

SENATE FILE 539

FILED MAY 8 1973

BY COMMITTEE ON APPROPRIATIONS

and for 117.181

Passed Senate, Date 5-10-73 (1195) Passed House, Date 6-15-73 (2006)

Vote: Ayes 34 Nays 5 Vote: Ayes 94 Nays 1

Approved 7-21-73 - (Item Vets)

Motion to reconsider filed 5/10, prevailed 6/15
Passed Senate 6-15-73 (1789)

See letter

43-0

A BILL FOR

1 An Act making an appropriation to the department of social
2 services for use of institutions under the bureau of
3 adult corrections.

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

- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

1 Section 1. There is appropriated from the general fund
 2 of the state for the biennium beginning July 1, 1973 and end-
 3 ing June 30, 1975 to the department of social services for
 4 certain institutions under the bureau of adult corrections
 5 the following amounts, or so much thereof as may be necessary
 6 to be used in the manner designated:

	1973-74	1974-75
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
9 Adult Correction Services		
10 For the operation of the		
11 following institutions and		
12 facilities:		
13 Luster Heights Camp,		
14 McGregor	\$ 103,100	\$ 106,500
15 Iowa State Penitentiary,		
16 Ft. Madison	\$4,137,700	\$4,275,700
17 Men's Reformatory,		
18 Anamosa	\$3,078,300	\$3,180,400
19 Women's Reformatory,		
20 Rockwell City	\$ 487,500	\$ 503,700
21 Iowa Security Medical		
22 Facility, Oakdale	\$1,621,900	\$1,675,500
23 Riverview Release Center,		
24 Newton	\$ 611,100	\$ 631,400

25 Sec. 2. The budget of total expenditures for each in-
 26 stitution under the department of social services during the
 27 biennium shall not exceed the state appropriation for each
 28 institution set forth in this Act, except that the maintenance
 29 recovery shall be available to the institutions.

30 The maintenance recovery is the rental charged to employees
 31 or others for room, apartment or house and meals.

32 Receipts from farm products may be used for farm expenses
 33 and repairs as needed with profits deposited in the general
 34 fund of the state.

35 All other institutional receipts shall be deposited to

1 the general fund of the state.

2 Sec. 3. The department may use appropriated funds for
3 the granting of educational leave upon approval of the com-
4 missioner.

5 Sec. 4. No funds appropriated by this Act shall be used
6 for capital improvements.

7 Sec. 5. Because of the low inmate population at the women's
8 reformatory and because of the additional funds which are
9 required for capital improvements and for the institution
10 to comply with the standards promulgated pursuant to chapter
11 eighty-eight (88) of the Code, the department of social
12 services is directed to develop a plan providing for the
13 following:

14 1. Discontinuation of the use of the institution at Rock-
15 well City as a women's reformatory.

16 2. Alternatives which are available for providing ser-
17 vices presently available at Rockwell City on an efficient
18 and economical basis and the projected cost of each alterna-
19 tive.

20 The department of social services shall, not later than
21 December 15, 1973 submit to the legislative council for
22 transmission to the appropriate subcommittees of the commit-
23 tees on appropriations of the general assembly a report of
24 their findings and recommendations.

25 Sec. 6. Notwithstanding the provisions of section eight
26 point thirty-three (8.33) of the Code, all unencumbered or
27 unobligated balances of appropriations made by this Act for
28 the first fiscal year of the biennium commencing July 1, 1973,
29 shall, on August 31, 1974, revert to the state treasury and
30 to the credit of the fund from which appropriated. In all
31 other respects, the provisions of section eight point thirty-
32 three (8.33) of the Code shall apply to appropriations made
33 for the first fiscal year of such biennium. Unencumbered
34 or unobligated balances of appropriations made for the second
35 fiscal year of such biennium shall be subject to section eight

1 point thirty-three (8.33) of the Code.
2 Sec. 7. All federal grants to the agencies receiving funds
3 under this Act are appropriated for the purpose set forth
4 in the federal grants.

5
S-740

1 Amend Senate File 539 as follows:
2 1. Page 3, by striking lines 7 through 19, inclusive, and
3 inserting in lieu thereof the following:
4 "Sec. 5. Because several institutions under the jurisdiction
5 of the bureau of adult corrections have experienced declining
6 populations and new methods for the rehabilitation and treatment
7 of inmates of correctional institutions are being instituted and
8 considered, and because of the implementation of programs which
9 have as their goals and treatment of offenders outside of insti-
10 tutional barriers and the introduction of such persons into
11 society, the department of social services is directed to develop
12 a plan relating to the following:
13 1. The practical consolidation of operations and programs of
14 the various correctional institutions within the state or the
15 transfer of persons confined in such institutions to other insti-
16 tutions.
17 2. The renovation of one or more institutions to meet the
18 demands for capital improvements and comply with state and fed-
19 eral laws regarding the safety standards which must be met.
20 3. An indication of the most efficient and economical future
21 use of the various correctional institutions.
22 4. An indication as to how the state can best cooperate with
23 local correctional authorities and authorities of other states to
24 carry out correctional programs.
25 5. Alternatives to present correctional programs and

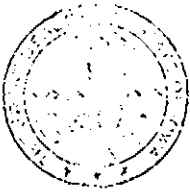
Page 2

1 institutions and the economical basis and the projected cost of
2 each alternative."
3 2. Page 3, line 21, by striking the numerals "1973" and
4 inserting in lieu thereof the numerals "1974".

S-740 Filed - *Adopted 6/15* By KELLY
June 4, 1973

30
31 S-552
32 1 Amend Senate File 539 as follows:
33 2 1. Page 3, by striking lines 7 through 24.
34 3 2. By renumbering the remaining sections.

S-552 Filed - *Last 5/10* By WINKELMAN
May 9, 1973



Office of the Governor

STATE CAPITOL
DES MOINES, IOWA 50319

ROBERT D. RAY
GOVERNOR

July 21, 1973

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

Dear Mr. Synhorst:

I hereby transmit Senate File 539, an Act making an appropriation to the Department of Social Services for use of Institutions under the Bureau of Adult Corrections.

Senate File 539 is approved July 21, 1973, with the following exception which I hereby disapprove.

I am unable to approve that portion of Item 2 designated in the Act as that portion of Section 2, first unnumbered paragraph which reads as follows:

"...budget of total expenditures for each institution under the department of social services during the biennium shall not exceed the state appropriation for each institution set forth in this Act, except that the..."

For reference purposes, the first unnumbered paragraph of Section 2 in its entirety reads as follows:

"The budget of total expenditures for each institution under the department of social services during the biennium shall not exceed the state appropriation for each institution set forth in this Act, except that the maintenance recovery shall be available to the institutions".

Section 8.39, Code 1973, gives the Governor and the State Comptroller authority to approve the transfer of appropriations to meet legitimate expenditures.

This limitation represents an infringement on executive prerogative to utilize appropriated funds most effectively in the administration of service programs approved by the legislature for the benefit of the people of Iowa.

The Honorable Melvin D. Synhorst
July 21, 1973
Page two

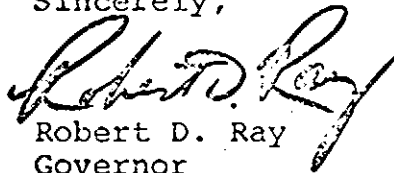
This has been a wise provision in the Code and has enabled the Department of Social Services to respond to extreme fiscal emergencies without seeking additional revenues from sources outside the Department. This privilege has not been abused, but rather has proven to be a very positive administrative procedure.

For example, when unforeseen expenses were incurred at the Iowa State Penitentiary, because of disturbances, funds were transferred in from other Department sources so that staffing could be increased at Fort Madison to meet emergency needs.

As a general provision, the Department needs the capability for fund transfers to respond to priorities. Some would be of an emergency nature, some would be expected to develop with good planning to better meet critical needs that become more clearly defined with the passage of time. The Department is expected to be action-oriented, capable of responding to change in a positive manner. To do so, it must be able to use appropriated funds with good judgment.

For these reasons, I disapprove this Item in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the State of Iowa. All other Items of Senate File 539 are hereby approved this date.

Sincerely,



Robert D. Ray
Governor

RDR:cd