

It is important to keep faith with families who look to vocational education as a means to prosper in Iowa, rather than reduce their grants. This is especially important in light of other cuts in community college funding elsewhere in this bill.

I am unable to approve Section 16 in its entirety. This section requires the authorization of the executive council, prior to the sale of a radio broadcast license or station owned by an institution of higher learning. I believe the Board of Regents current governance system provides adequate oversight and stewardship of the Regent radio stations. The Board has a statewide plan and written operating procedures regarding its radio stations. It also receives biennial governance reports on the radio stations as well as requires a series of approvals for any changes in its radio stations. Therefore, I am unconvinced that additional approvals are warranted.

I hereby approve Senate File 535, with the exceptions noted.

Sincerely,  
THOMAS J. VILSACK, Governor

**CHAPTER 182**

**APPROPRIATIONS — HEALTH AND HUMAN RIGHTS**

*H.F. 726*

**AN ACT** relating to and making appropriations to the department for the blind, the Iowa state civil rights commission, the department of elder affairs, the Iowa department of public health, the department of human rights, the governor’s office of drug control policy, and the commission of veterans affairs, providing a criminal surcharge increase, and providing an effective date.

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

Section 1. DEPARTMENT FOR THE BLIND. There is appropriated from the general fund of the state to the department for the blind for the fiscal year beginning July 1, 2001, and ending June 30, 2002, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:	\$	1,790,993
	FTEs	106.50

Sec. 2. CIVIL RIGHTS COMMISSION. There is appropriated from the general fund of the state to the Iowa state civil rights commission for the fiscal year beginning July 1, 2001, and ending June 30, 2002, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:	\$	1,082,743
	FTEs	38.05

If the anticipated amount of federal funding from the federal equal employment opportunity commission and the federal department of housing and urban development exceeds

\$736,000 during the fiscal year beginning July 1, 2001, the Iowa state civil rights commission may exceed the staffing level authorized in this section to hire additional staff to process or to support the processing of employment and housing complaints during that fiscal year.

Sec. 3. DEPARTMENT OF ELDER AFFAIRS. There is appropriated from the general fund of the state to the department of elder affairs for the fiscal year beginning July 1, 2001, and ending June 30, 2002, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

1. For aging programs for the department of elder affairs and area agencies on aging to provide citizens of Iowa who are over 60 years of age with case management for the frail elderly, Alzheimer's support, retired senior volunteer program, resident advocate committee coordination, employment, and other services which may include, but are not limited to, mental health outreach, adult day care, respite care, chore services, telephone reassurance, information and assistance, and home repair services, including the winterizing of homes, and for the construction of entrance ramps which make residences accessible to the physically handicapped, and for salaries, support, administration, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions with the department of elder affairs:

.....	\$	4,473,611
.....	FTEs	30.00

a. Funds appropriated in this subsection may be used to supplement federal funds under federal regulations. To receive funds appropriated in this subsection, a local area agency on aging shall match the funds with moneys from other sources according to rules adopted by the department. Funds appropriated in this subsection may be used for elderly services not specifically enumerated in this subsection only if approved by an area agency on aging for provision of the service within the area.

b. It is the intent of the general assembly that the Iowa chapters of the Alzheimer's association and the case management program for the frail elderly shall collaborate and cooperate fully to assist families in maintaining family members with Alzheimer's disease in the community for the longest period of time possible.

c. The department shall maintain policies and procedures regarding Alzheimer's support and the retired senior volunteer program.

2. The department may grant an exception for a limited period of time, determined by the department to be reasonable, to allow for compliance by persons regulated by the department or applicants for assisted living certification with any part of chapter 104A relative to buildings in existence on July 1, 1998. The determination of the period of time allowed for compliance shall be commensurate with the anticipated magnitude of expenditure, disruption of services, and the degree of hazard presented. The department shall also be authorized to modify the accessibility requirements otherwise applicable to such applicants for buildings in existence on July 1, 1998, if the department determines that compliance with the requirements would be unreasonable, but only if it is determined that noncompliance with the requirements would not present an unreasonable degree of danger.

Sec. 4. GOVERNOR'S OFFICE OF DRUG CONTROL POLICY. There is appropriated from the general fund of the state to the governor's office of drug control policy for the fiscal year beginning July 1, 2001, and ending June 30, 2002, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For salaries, support, maintenance, miscellaneous purposes including statewide coordination of the drug abuse resistance education (D.A.R.E.) program, and for not more than the following full-time equivalent positions:

.....	\$	487,759
.....	FTEs	13.00

Sec. 5. DEPARTMENT OF PUBLIC HEALTH. There is appropriated from the general fund of the state to the Iowa department of public health for the fiscal year beginning July 1, 2001, and ending June 30, 2002, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADDICTIVE DISORDERS

For reducing the prevalence of use of tobacco, alcohol, and other drugs, and treating individuals affected by addictive behaviors, including gambling, and for not more than the following full-time equivalent positions:

.....	\$	1,492,239
.....	FTEs	13.65

a. The department shall continue to coordinate with substance abuse treatment and prevention providers regardless of funding source to assure the delivery of substance abuse treatment and prevention programs.

b. The commission on substance abuse, in conjunction with the department, shall continue to coordinate the delivery of substance abuse services involving prevention, social and medical detoxification, and other treatment by medical and nonmedical providers to uninsured and court-ordered substance abuse patients in all counties of the state.

2. ADULT WELLNESS

For maintaining or improving the health status of adults, with target populations between the ages of 18 through 60, and for not more than the following full-time equivalent positions:

.....	\$	567,197
.....	FTEs	21.99

3. CHILD AND ADOLESCENT WELLNESS

For promoting the optimum health status for children and adolescents from birth through 21 years of age, and for not more than the following full-time equivalent positions:

.....	\$	1,256,538
.....	FTEs	48.53

4. CHRONIC CONDITIONS

For serving individuals identified as having chronic conditions or special health care needs, and for not more than the following full-time equivalent positions:

.....	\$	1,327,510
.....	FTEs	8.58

5. COMMUNITY CAPACITY

For strengthening the health care delivery system at the local level, and for not more than the following full-time equivalent positions:

.....	\$	1,464,710
.....	FTEs	23.70

6. ELDERLY WELLNESS

For optimizing the health of persons 60 years of age and older, and for not more than the following full-time equivalent positions:

.....	\$	10,602,737
.....	FTEs	0.80

7. ENVIRONMENTAL HAZARDS

For reducing the public's exposure to hazards in the environment, primarily chemical hazards, and for not more than the following full-time equivalent positions:

.....	\$	166,234
.....	FTEs	8.00

8. INFECTIOUS DISEASES

For reducing the incidence and prevalence of communicable diseases, and for not more than the following full-time equivalent positions:

.....	\$	1,209,818
.....	FTEs	34.30

9. INJURIES

For providing support and protection to victims of abuse or injury, or programs that are designed to prevent abuse or injury, and for not more than the following full-time equivalent positions:

.....	\$	1,653,331
.....	FTEs	7.95

10. PUBLIC PROTECTION

For protecting the health and safety of the public through establishing standards and enforcing regulations, and for not more than the following full-time equivalent positions:

.....	\$	6,923,647
.....	FTEs	136.77

a. The department may expend funds received from licensing fees in addition to amounts appropriated in this subsection, if those additional expenditures are directly the result of a scope of practice review committee or unanticipated litigation costs arising from the discharge of an examining board's regulatory duties. Before the department expends or encumbers funds for a scope of practice review committee or an amount in excess of the funds budgeted for an examining board, the director of the department of management shall approve the expenditure or encumbrance. The amounts necessary to fund any unanticipated litigation or scope of practice review committee expense in the fiscal year beginning July 1, 2001, shall not exceed 5 percent of the average annual fees generated by the boards for the previous two fiscal years.

b. For the fiscal year beginning July 1, 2001, the department shall retain fees collected from the certification of lead inspectors and lead abaters pursuant to section 135.105A to support the certification program; and shall retain fees collected from the licensing, registration, authorization, accreditation, and inspection of x-ray machines used for mammographically guided breast biopsy, screening, and diagnostic mammography, pursuant to section 136C.10 to support the administration of the chapter. The department may also retain fees collected pursuant to section 136C.10 on all shippers of radioactive material waste containers transported across Iowa if the department does not obtain funding to support the oversight and regulation of this activity, and for x-ray radiology examination fees collected by the department and reimbursed to a private organization conducting the examination. For the fiscal year beginning July 1, 2001, the department shall also retain any new or increased fees implemented by the department pursuant to legislation enacted by the general assembly in 2001 for activities not otherwise funded by amounts appropriated in this section. Fees retained by the department pursuant to this lettered paragraph are appropriated to the department for the purposes specified in this lettered paragraph.

c. The department may retain and expend not more than \$263,458 for lease and maintenance expenses for the relocation of licensure boards from the executive hills state office building from fees collected pursuant to section 147.80 by the board of dental examiners, the board of pharmacy examiners, the board of medical examiners, and the board of nursing examiners in the fiscal year beginning July 1, 2001, and ending June 30, 2002. Fees retained by the department pursuant to this lettered paragraph are appropriated to the department for the purposes described in this lettered paragraph.

d. The department may retain and expend not more than \$100,000 for reduction of the number of days necessary to process medical license requests and for reduction of the number of days needed for consideration of malpractice cases from fees collected pursuant to section 147.80 by the board of medical examiners in the fiscal year beginning July 1, 2001, and ending June 30, 2002. Fees retained by the department pursuant to this lettered paragraph are appropriated to the department for the purposes described in this lettered paragraph.

e. If a person in the course of responding to an emergency renders aid to an injured person and becomes exposed to bodily fluids of the injured person, that emergency responder shall be entitled to hepatitis testing and immunization in accordance with the latest available

medical technology to determine if infection with hepatitis has occurred. The person shall be entitled to reimbursement from the EMS funds available under this subsection only if the reimbursement is not available through any employer or third-party payor.

f. The board of dental examiners may retain and expend not more than \$98,740 from revenues generated pursuant to section 147.80. Fees retained by the board pursuant to this lettered paragraph are appropriated to the department to be used for the purposes of regulating dental assistants.

g. The state board of medical examiners, the state board of pharmacy examiners, the state board of dental examiners, and the state board of nursing examiners shall prepare estimates of projected receipts to be generated by the licensing, certification, and examination fees of each board as well as a projection of the fairly apportioned administrative costs and rental expenses attributable to each board. Each board shall annually review and adjust its schedule of fees so that, as nearly as possible, projected receipts equal projected costs.

h. The state board of medical examiners, the state board of pharmacy examiners, the state board of dental examiners, and the state board of nursing examiners shall retain their individual executive officers, but are strongly encouraged to share administrative, clerical, and investigative staffs to the greatest extent possible.

i. For the period ending June 30, 2002, the state board of medical examiners, the state board of pharmacy examiners, the state board of dental examiners, and the state board of podiatry examiners shall not sanction or otherwise take any action against licensees who use an automatic dispensing system for prescription drugs in the absence of a pharmacist or practitioner that would otherwise be in violation of section 147.107, subsection 2, and section 155A.33, provided both of the following conditions are met:

(1) The licensee utilizes an internal quality control assurance plan that ensures accuracy in dispensing.

(2) The licensee remains responsible for the verification and accuracy of the automated dispensing system in accordance with the standards adopted by the licensee's examining board.

It is the intent of the general assembly that the board of medical examiners, the board of pharmacy examiners, the board of dental examiners, and the board of podiatry examiners shall meet to identify a statutory resolution of the issues raised by the use of automated dispensing systems for prescription drugs and submit their findings and legislative recommendations to the governor and general assembly by December 1, 2001.

11. RESOURCE MANAGEMENT

For establishing and sustaining the overall ability of the department to deliver services to the public, and for not more than the following full-time equivalent positions:

.....	\$	1,260,179
.....	FTEs	59.33

12. The state university of Iowa hospitals and clinics under the control of the state board of regents shall not receive indirect costs from the funds appropriated in this section.

13. A local health care provider or nonprofit health care organization seeking grant moneys administered by the Iowa department of public health shall provide documentation that the provider or organization has coordinated its services with other local entities providing similar services.

14. a. The department shall apply for available federal funds for sexual abstinence education programs in accordance with the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, § 912.

b. It is the intent of the general assembly to comply with the United States Congress' intent to provide education that promotes abstinence from sexual activity outside of marriage and reduces pregnancies, by focusing efforts on those persons most likely to father and bear children out of wedlock.

c. Any sexual abstinence education program awarded moneys under the grant program shall meet the definition of abstinence education in the federal law. Grantees shall be

evaluated based upon the extent to which the abstinence program successfully communicates the goals set forth in the federal law.

Sec. 6. DEPARTMENT OF HUMAN RIGHTS. There is appropriated from the general fund of the state to the department of human rights for the fiscal year beginning July 1, 2001, and ending June 30, 2002, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. CENTRAL ADMINISTRATION DIVISION

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

.....	\$	277,345
.....	FTEs	7.00

2. DEAF SERVICES DIVISION

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

.....	\$	350,211
.....	FTEs	7.00

The fees collected by the division for provision of interpretation services by the division to obligated agencies shall be disbursed pursuant to the provisions of section 8.32, and shall be dedicated and used by the division for continued and expanded interpretation services.

3. PERSONS WITH DISABILITIES DIVISION

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

.....	\$	192,587
.....	FTEs	3.50

4. LATINO AFFAIRS DIVISION

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

.....	\$	172,528
.....	FTEs	3.00

5. STATUS OF WOMEN DIVISION

For salaries, support, maintenance, miscellaneous purposes, including the Iowans in transition program, and the domestic violence and sexual assault-related grants, and for not more than the following full-time equivalent positions:

.....	\$	400,996
.....	FTEs	3.00

6. STATUS OF AFRICAN-AMERICANS DIVISION

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

.....	\$	137,714
.....	FTEs	2.00

7. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION

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

.....	\$	412,481
.....	FTEs	9.20

The criminal and juvenile justice planning advisory council and the juvenile justice advisory council shall coordinate their efforts in carrying out their respective duties relative to juvenile justice.

It is the intent of the general assembly that the department of human rights employ sufficient staff to meet the federal funding match requirements established by the federal office for juvenile justice and delinquency prevention. The governor's advisory council on juvenile justice shall determine the staffing level necessary to carry out federal and state mandates for juvenile justice.

8. COMMUNITY GRANT FUND

For the community grant fund established in section 232.190, to be used for the purposes of the community grant fund and for not more than the following full-time equivalent positions:

.....	\$	725,000
.....	FTEs	1.44

9. SHARED STAFF. The divisions of the department of human rights shall retain their individual administrators, but shall share staff to the greatest extent possible.

Sec. 7. COMMISSION OF VETERANS AFFAIRS. There is appropriated from the general fund of the state to the commission of veterans affairs for the fiscal year beginning July 1, 2001, and ending June 30, 2002, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. COMMISSION OF VETERANS AFFAIRS ADMINISTRATION

For salaries, support, maintenance, miscellaneous purposes, including the war orphan educational fund established pursuant to chapter 35, and for not more than the following full-time equivalent positions:

.....	\$	283,190
.....	FTEs	5.00

The commission of veterans affairs may use the gifts accepted by the chairperson of the commission of veterans affairs, or designee, and other resources available to the commission for use at its Camp Dodge office. The commission shall report annually to the governor and the general assembly on monetary gifts received by the commission for the Camp Dodge office.

2. IOWA VETERANS HOME

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

.....	\$	47,268,500
.....	FTEs	845.00

a. The Iowa veterans home may use the gifts accepted by the chairperson of the commission of veterans affairs and other resources available to the commission for use at the Iowa veterans home.

b. If medical assistance revenues are expanded at the Iowa veterans home, and this expansion results in medical assistance reimbursements which exceed the amount budgeted for that purpose in the fiscal year beginning July 1, 2001, and ending June 30, 2002, the Iowa veterans home may expend the excess amounts to exceed the number of full-time equivalent positions authorized for the purpose of meeting related certification requirements or to provide additional beds. The expenditure of additional funds received, as outlined in this paragraph, is subject to approval by the department of management. The amount approved by the department of management for expenditure shall be considered repayment receipts.

c. Any Iowa veterans home successor contractor shall not consider employees of a state institution or facility to be new employees for purposes of employee wages, health insurance, or retirement benefits.

d. The chairpersons and ranking members of the joint appropriations subcommittee on health and human rights shall be notified by January 15 of any calendar year during which a request for proposals is anticipated to be issued regarding any Iowa veterans home contract involving employment, for purposes of providing legislative review and oversight.

e. The Iowa veterans home may retain reimbursements for medication costs obtained from the federal department of veterans affairs for the fiscal year beginning July 1, 2001, and ending June 30, 2002, in an amount sufficient for the payment of new and increased pharmaceutical costs and lease payments on a unit dose machine. Moneys retained pursuant to this paragraph are appropriated to the Iowa veterans home to be used for the purposes of this paragraph.

f. In an effort to improve public understanding of the budget of the Iowa veterans home, and to adequately meet the needs of the residents of the Iowa veterans home, it is the intent of the general assembly that the Iowa veterans home shall submit a report by December 1, 2001, to the fiscal committee of the legislative council regarding the funds appropriated to the Iowa veterans home in the previous fiscal year, and any further information the fiscal committee may request.

Sec. 8. GAMBLING TREATMENT FUND — APPROPRIATION.

1. There is appropriated from funds available in the gambling treatment fund established in the office of the treasurer of state pursuant to section 99E.10 to the Iowa department of public health for the fiscal year beginning July 1, 2001, and ending June 30, 2002, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. Addictive disorders

To be utilized for the benefit of persons with addictions:

..... \$ 1,690,000

b. For transfer to the commission of veterans affairs to be utilized for the benefit of the Iowa veterans home:

..... \$ 371,488

c. Gambling treatment program

The funds remaining in the gambling treatment fund after the appropriations in paragraphs "a" and "b" are made shall be used for funding of administrative costs and to provide programs which may include, but are not limited to, outpatient and follow-up treatment for persons affected by problem gambling, rehabilitation and residential treatment programs, information and referral services, education and preventive services, and financial management services.

2. For the fiscal year beginning July 1, 2001, and ending June 30, 2002, from the tax revenue received by the state racing and gaming commission pursuant to section 99D.15, subsections 1, 3, and 4, an amount equal to three-tenths of one percent of the gross sum wagered by the pari-mutuel method is to be deposited into the gambling treatment fund.

Sec. 9. Section 135.102, Code 2001, is amended by adding the following new subsection:

NEW SUBSECTION. 6. Model regulations for lead hazard remediation to be used in

instances in which a child is confirmed as lead poisoned. The department shall make the model regulations available to local boards of health and shall promote the adoption of the regulations at the local level, in cities and counties implementing lead hazard remediation programs. Nothing in this subsection shall be construed as requiring the adoption of the model regulations.

Sec. 10. Section 602.8108, subsection 3, paragraph c, Code 2001, is amended to read as follows:

c. Notwithstanding provisions of this subsection to the contrary, all moneys collected from the drug abuse resistance education surcharge provided in section 911.2 shall be remitted to the treasurer of state for deposit in the general fund of the state and the amount deposited is appropriated to the governor's office of drug control policy for use by the drug abuse resistance education program and other programs directed for a similar purpose.

Sec. 11. Section 911.2, Code 2001, is amended to read as follows:

911.2 SURCHARGE.

When a court imposes a fine or forfeiture for a violation of a state law, or of a city or county ordinance except an ordinance regulating the parking of motor vehicles, the court shall assess an additional penalty in the form of a surcharge equal to thirty percent of the fine or forfeiture imposed. An additional drug abuse resistance education surcharge of ~~five~~ ten dollars shall be assessed by the clerk of the district court if the violation arose out of a violation of an offense provided for in chapter 321J or chapter 124, division IV. In the event



of multiple offenses, the surcharge shall be based upon the total amount of fines or forfeitures imposed for all offenses. When a fine or forfeiture is suspended in whole or in part, the surcharge shall be reduced in proportion to the amount suspended.

The surcharge is subject to the provisions of chapter 909 governing the payment and collection of fines, as provided in section 909.8.

Sec. 12. **CANCER STUDY AND REPORT.** The director of public health, in consultation with an ad hoc committee comprised of public health officials, health care providers, consumer groups, educators, representatives from the state cancer registry, representatives from the cancer chapter team of healthy Iowans 2010, and other members deemed appropriate by the director, shall conduct a study regarding comprehensive cancer control in the state. The study shall include but not be limited to:

1. An assessment of the incidence and prevalence of cancer, including determinations of any geographic, social, or economic patterns, or other common characteristics which identify vulnerable populations at risk of cancer.

2. An evaluation of the effectiveness of current cancer control efforts in terms of prevention, early detection, treatment, rehabilitation, and quality of life. The study should consider strategies to maximize existing public health and private practice resources through improved coordination and program planning. The study shall also identify opportunities to increase and enhance efforts that focus on cancer with special attention to prostate, bladder, colorectal, skin, lung, oropharyngeal, breast, and cervical cancer.

3. A review to encourage screening guidelines and tests that lead to a reduction in site-specific cancer incidence rates.

4. An effort to identify additional federal funding sources and opportunities to enhance medical assistance dollars for the treatment of breast and cervical cancer through the federal Breast and Cervical Cancer Prevention and Treatment Act of 2000, Pub. L. No. 106-354.

5. An evaluation of the availability and effectiveness of current resources, programs, and efforts to address cancer with special attention to prostate, bladder, colorectal, skin, lung, oropharyngeal, breast, and cervical cancer.

The study shall consider the findings and recommendations of healthy Iowans 2010 relating to cancer. The director shall submit a report of the study's recommendations to the governor and the general assembly by January 2, 2002, and present the findings to a joint meeting of the human resources committees of the Iowa general assembly during the 2002 session.

Sec. 13. **VITAL RECORDS.** The vital records modernization project as enacted in 1993 Iowa Acts, chapter 55, section 1, as amended by 1994 Iowa Acts, chapter 1068, section 8, as amended by 1997 Iowa Acts, chapter 203, section 9, 1998 Iowa Acts, chapter 1221, section 9, and 1999 Iowa Acts, chapter 201, section 17, and as continued by 2000 Iowa Acts, chapter 1222, section 10, shall be extended until June 30, 2002, and the increased fees to be collected pursuant to that project shall continue to be collected and are appropriated to the Iowa department of public health until June 30, 2002.

Sec. 14. **EFFECTIVE AND APPLICABILITY DATES.** Section 5, subsection 10, paragraph "i", of this Act relating to the automatic dispensing system for prescription drugs, being deemed of immediate importance, takes effect upon enactment.

Approved May 24, 2001