

I am unable to approve the designated portion of Section 31, subsection 6. This provision attempts to restrict the Governor's discretion in developing his or her budget by directing the level of spending the Governor can recommend in certain human services programs. The Governor, by law, must submit a proposed budget to the Legislature which includes a summary of appropriations recommended for the following fiscal year for each department of state government. The Legislature may accept, modify or reject the Governor's recommendations. The Legislature cannot and should not attempt to interfere with the Governor's responsibility to establish priorities and make recommendations which ensure that his or her proposed budget is balanced.

I am unable to approve the designated portion of Section 33. This provision again provides antireversionary language, which I cannot approve.

I am unable to approve the item designated as Section 37, in its entirety. This provision would require the Department of General Services to assess the computer needs of the Department of Human Services and to submit a quarterly report to the Legislature regarding those needs. This intrusion into the prerogatives of the executive branch cannot be approved.

I am unable to approve the items designated as Section 41, subsection a, paragraphs 2, 3, and 4,* in their entirety. These provisions would shift funding from the Gambler's Assistance Fund to provide additional increases to programs already funded in this bill. Funds which exceed the needs of the Gambler's Assistance Program should be reverted to the general fund.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2435 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD, Governor

CHAPTER 1271

STATE GOVERNMENT APPROPRIATIONS AND OTHER PROVISIONS

H.F. 2569

AN ACT relating to and making appropriations to finance state government, its regulatory functions, and its obligations, and providing effective dates.

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

DIVISION I

Section 101. DROUGHT ASSISTANCE.

****1. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP.**

a. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For administration including salaries, support, maintenance, and miscellaneous purposes, for the hay hot line and for climatological services:

..... \$ 50,000

b. As a condition, limitation, and qualification of the appropriation made under paragraph "a", the appropriation shall be used to support the following full-time equivalent positions:

(1) For the hay hot line:

..... FTEs 2.0

(2) For climatological services:

..... FTEs 0.5

*"Paragraph a, subparagraphs 2, 3, and 4" probably intended

**Item veto; see message at end of the Act

(3) For miscellaneous purposes relating to laboratory analysis activities:

..... FTEs 2.0

The full-time equivalent positions specified under this subsection shall be temporary positions as specified by the department. However, the positions shall terminate not later than June 30, 1991.

2. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY.

a. The Iowa state university of science and technology extension service shall act as the central clearinghouse in each county for drought-related information which shall serve as the agency in the county designated to coordinate drought-related activities.

b. There is appropriated from the general fund of the state to the state board of regents for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For Iowa state university of science and technology extension service to administer a rural concern drought hot line, to carry out the provisions in paragraph "a", to administer a forage testing program for purposes of analyzing the impact of the drought on foraging, and to develop a library of drought samples:

..... \$ 150,000*

3. DEPARTMENT OF NATURAL RESOURCES. The department of natural resources shall administer a statewide water conservation education program.

4. STATE DEPARTMENT OF TRANSPORTATION. The state department of transportation shall cease all spraying of residual pesticides, as defined in section 206.2, along roadsides, including ditches along roadsides, in order to preserve from pesticide contamination of the food chain, vegetation, in areas, which may be utilized as animal feed. However, this subsection does not prohibit the use of pesticides necessary to control noxious weeds, as defined in section 317.1.

*5. REPORTING. The department of agriculture and land stewardship and Iowa state university of science and technology shall not later than December 15, 1990, report to the committees on appropriations in the senate and house of representatives, and to the agriculture and natural resources appropriations subcommittee, information relating to expenditure of moneys appropriated to the departments under this section, including a review of activities supported by the appropriations.

6. REVERSION. Moneys appropriated under this section which are not expended by June 30, 1991, shall revert to the general fund of the state as provided in section 8.33.*

Sec. 102. EFFECTIVE DATES.

1. The department of agriculture and land stewardship and Iowa state university of science and technology shall not expend moneys appropriated or implement provisions under section 101, subsections 1 and 2, of this Act until at least 15 counties are subject to a proclamation of a disaster emergency due to a drought which is issued by the governor.

2. The department of natural resources shall not implement a statewide water conservation education program under section 101, subsection 3, of this Act until at least 15 counties are subject to a proclamation of a disaster emergency due to a drought which is issued by the governor.

3. Provisions contained in section 101, subsection 4, of this Act which prohibit the spraying of pesticides shall not be effective on or after January 1, 1991.

4. Section 101, subsection 4, of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION II

Sec. 201. MEDICAL ASSISTANCE SUPPLEMENT.

There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1989, and ending June 30, 1990, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For medical assistance to be used for the same purposes and to supplement funds appropriated by 1989 Iowa Acts, chapter 318, section 2:

..... \$ 3,920,000

*Item veto; see message at end of the Act

Sec. 202. STUDY REQUIRED.

Notwithstanding section 8.33, the department of human services shall complete by January 2, 1991, the studies required pursuant to 1989 Iowa Acts, chapter 318, section 1, subsection 5, and the funds appropriated for this purpose that remain unencumbered and unobligated on June 30, 1990, shall not revert to the general fund but shall remain available for the purposes designated during the fiscal year beginning July 1, 1990.

*Sec. 203. DRUG UTILIZATION REVIEW.

There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For medical contracts:

..... \$ 140,000

The funds appropriated in this section shall be used in addition to funds appropriated for this purpose in Senate File 2435, if enacted by the Seventy-third General Assembly, 1990 Session, to continue the contract with the Iowa pharmacists association and the Iowa foundation for medical care for drug utilization review of services and products provided under the medical assistance program. The drug utilization review shall be continued as a state only contract.*

Sec. 204. EFFECTIVE DATE.

Sections 201 and 202 of this Act, being deemed of immediate importance, take effect upon enactment.

DIVISION III

*Sec. 301. CAPITOL COMPLEX CHILD DAY CARE PROGRAM.

1. There is appropriated from the general fund of the state to the department of general services for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount or so much thereof as is necessary, to be used for the purposes designated:

For planning, design, site acquisition and preparation, and other expenditures necessary to establish a child day care program available to public employees officed at or near the capitol complex:

..... \$ 600,000

2. There is appropriated from the general fund of the state to the department of general services for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount or so much thereof as is necessary, to be used for the purposes designated:

For planning and other expenditures, which may include a lease purchase contract, necessary to establish a child day care program available to public employees officed at or near the capitol complex:

..... \$ 1,100,000

3. Notwithstanding section 8.33, the moneys appropriated in this section that remain unencumbered and unobligated on June 30 of the fiscal year in which the moneys were appropriated, shall not revert to the general fund of the state but shall remain available for expenditure for the purposes designated during the succeeding fiscal year.

4. The general assembly considers child day care to be an important service for employers, employees, and their children. Employer-supported child care can have a positive impact upon employee morale and retention and can positively affect the children who are receiving child care services. High quality child care is of significant value to employers. It is believed that a quality, on-site child care program available to the children of state employees will provide a model for other employers in this state to emulate.

5. a. The legislative council is requested to appoint a capitol complex child day care program steering committee to provide direction to the department of general services in developing facility plans, establishing the facilities, developing operating policies, contracting with a vendor to operate the program, and other decisions involving establishment and operation of the program. The steering committee shall utilize the March 1990 consultant report to the

*Item veto; see message at end of the Act

capitol complex ad hoc committee on child care, particularly the intermediate quality recommendations, in its decision making.

b. The steering committee membership shall include members of the general assembly; representatives of the departments of general services, personnel, human services, and education; employees officed at the capitol complex who purchase child day care services; a representative of the state board of regents center for early childhood education; a representative of the Iowa state university of science and technology early childhood education programs; and other persons knowledgeable concerning child day care programs.

6. In consultation with the steering committee, the director of the department of general services shall retain a consultant to oversee the process of developing the program and shall contract with a vendor to manage the program.

7. The program shall be designed to operate with a capacity of 150 children and to regularly serve infants, toddlers, preschool, school age, and mildly ill children.*

***Sec. 302. FIRE FIGHTERS' MEMORIAL.**

There is appropriated from the general fund of the state to the office of the treasurer of state for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

To fund in part the cost of building a memorial honoring fallen fire fighters:
..... \$ 50,000

Notwithstanding section 8.33, the moneys appropriated in this section shall not revert after the end of the fiscal year ending June 30, 1991, but shall remain available for expenditure during the fiscal year beginning July 1, 1991, and ending June 30, 1992.*

DIVISION IV

***Sec. 401. CONTINGENCY REDUCTIONS IN APPROPRIATIONS.**

Notwithstanding section 8.31, if actual revenue collected by the state in the fiscal year ending June 30, 1990, is less than the revenue estimate agreed to at the March 13, 1990, meeting of the revenue estimating conference or if revenue collected in the fiscal year ending June 30, 1991, is significantly less than the estimate agreed to by the same meeting of the revenue estimating conference for the fiscal year ending June 30, 1991, and it is determined that the estimated budget resources are insufficient to pay in full all appropriations for the fiscal year ending June 30, 1991, before the governor orders uniform reductions in budgeted resources, appropriations enacted by the Seventy-third General Assembly, 1990 Session, shall be reduced in accordance with the priority order listed in this section.

1. In addition to the \$20,000,000 in expenditure reductions for the fiscal year ending June 30, 1991, contained in the governor's budget austerity plan issued to department heads, dated March 21, 1990, by reducing discretionary expenditures in executive branch agencies by up to \$10,000,000 by denying approval of expenditures as follows:

- a. Purchasing of new vehicles, noncritical equipment, office furnishings, or other noncritical expenditures.
- b. Expenditures for out-of-state travel, airplane travel, or subscriptions to periodicals shall not exceed the expenditure amount for these purposes in the fiscal year ending June 30, 1990.
- c. An exception to permit an expenditure for an item or service listed in this subsection may be granted in individual cases by the director of the department of management, with the approval of the governor.
- d. An expenditure reduction made pursuant to this subsection shall not involve an employee layoff.

2. By reducing by 2 percent, all annual appropriations for operations from the general fund of the state made by the Seventy-third General Assembly, 1990 Session, to all state agencies within the executive branch of state government, except for the regents' institutions, the department of human services, and state correctional institutions. The reduction is expected to realize a savings of \$5,000,000. An appropriation for operations does not include a grant-in-aid, a standing appropriation, or a capital appropriation.

*Item veto; see message at end of the Act

3. By reducing expenditure of funds appropriated by 1990 Iowa Acts, Senate File 2422, by no more than 5 percent for a savings in an amount up to \$2,905,000.*

DIVISION V

*Sec. 501. CONTINGENCY APPROPRIATIONS.

In the event that the anticipated ending balance of the general fund of the state for the fiscal year ending June 30, 1990, as certified by the director of the department of management exceeds \$132,200,000, or so much as is necessary to assure an ending balance for the fiscal year ending June 30, 1991, of \$30,000,000, 50 percent of such excess, up to a maximum of \$49,600,000, shall be used for recognizing additional liabilities, identified in section 502, subsection 1, of this Act, necessary to continue the GAAP implementation schedule required by 1986 Iowa Acts, chapter 1245, section 2046, and 50 percent of such excess, up to a maximum of \$31,870,000, shall be used for various capital projects identified in section 502, subsection 2, of this Act.*

*Sec. 502.

1. From the funds set aside in section 501 of this Act for recognizing additional liabilities necessary to complete the GAAP implementation schedule required by 1986 Iowa Acts, chapter 1245, section 2046, there is appropriated in the following priority order to the following named agencies for the designated fiscal year the specified amounts, or as much thereof as may be available, for the purposes designated:

a. For the fiscal year beginning July 1, 1989, and ending June 30, 1990, to the department of management for recognizing additional liabilities necessary to complete the GAAP implementation schedule required by 1986 Iowa Acts, chapter 1245, section 2046, for the merged area schools' general operations:

.....	\$	13,579,598
The funds appropriated in this paragraph shall be allocated to each school as follows:		
(1) MergedArea I	\$	611,887
(2) MergedArea II	\$	795,008
(3) MergedArea III	\$	739,949
(4) MergedArea IV	\$	377,297
(5) MergedArea V	\$	745,291
(6) MergedArea VI	\$	782,118
(7) MergedArea VII	\$	1,105,991
(8) MergedArea IX	\$	1,099,495
(9) MergedArea X	\$	1,744,567
(10) MergedArea XI	\$	1,875,037
(11) MergedArea XII	\$	835,261
(12) MergedArea XIII	\$	797,531
(13) MergedArea XIV	\$	353,975
(14) MergedArea XV	\$	1,097,051
(15) MergedArea XVI	\$	619,140

b. For the fiscal year beginning July 1, 1990, and ending June 30, 1991, to the following agencies:

(1) To the department of revenue and finance an amount sufficient to charge all franchise tax refunds to the appropriate fiscal year.

(2) To the department of revenue and finance an amount sufficient to charge all special education appropriations to the appropriate fiscal year.

(3) To the department of human services an amount sufficient to charge all foster care appropriations to the appropriate fiscal year.

(4) To the department of revenue and finance an amount sufficient to charge all standing unlimited appropriations to the appropriate fiscal year.

(5) Notwithstanding section 442.26, to the department of education an amount sufficient to charge up to an additional 65 percent of the amount of state school foundation aid equal to

*Item veto; see message at end of the Act

the general allocation of the school district as determined under section 405A.2 and the amount of the tax credit for livestock pursuant to section 442.2, subsection 2, 1987 Code.

2. From the funds set aside in section 501 of this Act for various capital projects, there is appropriated in the following priority order to the following named agencies for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the specified amounts, or as much thereof as may be available, for the purposes designated:

- a. To the department of general services for capitol restoration:*
 \$ 6,400,000
- b. To the state communications network fund:*
 \$ 5,000,000
- c. To the department of human services for construction of a residential facility at the Eldora training school:*
 \$ 920,000
- d. To the department of general services up to the following amount, for fire safety improvements to buildings located in the capitol complex:*
 \$ 1,000,000
- e. To the Iowa court information system (ICIS) and micrographics:*
 \$ 5,300,000
- The funds appropriated in this subsection shall be allocated as follows:*
- (1) Iowa court information system:*
 \$ 4,500,000
- (2) Micrographics:*
 \$ 800,000
- f. To the Iowa state university of science and technology for planning the construction of a livestock research facility:*
 \$ 1,000,000
- g. To the university of northern Iowa for wellness center planning:*
 \$ 1,000,000
- h. To the Iowa national guard for armories at Corning and Oskaloosa:*
 \$ 850,000
- i. To the department of general services for renovation of the Lucas state office building:*
 \$ 1,000,000
- j. To the department of general services for remodeling the old historical building:*
 \$ 2,000,000
- k. To the Iowa state university of science and technology for the cattle/swine research facilities:*
 \$ 3,500,000
- l. To the Iowa state fair board for capital projects:*
 \$ 1,000,000
- m. To the state board of regents for distribution to the state universities for capital utility projects:*
 \$ 1,500,000
- n. To the university of Iowa for college of medicine research facility planning:*
 \$ 1,000,000
- o. To the department of general services to demolish the Court avenue bridge:*
 \$ 400,000*

Sec. 503. 1989 Iowa Acts, chapter 319, section 12, is repealed.

**Sec. 504.*

*If section 502, subsection 1, paragraph "a" and section 503 of this Act are enacted by the general assembly then the full appropriation for general state financial aid to merged areas for the fiscal year ending June 30, 1991, shall be made in the fiscal year ending June 30, 1991.**

*Item veto; see message at end of the Act

*Sec. 505.

Sections 501 through 504 of this Act, being deemed of immediate importance, take effect upon enactment.*

DIVISION VI

Sec. 601. PRISON CONSTRUCTION PAYMENT.

There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For annual payment relating to the financial arrangement for the construction of expansion in prison capacity as provided in 1990 Iowa Acts, Senate File 2212,** section 24:

..... \$ 1,028,000

*Sec. 602. 1990 Iowa Acts, Senate File 2408, section 6, subsection 1, paragraph d, is amended by striking the paragraph and inserting in lieu thereof the following:

d. For contracting for aptitude and job-related interest assessment, career exploration, the individualized employability development plan, and job retention skills with a private entity which is not controlled or administered by any state agency or any political subdivision of the state, and which has programs with a minimum of 15 years of service experience with offender and ex-offender populations:

..... \$ 90,000*

Sec. 603. 1990 Iowa Acts, Senate File 2408,*** section 6, subsection 8, paragraph g, is amended by striking the paragraph.

DIVISION VII

Sec. 701. Section 21.2, subsection 1, Code Supplement 1989, is amended by adding the following new paragraph:

NEW PARAGRAPH. f. A nonprofit corporation licensed to conduct gambling games pursuant to chapter 99F.

Sec. 702. Section 22.1, unnumbered paragraphs 1 and 2, Code 1989, are amended to read as follows:

Wherever As used in this chapter, "public records" includes all records, documents, tape, or other information, stored or preserved in any medium, of or belonging to this state or any county, city, township, school corporation, political subdivision, nonprofit corporation whose facilities or indebtedness are supported in whole or in part with property tax revenue and which is licensed to conduct pari-mutuel wagering pursuant to chapter 99D, or tax-supported district in this state, or any branch, department, board, bureau, commission, council, or committee of any of the foregoing.

The term "government body" means this state, or any county, city, township, school corporation, political subdivision, tax supported district, nonprofit corporation whose facilities or indebtedness are supported in whole or in part with property tax revenue and which is licensed to conduct pari-mutuel wagering pursuant to chapter 99D, or other entity of this state, or any branch, department, board, bureau, commission, council, committee, official or officer, of any of the foregoing or any employee delegated the responsibility for implementing the requirements of this chapter.

Sec. 703. Section 22.7, Code Supplement 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 27. Marketing and advertising budget and strategy of a nonprofit corporation which is subject to this chapter. However, this exemption does not apply to salaries or benefits of employees who are employed by the nonprofit corporation to handle the marketing and advertising responsibilities.

*Item veto; see message at end of the Act

**Chapter 1257 herein

***Chapter 1268 herein

Sec. 704.

Sections 701 through 703 of this Act take effect September 1, 1991.

DIVISION VIII

Sec. 801. 1990 Iowa Acts, Senate File 2328,* section 23, subsection 3, unnumbered paragraph 3, is amended to read as follows:

The appropriation in this section is in addition to the appropriation to the racing and gaming commission from the excursion boat gambling revolving fund in section ~~21~~ 22.

DIVISION IX

****Sec. 901. NEW SECTION. 281.10 ADDITIONAL SPECIAL EDUCATION WEIGHTING.**

In addition to the programs and services offered to children requiring special education during the regular school year, school districts shall offer programs and services beyond the required one hundred eighty day school year to children requiring special education and assigned a weight under section 281.9, subsection 1, paragraph "d", and placed in the category of profoundly multiply handicapped, commonly referred to as severely and profoundly handicapped, who would benefit from additional instructional programming. The programs and services offered under this section are not special education extended year programs and are not a part of a child's individual education program. However, a child provided an extended year program may also be eligible for the programs and services provided under this section if they meet the requirements of this section.

Programs and services offered under this section shall be at least one week in duration. In order to provide funds for the excess costs of the programs and services, each full-time equivalent child receiving programs and services under this section is assigned an additional weighting of one-tenth for each week that programs and services are provided under this section, not to exceed six-tenths, for the excess costs of the programs and services above the moneys generated from the special education weighting plan in section 281.9. The additional weighting shall be included in the weighted enrollment of the school district of the residence of the child and the enrollment count under this section shall be taken on December 1 of each year.

The school budget review committee shall calculate the additional amount added for the weighting under this section to the nearest one-hundredth of one percent so that, to the extent possible, the moneys generated by the weighting on and after July 1, 1991, will be equivalent to the moneys generated by the one-tenth weighting prior to July 1, 1991.

*If a part of the district's programs and services offered pursuant to this section includes special education support services, the district shall contract with the applicable area education agency and shall pay the area education agency for those services from moneys generated under this section. A district may pay transportation costs for the child for attendance at programs offered under this section from moneys generated under this section.***

****Sec. 902. Section 257.15, Code Supplement 1989, is amended by adding the following new subsection:**

NEW SUBSECTION. 4. INAPPLICABILITY. *This section does not apply to moneys generated pursuant to section 281.10.***

****Sec. 903.**

Section 901 of this Act, being deemed of immediate importance, takes effect upon enactment.**

DIVISION X

Sec. 1001. Section 262A.6A, subsection 1, Code 1989, is amended to read as follows:

1. The board shall issue bonds authorized under section 262A.4 by the Seventy-second General Assembly in an amount not exceeding nineteen million dollars; and from the forty-one million

*Chapter 1261 herein

**Item veto; see message at end of the Act

three hundred thousand dollars authorized by 1990 Iowa Acts, House* Concurrent Resolution 133, if approved by the governor, in an amount not exceeding fifteen million dollars; in the form of capital appreciation bonds as provided in this section rather than the form prescribed in sections 262A.5 and 262A.6. The capital appreciation bonds shall be designed to be marketed primarily to Iowans to facilitate savings for future higher education costs.

DIVISION XI

Sec. 1101. Section 256.9, Code Supplement 1989, is amended by adding the following new subsections:

****NEW SUBSECTION. 39.** *Develop model guidelines for district in-service training programs for truancy officers and direct the area education agencies to assist local school districts in providing the programs.***

NEW SUBSECTION. 40. Prepare a plan and a report for ensuring that all Iowa children will be able to satisfy the requirements for high school graduation. The plan and report shall include a statement of the dimensions of the dropout problem in Iowa; a survey of existing programs geared to dropout prevention; a plan for use of competency-based outcome methods and measures; proposals for alternative means for satisfying graduation requirements including alternative high school settings, supervised vocational experiences, education experiences within the correctional system, screening and assessment mechanisms for identifying students who are at-risk of dropping out and the development of an individualized education plan for identified students; a requirement that schools provide information to students who drop out of school on options for pursuing education at a later date; the development of basic materials and information for schools to present to students leaving school; a requirement that students notify their school districts of residence when the student discontinues school, including the reasons for leaving school and future plans for career development; a requirement that, unless a student chooses to make the information relating to the student leaving school confidential, schools make the information available to community colleges, area education agencies, and other educational institutions upon request; and recommendations for the establishment of pilot projects for the development of model alternative options education programs; a plan for implementation of any recommended courses of action to attain a zero dropout rate by the year 2000; and other requirements necessary to achieve the goals of this subsection. Alternative means for satisfying graduation requirements which relate to the development of individualized education plans for students who have dropped out of the regular school program shall include, but are not limited to, a tracking component that requires a school district to maintain periodic contact with a student, assistance to a dropout in curing any of the student's academic deficiencies, an assessment of the student's employability skills and plans to improve those skills, and treatment or counseling for a student's social needs. The department shall also prepare a cost estimate associated with implementation of proposals to attain a zero dropout rate, including but not limited to evaluation of existing funding sources and a recommended allocation of the financial burden among federal, state, local, and family resources. ****The department, in conjunction with the plan and report, shall prepare an education bill of rights that delineates education opportunities that are to be legal entitlements for Iowa children.**** The report and plan shall be submitted to the general assembly by January 15, 1993.

Sec. 1102. **NEW SECTION. 280.19A ALTERNATIVE OPTIONS EDUCATION PROGRAMS.**

By January 15, 1995, each school district shall adopt a plan to provide alternative options education programs to students who are either at risk of dropping out or have dropped out. An alternative options education program may be provided in a district, through a sharing agreement with a school in a contiguous district, or through an areawide program available at the community college serving the merged area in which the school district is located. Each area education agency shall provide assistance in establishing a plan to provide alternative education options to students attending a public school in a district served by the agency.

*Senate probably intended; chapter 1273 herein

**Item veto; see message at end of the Act

**Sec. 1103. DEPARTMENTAL STUDY.*

The department of education shall assess the expected impact of an increase in the maximum compulsory attendance age from sixteen to up to eighteen on increased enrollment of sixteen and seventeen-year-olds, and the characteristics of this population with respect to educational and basic skill level, family support structure, orientation to the traditional school curricula, and orientation to alternative curricula.

The department of education shall, by January 1992, do the following:

1. Identify experiences other states have had, and educational and social support responses they have made, as a result of increasing the compulsory attendance age from sixteen to eighteen years of age.

2. Seek to develop program materials that consider health, employment and training, and human service needs in addition to education needs to assist local districts in serving students who are at risk of dropping out of the regular schools and programs.

3. Develop definitions of the terms "at-risk student" and "dropout" which are appropriate for students in middle and high schools and which will assist districts in identifying students in need of alternative academic programming.

4. Develop recommendations regarding alternative programming for students who are at risk of dropping out of the regular schools and programs. The recommendations shall include, but are not limited to, the following:

a. Modification of the minimum educational standards contained in section 256.11.

b. Alternative curricula, including competency-based instruction.

c. Alternative teaching methods, including individualized programming.

d. Alternative options for graduation.

*The department of education, in coordination with the department of human services, the supreme court, the department of public health, and the department of employment services, by July 1992, shall build a data base which will assist in the identification of at-risk students and middle and high schools within the state having a significant population of at-risk students. At-risk characteristics to be considered may include, but are not limited to, high levels of one or more of the following: below grade level performing students, grade retention, school dropouts, school expulsions, teen pregnancy, poverty, single parent families, substance abuse, teenage suicides, youth underemployment, juvenile delinquency, and child abuse. In building this data base, consideration shall be given to protecting the privacy of the individual student and limiting the data burden on school districts.**

Sec. 1104. ALTERNATIVE PROGRAMS.

Alternative options education programs, for middle school and high school students, designed to provide incentives for the students to remain in school, shall not be subject to the minimum hours of instruction requirement adopted by the state board of education.

DIVISION XII

Sec. 1201. 1990 Iowa Acts, Senate File 2327,** section 1, subsection 1, is amended to read as follows:

1. GENERAL ADMINISTRATION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions

.....	\$	815,706
.....		1,040,706
.....	FTEs	21.00
.....		25.50

Sec. 1202. 1990 Iowa Acts, Senate File 2327,** section 1, subsection 12, paragraph a, is amended to read as follows:

*Item veto; see message at end of the Act
**Chapter 1262 herein

a. Small business program:

.....	\$	151,314
		<u>207,559</u>
.....	FTEs	2.00
		<u>3.50</u>

Sec. 1203. 1990 Iowa Acts, Senate File 2327,* sections 7, 9, 18 through 22, and 30 through 35, are repealed.

DIVISION XIII

**Sec. 1301.

There is appropriated from the general fund of the state to the department of economic development for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

To provide grants to any Iowa city for development of a proposed public river front park, wetlands, and recreational area, for purposes including but not limited to support of educational, scientific, cultural, recreational, or other public purposes, or a combination of these purposes:

.....	\$	50,000
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As a condition, limitation, and qualification of the appropriation in this section, the criteria used by the department of economic development in selecting a city applying for the grant, shall assign weight and priority to the applications based on all of the following criteria:

1. That the development of the proposed project is in response to a stipulation and settlement of a lawsuit filed in federal court requiring a comprehensive recreational master plan for the park.
2. That all or a portion of the park is situated on wetlands and the design or location of the park enhances or helps preserve a natural wildlife area.
3. That the grant funds shall be matched in the amount of at least one-third by the community through the installation of public infrastructure to the area or by in-kind labor contributions performed by a union local apprentice training program, or both.
4. That the proposed project will extend present recreational and bicycle trail systems.
5. That the proposed project will improve water-based recreational activities for the community.
6. That the proposed project will establish an educational eco-laboratory.**

DIVISION XIV

Sec. 1401.

The appropriation in the section of 1990 Iowa Acts, Senate File 2423,*** which appropriates \$355,000 to the state board of regents for the state university of Iowa, for agricultural health and safety programs, shall be reduced by \$105,000 to \$250,000.

DIVISION XV

**Sec. 1501. JUDICIAL DEPARTMENT — PILOT PROJECT AND STUDY.

There is appropriated from the general fund of the state to the judicial department for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

1. For the implementation of the pilot program for mediation of child custody and visitation issues in dissolution issues established in this Act:

.....	\$	136,000
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2. For the family court system feasibility study required of the supreme court in this Act:

.....	\$	70,000**
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Sec. 1502. Section 222.59, subsection 4, Code 1989, is amended to read as follows:

*Chapter 1262 herein
 **Item veto; see message at end of the Act
 ***Chapter 1272 herein

4. If a proposed placement of a patient from a hospital-school or special unit which is not satisfactory to the patient's parent, guardian or advocate is approved by the administrator; or a proposed placement which is satisfactory to the patient's parent, guardian or advocate is modified, altered or rescinded by the administrator, the parent, guardian or advocate may appeal to the department of human services, within thirty days after notification to the parent, guardian or advocate of the proposed placement. The department shall give the appellant reasonable notice and opportunity for a fair hearing, conducted by the director or the director's designee who shall act as an impartial arbiter of fact and law. In such hearing the parent, guardian or advocate shall have the opportunity to confront witnesses, to have access to hospital records, to present evidence and witnesses on their behalf and to be represented by counsel. The standard for such fair hearing shall be to provide "that placement which inures to the best interest of the patient." Judicial review of actions of the department may be sought in accordance with the terms of the Iowa administrative procedure Act. The department shall furnish the petitioner with a copy of any papers filed by the petitioner in support of the petitioner's position, a transcript of any testimony taken, and a copy of the department's decision. In the district court hearings, the parent, guardian or advocate has the right to be represented by counsel. The court shall, in all cases where the interests of the patient conflict with that of parent, guardian, or advocate, appoint counsel as guardian ad litem for the patient. The guardian ad litem shall be a practicing attorney. Notwithstanding the terms of the Iowa administrative procedure Act, where a petition is filed for judicial review of a proposed placement, the proposed placement shall be stayed pending the outcome of said review proceeding.

Sec. 1503. Section 226.31, Code 1989, is amended to read as follows:
226.31 EXAMINATION BY COURT — NOTICE.

Before granting the order authorized in section 226.30 the court or judge shall investigate the allegations of the petition and before proceeding to a hearing ~~thereon~~ on the allegations shall require notice to be served on the attorney who represented the patient in any prior proceedings under sections 229.6 to 229.15 or the advocate appointed under section 229.19, or in the case of a patient who entered the hospital voluntarily, on any relative, friend, or guardian of the person in question of the filing of ~~said~~ the application. ~~On such~~ At the hearing the court or judge shall appoint a guardian ad litem for ~~said~~ the person, if ~~it~~ the court or judge deems such action necessary to protect the rights of ~~such~~ the person. The guardian ad litem shall be a practicing attorney.

*Sec. 1504. Section 232.2, subsection 20, Code Supplement 1989, is amended to read as follows:

20. "Guardian ad litem" means a person practicing attorney appointed by the court to represent the interests of a child in any judicial proceeding to which the child is a party, and includes a court appointed special advocate, ~~except that a court appointed special advocate shall not file motions pursuant to section 232.54, subsections 1 and 4, and section 232.103, subsection 2, paragraph "c".~~*

Sec. 1505. Section 232.52, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 8. If a child has previously been adjudicated as a child in need of assistance, and a social worker or other caseworker from the department of human services has been assigned to work on the child's case, the court may order the department of human services to assign the same social worker or caseworker to work on any matters related to the child arising under this division.

Sec. 1506. Section 232.89, subsection 2, unnumbered paragraph 1, Code Supplement 1989, is amended to read as follows:

Upon the filing of a petition, the court shall appoint counsel and a guardian ad litem for the child identified in the petition as a party to the proceedings. If a guardian ad litem has previously been appointed for the child in a proceeding under division II of this chapter or a proceeding in which the court has waived jurisdiction under section 232.45, the court shall appoint

the same guardian ad litem upon the filing of the petition under this part. Counsel shall be appointed as follows:

Sec. 1507. Section 232.89, subsection 4, Code Supplement 1989, is amended to read as follows:

4. The same person may serve both as the child's counsel and as guardian ad litem. However, the court may appoint a separate guardian ad litem, if the same person cannot properly represent the legal interests of the child as legal counsel and also represent the best interest of the child as guardian ad litem, or a separate guardian ad litem is required to fulfill the requirements of subsection 2.

Sec. 1508. Section 232.147, subsection 3, paragraph c, Code 1989, is amended to read as follows:

c. The child's parent, guardian or custodian, court-appointed special advocate, and guardian ad litem.

Sec. 1509. Section 235B.1, subsection 8, paragraph c, Code Supplement 1989, is amended to read as follows:

c. In every case involving adult abuse which is substantiated by the department and which results in a judicial proceeding on behalf of the dependent adult, legal counsel shall be appointed by the court to represent the dependent adult in the proceedings. The court may also appoint a guardian ad litem to represent the dependent adult if necessary to protect the dependent adult's best interests. The guardian ad litem shall be a practicing attorney. The same attorney may be appointed to serve both as legal counsel and as guardian ad litem. Before legal counsel or a guardian ad litem is appointed pursuant to this section, the court shall require the dependent adult and any person legally responsible for the support of the dependent adult to complete under oath a detailed financial statement. If, on the basis of that financial statement, the court deems that the dependent adult or the legally responsible person is able to bear all or a portion of the cost of the legal counsel or guardian ad litem, the court shall so order. In cases where the dependent adult or the legally responsible person is unable to bear the cost of the legal counsel or guardian ad litem, the expense shall be paid by the county.

Sec. 1510. Section 600A.2, subsection 9, Code 1989, is amended to read as follows:

9. "Guardian ad litem" means a person appointed by a court or juvenile court having jurisdiction over the minor child to represent that child in a legal action. A guardian ad litem appointed under this chapter shall be a practicing attorney.

Sec. 1511. Section 602.1612, subsection 1, Code 1989, is amended to read as follows:

1. Justices of the supreme court, judges of the court of appeals, district judges, and district associate judges who are retired by reason of age or who are drawing benefits under section 602.9106, and senior judges who have retired under section 602.9207 or who have relinquished senior judgeship under section 602.9208, subsection 1, may with their consent be assigned by the supreme court or by the chief judge in the case of district associate judges to temporary judicial duties on a court in this state if the assignment is deemed necessary by the supreme court to expedite the administration of justice. A retired justice or judge shall not be assigned to temporary judicial duties on any court superior to the highest court to which that justice or judge had been appointed prior to retirement, and shall not be assigned for temporary duties with the supreme court or the court of appeals except in the case of a temporary absence of a member of one of those courts.

Sec. 1512. Section 602.9206, unnumbered paragraph 1, Code 1989, is amended to read as follows:

Section 602.1612 does not apply to a senior judge but does apply to a retired senior judge. During the tenure of a senior judge, if the judge is able to serve, the judge may be assigned by the supreme court to temporary judicial duties on courts of this state without salary for an aggregate of thirteen weeks out of each twelve-month period, and for additional weeks with the judge's consent. A senior judge shall not be assigned to judicial duties on a court superior

to the highest court to which the judge was appointed prior to retirement, and shall not be assigned to the court of appeals or the supreme court except to serve in the temporary absence of a member of that court. A senior judge shall not be assigned to judicial duties on the supreme court unless the judge has been appointed to serve on the supreme court prior to retirement. While serving on temporary assignment, a senior judge has and may exercise all of the authority of the office to which the judge is assigned, shall continue to be paid the judge's annuity as senior judge, shall be reimbursed for the judge's actual expenses to the extent expenses of a district judge are reimbursable under section 602.1509, may, if permitted by the assignment order, appoint a temporary court reporter, who shall be paid the remuneration and reimbursement for actual expenses provided by law for a reporter in the court to which the senior judge is assigned, and, if assigned to the court of appeals or the supreme court, shall be given the assistance of a law clerk and a secretary designated by the court administrator of the judicial department from the court administrator's staff. Each order of temporary assignment shall be filed with the clerks of court at the places where the senior judge is to serve.

Sec. 1513. Section 633.244, Code 1989, is amended to read as follows:

633.244 INCOMPETENT SPOUSE – ELECTION BY COURT.

In case an affidavit is filed that the surviving spouse is incapable of making an election to take against the will, or to elect to occupy the homestead, and does not have a conservator, the court shall fix a time and place of hearing on the matter, and cause a notice thereof to be served upon the surviving spouse in such manner and for such time as the court may direct. At the hearing, a guardian ad litem shall be appointed to represent the spouse, and the court shall enter such orders as it deems appropriate under the circumstances. The guardian ad litem shall be a practicing attorney.

Sec. 1514. Section 633.514, Code 1989, is amended to read as follows:

633.514 HEARING – CONTINUANCE – ORDERS.

If, on the day set for hearing, the absentee fails to appear, the court shall appoint some disinterested person as guardian ad litem to appear for the absentee and all distributees not appearing, and said cause shall thereupon stand continued for twenty days. The guardian ad litem shall be a practicing attorney. The court shall have authority to make further continuance upon proper showing. The guardian ad litem shall investigate the matter and things alleged in the petition. Upon the further hearing, the court shall hear the proofs, and, if satisfied of the truth of the allegations of the petition, shall enter an order establishing the death of the absentee as a matter of law.

Sec. 1515. Section 910A.15, unnumbered paragraph 1, Code 1989, is amended to read as follows:

A prosecuting witness who is a child, as defined in section 702.5, in a case involving a violation of chapter 709 or section 726.2, 726.3, 726.6, or 728.12, is entitled to have the witness's interests represented by a guardian ad litem at all stages of the proceedings arising from such violation. The guardian ad litem ~~may but need not~~ shall be a practicing attorney and shall be designated by the court after due consideration is given to the desires and needs of the child and the compatibility of the child and the child's interests with the prospective guardian ad litem. ~~However, a person who is also a prosecuting witness in the same proceeding shall not be designated guardian ad litem.~~ If a guardian ad litem has previously been appointed for the child in a proceeding under chapter 232 or a proceeding in which the juvenile court has waived jurisdiction under section 232.45, the court shall appoint the same guardian ad litem under this section. The guardian ad litem shall receive notice of and may attend all depositions, hearings and trial proceedings to support the child and advocate for the protection of the child but shall not be allowed to separately introduce evidence or to directly examine or cross-examine witnesses. However, the guardian ad litem shall file reports to the court as required by the court.

Sec. 1516. 1989 Iowa Acts, chapter 165, is repealed.

***Sec. 1517. PILOT PROGRAM FOR MEDIATION OF CHILD CUSTODY AND VISITATION ISSUES IN DISSOLUTION CASES ESTABLISHED.**

1. *The supreme court shall establish a pilot program for mandatory mediation of child custody and visitation issues in dissolution cases pursuant to chapter 598. However, mediation shall not be mandatory and shall not be ordered if any of the following conditions apply:*

a. *The court determines that there is no reasonable possibility that mediation will promote settlement of the issues in dispute.*

b. *The court determines there is a substantial allegation of direct physical or significant emotional harm to a party or to a child.*

c. *The court determines that mediation will otherwise fail to serve the best interests of the child.*

d. *The court determines that a verified petition alleging domestic abuse has been filed by a party pursuant to chapter 236.*

e. *The court determines that a child in need of assistance petition has been filed pursuant to chapter 232, division III, concerning a child for whom a custody or visitation determination is necessary.*

If the court determines that mediation is inappropriate pursuant to this subsection, the court shall state its findings and conclusions in writing.

The pilot program shall be established in Linn county for a period of two years, beginning July 1, 1990, and ending June 30, 1992.

Proceedings under the program shall be conducted pursuant to the rules for mediation proceedings adopted by the supreme court.

2. *The supreme court shall submit a report to the general assembly by January 1, 1993. The report shall contain recommendations regarding the use of mediation in child custody and visitation matters on a statewide basis in proceedings brought under chapter 598. The report shall also include an evaluation of the program as directed by the supreme court.*

3. *In a proceeding under chapter 598 involving either a temporary or permanent child custody or visitation determination, the court shall order mediation at no cost to the parties.*

4. *The implementation of this section is contingent upon the appropriation of state funds to carry out its purposes.**

Sec. 1518. FAMILY COURT STUDY COMMITTEE.

1. *The legislative council is requested to establish an interim study committee to consider the feasibility of the implementation of a family court system within the unified trial court system. The study committee shall submit a report of its findings and recommendations to the legislative council and the general assembly by January 15, 1991.*

2. *The supreme court shall develop a plan to implement a family court system within the unified trial court system. In developing the plan, the supreme court shall establish a panel consisting of a statewide, geographical representation of each of the following groups:*

a. *District judges.*

b. *District associate judges.*

c. *Juvenile court referees.*

d. *Juvenile court officers.*

e. *Members of the Iowa state bar association.*

f. *Members of the general assembly who shall be ex officio, nonvoting members of the panel.*

The supreme court shall submit a report of the findings and conclusions of the panel to the legislative interim study committee, established to study the feasibility of a family court system, by November 15, 1990.

Sec. 1519. STUDY REGARDING LEGAL EDUCATION REQUIREMENTS FOR ATTORNEYS PRACTICING IN FAMILY LAW.

The supreme court is requested to further review the feasibility of implementing an expanded continuing legal education requirement for judges and attorneys practicing in the family law

area, to enhance the quality of justice and representation of persons involved in family law issues. In conducting the review, the supreme court shall consider requiring attorneys to attend classes at accredited colleges and universities, in order to indicate a limitation or description of practice by listing in the field of domestic relations and family law pursuant to disciplinary rule 2-105 of the Iowa code of professional responsibility for lawyers.

DIVISION XVI

Section 1601. FEASIBILITY STUDY.

There is appropriated from the general fund of the state to the Iowa peace institute established in chapter 38 for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For a study of the feasibility of establishing an international museum:
..... \$ 35,000

DIVISION XVII

Sec. 1701.

Notwithstanding the appropriations made in 1989 Iowa Acts, chapter 322, section 3, and the certification by the governor to the department of revenue and finance that the ending fund balance on June 30, 1989, was sufficient to fund all of the projects listed in that section, the appropriation of \$33,940,000 for the fiscal year beginning July 1, 1989, and ending June 30, 1990, is reduced by \$28,369,405, and there is appropriated from the general fund of the state to the state board of regents for the following listed fiscal years the amounts specified, to be allocated by the state board of regents for the projects listed in 1989 Iowa Acts, chapter 322, section 3, as follows:

- 1. For the fiscal year beginning July 1, 1990, and ending June 30, 1991:
..... \$ 10,925,405
- 2. For the fiscal year beginning July 1, 1991, and ending June 30, 1992:
..... \$ 13,530,400
- 3. For the fiscal year beginning July 1, 1992, and ending June 30, 1993:
..... \$ 3,913,600

The state board of regents shall determine which of the projects listed in 1989 Iowa Acts, chapter 322, section 3, shall be funded for a fiscal year and the amount to be allocated for a project based upon project needs, but the total funding for a project for all fiscal years shall not exceed the amount listed in 1989 Iowa Acts, chapter 322, section 3.

Notwithstanding 1989 Iowa Acts, chapter 322, section 3, as it relates to the reversion of the moneys appropriated in that section, and notwithstanding section 8.33, unobligated or unencumbered funds appropriated in this section for a fiscal year shall not revert to the general fund of the state on June 30 of the fiscal year for which the moneys are appropriated, but shall remain available for the purposes for which appropriated until September 30, 1993.

Sec. 1702.

Section 1701 of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XVIII

Sec. 1801.

There is appropriated from the general fund of the state to the department of public safety for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amounts, or so much thereof as is necessary, for a 2 percent salary contribution by the state, to the peace officers' retirement, accident, and disability system provided for in chapter 97A, to supplement the 16 percent state salary contribution provided for in 1990 Iowa Acts, Senate File 2402,* in order to raise the total salary contribution to 18 percent, as follows:

- 1. For the division of criminal investigation and bureau of identification containing the bureaus of identification, liquor law enforcement, and riverboat gambling enforcement:
..... \$ 53,115

*Chapter 1267 herein

2. For the division of narcotics:	\$	20,837
.....		
3. For the fire marshal's office:	\$	7,641
.....		

Sec. 1802.

Notwithstanding sections 99D.17 and 99D.18, there is appropriated from funds paid to the state racing and gaming commission pursuant to section 99D.14, to the department of public safety for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, for a 2 percent salary contribution by the state, to the peace officers' retirement, accident, and disability system provided for in chapter 97A, to supplement the 16 percent state salary contribution provided for in 1990 Iowa Acts, Senate File 2402,* in order to raise the total salary contribution to 18 percent, as follows:

For the pari-mutuel law enforcement agents:

.....	\$	3,207
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Sec. 1803.

There is appropriated from the road use tax fund to the department of public safety for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, for a 2 percent salary contribution by the state, to the peace officers' retirement, accident, and disability system provided for in chapter 97A, to supplement the 16 percent state salary contribution provided for in 1990 Iowa Acts, Senate File 2402,* in order to raise the total salary contribution to 18 percent, as follows:

For the division of highway safety and uniformed force:

.....	\$	281,156
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Sec. 1804.

It is the intent of the general assembly that the appropriations made in sections 1801 through 1803, be used solely for the purposes stated.

Sec. 1805. SPECIAL OLYMPICS FUND.

There is appropriated from the general fund of the state to the Iowa special olympics fund for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the Iowa special olympics fund:

.....	\$	5,000
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1. An Iowa special olympics fund is established in the office of the treasurer of state, which shall consist of the amounts appropriated to the fund by the general assembly for each fiscal year.

2. The moneys in the Iowa special olympics fund shall be expended at the request of the honorary chairperson of the Iowa special olympics.

DIVISION XIX

Sec. 1901. Section 422.7, Code Supplement 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 23. For a person who is disabled, is fifty-five years of age or older, or is the surviving spouse of an individual or survivor having an insurable interest in an individual who would have qualified for the exemption under this subsection for this tax year, subtract, to the extent included, the total amount of pension, annuity, or retirement allowances received under the peace officers' retirement system under chapter 97A, the Iowa public employees' retirement system under chapter 97B, a pension and annuity retirement system for public school teachers under chapter 294, a disabled and retired fire fighters and police officers system under chapter 410, the Iowa police officers and fire fighters retirement system under chapter 411, the judicial retirement system under chapter 602, article 9, and any federal retirement and disability system, as a result of being an officer or employee of the federal government, up to a maximum each tax year of two thousand five hundred dollars for

*Chapter 1267 herein

a person who files a separate state income tax return and five thousand dollars for a husband and wife who file a joint state income tax return. However, a surviving spouse who is not disabled or fifty-five years of age or older can only exclude the amount of annuities received as a result of the death of the other spouse.

Sec. 1902. RETROACTIVE APPLICABILITY.

Section 1901 of this Act applies retroactively to January 1, 1990, for tax years beginning on or after that date.

Sec. 1903. REPEAL.

Section 1901 of this Act is repealed effective January 1, 1991, for tax years beginning on or after that date.

Approved May 8, 1990, except those items which I hereby disapprove and which are designated as section 101, subsections 1, 2, 5, and 6 in their entirety; section 102, subsection 1 in its entirety; section 203 in its entirety; section 301 in its entirety; section 302 in its entirety; section 401 in its entirety; sections 501, 502, 503, 504, and 505 in their entirety; section 602 in its entirety; sections 901, 902, and 903 in their entirety; those portions of section 1101 which are herein bracketed in ink and initialed by me; section 1103 in its entirety; section 1301 in its entirety; section 1501 in its entirety; section 1504 in its entirety; section 1516 in its entirety; and section 1517 in its entirety. My reasons for vetoing these items are delineated 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, Governor

Dear Madam Secretary:

I hereby transmit House File 2569, an Act relating to and making appropriations to finance state government, its regulatory functions, and its obligations, and providing effective dates.

House File 2569 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the items designated as Section 101, subsections 1, 2, 5, and 6, in their entirety, and Section 102, subsection 1, in its entirety. These items call for general fund appropriations of \$50,000 to the Department of Agriculture and Land Stewardship and \$150,000 to the State Board of Regents, for programs to be administered in the event of a drought. Much progress has been made through the combined efforts of the Farmers Home Administration and the Department of Economic Development's Community Development Block Grant Program and if drought conditions reoccur, the above agencies along with the Department of Natural Resources will respond by providing appropriate assistance. This may be accomplished with resources provided by the general appropriation to those agencies.

I am unable to approve the item designated as Section 203, in its entirety. Funds are provided by Senate File 2435 to implement this program. This provision would appropriate \$140,000 to the Department of Human Services to continue a sole source contract with the Iowa Pharmacists Association for drug utilization review. The department has been notified that federal funding would no longer be available to pay its share of the cost of the contract if the state did not allow competitive bidding on the contract.

This provision grants the IPA sole source status and assumes the federal government's cost of the contract. At a time when state funding for essential services is limited, I cannot approve action which would avoid an opportunity to receive federal funds. The contract with the Iowa

Pharmacist Association has been very successful in reducing prescription costs and I would strongly encourage the association to bid on the contract.

I am unable to approve the item designated as Section 301, in its entirety. This provision would appropriate \$1.7 million over a two-year period to establish a child day care program for public employees. The program would be located at or near the Capitol Complex. Child care services are available from private providers within a reasonable distance from the Capitol Complex. Furthermore, child care benefits is a proper subject of collective bargaining; indeed, in the current collective bargaining agreement, the significant benefit of pretax treatment for child care expenses is provided for state employees throughout the state, not just in Des Moines. The establishment of a child care center at the Capitol Complex would create an inequity among state employees because employees who are stationed outside of the Capitol area would not have access to child care services which are subsidized directly by the state. This expenditure of \$1.7 million on a new program is unacceptable.

I am unable to approve the item designated as Section 302, in its entirety. This section would fund in part the cost of building a memorial honoring fallen firefighters at a cost of \$50,000. While this is a laudable project, it would be appropriate for this memorial to be funded by private contributions. During my administration, other memorials have been constructed with private donations raised with my assistance. Those honor the veterans of the Vietnam and Korean Wars, and the memorial for fallen Iowa peace officers. I will assist with fundraising for this project, too.

I am unable to approve the item designated as Section 401, in its entirety. This provision calls for contingency reductions if actual revenue collected by the state in the fiscal year ending June 30, 1990, is less than the revenue estimate established at the March 13, 1990, meeting of the Revenue Estimating Conference. Similar stipulations are made for the fiscal year ending June 30, 1991. The approval of a budget with a realistic ending balance would have been preferable.

I am unable to approve the items designated as Sections 501, 502, 503, 504, and 505, in their entirety. These provisions call for contingency appropriations if the general fund's ending balance for fiscal year 1990 exceeds \$132.2 million or so much as is necessary to assure the fiscal 1991 ending balance of \$30 million. I support the items proposed to be funded with these contingency appropriations; indeed, with only one minor exception, they are identical to the contingency appropriations I recommended in January. However, my program required an ending balance of \$60 million in fiscal year 1991 before contingency spending would occur. The \$30 million balance in fiscal year 1991 is simply too low a trigger to assure a positive ending balance in fiscal year 1992.

I am unable to approve the item designated as Section 602, in its entirety. This provision would appropriate \$90,000 to establish a job development program in the first judicial district. Because I have disapproved a similar provision in 1990 Iowa Acts, Senate File 2408, which House File 2569 amends, I am unable to approve this section. I have previously approved an appropriation of \$100,000 for this project in the supplemental appropriations bill.

I am unable to approve the items designated as Sections 901, 902, and 903, in their entirety. Because Iowa school districts and area education agencies are currently required to provide appropriate instructional programs for handicapped children, and because the Department of Education is moving forward with initiatives to improve programs for those children under the Renewed Service Delivery Systems Project, it would be inappropriate to approve this program without further consideration. Additionally, the Department of Education is currently reviewing methods for financing special education. The department is expected to complete this review in the fall of 1990. For these reasons, and in view of the financial constraints of the state, I am unable to approve this section.

I am unable to approve the designated portions of Section 1101, and the item designated as Section 1103, in its entirety. These provisions would direct the Department of Education to develop model guidelines for truancy, develop an education bill of rights that identifies educational opportunities that are to be legal entitlements, and conduct a study of the expected impact of increasing the compulsory attendance age from sixteen to eighteen.

The Department of Education is currently embarking on an initiative to seek public input on future goals for Iowa's education system and to consider ways in which Iowa schools may help achieve the national education goals that were recently adopted by the nations' governors. This effort will include a review of programming needs for children at-risk.

I am unable to approve the item designated as Section 1301, in its entirety. This section would provide a \$50,000 grant to any Iowa city for development of a proposed public riverfront park, wetlands, and recreational area, for purposes including but not limited to support of educational, scientific, cultural, recreational, or other public purposes, or combination of these purposes. I have previously approved a \$150,000 appropriation for riverfront development for similar purposes in Senate File 2327. Given the fiscal constraints of the 1991 fiscal year budget, I am unable to approve this additional expenditure.

I am unable to approve the item designated as Section 1501, in its entirety. This provision appropriates \$136,000 to the Judicial Department to implement a pilot project for mediation of child custody and visitation issues, and a family court feasibility study. Although I recognize the need to consider alternative mechanisms for domestic dispute resolutions, these expenditures would be unwise given present budgetary constraints.

I am unable to approve the item designated as Section 1504, in its entirety. This section would require that a "Guardian ad litem" appointed by the court to represent the interests of a child be a practicing attorney. This provision would negatively affect the Court Appointed Special Advocate Program, which depends on volunteers to fill this role. The court currently appoints a practicing attorney if it deems necessary.

I am unable to approve the items designated as Sections 1516 and 1517, in their entirety. These provisions would establish guidelines for the Judicial Department's implementation of the pilot project for mediation of child custody and visitation issues and the Judicial Department's implementation of the family court feasibility study, which I have disapproved above.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 2569 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD, *Governor*