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SENATE FILE 2163

By COMMITTEE ON BUDGET

Passed Senate, Date 3-2-78 (p. 435) Passed House, Date \_\_\_\_\_

Vote: Ayes 38 Nays 5 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the administration and financing of  
2 current programs under the jurisdiction of the depart-  
3 ment of social services.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
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1 DIVISION \_\_\_\_\_

2 PROPOSED BY THE BUDGET SOCIAL SERVICES SUBCOMMITTEE

3 Section 1. There is appropriated from the general fund  
4 of the state for the fiscal year beginning July 1, 1978 and  
5 ending June 30, 1979 to the department of social services,  
6 the following amounts, or so much thereof as may be necessary,  
7 to be used for the purposes designated:

8 1978-1979  
9 Fiscal Year

10 DISTRICT ADMINISTRATION AND  
11 CENTRAL ADMINISTRATION

12 1. For the administration of district,  
13 central and local offices including  
14 salaries and support ..... \$ 17,000,000

15 2. It is the intent of the general assembly that the state  
16 fully fund the food stamp program and not charge back to the  
17 counties the fifty percent of administrative costs not covered  
18 by federal funds. However, counties shall continue to furnish  
19 and pay for the office space presently in use by personnel  
20 administering the food stamp program.

21 3. The provision of subsection nine (9) of section nineteen  
22 A point nine (19A.9) of the Code which restricts employment  
23 of intermittent employees to not more than a specified number  
24 of calendar days in any twelve-month period without  
25 examination, shall not apply during the period beginning on  
26 July 1, 1978 and ending June 30, 1979 for thirty-eight  
27 intermittent employees who are employed in field offices by  
28 the department of social services. It is the intent of the  
29 general assembly to authorize the continued employment during  
30 the 1978-1979 fiscal year of persons employed to assist in  
31 meeting the current high demand for income maintenance and  
32 related services and to permit the department to avoid the  
33 cost of training new employees. Any such employee of the  
34 department of social services who has been employed and  
35 classified as an intermittent employee after August 1, 1975

1 for twelve consecutive months or more shall be eligible to  
 2 receive the same fringe benefits for fiscal year 1978-1979  
 3 as any other person employed under the provisions of chapter  
 4 nineteen A (19A) of the Code. It is further the intent of  
 5 the general assembly that when permanent full-time positions  
 6 become vacant during the fiscal year, intermittent employees  
 7 whose employment is continued under this section shall be  
 8 transferred to fill vacant full-time positions and thereupon  
 9 be given full merit status. Each such intermittent employee,  
 10 upon being transferred to full-time merit employees status,  
 11 shall be deemed to have accrued all benefits which that  
 12 employee has not accrued on intermittent status, but which  
 13 he or she would have accrued had that employee been classified  
 14 as a permanent full-time merit employee at the time he or  
 15 she became an intermittent employee of the department.

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16 Sec. 2. Acts of the Sixty-seventh General Assembly, 1977  
 17 Session, chapter thirty-seven (37), section one (1), subsection  
 18 three (3), is amended to read as follows:

19 3. Medicaid Management Information  
 20 System (MMIS)

21 For development and implementation  
 22 of medicaid management information  
 23 system .....\$ 140,000

24 Notwithstanding section eight point thirty-three (8.33)  
 25 of the Code, unencumbered or unobligated funds appropriated  
 26 by this subsection shall not revert to the general fund until  
 27 June 30, 1979. The department of social services shall submit  
 28 to the joint budget subcommittee on social services, during  
 29 the 1979 session of the general assembly, a written report  
 30 on the status of the medicaid management information system.

31 Sec. 3. There is appropriated from the general fund of  
 32 the state for the fiscal year beginning July 1, 1978 and  
 33 ending June 30, 1979 to the department of social services,  
 34 the following amounts, or so much thereof as may be necessary,  
 35 to be used for the purposes designated:

1978-1979  
Fiscal Year

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FAMILY AND CHILDREN SERVICES:

For the operation of the following institutions:

1. State juvenile home at Toledo,  
boys' training school at Eldora,  
and girls' training school at  
Mitchellville ..... \$ 5,500,000

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2. Iowa veterans home at  
Marshalltown ..... \$ 8,200,000

3. It is the intent of the general assembly that the fifth  
cottage at the state juvenile home at Toledo not be opened,  
and that as statewide community-based juvenile services are  
developed the state juvenile home be phased out at the  
appropriate time.

270,5263

Sec. 4. There is appropriated from the general fund of  
the state for the fiscal year beginning July 1, 1978 and  
ending June 30, 1979 to the department of social services  
for juvenile community-based corrections the sum of one hundred  
sixty thousand (160,000) dollars, or so much thereof as may  
be necessary.

1. The bureau of community corrections shall continue  
the program of project grants to communities which are  
developing community-based juvenile residential correctional  
programs. It shall work with local communities and the Iowa  
crime commission to provide incentives to make maximum use  
of available federal funds. Insofar as practical, the bureau  
shall provide technical assistance to local groups which  
intend to establish or improve community-based juvenile  
residential correctional programs.

2. Not more than twenty thousand dollars of the above  
amount may be used by the bureau of community corrections  
to develop, in coordination with the Iowa crime commission  
and its state juvenile justice advisory council, a state

1 juvenile services plan.

2 3. The objective of the general assembly is to plan for  
3 and encourage the development of statewide community-based  
4 juvenile services which are controlled and supported primarily  
5 through local citizen involvement. To be successful, these  
6 services should be built upon the intimate involvement of  
7 the family, the school, the juvenile court, and the local  
8 community. Juvenile services are understood to include, among  
9 others, family counseling, emergency foster and shelter care,  
10 evaluation, short and long term residential care, crisis  
11 intervention, substance abuse counseling, delinquency  
12 prevention, and coordination with education, vocational and  
13 court services programs.

14 Sec. 5. There is appropriated from the general fund of  
15 the state for the fiscal year beginning July 1, 1978 and  
16 ending June 30, 1979 to the department of social services,  
17 for the mental health institutes at Cherokee, Clarinda,  
18 Independence and Mount Pleasant the sum of twenty-two million  
19 three hundred fifty thousand (22,350,000) dollars, or so much  
20 thereof as may be necessary.

21 1. The state mental health institutes' daily per diem  
22 as determined pursuant to section two hundred thirty point  
23 twenty (230.20) of the Code shall be billed at eighty percent  
24 for the fiscal year.

25 2. It is the intent of the general assembly that a mental  
26 health institute shall not accept physical custody of children  
27 alleged to be children in need of assistance on guest status  
28 or otherwise, for more than thirty days. It is also the  
29 intent of the general assembly that children found to be  
30 children in need of assistance shall not be placed in a mental  
31 health institute on the basis of that adjudication. The  
32 juvenile court may, however, order a commitment to a mental  
33 health institute or other appropriate secure facility for  
34 the purposes of treatment of a mental or emotional condition,  
35 but only after making findings pursuant to the standards set

1 out for involuntary commitment in chapter two hundred twenty-  
2 nine (229) of the Code.

3 3. It is the intent of the general assembly that the  
4 division of mental health resources of the department of  
5 social services shall seek alternative funding sources for  
6 the chaplain intern program at the mental health institutes  
7 at Cherokee and Independence, with the objective of continuing  
8 these programs without use of state funds.

9 4. It is the intent of the general assembly that the  
10 superintendents of the mental health institutes at Cherokee  
11 and Independence, in discharging the duties imposed on them  
12 by section two hundred thirty point twenty (230.20) of the  
13 Code, shall consider the costs of the psychiatric residency  
14 and chaplain intern programs maintained at those institutes  
15 as costs not to be included in the expenditures of those  
16 institutes for the purpose of establishing the institutes'  
17 respective daily charges to patients, the same as the costs  
18 enumerated in section two hundred thirty point twenty (230.20),  
19 subsection one (1), paragraphs a, b and c of the Code. It  
20 is the objective of the general assembly, in expressing this  
21 intent, that the four Iowa mental health institutes compute  
22 their respective daily charges to patients on a more uniform  
23 basis.

24 Sec. 6. There is appropriated from the general fund of  
25 the state for the fiscal year beginning July 1, 1978 and  
26 ending June 30, 1979 to the department of social services,  
27 for the state hospital-schools at Glenwood and at Woodward  
28 the sum of twenty million one hundred sixty-eight thousand  
29 (20,168,000) dollars, or so much thereof as may be necessary.

30 1. The state hospital-schools' per-patient-per-day cost  
31 as determined pursuant to section two hundred twenty-two point  
32 seventy-three (222.73) of the Code shall be billed at eighty  
33 percent for the fiscal year, except as otherwise provided  
34 by subsection two (2) of this section.

35 2. If more than twenty percent of the cost of a patient's

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

8 Sec. 7. There is appropriated from the general fund of  
9 the state for the fiscal year beginning July 1, 1978 and  
10 ending June 30, 1979 to the department of social services,  
11 the following amounts, or so much thereof as may be necessary,  
12 to be used for the purposes designated:

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1978-1979  
Fiscal Year

SPECIAL PROGRAMS DIVISION:

1. For aid to the blind ..... \$ 15,000

2. For aid to dependent children ..... \$ 46,500,000

3. For aid to Indians residing on a settlement ..... \$ 40,000

4. For medical assistance, 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 when:

a. The attending physician certifies that continuing the pregnancy would endanger the life of the pregnant woman; or

b. The attending physician certifies that the fetus is physically deformed, mentally deficient, or

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1 afflicted with a congenital illness;

2 or

3 c. The pregnancy is the result of

4 a rape which is reported to a law

5260- 5 enforcement agency or public or

6 private health agency within sixty

5261- 7 days of the incident, or the

8 result of incest which is reported

5262- 9 in the first two trimesters of

10 pregnancy to a law enforcement

11 agency or the department of

5263- 12 social services ..... \$ 79,500,000

13 5. For contractual services-

14 medical carrier ..... \$ 1,000,000

15 6. For foster care

16 and subsidized adoptions ..... \$ 8,400,000

17 It is the intent of the general assembly that the payment  
18 for subsidized adoptions shall be raised to a level comparable  
19 to the current foster care rate.

20 It is the intent of the general assembly that the department  
21 of social services shall determine appropriate cost-related  
22 rate structures for the foster care and subsidized adoption  
23 programs. The department of social services shall report  
24 to the joint budget subcommittee on social services regarding  
25 that rate structure not later than January 20, 1979.

26 7. For work and training

27 programs ..... \$ 420,000

28 8. For adult and children services

29 and homemaker services ..... \$ 1,500,000

30 9. For state supplementary

31 assistance, including state

32 supplementary assistance for

33 the blind ..... \$ 5,500,000

34 The department of social services shall develop a special  
35 needs program for eligible supplementary assistance recipients,

1 to be used primarily to pay for special assessments. The  
2 department shall develop administrative rules for this program  
3 pursuant to chapter seventeen A (17A) of the Code. There  
4 is allocated from the foregoing appropriation not to exceed  
5 sixty thousand (60,000) dollars, to fund the special needs  
6 program.

7 The department of social services shall explore the  
8 possibility of obtaining federal financial participation for  
9 residential care facilities, and shall report its findings  
10 to the general assembly not later than January 20, 1979.

- 11 10. For the governor's youth
- 12 opportunity program ..... \$ 750,000
- 13 11. For child support recoveries ..... \$ 396,000
- 14 12. Assistance to child care
- 15 centers for nonprofit centers only..... \$ 250,000

16 Real property shall not be purchased with funds appropriated  
17 by this subsection.

- 18 13. State supplementation to
- 19 Title twenty (XX) ..... \$ 750,000

20 a. It is the intent of the general assembly that the  
21 department of social services shall submit budgets for fiscal  
22 year 1979-80 for general administration, area administration,  
23 the division of community services, and the division of  
24 management and planning according to federal program rather  
25 than according to department of social services organizational  
26 structure. Costs for general administration and program  
27 support shall be developed for each federal program budget.  
28 The department of social services shall work in cooperation  
29 with the legislative fiscal bureau to develop this program  
30 budgeting process for fiscal year 1979-80.

31 b. It is the intent of the general assembly that for each  
32 discrete direct service program or allocation under Title  
33 twenty (XX), the department of social services shall spend  
34 within fifteen percent of planned amounts of funds. If by  
35 March 1, 1979 it becomes apparent that actual direct service

1 expenditures will differ from planned direct service  
2 expenditures by greater than fifteen percent in any individual  
3 service program, or in total, the department of social services  
4 shall, by April 1, 1979 notify the office of the comptroller,  
5 the legislative fiscal bureau, and the state Title twenty  
6 (XX) advisory committee. Notification shall specify the  
7 projected expenditure which is more than fifteen percent,  
8 greater or lesser, than planned expenditures for each affected  
9 service area. The department of social services shall prepare  
10 a report on direct service expenditures not within the fifteen  
11 percent limit for presentation to the joint budget subcommittee  
12 on social services not later than February 1, 1980.

13 c. It is the intent of the general assembly that the  
14 substate allocations formula for local purchase funds under  
15 Title twenty (XX) be based upon the formula approved by the  
16 state Title twenty (XX) advisory committee as follows:

17 (1) Fifty percent of the allocation formula for local  
18 purchase shall be based on the distribution of persons below  
5264-19 the U.S. census poverty level as defined in the most recent  
20 census; and

21 (2) Fifty percent of the allocation formula for local  
22 purchase shall be based on the previous years local purchase  
23 allocation;

24 (3) All new moneys, or funds in excess of the current  
25 federal ceiling, shall be allocated one hundred percent on  
26 the basis of the percentage of people below the poverty level  
27 according to the most recent census.

28 (4) Reallocation or redistribution of local purchase funds  
29 shall be based on service utilization.

30 d. It is the intent of the general assembly that, beginning  
31 July 1, 1979, the department of social services shall phase  
5272-32 in the seven-factor Title twenty (XX) target population formula  
33 over a four-year period.

34 e. It is the intent of the general assembly that the  
5264-35 department of social services shall by January 1, 1979 provide

1 the following information on the Title twenty (XX) program  
2 to the joint budget subcommittee on social services:

3 (1) Unit cost data for Title twenty (XX) direct services  
4 according to social services district and individual service  
5 area.

6 (2) A comparison, where appropriate, of unit costs for  
7 direct services and unit costs for purchased services.

8 (3) Administrative, program support, and direct program  
9 costs for all methods of service delivery under Title twenty  
10 (XX).

11 (4) A comparison of planned and actual expenditures for  
12 all methods of service delivery under Title twenty (XX).

13 (5) A comparison of planned and actual services provided  
14 under Title twenty (XX) in each social services district and  
15 for each social services program.

16 (6) A comparison of planned and actual services provided  
17 under Title twenty (XX) broken down by eligible client  
18 categories.

19 f. It is the intent of the general assembly that the  
20 department of social services expand the citizen participation  
21 process under Title twenty (XX) to include:

22 (1) Citizen input into the determination of appropriate  
23 statewide funding levels and allocations for direct services  
24 under Title twenty (XX).

25 (2) Citizen input into the appropriate disbursement and  
26 use of federal funds earmarked for special day care.

27 (3) Citizen input into the actual use of direct services  
28 funds under Title twenty (XX) including data on actual  
29 expenditures, recipients, and services provided.

30 The department of social services shall report to the joint  
31 budget subcommittee on social services by January 1, 1979  
32 relative to the efforts made to expand the scope of the citizen  
33 participation process.

34 g. It is the intent of the general assembly that mini-  
35 Title twenty (XX) funds be disbursed expeditiously to district

1 local purchase systems. Planning for the allocation of mini-  
2 Title twenty (XX) funds shall assure that these funds are  
3 actually received and used by district Title twenty (XX)  
4 programs rather than reverted to the state general fund.  
5 It is also the intent of the general assembly that these funds  
6 be used primarily for purchase of service for individuals  
7 to meet the state's goal of deinstitutionalization.

8 Sec. 8.

9 1. It is the intent of the general assembly, in  
10 consideration of the Iowa state university of science and  
11 technology aid to families with dependent children study,  
12 that the schedule of living costs and the payments for persons  
13 on the aid to families with dependent children program shall  
14 be set as follows:

15	a.	1 person	\$145 per month
16	b.	2 person family	\$275 per month
17	c.	3 person family	\$340 per month
18	d.	4 person family	\$395 per month
19	e.	5 person family	\$438 per month
20	f.	6 person family	\$487 per month
21	g.	Each additional child	\$ 48 per month
22	h.	If the amount of assistance determined by the above	
23		schedule would be less than a current recipient's payment	
24		level determined under the schedule in effect for the 1977-	
25		78 fiscal year, the current payment level shall be maintained.	

26 2. The special needs program of the aid to families with  
27 dependent children program shall be continued.

28 3. It is the intent of the general assembly to fully fund  
29 the addition to the aid to families with dependent children  
30 program as it applies to dependent children through the age  
31 of twenty years.

5264- 32 4. It is the intent of the general assembly that the  
33 department of social services explore the feasibility of  
34 contracting with a third party to provide health insurance  
35 coverage for welfare recipients, as authorized by section

1 two hundred forty-nine A point four (249A.4), subsection four  
2 (4) of the Code. If it is determined that the cost of such  
3 health insurance coverage would be no greater than the current  
4 cost the department may contract for health insurance coverage  
5 for welfare recipients. The department shall report to the  
6 general assembly not later than January 20, 1979 on its study  
7 of the feasibility of instituting third-party payments under  
8 the medical assistance program.

9 Sec. 9. The department of social services shall encourage  
10 voluntary participation of families in paying for a portion  
11 of the care delivered to a relative who is a resident in an  
12 intermediate care facility. Facility administrators and  
13 appropriate department personnel, both state and county, shall  
14 be advised as to the proper method of implementing family  
15 participation.

16 Sec. 10.

17 1. It is the intent of the general assembly that the  
18 department of social services shall increase the maximum  
19 reimbursement for intermediate care facility services under  
20 medical assistance from nineteen dollars fifty cents per day  
21 to a payment level fixed at the seventy-fourth percentile  
22 of all intermediate care facilities under the medical  
23 assistance program ranked on a cost basis, but not to exceed  
24 twenty-one dollars per day.

25 2. It is the intent of the general assembly that payment  
26 for reserve bed days under the medical assistance program  
27 shall be made at eighty percent of the actual reimbursement  
28 rate for those beds.

29 3. It is the intent of the general assembly that the  
30 department of social services shall increase the maximum  
31 reimbursement for residential care facility services from  
32 eleven dollars per day to twelve dollars fifty cents per day.

33 4. It is the intent of the general assembly that, in  
34 addition to funds appropriated for medical assistance in this  
35 Act, the state's share of federal welfare fiscal relief money

1 to be received by Iowa be utilized in the medical assistance  
2 program.

3 5. It is the intent of the general assembly that funds  
4 appropriated for medical assistance shall not be used to pay  
5 for radiology services provided by a computerized axial  
6 tomographic scanner placed in operation in the state of Iowa  
7 subsequent to July 1, 1977 unless said computerized axial  
8 tomographic scanner has been approved by the state health  
9 facilities council of the state department of health.

10 6. It is the intent of the general assembly that the  
11 department of social services develop a method for annually  
12 updating the current fee schedule for all fixed fee providers  
13 under the medical assistance program.

14 Sec. 11. It is the intent of the general assembly that  
15 the department of social services shall promulgate rules  
16 pursuant to chapter seventeen A (17A) of the Code so that  
17 the noninstitutionalized spouse's support of persons receiving  
18 medical assistance shall be based on a case-by-case factual  
19 determination of the amount of money available for such  
20 support.

21 Sec. 12. Unless otherwise provided, all institutional  
22 receipts of the department of social services shall be  
23 deposited in the general fund except rentals charged to  
24 employees or others for room, apartment, or house and meals,  
25 which shall be available to the institutions, and except for  
26 receipts from farm products which shall be used for necessary  
27 farm expenses and repair.

28 Sec. 13. Each hospital-school shall, upon receipt of any  
29 payment made under chapter two hundred forty-nine A (249A)  
30 of the Code for the care of any patient, segregate an amount  
31 equal to that portion of the payment which is required by  
32 law to be made from nonfederal funds. The money segregated  
33 shall be deposited in the medical assistance fund of the  
34 department of social services.

35 Sec. 14. It is the intent of the general assembly that

1 if the legislation increasing funding for social services  
2 now pending before Congress is passed, and if the Iowa child  
3 abuse program is in compliance with federal law, then funds  
4 appropriated to the department of social services may be used  
5 to match federal funds for child protective services to  
6 neglected and physically and sexually abused children, in  
7 an amount equal to the amount required to fund the state match  
8 for federal funds available to the state for that purpose.

9 Sec. 15. It is the intent of the general assembly that  
10 sixty thousand (60,000) dollars of the appropriation for adult  
11 and children services shall be used to fund open door projects  
12 for displaced homemakers. A displaced homemaker is any person  
13 over thirty-five years of age who has been primarily a  
14 homemaker, has worked for his or her family in the family  
15 home, is not gainfully employed, has had or would have  
16 difficulty finding employment, has depended on the income  
17 of a family member and has lost that income in whole or in  
18 part as a result of separation, divorce or the death or  
19 disability of that family member, or has depended on public  
20 assistance as the parent of dependent children and is no  
21 longer eligible for such assistance. The funds referred to  
22 in this section shall not be used for tuition.

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23 Sec. 16. All federal grants to and the federal receipts  
24 of the department of social services are appropriated for  
25 the purposes set forth in such federal grants or receipts  
26 except the veterans per diem payable for veterans at the  
27 veterans home shall be deposited in the general fund.

28 Sec. 17. Funds appropriated by sections one (1) through  
29 fourteen (14) of this division shall not be used for capital  
30 improvements.

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EXPLANATION

32 Seventeen million dollars is provided for the administration  
33 of district, central and local offices of the department of  
34 social services, including salaries and support. Funding  
35 for 151 food stamp workers is included.

1 This bill amends the Acts of the Sixty-seventh General  
2 Assembly, 1977 Session, Chapter 37, section 1, subsection  
3 3 to allow funds appropriated for the medicaid management  
4 information system, but not expended, to be carried forward  
5 to complete the system and continue to receive 90% federal  
6 match.

7 Five million five hundred thousand dollars is appropriated  
8 for the juvenile institutions (Toledo, Eldora, Mitchellville)  
9 to maintain current programs with no new positions authorized.  
10 The fifth cottage at the state juvenile home at Toledo is  
11 not funded. It is the intent of the general assembly that  
12 community-based juvenile services be developed statewide and  
13 that at the appropriate time the state juvenile home be phased  
14 out.

15 The appropriation to the Glenwood and Woodward hospital-  
16 schools is to continue current programs.

17 Included in the medical assistance appropriation is  
18 \$1,950,000 to raise the ICF per diem rate to \$21 per day but  
19 not to exceed the 74th percentile, \$28,766 to increase the  
20 \$503 limitation for the 300% group to \$533, \$1,500,000 for  
21 the federal "spouse deeming" regulation and \$316,000 to provide  
22 and increase for fixed fee providers other than pharmacists.

23 In addition to funds appropriated for medical assistance  
24 this bill authorizes federal welfare fiscal relief money to  
25 be received during FY-79, to be utilized for medical  
26 assistance.

27 It is the intent of this bill that payments for persons  
28 on aid to families with dependent children shall be set as  
29 prescribed in this bill.

30 The appropriation for the AFDC program allows for a 6.5%  
31 increase in benefits.

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SENATE FILE 2163

S-5278

1 Amend Senate File 2163 as follows:

2 1. Page 14, by inserting after line 30 the  
3 following new section:

4 "Sec. \_\_\_\_\_. Notwithstanding the provisions of  
5 section eight point thirty-nine (8.39) of the Code,  
6 none of the funds appropriated by this Act shall be  
7 transferred to or used by any agency other than the  
8 department of social services."

S-5278 FILED *Adopted 3/2 (p. 434)* BY JAMES M. REDMOND  
MARCH 1, 1978

SENATE FILE 2163

S-5279

1 Amend Senate File 2163 as follows:

2 1. Page 7, line 12, by inserting after the words  
3 "social services" the following new paragraph:

4 "d. Any spontaneous abortion, commonly known as  
5 a miscarriage, wherein not all of the products of con-  
6 ception are expelled."

S-5279 FILED *Adopted 3/2 (p. 434)* BY MINNETTE F. DODERER  
MARCH 1, 1979

SENATE FILE 2163

S-5282

1 Amend Senate File 2163 as follows:

2 1. Page 7, line 9, by striking the words "two  
3 trimesters" and inserting in lieu thereof the word  
4 "trimester".

S-5282 FILED & LOST *(p. 434)* BY FORREST ASHCRAFT  
MARCH 2, 1978

SENATE FILE 2163

S-5283

1 Amend Senate File 2163 as follows:

2 1. Page 7, line 5, by striking the  
3 words "public or" and inserting in lieu thereof  
4 the word "public".

5 2. Page 7, line 6, by striking the word  
6 "private".

S-5283 FILED & LOST *(p. 433)* BY BERL PRIEBE  
MARCH 2, 1978 WILLIAM PALMER

S-5271

1 Amend Senate File 2163 as follows:

2 1. Page 14, by inserting after line 22 the  
3 following new section:

4 "Sec. \_\_\_\_\_.

5 1. There is appropriated from the general fund  
6 of the state for the fiscal year beginning July 1,  
7 1978 and ending June 30, 1979 to the department of  
8 social services the sum of sixty thousand (60,000)  
9 dollars, or so much thereof as may be necessary, to  
10 be used to fund at least one pilot program to provide  
11 emergency shelter services and support services to  
12 battered women. It is the intent of this subsection  
13 that the commissioner of social services shall consult  
14 persons knowledgeable in the fields of health, law  
15 enforcement, social services and the law with regard  
16 to establishment or selection of pilot programs to  
17 be funded under this subsection.

18 2. For the purposes of this section:

19 a. "Battered woman" means a woman who is being  
20 or has been assaulted as defined in section seven  
21 hundred eight point one (708.1) of the Code 1977  
22 Supplement by her spouse, by a male related to her  
23 by blood or marriage, or by a male with whom she is  
24 residing or has resided in the past.

25 b. "Emergency shelter services" include but are  
26 not limited to secure crisis shelters for battered  
27 women and housing networks for battered women.

28 c. "Support services" include but are not limited  
29 to legal services, counseling services, transportation  
30 services, child care services, and twenty-four hour  
31 information and referral services.

32 3. General assistance payments may be made to  
33 individuals receiving aid to families with dependent  
34 children who are residing in a facility which provides  
35 shelter services to battered women."

S-5271 FILED *Adopted 3/2 (p. 434)* BY BERL E. PRIEBE  
MARCH 1, 1978 LOUIS P. CULVER

SENATE FILE 2163 JOHN S. MURRAY

BOB RUSH

S-5273

IRVIN L. BERGMAN

1 Amend Senate File 2163 as follows:

2 1. Page 9, by striking lines 30 through 33.

S-5273 FILED *Adopted 3/2 (p. 434)* BY BOB RUSH  
MARCH 1, 1978

SENATE FILE 2163

S-5266

- 1 Amend Senate File 2163 as follows:  
2 1. Page 7, by striking lines 3 through 6 and  
3 inserting in lieu thereof the following:  
4 "c. The pregnancy is the result of a forcible  
5 rape which is reported to a law enforcement agency  
6 or public health agency within ten".

S-5266 FILED *w/d 3/2 (p. 432)*  
MARCH 1, 1978

BY WILLIAM PALMER  
BERL E. PRIEBE

SENATE FILE 2163

S-5269

- 1 Amend Senate File 2163 as follows:  
2 1. Page 6, line 32, by striking the word "; or".  
3 2. Page 6, by striking lines 33 through page 7,  
4 line 11.  
5 3. Page 7, line 12, by striking the words "social  
6 services".

S-5269 FILED & LOST (*p. #23*)  
MARCH 1, 1978

BY BOB CARR  
EUGENE M. HILL

SENATE FILE 2163

S-5270

- 1 Amend Senate File 2163 as follows:  
2 1. Page 3, line 9, by striking the figure  
3 "5,500,000" and inserting in lieu thereof the figure  
4 "5,600,000".  
5 2. Page 3, by striking lines 12 through 16 and  
6 inserting in lieu thereof the following:  
7 "3. It is the intent of the general assembly that  
8 not more than one hundred thousand (100,000) dollars  
9 of the appropriation made by subsection one (1) of  
10 this section be used to open and operate the fifth  
11 cottage at the state juvenile home at Toledo, pending  
12 the development of statewide community-based juvenile  
13 services which will permit the phasing out of the  
14 state juvenile home."

S-5270 FILED *w/d 3/2 (p. 434)*  
MARCH 1, 1978

BY JOAN ORR

S-5260

1 Amend Senate File 2163, page 6, line 31, by  
2 striking the word "life" and inserting in lieu thereof  
3 the word "health".

S-5260 FILED *Lost 3/1 (p. 422)* BY JOHN S. MURRAY  
FEBRUARY 28, 1978

- SENATE FILE 2163

S-5261

1 Amend Senate File 2163 by striking page 6,  
2 line 21, through page 7, line 12, and inserting in  
3 lieu thereof the following:  
4 "4. For medical assistance . . . . \$79,500,000".

S-5261 FILED *Lost 3/1 (p. 422)* BY JOHN S. MURRAY  
FEBRUARY 28, 1978 BOB RUSH  
ELIZABETH R. MILLER  
JOAN ORR  
PHILIP B. HILL  
MINNETTE F. DODERER

SENATE FILE 2163

S-5264

1 Amend Senate File 2163 as follows:  
2 1. Page 2, by striking lines 5 through 15 and  
3 inserting in lieu thereof the words "the general assembly  
4 that when a vacancy occurs in any permanent full-time  
5 position for which any intermittent employee whose  
6 employment is continued under this Act is qualified,  
7 that employee or those employees shall be given an  
8 opportunity to fill the vacant position as a permanent  
9 merit employee. Each such intermittent employee, upon  
10 being transferred to full-time merit employee status,  
11 shall be given credit for all benefits which that  
12 employee has accrued as an intermittent employee of  
13 the department."  
14 2. Page 9, line 19, by striking the word "proverty"  
15 and inserting in lieu thereof the word "poverty".  
16 3. Page 9, line 35, by striking the figure "1979"  
17 and inserting in lieu thereof the figure "1980".  
18 4. Page 11, line 32, by striking the word "assembly"  
19 and inserting in lieu thereof the word "assembly".

S-5264 FILED *Adopted 3/1 (p. 420)* BY BERL E. PRIEBE  
FEBRUARY 28, 1978 LOUIS P. CULVER  
JOHN S. MURRAY  
IRVIN L. BERGMAN  
BOB RUSH

S-5265

1 Amend Senate File 2163 as follows:

2 1. Page 6, by striking lines 22 through 26 and  
3 inserting in lieu thereof the words "reimbursement for  
4 medically necessary abortions. Elective abortions may  
5 be performed at public expense upon medical assistance  
6 recipients, but payment therefor shall be made only in  
7 the manner prescribed by section eighteen (18) of this  
8 Act. Medically necessary".

9 2. Page 14, by inserting after line 30 the follow-  
10 ing new section:

11 "Sec. \_\_\_\_\_. NEW SECTION. INCOME TAX ABORTION FUND  
12 CHECKOFF.

13 1. Any person whose state income tax liability for  
14 any taxable year is two dollars or more shall be deemed  
15 to have designated one dollar of that liability to be  
16 paid over to the fund established by subsection two (2)  
17 of this section, and in the case of a joint return of  
18 husband and wife having a state income tax liability  
19 of four dollars or more, each spouse shall be deemed to  
20 have designated one dollar of that liability to be paid  
21 to the fund so established, except where the taxpayer  
22 or taxpayers indicate on the face of the return an  
23 objection to such designation. The director of revenue  
24 shall revise the income tax form to allow taxpayers to  
25 object to the designation of contributions to that fund  
26 on the face of the tax return, and this space or line  
27 shall be placed between the signature lines and the  
28 space or line required by section fifty-six point  
29 eighteen (56.18) of the Code, the provisions of that  
30 section notwithstanding.

31 2. There is created within the office of the  
32 treasurer of state a fund, to consist of moneys deemed  
33 to have been designated thereto as provided in subsec-  
34 tion one (1) of this section, which shall be used only  
35 as provided in subsection three (3) of this section.  
36 The director of revenue shall remit moneys deemed to  
37 have been designated as provided in subsection one (1)  
38 of this section to the treasurer of state who shall  
39 deposit such moneys in the fund. Any interest income  
40 received by the treasurer of state from investment of  
41 moneys deposited in the fund shall also be deposited in  
42 the fund.

43 3. There is appropriated from the fund established  
44 by subsection two (2) of this section to the department  
45 of social services any or all moneys deposited therein,  
46 as may from time to time be necessary to pay all or a  
47 portion of the cost of elective abortions performed at  
48 public expense upon women who are recipients of medical  
49 assistance under chapter two hundred forty-nine A (249A)  
50 of the Code. The department shall apply toward such

1 costs all federal moneys available to the state which  
2 federal law and rules permit to be so used, before drawing  
3 upon moneys in the fund established by subsection two  
4 (2) of this section. No state money appropriated to the  
5 department of social services in any manner other than  
6 by this section shall be expended to pay the cost of  
7 elective abortions.

8 4. Should the total amount on deposit in the fund  
9 established by subsection two (2) of this section at any  
10 time be insufficient to meet the demands upon it pur-  
11 suant to subsection three (3) of this section, the  
12 treasurer of state shall advance such additional amounts  
13 as may be necessary from any money in the general fund  
14 not otherwise appropriated. The general assembly may  
15 by law limit the total amount of such advances in any  
16 fiscal year. Any amounts so advanced shall be repaid  
17 as soon as possible from moneys deemed to have been  
18 designated to the fund pursuant to subsection one (1)  
19 of this section. The treasurer of state shall report to  
20 the chairpersons of the senate and house budget commit-  
21 tees, after the close of each fiscal year, the condition  
22 of the fund established by subsection two (2) of this  
23 section as of the close of the fiscal year.

24 5. It is the intent of this section that the cost  
25 of elective abortions performed at public expense,  
26 which would except for this section be paid from state  
27 funds appropriated for the medical assistance program,  
28 shall instead be paid from moneys deemed to have been  
29 designated for that purpose by taxpayers under subsec-  
30 tion one (1) of this section rather than from revenue  
31 collected from persons who may object to use of public  
32 funds for elective abortions."

S-5265 FILED *Lost 3/1, (p. 423)* BY JOAN ORR  
FEBRUARY 28, 1978

## SENATE FILE 2163

S-5263

- 1 Amend Senate File 2163 as follows:  
2 1. Page 3, by striking lines 12 through 16.

S-5263 FILED *Lost 3/1, (p. 421)* BY JOAN ORR  
FEBRUARY 28, 1978

SENATE FILE 2163

By COMMITTEE ON BUDGET

(AS AMENDED AND PASSED BY THE SENATE MARCH 2, 1978)

Passed Senate, Date 4-24-78 (p. 983) Passed House, Date 4-12-78 (p. 1511)

Vote: Ayes 31 Nays 15 Vote: Ayes 71 Nays 24

Approved June 27, 1978 *Stem veto - see letter*

*Reconsidered & Passed 4-24-78 (p. 986) 35-11* *Repassed House per 6245 4-26-78 (p. 1886) 62-26* *Motion to reconsider p. 1912 15/R 5/12 (p. 2757)*

# A BILL FOR

1 An Act relating to the administration and financing of  
2 current programs under the jurisdiction of the depart-  
3 ment of social services.

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

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\_\_\_\_\_ = New Language  
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\* = Language Stricken  
by the Senate

DIVISION \_\_\_\_\_

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PROPOSED BY THE BUDGET SOCIAL SERVICES SUBCOMMITTEE

Section 1. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1978 and ending June 30, 1979 to the department of social services, the following amounts, or so much thereof as may be necessary, to be used for the purposes designated:

1978-1979  
Fiscal Year

DISTRICT ADMINISTRATION AND  
CENTRAL ADMINISTRATION

1. For the administration of district, central and local offices including salaries and support ..... \$ 17,000,000

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2. It is the intent of the general assembly that the state fully fund the food stamp program and not charge back to the counties the fifty percent of administrative costs not covered by federal funds. However, counties shall continue to furnish and pay for the office space presently in use by personnel administering the food stamp program.

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3. The provision of subsection nine (9) of section nineteen A point nine (19A.9) of the Code which restricts employment of intermittent employees to not more than a specified number of calendar days in any twelve-month period without examination, shall not apply during the period beginning on July 1, 1978 and ending June 30, 1979 for thirty-eight intermittent employees who are employed in field offices by the department of social services. It is the intent of the general assembly to authorize the continued employment during the 1978-1979 fiscal year of persons employed to assist in meeting the current high demand for income maintenance and related services and to permit the department to avoid the cost of training new employees. Any such employee of the department of social services who has been employed and classified as an intermittent employee after August 1, 1975

1 for twelve consecutive montns or more shall be eligible to  
2 receive the same fringe benefits for fiscal year 1978-1979  
3 as any other person employed under the provisions of chapter  
4 nineteen A (19A) of the Code. It is further the intent of  
5 the general assembly that when a vacancy occurs in any  
6 permanent full-time position for which any intermittent  
7 employee whose employment is continued under this Act is  
8 qualified, that employee or those employees shall be given  
9 an opportunity to fill the vacant position as a permanent  
10 merit employee. Each such intermittent employee, upon being  
11 transferred to full-time merit employee status, shall be given  
12 credit for all benefits which that employee has accrued as  
13 an intermittent employee of the Department.

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14 Sec. 2. Acts of the Sixty-seventh General Assembly, 1977  
15 Session, chapter thirty-seven (37), section one (1), subsection  
16 three (3), is amended to read as follows:

17 3. Medicaid Management Information  
18 System (MMIS)

19 For development and implementation  
20 of medicaid management information  
21 system .....\$ 140,000

22 Notwithstanding section eight point thirty-three (8.33)  
23 of the Code, unencumbered or unobligated funds appropriated  
24 by this subsection shall not revert to the general fund until  
25 June 30, 1979. The department of social services shall submit  
26 to the joint budget subcommittee on social services, during  
27 the 1979 session of the general assembly, a written report  
28 on the status of the medicaid management information system.

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29 Sec. 3. There is appropriated from the general fund of  
30 the state for the fiscal year beginning July 1, 1978 and  
31 ending June 30, 1979 to the department of social services,  
32 the following amounts, or so much thereof as may be necessary,  
33 to be used for the purposes designated:

	1978-1979
	<u>Fiscal Year</u>

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1 FAMILY AND CHILDREN SERVICES:

2 For the operation of the following  
3 institutions:

4 1. State juvenile home at Toledo,  
5 boys' training school at Eldora,  
6 and girls' training school at  
7 Mitchellville ..... \$ 5,500,000

8 2. Iowa veterans home at  
9 Marshalltown ..... \$ 8,200,000

10 3. It is the intent of the general assembly that the fifth  
11 cottage at the state juvenile home at Toledo not be opened,  
12 and that as statewide community-based juvenile services are  
13 developed the state juvenile home be phased out at the  
14 appropriate time.

15 Sec. 4. There is appropriated from the general fund of  
16 the state for the fiscal year beginning July 1, 1978 and  
17 ending June 30, 1979 to the department of social services  
18 for juvenile community-based corrections the sum of one hundred  
19 sixty thousand (160,000) dollars, or so much thereof as may  
20 be necessary.

21 1. The bureau of community corrections shall continue  
22 the program of project grants to communities which are  
23 developing community-based juvenile residential correctional  
24 programs. It shall work with local communities and the Iowa  
25 crime commission to provide incentives to make maximum use  
26 of available federal funds. Insofar as practical, the bureau  
27 shall provide technical assistance to local groups which  
28 intend to establish or improve community-based juvenile  
29 residential correctional programs.

30 2. Not more than twenty thousand dollars of the above  
31 amount may be used by the bureau of community corrections  
32 to develop, in coordination with the Iowa crime commission  
33 and its state juvenile justice advisory council, a state  
34 juvenile services plan.

35 3. The objective of the general assembly is to plan for

1 and encourage the development of statewide community-based  
2 juvenile services which are controlled and supported primarily  
3 through local citizen involvement. To be successful, these  
4 services should be built upon the intimate involvement of  
5 the family, the school, the juvenile court, and the local  
6 community. Juvenile services are understood to include, among  
59-7 others, family counseling, emergency foster and shelter care,  
8 evaluation, short and long term residential care, crisis  
9 intervention, substance abuse counseling, delinquency  
10 prevention, and coordination with education, vocational and  
11 court services programs.

12 Sec. 5. There is appropriated from the general fund of  
13 the state for the fiscal year beginning July 1, 1978 and  
14 ending June 30, 1979 to the department of social services,  
15 for the mental health institutes at Cherokee, Clarinda,  
16 Independence and Mount Pleasant the sum of twenty-two million  
58-17 three hundred fifty thousand (22,350,000) dollars, or so much  
18 thereof as may be necessary.

19 1. The state mental health institutes' daily per diem  
20 as determined pursuant to section two hundred thirty point  
21 twenty (230.20) of the Code shall be billed at eighty percent  
22 for the fiscal year.

23 2. It is the intent of the general assembly that a mental  
24 health institute shall not accept physical custody of children  
25 alleged to be children in need of assistance on guest status  
26 or otherwise, for more than thirty days. It is also the  
27 intent of the general assembly that children found to be  
28 children in need of assistance shall not be placed in a mental  
29 health institute on the basis of that adjudication. The  
30 juvenile court may, however, order a commitment to a mental  
31 health institute or other appropriate secure facility for  
32 the purposes of treatment of a mental or emotional condition,  
33 but only after making findings pursuant to the standards set  
34 out for involuntary commitment in chapter two hundred twenty-  
35 nine (229) of the Code.

1       3. It is the intent of the general assembly that the  
2 division of mental health resources of the department of  
3 social services shall seek alternative funding sources for  
4 the chaplain intern program at the mental health institutes  
5 at Cherokee and Independence, with the objective of continuing  
6 these programs without use of state funds.

7       4. It is the intent of the general assembly that the  
8 superintendents of the mental health institutes at Cherokee  
9 and Independence, in discharging the duties imposed on them  
10 by section two hundred thirty point twenty (230.20) of the  
11 Code, shall consider the costs of the psychiatric residency  
12 and chaplain intern programs maintained at those institutes  
13 as costs not to be included in the expenditures of those  
14 institutes for the purpose of establishing the institutes'  
15 respective daily charges to patients, the same as the costs  
16 enumerated in section two hundred thirty point twenty (230.20),  
17 subsection one (1), paragraphs a, b and c of the Code. It  
18 is the objective of the general assembly, in expressing this  
19 intent, that the four Iowa mental health institutes compute  
20 their respective daily charges to patients on a more uniform  
21 basis.

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22       Sec. 6. There is appropriated from the general fund of  
23 the state for the fiscal year beginning July 1, 1978 and  
24 ending June 30, 1979 to the department of social services,  
25 for the state hospital-schools at Glenwood and at Woodward  
26 the sum of twenty million one hundred sixty-eight thousand  
27 (20,168,000) dollars, or so much thereof as may be necessary.

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28       1. The state hospital-schools' per-patient-per-day cost  
29 as determined pursuant to section two hundred twenty-two point  
30 seventy-three (222.73) of the Code shall be billed at eighty  
31 percent for the fiscal year, except as otherwise provided  
32 by subsection two (2) of this section.

33       2. If more than twenty percent of the cost of a patient's  
34 care is initially paid from any source other than state-  
35 appropriated funds, the amount so paid shall be subtracted

1 from the per-patient-per-day cost of that patient's care  
2 computed pursuant to section two hundred twenty-two point  
3 seventy-three (222.73) of the Code and the patient's county  
4 of legal settlement shall be billed for the full balance of  
5 the cost so computed.

6 Sec. 7. There is appropriated from the general fund of  
7 the state for the fiscal year beginning July 1, 1978 and  
8 ending June 30, 1979 to the department of social services,  
9 the following amounts, or so much thereof as may be necessary,  
10 to be used for the purposes designated:

11 1978-1979  
12 Fiscal Year

13 SPECIAL PROGRAMS DIVISION:

14 1. For aid to the blind ..... \$ 15,000

15 2. For aid to  
16 dependent children ..... \$ 46,500,000

17 3. For aid to Indians residing on a  
18 settlement ..... \$ 40,000

19 4. For medical assistance, including  
20 reimbursement for abortion services,  
21 which shall be available under the  
22 medical assistance program only for  
23 those abortions which are medically  
24 necessary. Medically necessary  
25 abortions are those performed  
26 when:

27 a. The attending physician  
28 certifies that continuing the  
29 pregnancy would endanger the life  
30 of the pregnant woman; or

31 b. The attending physician  
32 certifies that the fetus is physically  
33 deformed, mentally deficient, or  
34 afflicted with a congenital illness;  
35 or

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1 c. The pregnancy is the result of  
2 a rape which is reported to a law  
3 enforcement agency or public or  
5714-4 private health agency within sixty  
5 days of the incident, or the  
6 result of incest which is reported  
5714-7 in the first two trimesters of  
8 pregnancy to a law enforcement  
9 agency or the department of  
5714-10 social services

11 d. Any spontaneous abortion,  
12 commonly known as a miscarriage, wherein  
13 not all of the products of conception  
145,5897-14 are expelled.....\$ 79,500,000

15 5. For contractual services-  
5897-16 medical carrier ..... \$ 1,000,000

17 6. For foster care  
18 and subsidized adoptions ..... \$ 8,400,000

5982-19 It is the intent of the general assembly that the payment  
20 for subsidized adoptions shall be raised to a level comparable  
21 to the current foster care rate.

22 It is the intent of the general assembly that the department  
23 of social services shall determine appropriate cost-related  
24 rate structures for the foster care and subsidized adoption  
5990-25 programs. The department of social services shall report  
26 to the joint budget subcommittee on social services regarding  
27 that rate structure not later than January 20, 1979.

5955-28 7. For work and training  
29 programs ..... \$ 420,000

30 8. For adult and children services  
31 and homemaker services ..... \$ 1,500,000

32 9. For state supplementary  
33 assistance, including state  
34 supplementary assistance for  
5997-35 the blind ..... \$ 5,500,000

1 The department of social services shall develop a special  
2 needs program for eligible supplementary assistance recipients,  
3 to be used primarily to pay for special assessments. The  
4 department shall develop administrative rules for this program  
5 pursuant to chapter seventeen A (17A) of the Code. There  
6 is allocated from the foregoing appropriation not to exceed  
7 sixty thousand (60,000) dollars, to fund the special needs  
8 program.

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9 The department of social services shall explore the  
10 possibility of obtaining federal financial participation for  
11 residential care facilities, and shall report its findings  
12 to the general assembly not later than January 20, 1979.

- 13 10. For the governor's youth
- 14 opportunity program ..... \$ 750,000
- 15 11. For child support recoveries ..... \$ 396,000
- 16 12. Assistance to child care
- 17 centers for nonprofit centers only..... \$ 250,000

18 Real property shall not be purchased with funds appropriated  
19 by this subsection.

- 20 13. State supplementation to
- 21 Title twenty (XX) ..... \$ 750,000

22 a. It is the intent of the general assembly that the  
23 department of social services shall submit budgets for fiscal  
24 year 1979-80 for general administration, area administration,  
25 the division of community services, and the division of  
26 management and planning according to federal program rather  
27 than according to department of social services organizational  
28 structure. Costs for general administration and program  
29 support shall be developed for each federal program budget.  
30 The department of social services shall work in cooperation  
31 with the legislative fiscal bureau to develop this program  
32 budgeting process for fiscal year 1979-80.

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33 b. It is the intent of the general assembly that for each  
34 discrete direct service program or allocation under Title  
35 twenty (XX), the department of social services shall spend

1 within fifteen percent of planned amounts of funds. If by  
2 March 1, 1979 it becomes apparent that actual direct service  
3 expenditures will differ from planned direct service  
4 expenditures by greater than fifteen percent in any individual  
5 service program, or in total, the department of social services  
6 shall, by April 1, 1979 notify the office of the comptroller,  
7 the legislative fiscal bureau, and the state Title twenty  
8 (XX) advisory committee. Notification shall specify the  
9 projected expenditure which is more than fifteen percent,  
10 greater or lesser, than planned expenditures for each affected  
11 service area. The department of social services shall prepare  
12 a report on direct service expenditures not within the fifteen  
13 percent limit for presentation to the joint budget subcommittee  
14 on social services not later than February 1, 1980.

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15 c. It is the intent of the general assembly that the  
16 substate allocations formula for local purchase funds under  
17 Title twenty (XX) be based upon the formula approved by the  
18 state Title twenty (XX) advisory committee as follows:

19 (1) Fifty percent of the allocation formula for local  
20 purchase shall be based on the distribution of persons below  
21 the U.S. census poverty level as defined in the most recent  
22 census; and

23 (2) Fifty percent of the allocation formula for local  
24 purchase shall be based on the previous years local purchase  
25 allocation;

26 (3) All new moneys, or funds in excess of the current  
27 federal ceiling, shall be allocated one hundred percent on  
28 the basis of the percentage of people below the poverty level  
29 according to the most recent census.

30 (4) Reallocation or redistribution of local purchase funds  
31 shall be based on service utilization.

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32 e. It is the intent of the general assembly that the  
33 department of social services shall by January 1, 1980 provide  
34 the following information on the Title twenty (XX) program  
35 to the joint budget subcommittee on social services:

1 (1) Unit cost data for Title twenty (XX) direct services  
2 according to social services district and individual service  
3 area.

4 (2) A comparison, where appropriate, of unit costs for  
5 direct services and unit costs for purchased services.

6 (3) Administrative, program support, and direct program  
7 costs for all methods of service delivery under Title twenty  
8 (XX).

9 (4) A comparison of planned and actual expenditures for  
10 all methods of service delivery under Title twenty (XX).

11 (5) A comparison of planned and actual services provided  
12 under Title twenty (XX) in each social services district and  
13 for each social services program.

14 (6) A comparison of planned and actual services provided  
15 under Title twenty (XX) broken down by eligible client  
16 categories.

17 f. It is the intent of the general assembly that the  
18 department of social services expand the citizen participation  
19 process under Title twenty (XX) to include:

20 (1) Citizen input into the determination of appropriate  
21 statewide funding levels and allocations for direct services  
22 under Title twenty (XX).

23 (2) Citizen input into the appropriate disbursement and  
24 use of federal funds earmarked for special day care.

25 (3) Citizen input into the actual use of direct services  
26 funds under Title twenty (XX) including data on actual  
27 expenditures, recipients, and services provided.

28 The department of social services shall report to the joint  
29 budget subcommittee on social services by January 1, 1979  
30 relative to the efforts made to expand the scope of the citizen  
31 participation process.

32 g. It is the intent of the general assembly that mini-  
33 Title twenty (XX) funds be disbursed expeditiously to district  
34 local purchase systems. Planning for the allocation of mini-  
35 Title twenty (XX) funds shall assure that these funds are

1 actually received and used by district Title twenty (XX)  
2 programs rather than reverted to the state general fund.  
3 It is also the intent of the general assembly that these funds  
4 be used primarily for purchase of service for individuals  
5 to meet the state's goal of deinstitutionalization.

5897-

6 Sec. 8.

7 1. It is the intent of the general assembly, in  
8 consideration of the Iowa state university of science and  
9 technology aid to families with dependent children study,  
10 that the schedule of living costs and the payments for persons  
11 on the aid to families with dependent children program shall  
12 be set as follows:

- 13 a. 1 person \$145 per month
- 14 b. 2 person family \$275 per month
- 15 c. 3 person family \$340 per month
- 16 d. 4 person family \$395 per month
- 17 e. 5 person family \$438 per month
- 18 f. 6 person family \$487 per month
- 19 g. Each additional child \$ 48 per month
- 20 n. If the amount of assistance determined by the above  
21 schedule would be less than a current recipient's payment  
22 level determined under the schedule in effect for the 1977-  
23 78 fiscal year, the current payment level shall be maintained.

24 2. The special needs program of the aid to families with  
25 dependent children program shall be continued.

26 3. It is the intent of the general assembly to fully fund  
27 the addition to the aid to families with dependent children  
28 program as it applies to dependent children through the age  
29 of twenty years.

30 4. It is the intent of the general assembly that the  
31 department of social services explore the feasibility of  
32 contracting with a third party to provide health insurance  
33 coverage for welfare recipients, as authorized by section  
34 two hundred forty-nine A point four (249A.4), subsection four  
35 (4) of the Code. If it is determined that the cost of such

1 health insurance coverage would be no greater than the current  
2 cost the department may contract for health insurance coverage  
3 for welfare recipients. The department shall report to the  
4 general assembly not later than January 20, 1979 on its study  
5 of the feasibility of instituting third-party payments under  
6 the medical assistance program.

7 Sec. 9. The department of social services shall encourage  
8 voluntary participation of families in paying for a portion  
9 of the care delivered to a relative who is a resident in an  
10 intermediate care facility. Facility administrators and  
11 appropriate department personnel, both state and county, shall  
12 be advised as to the proper method of implementing family  
13 participation.

14 Sec. 10.

15 1. It is the intent of the general assembly that the  
16 department of social services shall increase the maximum  
17 reimbursement for intermediate care facility services under  
18 medical assistance from nineteen dollars fifty cents per day  
19 to a payment level fixed at the seventy-fourth percentile  
20 of all intermediate care facilities under the medical  
21 assistance program ranked on a cost basis, but not to exceed  
22 twenty-one dollars per day.

23 2. It is the intent of the general assembly that payment  
24 for reserve bed days under the medical assistance program  
25 shall be made at eighty percent of the actual reimbursement  
26 rate for those beds.

27 3. It is the intent of the general assembly that the  
28 department of social services shall increase the maximum  
29 reimbursement for residential care facility services from  
30 eleven dollars per day to twelve dollars fifty cents per day.

31 4. It is the intent of the general assembly that, in  
32 addition to funds appropriated for medical assistance in this  
33 Act, the state's share of federal welfare fiscal relief money  
34 to be received by Iowa be utilized in the medical assistance  
35 program.

1 5. It is the intent of the general assembly that funds  
2 appropriated for medical assistance shall not be used to pay  
3 for radiology services provided by a computerized axial  
4 tomographic scanner placed in operation in the state of Iowa  
5 subsequent to July 1, 1977 unless said computerized axial  
6 tomographic scanner has been approved by the state health  
7 facilities council of the state department of health.

8 6. It is the intent of the general assembly that the  
9 department of social services develop a method for annually  
5990-10 updating the current fee schedule for all fixed fee providers  
11 under the medical assistance program.

12 Sec. 11. It is the intent of the general assembly that  
13 the department of social services shall promulgate rules  
14 pursuant to chapter seventeen A (17A) of the Code so that  
15 the noninstitutionalized spouse's support of persons receiving  
16 medical assistance shall be based on a case-by-case factual  
17 determination of the amount of money available for such  
18 support.

19 Sec. 12. Unless otherwise provided, all institutional  
20 receipts of the department of social services shall be  
21 deposited in the general fund except rentals charged to  
22 employees or others for room, apartment, or house and meals,  
23 which shall be available to the institutions, and except for  
24 receipts from farm products which shall be used for necessary  
5990-25 farm expenses and repair.

26 Sec. 13. Each hospital-school shall, upon receipt of any  
27 payment made under chapter two hundred forty-nine A (249A)  
28 of the Code for the care of any patient, segregate an amount  
29 equal to that portion of the payment which is required by  
30 law to be made from nonfederal funds. The money segregated  
31 shall be deposited in the medical assistance fund of the  
5397-32 department of social services.

33 Sec. 14. It is the intent of the general assembly that  
34 if the legislation increasing funding for social services  
35 now pending before Congress is passed, and if the Iowa child

1 abuse program is in compliance with federal law, then funds  
2 appropriated to the department of social services may be used  
3 to match federal funds for child protective services to  
4 neglected and physically and sexually abused children, in  
5 an amount equal to the amount required to fund the state match  
6 for federal funds available to the state for that purpose.

7 Sec. 15. It is the intent of the general assembly that  
8 sixty thousand (60,000) dollars of the appropriation for adult  
9 and children services shall be used to fund open door projects  
10 for displaced homemakers. A displaced homemaker is any person  
11 over thirty-five years of age who has been primarily a  
12 homemaker, has worked for his or her family in the family  
13 home, is not gainfully employed, has had or would have  
14 difficulty finding employment, has depended on the income  
15 of a family member and has lost that income in whole or in  
16 part as a result of separation, divorce or the death or  
17 disability of that family member, or has depended on public  
18 assistance as the parent of dependent children and is no  
19 longer eligible for such assistance. The funds referred to  
20 in this section shall not be used for tuition.

21 Sec. 16.

22 1. There is appropriated from the general fund of the  
23 state for the fiscal year beginning July 1, 1978 and ending  
24 June 30, 1979 to the department of social services the sum  
25 of sixty thousand (60,000) dollars, or so much thereof as  
26 may be necessary, to be used to fund at least one pilot program  
27 to provide emergency shelter services and support services  
28 to battered women. It is the intent of this subsection that  
29 the commissioner of social services shall consult persons  
30 knowledgeable in the fields of health, law enforcement, social  
31 services and the law with regard to establishment or selection  
32 of pilot programs to be funded under this subsection.

33 2. For the purposes of this section:

34 a. "Battered woman" means a woman who is being or has  
35 been assaulted as defined in section seven hundred eight point

1 one (708.1) of the Code 1977 Supplement by her spouse, by  
2 a male related to her by blood or marriage, or by a male with  
3 whom she is residing or has resided in the past.

5897

4 b. "Emergency shelter services" include but are not limited  
5 to secure crisis shelters for battered women and nousing  
6 networks for battered women.

5856

7 c. "Support services" include but are not limited to legal  
8 services, counseling services, transportation services, child  
9 care services, and twenty-four hour information and referral  
10 services.

11 3. General assistance payments may be made to individuals  
12 receiving aid to families with dependent children who are  
13 residing in a facility which provides shelter services to  
14 battered women.

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15 Sec. 17. All federal grants to and the federal receipts  
16 of the department of social services are appropriated for  
17 the purposes set forth in such federal grants or receipts  
18 except the veterans per diem payable for veterans at the  
19 veterans home shall be deposited in the general fund.

20 Sec. 13. Funds appropriated by sections one (1) through  
21 fourteen (14) of this division shall not be used for capital  
22 improvements.

5897

23 Sec. 19. Notwithstanding the provisions of section eight  
24 point thirty-nine (8.39) of the Code, none of the funds  
25 appropriated by this Act shall be transferred to or used by  
26 any agency other than the department of social services.

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5956, 5995

27 EXPLANATION

28 Seventeen million dollars is provided for the administration  
29 of district, central and local offices of the department of  
30 social services, including salaries and support. Funding  
31 for 151 food stamp workers is included.

32 This bill amends the Acts of the Sixty-seventh General  
33 Assembly, 1977 Session, Chapter 37, section 1, subsection  
34 3 to allow funds appropriated for the medicaid management  
35 information system, but not expended, to be carried forward

1 to complete the system and continue to receive 90% federal  
2 match.

3 Five million five hundred thousand dollars is appropriated  
4 for the juvenile institutions (Toledo, Eldora, Mitchellville)  
5 to maintain current programs with no new positions authorized.  
6 The fifth cottage at the state juvenile home at Toledo is  
7 not funded. It is the intent of the general assembly that  
8 community-based juvenile services be developed statewide and  
9 that at the appropriate time the state juvenile home be phased  
10 out.

11 The appropriation to the Glenwood and Woodward hospital-  
12 schools is to continue current programs.

13 Included in the medical assistance appropriation is  
14 \$1,950,000 to raise the ICF per diem rate to \$21 per day but  
15 not to exceed the 74th percentile, \$28,766 to increase the  
16 \$503 limitation for the 300% group to \$533, \$1,500,000 for  
17 the federal "spouse deeming" regulation and \$316,000 to provide  
18 and increase for fixed fee providers other than pharmacists.

19 In addition to funds appropriated for medical assistance  
20 this bill authorizes federal welfare fiscal relief money to  
21 be received during FY-79, to be utilized for medical  
22 assistance.

23 It is the intent of this bill that payments for persons  
24 on aid to families with dependent children shall be set as  
25 prescribed in this bill.

26 The appropriation for the AFDC program allows for a 6.5%  
27 increase in benefits.

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FISCAL NOTE  
 SENATE FILE 2163  
 Requested by Representative Varley  
 April 4, 1978

In compliance with a written request, there is submitted a Fiscal Note for S.F 2163 pursuant to Joint Rule 16:

Senate File 2163, An Act relating to the administration and financing of current programs under the jurisdiction of the department of social services.

AFDC Estimate For FY 1978-79

	Current			FY-78/79 Estimate		
	Feb. 1978 Case Load	Feb. 1978 Mo. Expend.	Cost Per Person	Case Load	Cost Per Person	Annual Cost
Non-Parental	2,650	\$ 381,783	\$144.00	2,650	\$144.00	\$ 4,579,200
Parental	91,325	\$8,471,692	\$ 92.76	91,325	\$ 98.79	\$108,263,961
AFDC-FC	612	\$ 130,000	\$210.00	625	\$210.00	\$ 1,575,000
						\$114,418,161
Recoveries						(12,000,000)
						\$102,418,161
State Share						\$ 49,201,685
Increase Over Current Appropriation						\$ 2,200,000

1. The above estimate assumes that the FY-78/79 caseload will not change significantly from the current caseload.
  - a. It is assumed that any increase in caseload, due to increased benefits, will be offset by a slightly declining unemployment rate during FY-78/79. Estimated unemployment rate FY-78/79 - 3.3%.
2. Benefit levels have been increased by 6.5%.
3. Child support recoveries will be \$12,000,000 for FY-78/79.

It should be noted that if child support recoveries exceed the estimate used in this projection the above estimate of \$49.2 million should be adjusted accordingly.

FILED  
 APRIL 10, 1978

GERRY D. RANKIN  
 Legislative Fiscal Bureau

H-5998

- 1 Amend Senate File 2163, as amended, passed and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 15, by inserting after line 26 the  
 4 following new section:  
 5 "Sec. \_\_\_\_\_. Section twenty-five A point two (25A.2),  
 6 subsection three (3), Code 1977, is amended to read  
 7 as follows:  
 8 3. "Employee of the state" includes any one or  
 9 more officers, agents, or employees of the state or  
 10 any state agency, including members of the general  
 11 assembly, and persons acting on behalf of the state  
 12 or any state agency in any official capacity,  
 13 temporarily or permanently in the service of the state  
 14 of Iowa, whether with or without compensation. Persons  
 15 designated as foster parents under this Act are to  
 16 be considered employees of the state. Professional  
 17 personnel, including medical doctors, osteopathic  
 18 physicians and surgeons, osteopathic physicians,  
 19 optometrists and dentists, who render services to  
 20 patients and inmates of state institutions under the  
 21 jurisdiction of the department of social services  
 22 are to be considered employees of the state, whether  
 23 such personnel are employed on a full-time basis or  
 24 render such services on a part-time basis on a fee  
 25 schedule or arrangement, but shall not include any  
 26 contractor doing business with the state."

H-5998 FILED *Adopted 4/12* BY MILLER of Buchanan  
 APRIL 12, 1978 *(p. 1504)*  
*Rescindment withdrawn 4/12 (p. 1504)*

## SENATE FILE 2163

H-6004

- 1 Amend amendment H-5991, to Senate File 2163 as  
 2 passed by the Senate and reprinted, as follows:  
 3 1. Page 1, by striking lines 10 through 12 and  
 4 inserting in lieu thereof the following:  
 5 "b. Two physicians certify and document that  
 6 continuing the pregnancy would result in critical and  
 7 long-lasting damage to the physical health of the  
 8 woman, or".

H-6004 FILED, LOST *(p. 1507)* BY MONROE of Des Moines  
 APRIL 12, 1978 LONERGAN of Boone

## SENATE FILE 2163

H-6012

- 1 Amend amendment H-5991 to page 6 of Senate File  
 2 2163 as amended, passed and reprinted by the Senate  
 3 as follows:  
 4 1. Page 1, by striking lines 7 through 12 and  
 5 inserting in lieu thereof the following:  
 6 "a. The attending physician certifies that con-  
 7 tinuing the pregnancy would medically endanger the  
 8 life of the pregnant woman; or  
 9 b. Two physicians certify that continuing the  
 10 pregnancy would medically result in severe and long-  
 11 lasting damage to the physical health of the woman;  
 12 or"

H-6012 FILED *Lost 4/12* BY SCHROEDER of Pottawattamie  
 APRIL 12, 1978 *(p. 1505)*

H-5990

- 1 Amend Senate File 2163, as amended, passed and  
 2 reprinted and by Senate, as follows:  
 A 3 1. Page 4, line 7, by inserting after the word  
 4 "care," the words "homemaker services,".  
 B 5 2. Page 7, line 25, by inserting after the word  
 6 "programs" the words ", and shall thereafter revise  
 7 such rate structures annually".  
 C 8 3. Page 13, line 10, by striking the word  
 9 "updating" and inserting in lieu thereof the word  
 10 "reviewing".  
 D 11 4. Page 13, line 25, by inserting after the period  
 12 the words "A full report of such receipts retained  
 13 for institutional use shall be delivered to the  
 14 legislative fiscal bureau at the end of the fiscal  
 15 year."

H-5990 FILED BY LIPSKY of Linn  
 APRIL 11, 1978

A. Adopted; B. Lost 4/12 (pp. 1490-1492)  
 C. Adopted; D. Adopted

SENATE FILE 2163

H-5995

- 1 Amend Senate File 2163, as amended, passed and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 6, by striking lines 19 through 21 and  
 4 inserting in lieu thereof the following:  
 5 "4. For medical assistance.....\$ 78,650,000  
 6 Reimbursement for abortion services shall be avail-  
 7 able under the".  
 8 2. Page 7, by striking line 14 and inserting in  
 9 lieu thereof the words "are expelled."

H-5995 FILED *Out of order* BY GENTLEMAN of Polk  
 APRIL 12, 1978 *4/12 (p. 1492)*

SENATE FILE 2163

H-5996

- 1 Amend Senate File 2163, as amended, passed and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 6, by striking lines 19 and 20 and  
 4 inserting in lieu thereof the following:  
 5 "4. For medical assistance:  
 6 Funds appropriated by this subsection may be used  
 7 to provide reimbursement for abortion services,".

H-5996 FILED *Last 4/12* BY GENTLEMAN of Polk  
 APRIL 12, 1978 *(p. 1494)*

SENATE FILE 2163

H-5997

- 1 Amend Senate File 2163, as amended, passed and re-  
 2 printed by the Senate as follows:  
 3 1. Page 15, by inserting after line 14 the follow-  
 4 ing new section:  
 5 Sec. \_\_\_\_\_. Section seven hundred twenty-six point  
 6 five (726.5), Code 1977 Supplement, is amended by add-  
 7 ing the following new unnumbered paragraph:  
 8 NEW UNNUMBERED PARAGRAPH. Proceedings under this  
 9 section may be instituted upon complaint by any person,  
 10 including but not limited to the commissioner of social  
 11 services or his or her authorized agent.  
 12 2. By renumbering the remaining sections.

H-5997 FILED *Adopted 4/12* BY NIELSEN of Polk  
 APRIL 12, 1978 *(p. 1504)* WOODS of Polk

1 Amend Senate File 2163 as amended, passed and  
2 reprinted by the Senate as follows:  
3 1. Page 6, by striking lines 23 through 35  
4 and inserting in lieu thereof the following:  
5 "abortions performed under the following cir-  
6 cumstances:  
7 a. The attending physician certifies that con-  
8 tinuing the pregnancy would endanger the life of the  
9 pregnant woman; or  
10 b. Two physicians certify that continuing the  
11 pregnancy could result in severe and long-lasting  
12 damage to the physical health of the woman; or  
13 c. The attending physician certifies that the  
14 fetus is physically deformed, mentally deficient,  
15 or afflicted with a congenital illness; or".  
16 2. Page 7, line 1, by striking the letter "c."  
17 and inserting in lieu thereof the letter "d."  
18 3. Page 7, line 11, by striking the letter "d."  
19 and inserting in lieu thereof the letter "e."

H-5989 FILED *w/d* BY ANDERSON of Jasper  
APRIL 11, 1978 *4/12* MILLER of Buchanan  
*(p. 1505)* HARVEY of Scott  
WELDEN of Hardin  
WEST of Marshall  
NORLAND of Worth  
EVANS of Grundy  
BROCKETT of Marshall  
GILLOON of Dubuque  
MIDDLESWART of Warren

SENATE FILE 2163

H-5991

1 Amend Senate File 2163 as amended, passed and  
2 reprinted by the Senate as follows:  
3 1. Page 6, by striking lines 23 through 35  
4 and inserting in lieu thereof the following:  
5 "abortions performed under the following cir-  
6 cumstances:  
7 a. The attending physician certifies that  
8 continuing the pregnancy would endanger the life  
9 of the pregnant woman; or  
10 b. Two physicians certify that continuing  
11 the pregnancy would result in severe and long-lasting  
12 damage to the physical health of the woman; or  
13 c. The attending physician certifies that the  
14 fetus is physically deformed, mentally deficient, or  
15 afflicted with a congenital illness; or".  
16 2. Page 7, line 1, by striking the letter "c."  
17 and inserting in lieu thereof the letter "d."  
18 3. Page 7, line 11 by striking the letter "d." and  
19 inserting in lieu thereof the letter "e."

6012  
6004  
6014

H-5991 FILED *Adopted 4/12* BY ANDERSON of Jasper  
APRIL 11, 1978 *(p. 1509)* MILLER of Buchanan  
HARVEY of Scott  
WELDEN of Hardin  
WEST of Marshall  
NORLAND of Worth  
EVANS of Grundy  
BROCKETT of Marshall  
GILLOON of Dubuque

H-5987

1 Amend amendment H-5897 to Senate File  
 2 2163 as follows:  
 3 1. Page 5, by striking lines 15 and 16 and  
 4 inserting in lieu thereof the following:  
 5 "14. Page 6, by inserting after line 30 the  
 6 following new paragraph, and redesignating the  
 7 succeeding paragraphs accordingly:  
 8 "b. The physician certifies that continuing  
 9 the pregnancy could result in severe and long-  
 10 lasting physical damage to the health of the  
 11 pregnant woman; or"."

H-5987 FILED, OUT OF BY SMALL Of Johnson  
 ORDER (p. 1471)  
 APRIL 11, 1978

## SENATE FILE 2163

H-5988

1 Amend amendment H-5897, to Senate File 2163  
 2 as passed by the Senate and reprinted, as follows:  
 3 1. Page 6, by inserting after line 33 the  
 4 following subsection:  
 5 "\_\_\_\_\_. In the event that the department of  
 6 social services develops a plan to provide purchased  
 7 rather than direct homemaker services in order to  
 8 provide for a capability to determine eligibility  
 9 for medical assistance, the department shall provide  
 10 the Iowa Council for Homemaker-Home Health Aid Service,  
 11 Inc. a three-week period of time to review and comment  
 12 on the plan prior to its submission to the Executive  
 13 Council.

H-5988 FILED *Adopted 4/11* BY NORLAND of Worth  
 APRIL 11, 1978 (p. 1476) HANSEN of O'Brien  
 CUSACK of Scott

## SENATE FILE 2163

H-5982

1 Amend Senate File 2163 as amended, passed and  
 2 reprinted by the Senate as follows:  
 3 1. Page 7, by inserting after line 18 the  
 4 following:  
 5 "It is the intent of the general assembly that  
 6 funds appropriated by this section may be used to  
 7 fund services to a child in his or her own home when  
 8 such service may be an alternative to placement in a  
 9 foster care home."

H-5982 FILED *Adopted* BY CLARK of Cerro Gordo  
 APRIL 11, 1978 *4/12 (p. 1496)*

## SENATE FILE 2163

H-5981

1 Amend amendment H5976 to Senate File 2163 as  
 2 follows:  
 3 1. Page 1, line 9, by striking the words  
 4 "Two physicians certify", and inserting in lieu  
 5 thereof the words "The physician certifies".

H-5981 FILED, RULED OUT BY SMALL of Johnson  
 OF ORDER (p. 1471)  
 APRIL 11, 1978

H-5980

1 Amend the Committee on Budget amendment, H-5897,  
 2 to Senate File 2163, as amended, passed and reprinted  
 3 by the Senate, as follows:  
 4 1. Page 6, by striking lines 14 through 21 and  
 5 inserting in lieu thereof the following: "following  
 6 subsection:".  
 7 2. Page 8, by inserting after line 7 the following:  
 8 "34. Page 15, by inserting after line 26 the  
 9 following new sections:  
 10 "Sec. 30. It is the intent of the general assembly  
 11 that medical assistance shall be made available to  
 12 any person who is an inpatient of a hospital, skilled  
 13 nursing facility or intermediate care facility; who  
 14 is eligible for supplemental security income in all  
 15 respects except income; and whose income does not  
 16 exceed five hundred thirty-three dollars per month.  
 17 Sec. 31. Section thirty (30) of this Act, being  
 18 deemed of immediate importance, shall take effect  
 19 and be in force from and after its publication in  
 20 the Crawa Democrat, a newspaper published in Onawa,  
 21 Iowa, and in The Toledo Chronicle, a newspaper  
 22 published in Toledo, Iowa."

H-5980 FILED *Lost 4/11* BY HUSAK of Tama  
 APRIL 11, 1978 *(p. 1472)* CRABB of Crawford

## SENATE FILE 2163

H-5979

1 Amend amendment H-5897, to Senate File 2163, as  
 2 passed by the Senate and reprinted, as follows:  
 3 1. Page 6, by striking lines 29 through 33 and  
 4 inserting in lieu thereof the following:  
 5 "eligibility criteria for income and resources as  
 6 authorized in section one thousand nine hundred two  
 7 (f) (1902 (f)) of the Social Security Act (Title XLII,  
 8 United States Code, section 1396 a(f)). In promulga-  
 9 tion of such rules and regulations specifying such  
 10 criteria, the commissioner shall:  
 11 a. exclude established medical expenses in  
 12 determining the amount of income for eligibility  
 13 purposes; and  
 14 b. provide for decertification of recipients only  
 15 in those instances where a recipient has transferred  
 16 property, a resource or income, contrary to the pro-  
 17 visions of section two hundred forty-nine A point five  
 18 (249A.5) of the Code, and such property, resource or  
 19 income, or the identifiable proceeds thereof, is  
 20 currently available to the recipient."

H-5979 FILED *Adopted* BY HANSEN of O'Brien  
 APRIL 11, 1978 *4/11 (1475)* CUSACK of Scott  
 BRUNOW of Appanoose

SENATE FILE 2163

H-5971

- 1 Amend Senate File 2163, as passed by the Senate
- 2 and reprinted, as follows:
- 3 1. Page 13, line 18, by inserting after the word
- 4 "support." the following: "However, in no event shall
- 5 the noninstitutionalized spouse be required to con-
- 6 tribute support when that spouses income is less than
- 7 five thousand (5,000) dollars per year."

H-5971 FILED *Adopted* BY MILLER of Buchanan  
APRIL 11, 1978 *4/12 (p. 1500)*

SENATE FILE 2163

H-5972

- 1 Amend H-5897 to Senate File 2163, as amended,
- 2 passed and reprinted by the Senate as follows:
- 3 1. Page 5, by striking lines 15 and 16 and
- 4 inserting in lieu thereof the following:
- 5 "14. Page 5, by striking lines 19 through 35
- 6 and inserting in lieu thereof the following:
- 7 4. For medical assistance, no funds shall be
- 8 expended for abortion services available under the
- 9 medical assistance program....."
- 10 15. Page 7, by striking lines 1 through 13.
- 11 16. Page 7, line 14, by striking the words
- 12 "are expelled"."

H-5972 FILED, LOST *(p. 1468)* BY DIELEMAN of Marion  
APRIL 11, 1978 KOOGLER of Mahaska

SENATE FILE 2163

H-5974

- 1 Amend amendment H-5897 to Senate File 2163 as
- 2 follows:
- 3 1. Page 6, by striking lines 46 and 47.

H-5974 FILED *Lost* 4/12 BY GENTLEMAN of Polk  
APRIL 11, 1978 *(p. 1489)*

SENATE FILE 2163

H-5973

- 1 Amend H-5897 to Senate File 2163, as amended,
- 2 passed and reprinted by the Senate, as follows:
- 3 1. Page 5, by striking lines 15 and 16 and in-
- 4 serting in lieu thereof the following:
- 5 "14. Page 6, by striking lines 31 through 35.
- 6 15. Page 7, by striking lines 1 through 10."

H-5973 FILED, LOST *(p. 1469)* BY DIELEMAN of Marion  
APRIL 11, 1978 KOOGLER of Mahaska

*H-5976 not printed*

H-5977

SENATE FILE 2163

- 1 Amend H-5897 to Senate File 2163, as amended
- 2 passed, and reprinted as follows;
- 3 1. Page 6, line 21, by striking the words
- 4 "five hundred thirty-three dollars per month" and
- 5 inserting in lieu thereof the words "three hundred
- 6 percent of supplementary security income".

H-5978 FILED, LOST BY GARRISON of Black Hawk  
APRIL 11, 1978 *(p. 1472)*

SENATE FILE 2163

H-5964

- A
- 1 Amend H-5897 to Senate File 2163, as amended,
  - 2 passed and reprinted, as follows:
  - 3 1. Page 5, line 19, by striking the numerals
  - 4 "78,650,000" and inserting in lieu thereof the numerals
  - 5 "79,850,000".
- β
- 6 2. Page 6, line 12, by striking the word "twenty-one"
  - 7 and inserting in lieu thereof the word "twenty-two".

H-5964 FILED

APRIL 10, 1978

A- *W/O 4/11 (1478)*  
 B- *Lost 4/11 (1478)*

BY SHIMANEX of Jones

TAUKE of Dubuque

HOFFMANN of Muscatine

SENATE FILE 2163

H-5965

- 1 Amend the Budget Committee amendment, H-5897, to
- 2 Senate File 2163, as amended, passed and reprinted
- 3 by the Senate, as follows:
- 4 1. Page 5, by striking lines 49 and 50 and
- 5 inserting in lieu thereof the following:
- 6 "22. By striking page 11, line 30 through page
- 7 12, line 6."

H-5965 FILED

APRIL 10, 1978

*Lost 4/11 (p. 1479)* BY SPENCER of Clay

SENATE FILE 2163

H-5966

- 1 Amend Senate File 2163, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 14, by striking lines 7 through 20.
- 4 2. By striking page 14, line 21 through page
- 5 15, line 14.

H-5966 FILED

APRIL 10, 1978

*Out of order 4/12 (p. 1489)* BY DANKER of Pottawattamie

SENATE FILE 2163

H-5967

- 1 Amend the Budget Committee amendment, H-5897, to
- 2 Senate File 2163, as amended, passed and reprinted
- 3 by the Senate, as follows:
- 4 1. Page 5, by striking lines 49 and 50.

H-5967 FILED

APRIL 10, 1978

*Lost 4/11 (p. 1479)* BY SPENCER of Clay

SENATE FILE 2163

H-5970

- 1 Amend amendment H-5897 to Senate File 2163 as
- 2 follows:
- 3 1. Page 3, by striking lines 11 through 18.

H-5970 FILED

APRIL 10, 1978

*LOST (p. 1449)* BY HARGRAVE of Johnson

H-5956

1 Amend Senate File 2163, as amended, passed and  
2 reprinted by the Senate, as follows:

3 1. Page 12, line 3, by inserting after the period  
4 the words "No contract for health insurance coverage  
5 executed under this section shall provide coverage  
6 for abortion services except those for which  
7 reimbursement is permitted under section seven (7),  
8 subsection four (4) of this Act."

9 2. Page 15, by inserting after line 26 the  
10 following new section:

11 "Sec. \_\_\_\_ . Section five hundred nine A point six  
12 (509A.6), Code 1977, is amended to read as follows:  
13 509A.5 CONTRACT WITH INSURANCE CARRIER OR HEALTH  
14 MAINTENANCE ORGANIZATION. The governing body may  
15 contract with a nonprofit corporation operating under  
16 the provisions of this chapter or chapter 514 or with  
17 any insurance company having a certificate of authority  
18 to transact an insurance business in this state with  
19 respect of a group insurance plan, which may include  
20 life, accident, health, hospitalization and disability  
21 insurance during period of active service of such  
22 employees, with the right of any employee to continue  
23 such life insurance in force after termination of  
24 active service at such employee's sole expense; may  
25 contract with a nonprofit corporation operating under  
26 and governed by the provisions of this chapter or  
27 chapter 514 with respect of any hospital or medical  
28 service plan; and may contract with a health  
29 maintenance organization authorized to operate in  
30 this state with respect to health maintenance  
31 organization activities. No contract for health or  
32 hospitalization insurance coverage executed under  
33 this section, for which premiums are paid wholly or  
34 partially from public funds, shall provide coverage  
35 for any abortion services except those necessary when  
36 two physicians certify that continuing the pregnancy  
37 would endanger the life of the pregnant woman, or  
38 following a spontaneous abortion, commonly known as  
39 a miscarriage, wherein not all of the products of  
40 conception are expelled."

H-5956 FILED *A. Loss B. Not Germane* BY SPENCER of Clay  
APRIL 10, 1978 *4/12 (p. 1499)* CONLON of Muscatine  
SENATE FILE 2163

H-5963

1 Amend H-5897 to Senate File 2163 as amended, passed  
2 and reprinted by the Senate as follows:

3 1. Page 5, by inserting after line 16, the following  
4 new section:

5 " \_\_\_\_ . Page 6, line 30, by inserting after the word  
6 "woman" the words ", provided that for the purpose of  
7 this paragraph, continuation of a pregnancy shall be  
8 deemed to endanger the health of the pregnant woman only  
9 when two physicians certify that such continuation would  
10 cause severe and long-lasting physical damage to the  
11 woman'".

12 2. By renumbering the remaining sections as necessary.

H-5963 FILED *4/10 4/11* BY MILLER of Buchanan  
APRIL 10, 1978 *(p. 1471)*

SENATE FILE 2163

H-5953

- 1 Amend H-5897 to Senate File 2163, as amended,
- 2 passed and reprinted, as follows:
- 3 1. Page 6, by striking lines 22 through 33.

H-5953 FILED *H/S 4/11* BY STROMER of Hancock  
APRIL 10, 1978 (*p. 1475*) CLARK of Cerro Gordo

SENATE FILE 2163

H-5954

- 1 Amend the Committee on Budget amendment, H-5897,
- 2 to Senate File 2163, as amended, passed and reprinted
- 3 by the Senate, as follows:
- 4 1. Page 5, by striking lines 15 and 16 and
- 5 inserting in lieu thereof the following:
- 6 "14. Page 6, by inserting after line 30 the
- 7 following new paragraph, and redesignating the
- 8 succeeding paragraphs accordingly:
- 9 "b. Two physicians certify that continuing the
- 10 pregnancy would cause permanent physical damage to
- 11 the pregnant woman; or".

H-5954 FILED *Out of order* BY HARVEY of Scott  
APRIL 10, 1978 (*4/11 (1471)*)

SENATE FILE 2163

H-5955

- 1 Amend Senate File 2163, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 7, by inserting after line 27 the
- 4 following:
- 5 "The department of social services shall not adopt
- 6 or enforce any rule or policy prohibiting limited
- 7 corporal punishment of foster children by foster
- 8 parents licensed by the department. This paragraph
- 9 shall not prevent promulgation of rules prohibiting
- 10 malicious, willful and wanton conduct by a foster
- 11 parent which causes injury or damage to a foster
- 12 child, or exposes the foster child to danger of such
- 13 injury or damage."
- 14 2. Page 15, by inserting after line 26 the
- 15 following new section:
- 16 "Sec. \_\_\_\_ NEW SECTION. Foster parents licensed
- 17 by the department of social services stand in the
- 18 same relationship to their minor foster children,
- 19 for purposes of tort actions by or on behalf of a
- 20 foster child against that child's foster parents,
- 21 as do natural parents and their minor children who
- 22 reside at home. This section shall not apply to a
- 23 foster parent whose malicious, willful and wanton
- 24 conduct causes injury or damage to a foster child,
- 25 or exposes the foster child to a danger prohibited
- 26 by either the rules or regulations of the department
- 27 or of the placement agency."

H-5955 FILED *Adopted 4/12* BY SCHROEDER of Pottawattamie  
APRIL 10, 1978 (*p. 1497*) MONROE of Des Moines

SENATE FILE 2163

H-5939

- 1 Amend H-5897 to Senate File 2163, as amended,
- 2 passed and reprinted, as follows:
- 3 1. Page 5, by striking lines 15 and 16 and
- 4 inserting in lieu thereof the following:
- 5 "14. Page 6, by striking lines 19 through 35,
- 6 and page 7, by striking lines 1 through 14, and
- 7 inserting in lieu thereof the following:
- 8 '4. For medical assistance.... \$78,650,000'."

H-5939 FILED *Out of order* BY CLARK of Cerro Gordo  
 APRIL 6, 1978 4/11 (p. 1471) ARNOULD of Scott

SENATE FILE 2163

H-5946

- 1 Amend H-5897 to Senate File 2163, as amended,
- 2 passed, and reprinted, as follows:
- 3 1. Page 5, line 14, by striking the numerals
- 4 "47,800,000" and inserting in lieu thereof the
- 5 numerals "49,200,000".

H-5946 FILED *Lost 4/11* BY VARLEY of Adair  
 APRIL 6, 1978 (p. 1465) STROMER of Hancock  
 HARVEY of Scott

SENATE FILE 2163

H-5948

- 1 Amend H-5897 to Senate File 2163 as amended,
- 2 passed and reprinted by the Senate, as follows:
- 3 1. Page 5, line 25 by striking the figure
- 4 "5,200,000" and inserting in lieu thereof the
- 5 figure "5,300,000".
- 6 2. Page 6, by striking lines 34 through 36.

H-5948 FILED *Adopted 4/11* BY DAVITT of Warren  
 APRIL 10, 1978 (p. 1481)

SENATE FILE 2163

H-5949

- 1 Amend Senate File 2163 as follows:
- 2 1. Page 12, line 9 by inserting after the
- 3 word "the" the following:
- 4 "certified reimbursable cost of the".

H-5949 FILED *w/d 4/12* BY GILSON of Guthrie  
 APRIL 10, 1978 (p. 1499) WELDEN of Hardin  
 HOFFMANN of Muscatine

SENATE FILE 2163

H-5950

- 1 Amend the Committee on Budget amendment, H-5987, to
- 2 Senate File 2163, as amended, passed and reprinted by
- 3 the Senate, as follows:
- 4 1. Page 5, line 16, by striking the words "or
- 5 health" and inserting in lieu thereof the words "or
- 6 result in severe and long-lasting damage to the health".

H-5950 FILED *Out of order* BY SPEAR of Lee  
 APRIL 10, 1978 4/11 (1471)

1 Amend Senate File 2163, as amended, passed and  
2 reprinted by the Senate, as follows:

3 1. Page 15, by inserting after line 26 the  
4 following new section:

5 "Sec. \_\_\_\_ Chapter two hundred twenty-six (226),  
6 Code 1977, is amended by adding the following new  
7 section:

8 NEW SECTION. PREADMISSION DIAGNOSTIC EVALUATIONS.

9 1. It shall be the policy of this state that,  
10 to the greatest extent feasible, a person shall be  
11 admitted to a state mental health institute as a  
12 voluntary inpatient only after a preadmission  
13 diagnostic evaluation by a community mental health  
14 center has confirmed that the admission is appropriate  
15 to that person's needs, and that no suitable  
16 alternative method of providing the services needed  
17 by that person in a less restrictive setting, or in  
18 or nearer to the person's home community, is currently  
19 available.

20 2. In each case in which a county is supporting  
21 a community mental health center, directly or in  
22 affiliation with other counties, it shall be presumed  
23 to be a part of that center's responsibilities to  
24 perform the preliminary diagnostic evaluations required  
25 by that county in order to implement the policy  
26 established by subsection one (1) of this Act.  
27 However, if performance of such evaluations is not  
28 covered by the agreement entered into by the county  
29 and the center under section two hundred thirty A  
30 point twelve (230A.12) of the Code, and the center's  
31 director certifies to the county board of supervisors  
32 that the center does not have the capacity to perform  
33 the needed evaluations, the board of supervisors may  
34 proceed as provided by subsection four (4) of this  
35 section.

36 3. In accordance with the policy established by  
37 subsection one (1) of this section:

38 a. The superintendent or clinical director of  
39 a state mental health institute, or that officer's  
40 physician designee, shall advise any person who applies  
41 for voluntary admission, or any person applying for  
42 the voluntary admission of another person, in  
43 accordance with section two hundred twenty-nine point  
44 forty-one (229.41) of the Code of the policy  
45 established by subsection one (1) of this Act, and  
46 shall advise that a preadmission diagnostic evaluation  
47 of the proposed patient be sought from the appropriate  
48 community mental health center or alternative  
49 diagnostic facility, if that has not already been  
50 done. This subsection shall not apply when voluntary

1 admission is sought in accordance with section two  
2 hundred twenty-nine point forty-one (229.41) of the  
3 Code under circumstances which, in the opinion of  
4 the superintendent or clinical director of a state  
5 mental health institute or that officer's physician  
6 designee, constitute a medical emergency within the  
7 meaning of section two hundred twenty-nine point two  
8 (229.2), subsection two (2), paragraph a, of the Code.

9 b. The clerk of the district court shall refer  
10 any person applying for authorization for voluntary  
11 admission, or for authorization for voluntary admission  
12 of another person, in accordance with section two  
13 hundred twenty-nine point forty-two (229.42) of the  
14 Code to the appropriate community mental health center  
15 or alternative diagnostic facility for preadmission  
16 diagnostic evaluation unless the applicant furnishes  
17 a written statement from that center or facility that  
18 such an evaluation has been performed and indicates  
19 that the person's admission to a state mental health  
20 institute is appropriate. This subsection shall not  
21 apply when authorization for voluntary admission is  
22 sought under circumstances which, in the opinion of  
23 a state mental health institute superintendent or  
24 clinical director or that officer's physician designee,  
25 constitute a medical emergency within the meaning  
26 of section two hundred twenty-nine point two (229.2),  
27 subsection two (2), paragraph a, of the Code.

28 c. When the proposed voluntary admission of a  
29 person to a state mental health institute is primarily  
30 for treatment of alcoholism or drug abuse, each  
31 reference to a community mental health center or  
32 alternative diagnostic facility in paragraphs a and  
33 b of this subsection may be deemed a reference to  
34 a facility as defined in section one hundred twenty-  
35 five point two (125.2), subsection two (2), of the  
36 Code as amended by Acts of the Sixty-seventh General  
37 Assembly, 1977 Session, chapter seventy-four (74),  
38 section three (3). However, this paragraph shall  
39 not be construed so as to contravene the last sentence  
40 of section one hundred twenty-five point nineteen  
41 (125.19), subsection one (1), as amended by Acts of  
42 the Sixty-seventh General Assembly, 1977 Session,  
43 chapter seventy-four (74), section thirty (30).

44 4. In cases where a county is not served by a  
45 community mental health center having the capacity  
46 to perform the required preliminary diagnostic  
47 evaluations, the board of supervisors may arrange  
48 for such evaluations to be performed by an alternative  
49 diagnostic facility. An alternative diagnostic  
50 facility may be the outpatient service of a state

1 mental health institute or any other mental health  
2 facility or service able to furnish the requisite  
3 professional skills to properly perform preadmission  
4 diagnostic evaluation of a person whose voluntary  
5 admission to a state mental health institute is being  
6 sought or considered. The committee on mental hygiene,  
7 with the advice and assistance of the director of  
8 the department of social services division of mental  
9 health resources and the director of the Iowa mental  
10 health authority, shall prepare and promulgate  
11 administrative rules governing the kind and quality  
12 of services which must be offered by an alternative  
13 diagnostic facility in performing preadmission  
14 diagnostic evaluations. The objective of these rules  
15 shall be to make such evaluations at least equivalent  
16 to those performed by community mental health centers  
17 in terms of both professional quality and orientation  
18 to the best interests of the person being evaluated  
19 and of the county."

H-5925 FILED *Not germane* BY LIPSKY of Linn  
APRIL 5, 1978 *4/12 (1502)*

H-5912

- 1 Amend H-5897 to Senate File 2163 as amended,
- 2 passed and reprinted by the Senate, as follows:
- 3 1. Page 5, by striking lines 15 through 19 and
- 4 inserting in lieu thereof the following:
- 5 "14. Page 6, by striking lines 19 through 35
- 6 and inserting in lieu thereof the following:
- 7 4. For medical assistance, no funds shall be
- 8 expended for abortion services available under the
- 9 medical assistance program except under the following
- 10 cases:
- 11 a. the attending physician certifies that
- 12 continuing the pregnancy would endanger the life of
- 13 the pregnant woman; or
- 14 b. any spontaneous abortion, commonly known as
- 15 a miscarriage, wherein not all of the products of
- 16 conception are expelled.....\$78,650,000
- 17 15. Page 7, by striking lines 1 through 14."
- 18 2. Renumber as required.

H-5912 FILED *W/D 4/11* BY DIELEMAN of Marion  
 APRIL 4, 1978 (*p. 1468*) KOOGLER of Mahaska

SENATE FILE 2163

H-5911

- 1 Amend H-5897 to Senate File 2163 as amended,
- 2 passed and reprinted by the Senate as follows:
- 3 1. Page 5, by striking lines 15 through 19 and
- 4 inserting in lieu thereof the following:
- 5 "14. Page 6, by striking lines 19 through 35
- 6 and inserting in lieu thereof the following:
- 7 4. For medical assistance, no funds shall be
- 8 expended for abortion services available under the
- 9 medical assistance program.....\$78,650,000
- 10 15. Page 7, by striking lines 1 through 14."
- 11 2. Renumber as required.

H-5911 FILED *W/D 4/11* BY DIELEMAN of Marion  
 APRIL 4, 1978 (*p. 1466*) KOOGLER of Mahaska

SENATE FILE 2163

H-5910

- 1 Amend H-5897 to Senate File 2163 as amended,
- 2 passed and reprinted by the Senate as follows:
- 3 1. Page 5, by striking lines 15 and 16.
- 4 2. Renumber as required.

H-5910 FILED *adopted 4/11* BY DIELEMAN of Marion  
 APRIL 4, 1978 (*p. 1471*) KOOGLER of Mahaska

SENATE FILE 2163

H-6014

- 1 Amend amendment H-5991, to Senate File 2163 as
- 2 passed by the Senate and reprinted, as follows:
- 3 1. Page 1, by striking lines 13 through 15.

H-6014 FILED, LOST (*p. 1508*) BY LIND of Black Hawk  
 APRIL 10, 1978

1 Amend Senate File 2163 as amended, passed and  
2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 1 and 2.

4 2. Page 1, line 14, by striking the figure  
5 "17,000,000" and inserting in lieu thereof the figure  
6 "17,300,000".

7 3. Page 2, by striking lines 5 through 13 and  
8 inserting in lieu thereof the words "the general  
9 assembly that any such employee of the department  
10 of social services who has been employed and classified  
11 as an intermittent employee after August 1, 1975 for  
12 twelve consecutive months or longer shall be given  
13 full merit status under the Code and shall be given  
14 credit for all benefits which would have accrued if  
15 the intermittent position had been a permanent  
16 position."

17 4. Page 2, by inserting after line 28 the follow-  
18 ing new section:

19 "Sec. \_\_\_\_ . Acts of the Sixty-seventh General  
20 Assembly, 1977 Session, chapter thirty-seven (37),  
21 section twenty-one (21), subsection two (2), is amended  
22 by adding the following new unnumbered paragraph:

23 Notwithstanding section eight point thirty-three  
24 (8.33) of the Code, unencumbered and unobligated funds  
25 appropriated by this subsection shall not revert to  
26 the general fund until June 30, 1979. The department  
27 of social services shall submit to the joint budget  
28 subcommittee on social services, not later than January  
29 20, 1979, a written report on the status of the second  
30 opinion project."

31 5. Page 3, by striking lines 10 through 14 and  
32 inserting in lieu thereof the following:

33 "3. Juveniles adjudicated delinquent shall not  
34 be placed at the state juvenile home at Toledo."

35 6. Page 3, line 21, by striking the words "bureau  
36 of community corrections" and inserting in lieu thereof  
37 the words "department of social services".

38 7. Page 3, line 26, by striking the word "bureau"  
39 and inserting in lieu thereof the word "department".

40 8. Page 3, line 31, by striking the words "bureau  
41 of community corrections" and inserting in lieu thereof  
42 the words "department of social services".

43 9. Page 4, by inserting after line 11 the follow-  
44 ing new sections:

45 "Sec. 6.

46 1. There is appropriated from the general fund  
47 of the state for the fiscal year beginning July 1,  
48 1978 and ending June 30, 1979 to the department of  
49 social services the following amounts, or so much  
50 thereof as may be necessary, to be used for adult

1 correctional services as designated:  
2  
3  
4 a. Correctional institutions ..... 1978-1979  
5 (Fort Madison, Anamosa, Fiscal Year  
6 Rockwell City, Oakdale, Luster \$18,725,000  
7 Heights and Mount Pleasant)  
8 b. Riverview release center  
9 at Newton and inmate employment  
10 program ..... \$ 1,930,000  
11 c. Community-based correction..... \$ 8,175,000  
12 d. Parole services ..... \$ 900,000  
13 e. For a legal assistance  
14 program for inmates of the Iowa  
15 state penitentiary, the Iowa state  
16 reformatory, and the Iowa women's  
17 reformatory ..... \$ 25,000

18 It is the intent of the general assembly that a  
19 legal assistance program be established for inmates  
20 of the institutions identified in this paragraph.  
21 The purpose of the program shall be to provide civil  
22 legal assistance to inmates in matters of child  
23 custody, bankruptcy and dissolution of marriage.  
24 The office of the citizens' aide ombudsman shall  
25 maintain a list of attorneys willing to participate  
26 in this program and shall be responsible for the  
27 appointment of attorneys under the program funded  
28 by this subsection. Participating attorneys shall  
29 receive no more than twenty-five dollars per hour  
30 for their services under this program.

31 2. It is the intent of the general assembly that  
32 funds included within paragraph a of subsection one  
33 (1) of this Act shall be used for the following  
34 purposes:

35 a. Establishment of four additional correctional  
36 officer positions at the Iowa women's reformatory,  
37 in order to allow correctional officers at that  
38 institution to be assigned eight-hour shifts.

39 b. Establishment of two additional psychiatric  
40 nursing positions at the security medical facility,  
41 in order to provide nursing coverage on the eleven  
42 o'clock p.m. to seven o'clock a.m. shift seven days  
43 a week, and to make available up to six beds for women  
44 inmates if needed.

45 Sec. 7. There is appropriated from the general  
46 fund of the state to the department of social services  
47 for the fiscal period commencing July 1, 1978 the  
48 sum of eight hundred twenty-five thousand (825,000)  
49 dollars, or so much thereof as may be necessary, for  
50 the purpose of unitizing the Iowa state penitentiary

1 and the Iowa state reformatory, and a temporary medium  
2 security fence, including a tower, around the medium  
3 security dormitory at the Iowa state penitentiary.  
4 The tower and the fence shall remain in place only  
5 until the completion of unitization at the peni-  
6 tentiary or July 1, 1982, whichever is sooner.  
7 Unobligated or unencumbered funds remaining on June  
8 30, 1982 from funds appropriated by this section shall  
9 revert to the general fund of the state on September  
10 30, 1982.

11 Sec. 8. There is appropriated from the general  
12 fund of the state to the department of social services  
13 for the fiscal year beginning July 1, 1978 and ending  
14 June 30, 1979 the sum of ten thousand (10,000) dollars,  
15 or so much thereof as is necessary, to revitalize  
16 the furlough programs at the women's reformatory,  
17 the Iowa state reformatory and the Iowa state  
18 penitentiary.

19 Sec. 9. Section nine hundred one point seven  
20 (901.7), Code 1977 Supplement, is amended to read  
21 as follows:

22 901.7 COMMITMENT TO CUSTODY. In imposing a  
23 sentence of confinement for more than one year, the  
24 court shall commit the defendant to the custody of  
25 the director of the division of adult corrections.  
26 Upon entry of judgment and sentence, the clerk of  
27 the district court immediately shall notify the  
28 director of such commitment. The court shall make  
29 such order as is appropriate for the temporary custody  
30 of the defendant pending the defendant's transfer  
31 to the custody of the director. The court shall order  
32 the county where a person was convicted to pay the  
33 cost of temporarily confining the person and of  
34 transporting the person to the state institution where  
35 he or she is to be confined in execution of the  
36 judgment.

37 Sec. 10. Chapter two hundred forty-seven A (247A),  
38 Code 1977, is amended by adding the following new  
39 section:

40 NEW SECTION. ALLEGED WORK RELEASE VIOLATORS--  
41 REIMBURSEMENT TO COUNTIES FOR TEMPORARY CONFINEMENT.  
42 The division of adult corrections shall negotiate  
43 a reimbursement rate with each county for the temporary  
44 confinement of alleged violators of work release  
45 conditions who are in the custody of the director  
46 of the division of adult corrections. The amount  
47 to be reimbursed shall be determined by multiplying  
48 the number of days so confined by the average daily  
49 cost of confining a person in the county facility  
50 as negotiated with the department. Payment shall

1 be made upon submission of a voucher executed by the  
2 sheriff and approved by the director of the division  
3 of adult corrections. The money shall be deposited  
4 in the county general fund to be credited to the jail  
5 account.

6 Sec. 11. Chapter nine hundred six (906), Code  
7 1977 Supplement, is amended by adding the following  
8 new section:

9 NEW SECTION. ALLEGED PAROLE VIOLATORS--REIM-  
10 BURSEMENT TO COUNTIES FOR TEMPORARY CONFINEMENT.

11 The division of adult corrections shall reimburse  
12 a county for the temporary confinement of alleged  
13 parole violators. The amount to be reimbursed shall  
14 be determined by multiplying the number of days so  
15 confined by the average daily cost of confining a  
16 person in the county facility as negotiated by the  
17 department. Payment shall be made upon submission  
18 of a voucher executed by the sheriff and approved  
19 by the director of the division of adult corrections.  
20 The money shall be deposited in the county general  
21 fund to be credited to the jail account.

22 Sec. 12. There is appropriated from the general  
23 fund of the state to the department of social services  
24 for the fiscal year beginning July 1, 1978 and ending  
25 June 30, 1979 the sum of forty thousand (40,000)  
26 dollars or so much thereof as is necessary, to be  
27 used for the purpose of reimbursing counties for  
28 temporary confinement of work release and parole  
29 violators, as provided by sections nine (9), ten (10)  
30 and eleven (11) of this Act.

31 Sec. 13. There is appropriated from the general  
32 fund of the state to the department of social services  
33 for the fiscal year commencing July 1, 1978 the sum  
34 of two million sixteen thousand four hundred forty  
35 (2,016,440) dollars or so much thereof as is necessary,  
36 to be used for capital improvement projects deemed  
37 necessary by the department for institutions under  
38 its jurisdiction or for maintenance of such  
39 institutions. The department shall include the  
40 construction of a dining room addition at the women's  
41 reformatory and demolition of the condemned McCall  
42 Hall at the juvenile home in its capital appropriation.  
43 The department shall consult with the Iowa national  
44 guard about a cooperative effort in the demolition  
45 of McCall Hall at the juvenile home prior to expending  
46 funds for that purpose. Unobligated or unencumbered  
47 funds remaining on June 30, 1982 from funds  
48 appropriated by this section shall revert to the  
49 general fund of the state on September 30, 1982."

50 10. Page 4, by striking line 17 and inserting

- 1 in lieu thereof the words and figure "five hundred  
 2 ten thousand (22,510,000) dollars, or so much".
- K 3 11. Page 5, lines 26 and 27, by striking the words  
 4 and figure "one hundred sixty-eight thousand  
 5 (20,168,000)" and inserting in lieu thereof the words  
 6 and figure "four hundred twenty-eight thousand  
 7 (20,428,000)".
- 8 12. Page 5, line 27, by inserting after the period  
 9 the words "It is the intent of the general assembly  
 10 that all funds received from client participation  
 11 shall be deposited in the general fund of the state."
- L 12 13. Page 6, line 16, by striking the figure  
 13 "46,500,000" and inserting in lieu thereof the figure  
 14 "47,800,000".
- 5439, 5410, 5452, 5453 15 14. Page 6, line 29, by inserting after the word  
 16 "life" the words "or health".
- 5411, 5412, 5423, 5472, 5473, 5481 17 15. Page 7, line 14, by striking the figure  
 18 "79,500,000" and inserting in lieu thereof the figure  
 19 "78,650,000".
- n 20 16. Page 7, line 16, by striking the figure  
 21 "1,000,000" and inserting in lieu thereof the figure  
 22 "1,140,000".
- o 23 17. Page 7, line 35, by striking the figure  
 24 "5,500,000" and inserting in lieu thereof the figure  
 25 "5,200,000".
- 5443 26 18. Page 8, by striking lines 1 through 8.
- o 27 19. Page 8, by striking lines 22 through 32 and  
 28 inserting in lieu thereof the following:  
 29 "a. It is the intent of the general assembly that  
 30 the department of social services shall submit a  
 31 budget for the fiscal year 1979-1980 as outlined in  
 32 the department's management control report, which  
 33 is developed by organizational structure or areas  
 34 of responsibility, and accordingly indicates projected  
 35 program activities, personnel status and budgeted  
 36 expenditures, and then compared to actual outputs  
 37 on a monthly basis for purposes of analysis and  
 38 accountability. This report shall be distributed  
 39 to members of the general assembly for their review  
 40 on a periodic basis or upon request to the department."
- Q 41 20. Page 9, by striking lines 9 and 10 and insert-  
 42 ing in lieu thereof the words "projected expenditure  
 43 which varies by more than fifteen percent from the  
 44 planned expenditure for that".
- R 45 21. Page 11, line 5, by inserting after the word  
 46 "deinstitutionalization" the words ", and avoidance  
 47 of institutionalization wherever effective and  
 48 possible".
- 5490, 5491 49 22. Page 12, line 2, by striking the word "may"  
 50 and inserting in lieu thereof the word "shall".

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23. Page 12, by striking lines 21 and 22 and inserting in lieu thereof the following: "assistance program ranked on the basis of the reimbursable cost figures certified by the department prior to July 1, 1978 for the first six months of the fiscal year and the cost figures certified prior to January 1, 1979 for the last six months of the fiscal year with the provision that the percentile may be temporarily lowered the last six months of the year within the reasonable limits approved in the plan, if necessary to reduce the average maximum payment for the entire year to twenty-one dollars per day."

u 24. Page 12, by inserting after line 26 the following subsections:  
"\_\_\_\_\_. It is the intent of the general assembly that medical assistance shall be made available to any person who is an inpatient of a hospital, skilled nursing facility or intermediate care facility; who is eligible for supplemental security income in all respects except income; and whose income does not exceed five hundred thirty-three dollars per month.  
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Notwithstanding section two hundred forty-nine A point three (249A.3), subsection one (1), paragraph a of the Code, medical assistance shall be provided to a person who is eligible for federal supplemental security income or who would be eligible for federal supplemental income if living in their own home, and who meet the state medical assistance eligibility criteria as authorized in section one thousand nine hundred two (f) (1902(f)) of the Social Security Act. In determining amount of income for eligibility purposes established medical expenses should be excluded."

✓ 25. Page 12, line 30, by striking the word "fifty" and inserting in lieu thereof the words "and twenty-five".

\* 26. Page 13, line 32, by inserting after the period the words "It is the intent of the general assembly that charges assessed to the county will be credited with one hundred percent of client participation for eligible Title nineteen (XIX) medical assistance patients at the hospital schools, in the calculation of per diem rates."

AA 27. Page 14, line 9, by striking the words "open door".

5974 28. Page 14, line 11, by striking the words "over thirty-five years of age".

BB 29. Page 14, line 28, by striking the words "battered women" and inserting in lieu thereof the words "victims of domestic abuse".

1 30. By striking page 14, line 34 through page  
2 15, line 6 and inserting in lieu thereof the following:

3 "a. "Domestic abuse" means committing assault  
4 as defined in section seven hundred eight point one  
5 (708.1) of the Code 1977 Supplement under either of  
6 the following circumstances:

7 (1) The assault is between family or household  
8 members who resided together at the time of the  
9 assault; or

10 (2) The assault is between separated spouses not  
11 residing together at the time of the assault.

12 b. "Emergency shelter services" include but are  
13 not limited to secure crisis shelters or housing for  
14 victims of domestic abuse.

15 c. "Family or household members" mean spouses,  
16 persons cohabiting, parents, or other persons related  
17 by consanguinity or affinity, except children under  
18 eighteen."

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19 31. Page 15, by striking line 14 and inserting  
20 in lieu thereof the words "victims of domestic abuse".

cc

21 32. Page 15, by inserting after line 14 the follow-  
22 ing new section:

23 "Sec. \_\_\_\_\_. Notwithstanding the maximum amounts  
24 to which sections two hundred thirty-nine point nine  
25 (239.9) and two hundred forty-nine point nine (249.9)  
26 of the Code limit payment by the department of social  
27 services toward the cost of funerals for persons  
28 receiving public assistance under chapters two hundred  
29 thirty-nine (239) and two hundred forty-nine (249)  
30 of the Code, the department is authorized to pay not  
31 more than four hundred dollars toward the cost of  
32 a funeral for any such public assistance recipient  
33 provided that:

34 1. The total cost of the person's funeral does  
35 not exceed one thousand dollars;

36 2. The decedent does not leave an estate which  
37 may be probated, with sufficient proceeds to allow  
38 a funeral claim of at least one thousand dollars;  
39 and

40 3. Any payment which is due the decedent's estate  
41 or beneficiary by reason of the liability of any life  
42 insurance or death or funeral benefit company,  
43 association or society, or in the form of United  
44 States social security, railroad retirement, or  
45 veterans' benefits, upon the death of the decedent  
46 shall be deducted from the department's liability  
47 under this section.

48 The provisions of sections two hundred thirty-nine  
49 point nine (239.9) and two hundred forty-nine point  
50 nine (249.9) of the Code shall be of no force or

1 effect during the fiscal year beginning July 1, 1978  
2 and ending June 30, 1979."

BP 3 33. Page 15, by striking lines 20, 21 and 22 and  
4 inserting in lieu thereof the following:  
5 "Sec. \_\_\_\_\_. No funds appropriated by any provision  
6 of this Act, except sections seven (7) and thirteen  
7 (13), shall be used for capital improvements."

5980

H-5397 FILED Adopted BY COMMITTEE ON BUDGET  
APRIL 4, 1978 at CUSACK of Scott, Chair  
*amended by 5910, 5979, 5988, 5948*

A, B, C, D, E, F, G. Adopted 4/10 (p. 1448)

H, K, L - Adopted 4/11 (pp. 1464-65)

M - Adopted as amended by 5910 4/11 (1471)

N - Adopted as amended by 5979, 5988 4/11 (p. 1476)

O - Adopted 5/11 (p. 1478)

P - " " "

Q - " " "

R - " " "

S - " " "

T - " " "

U - " " (1480)

V - " as amended by 5948B 4/11 (p. 1481)

W - " " " " 5948A 4/11 (1481)

X - " " 4/12 (p. 1488)

AA, BB, CC, DD - Adopted 4/12 (p. 1489)

SENATE FILE 2163

H-5892

1 Amend Senate File 2163 as amended, passed and  
2 reprinted by the Senate, as follows:  
3 1. Page 5, by striking lines 19 through 21, and  
4 inserting in lieu thereof the following: "intent,  
5 that the commissioner of social services work to  
6 establish more uniform daily charges at the four  
7 mental health institutes."

H-5892 FILED Adopted 4/12 BY HANSEN of O'Brien  
APRIL 4, 1978 (p. 1492) BRUNOW of Appanoose

SENATE FILE 2163

H-5856

- 1 Amend Senate File 2163, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 14, line 28, by striking the word "women"
- 4 and inserting in lieu thereof the word "persons".
- 5 2. By striking page 14, line 34 through page 15,
- 6 line 3, and inserting in lieu thereof the following:
- 7 "a. "Battered person" means an individual who
- 8 is being or has been assaulted as defined in section
- 9 seven hundred eight point one (708.1) of the Code
- 10 1977 Supplement by that individual's spouse, by an
- 11 individual of the opposite sex related by blood or
- 12 marriage to the victim of the assault, or by an
- 13 individual of the opposite sex with whom the victim
- 14 of the assault is residing or has resided in the
- 15 past."
- 16 3. Page 15, line 5, by striking the word "women"
- 17 and inserting in lieu thereof the word "persons".
- 18 4. Page 15, line 6, by striking the word "women"
- 19 and inserting in lieu thereof the word "persons".
- 20 5. Page 15, line 14, by striking the word "women"
- 21 and inserting in lieu thereof the word "persons".

H5856 FILED *Out of order* BY LIND of Black Hawk  
MARCH 31, 1978 4/12 (p. 1489) WYCKOFF of Benton

SENATE FILE 2163

H-5857

- 1 Amend Senate File 2163, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 6, by striking lines 31 through 35.

H-5857 FILED *Out of order* BY LIND of Black Hawk  
MARCH 31, 1978 4/12 (1509)

SENATE FILE 2163

H-5858

- 1 Amend Senate File 2163, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 12, line 8, by striking the word
- 4 "voluntary".

H-5858 FILED *w/d* 4/12 BY LIND of Black Hawk  
MARCH 31, 1978 (p. 1499)

## SENATE FILE 2163

H-5714

- 1 Amend Senate File 2163, as amended, passed and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 7, line 4, by striking the word "sixty"  
 4 and inserting in lieu thereof the word "three".  
 5 2. Page 7, line 7, by striking the words "two  
 6 trimesters" and inserting in lieu thereof the word  
 7 "trimester".  
 8 3. Page 7, by striking line 10 and inserting in  
 9 lieu thereof the words "social services, provided  
 10 that reimbursement shall be available for an abortion  
 11 performed under the circumstances described in this  
 12 paragraph only if:  
 13 (1) The abortion is performed with the prior  
 14 consent of both parents of the pregnant woman if that  
 15 woman is less than eighteen years of age.  
 16 (2) The pregnant woman has not previously undergone  
 17 an abortion paid for from medical assistance funds".

H-5714 FILED *Lost* 4/12 BY LIND of Black Hawk  
 MARCH 20, 1978 (p. 1510)

## SENATE FILE 2163

H-5715

- 1 Amend Senate File 2163, as amended, passed and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, line 19, by striking the word  
 4 "presently".

H-5715 FILED *w/d* 4/12 BY LIND of Black Hawk  
 MARCH 20, 1978 (p. 1490)

## SENATE FILE 2163

H-5703

- 1 Amend Senate File 2163, as amended, passed and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 14, line 11, by striking the words "over  
 4 thirty-five years of age".

H-5703 FILED *Out of order* BY DOYLE of Woodbury  
 MARCH 20, 1978 4/12 (p. 1489)

## HOUSE FILE 2163

H-5647

- 1 Amend <sup>Senate</sup> ~~House~~ File 2163 as follows:  
 2 1. Page 6, by striking lines 27 and 28 and  
 3 inserting in lieu thereof the following:  
 4 "a. Two physicians certify  
 5 that continuing the".

H-5647 FILED *Out of order* BY MILLER of Buchanan  
 MARCH 14, 1978 4/12 (1509)

## SENATE FILE 2163

H-5627

- 1 Amend Senate File 2163 as amended, passed and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 6, line 30, by inserting after the word  
 4 "woman" the words ", or when two physicians certify  
 5 that continuing the pregnancy may cause severe and  
 6 long-lasting physical health damage to the pregnant  
 7 woman".

H-5627 FILED *Out of order* BY MILLER of Buchanan  
 MARCH 23, 1978 4/12 (1509)

S-5601

1 Amend Senate File 2163, as amended, passed and  
2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 1 and 2.

4 2. Page 1, line 14, by striking the figure  
5 "17,000,000" and inserting in lieu thereof the figure  
6 "17,300,000".

7 3. Page 2, by striking lines 5 through 13 and  
8 inserting in lieu thereof the words "the general  
9 assembly that any such employee of the department  
10 of social services who has been employed and classified  
11 as an intermittent employee after August 1, 1975 for  
12 twelve consecutive months or longer shall be given  
13 full merit status under the Code and shall be given  
14 credit for all benefits which would have accrued if  
15 the intermittent position had been a permanent  
16 position."

17 4. Page 2, by inserting after line 28 the follow-  
18 ing new section:

19 "Sec.     . Acts of the Sixty-seventh General  
20 Assembly, 1977 Session, chapter thirty-seven (37),  
21 section twenty-one (21), subsection two (2), is amended  
22 by adding the following new unnumbered paragraph:

23 Notwithstanding section eight point thirty-three  
24 (8.33) of the Code, unencumbered and unobligated funds  
25 appropriated by this subsection shall not revert to  
26 the general fund until June 30, 1979. The department  
27 of social services shall submit to the joint budget  
28 subcommittee on social services, not later than January  
29 20, 1979, a written report on the status of the second  
30 opinion project."

31 5. Page 3, by striking lines 10 through 14 and  
32 inserting in lieu thereof the following:

33 "3. Juveniles adjudicated delinquent shall not  
34 be placed at the state juvenile home at Toledo."

35 6. Page 3, line 21, by striking the words "bureau  
36 of community corrections" and inserting in lieu thereof  
37 the words "department of social services".

38 7. Page 3, line 26, by striking the word "bureau"  
39 and inserting in lieu thereof the word "department".

40 8. Page 3, line 31, by striking the words "bureau  
41 of community corrections" and inserting in lieu thereof  
42 the words "department of social services".

43 9. Page 4, line 7, by inserting after the word  
44 "care," the words "homemaker services,".

45 10. Page 4, by inserting after line 11 the follow-  
46 ing new sections:

47 "Sec. 6.

48 1. There is appropriated from the general fund  
49 of the state for the fiscal year beginning July 1,  
50 1978 and ending June 30, 1979 to the department of

1 social services the following amounts, or so much  
2 thereof as may be necessary, to be used for adult  
3 correctional services as designated:

	1978-1979
	<u>Fiscal Year</u>
4	
5	
6 a. Correctional institutions .....	\$18,725,000
7 (Fort Madison, Anamosa,	
8 Rockwell City, Oakdale, Luster	
9 Heights and Mount Pleasant)	
10 b. Riverview release center	
11 at Newton and inmate employment	
12 program .....	\$ 1,930,000
13 c. Community-based correction.....	\$ 8,175,000
14 d. Parole services .....	\$ 900,000
15 e. For a legal assistance	
16 program for inmates of the Iowa	
17 state penitentiary, the Iowa state	
18 reformatory, and the Iowa women's	
19 reformatory .....	\$ 25,000

20 It is the intent of the general assembly that a  
21 legal assistance program be established for inmates  
22 of the institutions identified in this paragraph.  
23 The purpose of the program shall be to provide civil  
24 legal assistance to inmates in matters of child  
25 custody, bankruptcy and dissolution of marriage.  
26 The office of the citizens' aide ombudsman shall  
27 maintain a list of attorneys willing to participate  
28 in this program and shall be responsible for the  
29 appointment of attorneys under the program funded  
30 by this subsection. Participating attorneys shall  
31 receive no more than twenty-five dollars per hour  
32 for their services under this program.

33 2. It is the intent of the general assembly that  
34 funds included within paragraph a of subsection one  
35 (1) of this Act shall be used for the following  
36 purposes:

37 a. Establishment of four additional correctional  
38 officer positions at the Iowa women's reformatory,  
39 in order to allow correctional officers at that  
40 institution to be assigned eight-hour shifts.

41 b. Establishment of two additional psychiatric  
42 nursing positions at the security medical facility,  
43 in order to provide nursing coverage on the eleven  
44 o'clock p.m. to seven o'clock a.m. shift seven days  
45 a week, and to make available up to six beds for women  
46 inmates if needed.

47 Sec. 7. There is appropriated from the general  
48 fund of the state to the department of social services  
49 for the fiscal period commencing July 1, 1978 the  
50 sum of eight hundred twenty-five thousand (825,000)

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1 dollars, or so much thereof as may be necessary, for  
2 the purpose of unitizing the Iowa state penitentiary  
3 and the Iowa state reformatory, and a temporary medium  
4 security fence, including a tower, around the medium  
5 security dormitory at the Iowa state penitentiary.

6 The tower and the fence shall remain in place only  
7 until the completion of unitization at the peni-  
8 tentiary or July 1, 1982, whichever is sooner.

9 Unobligated or unencumbered funds remaining on June  
10 30, 1982 from funds appropriated by this section shall  
11 revert to the general fund of the state on September  
12 30, 1982.

13 Sec. 8. There is appropriated from the general  
14 fund of the state to the department of social services  
15 for the fiscal year beginning July 1, 1978 and ending  
16 June 30, 1979 the sum of ten thousand (10,000) dollars,  
17 or so much thereof as is necessary, to revitalize  
18 the furlough programs at the women's reformatory,  
19 the Iowa state reformatory and the Iowa state  
20 penitentiary.

21 Sec. 9. Section nine hundred one point seven  
22 (901.7), Code 1977 Supplement, is amended to read  
23 as follows:

24 901.7 COMMITMENT TO CUSTODY. In imposing a  
25 sentence of confinement for more than one year, the  
26 court shall commit the defendant to the custody of  
27 the director of the division of adult corrections.  
28 Upon entry of judgment and sentence, the clerk of  
29 the district court immediately shall notify the  
30 director of such commitment. The court shall make  
31 such order as is appropriate for the temporary custody  
32 of the defendant pending the defendant's transfer  
33 to the custody of the director. The court shall order  
34 the county where a person was convicted to pay the  
35 cost of temporarily confining the person and of  
36 transporting the person to the state institution where  
37 he or she is to be confined in execution of the  
38 judgment.

39 Sec. 10. Chapter two hundred forty-seven A (247A),  
40 Code 1977, is amended by adding the following new  
41 section:

42 NEW SECTION. ALLEGED WORK RELEASE VIOLATORS--  
43 REIMBURSEMENT TO COUNTIES FOR TEMPORARY CONFINEMENT.  
44 The division of adult corrections shall negotiate  
45 a reimbursement rate with each county for the temporary  
46 confinement of alleged violators of work release  
47 conditions who are in the custody of the director  
48 of the division of adult corrections. The amount  
49 to be reimbursed shall be determined by multiplying  
50 the number of days so confined by the average daily

1 cost of confining a person in the county facility  
2 as negotiated with the department. Payment shall  
3 be made upon submission of a voucher executed by the  
4 sheriff and approved by the director of the division  
5 of adult corrections. The money shall be deposited  
6 in the county general fund to be credited to the jail  
7 account.

8 Sec. 11. Chapter nine hundred six (906), Code  
9 1977 Supplement, is amended by adding the following  
10 new section:

11 NEW SECTION. ALLEGED PAROLE VIOLATORS--REIM-  
12 BURSEMENT TO COUNTIES FOR TEMPORARY CONFINEMENT.  
13 The division of adult corrections shall reimburse  
14 a county for the temporary confinement of alleged  
15 parole violators. The amount to be reimbursed shall  
16 be determined by multiplying the number of days so  
17 confined by the average daily cost of confining a  
18 person in the county facility as negotiated by the  
19 department. Payment shall be made upon submission  
20 of a voucher executed by the sheriff and approved  
21 by the director of the division of adult corrections.  
22 The money shall be deposited in the county general  
23 fund to be credited to the jail account.

24 Sec. 12. There is appropriated from the general  
25 fund of the state to the department of social services  
26 for the fiscal year beginning July 1, 1978 and ending  
27 June 30, 1979 the sum of forty thousand (40,000)  
28 dollars or so much thereof as is necessary, to be  
29 used for the purpose of reimbursing counties for  
30 temporary confinement of work release and parole  
31 violators, as provided by sections nine (9), ten (10)  
32 and eleven (11) of this Act.

33 Sec. 13. There is appropriated from the general  
34 fund of the state to the department of social services  
35 for the fiscal year commencing July 1, 1978 the sum  
5630 { 36 of two million sixteen thousand four hundred forty  
37 (2,016,440) dollars or so much thereof as is necessary,  
38 to be used for capital improvement projects deemed  
39 necessary by the department for institutions under  
40 its jurisdiction or for maintenance of such  
41 institutions. The department shall include the  
42 construction of a dining room addition at the women's  
5630 { 43 reformatory and demolition of the condemned McCall  
44 Hall at the juvenile home in its capital appropriation.  
45 The department shall consult with the Iowa national  
46 guard about a cooperative effort in the demolition  
47 of McCall Hall at the juvenile home prior to expending  
48 funds for that purpose. Unobligated or unencumbered  
49 funds remaining on June 30, 1982 from funds  
50 appropriated by this section shall revert to the

1 general fund of the state on September 30, 1982."

5630 { 2 11. Page 4, by striking line 17 and inserting  
3 in lieu thereof the words and figure "five hundred  
4 ten thousand (22,510,000) dollars, or so much".

5 12. Page 5, by striking lines 19 through 21, and  
6 inserting in lieu thereof the following: "intent,  
7 that the commissioner of social services work to  
8 establish more uniform daily charges at the four  
9 mental health institutes."

10 13. Page 5, lines 26 and 27, by striking the words  
11 and figure "one hundred sixty-eight thousand  
12 (20,168,000)" and inserting in lieu thereof the words  
13 and figure "four hundred twenty-eight thousand  
14 (20,423,000)".

15 14. Page 5, line 27, by inserting after the period  
16 the words "It is the intent of the general assembly  
17 that all funds received from client participation  
18 shall be deposited in the general fund of the state."

19 15. Page 6, line 16, by striking the figure  
20 "46,500,000" and inserting in lieu thereof the figure  
21 "47,800,000".

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5633 { 22 16. Page 6, by striking lines 23 through 35 and  
23 inserting in lieu thereof the following:

24 "abortions performed under the following  
25 circumstances:

26 a. The attending physician certifies that  
27 continuing the pregnancy would endanger the life of  
28 the pregnant woman; or

29 b. Two physicians certify that continuing the  
30 pregnancy would result in severe and long-lasting  
31 damage to the physical health of the woman; or

32 c. The attending physician certifies that the  
33 fetus is physically deformed, mentally deficient,  
34 or afflicted with a congenital illness; or".

5617 { 35 17. Page 7, line 1, by striking the letter "c."  
36 and inserting in lieu thereof the letter "d."

37 18. Page 7, line 11 by striking the letter "d."  
38 and inserting in lieu thereof the letter "e."

5630 { 39 19. Page 7, line 14, by striking the figure  
40 "79,500,000" and inserting in lieu thereof the figure  
41 "78,650,000".

42 20. Page 7, line 16, by striking the figure  
43 "1,000,000" and inserting in lieu thereof the figure  
44 "1,140,000".

45 21. Page 7, by inserting after line 18 the  
46 following:

47 "It is the intent of the general assembly that  
48 funds appropriated by this section may be used to  
49 fund services to a child in his or her own home when  
50 such service may be an alternative to placement in

1 a foster care home."

2 22. Page 7, by inserting after line 27 the  
3 following:

4 "The department of social services shall not adopt  
5 or enforce any rule or policy prohibiting limited  
6 corporal punishment of foster children by foster  
7 parents licensed by the department. This paragraph  
8 shall not prevent promulgation of rules prohibiting  
9 malicious, willful and wanton conduct by a foster  
10 parent which causes injury or damage to a foster  
11 child, or exposes the foster child to danger of such  
12 injury or damage."

13 23. Page 7, line 35, by striking the figure  
14 "5,500,000" and inserting in lieu thereof the figure  
15 "5,300,000".

16 24. Page 8, by striking lines 1 through 8.

17 25. Page 8, by striking lines 22 through 32 and  
18 inserting in lieu thereof the following:

19 "a. It is the intent of the general assembly that  
20 the department of social services shall submit a  
21 budget for the fiscal year 1979-1980 as outlined in  
22 the department's management control report, which  
23 is developed by organizational structure or areas  
24 of responsibility, and accordingly indicates projected  
25 program activities, personnel status and budgeted  
26 expenditures, and then compared to actual outputs  
27 on a monthly basis for purposes of analysis and  
28 accountability. This report shall be distributed  
29 to members of the general assembly for their review  
30 on a periodic basis or upon request to the department."

31 26. Page 9, by striking lines 9 and 10 and insert-  
32 ing in lieu thereof the words "projected expenditure  
33 which varies by more than fifteen percent from the  
34 planned expenditure for that".

35 27. Page 11, line 5, by inserting after the word  
36 "deinstitutionalization" the words ", and avoidance  
37 of institutionalization wherever effective and  
38 possible".

39 28. Page 12, line 2, by striking the word "may"  
40 and inserting in lieu thereof the word "shall".

41 29. Page 12, by striking lines 21 and 22 and in-  
42 serting in lieu thereof the following: "assistance  
43 program ranked on the basis of the reimbursable cost  
44 figures certified by the department prior to July  
45 1, 1978 for the first six months of the fiscal year  
46 and the cost figures certified prior to January 1,  
47 1979 for the last six months of the fiscal year with  
48 the provision that the percentile may be temporarily  
49 lowered the last six months of the year within the  
50 reasonable limits approved in the plan, if necessary

1 to reduce the average maximum payment for the entire  
2 year to twenty-one dollars per day."

3 30. Page 12, by inserting after line 26 the  
4 following subsections:

5 "\_\_\_\_\_. It is the intent of the general assembly  
6 that medical assistance shall be made available to  
7 any person who is an inpatient of a hospital, skilled  
8 nursing facility or intermediate care facility; who  
9 is eligible for supplemental security income in all  
10 respects except income; and whose income does not  
11 exceed five hundred thirty-three dollars per month.

12 \_\_\_\_\_ . Notwithstanding section two hundred forty-  
13 nine A point three (249A.3), subsection one (1),  
14 paragraph a of the Code, medical assistance shall  
15 be provided to a person who is eligible for federal  
16 supplemental security income or who would be eligible  
17 for federal supplemental income if living in their  
18 own home, and who meet the state medical assistance  
19 eligibility criteria for income and resources as  
20 authorized in section one thousand nine hundred two  
21 (f) (1902 (f)) of the Social Security Act (Title XLII,  
22 United States Code, section 1396 a (f)). In  
23 promulgation of such rules and regulations specifying  
24 such criteria, the commissioner shall:

5630 { 25 a. exclude established medical expenses in  
26 determining the amount of income for eligibility  
27 purposes; and

28 b. provide for decertification of recipients only  
29 in those instances where a recipient has transferred  
30 property, a resource or income, contrary to the  
31 provisions of section two hundred forty-nine A point  
32 five (249A.5) of the Code, and such property, resource  
33 or income, or the identifiable proceeds thereof, is  
34 currently available to the recipient.

5631 { 35 c. In the event that the department of social  
36 services develops a plan to provide purchased rather  
37 than direct homemaker services in order to provide  
38 for a capability to determine eligibility for medical  
39 assistance, the department shall provide the Iowa  
40 Council for Homemaker-Home Health Aid Service, Inc.  
41 a three-week period of time to review and comment  
42 on the plan prior to its submission to the Executive  
43 Council."

44 31. Page 13, line 10, by striking the word  
45 "updating" and inserting in lieu thereof the word  
46 "reviewing".

5630 { 47 32. Page 13, line 18, by inserting after the word  
48 "support." the following: "However, in no event shall  
49 the noninstitutionalized spouse be required to  
50 contribute support when that spouses income is less

- 5630-1 than five thousand (5,000) dollars per year."  
2 33. Page 13, line 25, by inserting after the  
3 period the words "A full report of such receipts  
4 retained for institutional use shall be delivered  
5 to the legislative fiscal bureau at the end of the  
6 fiscal year."  
7 34. Page 13, line 32, by inserting after the  
8 period the words "It is the intent of the general  
9 assembly that charges assessed to the county will  
10 be credited with one hundred percent of client  
11 participation for eligible Title nineteen (XIX) medical  
12 assistance patients at the hospital schools, in the  
13 calculation of per diem rates."  
14 35. Page 14, line 9, by striking the words "open  
15 door".  
16 36. Page 14, line 11, by striking the words "over  
17 thirty-five years of age".  
5630-18 37. Page 14, line 28, by striking the words  
19 "battered women" and inserting in lieu thereof the  
5630-20 words "victims of domestic abuse".  
21 38. By striking page 14, line 34 through page  
22 15, line 6 and inserting in lieu thereof the following:  
23 "a. "Domestic abuse" means committing assault  
24 as defined in section seven hundred eight point one  
25 (708.1) of the Code 1977 Supplement under either of  
26 the following circumstances:  
27 (1) The assault is between family or household  
28 members who resided together at the time of the  
29 assault; or  
30 (2) The assault is between separated spouses not  
31 residing together at the time of the assault.  
32 b. "Emergency shelter services" include but are  
33 not limited to secure crisis shelters or housing for  
34 victims of domestic abuse.  
35 c. "Family or household members" mean spouses,  
36 persons cohabitating, parents, or other persons related  
37 by consanguinity or affinity, except children under  
38 eighteen."  
39 39. Page 15, by striking line 14 and inserting  
40 in lieu thereof the words "victims of domestic abuse".  
41 40. Page 15, by inserting after line 14 the follow-  
42 ing new section:  
43 "Sec. \_\_\_\_\_. Notwithstanding the maximum amounts  
44 to which sections two hundred thirty-nine point nine  
45 (239.9) and two hundred forty-nine point nine (249.9)  
46 of the Code limit payment by the department of social  
47 services toward the cost of funerals for persons  
48 receiving public assistance under chapters two hundred  
49 thirty-nine (239) and two hundred forty-nine (249)  
50 of the Code, the department is authorized to pay not

1 more than four hundred dollars toward the cost of  
2 a funeral for any such public assistance recipient  
3 provided that:

4 1. The total cost of the person's funeral does  
5 not exceed one thousand dollars;

6 2. The decedent does not leave an estate which  
7 may be probated, with sufficient proceeds to allow  
8 a funeral claim of at least one thousand dollars;  
9 and

10 3. Any payment which is due the decedent's estate  
11 or beneficiary by reason of the liability of any life  
12 insurance or death or funeral benefit company,  
13 association or society, or in the form of United  
14 States social security, railroad retirement, or  
15 veterans' benefits, upon the death of the decedent  
16 shall be deducted from the department's liability  
17 under this section.

18 The provisions of sections two hundred thirty-nine  
19 point nine (239.9) and two hundred forty-nine point  
20 nine (249.9) of the Code shall be of no force or  
21 effect during the fiscal year beginning July 1, 1978  
22 and ending June 30, 1979."

23 41. Page 15, by inserting after line 14 the  
24 following new section:

25 "Sec. \_\_\_\_\_. Section seven hundred twenty-six point  
26 five (726.5), Code 1977 Supplement, is amended by  
27 adding the following new unnumbered paragraph:

5630  
28 NEW UNNUMBERED PARAGRAPH. Proceedings under this  
29 section may be instituted upon complaint by any person,  
30 including but not limited to the commissioner of  
31 social services or his or her authorized agent.

32 42. Page 15, by striking lines 20, 21 and 22 and  
33 inserting in lieu thereof the following:

34 "Sec. \_\_\_\_\_. No funds appropriated by any provision  
35 of this Act, except sections seven (7) and thirteen  
36 (13), shall be used for capital improvements."

37 43. Page 15, by inserting after line 26 the  
38 following new section:

39 "Sec. \_\_\_\_\_. NEW SECTION. Foster parents licensed  
40 by the department of social services stand in the  
41 same relationship to their minor foster children,  
42 for purposes of tort actions by or on behalf of a  
43 foster child against that child's foster parents,  
44 as do natural parents and their minor children who  
45 reside at home. This section shall not apply to a  
46 foster parent whose malicious, willful and wanton  
47 conduct causes injury or damage to a foster child,  
48 or exposes the foster child to a danger prohibited  
49 by either the rules or regulations of the department  
50 or of the placement agency."

*Handwritten notes:*  
Lemo... (5629, 5630, 5632, 5633) &  
conceded 4/24 (p. 983) Reconsidered,  
" (p. 985)

S-5617

- 1 Amend the House amendment, S-5601, to Senate File  
 2 2163, as amended, passed and reprinted by the Senate,  
 3 as follows:  
 4 1. Page 5 of the amendment, by inserting after  
 5 line 36 the following:  
 6 "\_\_\_\_. Page 7, line 7, by striking the words "two  
 7 trimesters" and inserting in lieu thereof the words  
 8 "sixteen weeks"."

S-5617 FILED *withdrawn 4/24 (p. 982)* BY FORREST ASHCRAFT  
 APRIL 20, 1978

## SENATE FILE 2163

S-5631

- 1 Amend the House amendment, S-5601, to Senate File  
 2 2163 as amended, passed and reprinted by the Senate  
 3 as follows:  
 4 1. Page 7, by striking lines 35 through 43 and  
 5 inserting in lieu thereof the following new subsection:  
 6 "\_\_\_\_. It is the intent of the general assembly  
 7 that the department of social services maintain the  
 8 present direct homemaker services program."

S-5631 FILED BY RICHARD R. RAMSEY  
 APRIL 24, 1978  
 RULED OUT OF ORDER (p. 979)

## SENATE FILE 2163

S-5633

- 1 Amend the House amendment, S-5601, to Senate  
 2 File 2163, as amended, passed and reprinted by the  
 3 Senate as follows:  
 4 1. Page 5 of the amendment, by inserting after  
 5 line 21 the following:  
 6 "\_\_\_\_. Page 7, line 7, by striking the words  
 7 "two trimesters" and inserting in lieu thereof the  
 8 words "sixteen weeks"."

S-5633 FILED & ADOPTED (p. 983) BY FORREST F. ASHCRAFT  
 APRIL 24, 1978 *Revised and Rescinded 4/24 (p. 983)*

## SENATE FILE 2163

S-5632

- 1 Amend the House amendment, S-5601, to Senate  
 2 File 2163 as amended, passed and reprinted by the  
 3 Senate as follows:  
 4 1. Page 2, line 35, by striking the word  
 5 "Act" and inserting in lieu thereof the word "section".

S-5632 FILED & ADOPTED (p. 983) BY BERL E. PRIEBE  
 APRIL 24, 1978

PAGE 20  
SENATE AMENDMENT TO  
HOUSE AMENDMENT TO  
SENATE FILE 2163

H-6245

- 1 Amend the House amendment, S-5601, to Senate
- 2 File 2163, as amended, passed and reprinted by the
- 3 Senate as follows:
- 4 1. Page 1 of the amendment, by striking
- 5 lines 7 through 16.
- 6 2. Page 2 of the amendment, line 12, by
- 7 striking the figure "1,930,000" and inserting in lieu
- 8 thereof the figure "1,800,000".
- 9 3. Page 2, line 35, by striking the word
- 10 "Act" and inserting in lieu thereof the word "section".
- 11 4. Page 2 of the amendment, line 50, by
- 12 striking the words and figure "eight hundred twenty-
- 13 five thousand (825,000)" and inserting in lieu thereof
- 14 the words and figure "nine hundred fifty-five thousand
- 15 (955,000)".
- 16 5. Page 3 of the amendment, line 3, by
- 17 striking the words "a temporary" and inserting in
- 18 lieu thereof the words "constructing a".
- 19 6. Page 3 of the amendment, by striking
- 20 lines 6, 7 and 8.
- 21 7. Page 4 of the amendment, by striking
- 22 from lines 36 and 37 the words and figure "sixteen
- 23 thousand four hundred forty (2,016,440)" and inserting
- 24 in lieu thereof the words and figure "ninety-one
- 25 thousand four hundred forty (2,091,440)".
- 26 8. Page 4 of the amendment, line 43, by
- 27 striking the word "and" and inserting in lieu thereof
- 28 a comma.
- 29 9. Page 4 of the amendment, line 44, by
- 30 inserting after the word "home" the words "roof
- 31 replacement for two buildings at the mental health
- 32 institute at Mount Pleasant, repair of a boiler, pumps
- 33 and controls at the mental health institute at
- 34 Clarinda, replacement of a water pump at the mental
- 35 health institute at Cherokee, and an emergency and
- 36 contingency fund of fifty thousand dollars".
- 37 10. Page 5 of the amendment, by striking
- 38 from line 21 the figure "47,800,000" and inserting
- 39 in lieu thereof the figure "47,150,000".
- 40 11. Page 5 of the amendment, by striking
- 41 lines 22 through 38.
- 42 12. Page 5 of the amendment, by striking
- 43 lines 39, 40 and 41.
- 44 13. Page 7 of the amendment, by striking
- 45 lines 12 through 43 and inserting in lieu thereof
- 46 the following:
- 47 "\_\_\_\_. It is the intent of the general
- 48 assembly that the department of social services shall
- 49 review and analyze all of the costs and benefits that
- 50 might accrue to the state of Iowa and the recipients

1 or potential recipients of medical assistance by  
2 implementation of a rule to disallow certification  
3 of eligibility of a recipient who has transferred  
4 property, a resource or income, contrary to the  
5 provisions of section two hundred forty-nine A point  
6 five (249A.5) of the Code, and where such property,  
7 resource or income, or the identifiable proceeds  
8 thereof, is currently available to the recipient.  
9 The department shall make its study and the  
10 recommendations based thereon available to the governor  
11 and to the general assembly as soon as it is  
12 completed."

13 14. Page 7 of the amendment, by inserting  
14 after line 46 the following:

15 "\_\_\_\_. Page 13, by inserting after line 11  
16 the following new subsection:

17 "\_\_\_\_. It is the intent of the general  
18 assembly that, in addition to the funds appropriated  
19 by this Act for aid to families with dependent  
20 children, the state's share of federal antirecession  
21 fiscal assistance funds to be received under Title  
22 two (II) of the United States public works employment  
23 Act of 1976 be utilized for the aid to families with  
24 dependent children program."

25 15. By striking page 7 of the amendment,  
26 line 47, through page 8 of the amendment, line 1.

27 16. Page 8 of the amendment, by inserting  
28 after line 17 the following:

29 "\_\_\_\_. Page 14, line 12, by inserting after  
30 the word "homemaker" the words "for at least ten  
31 years".

32 17. Page 8 of the amendment, line 20, by  
33 inserting before the word "victims" the words "women  
34 who are".

35 18. Page 9 of the amendment, by striking  
36 lines 23 through 31.

H-6245 FILED  
RECEIVED FROM SENATE  
APRIL 24, 1978

*House concurred 4/26 (p. 1885)*

SENATE CLIP SHEET  
APRIL 25, 1973

SENATE FILE 2163

S-5630

1 Amend the House amendment, S-5601, to Senate File  
2 2163, as amended, passed and reprinted by the Senate,  
3 as follows:

*Div. A*  
4 1. Page 1 of the amendment, by striking lines  
5 7 through 16.

6 2. Page 2 of the amendment, line 12, by striking  
7 the figure "1,930,000" and inserting in lieu thereof  
8 the figure "1,800,000".

*Div. B*  
9 3. Page 2 of the amendment, line 50, by striking  
10 the words and figure "eight hundred twenty-five  
11 thousand (825,000)" and inserting in lieu thereof  
12 the words and figure "nine hundred fifty-five thousand  
13 (955,000)".

14 4. Page 3 of the amendment, line 3, by striking  
15 the words "a temporary" and inserting in lieu thereof  
16 the words "constructing a".

17 5. Page 3 of the amendment, by striking lines  
18 6, 7 and 8.

19 6. Page 4 of the amendment, by striking from lines  
20 36 and 37 the words and figure "sixteen thousand four  
21 hundred forty (2,016,440)" and inserting in lieu  
22 thereof the words and figure "ninety-one thousand  
23 four hundred forty (2,091,440)".

24 7. Page 4 of the amendment, line 43, by striking  
25 the word "and" and inserting in lieu thereof a comma.

26 8. Page 4 of the amendment, line 44, by inserting  
27 after the word "home" the words "roof replacement  
28 for two buildings at the mental health institute at  
29 Mount Pleasant, repair of a boiler, pumps and controls  
30 at the mental health institute at Clarinda, replacement  
31 of a water pump at the mental health institute at  
32 Cherokee, and an emergency and contingency fund of  
33 fifty thousand dollars".

*Div. C*  
34 9. Page 5 of the amendment, by striking lines  
35 2, 3 and 4.

36 10. Page 5 of the amendment, by striking from  
37 line 21 the figure "47,800,000" and inserting in lieu  
38 thereof the figure "47,150,000".

39 11. Page 5 of the amendment, by striking lines  
40 39, 40 and 41.

41 12. Page 7 of the amendment, by striking lines  
42 12 through 43 and inserting in lieu thereof the  
43 following:

*B*  
44 "\_\_\_\_\_. It is the intent of the general assembly  
45 that the department of social services shall review  
46 and analyze all of the costs and benefits that might  
47 accrue to the state of Iowa and the recipients or  
48 potential recipients of medical assistance by  
49 implementation of a rule to disallow certification  
50 of eligibility of a recipient who has transferred

1 property, a resource or income, contrary to the  
2 provisions of section two hundred forty-nine A point  
3 five (249A.5) of the Code, and where such property,  
4 resource or income, or the identifiable proceeds  
5 thereof, is currently available to the recipient.  
6 The department shall make its study and the  
7 recommendations based thereon available to the governor  
8 and to the general assembly as soon as it is  
9 completed."

10 13. Page 7 of the amendment, by inserting after  
11 line 46 the following:

12 "\_\_\_\_\_. Page 13, by inserting after line 11 the  
13 following new subsection:

14 "\_\_\_\_\_. It is the intent of the general assembly  
15 that, in addition to the funds appropriated by this  
16 Act for aid to families with dependent children, the  
17 state's share of federal antirecession fiscal  
18 assistance funds to be received under Title two (II)  
19 of the United States public works employment Act of  
20 1976 be utilized for the aid to families with dependent  
21 children program."

22 14. By striking page 7 of the amendment, line  
23 47, through page 8 of the amendment, line 1.

24 15. Page 8 of the amendment, by inserting after  
25 line 17 the following:

26 "\_\_\_\_\_. Page 14, line 12, by inserting after the  
27 word "homemaker" the words "for at least ten years".

28 16. Page 8 of the amendment, line 20, by insert-  
29 ing before the word "victims" the words "women who are".

30 17. Page 9 of the amendment, by striking lines  
31 23 through 31.

S-5630 FILED

APRIL 24, 1978

DIVISION A- ADOPTED (p. 980)

DIVISION B-ADOPTED (p. 979)

DIVISION C-LOST (p. 980)

BY BERL E. PRIEBE

JOHN S. MURRAY

IRVIN L. BERGMAN

BOB RUSH

SENATE FILE 2163

S-5629

1 Amend the House amendment, S-5601, to Senate File  
2 2163, as amended, passed and reprinted by the Senate,  
3 as follows:

4 1. Page 5 of the amendment, by striking lines  
5 22 through 38.

S-5629 FILED & ADOPTED (p. 981)

APRIL 24, 1978

BY BERL E. PRIEBE

IRVIN L. BERGMAN



# Office of the Governor

STATE CAPITOL  
DES MOINES, IOWA 50319

ROBERT D. RAY  
GOVERNOR

June 22, 1978

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

Dear Mr. Secretary:

I hereby transmit to you Senate File 2163, an act relating to the administration and financing of current programs under the jurisdiction of the Department of Social Services.

Senate File 2163 is approved June 22, 1978, with the following exception which I hereby disapprove.

I am unable to approve that item of the bill designated as subparagraph "a" of Subsection 13 of Section 16 which reads as follows:

a. It is the intent of the general assembly that the department of social services shall submit a budget for the fiscal year 1979-1980 as outlined in the department's management control report, which is developed by organizational structure or areas of responsibility, and accordingly indicates projected program activities, personnel status and budgeted expenditures, and then compared to actual outputs on a monthly basis for purposes of analysis and accountability. This report shall be distributed to members of the general assembly for their review on a periodic basis or upon request to the department.

I am pleased to discover that the new control procedures instituted at the Department of Social Services have, in fact, captured both the interest and confidence of the legislature. Documents such as the "Management Control Report" are examples of the application of innovative and proven management techniques to a difficult to manage

The Honorable Melvin D. Synhorst

June 22, 1978

Page Two

area...the delivery of human services to our needy. That report has been made available to the legislature, even as it was being developed. While the legislature's effort in subparagraph "a" of Subsection 13 of Section 16 of Senate File 2163 is clearly an attempt to expand on a useful tool, it is subject to varying interpretations in its awkward phrasing. A budget for 1979-1980, as called for in this bill, even for Social Services, cannot be prepared until an aggregate budget is prepared by the Executive Branch. Preparing one at this time would be premature and inappropriate.

There is another problem--that of a biennial budget. Subparagraph "a" is unclear as to when this special budget shall be submitted by the Department of Social Services. In fact, it cannot be finalized until determined by the General Assembly.

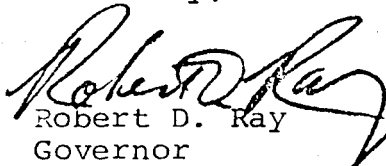
Long-standing state law has provided that departments submit biennial budget requests to the Governor, who in turn reviews them and submits his biennial budget recommendations to the General Assembly. This is a most important aspect for the Governor in his responsibility to supervise and coordinate the fiscal matters of state departments.

This administration has and will continue to encourage departments to do careful planning when comparing their expenditures with their achievement of goals. That information has and will continue to be available to our legislators. We invite the General Assembly's interest and support of sound management practices such as those referred to in subparagraph "a", and we are eager to share our working tools with them.

Accordingly, Chapter 8 of the Code of Iowa establishes an executive-initiated budget which should not be circumvented through somewhat unclear requests. If this provision were allowed to stand, we would experience a fragmented approach to the state budget especially when applied to a single department. Requiring, as this would, the expensive process of preparing two separate budgets, without correlation to the procedure followed for other departments, could be substantially disruptive.

For the above reasons, I hereby disapprove the aforementioned 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 2163 are hereby approved as of this date.

Sincerely,

  
Robert D. Ray  
Governor

RDR:kjd

cc: Secretary of the Senate  
Chief Clerk of the House

SENATE FILE 2163

AN ACT

RELATING TO THE ADMINISTRATION AND FINANCING OF CURRENT PROGRAMS UNDER THE JURISDICTION OF THE DEPARTMENT OF SOCIAL SERVICES.

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

Section 1. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1978 and ending June 30, 1979 to the department of social services, the following amounts, or so much thereof as may be necessary, to be used for the purposes designated:

1978-1979  
Fiscal Year

DISTRICT ADMINISTRATION AND  
CENTRAL ADMINISTRATION

1. For the administration of district, central and local offices including salaries and support ..... \$ 17,300,000

2. It is the intent of the general assembly that the state fully fund the food stamp program and not charge back to the counties the fifty percent of administrative costs not covered by federal funds. However, counties shall continue to furnish and pay for the office space presently in use by personnel administering the food stamp program.

3. The provision of subsection nine (9) of section nineteen A point nine (19A.9) of the Code which restricts employment of intermittent employees to not more than a specified number of calendar days in any twelve-month period without examination, shall not apply during the period beginning on July 1, 1978 and ending June 30, 1979 for thirty-eight intermittent employees who are employed in field offices by the department of social services. It is the intent of the general assembly to authorize the continued employment during

the 1978-1979 fiscal year of persons employed to assist in meeting the current high demand for income maintenance and related services and to permit the department to avoid the cost of training new employees. Any such employee of the department of social services who has been employed and classified as an intermittent employee after August 1, 1975 for twelve consecutive months or more shall be eligible to receive the same fringe benefits for fiscal year 1978-1979 as any other person employed under the provisions of chapter nineteen A (19A) of the Code. It is further the intent of the general assembly that when a vacancy occurs in any permanent full-time position for which any intermittent employee whose employment is continued under this Act is qualified, that employee or those employees shall be given an opportunity to fill the vacant position as a permanent merit employee. Each such intermittent employee, upon being transferred to full-time merit employee status, shall be given credit for all benefits which that employee has accrued as an intermittent employee of the department.

Sec. 2. Acts of the Sixty-seventh General Assembly, 1977 Session, chapter thirty-seven (37), section one (1), subsection three (3), is amended to read as follows:

3. Medicaid Management Information System (MMIS)

For development and implementation of medicaid management information system ..... \$ 140,000

Notwithstanding section eight point thirty-three (8.33) of the Code, unencumbered or unobligated funds appropriated by this subsection shall not revert to the general fund until June 30, 1979. The department of social services shall submit to the joint budget subcommittee on social services, during the 1979 Session of the general assembly, a written report on the status of the medicaid management information system.

Sec. 3. Acts of the Sixty-seventh General Assembly, 1977 Session, chapter thirty-seven (37), section twenty-one (21), subsection two (2), is amended by adding the following new

unnumbered paragraph:

Notwithstanding section eight point thirty-three (8.33) of the Code, unencumbered and unobligated funds appropriated by this subsection shall not revert to the general fund until June 30, 1979. The department of social services shall submit to the joint budget subcommittee on social services, not later than January 20, 1979, a written report on the status of the second opinion project.

Sec. 4. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1978 and ending June 30, 1979 to the department of social services, the following amounts, or so much thereof as may be necessary, to be used for the purposes designated:

1978-1979  
Fiscal Year

FAMILY AND CHILDREN SERVICES:

For the operation of the following institutions:

1. State juvenile home at Toledo, boys' training school at Eldora, and girls' training school at Mitchellville ..... \$ 5,500,000
2. Iowa veterans home at Marshalltown ..... \$ 8,200,000
3. Juveniles adjudicated delinquent shall not be placed at the state juvenile home at Toledo.

Sec. 5. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1978 and ending June 30, 1979 to the department of social services for juvenile community-based corrections the sum of one hundred sixty thousand (160,000) dollars, or so much thereof as may be necessary.

1. The department of social services shall continue the program of project grants to communities which are developing community-based juvenile residential correctional programs. It shall work with local communities and the Iowa crime commission to provide incentives to make maximum use of

available federal funds. Insofar as practical, the department shall provide technical assistance to local groups which intend to establish or improve community-based juvenile residential correctional programs.

2. Not more than twenty thousand dollars of the above amount may be used by the department of social services to develop, in coordination with the Iowa crime commission and its state juvenile justice advisory council, a state juvenile services plan.

3. The objective of the general assembly is to plan for and encourage the development of statewide community-based juvenile services which are controlled and supported primarily through local citizen involvement. To be successful, these services should be built upon the intimate involvement of the family, the school, the juvenile court, and the local community. Juvenile services are understood to include, among others, family counseling, emergency foster and shelter care, homemaker services, evaluation, short and long term residential care, crisis intervention, substance abuse counseling, delinquency prevention, and coordination with education, vocational and court services programs.

Sec. 6.

1. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1978 and ending June 30, 1979 to the department of social services the following amounts, or so much thereof as may be necessary, to be used for adult correctional services as designated:

	<u>1978-1979</u> <u>Fiscal Year</u>
a. Correctional institutions ..... (Fort Madison, Anamosa, Rockwell City, Oakdale, Luster Heights and Mount Pleasant)	\$18,725,000
b. Riverview release center at Newton and inmate employment program .....	\$ 1,800,000
c. Community-based correction .....	\$ 8,175,000

d. Parole services ..... \$ 900,000

e. For a legal assistance

program for inmates of the Iowa state penitentiary, the Iowa state reformatory, and the Iowa women's

reformatory ..... \$ 25,000

It is the intent of the general assembly that a legal assistance program be established for inmates of the institutions identified in this paragraph. The purpose of the program shall be to provide civil legal assistance to inmates in matters of child custody, bankruptcy and dissolution of marriage. The office of the citizens' aide ombudsman shall maintain a list of attorneys willing to participate in this program and shall be responsible for the appointment of attorneys under the program funded by this subsection. Participating attorneys shall receive no more than twenty-five dollars per hour for their services under this program.

2. It is the intent of the general assembly that funds included within paragraph a of subsection one (1) of this section shall be used for the following purposes:

a. Establishment of four additional correctional officer positions at the Iowa women's reformatory, in order to allow correctional officers at that institution to be assigned eight-hour shifts.

b. Establishment of two additional psychiatric nursing positions at the security medical facility, in order to provide nursing coverage on the eleven o'clock p.m. to seven o'clock a.m. shift seven days a week, and to make available up to six beds for women inmates if needed.

Sec. 7. There is appropriated from the general fund of the state to the department of social services for the fiscal period commencing July 1, 1978 the sum of nine hundred fifty-five thousand (955,000) dollars, or so much thereof as may be necessary, for the purpose of unitizing the Iowa state penitentiary and the Iowa state reformatory, and constructing a medium security fence, including a tower, around the medium security dormitory at the Iowa state penitentiary. Unobligated

or unencumbered funds remaining on June 30, 1982 from funds appropriated by this section shall revert to the general fund of the state on September 30, 1982.

Sec. 8. There is appropriated from the general fund of the state to the department of social services for the fiscal year beginning July 1, 1978 and ending June 30, 1979 the sum of ten thousand (10,000) dollars, or so much thereof as is necessary, to revitalize the furlough programs at the women's reformatory, the Iowa state reformatory and the Iowa state penitentiary.

Sec. 9. Section nine hundred one point seven (901.7), Code 1977 Supplement, is amended to read as follows: 901.7 COMMITMENT TO CUSTODY.

In imposing a sentence of confinement for more than one year, the court shall commit the defendant to the custody of the director of the division of adult corrections. Upon entry of judgment and sentence, the clerk of the district court immediately shall notify the director of such commitment. The court shall make such order as is appropriate for the temporary custody of the defendant pending the defendant's transfer to the custody of the director. The court shall order the county where a person was convicted to pay the cost of temporarily confining the person and of transporting the person to the state institution where he or she is to be confined in execution of the judgment.

Sec. 10. Chapter two hundred forty-seven A (247A), Code 1977, is amended by adding the following new section:

NEW SECTION. ALLEGED WORK RELEASE VIOLATORS--REIMBURSEMENT TO COUNTIES FOR TEMPORARY CONFINEMENT. The division of adult corrections shall negotiate a reimbursement rate with each county for the temporary confinement of alleged violators of work release conditions who are in the custody of the director of the division of adult corrections. The amount to be reimbursed shall be determined by multiplying the number of days so confined by the average daily cost of confining a person in the county facility as negotiated with the department. Payment shall be made upon submission of a voucher

executed by the sheriff and approved by the director of the division of adult corrections. The money shall be deposited in the county general fund to be credited to the jail account.

Sec. 11. Chapter nine hundred six (906), Code 1977 Supplement, is amended by adding the following new section:

NEW SECTION. ALLEGED PAROLE VIOLATORS--REIMBURSEMENT TO COUNTIES FOR TEMPORARY CONFINEMENT. The division of adult corrections shall reimburse a county for the temporary confinement of alleged parole violators. The amount to be reimbursed shall be determined by multiplying the number of days so confined by the average daily cost of confining a person in the county facility as negotiated by the department. Payment shall be made upon submission of a voucher executed by the sheriff and approved by the director of the division of adult corrections. The money shall be deposited in the county general fund to be credited to the jail account.

Sec. 12. There is appropriated from the general fund of the state to the department of social services for the fiscal year beginning July 1, 1978 and ending June 30, 1979 the sum of forty thousand (40,000) dollars or so much thereof as is necessary, to be used for the purpose of reimbursing counties for temporary confinement of work release and parole violators, as provided by sections nine (9), ten (10) and eleven (11) of this Act.

Sec. 13. There is appropriated from the general fund of the state to the department of social services for the fiscal year commencing July 1, 1978 the sum of two million ninety-one thousand four hundred forty (2,091,440) dollars or so much thereof as is necessary, to be used for capital improvement projects deemed necessary by the department for institutions under its jurisdiction or for maintenance of such institutions. The department shall include the construction of a dining room addition at the women's reformatory, demolition of the condemned McCall Hall at the juvenile home, roof replacement for two buildings at the mental health institute at Mount Pleasant, repair of a boiler, pumps and controls at the mental health institute at Clarinda,

replacement of a water pump at the mental health institute at Cherokee, and an emergency and contingency fund of fifty thousand dollars in its capital appropriation. The department shall consult with the Iowa national guard about a cooperative effort in the demolition of McCall Hall at the juvenile home prior to expending funds for that purpose. Unobligated or unencumbered funds remaining on June 30, 1982 from funds appropriated by this section shall revert to the general fund of the state on September 30, 1982.

Sec. 14. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1978 and ending June 30, 1979 to the department of social services, for the mental health institutes at Cherokee, Clarinda, Independence and Mount Pleasant the sum of twenty-two million five hundred ten thousand (22,510,000) dollars, or so much thereof as may be necessary.

1. The state mental health institutes' daily per diem as determined pursuant to section two hundred thirty point twenty (230.20) of the Code shall be billed at eighty percent for the fiscal year.

2. It is the intent of the general assembly that a mental health institute shall not accept physical custody of children alleged to be children in need of assistance on guest status or otherwise, for more than thirty days. It is also the intent of the general assembly that children found to be children in need of assistance shall not be placed in a mental health institute on the basis of that adjudication. The juvenile court may, however, order a commitment to a mental health institute or other appropriate secure facility for the purposes of treatment of a mental or emotional condition, but only after making findings pursuant to the standards set out for involuntary commitment in chapter two hundred twenty-nine (229) of the Code.

3. It is the intent of the general assembly that the division of mental health resources of the department of social services shall seek alternative funding sources for the chaplain intern program at the mental health institutes

at Cherokee and Independence, with the objective of continuing these programs without use of state funds.

4. It is the intent of the general assembly that the superintendents of the mental health institutes at Cherokee and Independence, in discharging the duties imposed on them by section two hundred thirty point twenty (230.20) of the Code, shall consider the costs of the psychiatric residency and chaplain intern programs maintained at those institutes as costs not to be included in the expenditures of those institutes for the purpose of establishing the institutes' respective daily charges to patients, the same as the costs enumerated in section two hundred thirty point twenty (230.20), subsection one (1), paragraphs a, b and c of the Code. It is the objective of the general assembly, in expressing this intent, that the commissioner of social services work to establish more uniform daily charges at the four mental health institutes.

Sec. 15. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1978 and ending June 30, 1979 to the department of social services, for the state hospital-schools at Glenwood and at Woodward the sum of twenty million four hundred twenty-eight thousand (20,428,000) dollars, or so much thereof as may be necessary. It is the intent of the general assembly that all funds received from client participation shall be deposited in the general fund of the state.

1. The state hospital-schools' per-patient-per-day cost as determined pursuant to section two hundred twenty-two point seventy-three (222.73) of the Code shall be billed at eighty percent for the fiscal year, except as otherwise provided by subsection two (2) of this section.

2. If more than twenty percent of the cost of a patient's care is initially paid from any source other than state-appropriated funds, the amount so paid shall be subtracted from the per-patient-per-day cost of that patient's care computed pursuant to section two hundred twenty-two point seventy-three (222.73) of the Code and the patient's county

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

Sec. 16. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1978 and ending June 30, 1979 to the department of social services, the following amounts, or so much thereof as may be necessary, to be used for the purposes designated:

	1978-1979
	<u>Fiscal Year</u>
SPECIAL PROGRAMS DIVISION:	
1. For aid to the blind .....	\$ 15,000
2. For aid to dependent children .....	\$ 47,150,000
3. For aid to Indians residing on a settlement .....	\$ 40,000
4. For medical assistance, 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 when:	
a. The attending physician certifies that continuing the pregnancy would endanger the life of the pregnant woman; or	
b. The attending physician certifies that the fetus is physically deformed, mentally deficient, or afflicted with a congenital illness; or	
c. The pregnancy is the result of a rape which is reported to a law enforcement agency or public or private health agency within sixty days of the incident, or the result of incest which is reported in the first two trimesters of pregnancy to a law enforcement agency or the department of social services;	
d. Any spontaneous abortion, commonly known as a miscarriage, wherein not all of the products of conception are expelled .....	\$ 79,500,000
5. For contractual services-medical carrier .....	\$ 1,140,000

6. For foster care and subsidized adoptions ..... \$ 8,400,000

It is the intent of the general assembly that funds appropriated by this section may be used to fund services to a child in his or her own home when such service may be an alternative to placement in a foster care home.

It is the intent of the general assembly that the payment for subsidized adoptions shall be raised to a level comparable to the current foster care rate.

It is the intent of the general assembly that the department of social services shall determine appropriate cost-related rate structures for the foster care and subsidized adoption programs. The department of social services shall report to the joint budget subcommittee on social services regarding that rate structure not later than January 20, 1979.

The department of social services shall not adopt or enforce any rule or policy prohibiting limited corporal punishment of foster children by foster parents licensed by the department. This paragraph shall not prevent promulgation of rules prohibiting malicious, willful and wanton conduct by a foster parent which causes injury or damage to a foster child, or exposes the foster child to danger of such injury or damage.

7. For work and training programs ..... \$ 420,000

8. For adult and children services and homemaker services ..... \$ 1,500,000

9. For state supplementary assistance, including state supplementary assistance for the blind ..... \$ 5,300,000

The department of social services shall explore the possibility of obtaining federal financial participation for residential care facilities, and shall report its findings to the general assembly not later than January 20, 1979.

10. For the governor's youth opportunity program ..... \$ 750,000

11. For child support recoveries ..... \$ 396,000

12. Assistance to child care centers for nonprofit centers only ..... \$ 250,000

Real property shall not be purchased with funds appropriated by this subsection.

13. State supplementation to Title twenty (XX) ..... \$ 750,000

a. It is the intent of the general assembly that the department of social services shall submit a budget for the fiscal year 1979-1980 as outlined in the department's management control report, which is developed by organizational structure or areas of responsibility, and accordingly indicates projected program activities, personnel status and budgeted expenditures, and then compared to actual outputs on a monthly basis for purposes of analysis and accountability. This report shall be distributed to members of the general assembly for their review on a periodic basis or upon request to the department.

b. It is the intent of the general assembly that for each discrete direct service program or allocation under Title twenty (XX), the department of social services shall spend within fifteen percent of planned amounts of funds. If by March 1, 1979 it becomes apparent that actual direct service expenditures will differ from planned direct service expenditures by greater than fifteen percent in any individual service program, or in total, the department of social services shall, by April 1, 1979 notify the office of the comptroller, the legislative fiscal bureau, and the state Title twenty (XX) advisory committee. Notification shall specify the projected expenditure which varies by more than fifteen percent from the planned expenditure for that service area. The department of social services shall prepare a report on direct service expenditures not within the fifteen percent limit for presentation to the joint budget subcommittee on social services not later than February 1, 1980.

c. It is the intent of the general assembly that the substate allocations formula for local purchase funds under

Title twenty (XX) be based upon the formula approved by the state Title twenty (XX) advisory committee as follows:

(1) Fifty percent of the allocation formula for local purchase shall be based on the distribution of persons below the U.S. census poverty level as defined in the most recent census; and

(2) Fifty percent of the allocation formula for local purchase shall be based on the previous years local purchase allocation;

(3) All new moneys, or funds in excess of the current federal ceiling, shall be allocated one hundred percent on the basis of the percentage of people below the poverty level according to the most recent census.

(4) Reallocation or redistribution of local purchase funds shall be based on service utilization.

e. It is the intent of the general assembly that the department of social services shall by January 1, 1980 provide the following information on the Title twenty (XX) program to the joint budget subcommittee on social services:

(1) Unit cost data for Title twenty (XX) direct services according to social services district and individual service area.

(2) A comparison, where appropriate, of unit costs for direct services and unit costs for purchased services.

(3) Administrative, program support, and direct program costs for all methods of service delivery under Title twenty (XX).

(4) A comparison of planned and actual expenditures for all methods of service delivery under Title twenty (XX).

(5) A comparison of planned and actual services provided under Title twenty (XX) in each social services district and for each social services program.

(6) A comparison of planned and actual services provided under Title twenty (XX) broken down by eligible client categories.

f. It is the intent of the general assembly that the department of social services expand the citizen participation

process under Title twenty (XX) to include:

(1) Citizen input into the determination of appropriate statewide funding levels and allocations for direct services under Title twenty (XX).

(2) Citizen input into the appropriate disbursement and use of federal funds earmarked for special day care.

(3) Citizen input into the actual use of direct services funds under Title twenty (XX) including data on actual expenditures, recipients, and services provided. The department of social services shall report to the joint budget subcommittee on social services by January 1, 1979 relative to the efforts made to expand the scope of the citizen participation process.

g. It is the intent of the general assembly that mini-Title twenty (XX) funds be disbursed expeditiously to district local purchase systems. Planning for the allocation of mini-Title twenty (XX) funds shall assure that these funds are actually received and used by district Title twenty (XX) programs rather than reverted to the state general fund. It is also the intent of the general assembly that these funds be used primarily for purchase of service for individuals to meet the state's goal of deinstitutionalization, and avoidance of institutionalization wherever effective and possible.

#### Sec. 17.

1. It is the intent of the general assembly, in consideration of the Iowa state university of science and technology aid to families with dependent children study, that the schedule of living costs and the payments for persons on the aid to families with dependent children program shall be set as follows:

a. 1 person	\$145 per month
b. 2 person family	\$275 per month
c. 3 person family	\$340 per month
d. 4 person family	\$395 per month
e. 5 person family	\$438 per month
f. 6 person family	\$487 per month

g. Each additional child \$ 48 per month

h. If the amount of assistance determined by the above schedule would be less than a current recipient's payment level determined under the schedule in effect for the 1977-78 fiscal year, the current payment level shall be maintained.

2. The special needs program of the aid to families with dependent children program shall be continued.

3. It is the intent of the general assembly to fully fund the addition to the aid to families with dependent children program as it applies to dependent children through the age of twenty years.

4. It is the intent of the general assembly that the department of social services explore the feasibility of contracting with a third party to provide health insurance coverage for welfare recipients, as authorized by section two hundred forty-nine A point four (249A.4), subsection four (4) of the Code. If it is determined that the cost of such health insurance coverage would be no greater than the current cost the department shall contract for health insurance coverage for welfare recipients. The department shall report to the general assembly not later than January 20, 1979 on its study of the feasibility of instituting third-party payments under the medical assistance program.

Sec. 18. The department of social services shall encourage voluntary participation of families in paying for a portion of the care delivered to a relative who is a resident in an intermediate care facility. Facility administrators and appropriate department personnel, both state and county, shall be advised as to the proper method of implementing family participation.

Sec. 19.

1. It is the intent of the general assembly that the department of social services shall increase the maximum reimbursement for intermediate care facility services under medical assistance from nineteen dollars fifty cents per day to a payment level fixed at the seventy-fourth percentile of all intermediate care facilities under the medical

assistance program ranked on the basis of the reimbursable cost figures certified by the department prior to July 1, 1978 for the first six months of the fiscal year and the cost figures certified prior to January 1, 1979 for the last six months of the fiscal year with the provision that the percentile may be temporarily lowered the last six months of the year within the reasonable limits approved in the plan, if necessary to reduce the average maximum payment for the entire year to twenty-one dollars per day.

2. It is the intent of the general assembly that payment for reserve bed days under the medical assistance program shall be made at eighty percent of the actual reimbursement rate for those beds.

3. It is the intent of the general assembly that medical assistance shall be made available to any person who is an inpatient of a hospital, skilled nursing facility or intermediate care facility; who is eligible for supplemental security income in all respects except income; and whose income does not exceed five hundred thirty-three dollars per month.

4. It is the intent of the general assembly that the department of social services shall review and analyze all of the costs and benefits that might accrue to the state of Iowa and the recipients or potential recipients of medical assistance by implementation of a rule to disallow certification of eligibility of a recipient who has transferred property, a resource or income, contrary to the provisions of section two hundred forty-nine A point five (249A.5) of the Code, and where such property, resource or income, or the identifiable proceeds thereof, is currently available to the recipient. The department shall make its study and the recommendations based thereon available to the governor and to the general assembly as soon as it is completed.

5. It is the intent of the general assembly that the department of social services shall increase the maximum reimbursement for residential care facility services from eleven dollars per day to twelve dollars fifty cents per day.

6. It is the intent of the general assembly that, in addition to funds appropriated for medical assistance in this Act, the state's share of federal welfare fiscal relief money to be received by Iowa be utilized in the medical assistance program.

7. It is the intent of the general assembly that funds appropriated for medical assistance shall not be used to pay for radiology services provided by a computerized axial tomographic scanner placed in operation in the state of Iowa subsequent to July 1, 1977 unless said computerized axial tomographic scanner has been approved by the state health facilities council of the state department of health.

8. It is the intent of the general assembly that the department of social services develop a method for annually reviewing the current fee schedule for all fixed fee providers under the medical assistance program.

9. It is the intent of the general assembly that, in addition to the funds appropriated by this Act for aid to families with dependent children, the state's share of federal antirecession fiscal assistance funds to be received under Title two (II) of the United States public works employment Act of 1976 be utilized for the aid to families with dependent children program.

Sec. 20. It is the intent of the general assembly that the department of social services shall promulgate rules pursuant to chapter seventeen A (17A) of the Code so that the noninstitutionalized spouse's support of persons receiving medical assistance shall be based on a case-by-case factual determination of the amount of money available for such support.

Sec. 21. Unless otherwise provided, all institutional receipts of the department of social services shall be deposited in the general fund except rentals charged to employees or others for room, apartment, or house and meals, which shall be available to the institutions, and except for receipts from farm products which shall be used for necessary farm expenses and repair. A full report of such receipts

retained for institutional use shall be delivered to the legislative fiscal bureau at the end of the fiscal year.

Sec. 22. Each hospital-school shall, upon receipt of any payment made under chapter two hundred forty-nine A (249A) of the Code for the care of any patient, segregate an amount equal to that portion of the payment which is required by law to be made from nonfederal funds. The money segregated shall be deposited in the medical assistance fund of the department of social services. It is the intent of the general assembly that charges assessed to the county will be credited with one hundred percent of client participation for eligible Title nineteen (XIX) medical assistance patients at the hospital schools, in the calculation of per diem rates.

Sec. 23. It is the intent of the general assembly that if the legislation increasing funding for social services now pending before Congress is passed, and if the Iowa child abuse program is in compliance with federal law, then funds appropriated to the department of social services may be used to match federal funds for child protective services to neglected and physically and sexually abused children, in an amount equal to the amount required to fund the state match for federal funds available to the state for that purpose.

Sec. 24. It is the intent of the general assembly that sixty thousand (60,000) dollars of the appropriation for adult and children services shall be used to fund projects for displaced homemakers. A displaced homemaker is any person who has been primarily a homemaker for at least ten years, has worked for his or her family in the family home, is not gainfully employed, has had or would have difficulty finding employment, has depended on the income of a family member and has lost that income in whole or in part as a result of separation, divorce or the death or disability of that family member, or has depended on public assistance as the parent of dependent children and is no longer eligible for such assistance. The funds referred to in this section shall not be used for tuition.

Sec. 25.

1. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1978 and ending June 30, 1979 to the department of social services the sum of sixty thousand (60,000) dollars, or so much thereof as may be necessary, to be used to fund at least one pilot program to provide emergency shelter services and support services to women who are victims of domestic abuse. It is the intent of this subsection that the commissioner of social services shall consult persons knowledgeable in the fields of health, law enforcement, social services and the law with regard to establishment or selection of pilot programs to be funded under this subsection.

2. For the purposes of this section:

a. "Domestic abuse" means committing assault as defined in section seven hundred eight point one (708.1) of the Code 1977 Supplement under either of the following circumstances:

- (1) The assault is between family or household members who resided together at the time of the assault; or
- (2) The assault is between separated spouses not residing together at the time of the assault.

b. "Emergency shelter services" include but are not limited to secure crisis shelters or housing for victims of domestic abuse.

c. "Family or household members" means spouses, persons cohabiting, parents, or other persons related by consanguinity or affinity, except children under eighteen.

d. "Support services" include but are not limited to legal services, counseling services, transportation services, child care services, and twenty-four hour information and referral services.

3. General assistance payments may be made to individuals receiving aid to families with dependent children who are residing in a facility which provides shelter services to victims of domestic abuse.

Sec. 26. Notwithstanding the maximum amounts to which sections two hundred thirty-nine point nine (239.9) and two hundred forty-nine point nine (249.9) of the Code limit payment

by the department of social services toward the cost of funerals for persons receiving public assistance under chapters two hundred thirty-nine (239) and two hundred forty-nine (249) of the Code, the department is authorized to pay not more than four hundred dollars toward the cost of a funeral for any such public assistance recipient provided that:

1. The total cost of the person's funeral does not exceed one thousand dollars;

2. The decedent does not leave an estate which may be probated, with sufficient proceeds to allow a funeral claim of at least one thousand dollars; and

3. Any payment which is due the decedent's estate or beneficiary by reason of the liability of any life insurance or death or funeral benefit company, association or society, or in the form of United States social security, railroad retirement, or veterans' benefits, upon the death of the decedent shall be deducted from the department's liability under this section.

The provisions of sections two hundred thirty-nine point nine (239.9) and two hundred forty-nine point nine (249.9) of the Code shall be of no force or effect during the fiscal year beginning July 1, 1978 and ending June 30, 1979.

Sec. 27. All federal grants to and the federal receipts of the department of social services are appropriated for the purposes set forth in such federal grants or receipts except the veterans per diem payable for veterans at the veterans home shall be deposited in the general fund.

Sec. 28. No funds appropriated by any provision of this Act, except sections seven (7) and thirteen (13), shall be used for capital improvements.

Sec. 29. Notwithstanding the provisions of section eight point thirty-nine (8.39) of the Code, none of the funds appropriated by this Act shall be transferred to or used by any agency other than the department of social services.

Sec. 30. NEW SECTION. Foster parents licensed by the department of social services stand in the same relationship to their minor foster children, for purposes of tort actions

by or on behalf of a foster child against that child's foster parents, as do natural parents and their minor children who reside at home. This section shall not apply to a foster parent whose malicious, willful and wanton conduct causes injury or damage to a foster child, or exposes the foster child to a danger prohibited by either the rules or regulations of the department or of the placement agency.

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ARTHUR A. NEU  
President of the Senate

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DALE M. COCHRAN  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2163, Sixty-seventh General Assembly.

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KEVIN P. LIGHT  
Acting Secretary of the Senate

*Item Veto*  
~~Approved~~ June 22, 1978

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ROBERT D. RAY  
Governor