellaneous purposes, the
5 following amount, or so much thereof as is necessary:

6	1984-1985
7	<u>Fiscal Year</u>
8	\$17,858,523

9 Ninety-five thousand (95,000) dollars of the funds
10 appropriated in this section may be used to match federal
11 funds for the renovation of Loftus Hall at the Iowa veterans
12 home.

13 Sec. 5. There is appropriated from the general fund of
14 the state for the fiscal year beginning July 1, 1984, and
15 ending June 30, 1985, to the department of human services,
16 for the state mental health institutes the following amount,
17 or so much thereof as is necessary:

18	1984-1985
19	<u>Fiscal Year</u>

20 1. For salaries and sup-
21 port, maintenance, and miscel-
22 laneous purposes \$30,410,362

23 2. As long as there is a demonstrated need, the department
24 of human services shall continue to operate a geriatric program
25 at the state mental health institute at Mount Pleasant. A
26 reduction in the patient population at the institute necessary
27 as a result of the correctional addition at the institute
28 shall not be achieved by eliminating a specific program,
29 unless the institute's citizens' advisory board or the general
30 assembly determines that there is no longer a demonstrable
31 need for the specific program. If the department decides
32 to reduce the catchment area for Mount Pleasant mental health
33 institute, they shall consider the reduction temporary until
34 further population trends are clarified.

35 3. It is the intent of the general assembly that the

1 department of human services should pursue all courses of
2 action necessary to expand the recruitment and retention of
3 psychiatrists at state mental health institutions.

4 To this end the general assembly expects:

5 a. The department to begin a recruitment campaign by
6 sending department representatives to events and locations
7 where psychiatrists are likely to be recruited and by taking
8 other similar actions which have the likelihood of contributing
9 to the recruitment of psychiatrists.

10 b. The department to develop a plan for cooperative
11 recruitment, training and personnel development. The
12 development of the plan may include the involvement of other
13 appropriate private and public entities. The department shall
14 present the plan to the governor and the legislative council
15 on or about October 1, 1984. The plan shall include an
16 affirmative action component and review cooperative efforts
17 and strategies between agencies and institutional entities
18 nationwide. The plan should offer a set of cooperative
19 ventures between other private or public entities and the
20 department for the improved recruitment and retention of
21 psychiatrists in mental health institutions.

22 c. The department to explore and implement, if necessary,
23 alternative approaches to retaining psychiatrists in the state
24 hospital system, such as special contractual arrangements,
25 expanded staff privileges, or improved educational
26 opportunities for the medical staff.

27 The department shall submit a report to the general assembly
28 by January 15, 1985 which details the action it has taken
29 in calendar year 1984 to enhance the recruitment and retention
30 of psychiatrists at state mental health institutes.

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

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

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

8 6. The superintendents of the state mental health
9 institutes at Cherokee and Independence, in discharging the
10 duties imposed by section 230.20, shall not include the costs
11 of the psychiatric residency and chaplain intern programs
12 maintained at those institutes in computing the institutes'
13 respective daily charges to patients. Notwithstanding the
14 requirement in section 230.20 to separately compute daily
15 patient program costs for each state mental health institute,
16 the commissioner of human services and the superintendents
17 of the state mental health institutes shall compute the amounts
18 which are due the state from each county under section 230.20
19 by averaging the daily patient program costs for all state
20 mental health institutes which offer the program. The
21 department of human services shall report, to the proper
22 appropriations subcommittee of the general assembly by January
23 15, 1985, the impact of averaging the state mental health
24 institutes' daily patient program costs on the provision of
25 services of each institute to patients from outside the
26 institute's catchment area.

27 Sec. 6. There is appropriated from the general fund of
28 the state for the fiscal year beginning July 1, 1984, and
29 ending June 30, 1985, to the department of human services,
30 for the state hospital schools the following amount, or so
31 much thereof as is necessary:

32 1984-1985
33 Fiscal Year

34 1. For salaries and sup-
35 port, maintenance, and miscel-

1 laneous purposes \$47,532,810

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

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

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

15 Sec. 7. A state hospital school or mental health institute
16 shall, upon receipt of a payment made under chapter 249A for
17 the care of a patient, segregate an amount equal to that
18 portion of the payment which is required by law to be made
19 from nonfederal funds. The money segregated shall be deposited
20 in the medical assistance fund of the department of human
21 services. In the calculation of per diem rates, charges
22 assessed to the county shall be credited with one hundred
23 percent of client participation for eligible Title XIX, medical
24 assistance patients at the state hospital schools.

25 Sec. 8. There is appropriated from the general fund of
26 the state for the fiscal year beginning July 1, 1984, and
27 ending June 30, 1985, to the state community mental health
28 and mental retardation services fund established in section
29 225C.7, the following amount, or so much thereof as is
30 necessary:

31	1984-1985
32	<u>Fiscal Year</u>
33	\$ 3,360,000

34 Sec. 9. The general assembly and the corrections and
35 mental health appropriations subcommittee shall review the

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

10 Sec. 10. The commissioner of the department of
11 human services shall prepare a study of the disabled
12 population in Iowa. The study shall address the size of
13 the population of disabled individuals which does not
14 meet the definition of developmental disability as
15 contained in chapter 225C, identify the services available
16 or unavailable to that population, and develop recommendations
17 for the coordination of efforts to serve that population.
18 The commissioner shall complete the study with the
19 assistance of other state agencies currently serving
20 the disabled population including, but not
21 limited to, the department of public instruction, the
22 department of health and the board of regents. The commissioner
23 shall also consult with representative organizations of the
24 disabled population and with the governor's planning council
25 for developmental disabilities. The results of the study
26 shall be submitted to the general assembly and to the council
27 on human services by October 1, 1984.

28 Sec. 11. Billings by the central warehouse and supply
29 depot established in section 218.100 to institutions under
30 the control of the department of human services shall not
31 include the costs incurred by the central warehouse and supply
32 depot in the distribution of federal surplus commodities.

33 Sec. 12. Notwithstanding section 217.23, subsection 2,
34 the department of human services
35 may expend moneys from the

1 support allocation of the department as reimbursement for
2 replacement or repair of personal items of the department's
3 employees damaged or destroyed by clients of the department
4 during the employee's tour of duty. The reimbursement shall
5 not exceed one hundred fifty dollars for each item.

6 Sec. 13. All federal grants to and the federal receipts
7 of the department of human services are appropriated for
8 the purposes set forth in the federal grants or receipts.
9 The veterans per diem payable for veterans at the veterans
10 home and funds received under Title XIX of the federal Social
11 Security Act by the state mental health institutes and state
12 hospital schools shall be deposited in the general fund.

13 Sec. 14. There is appropriated from the general
14 fund of the state to the following state agencies for the
15 fiscal year beginning July 1, 1984 and ending June 30, 1985,
16 the following amounts, or so much thereof as may be
17 necessary, to be used in the manner designated:

	1984-1985
	<u>Fiscal Year</u>
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1. DEPARTMENT OF CORRECTIONS

For construction of an Iowa state industries facility at the medium security correctional facility at Mt. Pleasant and to renovate a bathroom for use of the handicapped at the Iowa correctional institution for women \$ 255,000

2. DEPARTMENT OF HUMAN SERVICES

a. For capital improvements to correct life safety, fire code, and accreditation deficiencies at the mental health institutes at Cherokee and Independence \$ 937,000

b. For capital improvements at the state hospital-schools \$ 278,450

1 Sec. 15. The department of human services may use up
2 to seventy-five thousand dollars of the funds which have
3 been appropriated and not expended in previous years for
4 capital projects to fund the renovation of Loftus Hall at
5 the Iowa veterans home.

6 Sec. 16. Except for funds appropriated under section 2,
7 subsection 6, section 4, section 14, and section 15, funds
8 appropriated by this Act shall not be used for capital
9 acquisitions or improvements.

10 Sec. 17. Unobligated or unencumbered funds appropriated
11 by section 14 or identified for use by section 15 of this
12 Act for the fiscal year beginning July 1, 1984 and
13 ending June 30, 1985 remaining on June 30, 1988 shall
14 revert to the general fund of the state on September 30, 1988.
15 However, if the projects for which these funds are appropriated
16 are completed prior to June 30, 1988, the remaining unobligated
17 or unencumbered funds shall revert to the general fund of
18 the state on September 30 following the end of the fiscal
19 year in which the projects are completed.

20 EXPLANATION

21 This bill provides for the funding and administration of
22 correctional and mental health programs under the jurisdictions
23 of the department of corrections, the department of human
24 services, and the board of parole.

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SENATE FILE 2333

S-5803

Amend the amendment S-5800 to Senate File 2333 as

follows:

Page 1, line 34, by striking the words "analysis
for" and inserting in lieu thereof the words "analysis
of".

S-5803 FILED

BY ROBERT M. CARR

APRIL 5, 1984

Adopted 4/6 (p. 1255)

SENATE FILE 2333

S-5822

1 Amend Senate File 2333 as follows:

2 1. Page 10, by striking lines 13 through 26 and
3 inserting in lieu thereof the following: "respective
4 daily charges to patients. The commissioner of human
5 services shall seek to maintain reasonably uniform
6 daily charges at the four mental health institutes.
7 The department of human services shall report, to
8 the general assembly by January 15, 1985, significant
9 facts regarding population demand and trends and their
10 relationship to the per diem charges of the four
11 mental health institutes in comparison to probable
12 impact on the institutions if there had been an average
13 state mental health institutes' daily patient program
14 cost."

S-5822 FILED & ADOPTED
APRIL 6, 1984 *(p. 1265)*

BY BERL PRIEBE
RICHARD VANDE HOEF
EDGAR HOLDEN
DONALD V. DOYLE

SENATE FILE 2333

S-5825

1 Amend Senate File 2333 as follows:

2 1. Page 4, by inserting after line 21 the
3 following:
4 "Independent hearing officers for the department,
5 pursuant to chapter 903A, shall be those persons who
6 would qualify under rules promulgated by the merit
7 employment commission for hearing officers and who
8 are not responsible for the initiation of disciplinary
9 procedures or involved in the supervision of persons
10 whose responsibility it is to initiate disciplinary
11 proceedings."

S-5825 FILED & ADOPTED
APRIL 6, 1984 *(p. 1369)*

BY THOMAS MANN, JR.

SENATE FILE 2333

S-5800

1 Amend Senate File 2333 as follows:

2 1. Page 4, by inserting after line 21 the
3 following:

4 "The department shall use funds appropriated by
5 this subsection to provide psychological testing of
6 its correctional officer applicants."

7 2. Page 4, by striking lines 30 through 33, and
8 inserting in lieu thereof the following:

9 "The department may use three thousand dollars
10 of the gifts accepted by the department pursuant to
11 section 217A.75 and other resources available to match
12 funds provided by the state library and central Iowa
13 regional library to establish a project at the Iowa
14 correctional institution for women."

15 3. Page 5, line 11, by inserting after the word
16 "effective." the following: "The validation study
17 shall determine if the classification instruments
18 accomplish the following objectives:

19 a. Accurate prediction, without regard to
20 extraneous factors such as religion, gender, or race,
21 of the risk of inmate violence, escape from the
22 institution, and disciplinary problems.

23 b. Appropriate placement of inmates in the least
24 restrictive institutional environment according to
25 their security and custody requirements.

26 c. A suitable match in placement decisions between
27 the security and custody requirements and assessed
28 service needs of inmates and the available security
29 and custody arrangements and services in the
30 institutions.

31 The department shall establish an agreement with
32 persons independent of the department for the
33 development of the study design and methodology and
34 for the analysis for the data."

5863
S-5800 FILED BY BOB CARR
APRIL 5, 1984
Adopted as amended by 5803 4/6 (p. 1354)

SENATE FILE 2333

S-5794

1 Amend Senate File 2333 as follows:

2 1. Page 8, by inserting after line 12, the
3 following:

4 "The department may use up to twenty thousand
5 dollars of the gifts available to the commissioner
6 of human services pursuant to section 218.96 and other
7 resources available to the department for use at the
8 Iowa veteran's home to begin the planning and design
9 of a veteran's home annex on the Clarinda treatment
10 complex."

S-5794 FILED BY ROBERT M. CARR
APRIL 5, 1984 CALVIN O. HULTMAN
Adopted 4/6 (p. 1356)

Section 1. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1984, and ending June 30, 1985, to the department of corrections for general administration, including salaries and support, maintenance, and miscellaneous purposes the following amount, or so much thereof as is necessary:

7	1984-1985
8	<u>Fiscal Year</u>
9	\$ 1,706,468

A portion of the funds appropriated by this section shall be used to employ an affirmative action officer.

Sec. 2. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1984, and ending June 30, 1985, to the department of corrections the following amounts, or so much thereof as is necessary, to be used for adult correctional services as designated:

17	1984-1985
18	<u>Fiscal Year</u>

1. For operation of adult correctional institutions, including salaries and support, maintenance, and miscellaneous purposes, provided that the director of corrections, 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 pris-

1 on overcrowding state of emer-
2 gency, the board of parole shall
3 consider all inmates, except
4 for inmates convicted of class
5 "A" felonies, for parole who are
6 within nine months of their
7 tentative discharge date. If
8 the board of parole's actions
9 do not reduce the population of
10 the prison system below two
11 thousand six hundred twenty in-
12 mates within ninety days of the
13 date of the declaration of the
14 prison overcrowding state of
15 emergency, the tentative dis-
16 charge dates of all inmates,
17 whose most serious offenses for
18 which the inmates are currently
19 incarcerated are crimes against
20 property and who are incarcer-
21 ated in state prisons on the
22 date of the declaration, shall
23 be reduced by ninety days by
24 the director of corrections. How-
25 ever, the tentative discharge
26 date of a prisoner sentenced
27 under section 204.406, 204.413,
28 902.7, 902.8, or 906.5 shall
29 not be reduced under this sub-
30 section prior to completion of the
31 mandatory minimum sentence re-
32 quired by the section. The
33 director of corrections shall
34 terminate a prison overcrows-
35 ing state of emergency in

1 the state's prisons whenever
2 the population of the prison
3 system is reduced below two
4 thousand six hundred twenty
5 inmates. The department shall
6 adopt administrative rules which
7 identify all offenses as either
8 crimes against property or
9 crimes against persons. As
10 used in this subsection, "pris-
11 on" means a correctional fa-
12 cility operated by the depart-
13 ment of corrections and funded
14 under this subsection, "prison
15 system" means the prisons of
16 this state which are the Iowa
17 correctional institution for
18 women, the Iowa state men's
19 reformatory, the Iowa state
20 penitentiary, the Iowa security
21 and medical facility, the north
22 central correctional facility,
23 the Mount Pleasant correctional
24 facility, the Clarinda correctional
25 treatment facility, the correctional
26 release center, and the rehabilitation
27 camps, and "tentative dis-
28 charge date" means the date at
29 which an inmate is scheduled
30 for release including good con-
31 duct and work time currently
32 received. The department of
33 corrections shall establish a
34 plan to reduce the inmate popu-
35 lation of the men's reformatory

1 to nine hundred inmates by Octo-
2 ber 1, 1984 and to eight hundred
3 and fifty inmates by November 1,
4 1984. On and after November 1,
5 1984, the superintendent shall
6 not admit additional inmates to
7 the men's reformatory if the in-
8 mate population of the men's re-
9 formatory equals or exceeds eight

10 hundred and fifty inmates \$48,209,723

11 If the department of corrections changes the allocations
12 to the various adult correctional institutions on which the
13 appropriation in this subsection was based, the department
14 shall notify the chairpersons and ranking members of the
15 corrections and mental health appropriations subcommittee
16 and the legislative fiscal bureau of the changes to the
17 allocations.

18 The department shall provide adequate funding for the men's
19 reformatory and any reduction in the number of correctional
20 officers shall correspond to a reduction in the inmate
21 population.

22 The department shall use funds appropriated by this
23 subsection to provide psychological testing of its correctional
24 officer applicants.

25 Independent hearing officers for the department, pursuant
26 to chapter 903A, shall be those persons who would qualify
27 under rules promulgated by the merit employment commission
28 for hearing officers and who are not responsible for the
29 initiation of disciplinary procedures or involved in the
30 supervision of persons whose responsibility it is to initiate
31 disciplinary proceedings.

32 The department of corrections shall use funds appropriated
33 in this subsection to continue to contract for the services
34 of a muslim imam.

35 The department shall use funds appropriated by this

1 subsection to continue to provide at least correspondence
2 courses, graduation equivalent diploma program, college
3 courses, adult basic education, and a reentry course to inmates
4 at the Iowa correctional institution for women.

5 The department may use three thousand dollars of the gifts
6 accepted by the department pursuant to section 217A.75 and
7 other resources available to match funds provided by the state
8 library and central Iowa regional library to establish a
9 project at the Iowa correctional institution for women.

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

14 2. For the inmate

15 classification system \$ 162,467

16 A portion of the funds appropriated by this subsection
17 shall be used to employ a licensed psychologist.

18 The department, by January 15, 1985, shall provide the
19 general assembly with evidence from independent experts of
20 the validity and effectiveness of the inmate classification
21 system and shall suggest changes in the system to make it
22 more effective. The validation study shall determine if the
23 classification instruments accomplish the following objectives:

24 a. Accurate prediction, without regard to extraneous
25 factors such as religion, gender, or race, of the risk of
26 inmate violence, escape from the institution, and disciplinary
27 problems.

28 b. Appropriate placement of inmates in the least
29 restrictive institutional environment according to their
30 security and custody requirements.

31 c. A suitable match in placement decisions between the
32 security and custody requirements and assessed service needs
33 of inmates and the available security and custody arrangements
34 and services in the institutions.

35 The department shall establish an agreement with persons

1 independent of the department for the development of the study
2 design and methodology and for the analysis of the data.

3 3. For the correctional

4 training center \$ 300,717

5 4. For federal prison

6 reimbursements \$ 398,520

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

20 6. For the community-based corrections programs as
21 designated:

22 a. For pre-institutional

23 community-based corrections \$13,559,400

24 b. For post-institutional

25 half-way houses \$ 1,410,618

26 c. For parole services \$ 1,200,402

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

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

35 A judicial district department of correctional services

1 may operate a program for offenders required to perform unpaid
2 community service.

3 7. 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 The department shall determine whether an inmate applying
11 for civil legal assistance is indigent under section 815.9,
12 after submission by the inmate of the detailed financial
13 statement required by that section. The inmate has an
14 affirmative duty to provide all relevant information on the
15 issue of the inmate's indigency to the satisfaction of the
16 department that the inmate is indigent. The department may
17 establish by rule a schedule of charges, on a graduated scale
18 related to income and resources, to be paid by inmates who
19 are not indigent for the provision of civil legal assistance.

20 The department may establish by rule maximum rates of
21 reasonable compensation for attorneys providing the various
22 categories of civil legal assistance under the program funded
23 by this subsection.

24 8. For reimbursement of
25 counties for temporary con-
26 finement of work release and
27 parole violators, as pro-
28 vided by sections 247A.10,
29 901.7, and 906.17 \$ 47,500

30 9. The department shall maintain a long-range corrections
31 planning process and an ongoing five-year corrections master
32 plan. The director of the department of corrections shall
33 report to the general assembly by January 15, 1985 concerning
34 the status and content of the master plan. The master plan
35 shall include goals and objectives and operations and funding

1 needs. The master plan shall include, but not be limited
 2 to, an analysis of current and future inmate populations,
 3 incarceration costs, needs of inmates placed in community
 4 correctional programs, and inmate, staff, and public safety
 5 needs. The master plan shall incorporate incarceration
 6 policies based on the least restrictive incarceration
 7 alternative which is consistent with public safety and inmate
 8 needs, including the alternative of incarcerating inmates
 9 in community correctional facilities. The department shall
 10 seek input from knowledgeable experts and from the public
 11 in the formulation of the master plan.

12 Sec. 3. There is appropriated from the general fund of
 13 the state for the fiscal year beginning July 1, 1984, and
 14 ending June 30, 1985, to the board of parole, including
 15 salaries and support, maintenance, and miscellaneous purposes,
 16 the following amount, or so much thereof as is necessary:

17	1984-1985
18	<u>Fiscal Year</u>
19	\$ 417,472

20 The board of parole shall continue the development and
 21 use of objective parole criteria in evaluating inmates for
 22 parole, with the goal of increasing parole rates without
 23 increasing the risk to society of release on parole, and with
 24 the goal of granting those paroles more uniformly throughout
 25 the year.

26 Sec. 4. There is appropriated from the general fund of
 27 the state for the fiscal year beginning July 1, 1984, and
 28 ending June 30, 1985, to the department of human services
 29 for operation of the Iowa veterans home, including salaries
 30 and support, maintenance, and miscellaneous purposes, the
 31 following amount, or so much thereof as is necessary:

32	1984-1985
33	<u>Fiscal Year</u>
34	\$17,858,523

35 Ninety-five thousand (95,000) dollars of the funds

1 appropriated in this section may be used to match federal
2 funds for the renovation of Loftus Hall at the Iowa veterans
3 home.

4 The department may use up to twenty thousand dollars of
5 the gifts available to the commissioner of human services
6 pursuant to section 218.96 and other resources available to
7 the department for use at the Iowa veteran's home to begin
8 the planning and design of a veteran's home annex on the
9 Clarinda treatment complex.

10 Sec. 5. There is appropriated from the general fund of
11 the state for the fiscal year beginning July 1, 1984, and
12 ending June 30, 1985, to the department of human services,
13 for the state mental health institutes the following amount,
14 or so much thereof as is necessary:

15	1984-1985
16	<u>Fiscal Year</u>

17	1. For salaries and sup-	
18	port, maintenance, and miscel-	
19	laneous purposes	\$30,410,362

20 2. As long as there is a demonstrated need, the department
21 of human services shall continue to operate a geriatric program
22 at the state mental health institute at Mount Pleasant. A
23 reduction in the patient population at the institute necessary
24 as a result of the correctional addition at the institute
25 shall not be achieved by eliminating a specific program,
26 unless the institute's citizens' advisory board or the general
27 assembly determines that there is no longer a demonstrable
28 need for the specific program. If the department decides
29 to reduce the catchment area for Mount Pleasant mental health
30 institute, they shall consider the reduction temporary until
31 further population trends are clarified.

32 3. It is the intent of the general assembly that the
33 department of human services should pursue all courses of
34 action necessary to expand the recruitment and retention of
35 psychiatrists at state mental health institutions.

1 To this end the general assembly expects:

2 a. The department to begin a recruitment campaign by
3 sending department representatives to events and locations
4 where psychiatrists are likely to be recruited and by taking
5 other similar actions which have the likelihood of contributing
6 to the recruitment of psychiatrists.

7 b. The department to develop a plan for cooperative
8 recruitment, training and personnel development. The
9 development of the plan may include the involvement of other
10 appropriate private and public entities. The department shall
11 present the plan to the governor and the legislative council
12 on or about October 1, 1984. The plan shall include an
13 affirmative action component and review cooperative efforts
14 and strategies between agencies and institutional entities
15 nationwide. The plan should offer a set of cooperative
16 ventures between other private or public entities and the
17 department for the improved recruitment and retention of
18 psychiatrists in mental health institutions.

19 c. The department to explore and implement, if necessary,
20 alternative approaches to retaining psychiatrists in the state
21 hospital system, such as special contractual arrangements,
22 expanded staff privileges, or improved educational
23 opportunities for the medical staff.

24 The department shall submit a report to the general assembly
25 by January 15, 1985 which details the action it has taken
26 in calendar year 1984 to enhance the recruitment and retention
27 of psychiatrists at state mental health institutes.

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

30 5. A state mental health institute shall not accept
31 physical custody of a child alleged to be a child in need
32 of assistance, on guest status or otherwise, for more than
33 thirty days. A child found to be a child in need of assistance
34 shall not be placed in a state mental health institute or
35 other appropriate secure facility unless the juvenile court

1 finds that the standard for involuntary commitment in chapter
2 229 has been met. The finding may be made by the court under
3 section 232.103 at any time prior to the expiration of a
4 dispositional order.

5 6. The superintendents of the state mental health
6 institutes at Cherokee and Independence, in discharging the
7 duties imposed by section 230.20, shall not include the costs
8 of the psychiatric residency and chaplain intern programs
9 maintained at those institutes in computing the institutes'
10 respective daily charges to patients. The commissioner of
11 human services shall seek to maintain reasonably uniform daily
12 charges at the four mental health institutes. The department
13 of human services shall report, to the general assembly by
14 January 15, 1985, significant facts regarding population
15 demand and trends and their relationship to the per diem
16 charges of the four mental health institutes in comparison
17 to probable impact on the institutions if there had been an
18 average state mental health institutes' daily patient program
19 cost.

20 Sec. 6. There is appropriated from the general fund of
21 the state for the fiscal year beginning July 1, 1984, and
22 ending June 30, 1985, to the department of human services,
23 for the state hospital schools the following amount, or so
24 much thereof as is necessary:

25
26 1984-1985
Fiscal Year

27 1. For salaries and sup-
28 port, maintenance, and miscel-

29 laneous purposes \$47,532,810

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

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

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

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

18 Sec. 8. There is appropriated from the general fund of
19 the state for the fiscal year beginning July 1, 1984, and
20 ending June 30, 1985, to the state community mental health
21 and mental retardation services fund established in section
22 225C.7, the following amount, or so much thereof as is
23 necessary:

24	1984-1985
25	<u>Fiscal Year</u>
26	\$ 3,360,000

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

1 moneys to the community mental health and mental retardation
2 services fund provided pursuant to chapter 225C.

3 Sec. 10. The commissioner of the department of
4 human services shall prepare a study of the disabled
5 population in Iowa. The study shall address the size of
6 the population of disabled individuals which does not
7 meet the definition of developmental disability as
8 contained in chapter 225C, identify the services available
9 or unavailable to that population, and develop recommendations
10 for the coordination of efforts to serve that population.
11 The commissioner shall complete the study with the
12 assistance of other state agencies currently serving
13 the disabled population including, but not
14 limited to, the department of public instruction, the
15 department of health and the board of regents. The commissioner
16 shall also consult with representative organizations of the
17 disabled population and with the governor's planning council
18 for developmental disabilities. The results of the study
19 shall be submitted to the general assembly and to the council
20 on human services by October 1, 1984.

21 Sec. 11. Billings by the central warehouse and supply
22 depot established in section 218.100 to institutions under
23 the control of the department of human services shall not
24 include the costs incurred by the central warehouse and supply
25 depot in the distribution of federal surplus commodities.

26 Sec. 12. Notwithstanding section 217.23, subsection 2,
27 the department of human services
28 may expend moneys from the
29 support allocation of the department as reimbursement for
30 replacement or repair of personal items of the department's
31 employees damaged or destroyed by clients of the department
32 during the employee's tour of duty. The reimbursement shall
33 not exceed one hundred fifty dollars for each item.

34 Sec. 13. All federal grants to and the federal receipts
35 of the department of human services are appropriated for

1 the purposes set forth in the federal grants or receipts.
2 The veterans per diem payable for veterans at the veterans
3 home and funds received under Title XIX of the federal Social
4 Security Act by the state mental health institutes and state
5 hospital schools shall be deposited in the general fund.

6 Sec. 14. There is appropriated from the general
7 fund of the state to the following state agencies for the
8 fiscal year beginning July 1, 1984 and ending June 30, 1985,
9 the following amounts, or so much thereof as may be
10 necessary, to be used in the manner designated:

11 1984-1985
12 Fiscal Year

13 1. DEPARTMENT OF CORRECTIONS

14 For construction of an Iowa
15 state industries facility at the
16 medium security correctional
17 facility at Mt. Pleasant and to
18 renovate a bathroom for use of the
19 handicapped at the Iowa correctional
20 institution for women \$ 255,000

21 2. DEPARTMENT OF HUMAN SERVICES

22 a. For capital improvements to
23 correct life safety, fire code, and
24 accreditation deficiencies at the
25 mental health institutes at Cherokee
26 and Independence \$ 937,000

27 b. For capital improvements at
28 the state hospital-schools \$ 278,450

29 Sec. 15. The department of human services may use up
30 to seventy-five thousand dollars of the funds which have
31 been appropriated and not expended in previous years for
32 capital projects to fund the renovation of Loftus Hall at
33 the Iowa veterans home.

34 Sec. 16. Except for funds appropriated under section 2,
35 subsection 6, section 4, section 14, and section 15, funds

1 appropriated by this Act shall not be used for capital
2 acquisitions or improvements.

3 Sec. 17. Unobligated or unencumbered funds appropriated
4 by section 14 or identified for use by section 15 of this
5 Act for the fiscal year beginning July 1, 1984 and
6 ending June 30, 1985 remaining on June 30, 1988 shall
7 revert to the general fund of the state on September 30, 1988.
8 However, if the projects for which these funds are appropriated
9 are completed prior to June 30, 1988, the remaining unobligated
10 or unencumbered funds shall revert to the general fund of
11 the state on September 30 following the end of the fiscal
12 year in which the projects are completed.

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SF 2333
dl/slc/26c

SENATE FILE 2333

H-6268

1 Amend House amendment H-6254 to Senate File 2333
2 as amended, passed and reprinted by the Senate as
3 follows:

4 1. Page 1, by striking line 15, and inserting
5 in lieu thereof the following:

6 "5. Page 9, by striking lines 7 through 9, and
7 inserting in lieu thereof the following: "the
8 department for use at the Iowa veteran's home for
9 purposes identified by the department."

BY ROYER of Page
JOCHUM of Dubuque
HARBOR of Mills
PAVICH of Pottawattamie
PONCY of Wapello
SCHROEDER of Pottawattamie
GRONSTAL of Pottawattamie
ANDERSON of Audubon
DAGGETT of Taylor
PELLETT of Cass

H-6268 FILED APRIL 12, 1984

Adopted 4/13 (p. 1989)

SENATE FILE 2333

H-6281

1 Amend Senate File 2333 as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 4, line 31, by inserting after the word
4 "proceedings." the following: "The department shall
5 use funds appropriated by this subsection to employ,
6 at a minimum, two additional qualified hearing officers
7 to provide coverage at disciplinary hearings at the
8 state penitentiary, the men's reformatory, the medium
9 security unit at Mt. Pleasant, and the medical and
10 security facility. The department shall develop a
11 plan for coverage by qualified hearing officers at
12 all state correctional institutions and submit the
13 report to the General Assembly by January 15, 1985."

H-6281 FILED APRIL 13, 1984 BY SPEAR of Lee

Adopted 4/13 (p. 1991)

SENATE FILE 2333

H-6246

- 1 Amend House amendment H-6222 to Senate File 2333
- 2 as amended, passed and reprinted by the Senate as
- 3 follows:
- 4 1. By striking page 1, line 42 through page 2,
- 5 line 1.

H-6246 FILED APRIL 11, 1984 BY SCHROEDER of Pottawattamie

Adopted 4/15 (p. 1990)

SENATE FILE 2333

H-6249

- 1 Amend Senate File 2333 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 4, by striking lines 25 through 31.

H-6249 FILED APRIL 11, 1984 BY MAULSBY of Calhoun

4/15 4/13 (p. 1941)

SENATE FILE 2333

H-6251

- 1 Amend Senate File 2333 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 3, by striking line 35 and inserting in
- 4 lieu thereof the following: "lation within the medium
- 5 security facility of the men's reformatory at Anamosa".
- 6 2. Page 4, by striking line 7 and inserting in
- 7 lieu thereof the following: "the medium security
- 8 facility of the men's reformatory at Anamosa of the
- 9 in-"

BY McKEAN of Jones

H-6251 FILED APRIL 11, 1984

SPEAR of Lee

Adopted 4/13 (p. 1901)

SENATE FILE 2333

H-6254

- 1 Amend Senate File 2333 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 4, line 10, by striking the figure
- 4 "48,209,723" and inserting in lieu thereof the figure
- 5 "48,120,374".
- 6 2. Page 5, line 15, by striking the figure
- 7 "162,467" and inserting in lieu thereof the figure
- 8 "161,472".
- 9 3. Page 6, line 25, by striking the figure
- 10 "1,410,618" and inserting in lieu thereof the figure
- 11 "1,408,318".
- 12 4. Page 8, line 34, by striking the figure
- 13 "17,858,523" and inserting in lieu thereof the figure
- 14 "17,810,507".
- 15 5. Page 9, by striking lines 4 through 9.
- 16 6. Page 9, line 19, by striking the figure
- 17 "30,410,362" and inserting in lieu thereof the figure
- 18 "30,373,015".
- 19 7. Page 11, line 29, by striking the figure
- 20 "47,532,810" and inserting in lieu thereof the figure
- 21 "47,400,996".

H-6254 FILED APRIL 11, 1984

Adopted as amended by 626%

BY COMMITTEE ON APPROPRIATIONS

JOCHUM of Dubuque, Chair

SENATE FILE 2333

6222

1 Amend Senate File 2333 as amended, passed and
2 reprinted by the Senate as follows:

3 1. Page 1, by striking lines 2 and 3 and inserting
4 in lieu thereof the following: "of the state for
5 each of the fiscal years beginning July 1, 1984 and
6 July 1, 1985, to the department of correctios for".

7 2. Page 1, by striking lines 7 and 8.

8 3. Page 1, by striking lines 13 and 14 and
9 inserting in lieu thereof the following: "the state
10 for each of the fiscal years beginning July 1, 1984
11 and July 1, 1985, to the department of corrections
12 the".

13 4. Page 1, by striking lines 17 and 18.

14 5. Page 8, by striking lines 13 and 14 and
15 inserting in lieu thereof the following: "the state
16 for each of the fiscal years beginning July 1, 1984
17 and July 1, 1985, to the board of parole, including".

18 6. Page 8, by striking lines 17 and 18.

19 7. Page 8, by striking lines 27 and 28 and
20 inserting in lieu thereof the following: "the state
21 for each of the fiscal years beginning July 1, 1984
22 and July 1, 1985, to the department of human services".

23 8. Page 8, by striking lines 32 and 33.

24 9. Page 9, by striking lines 11 and 12 and
25 inserting in lieu thereof the following: "the state
26 for each of the fiscal years beginning July 1, 1984
27 and July 1, 1985, to the department of human
28 services,".

29 10. Page 9, by striking lines 15 and 16.

30 11. Page 11, by striking lines 21 and 22 and
31 inserting in lieu thereof the following: "the state
32 for each of the fiscal years beginning July 1, 1984
33 and July 1, 1985, to the department of human
34 services,".

35 12. Page 11, by striking lines 25 and 26.

36 13. Page 12, by striking lines 19 and 20 and
37 inserting in lieu thereof the following: "the state
38 for each of the fiscal years beginning July 1, 1984
39 and July 1, 1985, to the state community mental
40 health".

41 14. Page 12, by striking lines 24 and 25.

42 15. Page 14, by striking lines 7 and 8 and
43 inserting in lieu thereof the following: "fund of
44 the state to the following state agencies for each
45 of the fiscal years beginning July 1, 1984 and July
46 1, 1985,".

47 16. Page 14, by striking lines 11 and 12.

48 17. Page 15, by striking lines 5 and 6 and
49 inserting in lieu thereof the following: "Act for
50 each of the fiscal years beginning July 1, 1984 and
51 page 2

1 July 1, 1985 remaining on June 30, 1988 shall".

SENATE FILE 2333

H-6240

1 Amend Senate File 2333 as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 11, by striking lines 10 through 19 and
4 inserting in lieu thereof the following: "respective
5 daily charges to patients. Notwithstanding the
6 requirement in section 230.20 to separately compute
7 daily patient program costs for each state mental
8 health institute, the commissioner of human services
9 and the superintendents of the state mental health
10 institutes shall compute the amounts which are due
11 the state from each county under section 230.20 by
12 averaging the daily patient program costs at all state
13 mental health institutes which offer the program.
14 The department of human services shall report, to
15 the proper appropriations subcommittee of the general
16 assembly by January 15, 1985, the impact of averaging
17 the state mental health institutes' daily patient
18 program costs on the provision of services of each
19 institute to patients from outside the institute's
20 catchment area."

BY HUMMEL of Benton
SHERZAN of Polk

H-6240 FILED APRIL 10, 1984

4/15 4/13 (7. 1991)

HOUSE AMENDMENT TO SENATE FILE 2333

S-5916

- 1 Amend Senate File 2333 as amended, passed and
2 reprinted by the Senate, as follows:
- 3 1. Page 3, by striking line 35 and inserting in
4 lieu thereof the following: "lation within the medium
5 security facility of the men's reformatory at Anamosa".
- 6 2. Page 4, by striking line 7 and inserting in
7 lieu thereof the following: "the medium security
8 facility of the men's reformatory at Anamosa if the
9 in-".
- 10 3. Page 4, line 10, by striking the figure
11 "48,209,723" and inserting in lieu thereof the figure
12 "48,120,374".
- 13 4. Page 4, line 31, by inserting after the word
14 "proceedings." the following: "The department shall
15 use funds appropriated by this subsection to employ,
16 at a minimum, two additional qualified hearing officers
17 to provide coverage at disciplinary hearings at the
18 state penitentiary, the men's reformatory, the medium
19 security unit at Mt. Pleasant, and the medical and
20 security facility. The department shall develop a
21 plan for coverage by qualified hearing officers at
22 all state correctional institutions and submit the
23 report to the General Assembly by January 15, 1985."
- 24 5. Page 5, line 15, by striking the figure
25 "162,467" and inserting in lieu thereof the figure
26 "161,472".
- 27 6. Page 6, line 25, by striking the figure
28 "1,410,618" and inserting in lieu thereof the figure
29 "1,408,318".
- 30 7. Page 8, line 34, by striking the figure
31 "17,858,523" and inserting in lieu thereof the figure
32 "17,810,507".
- 33 8. Page 9, by striking lines 7 through 9, and
34 inserting in lieu thereof the following: "the
35 department for use at the Iowa veterans home for
36 purposes identified by the department."
- 37 9. Page 9, line 19, by striking the figure
38 "30,410,362" and inserting in lieu thereof the figure
39 "30,373,015".
- 40 10. Page 11, line 29, by striking the figure
41 "47,532,810" and inserting in lieu thereof the figure
42 "47,400,996".

S-5916 FILED
APRIL 16, 1984

RECEIVED FROM THE HOUSE

Senate concurred 4/16 (p. 1551)

SENATE FILE 2333

AN ACT

RELATING TO THE ADMINISTRATION AND FINANCING OF CORRECTIONAL, MENTAL HEALTH, MENTAL RETARDATION AND VETERANS PROGRAMS AND CAPITAL PROJECTS UNDER THE JURISDICTION OF THE DEPARTMENT OF CORRECTIONS, THE DEPARTMENT OF HUMAN SERVICES, OR THE BOARD OF PAROLE.

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, 1984, and ending June 30, 1985, to the department of corrections for general administration, including salaries and support, maintenance, and miscellaneous purposes the following amount, or so much thereof as is necessary:

1984-1985
Fiscal Year
\$ 1,706,468

A portion of the funds appropriated by this section shall be used to employ an affirmative action officer.

Sec. 2. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1984, and ending June 30, 1985, to the department of corrections the following amounts, or so much thereof as is necessary, to be used for adult correctional services as designated:

1984-1985
Fiscal Year

1. For operation of adult correctional institutions, in-

cluding salaries and support, maintenance, and miscellaneous purposes, provided that the director of corrections, 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 discharge dates of all inmates, whose most serious offenses for which the inmates are currently incarcerated are crimes against property and who are incarcer-

ated in state prisons on the date of the declaration, shall be reduced by ninety days by the director of 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 director of corrections 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 department 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. The department of corrections shall establish a plan to reduce the inmate population within the medium security facility of the men's reformatory at Anamosa to nine hundred inmates by October 1, 1984 and to eight hundred and fifty inmates by November 1, 1984. On and after November 1, 1984, the superintendent shall not admit additional inmates to the medium security facility of the men's reformatory at Anamosa if the inmate population of the men's reformatory equals or exceeds eight hundred and fifty inmates \$ 48,120,374

If the department of corrections 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.

The department shall provide adequate funding for the men's reformatory and any reduction in the number of correctional officers shall correspond to a reduction in the inmate population.

The department shall use funds appropriated by this subsection to provide psychological testing of its correctional officer applicants.

Independent hearing officers for the department, pursuant to chapter 903A, shall be those persons who would qualify under rules promulgated by the merit employment commission for hearing officers and who are not responsible for the initiation of disciplinary procedures or involved in the supervision of persons whose responsibility it is to initiate disciplinary proceedings. The department shall use funds appropriated by this subsection to employ, at a minimum, two additional qualified hearing officers to provide coverage at disciplinary hearings at the state penitentiary, the men's reformatory, the medium security unit at Mt. Pleasant, and the medical and security facility. The department shall develop a plan for coverage by qualified hearing officers at all state correctional institutions and submit the report to the general assembly by January 15, 1985.

The department of 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 department may use three thousand dollars of the gifts accepted by the department pursuant to section 217A.75 and other resources available to match funds provided by the state library and central Iowa regional library to establish a project at the Iowa correctional institution for women.

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.

2. For the inmate classification system \$ 161,472

A portion of the funds appropriated by this subsection shall be used to employ a licensed psychologist.

The department, by January 15, 1985, 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. The validation study shall determine if the classification instruments accomplish the following objectives:

- a. Accurate prediction, without regard to extraneous factors such as religion, gender, or race, of the risk of inmate violence, escape from the institution, and disciplinary problems.
- b. Appropriate placement of inmates in the least restrictive institutional environment according to their security and custody requirements.
- c. A suitable match in placement decisions between the security and custody requirements and assessed service needs of inmates and the available security and custody arrangements and services in the institutions.

The department shall establish an agreement with persons independent of the department for the development of the study design and methodology and for the analysis of the data.

3. For the correctional training center \$ 300,717

4. For federal prison reimbursements \$ 398,520

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 department of 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. For the community-based corrections programs as designated:

a. For pre-institutional community-based corrections	\$13,559,400
b. For post-institutional halfway houses	\$ 1,408,318
c. For parole services	\$ 1,200,402

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

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.

A judicial district department of correctional services may operate a program for offenders required to perform unpaid community service.

7. 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
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The department shall determine whether an inmate applying for civil legal assistance is indigent under section 615.9, after submission by the inmate of the detailed financial statement required by that section. The inmate has an affirmative duty to provide all relevant information on the issue of the inmate's indigency to the satisfaction of the department that the inmate is indigent. The department may establish by rule a schedule of charges, on a graduated scale related to income and resources, to be paid by inmates who are not indigent for the provision of civil legal assistance.

The department may establish by rule maximum rates of reasonable compensation for attorneys providing the various categories of civil legal assistance under the program funded by this subsection.

8. For reimbursement of counties for temporary confinement of work release and parole violators, as provided by sections 247A.10, 901.7, and 905.17	\$ 47,500
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9. The department shall maintain a long-range corrections planning process and an ongoing five-year corrections master plan. The director of the department of corrections shall report to the general assembly by January 15, 1985 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. 3. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1984, and ending June 30, 1985, to the board of parole, including salaries and support, maintenance, and miscellaneous purposes, the following amount, or so much thereof as is necessary:

1984-1985
Fiscal Year
\$ 417,472

The board of parole shall continue the development and use of 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. 4. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1984, and ending June 30, 1985, to the department of human services for operation of the Iowa veterans home, including salaries and support, maintenance, and miscellaneous purposes, the following amount, or so much thereof as is necessary:

1984-1985
Fiscal Year
\$ 17,810,507

Ninety-five thousand (95,000) dollars of the funds appropriated in this section may be used to match federal funds for the renovation of Loftus hall at the Iowa veterans home.

The department may use up to twenty thousand dollars of the gifts available to the commissioner of human services pursuant to section 219.96 and other resources available to the department for use at the Iowa veterans home for purposes identified by the department.

Sec. 5. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1984, and ending June 30, 1985, to the department of human services, for the state mental health institutes the following amount, or so much thereof as is necessary:

1984-1985
Fiscal Year

1. For salaries and support, maintenance, and miscellaneous purposes \$ 30,373,015

2. As long as there is a demonstrated need, the department of human 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. If the department decides to reduce the catchment area for Mount Pleasant mental health institute, they shall consider the reduction temporary until further population trends are clarified.

3. It is the intent of the general assembly that the department of human services should pursue all courses of action necessary to expand the recruitment and retention of psychiatrists at state mental health institutions.

To this end the general assembly expects:

a. The department to begin a recruitment campaign by sending department representatives to events and locations where psychiatrists are likely to be recruited and by taking other similar actions which have the likelihood of contributing to the recruitment of psychiatrists.

b. The department to develop a plan for cooperative recruitment, training and personnel development. The development of the plan may include the involvement of other

appropriate private and public entities. The department shall present the plan to the governor and the legislative council on or about October 1, 1984. The plan shall include an affirmative action component and review cooperative efforts and strategies between agencies and institutional entities nationwide. The plan should offer a set of cooperative ventures between other private or public entities and the department for the improved recruitment and retention of psychiatrists in mental health institutions.

3. The department to explore and implement, if necessary, alternative approaches to retaining psychiatrists in the state hospital system, such as special contractual arrangements, expanded staff privileges, or improved educational opportunities for the medical staff.

The department shall submit a report to the general assembly by January 15, 1985 which details the action it has taken in calendar year 1984 to enhance the recruitment and retention of psychiatrists at state mental health institutes.

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

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

6. The superintendents of the state mental health institutes at Cherokee and Independence, in discharging the duties imposed by section 220.20, 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 human services shall seek to maintain reasonably uniform daily charges at the four mental health institutes. The department of human services shall report, to the general assembly by January 15, 1985, significant facts regarding population demand and trends and their relationship to the per diem charges of the four mental health institutes in comparison to probable impact on the institutions if there had been an average state mental health institutes' daily patient program cost.

Sec. 6. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1984, and ending June 30, 1985, to the department of human services, for the state hospital schools the following amount, or so much thereof as is necessary:

1984-1985
Fiscal Year

1. For salaries and support, maintenance, and miscellaneous purposes \$ 47,400,996

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 human 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, 1984, and ending June 30, 1985, 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:

	1984-1985
	<u>Fiscal Year</u>
	\$ 3,360,000

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. The commissioner of the department of human services shall prepare a study of the disabled population in Iowa. The study shall address the size of the population of disabled individuals which does not meet the definition of developmental disability as contained in chapter 225C, identify the services available or unavailable to that population, and develop recommendations for the coordination

of efforts to serve that population. The commissioner shall complete the study with the assistance of other state agencies currently serving the disabled population including, but not limited to, the department of public instruction, the department of health and the board of regents. The commissioner shall also consult with representative organizations of the disabled population and with the governor's planning council for developmental disabilities. The results of the study shall be submitted to the general assembly and to the council on human services by October 1, 1984.

Sec. 11. Billings by the central warehouse and supply depot established in section 218.100 to institutions under the control of the department of human services shall not include the costs incurred by the central warehouse and supply depot in the distribution of federal surplus commodities.

Sec. 12. Notwithstanding section 217.23, subsection 2, the department of human 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. 13. All federal grants to and the federal receipts of the department of human 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. 14. There is appropriated from the general fund of the state to the following state agencies for the fiscal year beginning July 1, 1984 and ending June 30, 1985, the following amounts, or so much thereof as may be necessary, to be used in the manner designated:

1984-1985
Fiscal Year

1. DEPARTMENT OF CORRECTIONS

For construction of an Iowa state industries facility at the medium security correctional facility at Mt. Pleasant and to renovate a bathroom for use of the handicapped at the Iowa correctional institution for women \$ 255,000

2. DEPARTMENT OF HUMAN SERVICES

a. For capital improvements to correct life safety, fire code, and accreditation deficiencies at the mental health institutes at Cherokee and Independence \$ 937,000
b. For capital improvements at the state hospital-schools \$ 279,450

Sec. 15. The department of human services may use up to seventy-five thousand dollars of the funds which have been appropriated and not expended in previous years for capital projects to fund the renovation of Loftus hall at the Iowa veterans home.

Sec. 16. Except for funds appropriated under section 2, subsection 6, section 4, section 14, and section 15, funds appropriated by this Act shall not be used for capital acquisitions or improvements.

Sec. 17. Unobligated or unencumbered funds appropriated by section 14 or identified for use by section 15 of this Act for the fiscal year beginning July 1, 1984 and ending June 30, 1985 remaining on June 30, 1986 shall revert to the general fund of the state on September 30, 1988. However, if the projects for which these funds are appropriated are completed prior to June 30, 1986, the remaining unobligated or unencumbered funds shall revert to the general fund of

the state on September 30 following the end of the fiscal year in which the projects are completed.

CHARLES V. MILLER
President Pro Tempore 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 2333 Seventieth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved: *May 18* 1984

TERRY E. BRANSTAD
Governor