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SENATE FILE 2151

BY JUDGE, BLACK, BOLKCOM, CONNOLLY,  
DEARDEN, DELUHERY, DVORSKY, FINK,  
FLYNN, FRAISE, GRONSTAL, HAMMOND,  
HANSEN, HARPER, KIBBIE, McCOY,  
SHEARER, SOUKUP, and SZYMONIAK

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to and making appropriations from the tobacco  
2 settlement fund to the department of human services for  
3 expansion of services for persons with special needs, and  
4 providing an effective date and providing for retroactive  
5 applicability.

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

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SF 2151  
APPROPRIATIONS

1 Section 1. TOBACCO SETTLEMENT FUND -- APPROPRIATION TO THE  
2 DEPARTMENT OF HUMAN SERVICES. There is appropriated from the  
3 tobacco settlement fund created in section 12.65 to the  
4 department of human services for the fiscal year beginning  
5 July 1, 2000, and ending June 30, 2001, the following amount,  
6 or so much thereof as is necessary, to be used for the purpose  
7 designated:

8 To supplement the medical assistance appropriation to  
9 provide for expansion of home health care services for  
10 children with special needs, for expansion of respite services  
11 for persons receiving services under home and community-based  
12 waivers, and to provide funding for habilitative day care for  
13 children with special needs under the waiver program:  
14 ..... \$ 6,000,000

15 Sec. 2. Section 12.65, Code 1999, is amended to read as  
16 follows:

17 12.65 TOBACCO SETTLEMENT FUND.

18 1. A tobacco settlement fund is created in the office of  
19 the treasurer of state. After payment of litigation costs,  
20 the state portion of any moneys paid to the state by tobacco  
21 companies in settlement of the state's lawsuit for recovery of  
22 public expenditures associated with tobacco use shall be  
23 deposited in the tobacco settlement fund. Moneys deposited in  
24 the fund shall be used only as provided in appropriations from  
25 the fund ~~to-the-department-of-human-services-for-the-medical~~  
26 ~~assistance-program-and-to-the-Iowa-department-of-public-health~~  
27 for health care-related programs to-reduce-smoking-by-teenage  
28 youth. For purposes of this section, "litigation costs" are  
29 those costs itemized by the attorney general and submitted to  
30 and approved by the ~~general-assembly~~ executive council.

31 2. On June 30, 2001, the balance remaining in the tobacco  
32 settlement fund shall be transferred to the general fund of  
33 the state. Beginning July 1, 2001, the tobacco settlement  
34 fund shall be considered part of the general fund of the  
35 state. However, the state portion of the moneys received

1 shall only be appropriated for health care-related programs.

2 Sec. 3. EFFECTIVE DATE. The section in this Act amending  
3 section 12.65, being deemed of immediate importance, takes  
4 effect upon enactment and is retroactively applicable to July  
5 1, 1999.

6 EXPLANATION

7 This bill relates to the tobacco settlement fund, makes an  
8 appropriation from the fund to the department of human  
9 services, and provides conforming provisions relating to the  
10 expenditure of the funds.

11 The bill appropriates \$6,000,000 to the department of human  
12 services to supplement the medical assistance appropriation to  
13 provide for expansion of home health care services for  
14 children with special needs, expansion of respite services for  
15 persons receiving services under a home and community-based  
16 waiver, and provide funding for habilitative day care for  
17 children with special needs under the waiver program.

18 The bill also amends codified provisions relating to the  
19 tobacco settlement fund and to the provisions of the bill.  
20 The bill amends Code section 12.65, the tobacco settlement  
21 fund, to provide that moneys deposited in the fund shall be  
22 used only as provided in appropriations from the fund and for  
23 health care-related programs. The amendment to the section  
24 also provides that litigation costs, which are to be paid  
25 prior to deposit of moneys in the fund, are to be submitted to  
26 and approved by the executive council, which as provided in  
27 Code section 7D.1 includes the governor, secretary of state,  
28 auditor of state, treasurer of state, and the secretary of  
29 agriculture. The bill also amends Code section 12.65 to  
30 provide that the balance remaining in the tobacco settlement  
31 fund shall be transferred to the general fund of the state.  
32 Additionally, beginning July 1, 2001, the tobacco settlement  
33 fund is to be considered part of the general fund of the  
34 state. However, the state portion of the tobacco settlement  
35 funds are to continue to only be appropriated for health care-

1 related programs. Code section 12.65 as amended in the bill  
2 is effective upon enactment and is retroactively applicable to  
3 July 1, 1999.

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