

CHAPTER 1260
OMNIBUS SUPPLEMENTAL APPROPRIATIONS
S.F. 2304

AN ACT relating to and making supplemental appropriations for the fiscal year beginning July 1, 1982 and ending June 30, 1983.

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

DIVISION I

Section 1. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 11, section 2, subsections 1 and 4, are amended to read as follows:

	<u>1981-1982</u> <u>Fiscal Year</u>	<u>1982-1983</u> <u>Fiscal Year</u>
1. For the operation of the training schools for delinquent juveniles and the Iowa juvenile home at Toledo, including salaries and support, maintenance, and miscellaneous purposes	\$ 7,000,000	\$ 7,000,000 <u>6,476,481</u>

The Mitchellville training school shall be closed no later than June 1, 1982 and its female juvenile population shall be transferred to the Iowa juvenile home at Toledo. Notwithstanding any provision of the Code to the contrary, both children in need of assistance and juveniles adjudicated to have committed a delinquent act may be placed at the Iowa juvenile home at Toledo. That portion of the juvenile home housing delinquent juveniles shall be considered a second campus of the Eldora training school. Chapter 242 applies to that portion of the juvenile home and the delinquent juveniles housed in that portion. Chapter 244 applies to children in need of assistance placed at the juvenile home and the portion of the juvenile home housing those children.

4. For operation of the Iowa veterans home, including salaries and support, maintenance, and miscellaneous purposes	\$ 11,750,000	\$ 14,500,000 <u>15,100,000</u>
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Sec. 2. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1982, and ending June 30, 1983, to the department of social services, three million eight hundred fifteen thousand (3,815,000) dollars, or so much thereof as is necessary, to be used for the same purposes and to supplement funds appropriated by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 11, section 3, subsection 1, except that the funds may be used for the Iowa correctional institution for women at Mitchellville and provided that the Luster Heights correctional work camp shall serve as the primary minimum security correctional work camp.

Notwithstanding the prison system population figures in Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 11, section 3, subsection 1, only a prison system population exceeding two thousand seven hundred eighty shall require the declaration of a prison overcrowding state of emergency, and a prison system population below two thousand six hundred

eighty shall require the termination of a state of emergency. The ninety-day reductions in tentative discharge dates provided for in Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 11, section 3, subsection 1, shall only be required if the prison system population equals or exceeds two thousand six hundred eighty for ninety days after a state of emergency has been in effect. The new prison system population figures in this unnumbered paragraph apply retroactively to a state of emergency declared prior to the effective date of this Act.

Of the funds appropriated under this section one hundred fifty thousand (150,000) dollars, or so much thereof as is necessary, shall be used for an inmate classification system.

The department may provide television channels to inmates, and shall suspend access to television as a disciplinary measure.

Sec. 3. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 11, section 3, subsection 1, unnumbered paragraph 2, is amended by striking the unnumbered paragraph.

Sec. 4. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 11, section 3, subsection 3, is amended to read as follows:

3. Community-based corrections	\$	10,620,000	\$	11,150,000
				<u>11,425,000</u>

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.

Notwithstanding Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 11, section 13, funds appropriated under this subsection for the fiscal year beginning July 1, 1982, and ending June 30, 1983, may be used for the acquisition or improvement of residential correctional facilities as provided in section 8.45.

Sec. 5. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 11, section 10, is amended to read as follows:

SEC. 10. Notwithstanding section 227.17, there is appropriated from the general fund of the state for each ~~the~~ fiscal year of the biennium beginning July 1, 1981, and ending June 30, ~~1983~~ 1982, to the state mental aid fund four hundred forty thousand (440,000) dollars, or so much thereof as may be necessary.

Sec. 6. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 11, section 11, subsection 1, is amended to read as follows:

		<u>1981-1982</u>		<u>1982-1983</u>
		<u>Fiscal Year</u>		<u>Fiscal Year</u>
1. For capital improvements at institutions under the department of social services other than at the women's reformatory at Rockwell City	\$	650,000	\$	800,000
				<u>1,225,000</u>

Sec. 7. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 11, section 11, is amended by adding the following new subsections:

NEW SUBSECTION. For municipal waste treatment facilities at the Glenwood state hospital-school, the Eldora training school, and the Independence mental health institute

\$		\$	470,769
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NEW SUBSECTION. For capital improvements at the Iowa state penitentiary

\$		\$	500,000
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The appropriation under this subsection is contingent upon action of the executive council to rescind five hundred thousand (500,000) dollars of the one million one hundred thirty-five thousand (1,135,000) dollars set aside from the general fund by the executive council, pursuant to sections 19.29 and 29C.20, to pay for equipment replacement, repair, rebuilding, rewiring, glass replacement, and overtime at the Iowa state penitentiary due to the inmate disturbance of September 2, 1981.

Sec. 8. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 11, section 11, subsection 7, is amended to read as follows:

7. Unobligated or unencumbered funds appropriated by this section remaining on June 30, 1985, shall revert to the general fund on September 30, 1985. Unobligated or unencumbered funds appropriated by this section for the fiscal year beginning July 1, 1981, and ending June 30, 1982, remaining on June 30, 1985, shall revert to the general fund on September 30, 1985. However, if the projects for which these funds are appropriated are completed prior to June 30, 1985, the remaining unobligated or unencumbered funds shall revert to the general fund on September 30 following the end of the fiscal year in which the projects are completed.

Unobligated or unencumbered funds appropriated by this section for the fiscal year beginning July 1, 1982, and ending June 30, 1983, remaining on June 30, 1986, shall revert to the general fund on September 30, 1986. 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 on September 30 following the end of the fiscal year in which the projects are completed.

Sec. 9. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 75, section 1, is amended to read as follows:

SECTION 1. Section 218.74, Code 1981, is amended by striking the section and inserting in lieu thereof the following:

218.74 REVOLVING FARM FUND. 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 co-chairpersons 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 co-chairpersons 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.

The department of social services shall annually prepare a financial statement to provide for an accounting of the funds in the revolving farm fund. The financial statement shall be filed with the legislative fiscal bureau on or before February 1 each year.

Sec. 10. Notwithstanding Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 78, section 12, counties are not entitled to reimbursement for local inpatient mental health care and treatment for the fiscal year beginning July 1, 1982, and ending June 30, 1983.

Sec. 11. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 78, section 53, is amended to read as follows:

SEC. 53. There is appropriated from the general fund of the state for ~~each~~ the fiscal year of ~~the biennium~~ beginning July 1, 1981, and ending June 30, ~~1983~~ 1982, to the department of social services three hundred seventy thousand (370,000) dollars, or so much thereof as is necessary for reimbursement to counties for local inpatient mental health care and treatment as provided in section 12 of this Act.

Sec. 12. If the general allocation of the state community mental health and mental retardation services fund for fiscal year 1982-1983 does not provide a county with an equal or greater amount of state funds as the county received for fiscal year 1980-1981 from both the state mental aid fund under sections 227.16 through 227.18 and the partial reimbursement for local inpatient mental health care under Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 78, sections 12 and 53, the difference shall be allocated from the special allocation of the state community mental health and mental retardation services fund to the county by the mental health and mental retardation commission under Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 78, section 6, subsection 1, paragraph g.

Sec. 13. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1982 and ending June 30, 1983, to the state community mental health and mental retardation services fund established in Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 78, section 7, one million three hundred sixty thousand (1,360,000) dollars, or so much thereof as is necessary, for the purposes authorized by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 78, sections 7 through 11.

Sec. 14. The mental health and mental retardation commission and the commission on substance abuse shall establish a memorandum of understanding including provisions to coordinate compatible administrative activities. These activities include but are not limited to the utilization of management information systems, local and statewide fiscal and program planning, licensure and accreditation of community programs, and provision of training and technical assistance to local programs and governmental subdivisions.

The memorandum shall be developed by the commissions in consultation with the legislative fiscal bureau and a copy of the memorandum shall be sent to the legislative fiscal director by October 1, 1982. The legislative fiscal bureau shall report to the joint corrections and mental health and human resources appropriations subcommittees during the 1983 Session of the Seventieth General Assembly regarding the status of the memorandum and the coordination of activities.

Sec. 15. In order to further long-range correctional planning, the director of the division of adult corrections of the department of social services shall advise the joint corrections and mental health appropriations subcommittee of the general assembly of the approximate costs of developing and updating a corrections master plan for the next five years.

Sec. 16. Section 110.24, unnumbered paragraph 7, Code 1981, is amended to read as follows:

No license shall be required of minor pupils of the state school for the blind, state school for the deaf, nor of minor inmates residents of other state institutions under the control of a director of a division of the department of social services, except that this provision shall not apply to the inmates of the men's penitentiary at Fort Madison, the men's reformatory at Anamosa, and the women's reformatory at Rockwell City, nor shall any of state institutions under the control of the director of the division of adult corrections, nor shall any person who is on active duty with the Armed Forces of the United States, on authorized leave, and a legal resident of the state of Iowa, be required to have a license to hunt or fish in this state. No license shall be required of inmates residents of county care facilities or any person who is receiving old-age assistance under chapter 249.

Sec. 17. Section 217.8, Code 1981, as amended by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 27, section 2, is amended to read as follows:

217.8 DIVISION OF CHILD AND FAMILY SERVICES. The director of the division of child and family services shall be qualified by training, experience and education in the field of welfare and social problems. The director shall be entrusted with the administration of programs involving neglected, dependent and delinquent children, child welfare, aid to dependent children, and aid to disabled persons and shall administer and be in control of the Iowa juvenile home, the state training schools school, and other related programs established for the general welfare of families, adults and children as directed by the commissioner.

Sec. 18. Section 218.1, subsections 9 through 13, Code 1981, are amended to read as follows:

9. Mitchellville Training School Iowa Juvenile Home.
10. Juvenile Home Iowa Correctional Institution For Women.
11. ~~Women's~~ Men's Reformatory.
12. ~~Men's Reformatory~~ State Penitentiary.
13. State Penitentiary Men's Medium Security Correctional Facility at Rockwell City.

Sec. 19. Section 218.3, subsection 1, Code 1981, is amended to read as follows:

1. The director of the division of child and family services of the department of social services shall have primary authority and responsibility relative to the following institutions: ~~Iowa veterans home, the Mitchellville training school, the Eldora state training school, and the Iowa juvenile home.~~

Sec. 20. Section 218.9, unnumbered paragraph 3, Code 1981, as amended by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 27, section 3, is amended to read as follows:

The director of the division of child and family services of the department of social services, subject to the approval of the commissioner of social services shall appoint the superintendents of the juvenile home, and the Eldora state training school, and the Mitchellville training school.

Sec. 21. Section 218.91, Code 1981, is amended to read as follows:

218.91 BOYS TRANSFERRED FROM TRAINING SCHOOL TO REFORMATORY. The director of the division of child and family services with the consent and approval of the director of the division of corrections of the department of social services may order the transfer of male inmates of the ~~Eldora or Mitchellville state training schools school~~ to the men's reformatory for custodial care whenever it is determined that such action will be conducive to the welfare of the other inmates of the school from which the transfer is made. The transfer shall be effected by application in writing to the district court, or any judge thereof, of the county in which the training school is situated. Upon the granting of the order of transfer, the transfer shall take place. The county attorney of the county shall appear in support of the application. The cost of the transfer shall be paid from the funds of the training school from which the transfer is made. Subsequent to a transfer made under this section, the person transferred shall be subject to all the provisions of law and regulations of the institution to which he is transferred, and for the purposes of section 719.4 that person shall be regarded as having been committed to the institution.

Sec. 22. Section 232.52, subsection 2, paragraph e, unnumbered paragraph 1, Code 1981, is amended to read as follows:

An order transferring the guardianship of the child, subject to the continuing jurisdiction of the court for the purposes of section 232.54, to the commissioner of the department of social services for purposes of placement in the ~~Eldora state training school, the Mitchellville training school, or other facility provided that:~~

Sec. 23. Section 232.102, subsection 4, Code 1981, is amended to read as follows:

4. The child shall not be placed in the Iowa state training school for boys or the Iowa training school for girls.

Sec. 24. Section 232.127, subsection 7, Code 1981, is amended to read as follows:

7. The court may not order the child placed on probation, in a foster home or in a nonsecure facility unless the child requests and agrees to such supervision or placement. In no event shall the court order the child placed in the Iowa state training school for boys or the Iowa training school for girls or other secure facility.

Sec. 25. Section 242.1, Code 1981, is amended to read as follows:

242.1 OFFICIAL DESIGNATION. The state training school for juvenile delinquents at Eldora and the unit for delinquent juveniles at the Iowa juvenile home at Toledo shall together be known as the "Eldora State Training School". The state training school at Mitchellville shall be known as the "Mitchellville Training School". For the purpose of this chapter the word "director" or "state director" shall mean the director of the division of child and family services of the department of social services.

Sec. 26. Section 242.3, Code 1981, is amended to read as follows:

242.3 SALARY. The salaries salary of the superintendents superintendent of the state training schools school shall be determined by the state director.

Sec. 27. Section 242.4, Code 1981, is amended to read as follows:

242.4 INSTRUCTION AND EMPLOYMENT. The state director shall cause the boys and girls in said schools the state training school to be instructed in piety and morality, in such instruction on the Constitutions of the United States and of this state as is required in the common schools, and in such branches of useful knowledge as are adapted to their age and capacity, including the effect of alcoholic liquors, stimulants, and narcotics on the human system, and in some regular course of labor, either mechanical, agricultural, or manufactural, as is best suited to their age, strength, disposition, capacity, reformation, and well-being.

Sec. 28. Section 242.6, Code 1981, is amended to read as follows:

242.6 CONVICTION FOR CRIME. When a boy or girl over twelve and under seventeen years of age, of sound mind, is found guilty in the district court of any crime except murder, the court may order the child sent to the Eldora or Mitchellville state training school.

Sec. 29. Section 242.7, Code 1981, is amended to read as follows:

242.7 PLACING IN FAMILIES. All children committed to and received in the state training schools school may be placed by the department under foster care arrangements, with any persons or in families of good standing and character where they will be properly cared for and educated. The cost of foster care provided under these arrangements shall be paid as provided in sections 234.35 and 234.36.

Sec. 30. Section 242.15, unnumbered paragraph 1, Code 1981, is amended to read as follows:

The state director may detail boys and girls, classed as trustworthy, from the state training school at Eldora and at Mitchellville, to perform services for the state conservation commission within the state parks, state game and forest areas and other lands under the jurisdiction of said the commission. The conservation commission shall provide permanent housing and work guidance supervision, but the care and custody of the boys and girls so detailed shall remain under employees of the division of child and family services of the department of social services. All such programs shall have as their primary purpose and shall provide for inculcation or the activation of attitudes, skills and habit patterns which will be conducive to the habilitation of the youths involved.

Sec. 31. Section 244.3, subsection 2, Code 1981, is amended to read as follows:

2. Neglected, or dependent or delinquent children committed thereto by the juvenile court.

Sec. 32. Section 245.1, Code 1981, is amended to read as follows:

245.1 DEFINITIONS—OBJECTS OFFICIAL DESIGNATION—DEFINITIONS. The state correctional facility for women at Mitchellville shall be known as the "Iowa Correctional Institution For Women". For the purpose of this chapter "director" or "state director" shall mean the director of the division of adult corrections of the department of social services.

Sec. 33. Section 245.5, Code 1981, is amended to read as follows:

245.5 OPTIONAL COMMITMENTS FOR LIFE. Any unmarried female over ten and under eighteen years of age convicted of an offense punishable by life imprisonment may be committed either to one of the state training schools at Eldora or Mitchellville school or to the women's reformatory Iowa correctional institution for women.

Sec. 34. Section 245.10, Code 1981, is amended to read as follows:

245.10 TRANSFER OF INMATES—COSTS. The state director in co-operation with the commissioner of the department of social services and the directors of the other divisions of the department of social services may transfer inmates from the said reformatory Iowa correctional institution for women to the Eldora or Mitchellville state training school, and from either the state training school to the reformatory Iowa correctional institution for women, whenever such course will be conducive to the welfare of the institution or school or of the other inmates therein in the institution or school, or of the inmates so transferred. The costs of such the transfer shall be paid from the funds of the institution or school from which the transfer is made.

Sec. 35. Section 245.11, Code 1981, is amended to read as follows:

245.11 EFFECT OF TRANSFER. After a transfer to either institution is made, under section 245.10, the person transferred shall be subject to all the provisions of law and regulations of the institution or school to which she is transferred, and for the purposes of section 719.4, a person transferred from the state training school at Eldora or Mitchellville to the women's reformatory Iowa correctional institution for women shall be regarded as having been committed thereto.

Sec. 36. Chapter 246, Code 1981, is amended by adding the following new section:

NEW SECTION. MEN'S MEDIUM SECURITY CORRECTIONAL FACILITY AT ROCKWELL CITY. The state correctional facility at Rockwell City shall be utilized as a medium security correctional facility for men and shall be operated by the director in accordance with the applicable provisions of this chapter.

Sec. 37. Section 690.4, unnumbered paragraph 1, Code 1981, is amended to read as follows:

It shall be the duty of the wardens of the penitentiary and men's reformatory, and superintendents of the women's reformatory Iowa correctional institution for women, and the Eldora state training school, and the Mitchellville training school, to take or procure the taking of the fingerprints, and, in the case of the penitentiary, men's reformatory, and women's reformatory Iowa correctional institution for women only, Bertillon photographs of any person received on commitment to their respective institutions, and to forward such fingerprint records and photographs within ten days after the same are taken to the division of criminal investigation and bureau of identification, Iowa department of public safety, and to the federal bureau of investigation.

DIVISION II

Sec. 38. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 8, section 2, is amended to read as follows:

SEC. 2. There is appropriated from the general fund of the state to the Iowa college aid commission for each fiscal year of the fiscal biennium beginning July 1, 1981 and ending June 30, 1983, the following amounts, or so much thereof as may be necessary, to be used for the funding of the following programs for the purposes designated:

	1981-1982 <u>Fiscal Year</u>	1982-1983 <u>Fiscal Year</u>
1. IOWA COLLEGE AID COMMISSION		
For salaries, support, maintenance, and miscellaneous purposes	\$ 317,595	\$ <u>341,704</u> <u>343,809</u>
2. TUITION GRANT PROGRAM		
To supplement the appropriation provided in subsection 1 of section 261.25 for tuition grants to full-time resident students attending accredited private institutions of higher education in Iowa under sections 261.9 to 261.16	\$ 2,071,500	\$ <u>2,750,000</u> <u>3,650,000</u>
3. VOCATIONAL TECHNICAL TUITION GRANT PROGRAM		
To supplement the appropriation provided in subsection 3 of section 261.25 for tuition grants to full-time resident students in a vocational-technical program in Iowa as provided in section 261.17	\$ 79,300	\$ <u>100,000</u> <u>200,000</u>

Sec. 39. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 8, section 8, subsection 10, is amended by adding the following new paragraph:

NEW PARAGRAPH. To be allocated to the merged area schools for training programs for employees of companies locating or expanding within Iowa

	\$	\$ 275,000
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Sec. 40. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 8, section 9, subsection 2, paragraph a, is amended to read as follows:

a. General university, including lakeside laboratory.

For salaries, support, maintenance, equipment, and miscellaneous purposes and for the pediatric department of the college of medicine to continue to fund the program of research at the current level in the cause, course, treatment, cure, and management of diabetes mellitus.....

	\$ 92,397,351	\$ <u>97,204,000</u> <u>98,294,990</u>
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It is the intent of the general assembly that from funds appropriated in this paragraph one million (1,000,000) dollars shall be expended during the fiscal year beginning July 1, 1982 and ending June 30, 1983 to stabilize instructional funding at the college of medicine.

Sec. 41. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 8, section 9, subsection 2, paragraph b, is amended to read as follows:

b. University hospitals

For salaries, support, maintenance, equipment, and miscellaneous purposes; for medical and surgical treatment of indigent patients as provided in chapter 255

\$	20,819,800	\$	22,046,392
			<u>22,211,392</u>

Sec. 42. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 8, section 9, subsection 3, paragraph a, is amended to read as follows:

a. General university

For salaries, support, maintenance, equipment, and miscellaneous purposes

\$	76,208,384	\$	80,161,263
			<u>80,994,263</u>

It is the intent of the general assembly that from funds appropriated in this paragraph eight hundred thirty-three thousand (833,000) dollars shall be expended during the fiscal year beginning July 1, 1982 and ending June 30, 1983 to establish additional sections of classes that are experiencing increasing enrollments.

Sec. 43. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 8, section 9, subsection 4, is amended to read as follows:

4. UNIVERSITY OF NORTHERN IOWA

For salaries, support, maintenance, equipment, and miscellaneous purposes

\$	29,985,397	\$	31,428,042
			<u>31,595,042</u>

It is the intent of the general assembly that from funds appropriated in this subsection, twenty-five thousand (25,000) dollars shall be expended each fiscal year to support stipends for graduate students in the doctoral programs.

It is the intent of the general assembly that from funds appropriated in this subsection, one hundred sixty-seven thousand (167,000) dollars shall be expended during the fiscal year beginning July 1, 1982 and ending June 30, 1983 to establish additional sections of courses that are experiencing increasing increments.

Sec. 44. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 8, section 16, is amended to read as follows:

SEC. 16. Notwithstanding section 267.8, Code 1981, the standing appropriation in that section is limited to one hundred thousand (100,000) dollars for the fiscal year beginning July 1, 1981 and ending June 30, 1982 and is limited to one hundred ~~fifty thousand (150,000)~~ ninety-four thousand five hundred (194,500) dollars for the fiscal year beginning July 1, 1982 and ending June 30, 1983.

Sec. 45. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 8, section 18, unnumbered paragraph 1, is amended to read as follows:

Notwithstanding section 285.2, unnumbered paragraph 2, Code 1981, the standing appropriation in that section is limited to four million four hundred thirty-seven thousand (4,437,000) dollars for the fiscal year beginning July 1, 1981 and ending June 30, 1982 and to ~~four million six hundred fifty thousand nine hundred (4,650,900)~~ five million four hundred fifty thousand nine hundred (5,450,900) dollars for the fiscal year beginning July 1, 1982 and ending June 30, 1983.

Sec. 46. There is appropriated from the general fund of the state to the state board of regents for the fiscal year beginning July 1, 1982 and ending June 30, 1983, the sum of one million two hundred seventy-seven thousand three hundred thirty-seven (1,277,337) dollars, or as much thereof as may be necessary, for the purchase of fuel and electricity for the institutions under its control.

Sec. 47. There is appropriated from the general fund of the state to the school budget review committee for the fiscal year beginning July 1, 1982 and ending June 30, 1983 the sum of two hundred thousand (200,000) dollars, or so much thereof as is necessary, to be used for grants to public schools and for nonpublic school pupils for special instruction for non-English-speaking students as provided in section 280.4 in section 48 of this Act.

Sec. 48. Section 280.4, subsection 1, Code 1981, is amended to read as follows:

1. The board of directors of a school district may submit an application to the school budget review committee for funds provided by Acts of the Sixty-eighth General Assembly, chapter 13, section 7, subsection 10 section 47 of this Act, for instruction in the English language, a transitional bilingual, or other special instruction program when support for the program from other federal, state or local sources is not available or is inadequate. The department of public instruction shall review all applications for funding and provide recommendations to the school budget review committee regarding their disposition. The school budget review committee shall not grant funds to a public school for instruction in the English language, a transitional bilingual or other special instruction program unless the program offered by the public school is available to nonpublic school students in the district.

DIVISION III

Sec. 49. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 5, section 2, subsection 4, is amended to read as follows:

4. BOARD OF PAROLE

For salaries and support of not more than ~~fourteen~~ fifteen full-time equivalent positions annually, maintenance, and miscellaneous purposes

\$	311,247	\$	324,440
			<u>341,855</u>

Thirty-two thousand four hundred (32,400) dollars of the funds appropriated under this subsection for each fiscal year of the biennium shall be available to the board of parole only for the purpose of providing salaries and support for two additional members of the board of parole if the two additional members are approved by the general assembly for each fiscal year of the biennium.

Sec. 50. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 5, section 4, subsection 5, is amended to read as follows:

5. LICENSING AND CERTIFICATION DIVISION

For salaries and support of not more than ~~sixteen~~ eighteen full-time equivalent positions annually, rent, maintenance, and miscellaneous purposes

\$	525,068	\$	542,648
			<u>611,478</u>

Of the funds appropriated under this subsection for the fiscal year beginning July 1, 1982, and ending June 30, 1983, sixty-one thousand seven hundred thirty (61,730) dollars is appropriated to the board of dental examiners, five thousand (5,000) dollars is appropriated to the board of physical and occupational therapy examiners, and two thousand one hundred (2,100) dollars is appropriated to the board of mortuary science examiners.

The licensing and certification division shall prepare estimates of projected revenues to be generated by the licensing, certification, and examination fees of each board as well as a projection of the fairly apportioned administrative costs and rental expenses attributable to each board. Each board shall annually review and adjust its schedule of fees so that, as nearly as possible, projected revenues equal projected costs and any imbalance in revenues and costs in a fiscal year is offset in a subsequent fiscal year.

Sec. 51. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1982, and ending June 30, 1983, to the state board of regents for the specialized child health services program at the university of Iowa hospitals, seventeen thousand (17,000) dollars, or so much thereof as is necessary, for the phenylketonuria program to be used only to cover the cost of lofenalac. The specialized child health services program shall develop a sliding fee schedule to determine the amount of payments to be made by persons receiving lofenalac. The specialized child health services program shall report to the joint human resources appropriations subcommittee by January 31, 1983, regarding the status of the phenylketonuria program.

Sec. 52. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 5, section 4, subsection 7, paragraph a, unnumbered paragraph 1, is amended to read as follows:

For salaries and support of not more than ~~forty-eight point forty-five~~ forty-nine full-time equivalent positions annually, maintenance, and miscellaneous purposes \$ 1,445,824 \$ ~~1,484,092~~ 1,734,092

Sec. 53. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 5, section 4, subsection 7, paragraph d, subparagraphs (1) and (2), are amended to read as follows:

(1) Homemaker-home health aide program \$ 1,562,207 \$ ~~1,621,862~~
 (2) Public health nursing program \$ 1,640,019 \$ ~~1,719,098~~

Sec. 54. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 5, section 4, subsection 7, is amended by adding the following new paragraphs:

NEW PARAGRAPH. PUBLIC HEALTH NURSING PROGRAM.

For grants to local boards of health for the public health nursing program \$ 1,719,098

Funds appropriated under this paragraph shall be used to maintain and expand the existing public health nursing program for elderly and low-income persons with the objective of preventing or reducing inappropriate institutionalization. The funds shall not be used for any other purpose. As used in this paragraph, "elderly person" means a person who is sixty years of age or older and "low-income person" means a person whose income and resources are below the guidelines established by the department.

The department may retain not more than one percent of the amount appropriated under this paragraph to be used to pay the costs of administering the public health nursing program. The remainder of the amount appropriated shall be allocated for use in the counties of the state. One-fourth of the total amount to be allocated shall be divided so that an equal amount is available for use in each county in the state. Three-fourths of the total amount to be allocated shall be divided so that the share available for use in each county is proportionate to the number of elderly and low-income persons living in that county in relation to the total number of elderly and low-income persons living in the state.

In order to receive allocations under this paragraph, the local board of health having jurisdiction, after consultation with other in-home health care provider agencies in the jurisdiction, shall prepare a proposal for the use of the allocated funds available for that jurisdiction that will provide the maximum benefits of expanded public health nursing care to elderly and low-income persons in the jurisdiction. The proposal shall include a statement assuring that the appropriate local agencies have participated in the formulation of the proposal. After approval of the proposal by the department, the department shall enter into a contract with the local board of health. The local board of health may subcontract with a non-profit nurses' association, an independent nonprofit agency, a suitable local governmental

body, or a person as defined in section 4.1, subsection 13, to use the allocated funds to provide public health nursing care. Local boards of health shall make an effort to subcontract with agencies that are currently providing services to prevent duplication of services.

If by July 30, 1982, the department is unable to conclude contracts for use of the allocated funds in a county, the department shall consider the unused funds appropriated under this paragraph an unallocated pool. The department shall prior to December 31, 1982, reallocate the funds in the unallocated pool among the counties in which the department has concluded contracts under this paragraph. The reallocation shall be made to those counties in substantially the same manner as the original allocations. The reallocated funds are available for use in those counties during the period beginning January 1, 1983, and ending June 30, 1983.

The department shall adopt rules defining eligibility for public health nursing care paid for from funds appropriated by this paragraph. The rules shall require each local agency receiving funds to establish and use a sliding fee scale for those persons able to pay for all or a portion of the cost of the care.

The department shall evaluate the success of the public health nursing program. The evaluation shall include the extent to which the program reduced or prevented inappropriate institutionalization, the extent to which the program increased the availability of public health nursing care to elderly and low-income persons, and the extent of public health nursing care provided to elderly and low-income persons. The department shall submit a report of the evaluation to the governor and the general assembly by January 10, 1983.

NEW PARAGRAPH. HOMEMAKER-HOME HEALTH AIDE PROGRAM.

For grants to county boards of supervisors for the homemaker-home health aide program \$

\$ 6,387,862

Funds appropriated under this paragraph shall be used to provide homemaker-home health aide services with emphasis on services to elderly and low-income persons and children and adults in need of protective services with the objective of preventing or reducing inappropriate institutionalization. In addition, up to fifteen percent of the funds appropriated under this paragraph may be used to provide chore services. The funds shall not be used for any other purposes. As used in this paragraph:

(1) "Chore services" means services provided to individuals or families, who, due to absence, incapacity, or illness, are unable to perform certain home maintenance functions. The services include but are not limited to yard work such as mowing lawns, raking leaves, and shoveling walks; window and door maintenance such as hanging screen windows and doors, replacing window panes, and washing windows; and minor repairs to walls, floors, stairs, railings, and handles.

(2) "Elderly person" means a person who is sixty years of age or older.

(3) "Homemaker-home health aide services" means services intended to enhance the capacity of household members to attain or maintain the independence of the household members and provided by trained and supervised workers to individuals or families, who, due to the absence, incapacity, or limitations of the usual homemaker, are experiencing stress or crisis. The services include but are not limited to essential shopping, housekeeping, meal preparation, child care, respite care, money management and consumer education, family management, personal services, transportation and providing information, assistance, household management and learning experiences.

(4) "Low-income person" means a person whose income and resources are below the guidelines established by the department.

(5) "Protective services" means those homemaker-home health aide services intended to stabilize a child's or an adult's residential environment and relationships with relatives, caretakers, and other persons or household members in order to alleviate a situation involving abuse or neglect or to otherwise protect the child or adult from a threat of abuse or neglect.

The amount appropriated under this paragraph shall be allocated for use in the counties of the state. Fifteen percent of the amount shall be divided so that an equal amount is available for use in each county in the state. Of the remaining amount each county shall be allocated an amount equal to seventy-five percent of state expenditures for homemaker services in that county during the fiscal year beginning July 1, 1981, and ending June 30, 1982. After allocation of the seventy-five percent to each county, the following percentages of the remaining amount shall be allocated to each county according to that county's proportion of residents with the following demographic characteristics compared to all state residents with the same demographic characteristics: sixty percent according to the number of elderly persons living in the county; twenty percent according to the number of low-income persons living in the county; and twenty percent according to the number of substantiated cases of child abuse in the county during the 1980-1981 fiscal year.

It is intended that the seventy-five percent allocation, based on state expenditures for homemaker services in each county during the 1981-1982 fiscal year, shall be reduced to fifty percent for the 1983-1984 fiscal year and to twenty-five percent for the 1984-1985 fiscal year. For the 1985-1986 fiscal year it is intended that no allocation be made based on those state expenditures for homemaker services but that the entire amount appropriated be allocated by dividing fifteen percent of the amount equally among the counties and by dividing the remaining amount according to the percentages and demographic characteristics stipulated above.

In order to receive allocations under this paragraph, the county board of supervisors, after consultation with the local boards of health, county board of social welfare, area agency on aging advisory council, local office of the department of social services, and other in-home health care provider agencies in the jurisdiction, shall prepare a proposal for the use of the allocated funds available for that jurisdiction that will provide the maximum benefits of expanded homemaker-home health aide services to elderly and low-income persons and children and adults in need of protective services in the jurisdiction. The proposal may provide that a maximum of fifteen percent of the allocated funds will be used to provide chore services. The proposal shall include a statement assuring that children and adults in need of protective services are given priority for homemaker-home health aide services and that the appropriate local agencies have participated in the formulation of the proposal. After approval of the proposal by the department, the department shall enter into a contract with the county board of supervisors or a governmental body designated by the county board of supervisors. The county board of supervisors or its designee may subcontract with a nonprofit nurses' association, an independent nonprofit agency, the department of social services, a suitable local governmental body, or a person as defined in section 4.1, subsection 13, to use the allocated funds to provide homemaker-home health aide services and chore services providing that the subcontract requires any service provided away from the home to be documented in a report available for review by the department.

If by July 30, 1982, the department is unable to conclude contracts for use of the allocated funds in a county, the department shall consider the unused funds appropriated under this paragraph an unallocated pool. The department shall also identify any allocated funds which the counties do not anticipate spending during the fiscal year ending June 30, 1983. If the anticipated excess funds to any county are substantial, the department and the county may agree to return those excess funds, if the funds are other than program revenues, to the

department, and if returned, the department shall consider the returned funds a part of the unallocated pool. The department shall prior to February 1, 1983, reallocate the funds in the unallocated pool among the counties in which the department has concluded contracts under this paragraph.

The department shall adopt rules defining eligibility for homemaker-home health aide services and chore services paid for from funds appropriated by this paragraph. The rules shall require each local agency receiving funds to establish and use a sliding fee scale for those persons able to pay for all or a portion of the cost of the services and shall require the payments to be applied to the cost of the services. The department shall also adopt rules for standards regarding training, supervision, recordkeeping, appeals, program evaluation, cost analysis, and financial audits, and rules specifying reporting requirements.

The department shall evaluate the success of the homemaker-home health aide program. The evaluation shall include a description of the program and its implementation, the extent of local participation, the extent to which the program reduced or prevented inappropriate institutionalization, the extent to which the program provided or increased the availability of homemaker-home health aide services to elderly and low-income persons and children and adults in need of protective services, any problems and recommendations concerning the program, and an analysis of the costs of services across the state. The department shall submit a report of the evaluation to the governor and the general assembly by January 10, 1983.

Sec. 55. Section 135.11, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. Administer the statewide public health nursing and homemaker-home health aide programs by approving grants of state funds to the local boards of health and the county boards of supervisors and by providing guidelines for the approval of the grants and allocation of the state funds.

Sec. 56. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 5, section 6, subsections 1 and 2, are amended to read as follows:

	<u>1981-1982</u> <u>Fiscal Year</u>	<u>1982-1983</u> <u>Fiscal Year</u>
1. For salaries and support of not more than fourteen <u>nineteen</u> <u>point one</u> full-time equivalent positions annually, maintenance, and miscellaneous purposes	\$ 142,967	\$ 0
		<u>142,968</u>
2. For program grants	\$ 2,361,150	\$ 0
		<u>2,361,150</u>

Sec. 57. The commission on substance abuse and the mental health and mental retardation commission shall establish a memorandum of understanding including provisions to coordinate compatible administrative activities. These activities include but are not limited to the utilization of management information systems, local and statewide fiscal and program planning, licensure and accreditation of community programs, and provision of training and technical assistance to local programs and governmental subdivisions.

The memorandum shall be developed by the commissions in consultation with the legislative fiscal bureau and a copy of the memorandum shall be sent to the legislative fiscal director by October 1, 1982. The legislative fiscal bureau shall report to the joint human resources and corrections and mental health appropriations subcommittees during the 1983 Session of the Seventieth General Assembly regarding the status of the memorandum and the coordination of activities.

Sec. 58. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 9, section 14, subsection 1, paragraph b, is amended to read as follows:

b. For the fiscal year beginning July 1, 1982, ~~\$86,999,000~~ \$86,599,000.

Sec. 59. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 9, section 26, subsection 4, is amended to read as follows:

4. To the substance abuse treatment facilities receiving substance abuse program

grants as provided in section 125.25 \$ 200,000 \$ 400,000

The state comptroller shall allocate and distribute the funds appropriated by this subsection to each local substance abuse treatment facility in the same proportion that the substance abuse treatment facility's annual payroll for its employees for the fiscal year ending June 30, 1981 is to the annual payroll for the employees of all local substance abuse treatment facilities receiving substance abuse program grants for that fiscal year. Moneys received by a local substance abuse facility under this subsection shall be used to pay the state's share of the authorized salary increases for the local substance abuse program employees for the designated fiscal years.

DIVISION IV

Sec. 60. Acts of the Sixty-ninth General Assembly, Second Extraordinary 1981 Session, chapter 3, section 24, is amended to read as follows:

SEC. 24. NEW SECTION. TAX IMPOSED. For the privilege of operating railway vehicles in this state, an excise tax is imposed at the rate of three cents per gallon beginning October 1, 1981 and is imposed at the rate of eight cents per gallon beginning July 1, 1982 upon the use of fuel for the propulsion of a railway vehicle within the state. The tax attaches at the time of use and shall be paid monthly to the department by the railroad company using the fuel. Fuel At such time the Iowa railway finance authority deems necessary, it may require that fuel dispensed in this state shall only be through meters which have been approved for accuracy by the department of agriculture Iowa railway finance authority and sealed by the department authority. The authority may contract the responsibility for approving and sealing meters to the department of agriculture. Fuel dispensed through sealed meters shall be presumed taxable unless the railroad company proves otherwise.

Sec. 61. NEW SECTION. PAYMENT OF TAX. Notwithstanding the requirement for monthly payment of the excise tax in Acts of the Sixty-ninth General Assembly, Second Extraordinary 1981 Session, chapter 3, sections 24 and 26, if it is reasonably expected, as determined by rules prescribed by the director, that a railroad company's annual tax liability will not exceed one thousand two hundred dollars for a calendar year, the railroad company may request and the director may grant permission, in lieu of the requirement for monthly payment of tax, that the tax shall be payable on a calendar year basis. The tax is due and payable no later than January 31 following each calendar year in which the railroad company carried on business.

Sec. 62. The provisions of Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 12, section 6, subsection 3, shall apply to the state fish and game protection fund for the fiscal biennium beginning July 1, 1981 and ending June 30, 1983. This section is to be retroactive to July 1, 1981.

Sec. 63. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 12, section 7, subsection 1, is amended to read as follows:

	<u>1981-1982</u> <u>Fiscal Year</u>	<u>1982-1983</u> <u>Fiscal Year</u>
1. For salaries, support, maintenance, and miscellaneous purposes	\$ 2,222,351	\$ <u>2,285,725</u> <u>2,393,225</u>

Sec. 64. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 12, section 9, subsection 1, unnumbered paragraph 1, is amended to read as follows:

	<u>1981-1982</u>		<u>1982-1983</u>
	<u>Fiscal Year</u>		<u>Fiscal Year</u>
For salaries, support, maintenance, and for miscellaneous purposes	\$ 1,961,402	\$	2,070,190 <u>2,182,413</u>

Sec. 65. It is the intent of the general assembly that the fee schedule required by section 455B.32, subsection 6, be implemented. The fees shall be deposited in the general fund of the state.

Sec. 66. There is appropriated from the general fund of the state to the Iowa natural resources council for the fiscal year beginning July 1, 1982 and ending June 30, 1983 the amount of forty-eight thousand (48,000) dollars, or so much thereof as is necessary for the salary, support, and maintenance of the Missouri river coordinator and the support of the Missouri basin states association and the upper Mississippi river basin association.

Sec. 67. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 12, section 3, subsection 4, is amended by striking the subsection.

Sec. 68. There is appropriated from the general fund of the state to the Iowa state water resource research institute for the fiscal year beginning July 1, 1982 and ending June 30, 1983, the sum of one hundred thirty-five thousand (135,000) dollars or so much thereof as is necessary for research approved by the panel provided in section 69 of this Act.

Sec. 69. A panel is established to advise the Iowa state water resource research institute on the areas of research to be conducted with the funds appropriated by section 68 of this Act. The panel is composed of the administrative head of the following agencies or that person's representative: Iowa geological survey, Iowa natural resources council, department of soil conservation, energy policy council, and department of agriculture. The representative of the Iowa geological survey shall serve as the chairperson and call the meetings of the panel.

DIVISION V

Sec. 70. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 6, section 2, subsection 3, unnumbered paragraph 1, is amended to read as follows:

For salaries, support, maintenance, and other operational purposes	\$ 15,786,931	\$	16,539,864 <u>16,719,864</u>
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Sec. 71. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 6, section 2, subsection 13, is amended to read as follows:

13. IOWA REAL ESTATE COMMISSION

For salaries, support, maintenance, rental fees, and other operational purposes	\$ 256,980	\$	269,168 <u>272,668</u>
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Sec. 72. There is appropriated from the general fund of the state to the department of revenue for the fiscal year beginning July 1, 1982 and ending June 30, 1983, the sum of twenty-five thousand (25,000) dollars, or so much thereof as may be necessary, to conduct a study of the stress days and grain price differentials for use in determining agricultural productivity for purposes of valuing agricultural land.

DIVISION VI

Sec. 73. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 10, section 1, subsection 1, is amended to read as follows:

1. OFFICE OF THE STATE APPELLATE DEFENDER

For deposit in the appellate defender operating account ... \$ 100,000 \$ 50,000

Funds appropriated by this subsection to the office of the appellate defender are appropriated only if the office of the appellate defender is in existence for the fiscal year beginning July 1, 1981 and ending June 30, 1982.

Sec. 74. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 10, section 1, subsection 2, is amended to read as follows:

2. IOWA STATE ARTS COUNCIL

For salaries, support, maintenance, and miscellaneous purposes including funds to match federal grants ... \$ 291,113 \$ 305,150 343,150

Sec. 75. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 10, section 1, subsection 3, paragraphs a and b, are amended to read as follows:

a. For the general office of attorney general for salaries, support, maintenance, and miscellaneous purposes ... \$ 2,191,472 \$ 2,298,361 2,335,217

b. Prosecuting attorney training program For salaries, support, maintenance and miscellaneous purposes which funds shall be used to attract federal and county funding \$ 59,058 \$ 62,164 70,164

Sec. 76. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 10, section 1, subsection 3, paragraph d, is amended by striking the paragraph.

Sec. 77. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 10, section 2, subsection 1, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH.

c. STATEHOUSE RENOVATION

For the payment of statehouse renovation costs ... \$ 600,000

Notwithstanding other provisions of this section or section 8.33, unencumbered funds appropriated by this paragraph shall be available and shall not revert to the general fund of the state until July 1, 1986.

Sec. 78. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 10, section 6, subsection 1, unnumbered paragraph 2, is amended by striking the unnumbered paragraph.

Sec. 79. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 10, section 7, subsection 1, is amended to read as follows:

1. BUREAU OF LABOR

For salaries, support, maintenance, and miscellaneous purposes ... \$ 1,214,659 \$ 1,273,035 1,342,885

Sec. 80. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 10, section 7, subsection 8, paragraph a, is amended by adding the following new subparagraphs:

NEW SUBPARAGRAPH. (1) For the intergovernmental assistance function which includes the community services block grant, community development block grant, local government assistance, and city development board..... \$ \$ 372,450

NEW SUBPARAGRAPH. (2) For the interagency planning and coordination function which includes the state occupational information coordinating committee, highway safety office, statistical analysis center, and office for state resource planning which includes staff of not less than two full-time equivalent positions and necessary support with funds appropriated under this subparagraph for the Iowa council for children, youth, and families \$ \$ 1,099,850

NEW SUBPARAGRAPH. (3) For the administrative function which includes the state demographic center and federal funds clearinghouse \$ \$ 129,400

[*It is the intent of the general assembly that in expending the funds appropriated under subparagraphs 1 through 3, the office for planning and programming shall comply with recommendation 5 of the legislative fiscal bureau program evaluation of the office for planning and programming, dated February, 1982.] Of the funds appropriated under subparagraph 3, seven thousand six hundred (7,600) dollars shall be used to pay the mileage, meals or other necessary expenses of the advisory commission on intergovernmental relations.

Sec. 81. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 10, section 7, subsection 8, paragraph e, is amended to read as follows:

e. For the juvenile victim restitution program pursuant to section 7A.10 \$ 100,000 \$

Notwithstanding other provisions of this section or section 8.33, unencumbered funds appropriated by this paragraph shall be available and shall not revert to the general fund of the state until July 1, 1983.

Sec. 82. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 10, section 7, subsection 6, is amended to read as follows:

6. IOWA MERIT EMPLOYMENT DEPARTMENT

For the general office for salaries, maintenance, and miscellaneous purposes \$ 1,176,346 \$ 1,158,526
1,235,786

It is the intention of the general assembly that the Iowa merit employment department may add an additional full-time equivalent position for the fiscal year beginning July 1, 1982 for administration of testing services throughout the state to replace the testing services previously provided for the Iowa merit employment department by the Iowa department of job services.

Sec. 83. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 189, section 6, unnumbered paragraph 2, is amended to read as follows:

* Item veto; see message at end of this Act

There is appropriated from the state general fund to the supreme court for the fiscal year commencing July 1, 1982 and ending June 30, 1983, the sum of one hundred fifty thousand (150,000) dollars or so much thereof as is necessary to fund the additional judgeships created by section 1 of this Act. There is appropriated from the state general fund to the supreme court for the fiscal year commencing July 1, 1982 and ending June 30, 1983, the sum of ~~eight~~ one million two hundred forty-five thousand (1,245,000) dollars or so much thereof as is necessary to fund the expenses of operation of the offices of district court administrators as provided in section 605.35. However, notwithstanding section 605.35, the counties of a judicial district in which an office of district court administrator is established shall furnish the district court administrator with appropriate office space and related utilities. The cost of furnishing the office space and related utilities shall be apportioned among the counties in the judicial district in the same manner as the expenses of shorthand reporters are apportioned under section 605.9. Except for the cost of office space and related utilities, a county shall not contribute to the salaries, support, maintenance, or any other direct or indirect cost for the office of district court administrator. As used in this paragraph, "related utilities" mean heating, cooling, electricity and water services. Of the sum appropriated to fund the expenses of the operation of the offices of district court administrators, three hundred twenty thousand (320,000) dollars shall be used to employ sixteen law clerks.

Sec. 84. DISPUTE RESOLUTION PROGRAMS.

1. There is appropriated from the general fund of the state to the office of the court administrator of the judicial department for the fiscal year beginning July 1, 1982 and ending June 30, 1983, the sum of one hundred thousand (100,000) dollars or so much thereof as necessary for the payment of grants authorized in subsection 2. The court administrator may expend an amount not exceeding six thousand (6,000) dollars for administrative expenses.

2. Except for administrative expenses, the funds appropriated under subsection 1 shall be used for grants to establish or improve dispute resolution programs that are designed to provide mediation and conciliation services for the parties to a dispute. The dispute resolution programs shall encourage and enable the parties to a dispute to achieve a mutually satisfactory resolution of the dispute in an informal and nonadversary setting that assures confidentiality to the parties.

3. A county, city or nonprofit corporation may submit an application to the court administrator of the judicial department for a dispute resolution program grant on forms prescribed and furnished by the administrator. The court administrator with the advice of the judicial coordinating committee established by the supreme court shall allocate the funds to the dispute resolution programs that provide nonjudicial resolution of disputes at the community or county level. At least twenty-five percent of the amount budgeted for the annual operation of a newly-established dispute resolution program or that portion of a dispute resolution program which is improved shall be obtained from sources other than the grant provided under this section. Moneys appropriated under this section shall not be used to fund that portion of a dispute resolution program established before the effective date of this Act.

4. The court administrator shall submit a progress report on the operation of the dispute resolution programs funded under this section to the senate state government appropriations subcommittee and the house state departments appropriations subcommittee prior to February 1, 1983.

Sec. 85. LEGAL SERVICES CORPORATION FUNDING STUDY.

1. The office of the governor shall conduct a study of the effect of the loss of federal funds on the legal services provided by the legal services corporation. The office of the governor may participate in the conduct of the study. The study shall include but not be limited to the following:

- a. An examination of the efficiency of the legal services corporation.
 - b. An examination of the feasibility of attaching a client's income or assets for services rendered.
 - c. Consideration of alternative sources of funds for legal services to low-income persons.
- The office of the governor shall submit a report of the study to the state government appropriations subcommittee before February 1, 1983.

2. There is appropriated from the general fund of the state to the office of the governor for the fiscal year beginning July 1, 1982, and ending June 30, 1983, the sum of ten thousand dollars or so much thereof as necessary to conduct the study as provided in subsection 1.

DIVISION VII

Sec. 86. **COMMUNITY WORK PROGRAM FOR UNEMPLOYED PARENTS.** The department of social services shall establish a community work program in each county for unemployed parents for the fiscal year beginning July 1, 1982, and ending March 31, 1983 by contracting at reasonable cost with county boards of supervisors or another local organization designated by both the county board of supervisors and the department of social services. At the time of determining eligibility for the unemployed parents program under the aid to families with dependent children program pursuant to section 91 of this Act, the department of social services shall determine whether the principal wage earner is eligible for work under the community work program. The county boards of supervisors or the designated local organizations shall work with community groups concerned with the delivery of local services to develop work assignments in order to fully utilize public resources to meet public needs and to allow unemployed parents to contribute to the betterment of the community. The county board of supervisors or the designated local organizations shall assign participants in the community work program to work in accordance with applicable federal regulations. The work assignments may be with governmental entities, including school districts, and with nonprofit agencies and organizations. The work assignments shall maintain the dignity of the participants and shall be of benefit to the community.

[*The state shall provide workers' compensation benefits under chapters 85, 85A, 85B, and 86 to participants in the community work program and those chapters shall be exclusive, compulsory, and obligatory upon the state and the participants in the community work program.]

Sec. 87. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 7, section 1, is amended to read as follows:

SECTION 1. There is appropriated from the general fund of the state for each fiscal year of the biennium beginning July 1, 1981, and ending June 30, 1983, to the department of social services for general administration, including salaries and support, maintenance, and miscellaneous purposes the following amounts, or so much thereof as may be necessary:

1981-1982	1982-1983
<u>Fiscal Year</u>	<u>Fiscal Year</u>
\$ 7,000,000	\$ 7,000,000
	<u>6,509,000</u>

Sec. 88. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 7, section 2, unnumbered paragraph 5, is amended to read as follows:

The reorganization required by this subsection becomes effective on July 1, 1982, unless the joint social services appropriations subcommittee recommends an alternative plan to the general assembly during the 1982 session of the general assembly. If the department determines that an alternative reorganization plan would best serve its clients, the department

* Item veto; see message at end of this Act

shall report the alternative plan to the joint social services appropriations subcommittee by February 1, 1982:

	1981-1982 Fiscal Year		1982-1983 Fiscal Year
	\$ 15,779,000		\$ 15,779,000
			<u>14,674,700</u>

Sec. 89. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 7, section 2, subsection 1, is amended by striking the subsection.

Sec. 90. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 7, section 3, subsection 1, unnumbered paragraph 1, is amended to read as follows:

For aid to families with dependent children .	\$ 55,327,000		\$ 55,327,000
			<u>54,554,000</u>

Sec. 91. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 7, section 3, subsection 1, paragraph c, is amended by striking the paragraph and inserting in lieu thereof the following:

c. For the fiscal period beginning July 1, 1982, and ending March 31, 1983, the department of social services shall provide benefits under an unemployed parent program under the aid to families with dependent children program. In determining the amount of a grant under the program, the spouse of an unemployed parent shall be excluded from the eligible group. Medical assistance shall be available to the spouse of an unemployed parent. The department of social services shall request a waiver from the United States department of health and human services to limit grants under the unemployed parent program to six months for any eligible group.

The department of social services shall require income maintenance workers, at the time of their review of unemployed parents' monthly reports, to monitor the job search, application, and acceptance requirements under the community work program which shall at a minimum require unemployed parents to meet the job search, application, and acceptance requirements necessary to receive unemployment compensation benefits under the Iowa administrative code 370-4.22(1)"c" and section 96.5, subsection 3. However, only the suitable work reference in section 96.5, subsection 3, paragraph a, subparagraph (4) shall apply. In addition, the unemployed parents shall accept work assignments established under the community work program for unemployed parents under section 86 of this Act.

Sec. 92. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 7, section 3, subsection 1, is amended by adding the following new paragraphs:

NEW PARAGRAPH. The department of social services shall establish a new schedule of basic needs, effective July 1, 1982, under the aid to families with dependent children program, which will increase by fifteen percent the schedule of basic needs, in effect for the fiscal year ending June 30, 1982, for eligible groups of two or more persons. The level of grant payments under the aid to families with dependent children program shall not be increased.

NEW UNNUMBERED PARAGRAPH. The department of social services shall provide current recipients under the aid to families with dependent children program with opportunities to receive instruction on retrospective budgeting and monthly reporting and shall provide applicants under the program with individualized instruction on retrospective budgeting and monthly reporting during the application process.

NEW PARAGRAPH. The department of social services shall request a waiver from the United States department of health and human services to exclude from the monthly reporting requirements those recipients under the aid to families with dependent children program who have no income or a very constant income. The department shall review its monthly

reporting forms for readability, clarity, and simplicity and modify the forms to attain efficiency. The department shall account for any cost savings attributable to the waiver or the form modifications and shall report the cost savings to the joint social services appropriations subcommittee by February 1, 1983.

NEW PARAGRAPH. Of the funds appropriated in this subsection for the fiscal year beginning July 1, 1982, and ending June 30, 1983, three hundred thirty-four thousand (334,000) dollars, or so much thereof as is necessary, is appropriated to the department of social services to establish a coordinated manpower services demonstration project for recipients of aid to families with dependent children in two of the department's districts. One demonstration project shall be located in Sioux City and one shall be located in Marshalltown. The department shall consult with the department of job service, knowledgeable economists, community college educators and administrators, and other knowledgeable persons concerning the availability of job training, job search skill training, assistance in job placement, mass transportation, and child care to potential participants in a demonstration project.

In addition to the basic grant under the aid to families with dependent children program, a recipient shall receive a monthly allowance for costs incurred while participating in a community work experience demonstration project. The allowance shall be twenty-five dollars plus fifteen percent of the recipient's basic grant. However, the allowance shall not exceed ninety-five dollars and may be reduced to take absences or partial participation into consideration. The department shall report the results of the project to the general assembly in January, 1983.

*Sec. 93. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 7, section 3, subsection 2, unnumbered paragraph 1, is amended to read as follows:

For medical assistance, provided that the funds appropriated in this subsection shall not be transferred or used for any other purpose than specified in this subsection, notwithstanding section 8.39, including reimbursement for abortion services, which shall be available under the medical assistance program only for those abortions which are medically necessary. Medically necessary abortions are those performed under any of the following conditions:

Sec. 94. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 7, section 3, subsection 2, paragraph e, is amended to read as follows:

- e. Any spontaneous abortion, commonly known as a miscarriage, if not all of the products of conception are expelled \$ 101,235,000 \$ 100,206,000
- 113,909,000

Medical assistance shall be made available, beginning July 1, 1982 and ending March 31, 1983, to children under twenty-one years of age who meet all eligible criteria of the aid to families with dependent children program except that the children are not deprived of parental support.

Of the funds appropriated in this subsection for the fiscal year beginning July 1, 1982, and ending June 30, 1983, thirty thousand (30,000) dollars, or so much thereof as is necessary, shall be expended by the department of social services for additional staffing in the third party liability unit of the bureau of medical services. The department shall conduct investigations to determine the availability of workers' compensation, medicare, major medical insurance, and other third party liability sources for payment of medical assistance claims. The department shall pursue recovery of funds from third party liability sources when the sources are available and shall pursue benefits from insurance policies carried by absent parents through coordination with the child support recovery program. State's share of funds recouped through these efforts shall be returned to the medical assistance program.

* Item veto; see message at end of this Act

Sec. 95. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1982, and ending June 30, 1983, to the department of social services four hundred sixty thousand (460,000) dollars, or so much thereof as is necessary, for supplementing funds appropriated for the medical assistance program.

Sec. 96. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 7, section 3, subsection 2, unnumbered paragraph 7, is amended to read as follows:

Pharmacists Pharmacies in this state ~~who~~ which reduce the charges of prescription drugs to persons participating in private, third-party payor prescription drug insurance or benefit plans or to the insurance or benefit plans shall also reduce by the same amount the charges to persons participating in the medical assistance program or to the program. For the purpose of this unnumbered paragraph, the reduction of charges includes the discounting of deductibles or coinsurance payable by plan participants or the distribution of free merchandise directly or indirectly through coupon or rebate programs to plan participants. The board of pharmacy examiners shall adopt rules under section 17A.4, subsection 2 and section 17A.5, subsection 2, paragraph b to insure that pharmacists reduce charges by the same amount to both third-party payors and the medical assistance program and that co-payment requirements are applied equally to both third-party payors and the medical assistance program. The rules shall become effective immediately upon filing, unless a later effective date is specified in the rules.

Effective October 1, 1982, a professional dispensing fee reimbursement of fifty cents per prescription, in addition to the ordinary professional dispensing fee reimbursement, shall be made for the selection of equivalent drug products which are less expensive than those prescribed by the physician and which result in a cost savings to the medical assistance program of at least one dollar and fifty cents per prescription.

Sec. 97. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 7, section 3, subsection 2, unnumbered paragraph 5, is amended to read as follows:

Beginning July 1, 1981, the basis for establishing the maximum medical assistance reimbursement rate for intermediate care facilities shall be the seventy-fourth percentile of all facilities' per diems as calculated from the June 30, 1981 compilation of unaudited financial and statistical reports. This compilation is composed of facility cost reports received prior to May 1, 1981. If the department of social services determines that adequate funding is available, the department may, on January 1, ~~1982~~ 1983, establish the maximum reimbursement rate for intermediate care facilities at the seventy-fourth percentile of all facilities' per diems as calculated from the December 31, ~~1981~~ 1982 compilation of unaudited financial and statistical reports. This compilation is composed of facility cost reports received prior to November 1, ~~1981~~ 1982.

Sec. 98. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 7, section 3, subsection 2, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. Effective October 1, 1982, medical assistance reimbursement rates for hospitals shall be established on a prospective basis. The department of social services shall not change the method of reimbursement for the state mental health institutes.

NEW UNNUMBERED PARAGRAPH. Medical assistance payments shall not be made for inpatient hospital services which can effectively and safely be performed on an outpatient basis.

NEW UNNUMBERED PARAGRAPH. Inpatient hospital reimbursements under the medical assistance program shall be limited to lengths of stays which do not exceed the fiftieth percentile of lengths of stays for various diagnoses and medical and surgical procedures, as

determined annually by the professional activities study for the north central region of the United States, unless utilization review determines that a longer length of stay is medically necessary.

NEW UNNUMBERED PARAGRAPH. Medical assistance payments to hospitals, skilled nursing facilities, and intermediate care facilities shall be limited to the rate applicable to the lowest level of care medically required by the patient, including the rate for residential care facilities, rather than to the level of care for which the hospital or facility is certified to provide under the medical assistance program.

NEW UNNUMBERED PARAGRAPH. The medical assistance reimbursement rate for reserve bed days for intermediate care facility residents who are hospitalized or on a home stay shall be reduced from eighty percent to seventy-five percent of the allowable audited costs for those beds, which costs shall not exceed the maximum daily reimbursement rate for intermediate care facilities under the medical assistance program.

NEW UNNUMBERED PARAGRAPH. Medical assistance reimbursement rates for physicians shall be established on the basis of statewide, prevailing physician fees and on the basis of a maximum five percent annual increase in the fees.

NEW UNNUMBERED PARAGRAPH. Notwithstanding Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 7, section 3, subsection 2, unnumbered paragraph 6, medical assistance payments for all mandatory and optional services, except for intermediate care facility services, intermediate care facility services for the mentally retarded, services provided to recipients in state mental health institutes, and medical transportation services other than ambulance services, shall be reduced by a factor of two and one-half percent. However, the two and one-half percent reduction shall not apply to reimbursements for the ingredient cost of prescription drugs or to physician reimbursements and shall not apply to hospital reimbursements beginning October 1, 1982.

NEW UNNUMBERED PARAGRAPH. The maximum co-payments allowed by federal law or regulation shall be placed on all optional services under the medical assistance program. A fixed co-payment shall be established for each optional service by computing the average or typical payment for each optional service. The co-pay requirement shall not apply to the services provided under the early and periodic screening, diagnosis, and treatment program and to services provided to recipients in hospitals, skilled nursing facilities, intermediate care facilities, intermediate care facilities for the mentally retarded, residential care facilities, and state mental health institutes.

NEW UNNUMBERED PARAGRAPH. Criteria for prior authorization of specified services under the medical assistance program shall be scrutinized to determine whether the current review process results in the most effective provision of needed services. If a change in the review process would be beneficial, the criteria shall be modified to change the review process or to subject additional services to prior authorization.

NEW UNNUMBERED PARAGRAPH. One or more pilot projects to provide medical assistance for in-home care to persons who would otherwise be institutionalized may be established. Before establishing a pilot project, the department of social services shall document the cost-effectiveness of the project, structure the project to be in the best interests of the persons involved, and ensure federal approval and financial participation in the establishment and operation of the project.

Sec. 99. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 7, section 3, subsection 3, is amended to read as follows:

3. For contractual services-medical carrier.....	\$	1,318,000	\$	1,318,000
				<u>1,739,000</u>

Sec. 100. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 7, section 3, subsection 4, is amended to read as follows:

4. For work and training programs	\$	62,000	\$	62,000
				9,000

Sec. 101. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 7, section 3, subsection 5, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding section 252B.4, if federal law or regulation requires the imposition of a fee on an individual who owes a support obligation for the support collection services provided under chapter 252B to a resident parent not otherwise eligible as a public assistance recipient, the commissioner of the department of social services shall charge the individual the fee required by federal law or regulation which may be in addition to the actual amount of support owed by the individual.

Sec. 102. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 7, section 3, subsection 6, unnumbered paragraphs 1 and 3, are amended to read as follows:

For state supplementary assistance, including state supplementary assistance for the blind

	\$	6,731,000	\$	6,731,000
				6,881,000

The department of social services shall increase the maximum cost-related reimbursement rate for residential care facility services to fifteen dollars per day and the flat rate to ten dollars per day. Beginning July 1, 1982, the department of social services shall establish the maximum reimbursement rate for residential care facilities utilizing the cost-related reimbursement system at the point where forty-nine percent of all state supplementary assistance recipients who are residential care facility residents are receiving full cost coverage for care. The forty-ninth percentile shall be calculated from the December 10, 1981 compilation of all allowable per diems on file. Beginning July 1, 1982, the department of social services shall increase the flat rate to ten dollars and ninety cents per day.

Sec. 103. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 7, section 3, subsection 8, is amended to read as follows:

8. For home-based services as allocated in paragraph a of this subsection

	\$	7,351,000	\$	7,351,000
				2,837,000

a. Of the funds appropriated for home-based services by this subsection for the fiscal year beginning July 1, 1981, and ending June 30, 1982, four million seven hundred sixty-six thousand (4,766,000) dollars is appropriated for chore and homemaker services for each fiscal year of the biennium. The department of social services shall not provide homemaker services during the biennium fiscal year beginning July 1, 1981, and ending June 30, 1982, to clients who are above the income and resource guidelines established by the department for adult protective services.

b. The department shall by rule define the homemaker and chore services to be delivered, the eligibility for services, and the providers delivering the services during the fiscal year beginning July 1, 1981, and ending June 30, 1982. The department shall explore with homemaker agencies the possibility of expanding purchase of service contracts to include the provision of chore services. The decision to purchase chore services should be based on the ability of an agency to provide the continuum of services at rates commensurate with the levels of service to be provided.

c. The department shall by rule develop a fee schedule, effective for the fiscal year beginning July 1, 1981, and ending June 30, 1982, for chore services made available to clients who meet adult protective services criteria and who are above the income and resource guidelines for chore services.

Sec. 104. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 7, section 3, subsection 9, unnumbered paragraph 1, is amended to read as follows:

For foster care	\$	17,558,000	\$	17,558,000
				<u>22,401,000</u>

Sec. 105. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 7, section 3, subsection 9, is amended by adding the following new paragraphs:

NEW PARAGRAPH. For the fiscal year beginning July 1, 1982, and ending June 30, 1983, no more than fifty percent of all children in foster care funded under Title IV, Part E of the federal Social Security Act shall have been in foster care for more than twenty-four months.

NEW PARAGRAPH. In placing a child in foster care, the department of social services shall first consider placing the child in a private foster care home, unless the court orders an alternative placement or the department documents a compelling reason for an alternative placement.

Sec. 106. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 7, section 3, subsection 10, unnumbered paragraph 1, is amended to read as follows:

For community-based services	\$	1,508,000	\$	1,508,000
				<u>1,639,000</u>

Sec. 107. The department of social services shall study the feasibility of providing adoption services entirely through purchase of service contracts with licensed private providers and make recommendations to the general assembly by January 15, 1983. In preparing the study the department shall invite the participation of outside interested groups including private providers and interested consumers.

Sec. 108. There is appropriated from the general fund of this state for the fiscal year beginning July 1, 1982, and ending June 30, 1983, to the department of social services four million six thousand (4,006,000) dollars, or so much thereof as is necessary, for supplementation of federal social services block grant funds and for allocation to the various districts of the department of social services for the purchase of local day care services and other local services for eligible individuals and for allocation to the various counties for local administration. Federal social services block grant funds received by this state and funds appropriated in this section which are available for local administration costs and purchase of day care and other local services shall be allocated to the counties through the district offices of the department of social services. The district administrator shall advise the county boards of supervisors within the district of the funding which will be available to each county. The district administrator shall assist the counties in planning for the use of the funds and in coordinating the use of the funds among the counties in the district.

County boards of supervisors shall determine, after receiving appropriate advice from interested parties, the services which the counties wish to fund. The county boards of supervisors may choose to fund only those services which are listed as services which can be locally purchased in the fiscal year 1981-1982 state plan for the use of funds received under Title XX of the federal Social Security Act. The county boards of supervisors shall advise the district administrator by a date specified by the district administrator of those services the counties wish to fund. The county boards of supervisors shall match every three dollars of funds allocated to the counties under this section with one dollar of local funds. However, a county board of supervisors may set aside no more than four percent of the federal and state funds allocated to the county under this section for the purchase of day care services without matching the federal and state funds with local funds. If a county in the district does not use all funds allocated to the county under this section, the district administrator may transfer funds to other counties in the district. The counties shall not be responsible for client eligibility determinations, case management, or contracting with providers for services; the department of social services shall retain those responsibilities.

The department of social services shall maintain and utilize the state and district advisory committees established pursuant to Title XX of the federal Social Security Act for the purpose of providing recommendations on the allocation and uses of federal social services block grant funds received by this state during the fiscal year ending June 30, 1983.

Sec. 109. The eligibility level for services under Title XX of the federal Social Security Act, also referred to as services provided with social services block grant funds, for the fiscal year beginning July 1, 1982, and ending June 30, 1983, shall not be reduced below forty-one and two-tenths percent of the federal median income as established in the fiscal year 1981-1982 state plan for use of funds received under Title XX of the federal Social Security Act. The eligibility* priorities for income maintenance recipients established for the fiscal year ending June 30, 1982, shall be maintained during the fiscal year ending June 30, 1983. However, if the social services block grant funds received from the federal government are less than the amounts appropriated in Acts of the Sixty-ninth General Assembly, 1982 Session, House File 2477, division III for the fiscal year beginning July 1, 1982, and ending June 30, 1983, the eligibility level and priorities established in this section shall be adjusted by the department of social services in accordance with the procedure for reduced federal funds in Acts of the Sixty-ninth General Assembly, 1982 Session, House File 2477, division VI.

The department of social services shall conduct a public hearing in each district of the department of social services and report to the legislative council before making any adjustments required by this section.

Sec. 110. Beginning on and after July 1, 1982, the department of social services shall limit the annual inflation and cost-based reimbursement increases to purchase of service providers contracting with the department up to a maximum of eight percent of the current reimbursement. This section does not apply to foster residential care and foster group home providers receiving the maximum reimbursements, but does apply to those providers receiving reimbursements below the maximum reimbursements.

Sec. 111. The department of social services shall examine cost containment alternatives for reimbursing purchase of service providers. The department shall report the alternatives to the social services appropriations subcommittee during the 1983 session of the general assembly.

Sec. 112. The department of social services, in conjunction with representatives of provider and consumer groups, shall examine alternatives for disregarding income in the form of workshop earnings received by individuals participating in sheltered work and work activity services. The department shall report the alternatives to the social services appropriations subcommittee by January 15, 1983.

Sec. 113. There is appropriated from the general fund of the state for the fiscal period beginning July 1, 1982, and ending June 30, 1983, to the department of social services three hundred thousand (300,000) dollars, or so much thereof as is necessary, to be allocated to the counties through the department's district offices for sheltered work and work activity services, provided all of the following conditions are met:

1. The counties shall match every three dollars of funds allocated to the counties under this section with one dollar of local funds.

2. The funds shall not be used for other than sheltered work and work activity services.

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

The district administrator may transfer funds among the counties in the district if a county does not use all of the funds allocated to the county under this section. The funds shall not be used for other than sheltered work and work activity services.

* according to enrolled Act

Sec. 114. Section 230.15, unnumbered paragraph 1, Code 1981, is amended to read as follows:

Mentally ill persons person and persons a person legally liable for their the person's support shall remain liable for the support of such the mentally ill person as provided in this section. Persons legally liable for the support of a mentally ill person shall include the spouse of the mentally ill person, any person, firm, or corporation bound by contract for support of the mentally ill person, and, with respect to mentally ill persons under eighteen years of age only, the father and mother of the mentally ill person. The county auditor, subject to the direction of the board of supervisors, shall enforce the obligation herein created in this section as to all sums advanced by the county. The liability to the county incurred by a mentally ill person or a person legally liable for the person's support under this section on account of any mentally ill person shall be is limited to an amount equal to one hundred percent of the cost of care and treatment of the mentally ill person at a state mental health institute for one hundred twenty days of hospitalization, whether occurring subsequent to a single admission or accumulated as a consequence of two or more separate admissions, and thereafter to. This limit of liability may be reached by payment of the cost of care and treatment of the mentally ill person subsequent to a single admission or multiple admissions to a state mental health institute or, if the person is not discharged as cured, subsequent to a single transfer or multiple transfers to a county care facility pursuant to section 227.11. After reaching this limit of liability, a mentally ill person or a person legally liable for the person's support is liable to the county for the care and treatment of the mentally ill person at a state mental health institute or, if transferred but not discharged as cured, at a county care facility in an amount not in excess of the average minimum cost of the maintenance of a physically and mentally healthy individual residing in his the individual's own home, which standard shall be established and may from time to time be revised by the department of social services. No A lien imposed by section 230.25 shall not exceed the amount of the liability which may be incurred under this section on account of any mentally ill person.

Sec. 115. Section 230.15, unnumbered paragraph 3, Code 1981, is amended by striking the unnumbered paragraph.

Sec. 116. Section 114 of this Act applies to all payments made by a mentally ill person or a person legally liable for the person's support for the cost of care and treatment of the mentally ill person at a state mental health institute or, if transferred but not discharged from a state mental health institute, at a county care facility before, on, or after the effective date of this Act. However, if such payments exceed the liability limitations in section 114 of this Act on the effective date of this Act, a county is not liable for repayment of the excess payments.

Sec. 117. There is appropriated from the general fund of the state for the fiscal period beginning January 1, 1983, and ending June 30, 1983, to the department of social services, two hundred thousand (200,000) dollars, or so much thereof as is necessary, for the development and operation of a dependent adult abuse program by the community services division.

The department of social services, on January 1, 1983 or as soon thereafter as practicable, shall establish a program relating to the providing of services in cases of dependent adult abuse. The program shall emphasize the reporting and evaluation of dependent adult abuse of an adult who is unable to protect his or her own interests or unable to perform or obtain essential services. For the purposes of the program "dependent adult abuse" means:

1. Any of the following as a result of the willful or negligent acts or omissions of a caretaker:
 - a. Physical injury to or unreasonable confinement or cruel punishment of a dependent adult.
 - b. The commission of a sexual offense under chapter 709 or section 726.2 with or to a dependent adult.

c. Exploitation of a dependent adult which means the act or process of taking unfair advantage of a dependent adult or the adult's physical or financial resources for one's own personal or pecuniary profit by the use of undue influence, harassment, duress, deception, false representation, or false pretenses.

d. The deprivation of the minimum food, shelter, clothing, supervision, physical and mental health care, and other care necessary to maintain a dependent adult's life or health.

2. The deprivation of the minimum food, shelter, clothing, supervision, physical and mental health care, and other care necessary to maintain a dependent adult's life or health as a result of the acts or omissions of the dependent adult.

Dependent adult abuse does not include:

a. Depriving a dependent adult of medical treatment if the dependent adult is an adherent of a religion whose tenets and practices call for reliance on spiritual means through prayer alone in place of reliance on medical treatment.

b. The withholding and withdrawing of health care from a dependent adult when the withholding and withdrawing of health care is done at the request of the dependent adult or at the request of the dependent adult's next-of-kin or guardian when the dependent adult is unable to express his or her wishes and is terminally ill in the opinion of a licensed physician.

A person who believes that a dependent adult has suffered abuse may report the suspected abuse to the department of social services.

The department shall receive dependent adult abuse reports and shall collect, maintain, and disseminate the reports in a statewide registry and shall inform the appropriate county attorneys of any reports. The department shall evaluate the reports expeditiously. However, the state department of health is solely responsible for the evaluation and disposition of adult abuse cases within health care facilities and shall inform the department of social services of such evaluations and dispositions.

For purposes of the dependent adult abuse program the department of social services shall expand the central registry for child abuse to include reports of dependent adult abuse and chapter 235A shall apply to the statewide registry for dependent adult abuse.

The department of social services shall complete an assessment of needed services, shall make appropriate referrals to services, and in the best interest of the dependent adult shall initiate court action for the appointment of a guardian or conservator or for admission or commitment to an appropriate institution or facility.

The department may provide necessary protective services and may establish a sliding fee schedule for those persons able to pay a portion of the protective services provided.

The department shall submit a final report by January 1, 1984 to the governor and the senate and house committees on human resources reporting its findings and recommendations regarding the continuance of a state dependent adult abuse program.

For purposes of this program and upon showing of probable cause that a dependent adult has been abused, a district court may authorize a person, authorized by the department, to make an evaluation, to enter the residence of, and to examine the dependent adult.

A person participating in good faith in reporting or cooperating or assisting the department in evaluating a case of dependent adult abuse has immunity from liability, civil or criminal, which might otherwise be incurred or imposed based upon the act of making the report or giving the assistance. The person has the same immunity with respect to participation in good faith in a judicial proceeding resulting from the report or assistance or relating to the subject matter of the report or assistance.

The department shall adopt rules pursuant to chapter 17A to implement the dependent adult abuse program.

Sec. 118. Section 232.80, Code 1981, is amended to read as follows:

232.80 HOMEMAKER SERVICES. A homemaker-home health aide may be assigned to give care to a child in the child's place of residence. Whenever possible, ~~such~~ the services shall be provided in preference to removal of the child from the home. ~~Such~~ The care may be provided under this Act on an emergency basis for up to twenty-four hours without court order, and may be ordered by the court for a period of time extending until dismissal or disposition of the case. ~~Expenses incurred under this section shall be paid for according to, and reimbursement from the parent, guardian or custodian may be sought under, the provisions of section 232.141.~~

Sec. 119. Section 232.141, subsection 2, Code 1981, is amended to read as follows:

2. Whenever legal custody of a minor is transferred by the court or whenever the minor is placed by the court with someone other than the parents ~~or whenever homemaker-home health aide service is provided under section 232.80,~~ or whenever a minor is given physical or mental examinations or treatment under order of the court and no provision is otherwise made by law for payment for the care, examination, or treatment of the minor, the costs shall be charged upon the funds of the county in which the proceedings are held upon certification of the judge to the board of supervisors. Except where the parent-child relationship is terminated, the court may inquire into the ability of the parents to support the minor and after giving the parents a reasonable opportunity to be heard may order the parents to pay in the manner and to whom the court may direct, such sums as will cover in whole or in part the cost of care, examination, or treatment of the minor. An order entered under this section shall not obligate a parent paying child support under a custody decree, except that any part of such a monthly support payment may be used to satisfy the obligations imposed by an order entered under this section. If the parents fail to pay the sum without good reason, the parents may be proceeded against for contempt or the court may inform the county attorney who shall proceed against the parents to collect the unpaid sums or both. Any such sums ordered by the court shall be a judgment against each of the parents and a lien as provided in section 624.23. If all or any part of the sums that the parents are ordered to pay is subsequently paid by the county, the judgment and lien shall thereafter be against each of the parents in favor of the county to the extent of such payments.

Sec. 120. Section 234.13, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. Acquires, alters, transfers, or redeems food stamp coupons or possesses coupons, knowing that the coupons have been received, transferred, or used in violation of this section or the provisions of the federal food stamp program under 7 U.S.C. ch. 51 or the federal regulations issued pursuant to that chapter.

Sec. 121. Section 249A.4, subsection 1, Code 1981, is amended to read as follows:

1. Determine the greatest amount, duration, and scope of assistance which may be provided, and the broadest range of eligible individuals to whom assistance may effectively be provided, under this chapter within the limitations of available funds. In so doing, ~~he~~ the commissioner shall at least every six months evaluate the scope of the program currently being provided under this chapter, project the probable cost of continuing a like program, compare such probable cost with the remaining balance of the state appropriation made for payment of assistance under this chapter during the current appropriation period, and expand or curtail the program accordingly; provided that ~~in no event reimbursement for medical and health services shall the scope of the program be less than payment of all costs of the care and services to which reference is made in section 249A.2, subsection 5, which are provided to the individuals and families described in section 249A.3, subsection 1 made in accordance with section 249A.4, subsection 9 in section 122 of this Act.~~ After each evaluation of the scope of the program, the commissioner shall report his conclusions and his action thereon to the general assembly through the legislative council or in ~~such other~~ another manner as the general assembly may by resolution direct.

Sec. 122. Section 249A.4, subsection 9, Code 1981, is amended by striking the subsection and inserting in lieu thereof the following:

9. Determine the method and level of reimbursement for all medical and health services referred to in section 249A.2, subsection 5 or 6, after considering all of the following:

- a. The promotion of efficient and cost-effective delivery of medical and health services.
- b. Compliance with federal law and regulations.
- c. The level of state and federal appropriations for medical assistance.

d. Reimbursement at a level as near as possible to actual costs and charges after priority is given to the considerations in paragraphs a, b, and c.

Sec. 123. Section 252B.5, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. Determine periodically whether an individual receiving unemployment compensation benefits under chapter 96 owes a support obligation which is being enforced by the unit, and enforce the support obligation through court proceedings in the absence of a voluntary agreement by the individual to have specified amounts withheld from the individual's unemployment compensation benefits.

Sec. 124. The department of social services shall adopt administrative rules under section 17A.4, subsection 2 and section 17A.5, subsection 2, paragraph b relating to the community work program for unemployed parents, the coordinated manpower services demonstration project, hospital reimbursements based on a prospective basis, percentage reductions of reimbursements for most mandatory and optional services, the limitations on lengths of hospital stays, physician reimbursements based on prevailing fees, social services block grant allocations to the counties, and allocations to the counties for sheltered work and work activity services in sections 86, 92, 98, 108, and 113 of this Act, and may adopt administrative rules under section 17A.4, subsection 2 and section 17A.5, subsection 2, paragraph b relating to professional prescription drug dispensing fee reimbursements, the unemployed parent program under the aid to families with dependent children program and residential care facility reimbursements in sections 91, 96, and 102 of this Act and the rules shall become effective immediately upon filing, unless a later effective date is specified in the rules. However, it is the intent of the general assembly that the rules be adopted pursuant to the provisions of chapter 17A and that the emergency rule-making process be used only if the procedures specified in chapter 17A cannot be completed in time.

DIVISION VIII

Sec. 125. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 14, section 1, subsection 1, and subsection 2, paragraph a, are amended to read as follows:

1. IOWA LAW ENFORCEMENT ACADEMY

For salaries, support, maintenance, and miscellaneous purposes	\$	665,750	\$	686,442
				<u>690,342</u>

If legislation creating a criminal justice improvement fund is enacted and becomes law, the funds appropriated by this subsection for the Iowa law enforcement academy are reduced for the fiscal year beginning July 1, 1981 and ending June 30, 1982 by one hundred thirty nine thousand nine hundred sixty two (139,962) dollars and for the fiscal year beginning July 1, 1982 and ending June 30, 1983 by one hundred forty eight thousand eight hundred seventy one (148,871) dollars.

a. Military division

For salaries except salaries provided for in paragraph b of this subsection, support, maintenance, and miscellaneous purposes	\$	2,256,288	\$	2,351,918
				<u>2,592,862</u>

Sec. 126. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 14, section 2, subsection 2, is amended to read as follows:

2. INSPECTION AND SECURITY

FUNCTION

For salaries, support, maintenance, and miscellaneous purposes of fire marshal's inspections, administration of the state building code, and arson investigators including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of sixteen percent of the salaries for which the funds are appropriated, and capitol security divisions

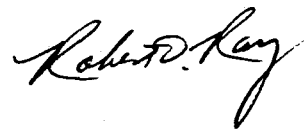
\$	1,281,347	\$	1,340,250
			<u>1,493,020</u>

Sec. 127. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 14, section 2, subsection 3, paragraph d, is amended by striking the paragraph.

Sec. 128. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 14, section 3, subsection 3, is amended by striking the subsection.

*Sec. 129. If the appropriations made by this Act create a general fund balance that results in the state comptroller having to delay or consider delaying making any payments authorized by this Act, or any other Act making appropriations, the state comptroller shall make a monthly report to members of the general assembly relating to the fiscal condition of the state and the report shall include, but not be limited to, the revenue growth for the previous month, and the general fund balance, which shall reflect the total general fund obligations not satisfied at the end of the month.

Approved May 19, 1982, except those items designated as bracketed portions of Sec. 80 and Sec. 86 and Sec. 93 and Sec. 129 which I hereby disapprove for the reasons set forth in my veto message delivered to the Secretary of State this same date, the original of which is attached hereto.



ROBERT D. RAY
Governor

* Item veto; see message at end of this Act

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

Dear Madam Secretary:

I hereby transmit Senate File 2304, an act relating to and making supplemental appropriations for the fiscal year beginning July 1, 1982 and ending June 30, 1983.

I am unable to approve that portion of Section 80 which reads as follows:

It is the intent of the general assembly that in expending the funds appropriated under subparagraphs 1 through 3, the office for planning and programming shall comply with recommendation 5 of the legislative fiscal bureau program evaluation of the office for planning and programming, dated February, 1982.

I am unable to approve that portion of Section 86 which reads as follows:

The state shall provide workers' compensation benefits under chapters 85, 85A, 85B, and 86 to participants in the community work program and those chapters shall be exclusive, compulsory, and obligatory upon the state and the participants in the community work program.

I am unable to approve the item designated in the Act as Section 93 which reads as follows:

Sec. 93. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 7, section 3, subsection 2, unnumbered paragraph 1, is amended to read as follows:

For medical assistance, provided that the funds appropriated in this subsection shall not be transferred or used for any other purpose than specified in this subsection, notwithstanding section 8.39, including reimbursement for abortion services, which shall be available under the medical assistance program only for those abortions which are medically necessary. Medically necessary abortions are those performed under any of the following conditions:

I am unable to approve the item designated in the Act as Section 129 which reads as follows:

Sec. 129. If the appropriations made by this Act create a general fund balance that results in the state comptroller having to delay or consider delaying making any payments authorized by this Act, or any other Act making appropriations, the state comptroller shall make a monthly report to members of the general assembly relating to the fiscal condition of the state and the report shall include, but not be limited to, the revenue growth for the previous month, and the general fund balance, which shall reflect the total general fund obligations not satisfied at the end of the month.

A portion of Section 80 of Senate File 2304 requires the Office for Planning and Programming to organize for the expenditure of its state funds according to a Legislative Fiscal Bureau

program evaluation recommendation. This recommendation would divide OPP into three major divisions: Intergovernmental Assistance, Interagency Planning and Coordination, and Administration and Support.

OPP, under the leadership of Ed Stanek, has recently undergone an administrative reorganization. The structure of the organization was refined to more closely reflect the statutory purpose of the office. The legislature effectively endorsed these reorganization efforts by passing Senate File 2216, which made the statutory changes needed to implement the administrative reorganization. However, Senate File 2216, which was dubbed by many as the OPP reorganization bill, did not prescribe a statutory organization for OPP. The Senate and House State Government Committees, which drafted Senate File 2216, apparently determined that the organizational structure of OPP was something best left to those who had responsibility for managing the office.

Thus, it appears that these organizational directives in Senate File 2304 run contrary to the work of the General Assembly in Senate File 2216. In addition, this portion of Senate File 2304 allows a recommendation made by the Fiscal Bureau to take precedence over the efforts and considerations of the standing committees on state government.

Moreover, it seems apparent that the impact of this portion of Senate File 2304 was not clear to members of the General Assembly. This is exhibited by an irony which would result from the implementation of this language. Another portion of Section 80 of Senate File 2304 stipulates that the Iowa Council for Children, Youth, and Families be provided with at least two staff positions and support services. Yet implementation of the Fiscal Bureau recommendation would result in no dedicated support for the Council.

Section 86 of Senate File 2304 establishes a method to provide community work experience for those on the Aid to Families with Dependent Children-Unemployed Parent (AFDC-UP) program. The Department of Social Services is required to contract, at reasonable cost, with counties to provide work assignments for the AFDC-UP recipients. These recipients would receive their AFDC-UP benefits in return for performing the designated work assignments for the county. DSS would be required to assume the costs of workers' compensation as part of the contract with the county.

No state funds were appropriated to DSS to administer this program which, by federal requirement, would include a \$25 monthly work expense grant to each AFDC-UP recipient in addition to the AFDC-UP payment. Nevertheless, the program has the potential of providing valuable work experience to AFDC-UP recipients, and the state has the ability to negotiate a contract with the counties that would stay within reasonable cost limitations. Therefore, I am signing that portion of the program into law.

However, the ability of the state to limit its financial liability for the program is seriously undermined by that portion of Section 86 which requires the state to assume the cost of workers' compensation claims for the program. Preliminary estimates indicate that workers' compensation claims for the program may run as high as \$300,000 each year. Yet no funds were appropriated to DSS to provide for these claims. While there is a possibility of a federal sharing of these costs, the workers' compensation requirement poses a substantial financial liability for the state since no provisions were made for this budget item.

Furthermore, because of the lack of state funding, the workers compensation payment requirement may act as a substantial financial disincentive for DSS to enter into a community work contract with the county. And, it can be reasonably argued that the counties can bear some responsibility for wage and medical compensation for injured workers since the counties will benefit from the tasks performed and the workers will be performing work assignments prescribed by the counties. To do otherwise would remove an incentive for the counties to provide safe jobs. Therefore, the payment of workers' compensation benefits should be part of the community service contract negotiated by and between the state and counties and should not be made a mandatory state financial obligation.

Section 93 of Senate File 2304 amends last year's state appropriation to the medical assistance (Medicaid) program to prohibit the transfer of any of these state funds. Since this restriction is made in a separate section of the bill, distinct from Section 94 which makes the supplemental appropriation to Medicaid, it would not appear to be a condition of the appropriation and would thus be subject to an item veto.

Section 8.39 of the Code authorizes the Governor and the State Comptroller to transfer funds from one agency to another when the original appropriation has proven to be insufficient to meet the legitimate expenses of the receiving agency. The use of this transfer authority is preceded by a two-week notice given to various legislators. During this time legislative comments are received and carefully considered.

The transfer authority is used sparingly. Nevertheless, it does provide for the budgetary flexibility needed to deal with unforeseen or changing circumstances. Certainly, the unsettled economic conditions we face today require flexibility in administering the budget, particularly in light of the relatively small treasury balances that have been provided for.

While the frequent need for medical assistance budget supplements indicates that a transfer from this program is unlikely, the Medicaid budget's reliance on federal funds and regulations reveals the need to maintain transfer authority. President Reagan's proposed budget includes a swap with the states—the federal government would fund Medicaid while the states would assume the costs of the AFDC and food stamp programs. While the administration and the Governors have yet to agree on a swap, it is important to note that both include federal funding for Medicaid in their proposals. In addition, forthcoming federal changes in the home-based care requirement could save state funds during the coming fiscal year. Should a swap be forthcoming, or if the federal regulatory changes occur, transfer restrictions on the Medicaid program would seriously hamper Iowa's ability to adjust.

Therefore, in order to maintain the flexibility needed to effectively operate government during unsettled economic and federal budgetary times, Section 93 must be item vetoed.

Section 129 of Senate File 2304 provides for a monthly report by the State Comptroller to the General Assembly. This monthly report must, at minimum, include the revenue growth for the previous month and the general fund balance which must include all unsatisfied obligations for the month. Moreover, the Comptroller's monthly report need be filed only when the \$40,775,758 appropriations made in the bill may force a delay in state general fund payments.

The language in the section is, at best, unclear and, at worst, unworkable.

Apparently, legislators intended to require a monthly report indicating state tax receipts and a listing of any delayed general fund payments. This intent can be met by the State Comptroller. In fact, all legislators presently receive the State Comptroller's monthly tax receipts report. This report includes a summary of state tax receipts received for the month and for the fiscal year to date. In addition, information is generally included regarding the ability of the state to meet its obligations and to meet the constitutional requirement of a balanced budget. Moreover, the list of major general fund payments that have been delayed is already a matter of public record and those affected by the delays are notified as far in advance as possible. The State Comptroller can and will add legislative leaders to the list of those notified of delayed payments.

However, the language in Section 129 uses the term "general fund balance" and the phrase modifying it "total general fund obligations not satisfied at the end of the month" to describe the required content of the Comptroller's report. This language fails to make the distinction between cash balance and general fund balance which is essential to understanding the reasons for delayed payments. The cash balance is the cumulative result of state's cash income and cash payments. This balance, together with estimates of future cash flow, is used to schedule future cash payments. Delays in large payments, or partial payments, are made to avoid a cash deficit.

The general fund balance, on the other hand, is defined to include total general fund obligations. The financial obligations of state agencies are matched with state revenues to yield a general fund balance.

Agencies are given quarterly allocations of appropriated funds and are allowed to draw on those allocations until their allocation is reached or until the end of the fiscal year. No record of the extent to which an agency has obligated funds is known until the fiscal year ends. Thus, there is but one report of the general fund balance, and it comes not monthly but only at the end of the fiscal year.

In short, it appears the legislature intended to obtain a report of delayed payments. Unfortunately, the language in Section 129 instead requires a monthly general fund balance statement which has little to do with delayed payment decisions and is now prepared but once a year.

As a result, the requirements of Section 129 cannot be met, and this section cannot be approved. However, since the legislature has an appropriate desire to be kept informed about the state's financial picture and apparently desires to receive a monthly receipts statement and delayed payments report, the State Comptroller will forward such a monthly report to legislative leaders.

For these reasons, I hereby disapprove these items in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the State of Iowa. All other items of Senate File 2304 are hereby approved this date.

Sincerely,



Robert D. Ray
Governor