

APR 2 2002  
APPROPRIATIONS CALENDAR

REPRINTED

HOUSE FILE 2615  
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO LSB 7191YC)

Passed House, Date <sup>(P. 1144)</sup> 4/3/02 Passed Senate, Date <sup>(P. 1093)</sup> 4-10-02  
Vote: Ayes 54 Nays 44 Vote: Ayes 29 Nays 21  
Approved May 10, 2002

(P. 1386)

~~Re-Passed 4-11-02~~  
Vote 56-39

~~Re-Passed 4-12-02~~  
Vote 27-17 (P. 1201)

A BILL FOR

1 An Act relating to and making appropriations from the healthy  
2 Iowans tobacco trust and the tobacco settlement trust fund,  
3 and providing effective dates.

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

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HF 2615

1 Section 1. HEALTHY IOWANS TOBACCO TRUST -- APPROPRIATIONS  
2 TO DEPARTMENTS. There is appropriated from the healthy Iowans  
3 tobacco trust created in section 12.65 to the following  
4 departments for the fiscal year beginning July 1, 2002, and  
5 ending June 30, 2003, the following amounts, or so much  
6 thereof as is necessary, to be used for the purposes  
7 designated:

8 1. To the department of human services:

9 a. Unless otherwise provided, to maintain the  
10 reimbursement rate for all noninstitutional medical assistance  
11 providers, with the exception of anesthesia and dental  
12 services, at the rate provided under the federal Medicare  
13 program for such providers during the fiscal year beginning  
14 July 1, 2000, and ending June 30, 2001, as specified in 2000  
15 Iowa Acts, chapter 1221, section 1, subsection 1, paragraph  
16 "a", for the fiscal year July 1, 2002, through June 30, 2003,  
17 and to continue the resource-based relative value system of  
18 reimbursement under the medical assistance program:

19 ..... \$ 8,095,718

20 b. To maintain the reimbursement rate at the usual and  
21 customary rate as established in 2000 Iowa Acts, chapter 1221,  
22 section 1, subsection 1, paragraph "b", for the fiscal year  
23 July 1, 2002, through June 30, 2003, for dental services under  
24 the medical assistance program:

25 ..... \$ 3,814,973

26 c. To maintain the cost-of-living adjustment as  
27 established in 2000 Iowa Acts, chapter 1221, section 1,  
28 subsection 1, paragraph "c", for the fiscal year July 1, 2002,  
29 through June 30, 2003, for rehabilitative treatment and  
30 support services providers under child and family services:

31 ..... \$ 3,243,026

32 d. To maintain the cost-of-living adjustment as  
33 established in 2000 Iowa Acts, chapter 1221, section 1,  
34 subsection 1, paragraph "d", for the fiscal year July 1, 2002,  
35 through June 30, 2003, for adoption, independent living,

1 shelter care, and home studies services providers:  
2 ..... \$ 468,967  
3 e. To maintain the reimbursement rate as established in  
4 2000 Iowa Acts, chapter 1221, section 1, subsection 1,  
5 paragraph "e", for the fiscal year July 1, 2002, through June  
6 30, 2003, for hospitals under the medical assistance program:  
7 ..... \$ 3,035,278  
8 f. To maintain the reimbursement rate as established in  
9 2000 Iowa Acts, chapter 1221, section 1, subsection 1,  
10 paragraph "f", for the fiscal year July 1, 2002, through June  
11 30, 2003, for home health care services under the medical  
12 assistance program:  
13 ..... \$ 2,108,279  
14 g. To maintain the reimbursement rate as established in  
15 2000 Iowa Acts, chapter 1221, section 1, subsection 1,  
16 paragraph "g", for the fiscal year July 1, 2002, through June  
17 30, 2003, for critical access hospitals under the medical  
18 assistance program:  
19 ..... \$ 250,000  
20 h. To maintain the expansion of home health care services  
21 and habilitative day care as established in 2000 Iowa Acts,  
22 chapter 1221, section 1, subsection 1, paragraph "h", under  
23 the medical assistance program for children with special  
24 needs:  
25 ..... \$ 1,975,496  
26 i. To maintain the expansion of respite care services  
27 provided through home and community-based waivers as  
28 established in 2000 Iowa Acts, chapter 1221, section 1,  
29 subsection 1, paragraph "i", under the medical assistance  
30 program:  
31 ..... \$ 1,137,309  
32 j. To maintain the reimbursement rate as established in  
33 2000 Iowa Acts, chapter 1221, section 1, subsection 1,  
34 paragraph "j", for the fiscal year July 1, 2002, through June  
35 30, 2003, to service providers under the purview of the

1 department of human services:

2 ..... \$ 545,630

3 2. To the department of human services to continue the  
4 supplementation of the children's health insurance program  
5 appropriation:

6 ..... \$ 200,000

7 3. To the department of human services to continue the  
8 supplementation of the medical assistance appropriation:

9 ..... \$ 17,500,000

10 4. To the department of human services to provide coverage  
11 under the medical assistance program to women who require  
12 treatment for breast or cervical cancer as provided in section  
13 249A.3, subsection 2, paragraph "b":

14 ..... \$ 250,000

15 5. To the Iowa department of public health:

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

20 ..... \$ 5,000,000

21 ..... FTEs 7.00

22 (1) The director of public health shall dedicate  
23 sufficient resources to promote and ensure retailer compliance  
24 with tobacco laws and ordinances relating to persons under 18  
25 years of age, and shall prioritize the state's compliance in  
26 the allocation of available funds to comply with 42 U.S.C. §  
27 300X-26 and section 453A.2.

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

35 (3) Of the funds appropriated in this paragraph "a", not

1 more than \$525,759 shall be expended on administration and  
2 management of the program.

3 b. For additional substance abuse treatment under the  
4 substance abuse treatment program:  
5 ..... \$ 10,000,000

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

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

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

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

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

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

27 ..... \$ 2,390,064  
28 ..... FTEs 4.00

29 (1) Of the funds appropriated in this paragraph "c", not  
30 more than \$1,157,482 shall be used for core public health  
31 functions, including home health care and public health  
32 nursing services, contracted through a formula by local boards  
33 of health, to enhance disease and injury prevention services.

34 (2) Of the funds appropriated in this paragraph "c", not  
35 more than \$381,445 shall be used for the continuation and

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

3 (3) Of the funds appropriated in this paragraph "c", not  
4 more than \$409,591 shall be used for the state poison control  
5 center.

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

10 (5) Of the funds appropriated in this paragraph "c", not  
11 more than \$76,388 shall be used to implement prevention  
12 strategies of healthy Iowans 2010 plan to address the leading  
13 causes of death in Iowa.

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

17 d. For provision of smoking cessation products as provided  
18 in this paragraph:

19 ..... \$ 75,000

20 The department shall award grants to free health clinics  
21 that are tax-exempt organizations pursuant to 26 U.S.C. § 501  
22 (c)(3) to fund the provision of smoking cessation products to  
23 patients. The department shall adopt a methodology for the  
24 awarding of the grants to the health clinics based upon the  
25 order of receipt of applications.

26 6. To the department of corrections:

27 ..... \$ 610,000

28 a. Of the funds appropriated in this subsection, \$127,217  
29 is allocated to the second judicial district department of  
30 correctional services to replace expired federal funding for  
31 day programming.

32 b. Of the funds appropriated in this subsection \$35,359 is  
33 allocated to the third judicial district department of  
34 correctional services to replace expired federal funding for  
35 the drug court program.

1 c. Of the funds appropriated in this subsection, \$191,731  
2 is allocated to the fourth judicial district department of  
3 correctional services for a drug court program.

4 d. Of the funds appropriated in this subsection, \$255,693  
5 is allocated to the fifth judicial district department of  
6 correctional services to replace expired funding for the drug  
7 court program.

8 Sec. 2. PURCHASE OF SERVICE CONTRACT PROVIDERS --  
9 REIMBURSEMENT INCREASE. There is appropriated from the  
10 healthy Iowans tobacco trust created in section 12.65 to the  
11 property tax relief fund created in section 426B.1 for the  
12 fiscal year beginning July 1, 2002, and ending June 30, 2003,  
13 the following amount, or so much thereof as is necessary, to  
14 be used for the purposes designated:

15 For assistance to the counties with limited county mental  
16 health, mental retardation, and developmental disabilities  
17 services fund balances which were selected in accordance with  
18 2000 Iowa Acts, chapter 1221, section 3, to receive such  
19 assistance in the same amount provided during the fiscal year  
20 beginning July 1, 2000, and ending June 30, 2001, to pay  
21 reimbursement increases in accordance with 2000 Iowa Acts,  
22 chapter 1221, section 3:

23 ..... \$ 146,750

24 Sec. 3. IOWA EMPOWERMENT FUND. There is appropriated from  
25 the healthy Iowans tobacco trust created in section 12.65, to  
26 the Iowa empowerment fund created in section 28.9 for the  
27 fiscal year beginning July 1, 2002, and ending June 30, 2003,  
28 for deposit in the school ready children grants account and  
29 for distribution as provided in this section:

30 ..... \$ 1,153,250

31 Sec. 4. IOWA DEPARTMENT OF HUMAN SERVICES. There is  
32 appropriated from the healthy Iowans tobacco trust created in  
33 section 12.65, to the department of human services for the  
34 fiscal year beginning July 1, 2002, and ending June 30, 2003,  
35 the following amount, or so much thereof as is necessary, to

1 be used for the purposes designated:

2 For the implementation of the provisions of the federal  
3 Health Insurance Portability and Accountability Act, Pub. L.  
4 No. 104-191 relating to the medical assistance program:

5 ..... \$ 2,100,000

6 Notwithstanding section 8.33, moneys appropriated under  
7 this section that are unobligated or unencumbered at the end  
8 of the fiscal year beginning June 30, 2002, and ending June  
9 30, 2003, shall not revert, but shall remain available for the  
10 specific purposes designated in this section until June 30,  
11 2004.

12 Sec. 5. IOWA DEPARTMENT OF PUBLIC HEALTH -- SUBSTANCE  
13 ABUSE TREATMENT FACILITY. There is appropriated from the  
14 healthy Iowans tobacco trust created in section 12.65, to the  
15 Iowa department of public health for the fiscal year beginning  
16 July 1, 2002, and ending June 30, 2003, the following amount,  
17 or so much thereof as is necessary, to be used for the  
18 purposes designated:

19 For operating the substance abuse treatment facility for  
20 persons on probation as created in section 135.130 and  
21 providing staffing for the facility to be used exclusively to  
22 provide substance abuse treatment for persons on probation and  
23 under the supervision of the judicial district department of  
24 correctional services and for not more than the following  
25 full-time equivalent positions:

26 ..... \$ 1,100,000  
27 ..... FTEs 60.00

28 Sec. 6. PRIOR YEAR NONREVERSION. Notwithstanding 2001  
29 Iowa Acts, chapter 184, section 3, subsection 3, 2001 Iowa  
30 Acts, chapter 184, section 13, and section 8.33, moneys  
31 appropriated under 2001 Iowa Acts, chapter 184, section 3,  
32 subsection 2, for the establishment and operating of a  
33 substance abuse treatment facility which are unobligated or  
34 unencumbered at the end of the fiscal year beginning July 1,  
35 2001, and ending June 30, 2002, shall not revert but shall



1 remain available to be used for the purposes designated in  
2 2001 Iowa Acts, chapter 184, section 3, subsection 2, for the  
3 fiscal year beginning July 1, 2002, and ending June 30, 2003.  
4 Any unobligated or unencumbered moneys remaining at the end of  
5 the fiscal year beginning July 1, 2002, shall revert to the  
6 healthy Iowans tobacco trust.

7 Sec. 7. TOBACCO USE PREVENTION AND CONTROL INITIATIVE --  
8 FY 2001-2002 NONREVERSION. Notwithstanding section 8.33 and  
9 2001 Iowa Acts, chapter 184, section 13, moneys appropriated  
10 for the tobacco use prevention and control initiative in 2001  
11 Iowa Acts, chapter 184, section 1, subsection 5, paragraph  
12 "a", that remain unencumbered or unobligated at the close of  
13 the fiscal year shall not revert but shall remain available  
14 for expenditure for the purposes designated until the close of  
15 the succeeding fiscal year.

16 Sec. 8. 2001 Iowa Acts, chapter 174, section 1, is amended  
17 to read as follows:

18 SECTION 1. TOBACCO SETTLEMENT TRUST FUND.

19 1. Notwithstanding provisions to the contrary in sections  
20 99D.17 and 99F.11, and notwithstanding provisions to the  
21 contrary in section 8.57, subsection 5, paragraph "e", and  
22 following deposits in the general fund of the state, the  
23 vision Iowa fund created in section 12.72, and the school  
24 infrastructure fund created in section 12.82, pursuant to  
25 section 8.57, subsection 5, paragraph "e", for the designated  
26 fiscal years, the following moneys received pursuant to  
27 sections 99D.17 and 99F.11 shall be deposited in the endowment  
28 for Iowa's health account of the tobacco settlement trust fund  
29 created in section 12E.12 for the purposes specified in  
30 section 12E.12 for the endowment for Iowa's health account:

31	FY 2001-2002 .....	\$ 80,000,000
32	FY 2002-2003 .....	\$ 75,000,000
33	FY 2003-2004 .....	\$ 70,000,000
34	FY 2004-2005 .....	\$ 70,000,000
35	FY 2005-2006 .....	\$ 70,000,000

1 FY 2006-2007 ..... \$ 70,000,000

2 The total moneys received pursuant to sections 99D.17 and  
3 99F.11 in a fiscal year, in excess of the moneys received  
4 pursuant to sections 99D.17 and 99F.11 and deposited in the  
5 general fund of the state, the vision Iowa fund, the school  
6 infrastructure fund, and the tobacco settlement trust fund,  
7 shall be deposited in the rebuild Iowa infrastructure fund and  
8 shall be used as provided in section 8.57, notwithstanding  
9 section 8.60.

10 For the fiscal year beginning July 1, 2002, and ending June  
11 30, 2003, of the \$75,000,000 to be deposited in the endowment  
12 for Iowa's health account of the tobacco settlement trust  
13 fund, \$9,000,000 shall be transferred to the healthy Iowans  
14 tobacco trust created in section 12.65.

15 2. There is appropriated from the general fund of the  
16 state to the endowment for Iowa's health account of the  
17 tobacco settlement trust fund created in section 12E.12, for  
18 the designated fiscal years, the following amounts, to be used  
19 for the purposes specified in section 12E.12 for the endowment  
20 for Iowa's health account:

21	FY 2001-2002 .....	\$ 7,248,000
22	<del>FY 2002-2003 .....</del>	<del>\$ 27,087,000</del>
23	FY 2003-2004 .....	\$ 28,251,000
24	FY 2004-2005 .....	\$ 29,785,000
25	FY 2005-2006 .....	\$ 29,562,000
26	FY 2006-2007 .....	\$ 17,773,000

27 Sec. 9. EFFECTIVE DATES.

28 1. Section 4 of this Act, relating to the appropriation to  
29 the department of human services for the implementation of the  
30 federal Health Insurance Portability and Accountability Act,  
31 being deemed of immediate importance, takes effect upon  
32 enactment.

33 2. Section 6 of this Act, relating to nonreversion of  
34 funds remaining unencumbered or unobligated which were  
35 appropriated for the establishment and operation of a

1 substance abuse treatment facility, being deemed of immediate  
2 importance, takes effect upon enactment.

3 3. Section 7 of this Act, relating to nonreversion of  
4 moneys appropriated for the tobacco use prevention and control  
5 initiative, being deemed of immediate importance, takes effect  
6 upon enactment.

7 EXPLANATION

8 This bill relates to and makes appropriations from the  
9 healthy Iowans tobacco trust.

10 The bill makes appropriations to the department of human  
11 services for the following:

12 1. Unless otherwise provided, to maintain the  
13 reimbursement rate for all noninstitutional providers at the  
14 rate paid under the federal Medicare program during FY 2000-  
15 2001, and for continuation of the resource-based relative  
16 value system, for the fiscal year beginning July 1, 2002, and  
17 ending June 30, 2003.

18 2. To maintain the reimbursement rate for dental services  
19 at the usual and customary rate as provided during FY 2000-  
20 2001 for the fiscal year beginning July 1, 2001, and ending  
21 June 30, 2002.

22 3. To maintain the cost-of-living adjustment for  
23 rehabilitative treatment services providers as provided during  
24 FY 2000-2001, for the fiscal year beginning July 1, 2002, and  
25 ending June 30, 2003.

26 4. To maintain the cost-of-living adjustment for adoption,  
27 independent living, shelter care, and home studies services  
28 providers as provided during FY 2000-2001, for the fiscal year  
29 beginning July 1, 2002, and ending June 30, 2003.

30 5. To maintain the reimbursement rate for hospitals as  
31 provided during FY 2000-2001, for the fiscal year beginning  
32 July 1, 2002, and ending June 30, 2003.

33 6. To maintain the reimbursement rate for home health  
34 agencies at the rate provided to such agencies as provided  
35 during FY 2000-2001, for the fiscal year beginning July 1,

1 2002, and ending June 30, 2003.

2 7. To maintain the reimbursement rate for critical access  
3 hospitals at the rate provided such hospitals under the  
4 federal Medicare program during FY 2000-2001, for the fiscal  
5 year beginning July 1, 2002, and ending June 30, 2003.

6 8. To maintain the expansion of home health care services  
7 and habilitative day care services under the medical  
8 assistance program for children with special needs.

9 9. To maintain the expansion of respite care services  
10 provided through home and community-based waiver services  
11 under the medical assistance program.

12 10. To maintain the reimbursement rate as provided during  
13 FY 2000-2001 for service providers under the purview of the  
14 department of human services.

15 The bill provides for supplementation of the appropriation  
16 for the children's health insurance program.

17 The bill provides for supplementation of the medical  
18 assistance appropriation.

19 The bill appropriates funds to the department of human  
20 services to provide coverage under the medical assistance  
21 program to certain women who require treatment for breast or  
22 cervical cancer.

23 The bill appropriates funds to the Iowa department of  
24 public health for the tobacco use prevention and control  
25 program and for additional substance abuse treatment. Under  
26 this appropriation, the department is directed to enhance the  
27 quality of and to expand capacity to provide 24-hour substance  
28 abuse treatment programs for children; to expand the length of  
29 individual client substance abuse treatment plans, as  
30 necessary to reduce recidivism; to share research-based best  
31 practices for treatment with substance abuse treatment  
32 facilities; to develop a results-based funding approach for  
33 substance abuse treatment services; and to develop a program  
34 to encourage individuals who are successfully managing their  
35 substance abuse problems to serve as role models.

1 The bill appropriates funds to the Iowa department of  
2 public health for development of a healthy Iowans 2010 plan  
3 for the following purposes: for core public health functions  
4 including home health care and public health nursing services  
5 contracted through a formula by local boards of health, to  
6 enhance disease and injury prevention services; for the  
7 implementation and support of a coordinated system of delivery  
8 of trauma and emergency medical services; for the poison  
9 control center; for development of scientific and medical  
10 expertise in environmental epidemiology; for prevention  
11 strategies to address the leading causes of deaths of Iowans;  
12 and for the childhood lead poisoning prevention program. The  
13 bill appropriates funds to the Iowa department of public  
14 health for smoking cessation products.

15 The bill appropriates funds to the department of  
16 corrections for day programming and the drug court program.

17 The bill appropriates funds to the property tax relief fund  
18 for the fiscal year beginning July 1, 2002, and ending June  
19 30, 2003, for assistance to counties with limited county  
20 mental health, mental retardation, and developmental  
21 disabilities services fund balances to pay reimbursement  
22 increases in the same amount as provided in the fiscal year  
23 beginning July 1, 2000, and ending June 30, 2001.

24 The bill appropriates funds from the healthy Iowans tobacco  
25 trust to the Iowa empowerment fund for the fiscal year  
26 beginning July 1, 2002, and ending June 30, 2003, for deposit  
27 in the school ready children grants account.

28 The bill appropriates funds to the department of human  
29 services from the healthy Iowans tobacco trust for  
30 implementation of the provisions of the federal Health  
31 Insurance Portability and Accountability Act that relate to  
32 the medical assistance program. The bill provides that the  
33 moneys appropriated that remain unexpended or unencumbered at  
34 the end of the 2002-2003 fiscal year are not to revert but are  
35 to remain available for the purpose of this section until June

1 30, 2004.

2 The bill appropriates funds to the Iowa department of  
3 public health from the healthy Iowans tobacco trust for  
4 operation and staffing of the substance abuse treatment  
5 facility for persons on probation.

6 The bill provides that the moneys that are appropriated to  
7 the Iowa department of public health for the fiscal year  
8 beginning July 1, 2001, and ending June 30, 2002, for  
9 establishing and operating a substance abuse treatment  
10 facility and providing staffing for the facility to be used to  
11 provide substance abuse treatment for persons on probation and  
12 under the supervision of a judicial district department of  
13 correctional services that are unobligated or unencumbered at  
14 the end of the 2001-2002 fiscal year are not to revert but are  
15 to remain available for this purpose for the 2002-2003 fiscal  
16 year. The bill provides that the moneys that are appropriated  
17 to the Iowa department of public health for the fiscal year  
18 beginning July 1, 2001, and ending June 30, 2002, for the  
19 tobacco use prevention and control initiative that remain  
20 unencumbered or unobligated at the close of the fiscal year  
21 shall not revert but shall remain available for expenditure  
22 for the purposes designated until the close of the succeeding  
23 fiscal year.

24 The bill provides that of the \$75 million of gambling-  
25 related revenues to be deposited in the endowment for Iowa's  
26 health account of the tobacco settlement trust fund for fiscal  
27 year 2002-2003, \$9 million is to be transferred to the healthy  
28 Iowans tobacco trust. Additionally, the bill eliminates the  
29 appropriation of \$27,087,000 for fiscal year 2002-2003, made  
30 from the general fund of the state to the endowment for Iowa's  
31 health account of the tobacco settlement trust fund.

32 The bill provides that the sections of the bill relating to  
33 appropriation of moneys to the department of human services  
34 for implementation of the federal Health Insurance Portability  
35 and Accountability Act and to nonreversion of moneys

1 appropriated for the substance abuse treatment facility and  
2 for the tobacco use prevention and control initiative take  
3 effect upon enactment.

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HOUSE FILE 2615

H-8500

- 1 Amend House File 2615 as follows:
- 2 1. Page 4, by inserting after line 2, the
- 3 following:
- 4 "(4) Of the funds appropriated in this paragraph
- 5 "a", not less than 80 percent of the amount expended
- 6 in the fiscal year beginning July 1, 2001, for
- 7 community partnerships shall be expended in the fiscal
- 8 year beginning July 1, 2002, for that purpose."
- 9 2. By renumbering as necessary.

By BRUNKHORST of Bremer

H-8500 FILED APRIL 3, 2002

*Adopted*

*4-3-02*

*(P.1143)*

HOUSE FILE 2615

H-8503

- 1 Amend House File 2615 as follows:
- 2 1. Page 7, line 5, by striking the figure
- 3 "2,100,000" and inserting the following: "3,600,000".

By LENSING of Johnson

STEVENS of Dickinson

H-8503 FILED APRIL 3, 2002

*Adopt*

*4-3-02 (P.1144)*

HOUSE FILE 2615

H-8504

- 1 Amend House File 2615 as follows:
- 2 1. Page 3, line 20, by striking the figure
- 3 "5,000,000" and inserting the following: "9,345,394".

By MASCHER of Johnson

H-8504 FILED APRIL 3, 2002

*Adopt*

*4/3/02 (P.1142)*

HOUSE FILE 2615

H-8505

- 1 Amend House File 2615 as follows:
- 2 1. Page 4, line 5, by striking the figure
- 3 "10,000,000" and inserting the following:
- 4 "11,825,000".

By SMITH of Marshall

H-8505 FILED APRIL 3, 2002

*Adopt*

*4/3/02*

*(P.1144)*



S-4/3/02 Approp  
S-4/8/02 Amended  
W/S-5411

HOUSE FILE 2615  
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO LSB 7191YC)

(As Amended and Passed by the House April 3, 2002)

Passed House, Date <sup>(P.1144)</sup> 4/3/02 Passed Senate, Date <sup>(P.1093)</sup> 4-10-02  
Vote: Ayes 54 Nays 44 Vote: Ayes 29 Nays 21  
Approved 5/10/02

*Re. Passed 4-11-02  
rule 56-39  
(P.1386)*

A BILL FOR

*repassed 4-12-02  
vote 27-17 (P.1201)*

1 An Act relating to and making appropriations from the healthy  
2 Iowans tobacco trust and the tobacco settlement trust fund,  
3 and providing effective dates.

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

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House Amendments \_\_\_\_\_

1 Section 1. HEALTHY IOWANS TOBACCO TRUST -- APPROPRIATIONS  
2 TO DEPARTMENTS. There is appropriated from the healthy Iowans  
3 tobacco trust created in section 12.65 to the following  
4 departments for the fiscal year beginning July 1, 2002, and  
5 ending June 30, 2003, the following amounts, or so much  
6 thereof as is necessary, to be used for the purposes  
7 designated:

8 1. To the department of human services:

9 a. Unless otherwise provided, to maintain the  
10 reimbursement rate for all noninstitutional medical assistance  
11 providers, with the exception of anesthesia and dental  
12 services, at the rate provided under the federal Medicare  
13 program for such providers during the fiscal year beginning  
14 July 1, 2000, and ending June 30, 2001, as specified in 2000  
15 Iowa Acts, chapter 1221, section 1, subsection 1, paragraph  
16 "a", for the fiscal year July 1, 2002, through June 30, 2003,  
17 and to continue the resource-based relative value system of  
18 reimbursement under the medical assistance program:

19 ..... \$ 8,095,718

20 b. To maintain the reimbursement rate at the usual and  
21 customary rate as established in 2000 Iowa Acts, chapter 1221,  
22 section 1, subsection 1, paragraph "b", for the fiscal year  
23 July 1, 2002, through June 30, 2003, for dental services under  
24 the medical assistance program:

25 ..... \$ 3,814,973

26 c. To maintain the cost-of-living adjustment as  
27 established in 2000 Iowa Acts, chapter 1221, section 1,  
28 subsection 1, paragraph "c", for the fiscal year July 1, 2002,  
29 through June 30, 2003, for rehabilitative treatment and  
30 support services providers under child and family services:

31 ..... \$ 3,243,026

32 d. To maintain the cost-of-living adjustment as  
33 established in 2000 Iowa Acts, chapter 1221, section 1,  
34 subsection 1, paragraph "d", for the fiscal year July 1, 2002,  
35 through June 30, 2003, for adoption, independent living,

1 shelter care, and home studies services providers:  
2 ..... \$ 468,967

3 e. To maintain the reimbursement rate as established in  
4 2000 Iowa Acts, chapter 1221, section 1, subsection 1,  
5 paragraph "e", for the fiscal year July 1, 2002, through June  
6 30, 2003, for hospitals under the medical assistance program:  
7 ..... \$ 3,035,278

8 f. To maintain the reimbursement rate as established in  
9 2000 Iowa Acts, chapter 1221, section 1, subsection 1,  
10 paragraph "f", for the fiscal year July 1, 2002, through June  
11 30, 2003, for home health care services under the medical  
12 assistance program:  
13 ..... \$ 2,108,279

14 g. To maintain the reimbursement rate as established in  
15 2000 Iowa Acts, chapter 1221, section 1, subsection 1,  
16 paragraph "g", for the fiscal year July 1, 2002, through June  
17 30, 2003, for critical access hospitals under the medical  
18 assistance program:  
19 ..... \$ 250,000

20 h. To maintain the expansion of home health care services  
21 and habilitative day care as established in 2000 Iowa Acts,  
22 chapter 1221, section 1, subsection 1, paragraph "h", under  
23 the medical assistance program for children with special  
24 needs:  
25 ..... \$ 1,975,496

26 i. To maintain the expansion of respite care services  
27 provided through home and community-based waivers as  
28 established in 2000 Iowa Acts, chapter 1221, section 1,  
29 subsection 1, paragraph "i", under the medical assistance  
30 program:  
31 ..... \$ 1,137,309

32 j. To maintain the reimbursement rate as established in  
33 2000 Iowa Acts, chapter 1221, section 1, subsection 1,  
34 paragraph "j", for the fiscal year July 1, 2002, through June  
35 30, 2003, to service providers under the purview of the

1 department of human services:

2 ..... \$ 545,630

3 2. To the department of human services to continue the  
4 supplementation of the children's health insurance program  
5 appropriation:

6 ..... \$ 200,000

7 3. To the department of human services to continue the  
8 supplementation of the medical assistance appropriation:

9 ..... \$ 17,500,000

10 4. To the department of human services to provide coverage  
11 under the medical assistance program to women who require  
12 treatment for breast or cervical cancer as provided in section  
13 249A.3, subsection 2, paragraph "b":

14 ..... \$ 250,000

15 5. To the Iowa department of public health:

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

20 ..... \$ 5,000,000

21 ..... FTEs 7.00

22 (1) The director of public health shall dedicate  
23 sufficient resources to promote and ensure retailer compliance  
24 with tobacco laws and ordinances relating to persons under 18  
25 years of age, and shall prioritize the state's compliance in  
26 the allocation of available funds to comply with 42 U.S.C. §  
27 300X-26 and section 453A.2.

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

35 (3) Of the funds appropriated in this paragraph "a", not

1 more than \$525,759 shall be expended on administration and  
2 management of the program.

3 (4) Of the funds appropriated in this paragraph "a", not  
4 less than 80 percent of the amount expended in the fiscal year  
5 beginning July 1, 2001, for community partnerships shall be  
6 expended in the fiscal year beginning July 1, 2002, for that  
7 purpose.

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

10 ..... \$ 10,000,000

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

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

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

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

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

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

32 ..... \$ 2,390,064

33 ..... FTEs 4.00

34 (1) Of the funds appropriated in this paragraph "c", not  
35 more than \$1,157,482 shall be used for core public health

1 functions, including home health care and public health  
2 nursing services, contracted through a formula by local boards  
3 of health, to enhance disease and injury prevention services.

4 (2) Of the funds appropriated in this paragraph "c", not  
5 more than \$381,445 shall be used for the continuation and  
6 support of a coordinated system of delivery of trauma and  
7 emergency medical services.

8 (3) Of the funds appropriated in this paragraph "c", not  
9 more than \$409,591 shall be used for the state poison control  
10 center.

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

15 (5) Of the funds appropriated in this paragraph "c", not  
16 more than \$76,388 shall be used to implement prevention  
17 strategies of healthy Iowans 2010 plan to address the leading  
18 causes of death in Iowa.

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

22 d. For provision of smoking cessation products as provided  
23 in this paragraph:

24 ..... \$ 75,000

25 The department shall award grants to free health clinics  
26 that are tax-exempt organizations pursuant to 26 U.S.C. § 501  
27 (c)(3) to fund the provision of smoking cessation products to  
28 patients. The department shall adopt a methodology for the  
29 awarding of the grants to the health clinics based upon the  
30 order of receipt of applications.

31 6. To the department of corrections:

32 ..... \$ 610,000

33 a. Of the funds appropriated in this subsection, \$127,217  
34 is allocated to the second judicial district department of  
35 correctional services to replace expired federal funding for

1 day programming.

2 b. Of the funds appropriated in this subsection \$35,359 is  
3 allocated to the third judicial district department of  
4 correctional services to replace expired federal funding for  
5 the drug court program.

6 c. Of the funds appropriated in this subsection, \$191,731  
7 is allocated to the fourth judicial district department of  
8 correctional services for a drug court program.

9 d. Of the funds appropriated in this subsection, \$255,693  
10 is allocated to the fifth judicial district department of  
11 correctional services to replace expired funding for the drug  
12 court program.

13 Sec. 2. PURCHASE OF SERVICE CONTRACT PROVIDERS --  
14 REIMBURSEMENT INCREASE. There is appropriated from the  
15 healthy Iowans tobacco trust created in section 12.65 to the  
16 property tax relief fund created in section 426B.1 for the  
17 fiscal year beginning July 1, 2002, and ending June 30, 2003,  
18 the following amount, or so much thereof as is necessary, to  
19 be used for the purposes designated:

20 For assistance to the counties with limited county mental  
21 health, mental retardation, and developmental disabilities  
22 services fund balances which were selected in accordance with  
23 2000 Iowa Acts, chapter 1221, section 3, to receive such  
24 assistance in the same amount provided during the fiscal year  
25 beginning July 1, 2000, and ending June 30, 2001, to pay  
26 reimbursement increases in accordance with 2000 Iowa Acts,  
27 chapter 1221, section 3:

28 ..... \$ 146,750

29 Sec. 3. IOWA EMPOWERMENT FUND. There is appropriated from  
30 the healthy Iowans tobacco trust created in section 12.65, to  
31 the Iowa empowerment fund created in section 28.9 for the  
32 fiscal year beginning July 1, 2002, and ending June 30, 2003,  
33 for deposit in the school ready children grants account and  
34 for distribution as provided in this section:

35 ..... \$ 1,153,250

1 Sec. 4. IOWA DEPARTMENT OF HUMAN SERVICES. There is  
2 appropriated from the healthy Iowans tobacco trust created in  
3 section 12.65, to the department of human services for the  
4 fiscal year beginning July 1, 2002, and ending June 30, 2003,  
5 the following amount, or so much thereof as is necessary, to  
6 be used for the purposes designated:

7 For the implementation of the provisions of the federal  
8 Health Insurance Portability and Accountability Act, Pub. L.  
9 No. 104-191 relating to the medical assistance program:

10 ..... \$ 2,100,000

11 Notwithstanding section 8.33, moneys appropriated under  
12 this section that are unobligated or unencumbered at the end  
13 of the fiscal year beginning June 30, 2002, and ending June  
14 30, 2003, shall not revert, but shall remain available for the  
15 specific purposes designated in this section until June 30,  
16 2004.

17 Sec. 5. IOWA DEPARTMENT OF PUBLIC HEALTH -- SUBSTANCE  
18 ABUSE TREATMENT FACILITY. There is appropriated from the  
19 healthy Iowans tobacco trust created in section 12.65, to the  
20 Iowa department of public health for the fiscal year beginning  
21 July 1, 2002, and ending June 30, 2003, the following amount,  
22 or so much thereof as is necessary, to be used for the  
23 purposes designated:

24 For operating the substance abuse treatment facility for  
25 persons on probation as created in section 135.130 and  
26 providing staffing for the facility to be used exclusively to  
27 provide substance abuse treatment for persons on probation and  
28 under the supervision of the judicial district department of  
29 correctional services and for not more than the following  
30 full-time equivalent positions:

31 ..... \$ 1,100,000  
32 ..... FTEs 60.00

33 Sec. 6. PRIOR YEAR NONREVERSION. Notwithstanding 2001  
34 Iowa Acts, chapter 184, section 3, subsection 3, 2001 Iowa  
35 Acts, chapter 184, section 13, and section 8.33, moneys



1 appropriated under 2001 Iowa Acts, chapter 184, section 3,  
2 subsection 2, for the establishment and operating of a  
3 substance abuse treatment facility which are unobligated or  
4 unencumbered at the end of the fiscal year beginning July 1,  
5 2001, and ending June 30, 2002, shall not revert but shall  
6 remain available to be used for the purposes designated in  
7 2001 Iowa Acts, chapter 184, section 3, subsection 2, for the  
8 fiscal year beginning July 1, 2002, and ending June 30, 2003.  
9 Any unobligated or unencumbered moneys remaining at the end of  
10 the fiscal year beginning July 1, 2002, shall revert to the  
11 healthy Iowans tobacco trust.

12 Sec. 7. TOBACCO USE PREVENTION AND CONTROL INITIATIVE --  
13 FY 2001-2002 NONREVERSION. Notwithstanding section 8.33 and  
14 2001 Iowa Acts, chapter 184, section 13, moneys appropriated  
15 for the tobacco use prevention and control initiative in 2001  
16 Iowa Acts, chapter 184, section 1, subsection 5, paragraph  
17 "a", that remain unencumbered or unobligated at the close of  
18 the fiscal year shall not revert but shall remain available  
19 for expenditure for the purposes designated until the close of  
20 the succeeding fiscal year.

21 Sec. 8. 2001 Iowa Acts, chapter 174, section 1, is amended  
22 to read as follows:

23 SECTION 1. TOBACCO SETTLEMENT TRUST FUND.

24 1. Notwithstanding provisions to the contrary in sections  
25 99D.17 and 99F.11, and notwithstanding provisions to the  
26 contrary in section 8.57, subsection 5, paragraph "e", and  
27 following deposits in the general fund of the state, the  
28 vision Iowa fund created in section 12.72, and the school  
29 infrastructure fund created in section 12.82, pursuant to  
30 section 8.57, subsection 5, paragraph "e", for the designated  
31 fiscal years, the following moneys received pursuant to  
32 sections 99D.17 and 99F.11 shall be deposited in the endowment  
33 for Iowa's health account of the tobacco settlement trust fund  
34 created in section 12E.12 for the purposes specified in  
35 section 12E.12 for the endowment for Iowa's health account:

1	FY 2001-2002 .....	\$ 80,000,000
2	FY 2002-2003 .....	\$ 75,000,000
3	FY 2003-2004 .....	\$ 70,000,000
4	FY 2004-2005 .....	\$ 70,000,000
5	FY 2005-2006 .....	\$ 70,000,000
6	FY 2006-2007 .....	\$ 70,000,000

7 The total moneys received pursuant to sections 99D.17 and  
8 99F.11 in a fiscal year, in excess of the moneys received  
9 pursuant to sections 99D.17 and 99F.11 and deposited in the  
10 general fund of the state, the vision Iowa fund, the school  
11 infrastructure fund, and the tobacco settlement trust fund,  
12 shall be deposited in the rebuild Iowa infrastructure fund and  
13 shall be used as provided in section 8.57, notwithstanding  
14 section 8.60.

15 For the fiscal year beginning July 1, 2002, and ending June  
16 30, 2003, of the \$75,000,000 to be deposited in the endowment  
17 for Iowa's health account of the tobacco settlement trust  
18 fund, \$9,000,000 shall be transferred to the healthy Iowans  
19 tobacco trust created in section 12.65.

20 2. There is appropriated from the general fund of the  
21 state to the endowment for Iowa's health account of the  
22 tobacco settlement trust fund created in section 12E.12, for  
23 the designated fiscal years, the following amounts, to be used  
24 for the purposes specified in section 12E.12 for the endowment  
25 for Iowa's health account:

26	FY 2001-2002 .....	\$ 7,248,000
27	<del>FY 2002-2003 .....</del>	<del>\$ 27,087,000</del>
28	FY 2003-2004 .....	\$ 28,251,000
29	FY 2004-2005 .....	\$ 29,785,000
30	FY 2005-2006 .....	\$ 29,562,000
31	FY 2006-2007 .....	\$ 17,773,000

32 Sec. 9. EFFECTIVE DATES.

33 1. Section 4 of this Act, relating to the appropriation to  
34 the department of human services for the implementation of the  
35 federal Health Insurance Portability and Accountability Act,

1 being deemed of immediate importance, takes effect upon  
2 enactment.

3 2. Section 6 of this Act, relating to nonreversion of  
4 funds remaining unencumbered or unobligated which were  
5 appropriated for the establishment and operation of a  
6 substance abuse treatment facility, being deemed of immediate  
7 importance, takes effect upon enactment.

8 3. Section 7 of this Act, relating to nonreversion of  
9 moneys appropriated for the tobacco use prevention and control  
10 initiative, being deemed of immediate importance, takes effect  
11 upon enactment.

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HOUSE FILE 2615

S-5411

1 Amend House File 2615, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 7, by striking lines 17 through 32, and  
 4 inserting the following:  
 5 "Sec. \_\_\_\_ . DEPARTMENT OF CORRECTIONS -- SPECIAL  
 6 NEEDS UNIT. There is appropriated from the healthy  
 7 Iowans tobacco trust created in section 12.65, to the  
 8 department of corrections for the fiscal year  
 9 beginning July 1, 2002, and ending June 30, 2003, the  
 10 following amount, or so much thereof as is necessary,  
 11 to be used for the purpose designated:

12 For operating the special needs unit at the Fort  
 13 Madison correctional facility:  
 14 ..... \$ 1,100,000"

15 2. Page 8, by striking lines 4 through 8, and  
 16 inserting the following: "unencumbered on April 1,  
 17 2002, shall not be expended or obligated during the  
 18 remainder of the fiscal year beginning July 1, 2001,  
 19 and ending June 30, 2002, and shall not revert but  
 20 shall be available for the fiscal year beginning July  
 21 1, 2002, and ending June 30, 2003, to supplement the  
 22 appropriations in this or any other Act for substance  
 23 abuse treatment under the substance abuse treatment  
 24 program."

25 3. Page 10, by striking lines 3 through 7.

26 4. Page 10, by inserting after line 11, the  
 27 following:

28 "Sec. \_\_\_\_ . EFFECTIVE DATE -- RETROACTIVE  
 29 APPLICABILITY. Section 6 of this Act, relating to  
 30 nonexpenditure, nonobligation, and nonreversion of  
 31 funds remaining unencumbered or unobligated on April  
 32 1, 2002, which were appropriated for the establishment  
 33 and operation of a substance abuse treatment facility  
 34 and which are to be available in the fiscal year  
 35 beginning July 1, 2002, and ending June 30, 2003, to  
 36 supplement appropriations for substance abuse  
 37 treatment under the substance abuse treatment program,  
 38 take effect upon enactment and is retroactively  
 39 applicable to April 1, 2002."

40 5. Title page, by striking line 3, and inserting  
 41 the following: "and providing effective dates, and  
 42 providing for retroactive applicability."

By COMMITTEE ON APPROPRIATIONS  
 JEFF LAMBERTI, Chairperson

S-5411 FILED APRIL 8, 2002

*Adopted*  
*4-18-02*  
*(P 1092)*

**HOUSE FILE 2615**

**S-5412**

- 1 Amend House File 2615 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 4, line 32, by striking the figure
- 4 "2,390,064" and inserting the following: "2,417,473".
- 5 2. Page 5, line 9, by striking the figure
- 6 "\$409,591" and inserting the following: "\$437,000".

**By** STEVEN D. HANSEN

**S-5412** FILED APRIL 8, 2002

*Lost*  
*4/10/02*  
*(p. 1090)*

## HOUSE FILE 2615

S-5422

1 Amend House File 2615, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 3, line 9, by striking the figure  
4 "17,500,000" and inserting the following:  
5 "13,154,606".

6 2. Page 3, line 20, by striking the figure  
7 "5,000,000" and inserting the following: "9,345,394".

8 3. Page 8, by inserting after line 20, the  
9 following:

10 "Sec. \_\_\_\_ . NEW SECTION. 249A.20B NURSING  
11 FACILITY CROSSOVER PAYMENTS.

12 Beginning July 1, 2002, reimbursement under the  
13 medical assistance program for nursing facility  
14 crossover payments shall be the lesser of the  
15 following:

16 1. The cost amount allowed under the medical  
17 assistance program minus the federal Medicare payment.  
18 2. The federal Medicare coinsurance and deductible  
19 amounts.

20 Sec. 100. NEW SECTION. 249A.21 INTERMEDIATE CARE  
21 FACILITIES FOR PERSONS WITH MENTAL RETARDATION --  
22 ASSESSMENT.

23 1. The department may assess intermediate care  
24 facilities for persons with mental retardation, as  
25 defined in section 135C.1, that are not operated by  
26 the state, a fee in an amount not to exceed six  
27 percent of the total annual revenue of the facility  
28 for the preceding fiscal year.

29 2. The assessment shall be paid to the department  
30 in equal monthly amounts on or before the fifteenth  
31 day of each month. The department may deduct the  
32 monthly amount from medical assistance payments to a  
33 facility described in subsection 1. The amount  
34 deducted from payments shall not exceed the total  
35 amount of the assessments due.

36 3. Revenue from the assessments shall be credited  
37 to the state medical assistance appropriation. This  
38 revenue may be used only for services for which  
39 federal financial participation under the medical  
40 assistance program is available to match state funds.

41 4. If federal financial participation to match the  
42 assessments made under subsection 1 becomes  
43 unavailable under federal law, the department shall  
44 terminate the imposing of the assessments beginning on  
45 the date that the federal statutory, regulatory, or  
46 interpretive change takes effect.

47 5. The department of human services may procure a  
48 sole source contract to implement the provisions of  
49 this section.

50 Sec. \_\_\_\_ . NURSING FACILITIES -- BED-HOLD AND

S-5422

S-5422

Page 2

1 HOSPITAL CROSSOVER PAYMENTS.

2 1. For the fiscal year beginning July 1, 2002, the  
3 department of human services shall reduce  
4 reimbursements for nursing facility bed-hold based on  
5 an analysis of nursing facility cost, occupancy, and  
6 utilization.

7 2. For the fiscal year beginning July 1, 2002,  
8 reimbursement for hospital crossover payments shall be  
9 the lesser of the following:

10 a. The medical assistance program allowed cost  
11 amount minus the federal Medicare payment amount.

12 b. The federal Medicare coinsurance and deductible  
13 amounts."

14 4. Page 10, by inserting after line 11, the  
15 following:

16 "\_\_\_ Section 100 of this Act, relating to the  
17 assessment on intermediate care facilities for persons  
18 with mental retardation, being deemed of immediate  
19 importance, takes effect upon enactment."

20 5. By renumbering as necessary.

By JOHNIE HAMMOND  
THOMAS FIEGEN

S-5422 FILED APRIL 9, 2002

*Lost*  
*4/10/02 (p. 1093)*

HOUSE FILE 2615

S-5426

1 Amend the amendment, S-5411 to House File 2615, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 1, line 13, by inserting after the word  
5 "facility" the following: "and for not more than the  
6 following full-time equivalent positions".

7 2. Page 1, by inserting after line 14, the  
8 following:

9 "..... FTEs 17.87"

By MARY E. KRAMER  
JEFF LAMBERTI

S-5426 FILED APRIL 9, 2002

*Adopted*  
*4/10/02*  
*(p. 1090)*

**HOUSE FILE 2615****S-5465**

1 Amend the amendment, S-5411, to House File 2615 as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:

4 1. Page 1, by striking lines 15 through 24, and  
 5 inserting the following:

6 "\_\_\_\_. By striking page 7, line 33, through page  
 7 8, line 11, and inserting the following:

8 "Sec.\_\_\_\_. PRIOR YEAR NONREVERSION.

9 Notwithstanding 2001 Iowa Acts, chapter 184, section  
 10 3, subsection 3, 2001 Iowa Acts, chapter 184, section  
 11 13, and section 8.33, moneys appropriated under 2001  
 12 Iowa Acts, chapter 184, section 3, subsection 2, for  
 13 the establishment and operating of a substance abuse  
 14 treatment facility which are unobligated or  
 15 unencumbered on April 1, 2002, shall not be expended  
 16 or obligated during the remainder of the fiscal year  
 17 beginning July 1, 2001, and ending June 30, 2002, and  
 18 shall not revert but shall be available for the fiscal  
 19 year beginning July 1, 2002, and ending June 30, 2003,  
 20 for the following:

21 1. The first \$200,000 available shall be used for  
 22 a value-based treatment program at the Newton  
 23 correctional facility.

24 2. The remaining moneys available shall be used to  
 25 supplement the appropriations in this or any other Act  
 26 for substance abuse treatment under the substance  
 27 abuse treatment program.

28 3. Any unobligated or unencumbered moneys  
 29 remaining at the end of the fiscal year beginning July  
 30 1, 2002, shall revert to the healthy Iowans tobacco  
 31 trust.""

32 2. By renumbering as necessary.

By MARY E. KRAMER

JEFF LAMBERTI

**S-5465** FILED APRIL 10, 2002

ADOPTED

(P. 1096)

**HOUSE FILE 2615****S-5479**

1 Amend House File 2615, as amended, passed, and  
 2 reprinted by the House, as follows:

3 1. Page 3, line 20, by striking the figure  
 4 "5,000,000" and inserting the following: "9,345,394".

5 2. Page 9, line 18, by striking the figure  
 6 "9,000,000" and inserting the following:

7 "12,345,394".

By THOMAS FIEGEN

JOE BOLKCOM

JOHNIE HAMMOND

MAGGIE TINSMAN

**S-5479** FILED APRIL 10, 2002

LOST

(P. 1098)



HOUSE AMENDMENT TO SENATE AMENDMENT TO  
HOUSE FILE 2615

S-5504

1 Amend the Senate amendment, H-8642, to House File  
2 2615, as amended, passed, and reprinted by the House,  
3 as follows:

4 1. Page 1, by striking lines 32 though 34, and  
5 inserting the following:

6 "1. The first \$27,409 available shall be used to  
7 supplement the appropriations in this or any other Act  
8 for the state poison control center.

9 2. The next \$172,591 available shall be used for a  
10 value-based treatment program at the Newton  
11 correctional facility."

12 2. Page 1, line 35, by striking the figure "2"  
13 and inserting the following: "3".

14 3. Page 1, line 39, by striking the figure "3"  
15 and inserting the following: "4".

16 4. Page 2, line 3, by striking the word "to".

17 5. Page 2, by striking lines 4 and 5.

18 6. By renumbering as necessary.

RECEIVED FROM THE HOUSE

S-5504 FILED APRIL 12, 2002

CONCURRED (P. 1200)

SENATE AMENDMENT TO HOUSE FILE 2615

H-8642

1 Amend House File 2615, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 7, by striking lines 17 through 32, and  
4 inserting the following:

5 "Sec. \_\_\_\_ . DEPARTMENT OF CORRECTIONS -- SPECIAL  
6 NEEDS UNIT. There is appropriated from the healthy  
7 Iowans tobacco trust created in section 12.65, to the  
8 department of corrections for the fiscal year  
9 beginning July 1, 2002, and ending June 30, 2003, the  
10 following amount, or so much thereof as is necessary,  
11 to be used for the purpose designated:

12 For operating the special needs unit at the Fort  
13 Madison correctional facility and for not more than  
14 the following full-time equivalent positions:

15 .....	\$	1,100,000
16 .....	FTEs	17.87"

17 2. By striking page 7, line 33, through page 8,  
18 line 11, and inserting the following:

19 "Sec. \_\_\_\_ . PRIOR YEAR NONREVERSION.  
20 Notwithstanding 2001 Iowa Acts, chapter 184, section  
21 3, subsection 3, 2001 Iowa Acts, chapter 184, section  
22 13, and section 8.33, moneys appropriated under 2001  
23 Iowa Acts, chapter 184, section 3, subsection 2, for  
24 the establishment and operating of a substance abuse  
25 treatment facility which are unobligated or  
26 unencumbered on April 1, 2002, shall not be expended  
27 or obligated during the remainder of the fiscal year  
28 beginning July 1, 2001, and ending June 30, 2002, and  
29 shall not revert but shall be available for the fiscal  
30 year beginning July 1, 2002, and ending June 30, 2003,  
31 for the following:

32 1. The first \$200,000 available shall be used for  
33 a value-based treatment program at the Newton  
34 correctional facility.

35 2. The remaining moneys available shall be used to  
36 supplement the appropriations in this or any other Act  
37 for substance abuse treatment under the substance  
38 abuse treatment program.

39 3. Any unobligated or unencumbered moneys  
40 remaining at the end of the fiscal year beginning July  
41 1, 2002, shall revert to the healthy Iowans tobacco  
42 trust."

43 3. Page 10, by striking lines 3 through 7.

44 4. Page 10, by inserting after line 11, the  
45 following:

46 "Sec. \_\_\_\_ . EFFECTIVE DATE -- RETROACTIVE  
47 APPLICABILITY. Section 6 of this Act, relating to  
48 nonexpenditure, nonobligation, and nonreversion of  
49 funds remaining unencumbered or unobligated on April  
50 1, 2002, which were appropriated for the establishment

H-8642

**H-8642**

Page 2

1 and operation of a substance abuse treatment facility  
 2 and which are to be available in the fiscal year  
 3 beginning July 1, 2002, and ending June 30, 2003, to  
 4 supplement appropriations for substance abuse  
 5 treatment under the substance abuse treatment program,  
 6 takes effect upon enactment and is retroactively  
 7 applicable to April 1, 2002."  
 8 5. Title page, by striking line 3, and inserting  
 9 the following: "and providing effective dates, and  
 10 providing for retroactive applicability."

RECEIVED FROM THE SENATE

**H-8642** FILED APRIL 11, 2002

*Adopted*  
*4/11/02 (p. 1385)*

**HOUSE FILE 2615****H-8648**

1 Amend the Senate amendment, H-8642, to House File  
 2 2615, as amended, passed, and reprinted by the House,  
 3 as follows:  
 4 1. Page 1, by striking lines 32 though 34, and  
 5 inserting the following:  
 6 "1. The first \$27,409 available shall be used to  
 7 supplement the appropriations in this or any other Act  
 8 for the state poison control center.  
 9 2. The next \$172,591 available shall be used for a  
 10 value-based treatment program at the Newton  
 11 correctional facility."  
 12 2. Page 1, line 35, by striking the figure "2".  
 13 and inserting the following: "3".  
 14 3. Page 1, line 39, by striking the figure "3"  
 15 and inserting the following: "4".  
 16 4. Page 2, line 3, by striking the word "to".  
 17 5. Page 2, by striking lines 4 and 5.  
 18 6. By renumbering as necessary.

**By** WARNSTADT of Woodbury**H-8648** FILED APRIL 11, 2002

*Adopted*  
*4-11-02*  
*(p. 1382)*

**HOUSE FILE 2615****H-8654**

1 Amend the Senate amendment, H-8642 to House File  
 2 2615, as amended, passed, and reprinted by the House,  
 3 as follows:  
 4 1. Page 2, line 3, by striking the word "to".  
 5 2. Page 2, by striking lines 4 and 5.

**By** BRUNKHORST of Bremer**H-8654** FILED APRIL 11, 2002

*o/o*  
*4/11/02*

**HOUSE FILE 2615****H-8660**

1 Amend the Senate amendment, H-8642, to House File  
2 2615, as amended, passed, and reprinted by the House,  
3 as follows:

4 1. Page 1, by striking lines 32 through 34 and  
5 inserting the following:

6 "1. The first \$200,000 available shall be used to  
7 fund the forgivable loan portion of the registered  
8 nurse recruitment program as established in 2002 Iowa  
9 Acts, Senate File 2323, section 1, if enacted."

10 2. Page 2, line 3, by striking the word "to".

11 3. Page 2, by striking lines 4 and 5.

By MASCHER of Johnson

H-8660 FILED APRIL 11, 2002

*o/o*  
*4/11/02*

**HOUSE FILE 2615****H-8665**

1 Amend the Senate amendment, H-8642, to House File  
2 2615, as amended, passed, and reprinted by the House,  
3 as follows:

4 1. Page 1, by inserting after line 2 the  
5 following:

6 "\_\_\_\_. Page 3, line 20, by striking the figure  
7 "5,000,000" and inserting the following:  
8 "9,345,394"."

9 2. Page 1, by inserting after line 42 the  
10 following:

11 "\_\_\_\_. Page 9, line 18, by striking the figure  
12 "9,000,000" and inserting the following:

13 "12,345,394"."

By MASCHER of Johnson

H-8665 FILED APRIL 11, 2002

*W/D*  
*4-11-02*

**HOUSE FILE 2615****H-8672**

1 Amend the Senate amendment, H-8642, to House File  
2 2615, as amended, passed, and reprinted by the House,  
3 as follows:

4 1. Page 1, line 33, by inserting after the word  
5 "value-based" the following: ", culturally specific".

By FORD of Polk

H-8672 FILED APRIL 11, 2002

*o/o*  
*4/11/02*

**HOUSE FILE 2615****H-8677**

1 Amend the amendment, H-8648, to the Senate  
2 amendment, H-8642, to House File 2615, as amended,  
3 passed, and reprinted by the House, as follows:

4 1. Page 1, line 10, by inserting after the word  
5 "value-based" the following: ", culturally specific".

By FORD of Polk

H-8677 FILED APRIL 11, 2002

*lost 4-11-02 (p. 1382)*

HOUSE FILE 2615

H-8678

1 Amend the Senate amendment, H-8642, to House File  
2 2615, as amended, passed, and reprinted by the House,  
3 as follows:

4 1. Page 1, by inserting after line 42, the  
5 following:

6 "\_\_\_\_. Page 8, by inserting after line 11, the  
7 following:

8 "Sec. \_\_\_\_ . PRIOR YEAR NONREVERSION -- ALTERNATIVE  
9 USE OF FUNDS. Notwithstanding 2001 Iowa Acts, chapter  
10 184, section 3, subsection 3, 2001 Iowa Acts, chapter  
11 184, section 13 and section 8.33, moneys appropriated  
12 under 2001 Iowa Acts, chapter 184, section 3,  
13 subsection 2, for the establishment and operating of a  
14 substance abuse treatment facility which are  
15 unobligated or unencumbered on April 1, 2002, which  
16 are otherwise prohibited under this Act from being  
17 expended or obligated for the remainder of the fiscal  
18 year beginning July 1, 2001, and ending June 30, 2002,  
19 and which are otherwise prohibited under this Act from  
20 reverting that remain unobligated or unencumbered at  
21 the end of the fiscal year beginning July 1, 2001, and  
22 ending June 30, 2002, and that are made available  
23 under this Act for a value-based treatment program at  
24 the Newton correctional facility, \$24,000 shall be  
25 used for maintaining canine units at the Fort Madison  
26 correctional facility, Anamosa correctional facility,  
27 Oakdale correctional facility, Newton correctional  
28 facility, Mt. Pleasant correctional facility, and the  
29 Clarinda correctional facility:"

30 2. Page 2, line 3, by striking the word "to".

31 3. Page 2, by striking lines 4 and 5.

By WISE of Lee

H-8678 FILED APRIL 11, 2002

*Lost  
4-11-02  
(p. 1383)*

## HOUSE FILE 2615

## H-8686

- 1 Amend the Senate amendment, H-8642, to House File  
2 2615, as amended, passed, and reprinted by the House,  
3 as follows:  
4 1. Page 1, by inserting after line 42, the  
5 following:  
6 "\_\_\_\_. Page 8, by inserting after line 11, the  
7 following:  
8 "Sec. \_\_\_\_\_. PRIOR YEAR NONREVERSION -- ALTERNATIVE  
9 USE OF FUNDS. Notwithstanding 2001 Iowa Acts, chapter  
10 184, section 3, subsection 3, 2001 Iowa Acts, chapter  
11 184, section 13 and section 8.33, moneys appropriated  
12 under 2001 Iowa Acts, chapter 184, section 3,  
13 subsection 2, for the establishment and operating of a  
14 substance abuse treatment facility which are  
15 unobligated or unencumbered on April 1, 2002, which  
16 are otherwise prohibited under this Act from being  
17 expended or obligated for the remainder of the fiscal  
18 year beginning July 1, 2001, and ending June 30, 2002,  
19 and which are otherwise prohibited under this Act from  
20 reverting that remain unobligated or unencumbered at  
21 the end of the fiscal year beginning July 1, 2001, and  
22 ending June 30, 2002, and that are made available  
23 under this Act for a value-based treatment program at  
24 the Newton correctional facility, \$172,591 shall be  
25 used to supplement the appropriations in this or any  
26 other Act for the tobacco use prevention and control  
27 initiatives for the fiscal year beginning July 1,  
28 2002."  
29 2. Page 2, line 3, by striking the word "to".  
30 3. Page 2, by striking lines 4 and 5.

By PETERSEN of Polk  
WISE of Lee

H-8686 FILED APRIL 11, 2002

*Lost*  
*4-11-02*  
*(P. 1384)*

## HOUSE FILE 2615

H-8687

1 Amend the Senate amendment, H-8642, to House File  
2 2615, as amended, passed, and reprinted by the House,  
3 as follows:

4 1. Page 1, by inserting after line 42, the  
5 following:

6 "\_\_\_\_. Page 8, by inserting after line 11, the  
7 following:

8 "Sec. \_\_\_\_ . PRIOR YEAR NONREVERSION -- ALTERNATIVE  
9 USE OF FUNDS. Notwithstanding 2001 Iowa Acts, chapter  
10 184, section 3, subsection 3, 2001 Iowa Acts, chapter  
11 184, section 13 and section 8.33, moneys appropriated  
12 under 2001 Iowa Acts, chapter 184, section 3,  
13 subsection 2, for the establishment and operating of a  
14 substance abuse treatment facility which are  
15 unobligated or unencumbered on April 1, 2002, which  
16 are otherwise prohibited under this Act from being  
17 expended or obligated for the remainder of the fiscal  
18 year beginning July 1, 2001, and ending June 30, 2002,  
19 and which are otherwise prohibited under this Act from  
20 reverting that remain unobligated or unencumbered at  
21 the end of the fiscal year beginning July 1, 2001, and  
22 ending June 30, 2002, and that are made available  
23 under this Act for a value-based treatment program at  
24 the Newton correctional facility, \$172,591 shall be  
25 used to fund the forgivable loan portion of the  
26 registered nurse recruitment program as established in  
27 2002 Iowa Acts, Senate File 2323, section 1, if  
28 enacted for the fiscal year beginning July 1, 2002."

29 2. Page 2, line 3, by striking the word "to".

30 3. Page 2, by striking lines 4 and 5.

By MASCHER of Johnson

H-8687 FILED APRIL 11, 2002

*Lost 4-11-02*

## HOUSE FILE 2615

H-8689

1 Amend the Senate amendment, H-8642, to House File  
2 2615, as amended, passed, and reprinted by the House,  
3 as follows:

4 1. Page 1, by inserting after line 2 the  
5 following:

6 "\_\_\_\_. Page 3, line 20, by striking the figure  
7 "5,000,000" and inserting the following:

8 "9,345,394".

9 2. Page 1, by inserting after line 42 the  
10 following:

11 "\_\_\_\_. Page 9, line 18, by striking the figure  
12 "9,000,000" and inserting the following:

13 "13,345,394".

By MASCHER of Johnson

H-8689 FILED APRIL 11, 2002

*Lost  
4-11-02*

HOUSE FILE 2615

AN ACT

RELATING TO AND MAKING APPROPRIATIONS FROM THE HEALTHY IOWANS TOBACCO TRUST AND THE TOBACCO SETTLEMENT TRUST FUND, AND PROVIDING EFFECTIVE DATES, AND PROVIDING FOR RETROACTIVE APPLICABILITY.

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, 2002, and ending June 30, 2003, 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. Unless otherwise provided, to maintain the reimbursement rate for all noninstitutional medical assistance providers, with the exception of anesthesia and dental services, at the rate provided under the federal Medicare program for such providers during the fiscal year beginning July 1, 2000, and ending June 30, 2001, as specified in 2000 Iowa Acts, chapter 1221, section 1, subsection 1, paragraph "a", for the fiscal year July 1, 2002, through June 30, 2003, and to continue the resource-based relative value system of reimbursement under the medical assistance program:

..... \$ 8,095,718

b. To maintain the reimbursement rate at the usual and customary rate as established in 2000 Iowa Acts, chapter 1221, section 1, subsection 1, paragraph "b", for the fiscal year July 1, 2002, through June 30, 2003, for dental services under the medical assistance program:

..... \$ 3,814,973

c. To maintain the cost-of-living adjustment as established in 2000 Iowa Acts, chapter 1221, section 1, subsection 1, paragraph "c", for the fiscal year July 1, 2002, through June 30, 2003, for rehabilitative treatment and support services providers under child and family services: .....

\$ 3,243,026

d. To maintain the cost-of-living adjustment as established in 2000 Iowa Acts, chapter 1221, section 1, subsection 1, paragraph "d", for the fiscal year July 1, 2002, through June 30, 2003, for adoption, independent living, shelter care, and home studies services providers: .....

\$ 468,967

e. To maintain the reimbursement rate as established in 2000 Iowa Acts, chapter 1221, section 1, subsection 1, paragraph "e", for the fiscal year July 1, 2002, through June 30, 2003, for hospitals under the medical assistance program: .....

\$ 3,035,278

f. To maintain the reimbursement rate as established in 2000 Iowa Acts, chapter 1221, section 1, subsection 1, paragraph "f", for the fiscal year July 1, 2002, through June 30, 2003, for home health care services under the medical assistance program: .....

\$ 2,108,279

g. To maintain the reimbursement rate as established in 2000 Iowa Acts, chapter 1221, section 1, subsection 1, paragraph "g", for the fiscal year July 1, 2002, through June 30, 2003, for critical access hospitals under the medical assistance program: .....

\$ 250,000

h. To maintain the expansion of home health care services and habilitative day care as established in 2000 Iowa Acts, chapter 1221, section 1, subsection 1, paragraph "h", under the medical assistance program for children with special needs: .....

\$ 1,975,496

i. To maintain the expansion of respite care services provided through home and community-based waivers as



established in 2000 Iowa Acts, chapter 1221, section 1, subsection 1, paragraph "i", under the medical assistance program:

..... \$ 1,137,309

j. To maintain the reimbursement rate as established in 2000 Iowa Acts, chapter 1221, section 1, subsection 1, paragraph "j", for the fiscal year July 1, 2002, through June 30, 2003, to service providers under the purview of the department of human services:

..... \$ 545,630

2. To the department of human services to continue the supplementation of the children's health insurance program appropriation:

..... \$ 200,000

3. To the department of human services to continue the supplementation of the medical assistance appropriation:

..... \$ 17,500,000

4. To the department of human services to provide coverage under the medical assistance program to women who require treatment for breast or cervical cancer as provided in section 249A.3, subsection 2, paragraph "b":

..... \$ 250,000

5. 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:

..... \$ 5,000,000

..... 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 under this section, 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, 2002, for that purpose.

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

..... \$ 10,000,000

(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.

(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.

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:

..... \$ 2,390,064  
..... FTEs 4.00

(1) Of the funds appropriated in this paragraph "c", not more than \$1,157,482 shall be used for core public health functions, including home health care and public health nursing services, contracted through a formula by local boards of health, to enhance disease and injury prevention services.

(2) Of the funds appropriated in this paragraph "c", not more than \$381,445 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 \$409,591 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 to implement prevention strategies of healthy Iowans 2010 plan to address the leading causes of death in Iowa.

(6) 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 provision of smoking cessation products as provided in this paragraph:

..... \$ 75,000

The department shall award grants to free health clinics that are tax-exempt organizations pursuant to 26 U.S.C. § 501 (c)(3) to fund the provision of smoking cessation products to patients. The department shall adopt a methodology for the awarding of the grants to the health clinics based upon the order of receipt of applications.

6. To the department of corrections:

..... \$ 610,000

a. Of the funds appropriated in this subsection, \$127,217 is allocated to the second judicial district department of correctional services to replace expired federal funding for day programming.

b. Of the funds appropriated in this subsection \$35,359 is allocated to the third judicial district department of correctional services to replace expired federal funding for the drug court program.

c. Of the funds appropriated in this subsection, \$191,731 is allocated to the fourth judicial district department of correctional services for a drug court program.

d. Of the funds appropriated in this subsection, \$255,693 is allocated to the fifth judicial district department of correctional services to replace expired funding for the drug court program.

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, 2002, and ending June 30, 2003, 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, 2002, and ending June 30, 2003, for deposit in the school ready children grants account and for distribution as provided in this section:

..... \$ 1,153,250

Sec. 4. IOWA DEPARTMENT OF HUMAN SERVICES. There is appropriated from the healthy Iowans tobacco trust created in section 12.65, to the department of human services for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For the implementation of the provisions of the federal Health Insurance Portability and Accountability Act, Pub. L. No. 104-191 relating to the medical assistance program:

..... \$ 2,100,000

Notwithstanding section 8.33, moneys appropriated under this section that are unobligated or unencumbered at the end of the fiscal year beginning June 30, 2002, and ending June 30, 2003, shall not revert, but shall remain available for the specific purposes designated in this section until June 30, 2004.

Sec. 5. DEPARTMENT OF CORRECTIONS -- SPECIAL NEEDS UNIT. There is appropriated from the healthy Iowans tobacco trust created in section 12.65, to the department of corrections for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For operating the special needs unit at the Fort Madison correctional facility and for not more than the following full-time equivalent positions:

..... \$ 1,100,000

..... FTEs 17.87

Sec. 6. PRIOR YEAR NONREVERSION. Notwithstanding 2001 Iowa Acts, chapter 184, section 3, subsection 3, 2001 Iowa Acts, chapter 184, section 13, and section 8.33, moneys appropriated under 2001 Iowa Acts, chapter 184, section 3, subsection 2, for the establishment and operating of a substance abuse treatment facility which are unobligated or unencumbered on April 1, 2002, shall not be expended or obligated during the remainder of the fiscal year beginning July 1, 2001, and ending June 30, 2002, and shall not revert

but shall be available for the fiscal year beginning July 1, 2002, and ending June 30, 2003, for the following:

1. The first \$27,409 available shall be used to supplement the appropriations in this or any other Act for the state poison control center.

2. The next \$172,591 available shall be used for a value-based treatment program at the Newton correctional facility.

3. The remaining moneys available shall be used to supplement the appropriations in this or any other Act for substance abuse treatment under the substance abuse treatment program.

4. Any unobligated or unencumbered moneys remaining at the end of the fiscal year beginning July 1, 2002, shall revert to the healthy Iowans tobacco trust.

Sec. 7. TOBACCO USE PREVENTION AND CONTROL INITIATIVE -- FY 2001-2002 NONREVERSION. Notwithstanding section 8.33 and 2001 Iowa Acts, chapter 184, section 13, moneys appropriated for the tobacco use prevention and control initiative in 2001 Iowa Acts, chapter 184, section 1, subsection 5, paragraph "a", that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 8. 2001 Iowa Acts, chapter 174, section 1, is amended to read as follows:

SECTION 1. TOBACCO SETTLEMENT TRUST FUND.

1. Notwithstanding provisions to the contrary in sections 99D.17 and 99F.11, and notwithstanding provisions to the contrary in section 8.57, subsection 5, paragraph "e", and following deposits in the general fund of the state, the vision Iowa fund created in section 12.72, and the school infrastructure fund created in section 12.82, pursuant to section 8.57, subsection 5, paragraph "e", for the designated fiscal years, the following moneys received pursuant to sections 99D.17 and 99F.11 shall be deposited in the endowment for Iowa's health account of the tobacco settlement trust fund created in section 12E.12 for the purposes specified in section 12E.12 for the endowment for Iowa's health account:

FY 2001-2002 .....	\$ 80,000,000
FY 2002-2003 .....	\$ 75,000,000
FY 2003-2004 .....	\$ 70,000,000
FY 2004-2005 .....	\$ 70,000,000
FY 2005-2006 .....	\$ 70,000,000
FY 2006-2007 .....	\$ 70,000,000

The total moneys received pursuant to sections 99D.17 and 99F.11 in a fiscal year, in excess of the moneys received pursuant to sections 99D.17 and 99F.11 and deposited in the general fund of the state, the vision Iowa fund, the school infrastructure fund, and the tobacco settlement trust fund, shall be deposited in the rebuild Iowa infrastructure fund and shall be used as provided in section 8.57, notwithstanding section 8.60.

For the fiscal year beginning July 1, 2002, and ending June 30, 2003, of the \$75,000,000 to be deposited in the endowment for Iowa's health account of the tobacco settlement trust fund, \$9,000,000 shall be transferred to the healthy Iowans tobacco trust created in section 12.65.

2. There is appropriated from the general fund of the state to the endowment for Iowa's health account of the tobacco settlement trust fund created in section 12E.12, for the designated fiscal years, the following amounts, to be used for the purposes specified in section 12E.12 for the endowment for Iowa's health account:

FY 2001-2002 .....	\$ 7,248,000
<del>FY 2002-2003 .....</del>	<del>\$ 27,007,000</del>
FY 2003-2004 .....	\$ 28,251,000
FY 2004-2005 .....	\$ 29,785,000
FY 2005-2006 .....	\$ 29,562,000
FY 2006-2007 .....	\$ 17,773,000

Sec. 9. EFFECTIVE DATES.

1. Section 4 of this Act, relating to the appropriation to the department of human services for the implementation of the federal Health Insurance Portability and Accountability Act, being deemed of immediate importance, takes effect upon enactment.

2. Section 7 of this Act, relating to nonreversion of moneys appropriated for the tobacco use prevention and control initiative, being deemed of immediate importance, takes effect upon enactment.

Sec. 10. EFFECTIVE DATE -- RETROACTIVE APPLICABILITY. Section 6 of this Act, relating to nonexpenditure, nonobligation, and nonreversion of funds remaining unencumbered or unobligated on April 1, 2002, which were appropriated for the establishment and operation of a substance abuse treatment facility and which are to be available in the fiscal year beginning July 1, 2002, and ending June 30, 2003, takes effect upon enactment and is retroactively applicable to April 1, 2002.

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BRENT SIEGRIST  
Speaker of the House

---

MARY E. KRAMER  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2615, Seventy-ninth General Assembly.

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MARGARET THOMSON  
Chief Clerk of the House

Approved 5/10, 2002

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THOMAS J. VILSACK  
Governor