

Sec. 13. NEW SECTION. 476.78 EXEMPTION – ENERGY EFFICIENCY.

Notwithstanding any language to the contrary, nothing in this division shall prohibit a public utility from participating in or conducting energy efficiency projects or programs established or approved by the board or required by statute. A public utility participating in or conducting energy efficiency projects or programs established or approved by the board or required by statute shall not be subject to the provisions of sections 476.76 and 476.77 for those energy efficiency projects or programs.

Sec. 14. NEW SECTION. 476.79 COMPLAINTS.

Any person may file a written complaint with the board requesting the board to determine compliance by a rate-regulated gas or electric utility with the provisions of section 476.74, 476.75, or 476.76 or any validly adopted rules to implement those sections. If the board determines there is any reasonable ground to investigate the complaint, the board shall promptly initiate formal complaint proceedings. The formal proceeding may be initiated at any time by the board on its own motion.

Sec. 15. Sections 476.67 through 476.79 created under this Act shall be a separate division of chapter 476.

Approved May 2, 1989

CHAPTER 104

MEDICAL ASSISTANCE REQUIREMENTS

S.F. 117

AN ACT relating to medical assistance requirements and providing for eligibility of certain recipients of federal medicare.

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

Section 1. Section 249A.2, Code 1989, is amended by adding the following new subsection:
NEW SUBSECTION. 8. "Medicare cost sharing" means payment under the medical assistance program of a premium, a coinsurance amount, or a deductible amount for federal Medicare as required by Title XIX of the federal Social Security Act, section 1905(p)(3), as codified in 42 U.S.C. sec. 1396d(p)(3).

Sec. 2. Section 249A.3, unnumbered paragraph 1, Code 1989, is amended to read as follows:
The extent of and the limitations upon eligibility for assistance under this chapter ~~shall be as is~~ prescribed by this section, subject to federal requirements, and by laws appropriating funds ~~therefor for assistance provided pursuant to this chapter.~~

Sec. 3. Section 249A.3, subsection 6, unnumbered paragraph 1, Code 1989, is amended to read as follows:

In determining the eligibility of an individual for medical assistance under this chapter, for resources transferred to the individual's spouse before October 1, 1989, or to a person other than the individual's spouse before July 1, 1989, the department shall include, as resources still available to the individual, those nonexempt resources or interests in resources, owned by the individual within the preceding twenty-four months, which the individual gave away or sold at less than fair market value for the purpose of establishing eligibility for medical assistance under this chapter.

Sec. 4. Section 249A.3, Code 1989, is amended by adding the following new subsections:

NEW SUBSECTION. 7. In determining the eligibility of an individual for medical assistance under this chapter, the department shall consider resources transferred to the individual's spouse on or after October 1, 1989, or to a person other than the individual's spouse on or after July 1, 1989, as provided under the federal Social Security Act, section 1917(c), as codified in 42 U.S.C. § 1396p(c), as amended.

NEW SUBSECTION. 8. Medicare cost sharing shall be provided to or on behalf of an individual who is a resident of the state or a resident who is temporarily absent from the state and is a qualified Medicare beneficiary as defined under Title XIX of the federal Social Security Act, section 1905(p)(1), as codified in 42 U.S.C. § 1396d(p)(1).

Sec. 5. Section 249A.4, unnumbered paragraph 1, Code 1989, is amended to read as follows:

The director shall be responsible for the effective and impartial administration of this chapter and shall, in accordance with the standards and priorities established by this chapter, by applicable federal law, particularly Title XIX of the United States Social Security Act [Title XLII, United States Code, sections 1396 to 1396g], as amended to January 1, 1973, by the regulations and directives issued pursuant thereto to federal law, and by the state plan approved in accordance therewith with federal law, make rules, establish policies, and prescribe procedures to implement this chapter. Without limiting the generality of the foregoing delegation of authority, the director is hereby specifically empowered and directed to:

Approved May 3, 1989

CHAPTER 105

SEXUAL ACTIVITY PROHIBITIONS

S.F. 201

AN ACT expanding the definition of sex act and making more acts subject to penalties.

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

Section 1. Section 702.17, Code 1989, is amended to read as follows:

702.17 SEX ACT.

The term "sex act" or "sexual activity" means any sexual contact between two or more persons; by penetration of the penis into the vagina or anus; by contact between the mouth and genitalia or by contact between the genitalia of one person and the genitalia or anus of another person; contact between the finger or hand of one person and the genitalia or anus of another person, except in the course of examination or treatment by a person licensed pursuant to chapter 148, 148C, 150, 150A or 152; or by use of artificial sexual organs or substitutes therefor in contact with the genitalia or anus.

Sec. 2. **NEW SECTION.** 709.14 LASCIVIOUS CONDUCT WITH A MINOR.

It is unlawful for a person over eighteen years of age who is in a position of authority over a minor to force, persuade, or coerce a minor, with or without consent, to disrobe or partially disrobe for the purpose of arousing or satisfying the sexual desires of either of them.

Lascivious conduct with a minor is a serious misdemeanor.

Approved May 3, 1989