

**CHAPTER 203**  
**CORRECTIONAL AND MENTAL HEALTH PROGRAMS FUNDED**  
*S.F. 592*

**AN ACT** relating to the administration and financing of correctional and mental health programs under the jurisdiction of the department of social services or its successor agencies for the fiscal period beginning July 1, 1983, and ending June 30, 1984.

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

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

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

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

	1983-1984
	<u>Fiscal Year</u>
\$	17,646,000

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

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

1. For operation of adult correctional institutions, including salaries and support, maintenance, and miscellaneous purposes, provided that the commissioner of social services, in order to keep expenditures from exceeding the amount of funds appropriated by this subsection, shall declare a prison overcrowding state of emergency in the state's prisons whenever the population of the prison system exceeds two thousand six hundred forty-five inmates for forty-five consecutive days. Upon the declaration of a prison overcrowding state of emergency, the board of parole shall consider all inmates, except for inmates convicted

of class "A" felonies, for parole who are within nine months of their tentative discharge date. If the board of parole's actions do not reduce the population of the prison system below two thousand six hundred twenty inmates within ninety days of the date of the declaration of the prison overcrowding state of emergency, the tentative discharge dates of all inmates, whose most serious offenses for which the inmates are currently incarcerated are crimes against property and who are incarcerated in state prisons on the date of the declaration, shall be reduced by ninety days by the director of the division of adult corrections. However, the tentative discharge date of a prisoner sentenced under section 204.406, 204.413, 902.7, 902.8, or 906.5 shall not be reduced under this subsection prior to completion of the mandatory minimum sentence required by the section. The commissioner of social services shall terminate a prison overcrowding state of emergency in the state's prisons whenever the population of the prison system is reduced below two thousand six hundred twenty inmates. The department shall adopt administrative rules which identify all offenses as either crimes against property or crimes against persons. As used in this subsection, "prison" means a correctional facility operated by the division of corrections and funded under this subsection, "prison system" means the prisons of this state which are the Iowa correctional institution for women, the Iowa state men's reformatory, the Iowa state penitentiary, the Iowa security and medical facility, the north central correctional facility, the Mount Pleasant correctional facility, the Clarinda correctional treatment facility, the correctional release center, and the rehabilitation camps, and "tentative discharge date" means the date at which an inmate is scheduled for release including good conduct and work time currently received . . . . . \$ 46,427,000

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

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

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

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

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

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

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

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

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

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

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

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

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

\*Item veto; see message at end of this Act

- 7. For parole services, including salaries and support, maintenance, and miscellaneous purposes ..... \$ 1,161,500
- 8. For a legal assistance program to provide civil legal assistance to inmates of the Iowa correctional system in matters of child custody, bankruptcy, and dissolution of marriage ..... \$ 25,000
- 9. For reimbursement of counties for temporary confinement of work release and parole violators, as provided by sections 247A.10, 901.7, and 906.17 ..... \$ 47,500

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

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

1983-1984  
Fiscal Year  
\$ 440,000

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

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

1983-1984  
Fiscal Year

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

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

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

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

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

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

1983-1984  
Fiscal Year

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved June 9, 1983, except the one item which I hereby disapprove and which is designed as the portion of Section 3 which is herein bracketed in ink and initialed by me. This is delineated with my reasons for vetoing in the item veto message pertaining to this Act to the Secretary of State this same date, a copy of which is attached hereto.

*Terry E. Branstad*

TERRY E. BRANSTAD  
Governor



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

Dear Madam Secretary:

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

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

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

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

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

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

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

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

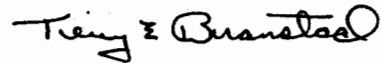
Second, while there have been prison population problems at Anamosa, the present inmate count at the men's reformatory is 1,013. And, that is approximately the population level for which funding has been provided. While the design capacity of the institution may be somewhat less than 1,000, state prison officials have assured me that Anamosa has the management space for that number of inmates. Indeed, Anamosa prison officials have done a commendable job of efficiently and safely managing prison populations of over 1,100. Thus, Anamosa can be properly managed and funded without the proposed reduction in the inmate population.

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

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

For the above reasons, I hereby disapprove this item in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the State of Iowa. All other items of Senate File 532 are hereby approved as of this date.

Very truly yours,



Terry E. Branstad  
Governor