



CHESTER J. CULVER  
GOVERNOR

## OFFICE OF THE GOVERNOR

PATTY JUDGE  
LT. GOVERNOR

May 23, 2007

The Honorable Michael Mauro  
Secretary of State  
State Capitol Building  
L O C A L

Dear Mr. Secretary:

I hereby transmit House File 907, an Act relating to and making appropriations from the Healthy Iowans Tobacco Trust and the Tobacco Settlement Trust Fund and providing an effective date. House File 907 is approved on this date, with the exceptions noted below, which I hereby disapprove.

I am unable to approve item designated as Section 1, Subsection 2a (4) in its entirety. This designated language continues general language on substance abuse treatment expenditures. These directives are already in place and, therefore, this language is not needed.

Finally, I am unable to approve item designated as Section 1, Subsection 2b, paragraphs (1) through (6) in their entirety. This designated language continues general language on substance abuse treatment expenditures. These directives are in place and, therefore, this annual report language is not needed.

For the above reasons, I respectfully disapprove of the designated items in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in House File 907 are hereby approved this date.

Sincerely,

A handwritten signature in black ink, appearing to read "Chester Culver".

Chester J. Culver  
Governor

CJC: rco



HOUSE FILE 907

AN ACT

RELATING TO AND MAKING APPROPRIATIONS FROM THE HEALTHY IOWANS TOBACCO TRUST AND THE TOBACCO SETTLEMENT TRUST FUND AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. HEALTHY IOWANS TOBACCO TRUST -- APPROPRIATIONS TO DEPARTMENTS. There is appropriated from the healthy Iowans tobacco trust created in section 12.65 to the following departments for the fiscal year beginning July 1, 2007, and ending June 30, 2008, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. To the department of human services:

a. To supplement the medical assistance program appropriations for the fiscal year, including for reimbursement of noninstitutional medical assistance providers with the exception of anesthesia and dental providers and to continue the resource-based relative value system of reimbursement based upon the reimbursement rates established for the fiscal year beginning July 1, 2007, and ending June 30, 2008; for reimbursement of dental services, hospitals, home health care services, critical access hospitals, expansion of home health care services and habilitative day care for children with special needs, and expansion of respite care services provided through home and community-based waivers based upon the reimbursement rates established for the fiscal year beginning July 1, 2007, and ending June 30, 2008; and for provision of coverage to women who require treatment

for breast or cervical cancer as provided in section 249A.3, subsection 2, paragraph "b":

..... \$ 35,327,368

Of the amount appropriated in this paragraph, \$250,000 shall be used to continue the efforts of the Iowa chronic care consortium pursuant to 2003 Iowa Acts, chapter 112, section 12, as amended by 2003 Iowa Acts, chapter 179, sections 166 and 167.

b. For child and family services including for reimbursement of adoption, independent living, shelter care, and home studies services providers, and other service providers under the purview of the department of human services:

..... \$ 3,761,677

c. To continue supplementation of the state supplementary assistance program including reimbursements for residential care facilities and in-home health services:

..... \$ 182,381

d. For general administration of health-related programs:

..... \$ 274,000

2. To the Iowa department of public health:

a. For the tobacco use prevention and control initiative, including efforts at the state and local levels, as provided in chapter 142A and for not more than the following full-time equivalent positions:

..... \$ 5,928,465

..... FTEs 7.00

(1) The director of public health shall dedicate sufficient resources to promote and ensure retailer compliance with tobacco laws and ordinances relating to persons under 18 years of age, and shall prioritize the state's compliance in the allocation of available funds to comply with 42 U.S.C. § 300x-26 and section 453A.2.

(2) Of the full-time equivalent positions funded in this paragraph "a", two full-time equivalent positions shall be utilized to provide for enforcement of tobacco laws, regulations, and ordinances under a chapter 28D agreement entered into between the Iowa department of public health and the alcoholic beverages division of the department of commerce.

(3) Of the funds appropriated in this paragraph "a", not more than \$525,759 shall be expended on administration and management of the program.

(4) Of the funds appropriated in this paragraph "a", not less than 80 percent of the amount expended in the fiscal year beginning July 1, 2001, for community partnerships shall be expended in the fiscal year beginning July 1, 2007, for that purpose.

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b. For additional substance abuse treatment under the substance abuse treatment program:

..... \$ 13,800,000

(1) The department shall use funds appropriated in this paragraph "b" to enhance the quality of and to expand the capacity to provide 24-hour substance abuse treatment programs.

(2) The department shall use funds appropriated in this paragraph "b" to expand the length of individual client substance abuse treatment plans, as necessary to reduce program recidivism.

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(3) The department shall use funds appropriated in this paragraph "b" to share research-based best practices for treatment with substance abuse treatment facilities.

(4) The department shall use funds appropriated in this paragraph "b" to develop a results-based funding approach for substance abuse treatment services.

(5) The department shall use funds appropriated in this paragraph "b" to develop a program to encourage individuals who are successfully managing their substance abuse problems to serve as role models.

(6) The department shall submit a report annually by March 1, to the governor and the general assembly delineating the success rates of the substance abuse treatment programs that receive funding under this paragraph "b".

c. For the healthy Iowans 2010 plan within the Iowa department of public health and for not more than the following full-time equivalent positions:

..... \$ 2,509,960  
..... FTEs 4.00

(1) Of the funds appropriated in this paragraph "c", not more than \$1,157,482 shall be used for essential public health services that promote healthy aging throughout the lifespan, contracted through a formula for local boards of health, to enhance health promotion and disease prevention services.

(2) Of the funds appropriated in this paragraph "c", not more than \$387,320 shall be used for the continuation and

support of a coordinated system of delivery of trauma and emergency medical services.

(3) Of the funds appropriated in this paragraph "c", not more than \$600,000 shall be used for the state poison control center.

(4) Of the funds appropriated in this paragraph "c", not more than \$288,770 shall be used for the development of scientific and medical expertise in environmental epidemiology.

(5) Of the funds appropriated in this paragraph "c", not more than \$76,388 shall be used for the childhood lead poisoning prevention program.

d. For the automated external defibrillator grant program established pursuant to section 135.26:

..... \$ 40,000

e. For the center for congenital and inherited disorders established pursuant to section 136A.3:

..... \$ 26,000

f. For a grant program to provide substance abuse prevention programming for children:

..... \$ 1,050,000

(1) Of the funds appropriated in this paragraph "f", \$500,000 shall be utilized to provide funding for organizations that provide programming for children by utilizing mentors. Programs approved for grants under this subparagraph (1) shall be certified or will be certified within six months of receiving the grant award by the Iowa commission on volunteer services as utilizing the standards for effective practice for mentoring programs.

(2) Of the funds appropriated in this paragraph "f", \$500,000 shall be utilized to provide funding for organizations that provide programming that includes youth development and leadership. The programs shall also be recognized as being programs that are scientifically based with evidence of their effectiveness in reducing substance abuse in children.

(3) The Iowa department of public health shall utilize a request for proposals process to implement the program under this paragraph "f".

(4) All grant recipients under this paragraph "f" shall participate in a program evaluation as a requirement for receiving grant funds.

(5) Of the funds appropriated in this paragraph "f", \$50,000 shall be used to administer substance abuse prevention grants and for program evaluations.

g. For providing grants to individual patients who have phenylketonuria (PKU) to assist with the costs of necessary special foods:

..... \$ 100,000

h. For additional funding to leverage federal funding through the federal Ryan White Care Act, Title II, AIDS drug assistance program supplemental drug treatment grants:

..... \$ 275,000

i. For a grant to an existing national-affiliated organization to provide education, client-centered programs, and client and family support for people living with epilepsy and their families:

..... \$ 100,000

3. To the department of corrections:

..... \$ 4,006,474

a. Of the funds appropriated in this subsection, \$228,216 is allocated to the first judicial district department of correctional services. Of the funds allocated, \$100,000 shall be used for community-based corrections, and \$128,216 shall be used to replace expired federal funding for dual diagnosis offenders.

b. Of the funds appropriated in this subsection, \$406,217 is allocated to the second judicial district department of correctional services. Of the funds allocated, \$100,000 shall be used for community-based corrections and \$306,217 shall be used to replace expired federal funding for day programming and to replace expired federal funding for the drug court program with \$50,000 of this amount being used for substance abuse treatment.

c. Of the funds appropriated in this subsection, \$200,359 is allocated to the third judicial district department of correctional services. Of the funds allocated, \$100,000 shall be used for community-based corrections, and \$100,359 shall be used to replace expired federal funding for the drug court program.

d. Of the funds appropriated in this subsection, \$291,731 is allocated to the fourth judicial district department of correctional services. Of the funds allocated, \$100,000 shall be used for community-based corrections, and \$191,731 shall be used for the drug court program.

e. Of the funds appropriated in this subsection, \$355,693 is allocated to the fifth judicial district department of correctional services. Of the funds allocated, \$100,000 shall be used for community-based corrections, and \$255,693 shall be used to replace expired federal funding for the drug court program.

f. Of the funds appropriated in this subsection, \$494,741 is allocated to the sixth judicial district department of correctional services. Of the funds allocated, \$100,000 shall be used for community-based corrections, \$64,741 shall be used to replace expired federal funding for dual diagnosis offenders, and \$330,000 shall be used to establish drug court programs in Johnson and Linn counties.

g. Of the funds appropriated in this subsection, \$232,232 is allocated to the seventh judicial district department of correctional services. Of the funds allocated, \$100,000 shall be used for community-based corrections, and \$132,232 shall be used to replace expired federal funding for the drug court program.

h. Of the funds appropriated in this subsection, \$300,000 is allocated to the eighth judicial district department of correctional services. Of the funds allocated, \$100,000 shall be used for community-based corrections, and \$200,000 shall be used to implement an adult drug court program.

i. Of the funds appropriated in this subsection, \$1,497,285 is allocated to the Fort Madison correctional facility for the clinical care unit.

Sec. 2. PURCHASE OF SERVICE CONTRACT PROVIDERS -- REIMBURSEMENT INCREASE. There is appropriated from the healthy Iowans tobacco trust created in section 12.65 to the property tax relief fund created in section 426B.1 for the fiscal year beginning July 1, 2007, and ending June 30, 2008, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For assistance to the counties with limited county mental health, mental retardation, and developmental disabilities services fund balances which were selected in accordance with 2000 Iowa Acts, chapter 1221, section 3, to receive such assistance in the same amount provided during the fiscal year beginning July 1, 2000, and ending June 30, 2001, to pay reimbursement increases in accordance with 2000 Iowa Acts, chapter 1221, section 3:

..... \$ 146,750

Sec. 3. IOWA EMPOWERMENT FUND. There is appropriated from the healthy Iowans tobacco trust created in section 12.65, to the Iowa empowerment fund created in section 28.9 for the fiscal year beginning July 1, 2007, and ending June 30, 2008, for deposit in the school ready children grants account:

..... \$ 2,153,250

Sec. 4. IOWA COMMISSION ON VOLUNTEER SERVICES. There is appropriated from the healthy Iowans tobacco trust created in section 12.65 to the department of economic development for the fiscal year beginning July 1, 2007, and ending June 30, 2008, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For allocation to the Iowa commission on volunteer services for the Iowa's promise and mentoring partnership program and for not more than the following full-time equivalent positions:

..... \$ 125,000  
..... FTEs 1.00

Sec. 5. DEPARTMENT OF EDUCATION. There is appropriated from the healthy Iowans tobacco trust created in section 12.65, to the department of education for the fiscal year beginning July 1, 2007, and ending June 30, 2008, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

To continue the competitive grants program to expand the availability of before and after school programs as provided in section 256.26, if enacted by the Eighty-second General Assembly, 2007 Session:

..... \$ 305,000

Sec. 6. ENDOWMENT FOR IOWA'S HEALTH ACCOUNT -- TRANSFER. In addition to the amount transferred pursuant to section 12E.12, subsection 1, paragraph "b", subparagraph (2), subparagraph subdivision (b), \$9,100,000 is transferred from the endowment for Iowa's health account of the tobacco settlement trust fund created in section 12E.12 to the healthy Iowans tobacco trust created in section 12.65 for the fiscal year beginning July 1, 2007, and ending June 30, 2008.

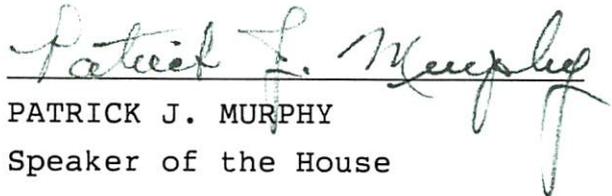
Sec. 7. 2006 Iowa Acts, chapter 1181, section 1, subsection 2, paragraph e, is amended to read as follows:

e. For the automated external defibrillator grant program established pursuant to section 135.26:

..... \$ 350,000

Notwithstanding section 8.33, moneys appropriated in this paragraph "e" that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purpose designated until the close of the succeeding fiscal year.

Sec. 8. EFFECTIVE DATE. The section of this Act amending 2006 Iowa Acts, chapter 1181, being deemed of immediate importance, takes effect upon enactment.

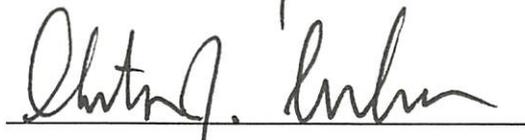
  
PATRICK J. MURPHY  
Speaker of the House

  
JOHN P. KIBBIE  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 907, Eighty-second General Assembly.

  
MARK BRANDSGARD  
Chief Clerk of the House

Approved May 23<sup>rd</sup>, 2007

  
CHESTER J. CULVER  
Governor

*With exceptions  
Noted*