

House Study Bill 785

Bill Text

PAG LIN

1 1 DIVISION I
1 2 MH/MR/DD ALLOWED GROWTH
1 3 Section 1. COUNTY MENTAL HEALTH, MENTAL RETARDATION, AND
1 4 DEVELOPMENTAL DISABILITIES ALLOWED GROWTH FACTOR ADJUSTMENT
1 5 AND ALLOCATIONS. There is appropriated from the general fund
1 6 of the state to the department of human services for the
1 7 fiscal year beginning July 1, 2001, and ending June 30, 2002,
1 8 the following amount, or so much thereof as is necessary, to
1 9 be used for the purpose designated:
1 10 For distribution to counties of the county mental health,
1 11 mental retardation, and developmental disabilities allowed
1 12 growth factor adjustment, in accordance with section 331.438,
1 13 subsection 2, and section 331.439, subsection 3, and chapter
1 14 426B:
1 15 \$ 25,784,846
1 16 The funding appropriated in this section is the allowed
1 17 growth factor adjustment of 1.7 percent for fiscal year 2001-
1 18 2002, and is allocated as follows:
1 19 1. For distribution to counties for fiscal year 2001-2002
1 20 in accordance with the formula in section 331.438, subsection
1 21 2, paragraph "b":
1 22 \$ 12,000,000
1 23 2. For deposit in the per capita expenditure target pool
1 24 created in the property tax relief fund pursuant to section
1 25 426B.5, subsection 1:
1 26 \$ 9,784,846
1 27 In addition to the requirement of section 426B.5,
1 28 subsection 1, paragraph "c", limiting eligibility for moneys
1 29 appropriated in this paragraph to counties levying the maximum
1 30 amount allowed, both of the following eligibility requirements
1 31 are applicable:
1 32 a. In the fiscal year beginning July 1, 2000, the county's
1 33 services fund ending balance under generally accepted
1 34 accounting principles was equal to or less than 35 percent of
1 35 the county's projected expenditures for that fiscal year.
2 1 b. The county is in compliance with the filing date
2 2 requirements under section 331.403.
2 3 3. For deposit in the incentive and efficiency pool
2 4 created in the property tax relief fund pursuant to section
2 5 426B.5, subsection 2:
2 6 \$ 2,000,000
2 7 4. For deposit in the risk pool created in the property
2 8 tax relief fund pursuant to section 426B.5, subsection 3:
2 9 \$ 2,000,000
2 10 DIVISION II
2 11 TRANSFER OF TOBACCO FUNDS FY 2000-2001
2 12 Sec. 2. TRANSFER OF FUNDS TOBACCO SETTLEMENT FUND.
2 13 From moneys deposited in the tobacco settlement fund created
2 14 in section 12.65, the sum of sixty-four million six hundred
2 15 thousand dollars is transferred to the general fund of the
2 16 state for the fiscal year beginning July 1, 2000, and ending
2 17 June 30, 2001.
2 18 DIVISION III
2 19 REDUCTION IN PHASE III MONEYS
2 20 Sec. 3. Section [294A.25](#), subsection 1, Code Supplement
2 21 1999, is amended to read as follows:

2 22 1. For the fiscal year beginning July 1,

~~1998~~

- 2000, and

2 23 for each succeeding year, there is appropriated from the
2 24 general fund of the state to the department of education the
2 25 amount of

~~eighty two~~

- eighty million eight hundred ninety-one

2 26 thousand three hundred thirty-six dollars to be used to
2 27 improve teacher salaries. The moneys shall be distributed as
2 28 provided in this section.

2 29

DIVISION IV

2 30

MICROSOFT FUND

2 31

Sec. 4. NEW SECTION. 12.67 MICROSOFT SETTLEMENT FUND.

2 32

A Microsoft settlement fund is created in the office of the
2 33 treasurer of state. The state portion of any moneys paid to
2 34 the state by Microsoft in settlement of its federal antitrust
2 35 trial or the state's antitrust lawsuit shall be deposited in
3 1 the Microsoft settlement fund. Moneys deposited in the fund
3 2 shall be used only as provided in appropriations made by the
3 3 general assembly.

3 4

Notwithstanding section 12C.7, subsection 2, interest or
3 5 earnings on moneys in the Microsoft settlement fund shall be
3 6 credited to the Microsoft settlement fund.

3 7

DIVISION V

3 8

MISCELLANEOUS

3 9

Sec. 5. Section 100B.1, subsection 1, unnumbered paragraph
3 10 1, as enacted by 2000 Iowa Acts, House File 2492, section 8,
3 11 is amended to read as follows:

3 12

The state fire service and emergency response council is
3 13 established in the division of fire protection of the
3 14 department of public safety. The council shall consist of ten
3 15 voting members. Members of the state fire service and
3 16 emergency response council shall be appointed by the governor.
3 17 Appointments are not subject to the requirements of sections
3 18 69.16 and 69.16A. The governor shall appoint members from the
3 19 following organizations, chosen from a list of names submitted
3 20 by each of the following organizations:

3 21

DIVISION VI

3 22

CORRECTIVE AMENDMENTS

3 23

Sec. 6. Section 2D.3, as enacted by 2000 Iowa Acts, House
3 24 File 2442, section 3, is amended to read as follows:

3 25

2D.3 LEGISLATIVE BRANCH PROTOCOL OFFICER.

3 26

The legislative service bureau shall employ a legislative
3 27 branch protocol officer to coordinate activities related to
3 28 state, national, and international visitors to the state
3 29 capitol or with an interest in the general assembly, and
3 30 related to travel of members of the general assembly abroad.
3 31 The protocol officer shall serve in a consultative capacity
3 32 and shall provide staff support to the international relations
3 33 advisory council. The protocol officer shall also work with
3 34 the executive branch protocol officer to coordinate state,
3 35 national, and international relations activities. The
4 1 legislative branch protocol officer shall submit periodic
4 2 reports to the international relations committee of the
4 3 legislative council regarding the visits of state, national,
4 4 and international visitors and regarding international
4 5 activities.

4 6

Sec. 7. Section 30.2, subsection 2, Code 1999, is amended
4 7 to read as follows:

4 8

2. The commission is composed of twelve members appointed
4 9 by the governor. One member shall be appointed to represent
4 10 the department of agriculture and land stewardship, one to
4 11 represent the department of workforce development, one to
4 12 represent the department of justice, one to represent the

4 13 department of natural resources, one to represent the
4 14 department of public defense, one to represent the Iowa
4 15 department of public health, one to represent the department
4 16 of public safety, one to represent the state department of
4 17 transportation, one to represent the state fire service
4 18

~~institute of the Iowa state university of science and~~

4 19

~~technology~~

~~and emergency response council~~, and one to

4 20 represent the office of the governor. Two representatives
4 21 from private industry shall also be appointed by the governor,
4 22 subject to confirmation by the senate.

4 23 Sec. 8. Section 85.3, subsection 3, unnumbered paragraph
4 24 1, as enacted by 2000 Iowa Acts, Senate File 2373, section 1,
4 25 is amended to read as follows:

4 26 Service of process or original notice upon a nonresident
4 27 employer may be performed as provided in section 617.3 or as
4 28 provided in the Iowa rules of civil procedure. In addition,
4 29 service may be made on any corporation, individual, personal
4 30 representative, partnership, or association that has the
4 31 necessary minimum contact with this state as provided in rule
4 32 of civil procedure 56.1 within or without this state or if
4 33 such service cannot be made, in any manner consistent with due
4 34 process of law prescribed by the workers' compensation
4 35

~~commission~~

~~commissioner~~.

5 1 Sec. 9. Section 88.6, subsection 9, as enacted by 2000
5 2 Iowa Acts, House File 2492, section 6, is amended to read as
5 3 follows:

5 4 9. Reports of inspections and investigations involving the
5 5 occupational safety and health for fire fighters shall be
5 6 presented to the state fire service and emergency response
5 7 council.

5 8 Sec. 10. Section 135.110, subsection 1, paragraph a,
5 9 subparagraph (1), as enacted by 2000 Iowa Acts, House File
5 10 2362, section 3, is amended to read as follows:

5 11 (1) The causes and manner of domestic abuse deaths,
5 12 including an analysis of factual information obtained through
5 13 review of domestic abuse death certificates and domestic abuse
5 14 death data, including patient records and other pertinent
5 15 confidential and public information concerning domestic abuse
5 16 deaths.

5 17 Sec. 11. Section 148E.3, subsection 1, as enacted by 2000
5 18 Iowa Acts, Senate File 182, section 7, is amended to read as
5 19 follows:

5 20 1. A person otherwise licensed to practice medicine and
5 21 surgery, osteopathy, osteopathic medicine and surgery,
5 22 chiropractic, podiatry, or dentistry who is exclusively
5 23 engaged in the practice of the person's

~~professions~~

5 24 profession.

5 25 Sec. 12. Section 152.7, unnumbered paragraph 3, as enacted
5 26 by 2000 Iowa Acts, House File 2105, section 5, is amended to
5 27 read as follows:

5 28 For purposes of licensure pursuant to the nurse licensure
5 29 compact contained in section 152E.1, the compact administrator
5 30 may refuse to accept a change in the qualifications for
5 31 licensure as a registered nurse or as a licensed practical or
5 32 vocational nurse by a licensing authority in another state

5 33 which is a party to the compact which substantially modifies
5 34 that state's qualifications for licensure in effect on July 1,
5 35 2000. A refusal to accept a change in a party state's
6 1 qualifications for licensure may result in submitting the
6 2 issue to an arbitration panel or in withdrawal from the
6 3 compact,

~~in~~

- at the discretion of the compact administrator.

6 4 Sec. 13. Section 152E.1, article II, sections i, k, l, and
6 5 n, as enacted by 2000 Iowa Acts, House File 2105, section 8,
6 6 are amended to read as follows:

6 7 i. "Nurse" means a registered nurse or licensed practical
6 8 or vocational nurse, as those terms are defined by each
6 9

~~party's state~~

- party state's practice laws.

6 10 k. "Remote state" means a party state, other than the home
6 11 state, where either of the following applies:

6 12 1. Where the patient is located at the time nursing care
6 13 is provided.

6 14 2. In the case of the practice of nursing not involving a
6 15 patient, in such party state where the recipient of nursing
6 16

~~practice~~

- care is located.

6 17 1. "Remote state action" means either of the following:

6 18 1. Any administrative, civil, equitable, or criminal
6 19 action permitted by a remote state's laws which

~~are~~

- is imposed

6 20 on a nurse by the remote state's licensing board or other
6 21 authority, including actions against an individual's
6 22 multistate licensure privilege to practice in the remote
6 23 state.

6 24 2. Cease and desist and other injunctive or equitable
6 25 orders issued by remote states or the licensing

~~boards'~~

- boards

6 26 of remote states.

6 27 n. "State practice laws" means those individual

~~party's~~

-
6 28 party state laws and regulations that govern the practice of
6 29 nursing, define the scope of nursing practice, and create the
6 30 methods and grounds for imposing discipline. "State practice
6 31 laws" does not include the initial qualifications for
6 32 licensure or requirements necessary to obtain and retain a
6 33 license, except for qualifications or requirements of the home
6 34 state.

6 35 Sec. 14. Section 152E.1, article III, sections a and e, as
7 1 enacted by 2000 Iowa Acts, House File 2105, section 8, are
7 2 amended to read as follows:

7 3 a. A license to practice registered nursing issued by a
7 4 home state to a resident in that state

~~will~~

- shall be

7 5 recognized by each party state as authorizing a multistate
7 6 licensure privilege to practice as a registered nurse in such
7 7 party state. A license to practice licensed practical or
7 8 vocational nursing issued by a home state to a resident in

7 9 that state

~~will~~

- ~~shall~~ be recognized by each party state as
7 10

~~authorized~~

- ~~authorizing~~ a multistate licensure privilege to
7 11 practice as a licensed practical or vocational nurse in such
7 12 party state. In order to obtain or retain a license, an
7 13 applicant must meet the home state's qualifications for
7 14 licensure and license renewal as well as all other applicable
7 15 state laws.
7 16 e. Individuals not residing in a party state shall
7 17 continue to be able to apply for nurse licensure as provided
7 18 for under the laws of each party state. However, the license
7 19 granted to these individuals

~~will~~

- ~~shall~~ not be recognized as
7 20 granting the privilege to practice nursing in any other party
7 21 state unless explicitly agreed to by that party state.
7 22 Sec. 15. Section 152E.1, article IV, sections c and d, as
7 23 enacted by 2000 Iowa Acts, House File 2105, section 8, are
7 24 amended to read as follows:
7 25 c. A nurse who intends to change the nurse's primary state
7 26 of residence may apply for licensure in the new home state in
7 27 advance of such change. However, new licenses

~~will~~

- ~~shall~~ not
7 28 be issued by a party state until after a nurse provides
7 29 evidence of change in the nurse's primary state of residence
7 30 satisfactory to the new home state's licensing board.
7 31 d. 1. If a nurse changes the nurse's primary state of
7 32 residence by moving between two party states, and obtains a
7 33 license from the new home state, the license from the former
7 34 home state is no longer valid.
7 35 2. If a nurse changes the nurse's primary state of
8 1 residence by moving from a nonparty state to a party state,
8 2 and obtains a license from the new home state, the individual
8 3 state license issued by the nonparty state is not affected and
8 4

~~will~~

- ~~shall~~ remain in full force if so provided by the laws of
8 5 the nonparty state.
8 6 3. If a nurse changes the nurse's primary state of
8 7 residence by moving from a party state to a nonparty state,
8 8 the license issued by the prior home state converts to an
8 9 individual state license, valid only in the former home state,
8 10 without the multistate licensure privilege to practice in
8 11 other party states.
8 12 Sec. 16. Section 152E.1, article VI, section c, as enacted
8 13 by 2000 Iowa Acts, House File 2105, section 8, is amended to
8 14 read as follows:
8 15 c. Issue cease and desist orders

~~or~~

- ~~to~~ limit or revoke a
8 16 nurse's authority to practice in the

~~nurse's~~

- state.
8 17 Sec. 17. Section 152E.1, article VII, sections a and d, as
8 18 enacted by 2000 Iowa Acts, House File 2105, section 8, are
8 19 amended to read as follows:

8 20 a. All party states shall participate in a cooperative
8 21 effort to create a coordinated database of all licensed
8 22 registered nurses and licensed practical or vocational nurses.
8 23 This system

~~will~~

- shall include information on the licensure
8 24 and disciplinary history of each nurse, as contributed by
8 25 party states, to assist in the coordination of nurse licensure
8 26 and enforcement efforts.

8 27 d. Notwithstanding any other provision of law, all party
8 28 states' licensing boards contributing information to the
8 29 coordinated licensure information system may designate
8 30 information that

~~may~~

- shall not be shared with nonparty states
8 31 or disclosed to other entities or individuals without the
8 32 express permission of the contributing state.
8 33 Sec. 18. Section [232.2](#), subsection 4, unnumbered paragraph
8 34 1, Code Supplement 1999, as amended by 2000 Iowa Acts, Senate
8 35 File 2344, section 4, is amended to read as follows:
9 1 "Case permanency plan" means the plan, mandated by Pub. L.
9 2 No. 96-272 and Pub. L. No. 105-89, as codified in 42 U.S.C. }
9 3 622(b)(10), 671(a)(16), and 675(1),(5), which is designed to
9 4 achieve placement in the most appropriate, least restrictive,
9 5 and most family-like

~~, and most appropriate~~

- setting available
9 6 and in close proximity to the parent's home, consistent with
9 7 the best interests and special needs of the child, and which
9 8 considers the placement's proximity to the school in which the
9 9 child is enrolled at the time of placement. The plan shall be
9 10 developed by the department or agency involved and the child's
9 11 parent, guardian, or custodian. The plan shall specifically
9 12 include all of the following:
9 13 Sec. 19. Section 249H.2, subsection 1, paragraphs a and b,
9 14 as enacted by 2000 Iowa Acts, Senate File 2193, section 2, are
9 15 amended to read as follows:
9 16 a. The preservation, improvement, and coordination of the
9 17 health care infrastructure of Iowa

~~is~~

- are critical to the
9 18 health and safety of Iowans.
9 19 b. An increasing number of seniors and persons with
9 20 disabilities in the state

~~require~~

- requires long-term care
9 21 services provided outside of a medical institution.
9 22 Sec. 20. Section 249H.3, subsection 1, as enacted by 2000
9 23 Iowa Acts, Senate File 2193, section 3, is amended to read as
9 24 follows:
9 25 1. "Affordable" means rates for payment of services which
9 26 do not exceed the rates established for providers of medical
9 27 and health services under the medical assistance program with
9 28 eligibility for an individual equal to the eligibility for
9 29 medical assistance pursuant to section 249A.3. In relation to
9 30 services provided by a provider of services under a home and
9 31 community-based waiver, "affordable" means that the total
9 32 monthly cost of the home and community-based waiver services
9 33 provided

~~do~~

- does not exceed the cost for that level of care as

9 34 established by rule by the department of human services,
9 35 pursuant to chapter 17A, in consultation with the department
10 1 of elder affairs.
10 2 Sec. 21. Section 249H.6, subsection 12, as enacted by 2000
10 3 Iowa Acts, Senate File 2193, section 6, is amended to read as
10 4 follows:
10 5 12. The senior living coordinating unit shall review
10 6 projects that receive grants under this section to ensure that
10 7 the goal to provide alternatives to nursing facility care is
10 8 being met and that an adequate number of nursing facility
10 9 services

~~remain~~

- remains to meet the needs of Iowans.

10 10 Sec. 22. Section 249H.8, subsection 1, as enacted by 2000
10 11 Iowa Acts, Senate File 2193, section 8, is amended to read as
10 12 follows:
10 13 1. A person operating a PACE program shall have a PACE
10 14 program agreement with the health care financing
10 15 administration of the United States department of health and
10 16 human services, shall enter into a contract with the
10 17 department of human services and shall comply with 42 U.S.C. }
10 18 1396(u)(4) and all regulations promulgated pursuant to that
10 19 section.

10 20 Sec. 23. Section [261.19B](#), Code 1999, as amended by 2000
10 21 Iowa Acts, Senate File 2248, section 13, is amended to read as
10 22 follows:

10 23 261.19B OSTEOPATHIC PHYSICIAN RECRUITMENT REVOLVING FUND.

10 24 An osteopathic physician recruitment revolving fund is
10 25 created in the state treasury as a separate fund under the
10 26 control of the commission. The commission shall deposit
10 27 payments made by osteopathic physician recruitment recipients
10 28 and the proceeds from the sale of osteopathic loans into the
10 29 osteopathic

~~loan~~

- physician recruitment revolving fund. Moneys

10 30 credited to the fund shall be used to supplement moneys
10 31 appropriated for the osteopathic physician recruitment
10 32 program, for loan forgiveness to eligible physicians, and to
10 33 pay for loan or interest repayment defaults by eligible
10 34 physicians. Notwithstanding section 8.33, any balance in the
10 35 fund on June 30 of any fiscal year shall not revert to the
11 1 general fund of the state.

11 2 Sec. 24. Section [279.52](#), unnumbered paragraph 1, Code
11 3 1999, as amended by 2000 Iowa Acts, House File 2435, section
11 4 1, is amended to read as follows:

11 5 The board of directors may pay the actual cost of an
11 6 asbestos project from any funds in the general fund of the
11 7 district, funds received from the physical plant and equipment
11 8 levy, or moneys obtained through a federal asbestos loan
11 9 program, to be repaid from any of the funds specified in this
11 10

~~subsection~~

- section over a three-year period.

11 11 Sec. 25. Section [306.11](#), Code 1999, as amended by 2000
11 12 Iowa Acts, Senate File 2194, section 1, is amended to read as
11 13 follows:

11 14 306.11 HEARING PLACE DATE.

11 15 In proceeding to the vacation and closing of a road, part
11 16 thereof, or railroad crossing, the agency in control of the
11 17 road, or road system, shall fix a date for a hearing on the
11 18 vacation and closing in the county where the road, or part
11 19 thereof, or crossing, is located, and if located in more than
11 20 one county, then in a county in which any part of the road or
11 21 crossing is located. If the road to be vacated or changed is

11 22 a secondary road located in more than one county, the boards
11 23 of supervisors of the counties, acting jointly, shall fix a
11 24 date for a hearing on the vacation or change in either or any
11 25 of the counties where the road, or part thereof, is located.
11 26 If the proposed vacation is of part of a road right-of-way
11 27 held by easement and will not change the existing traveled
11 28 portion of the road or deny access to the road by adjoining
11 29 landowners, a hearing is not required.

11 30 Sec. 26. Section 411.22, subsection 1, unnumbered
11 31 paragraph 1, as enacted by 2000 Iowa Acts, Senate File 2411,
11 32 section 109, is amended to read as follows:

11 33 If a member receives an injury or dies for which benefits
11 34 are payable under section 411.6, subsection 3, 5, 8, or 9, or
11 35 section 411.15, and if the injury or death is caused under
12 1 circumstances creating a legal liability for damages against a
12 2 third party other than the retirement system, the retirement
12 3 system is subrogated to the rights of the member or the
12 4 member's

~~legal representative~~

- beneficiary entitled to receive

12 5 a death benefit and may maintain an action for damages against
12 6 the third party for lost earnings and lost earnings capacity.
12 7 If the retirement system recovers damages in the action, the
12 8 court shall enter judgment for distribution of the recovery as
12 9 follows:

12 10 Sec. 27. Section 455B.171, subsection 31B, as enacted by
12 11 2000 Iowa Acts, Senate File 2371, is amended to read as
12 12 follows:

12 13 31B. "Section 305(b)

~~list~~

- report" means any report

~~or list~~

-

12 14 required under 33 U.S.C. } 1315(b).

12 15 Sec. 28. Section 455B.193, unnumbered paragraph 2, as
12 16 enacted by 2000 Iowa Acts, Senate File 2371, section 10, is
12 17 amended to read as follows:

12 18 The department of natural resources shall develop a
12 19 methodology for water quality assessments as used in the
12 20 section 303(d)

~~listings~~

- lists and assess the validity of the

12 21 data.

12 22 Sec. 29. Section 462A.14, subsection 12, paragraph d, as
12 23 enacted by 2000 Iowa Acts, House File 2331, if 2000 Iowa Acts,
12 24 House File 2511 is enacted, is amended to read as follows:

12 25 d. The court may prescribe the length of time for the
12 26 evaluation and treatment or the court may request that the
12 27 community college or licensed substance abuse program
12 28 conducting the course for drinking drivers which the defendant
12 29 is ordered to attend or the treatment program to which the
12 30 defendant is committed immediately report to the court when
12 31 the defendant has received maximum benefit from the course for
12 32 drinking drivers or treatment program or has recovered from
12 33 the defendant's addiction, dependency, or tendency to
12 34 chronically abuse alcohol or drugs.

12 35 Sec. 30. Section 466.4, subsections 2 and 5, as enacted by
13 1 2000 Iowa Acts, Senate File 2371, section 5, are amended to
13 2 read as follows:

13 3 2. The department of agriculture and land stewardship
13 4 shall request the assistance of and consult with the United
13 5 States department of

~~—agriculture~~

- agriculture's natural

13 6 resources conservation service and farm service agency to
13 7 implement the conservation reserve enhancement program. The
13 8 department shall also consult with county boards of
13 9 supervisors, county conservation boards, drainage district
13 10 representatives, department of natural resources, and soil and
13 11 water conservation districts affected by the implementation of
13 12 the conservation reserve enhancement program. The department
13 13 shall also collaborate with other public agencies and private
13 14 organizations to develop wetland habitat and related projects
13 15 to improve water quality.
13 16 5. The five-year goal of the conservation reserve

~~—enhanced~~

-

13 17 enhancement program is the establishment of thirty-two
13 18 thousand five hundred acres of wetlands.

13 19 Sec. 31. Section 481A.125, subsection 1, paragraph a, as
13 20 enacted by 2000 Iowa Acts, Senate File 2300, section 1, is
13 21 amended to read as follows:

13 22 a. To intentionally place oneself in a location where a
13 23 human presence may affect the behavior of a fur-bearing game
13 24 animal, bird, or fish or the feasibility of killing or taking
13 25 a fur-bearing game animal, bird, or fish with the intent of
13 26 obstructing or harassing another person who is lawfully
13 27 hunting, fishing, or fur harvesting.

13 28 Sec. 32. Section 481A.125, subsection 5, as enacted by
13 29 2000 Iowa Acts, Senate File 2300, section 1, is amended to
13 30 read as follows:

13 31 5. This

~~—subsection~~

- section shall not prohibit a landowner,

13 32 tenant, or an employee of a landowner or tenant from
13 33 performing normal agricultural operations or a law enforcement
13 34 officer from performing official duties.

13 35 Sec. 33. Section 521F.3, subsection 2, paragraph a,
14 1 unnumbered paragraph 1, as enacted by 2000 Iowa Acts, House
14 2 File 2316, section 3, is amended to read as follows:

14 3 A health organization's risk-based capital shall be
14 4 determined pursuant to the formula set forth in the risk-based
14 5 capital instructions. The formula shall take into account all
14 6 of the following, and may

~~—by~~

- be adjusted, as deemed

14 7 appropriate by the commissioner, for the covariance between
14 8 the following:

14 9 Sec. 34. Section 521F.4, subsection 3, as enacted by 2000
14 10 Iowa Acts, House File 2316, section 4, is amended to read as
14 11 follows:

14 12 3. The risk-based capital plan shall be filed within
14 13 forty-five days of the company-action-level event, or, if the
14 14 health organization requests a hearing pursuant to section
14 15 521F.8 for the purpose of challenging the adjusted risk-based
14 16 capital report, within forty-five days after notification to
14 17 the

~~—insurer~~

- health organization that the commissioner, after
14 18 hearing, has rejected the

~~—insurer's~~

- health organization's

14 19 challenge.

14 20 Sec. 35. Section 521F.8, subsection 2, paragraph b,

14 21 subparagraph (1), as enacted by 2000 Iowa Acts, House File
14 22 2316, section 8, is amended to read as follows:
14 23 (1)

~~The~~

- ~~That~~ the health organization's risk-based capital

14 24 plan or revised risk-based capital plan is unsatisfactory.

14 25 Sec. 36. Section 523C.19, subsections 2 and 3, as enacted
14 26 by 2000 Iowa Acts, House file 2317, section 30, are amended to
14 27 read as follows:

14 28 2. If a hearing is not timely requested, the summary order
14 29 becomes final by operation of law. The order shall remain
14 30 effective from the date of issuance until the date the order
14 31 becomes final by operation of law or is overturned by a
14 32 presiding officer or court following a request for hearing. A
14 33 person who has been issued a summary order under this section
14 34 may contest it by filing a request for a contested case
14 35 proceeding as provided in chapter 17A and in accordance with
15 1 rules adopted by the commissioner. However, the person shall
15 2 have at least thirty days from the date that the order is
15 3 issued in order to file the request. Section 17A.18A is
15 4 inapplicable to a summary order issued under this

~~subsection~~

-

15 5 section.

15 6 3. A person violating a summary order issued under this
15 7

~~subsection~~

- section shall be deemed in contempt of that order.

15 8 The commissioner may petition the district court to enforce
15 9 the order as certified by the commissioner. The district
15 10 court shall adjudge the person in contempt of the order if the
15 11 court finds after hearing that the person is not in compliance
15 12 with the order. The court shall assess a civil penalty
15 13 against the person in an amount not less than three thousand
15 14 dollars but not greater than ten thousand dollars per
15 15 violation, and may issue further orders as it deems
15 16 appropriate.

15 17 Sec. 37. Section 600.13, subsection 1, paragraph c, as
15 18 amended by 2000 Iowa Acts, Senate File 421, section 17, is
15 19 amended to read as follows:

15 20 c. Dismiss the adoption petition if the requirements of
15 21 this

~~Act~~

- ~~chapter~~ have not been met or if dismissal of the

15 22 adoption petition is in the best interest of the person whose
15 23 adoption has been petitioned. Upon dismissal, the juvenile
15 24 court or court shall determine who is to be guardian or
15 25 custodian of a minor child, including the adoption petitioner
15 26 if it is in the best interest of the minor person whose
15 27 adoption has been petitioned.

15 28 Sec. 38. Section 692B.2, article XI(a)(1)(B), as enacted
15 29 by 2000 Iowa Acts, Senate File 2145, section 2, is amended to
15 30 read as follows:

15 31 (B) any rule or standard established by the council
15 32 pursuant to Article

~~v~~

- VI; and

15 33 Sec. 39. Section 714.16, subsection 2, paragraph n,
15 34 subparagraph (3), subparagraph subdivision (a), as enacted by
15 35 2000 Iowa Acts, House File 2148, section 1, is amended to read
16 1 as follows:

16 2 (a) "Local telephone directory" means a telephone

16 3 classified advertising directory or the business section of a
16 4 telephone directory that is distributed free of charge to some
16 5 or all telephone subscribers in a local area

~~directory~~

16 6 Sec. 40. 2000 Iowa Acts, Senate File 2193, section 23, is
16 7 amended to read as follows:
16 8 SEC. 23. RETROACTIVE APPLICABILITY. The section in this
16 9 Act that creates section

~~249H.6~~

- ~~249H.4~~ as it relates to

16 10 receipt of federal funding, is retroactively applicable to
16 11 October 1, 1999.

16 12 Sec. 41. 2000 Iowa Acts, Senate File 2254, section 4, is
16 13 amended to read as follows:

16 14 SEC. 4. RETROACTIVE APPLICABILITY. Section 252I.4,
16 15 subsection

~~3~~

- 4, as amended in this Act, is retroactively

16 16 applicable to January 1, 2000.

16 17 Sec. 42. 2000 Iowa Acts, Senate File 2344, section 16, is
16 18 amended by striking the section and inserting in lieu thereof
16 19 the following:

16 20 SEC. 16. Section 239B.24, subsection 1, unnumbered
16 21 paragraph 1, Code Supplement 1999, is amended to read as
16 22 follows:

16 23 The following persons are deemed to be eligible for
16 24 benefits under the state child care assistance program
16 25 administered by the department in accordance with section
16 26 237A.13, notwithstanding the program's eligibility
16 27 requirements or any waiting list:

16 28 Sec. 43. APPROPRIATIONS FOR THE DRUG POLICY COORDINATOR.
16 29 References in 2000 Iowa Acts, House File 2533, sections 5
16 30 through 8 and 33, to the drug enforcement and abuse prevention
16 31 coordinator are deemed to be references to the drug policy
16 32 coordinator if 2000 Iowa Acts, House File 2153 is enacted.

16 33 Sec. 44. AMENDMENTS TO DISAPPROVED BILLS VOID. If a
16 34 provision of a bill, which is amended in this division of this
16 35 Act, does not become law due to the governor's disapproval of
17 1 the provision, the amendment to that disapproved provision in
17 2 this division of this Act is void.

17 3 EXPLANATION

17 4 Division I of this bill appropriates moneys for the 2001-
17 5 2002 fiscal year to the department of human services for
17 6 distribution to counties of the county mental health, mental
17 7 retardation, and developmental disabilities (MH/MR/DD) allowed
17 8 growth factor adjustment. The allowed growth factor
17 9 adjustment equals 1.7 percent. The division also provides for
17 10 the allotment of the appropriation for various purposes for
17 11 county relief for MH/MR/DD services provided by the county.

17 12 The division applies additional eligibility requirements
17 13 for allotment of funding from the per capita expenditure
17 14 target pool involving the size of the county's MH/MR/DD
17 15 services fund balance and compliance with a financial
17 16 reporting deadline.

17 17 Division II of this bill transfers from moneys deposited in
17 18 the tobacco settlement fund, created in Code section 12.65,
17 19 the sum of \$64,600,000 to the general fund of the state for
17 20 the 2000-2001 fiscal year.

17 21 Division III of this bill reduces the standing limited
17 22 appropriation for the educational excellence program by
17 23 \$2,000,000 beginning with the 2000-2001 fiscal year.

17 24 Division IV of this bill establishes a Microsoft settlement
17 25 fund into which are to be deposited the state's portion of any

17 26 moneys paid as a result of the federal antitrust trial against
17 27 Microsoft, or as a result of the state's own antitrust action.
17 28 The moneys in the Microsoft settlement fund are only to be
17 29 used as appropriated by the general assembly.
17 30 Division V of this Act exempts the newly created state fire
17 31 service and emergency response council from the requirements
17 32 that its membership be bipartisan and gender balanced.
17 33 Division VI of this Act makes numerous corrective changes
17 34 to previously passed legislation during the 2000 Session. The
17 35 more significant include the following:
18 1 New Code section 2D.3 is amended to correct a reference to
18 2 the international relations advisory council.
18 3 Code section 30.2, subsection 2, and Code section 88.6, new
18 4 subsection 9, are amended to correct the references to the new
18 5 state fire service and emergency response council.
18 6 Code section 85.3, new subsection 3, is amended to change
18 7 reference to the workers' compensation commission to the
18 8 workers' compensation commissioner.
18 9 New Code section 135.110, subsection 1, paragraph "a",
18 10 subparagraph (1) is amended to correct a reference to domestic
18 11 abuse death certificates.
18 12 New Code section 152E.1, articles II, III, IV, and VI are
18 13 amended to change the improper use of the words "will" or "may
18 14 not" to "shall" or "shall not" and to make other technical
18 15 corrections.
18 16 Code section 232.2, subsection 4, unnumbered paragraph 1,
18 17 is amended to eliminate a redundancy.
18 18 Code section 261.19B is amended to correct a reference to
18 19 the osteopathic physician recruitment revolving fund.
18 20 Code section 279.52, unnumbered paragraph 1, is amended to
18 21 correct the reference from "this subsection" to "this section"
18 22 as there are no subsections in Code section 279.52.
18 23 New Code section 411.22, subsection 1, unnumbered paragraph
18 24 1, is amended to change a reference from "member's legal
18 25 representative beneficiary" to "member's beneficiary".
18 26 Code section 455B.171, new subsection 31B, is amended to
18 27 change a defined term and reference from "list" to "report"
18 28 since that is what is required under 33 U.S.C. } 1315(b).
18 29 New Code section 464.4, subsection 5, is amended to correct
18 30 the reference to the conservation reserve enhancement program.
18 31 Code section 462A.14, new subsection 12, paragraph "d", is
18 32 amended to refer to licensed substance abuse programs which
18 33 conduct courses for drinking drivers, providing House File
18 34 2511 is enacted during the 2000 Session.
18 35 Code section 481A.125, new subsection 5, is amended to
19 1 correct a reference from "subsection" to "section" in order
19 2 for the prohibition in the new subsection 5 to make sense.
19 3 New Code section 521F.4, subsection 3, is amended to
19 4 specify that the insurer referred to in that subsection is a
19 5 health organization.
19 6 Code section 600.13, subsection 1, paragraph "c", is
19 7 amended to change the reference from "Act" to "chapter" since
19 8 the Act referred to was the one which amended Code chapter
19 9 600.
19 10 New Code section 692B.2, article XI(a)(1)(b), is amended to
19 11 correct the reference to the article of that section in which
19 12 rules and standards are established.
19 13 The retroactive applicability provisions in 2000 Iowa Acts,
19 14 Senate File 2193 and Senate File 2254, are amended to correct
19 15 internal references.
19 16 The amendment to 2000 Iowa Acts, Senate File 2344, section
19 17 16, is to correct the lead-in error in reference to Code
19 18 section 239B.24, subsection 1.
19 19 The division deems references to the current drug
19 20 enforcement and abuse prevention coordinator in the federal
19 21 block grant appropriation bill as referring to the drug policy
19 22 coordinator if House File 2153 is enacted.

19 23 The division contains a provision that specifies that if
19 24 the governor disapproves of any portion of a bill that is
19 25 amended in this division, the amendment to that disapproved
19 26 portion of the bill is void.
19 27 LSB 7269YA 78
19 28 mg/cf/24.2