

3. The department shall include with its budget request for the fiscal year beginning July 1, 1993, a preliminary recommendation for the allocation of moneys in the job training fund for the fiscal year beginning July 1, 1993, and succeeding fiscal years. The department shall seek input from representatives of the community colleges in preparing the recommendation.

Sec. 10. On the effective date of this Act, all moneys in the Iowa employment retraining fund created in the office of the treasurer are transferred to the community college job training fund and any repayments of loans made from moneys in the Iowa employment retraining fund received on or after July 1, 1992, shall be credited to and deposited in the community college job training fund.

Sec. 11. Sections 15.292, 15.293, 15.294, 15.296, 15.297, and 15.298, Code 1991, are repealed.

Sec. 12. Sections 15.291 and 15.295, Code Supplement 1991, are repealed.

Approved April 9, 1992

CHAPTER 1043

MEDICAL ASSISTANCE PROGRAM REQUIREMENTS

S.F. 2311

AN ACT relating to medical assistance program requirements involving health care facilities, certificates of need, and specified low-income federal medicare beneficiaries, and providing an effective date.

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

Section 1. Section 135.63, subsection 2, Code Supplement 1991, is amended by adding the following new paragraph:

NEW PARAGRAPH. i. A residential program exempt from licensing as a health care facility under chapter 135C in accordance with section 135C.6, subsection 8.

Sec. 2. Section 135.64, Code Supplement 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 4. In determining whether to approve an application for a certificate of need for the construction or conversion of an intermediate care facility for the mentally retarded, the department and the council shall only approve the application if, in addition to other applicable standards, the application meets the standards applied to intermediate care facilities for the mentally retarded for family scale and size, location, and community inclusion as provided in rules adopted by the department of human services.

Sec. 3. Section 135C.6, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 8. The following residential programs to which the department of human services applies accreditation, certification, or standards of review shall not be required to be licensed as a health care facility under this chapter:

a. A residential program which provides care to not more than three individuals and receives moneys appropriated to the department of human services under provisions of a federally approved home and community-based services waiver or other medical assistance program under chapter 249A.

b. A residential program which serves not more than four individuals and is operating under provisions of a federally approved home and community-based waiver for persons with mental retardation, if all individuals residing in the program receive on-site staff supervision during the entire time period the individuals are present in the program's living unit. The need

for the on-site supervision shall be reflected in each individual's program plan developed pursuant to the department of human services' rules relating to case management for persons with mental retardation. In approving a residential program under this paragraph, the department of human services shall consider the geographic location of the program so as to avoid an overconcentration of such programs in an area.

Sec. 4. Section 249A.3, subsection 8, Code Supplement 1991, is amended to read as follows:

8. Medicare cost sharing shall be provided in accordance with the provisions of Title XIX of the federal Social Security Act, section 1902(a)(10)(E), as codified in 42 U.S.C. § 1396a(a)(10)(E), 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 who is either a member of any of the following eligibility categories:

a. 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), or a

b. A qualified disabled and working person as defined under Title XIX of the federal Social Security Act, section 1905(s), as codified in 42 U.S.C. § 1396d(s).

c. A specified low-income medicare beneficiary as defined under Title XIX of the federal Social Security Act, section 1902(a)(10)(E), as codified in 42 U.S.C. § 1396a(10)(E)(iii).

Sec. 5. HOME AND COMMUNITY-BASED WAIVER REPORT. The department of human services shall monitor the implementation of the federally approved home and community-based waiver program for persons with mental retardation under the medical assistance program. The department shall submit a report concerning the waiver program to the governor and the general assembly on or before February 15, 1993, which shall include but is not limited to all of the following information relating to the waiver program:

1. The number of persons served under the waiver program, services received by the persons prior to receiving the waiver program services, and the persons' living environments prior to receiving the waiver program services.

2. The number of four-bed residential program applications received by the department, the number approved, the number denied, and the reasons for granting or denying the applications.

3. The number of persons who meet the criteria for service in a four-bed residential program who were actually served in a three or fewer bed residential program.

4. The number of requests received by the department for waiver of the seventy dollars per day reimbursement cap, the number of requests granted, the number of requests denied, and the reasons for granting or denying the requests. The staffing needs of the individuals living in the residential programs making the waiver requests and the number of the requests submitted from programs with three or fewer beds.

5. Recommendations to the governor and the general assembly concerning the reallocation of funding under the waiver program based upon the actual utilization of the waiver program and the advisability of increasing the waiver program's seventy dollars per day reimbursement cap on community living arrangements.

Sec. 6. EMERGENCY RULES. The department of human services shall adopt administrative rules under section 17A.4, subsection 2, and section 17A.5, subsection 2, paragraph "b", to implement the provisions of section 3 of this Act and the rules shall become effective upon filing unless a later date is specified in the rules. Any rules adopted pursuant to this section shall also be published as a notice of intended action as provided in section 17A.4.

Sec. 7. IMPLEMENTATION LIMITATION — LEGISLATIVE INTENT. During the initial implementation period beginning March 1, 1992, and ending February 28, 1993, of the residential programs which serve not more than four individuals under section 135C.6, subsection 8, paragraph "b", the number of beds in residential programs approved by the department of human services under that provision shall be limited to a total of forty beds. It is the intent of the general assembly to review the report submitted by the department of human services pursuant to section 5 of this Act in order to determine whether any further limitation is appropriate.

Sec. 8. EFFECTIVE DATE. Sections 1, 3, and 6 of this Act, being deemed of immediate importance, take effect upon enactment.

Approved April 9, 1992

CHAPTER 1044

SHERIFFS' FEES IN GARNISHMENT PROCEEDINGS

H.F. 52

AN ACT relating to sheriffs' fees in garnishment proceedings.

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

Section 1. Rule of civil procedure 258, Iowa court rules, third edition, is amended to read as follows:

258. EXECUTION – DUTY OF OFFICER. An officer receiving an execution must execute it with diligence. ~~He~~ The officer shall levy on such property of the judgment debtor as is likely to bring the exact amount, as nearly as practicable. ~~He~~ The officer may make successive levies if necessary. ~~He~~ The officer shall collect the things in action, by suit in ~~his~~ the officer's own name if need be, or sell them. ~~He~~ The officer shall sell sufficient property levied on and garnish sufficient funds, or property of sufficient value, to satisfy the execution, paying the proceeds, less ~~his~~ the officer's own costs, to the clerk.

Sec. 2. Section 639.35, Code 1991, is amended to read as follows:

639.35 MONEY PAID CLERK.

~~All money~~ Money attached by the sheriff, or coming into the sheriff's hands by virtue of the attachment, shall ~~forthwith be paid over,~~ less the sheriff's costs, to the clerk, ~~to be by the.~~ The clerk retained till the further action of ~~shall retain the money until directed otherwise by the court.~~

Approved April 9, 1992

CHAPTER 1045

EMPLOYMENT SECURITY

H.F. 2008

AN ACT amending and repealing obsolete provisions of the Iowa employment security law.

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

Section 1. Section 96.5, subsection 1, paragraph h, Code Supplement 1991, is amended by striking the paragraph.

Sec. 2. Section 96.5, subsection 3, unnumbered paragraph 1, Code Supplement 1991, is amended to read as follows:

If the division of job service finds that an individual has failed, without good cause, either to apply for available, suitable work when directed by ~~the employment office or~~ the division or to accept suitable work when offered that individual, ~~or to return to customary~~