

Sec. 52. 1994 Iowa Acts, chapter 1201, section 2, is amended to read as follows:

SEC. 2. Notwithstanding section 15E.120, subsections 5, 6, and 7, and section 15.287, there is appropriated from the Iowa community development loan fund ~~from~~ all the monies available during the fiscal year beginning July 1, 1994, and ending June 30, 1995, to the department of economic development for the rural development program to be used by the department for the purposes of the program.

Sec. 53. AMENDMENTS CHANGING TERMINOLOGY REGARDING REGISTERED VOTERS – DIRECTIVE TO CODE EDITOR.

1. Sections 28E.17, 28E.22, 28E.25, 28E.28A, 28E.39, 37.2, 39.22, 47.6, 49.3, 49.12, 49.13, 49.51, 49.72, 56.19, 174.10, 176A.6, 257.18, 257.29, 275.22, 279.39, 279.53, 300.2, 303.20, 303.33, 331.203, 331.204, 331.205, 331.208, 331.237, 331.301, 331.306, 331.402, 331.441, 331.442, 331.447, 336.2, 357G.8, 358.2, 358.5, 360.3, 364.4, 368.19, 373.6, 384.24A, 384.26, 384.84A, 422A.2, and 422B.1, Code 1995, are amended by striking from the sections the words “qualified electors” and inserting in lieu thereof the words “registered voters”.

2. Section 53.30, Code 1995, is amended by striking from the section the words “qualified elector’s” and inserting in lieu thereof the words “registered voter’s”.

3. Section 346.27, Code 1995, is amended by striking from the section the words “qualified voters” and inserting in lieu thereof the words “registered voters”.

4. The Code editor is directed to substitute the words “registered voter” or “registered voters” for the words “qualified elector” or “qualified electors”, as appropriate, when there appears to be no doubt as to the intent to refer to persons who are registered to vote.

Sec. 54. EFFECTIVE AND RETROACTIVE APPLICABILITY DATE PROVISIONS.

1. The section of this Act which amends 1994 Iowa Acts, chapter 1171, section 52, subsections 5 and 6, being deemed of immediate importance, takes effect upon enactment and applies retroactively to May 11, 1994.

2. The section of this Act which amends 1994 Iowa Acts, chapter 1201, section 2, being deemed of immediate importance, takes effect upon enactment.

Approved April 25, 1995

CHAPTER 68

MEDICAL ASSISTANCE

S.F. 82

AN ACT relating to medical assistance provisions including those relating to presumptive eligibility for pregnant women and the estates and trusts of recipients of medical assistance and providing an effective date.

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

Section 1. Section 249A.3, subsection 1, paragraph i, Code 1995, is amended to read as follows:

i. Is a pregnant woman who is determined to be presumptively eligible by a health care provider qualified under the federal Omnibus Budget Reconciliation Act of 1986, Pub. L. No. 99-509, § 9407. The woman is eligible for ambulatory prenatal care assistance ~~for a period of fourteen days~~ until the last day of the month following the month of the presumptive eligibility determination. If the department receives the woman’s medical assistance application ~~within the fourteen-day period~~ by the last day of the month following the month

~~of the presumptive eligibility determination, the woman is eligible for ambulatory prenatal care assistance for forty five days from the date presumptive eligibility was determined or until the department actually determines the woman's eligibility or ineligibility for medical assistance, whichever occurs first.~~ The costs of services provided during the presumptive eligibility period shall be paid by the medical assistance program for those persons who are determined to be ineligible through the regular eligibility determination process.

Sec. 2. Section 249A.5, subsection 2, Code 1995, is amended by adding the following new paragraph:

NEW PARAGRAPH. f. If a debt is due under this subsection from the estate of a recipient, the administrator of the nursing facility, intermediate care facility for the mentally retarded, or mental health institute in which the recipient resided at the time of the recipient's death, and the personal representative of the recipient, if applicable, shall report the death to the department within ten days of the death of the recipient. For the purposes of this paragraph, "personal representative" means a person who filed a medical assistance application on behalf of the recipient or who manages the financial affairs of the recipient.

Sec. 3. Section 249A.12, subsection 3, Code 1995, is amended to read as follows:

3. If a county reimburses the department for medical assistance provided under this section and the amount of medical assistance is subsequently repaid through a medical assistance income trust or a medical assistance special needs trust as defined in section 633.707, the department shall reimburse the county on a proportionate basis. The department shall adopt rules to implement this subsection.

Sec. 4. Section 523A.8, subsection 1, Code 1995, is amended by adding the following new paragraph:

NEW PARAGRAPH. k. State that after all payments are made in accordance with the conditions and terms of the agreement for funeral merchandise or funeral services, any funds remaining in an irrevocable burial trust fund from which the costs of funeral merchandise and funeral services are paid shall be returned to the estate of the deceased individual for purposes of probate pursuant to chapter 633 or if the estate is not subject to probate and if the deceased was a recipient of medical assistance and a debt is due the department of human services pursuant to section 249A.5, the remaining funds shall be available for payment of the debt.

Sec. 5. Section 523E.8, subsection 1, Code 1995, is amended by adding the following new paragraph:

NEW PARAGRAPH. k. State that after all payments are made in accordance with the conditions and terms of the agreement for cemetery merchandise, any funds remaining in an irrevocable burial trust fund from which cemetery merchandise costs are paid shall be returned to the estate of the deceased individual for purposes of probate pursuant to chapter 633 or if the estate is not subject to probate and if the deceased was a recipient of medical assistance and a debt is due the department of human services pursuant to section 249A.5, the remaining funds shall be available for payment of the debt.

Sec. 6. Section 561.19, Code 1995, is amended to read as follows:

561.19 EXEMPTION IN HANDS OF ISSUE.

Where the homestead descends to the issue of either spouse the ~~same issue~~ shall be held ~~by such issue~~ exempt from any antecedent debts of ~~their~~ the issue's parents or ~~their own~~ antecedent debts of the issue, except those of the owner ~~thereof~~ of the homestead contracted prior to its acquisition of the homestead or those created under section 249A.5 relating to the recovery of medical assistance payments.

Sec. 7. Section 633.410, Code 1995, is amended to read as follows:

633.410 LIMITATION ON FILING CLAIMS AGAINST DECEDENT'S ESTATE.

All claims against a decedent's estate, other than charges, whether due or to become due, absolute or contingent, liquidated or unliquidated, founded on contract or otherwise, are forever barred against the estate, the personal representative, and the distributees of the estate, unless filed with the clerk within the later to occur of four months after the date of the second publication of the notice to creditors or, as to each claimant whose identity is reasonably ascertainable, one month after service of notice by ordinary mail to the claimant's last known address. However, notice is not required to be given by mail to any creditor whose claim will be paid or otherwise satisfied during administration and the personal representative may waive the limitation on filing provided under this section. This section does not bar claims for which there is insurance coverage, to the extent of the coverage, claims for debts created under section 249A.5 relating to the recovery of medical assistance payments, or claimants entitled to equitable relief due to peculiar circumstances.

Sec. 8. Section 633.708, Code 1995, is amended to read as follows:

633.708 DISPOSITION OF MEDICAL ASSISTANCE SPECIAL NEEDS TRUSTS.

Regardless of the terms of a medical assistance special needs trust, any ~~property received or held by the trust~~ income received or asset added to the trust during a one-month period shall be expended as provided for medical assistance income trusts under section 633.709, on a monthly basis, during the life of the beneficiary. Any increase in income or principal retained in the trust from a previous month may be expended, during the life of the beneficiary, only for reasonable and necessary expenses of the trust, not to exceed ten dollars per month without court approval, for special needs of the beneficiary attributable to the beneficiary's disability and approved by the district court, for medical care or services that would otherwise be covered by medical assistance under chapter 249A, or to reimburse the state for medical assistance paid on behalf of the beneficiary.

Sec. 9. EFFECTIVE DATE. Section 8 of this Act, which amends section 633.708, takes effect October 1, 1995.

Approved April 25, 1995

CHAPTER 69

MEETINGS OF THE COMMISSION ON THE STATUS OF AFRICAN-AMERICANS S.F. 164

AN ACT relating to the meetings of the commission on the status of African-Americans.

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

Section 1. Section 216A.143, Code 1995, is amended to read as follows:

216A.143 MEETINGS OF THE COMMISSION.

The commission shall meet ~~every other month~~ at least once each quarter and may hold special meetings on the call of the chairperson. The commission may adopt rules pursuant to chapter 17A as it deems necessary for the conduct of its business. The members of the commission shall be reimbursed for actual expenses while engaged in their official duties. Members may also be eligible to receive compensation as provided in section 7E.6.

Approved April 25, 1995