

2/1/95 Do Pass
5-2/8/95 Human Resource
5-2/23/95 Do Pass

JAN 12 1995
HUMAN RESOURCES

HOUSE FILE 41
BY BLODGETT

Passed House, Date ^(p291) 2/7/95 Passed Senate, Date 4/11/95 (p. 1118)
Vote: Ayes 96 Nays 0 Vote: Ayes 50 Nays 0

Approved May 4, 1995
Repassed 4-18-95
VOTE 96-0

Passed 4-19-95
Vote 48-0
(P. 1296)

A BILL FOR

1 An Act relating to the establishment of legal settlement for
2 certain blind persons and providing an effective date.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 41

1 Section 1. Section 252.16, subsection 6, Code 1995, is
2 amended to read as follows:

3 6. Subsections 1, 2, 3, 7, and 8 do not apply to a blind
4 person who is receiving assistance under the laws of this
5 state. A blind person receiving assistance who has resided in
6 one county of this state for a period of six months acquires
7 legal settlement for support as provided in this chapter.
8 However, a blind person who, at any time during such a six-
9 month period, is an inpatient or resident of, or is supported
10 by, or is receiving treatment or support services from a state
11 hospital-school created under chapter 222, a state mental
12 health institute created under chapter 226, ~~or~~ the Iowa
13 braille and sight saving school administered by the state
14 board of regents, or any community-based provider of treatment
15 or services for mental retardation, developmental
16 disabilities, mental health, or substance abuse, does not
17 acquire legal settlement in the county in which the
18 institution, facility, or provider is located.

19 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
20 immediate importance, takes effect upon enactment.

21 EXPLANATION

22 This bill provides that a blind person receiving treatment
23 or support services from any community-based provider of
24 treatment or services for mental retardation, developmental
25 disabilities, mental health, or substance abuse does not
26 acquire legal settlement in the county in which the facility
27 or provider is located during any six-month period otherwise
28 required for establishment of legal settlement for a blind
29 person for the purpose of receiving assistance in the state.
30 The bill takes effect upon enactment.

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HOUSE FILE 41

S-3382

1 Amend House File 41, as passed by the House, as
2 follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. Section 230.12, Code 1995, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. 4. An action filed or an
8 alternative dispute resolution stipulated to under
9 this section is subject to the applicable provisions
10 of sections 230.13 and 230.14."

11 2. Page 1, line 3, by inserting after the figure
12 "6." the following: "a."

13 3. Page 1, by striking line 5 and inserting the
14 following: "state.

15 b. A blind person ~~receiving-assistance~~ who has
16 resided in".

17 4. Page 1, line 7, by inserting after the word
18 "chapter" the following: ", except as specified in
19 paragraph "c"."

20 5. Page 1, by striking lines 8 and 9 and
21 inserting the following: "However~~7~~-a

22 c. A blind person who is an inpatient or resident
23 of, ~~or~~ is supported".

24 6. Page 1, line 18, by inserting after the word
25 "located" the following: ", unless the blind person
26 has resided in the county in which the institution,
27 facility, or provider is located for a period of six
28 months prior to the date of commencement of receipt of
29 assistance under the laws of this state or for a
30 period of six months subsequent to the date of
31 termination of assistance under the laws of this
32 state".

33 7. Page 1, by inserting after line 18 the
34 following:

35 "Sec. 100. BLIND PERSONS CURRENTLY RECEIVING
36 ASSISTANCE -- REDETERMINATION -- CONTINUATION OF
37 PAYMENT FOR ASSISTANCE.

38 1. For purposes of redetermination of legal
39 settlement under subsection 2, section 252.17 shall
40 not apply to a blind person who acquired legal
41 settlement in this state on or after July 1, 1994, and
42 prior to the effective date of this Act.

43 2. If legal settlement of a blind person receiving
44 assistance under the laws of this state was
45 established in this state under state law in effect on
46 the effective date of this Act, eligibility of the
47 blind person for future assistance may be
48 redetermined. At the time of the redetermination of
49 the eligibility for assistance, if the blind person
50 had no legal settlement in this state prior to receipt

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Page 2

1 of the assistance, the state shall pay the costs of
 2 assistance provided under the laws of this state
 3 subsequent to the time of redetermination."

4 8. Page 1, by inserting before line 19 the
 5 following:

6 "Sec. ____ . APPLICABILITY. With the exception of
 7 section 100, this Act shall not be construed to have
 8 retroactive applicability or effect and shall not be
 9 construed to affect, deny, or negate assistance,
 10 service, or treatment provided to individuals prior to
 11 the effective date of this Act."

12 9. Title page, by striking line 2, and inserting
 13 the following: "certain persons, providing for the
 14 Act's applicability, and providing an effective date."
 By MERLIN E. BARTZ

S-3382 FILED APRIL 11, 1995
 ADOPTED (p.1117)

HOUSE AMENDMENT TO SENATE AMENDMENT TO
 HOUSE FILE 41

S-3466

1 Amend the Senate amendment, H-3863, to House File
 2 41, as passed by the House, as follows:

3 1. Page 1, by inserting after line 34 the
 4 following:

5 "Sec. ____ . Section 347.16, subsection 3, Code
 6 1995, is amended to read as follows:

7 3. Care and treatment may be furnished in a county
 8 public hospital to any sick or injured person who has
 9 legal settlement outside the county which maintains
 10 the hospital, subject to such policies and rules as
 11 the board of hospital trustees may adopt. If care and
 12 treatment is provided under this subsection to a
 13 person who is indigent, the county in which that
 14 person has legal settlement shall pay to the board of
 15 hospital trustees the fair and reasonable cost of the
 16 care and treatment provided by the county public
 17 hospital unless the cost of the indigent person's care
 18 and treatment is otherwise provided for. If care and
 19 treatment is provided to an indigent person under this
 20 subsection, the county public hospital furnishing the
 21 care and treatment shall immediately notify, by
 22 regular mail, the auditor of the county of legal
 23 settlement of the indigent person of the provision of
 24 care and treatment to the indigent person."

25 2. By renumbering as necessary.

RECEIVED FROM THE HOUSE

S-3466 FILED APRIL 18, 1995

Senate Concurred 4/19/95 (p.1296)

SENATE AMENDMENT TO HOUSE FILE 41

H-3863

1 Amend House File 41, as passed by the House, as
2 follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. Section 230.12, Code 1995, is amended
6 by adding the following new subsection:

7 NEW SUBSECTION. 4. An action filed or an
8 alternative dispute resolution stipulated to under
9 this section is subject to the applicable provisions
10 of sections 230.13 and 230.14."

11 2. Page 1, line 3, by inserting after the figure
12 "6." the following: "a."

13 3. Page 1, by striking line 5 and inserting the
14 following: "state.

15 b. A blind person receiving-assistance who has
16 resided in".

17 4. Page 1, line 7, by inserting after the word
18 "chapter" the following: ", except as specified in
19 paragraph "c"."

20 5. Page 1, by striking lines 8 and 9 and
21 inserting the following: "However⁷-a

22 c. A blind person who is an inpatient or resident
23 of, or is supported".

24 6. Page 1, line 18, by inserting after the word
25 "located" the following: ", unless the blind person
26 has resided in the county in which the institution,
27 facility, or provider is located for a period of six
28 months prior to the date of commencement of receipt of
29 assistance under the laws of this state or for a
30 period of six months subsequent to the date of
31 termination of assistance under the laws of this
32 state".

33 7. Page 1, by inserting after line 18 the
34 following:

35 "Sec. 100. BLIND PERSONS CURRENTLY RECEIVING
36 ASSISTANCE -- REDETERMINATION -- CONTINUATION OF
37 PAYMENT FOR ASSISTANCE.

38 1. For purposes of redetermination of legal
39 settlement under subsection 2, section 252.17 shall
40 not apply to a blind person who acquired legal
41 settlement in this state on or after July 1, 1994, and
42 prior to the effective date of this Act.

43 2. If legal settlement of a blind person receiving
44 assistance under the laws of this state was
45 established in this state under state law in effect on
46 the effective date of this Act, eligibility of the
47 blind person for future assistance may be
48 redetermined. At the time of the redetermination of
49 the eligibility for assistance, if the blind person
50 had no legal settlement in this state prior to receipt

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Page 2

1 of the assistance, the state shall pay the costs of
 2 assistance provided under the laws of this state
 3 subsequent to the time of redetermination."
 4 8. Page 1, by inserting before line 19 the
 5 following:
 6 "Sec. _____. APPLICABILITY. With the exception of
 7 section 100, this Act shall not be construed to have
 8 retroactive applicability or effect and shall not be
 9 construed to affect, deny, or negate assistance,
 10 service, or treatment provided to individuals prior to
 11 the effective date of this Act."
 12 9. Title page, by striking line 2, and inserting
 13 the following: "certain persons, providing for the
 14 Act's applicability, and providing an effective date."

RECEIVED FROM THE SENATE

H-3863 FILED APRIL 11, 1995

(P. 1624)

House Concurred 4-18-95

HOUSE FILE 41

H-3931

1 Amend the Senate amendment, H-3863, to House File
 2 41, as passed by the House, as follows:
 3 1. Page 1, by inserting after line 34 the
 4 following:
 5 ""Sec. _____. Section 347.16, subsection 3, Code
 6 1995, is amended to read as follows:
 7 3. Care and treatment may be furnished in a county
 8 public hospital to any sick or injured person who has
 9 legal settlement outside the county which maintains
 10 the hospital, subject to such policies and rules as
 11 the board of hospital trustees may adopt. If care and
 12 treatment is provided under this subsection to a
 13 person who is indigent, the county in which that
 14 person has legal settlement shall pay to the board of
 15 hospital trustees the fair and reasonable cost of the
 16 care and treatment provided by the county public
 17 hospital unless the cost of the indigent person's care
 18 and treatment is otherwise provided for. If care and
 19 treatment is provided to an indigent person under this
 20 subsection, the county public hospital furnishing the
 21 care and treatment shall immediately notify, by
 22 regular mail, the auditor of the county of legal
 23 settlement of the indigent person of the provision of
 24 care and treatment to the indigent person."
 25 2. By renumbering as necessary.

By BRAUNS of Muscatine

H-3931 FILED APRIL 13, 1995

Adopted
4-18-95
(P. 1624)

HOUSE FILE 41

AN ACT

RELATING TO THE ESTABLISHMENT OF LEGAL SETTLEMENT FOR CERTAIN PERSONS, PROVIDING FOR THE ACT'S APPLICABILITY, AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 230.12, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 4. An action filed or an alternative dispute resolution stipulated to under this section is subject to the applicable provisions of sections 230.13 and 230.14.

Sec. 2. Section 252.16, subsection 6, Code 1995, is amended to read as follows:

6. a. Subsections 1, 2, 3, 7, and 8 do not apply to a blind person who is receiving assistance under the laws of this state.

b. A blind person receiving assistance who has resided in one county of this state for a period of six months acquires legal settlement for support as provided in this chapter, except as specified in paragraph "c". However,--a

c. A blind person who is an inpatient or resident of, or is supported by, or is receiving treatment or support services from a state hospital-school created under chapter 222, a state mental health institute created under chapter 226, or the Iowa braille and sight saving school administered by the state board of regents, or any community-based provider of treatment or services for mental retardation, developmental disabilities, mental health, or substance abuse, does not acquire legal settlement in the county in which the institution, facility, or provider is located, unless the blind person has resided in the county in which the institution, facility, or provider is located for a period of

six months prior to the date of commencement of receipt of assistance under the laws of this state or for a period of six months subsequent to the date of termination of assistance under the laws of this state.

Sec. 3. Section 347.16, subsection 3, Code 1995, is amended to read as follows:

3. Care and treatment may be furnished in a county public hospital to any sick or injured person who has legal settlement outside the county which maintains the hospital, subject to such policies and rules as the board of hospital trustees may adopt. If care and treatment is provided under this subsection to a person who is indigent, the county in which that person has legal settlement shall pay to the board of hospital trustees the fair and reasonable cost of the care and treatment provided by the county public hospital unless the cost of the indigent person's care and treatment is otherwise provided for. If care and treatment is provided to an indigent person under this subsection, the county public hospital furnishing the care and treatment shall immediately notify, by regular mail, the auditor of the county of legal settlement of the indigent person of the provision of care and treatment to the indigent person.

Sec. 4. BLIND PERSONS CURRENTLY RECEIVING ASSISTANCE -- REDETERMINATION -- CONTINUATION OF PAYMENT FOR ASSISTANCE.

1. For purposes of redetermination of legal settlement under subsection 2, section 252.17 shall not apply to a blind person who acquired legal settlement in this state on or after July 1, 1994, and prior to the effective date of this Act.

2. If legal settlement of a blind person receiving assistance under the laws of this state was established in this state under state law in effect on the effective date of this Act, eligibility of the blind person for future assistance may be redetermined. At the time of the redetermination of the eligibility for assistance, if the blind person had no legal settlement in this state prior to

receipt of the assistance, the state shall pay the costs of assistance provided under the laws of this state subsequent to the time of redetermination.

Sec. 5. APPLICABILITY. With the exception of section 4, this Act shall not be construed to have retroactive applicability or effect and shall not be construed to affect, deny, or negate assistance, service, or treatment provided to individuals prior to the effective date of this Act.

Sec. 6. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

RON J. CORBETT
Speaker of the House

LEONARD L. BOSWELL
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 41, Seventy-sixth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved May 1, 1995

TERRY E. BRANSTAD
Governor