

Substituted for by HF 2627

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SENATE FILE 2334

BY COMMITTEE ON APPROPRIATIONS

(COMPANION TO LSB 7314HV BY COMMITTEE
ON APPROPRIATIONS)

WITHDRAWN

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act making, reducing, and transferring appropriations, and
2 providing for other properly related matters, providing
3 penalties, and including effective and applicability date
4 provisions.

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

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S.F. 2334

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DIVISION I

ADMINISTRATION AND REGULATION

Section 1. AUDITOR OF STATE. There is appropriated from the general fund of the state to the office of the auditor of state 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 salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,078,972
.....	FTEs	105.47

The auditor of state may retain additional full-time equivalent positions as is reasonable and necessary to perform governmental subdivision audits which are reimbursable pursuant to section 11.20 or 11.21, to perform audits which are requested by and reimbursable from the federal government, and to perform work requested by and reimbursable from departments or agencies pursuant to section 11.5A or 11.5B. The auditor of state shall notify the department of management, the legislative fiscal committee, and the legislative fiscal bureau of the additional full-time equivalent positions retained.

Sec. 2. IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD. There is appropriated from the general fund of the state to the Iowa ethics and campaign disclosure board for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, or so much thereof as is necessary, for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	410,760
.....	FTEs	6.00

Sec. 3. DEPARTMENT OF COMMERCE. There is appropriated

1 from the general fund of the state to the department of
2 commerce for the fiscal year beginning July 1, 2002, and
3 ending June 30, 2003, the following amounts, or so much
4 thereof as is necessary, for the purposes designated:

5 1. ALCOHOLIC BEVERAGES DIVISION

6 For salaries, support, maintenance, miscellaneous purposes,
7 and for not more than the following full-time equivalent
8 positions:

9 \$ 1,803,044
10 FTEs 33.00

11 2. BANKING DIVISION

12 For salaries, support, maintenance, miscellaneous purposes,
13 and for not more than the following full-time equivalent
14 positions:

15 \$ 6,036,125
16 FTEs 72.00

17 3. CREDIT UNION DIVISION

18 For salaries, support, maintenance, miscellaneous purposes,
19 and for not more than the following full-time equivalent
20 positions:

21 \$ 1,282,995
22 FTEs 19.00

23 4. INSURANCE DIVISION

24 a. For salaries, support, maintenance, miscellaneous
25 purposes, and for not more than the following full-time
26 equivalent positions:

27 \$ 3,770,164
28 FTEs 93.50

29 b. The insurance division may reallocate authorized full-
30 time equivalent positions as necessary to respond to
31 accreditation recommendations or requirements. The insurance
32 division expenditures for examination purposes may exceed the
33 projected receipts, refunds, and reimbursements, estimated
34 pursuant to section 505.7, subsection 7, including the
35 expenditures for retention of additional personnel, if the

1 expenditures are fully reimbursable and the division first
2 does both of the following:

3 (1) Notifies the department of management, the legislative
4 fiscal bureau, and the legislative fiscal committee of the
5 need for the expenditures.

6 (2) Files with each of the entities named in subparagraph
7 (1) the legislative and regulatory justification for the
8 expenditures, along with an estimate of the expenditures.

9 5. PROFESSIONAL LICENSING AND REGULATION DIVISION

10 a. For salaries, support, maintenance, miscellaneous
11 purposes, and for not more than the following full-time
12 equivalent positions:

13	\$	748,342
14	FTEs	11.00

15 b. Notwithstanding the provisions of section 543B.14 to
16 the contrary, all fees and charges collected by the real
17 estate commission under chapter 543B shall be paid into the
18 general fund of the state, except that for the fiscal year
19 beginning July 1, 2002, and ending June 30, 2003, the
20 equivalent of thirty dollars per year of the fees for each
21 real estate salesperson's license, plus the equivalent of
22 thirty dollars per year of the fees for each broker's license
23 shall be paid into the Iowa real estate education fund created
24 in section 543B.54.

25 6. UTILITIES DIVISION

26 a. For salaries, support, maintenance, miscellaneous
27 purposes, and for not more than the following full-time
28 equivalent positions:

29	\$	6,104,810
30	FTEs	79.00

31 b. The utilities division may expend additional funds,
32 including funds for additional personnel, if those additional
33 expenditures are actual expenses which exceed the funds
34 budgeted for utility regulation and the expenditures are fully
35 reimbursable. Before the division expends or encumbers an

1 amount in excess of the funds budgeted for regulation, the
2 division shall first do both of the following:

3 (1) Notify the department of management, the legislative
4 fiscal bureau, and the legislative fiscal committee of the
5 need for the expenditures.

6 (2) File with each of the entities named in subparagraph
7 (1) the legislative and regulatory justification for the
8 expenditures, along with an estimate of the expenditures.

9 The utilities division shall assess the office of consumer
10 advocate within the department of justice a pro rata share of
11 the operating expenses of the utilities division. Each
12 division and the office of consumer advocate shall include in
13 its charges assessed or revenues generated, an amount
14 sufficient to cover the amount stated in its appropriation,
15 any state-assessed indirect costs determined by the department
16 of revenue and finance. It is the intent of the general
17 assembly that the director of the department of commerce shall
18 review on a quarterly basis all out-of-state travel for the
19 previous quarter for officers and employees of each division
20 of the department if the travel is not already authorized by
21 the executive council.

22 7. ACCOUNTABLE GOVERNMENT REPORT

23 Each division of the department of commerce shall submit a
24 report to the cochairpersons and ranking members of the joint
25 appropriations subcommittee on administration and regulation
26 on or before January 13, 2003, which encompasses the reporting
27 requirements provided in Code chapter 8E, including
28 development of an agency strategic plan, performance measures,
29 performance targets based on performance data, performance
30 data, and data sources used to evaluate the agency
31 performance, and explanations of the plan's provisions.

32 Sec. 4. DEPARTMENT OF COMMERCE -- PROFESSIONAL LICENSING
33 AND REGULATION. There is appropriated from the housing
34 improvement fund of the Iowa department of economic
35 development to the division of professional licensing and

1 regulation of the department of commerce for the fiscal year
2 beginning July 1, 2002, and ending June 30, 2003, the
3 following amount, or so much thereof as is necessary, to be
4 used for the purposes designated:

5 For salaries, support, maintenance, and miscellaneous
6 purposes:

7 \$ 62,317

8 Sec. 5. DEPARTMENT OF GENERAL SERVICES. There is
9 appropriated from the general fund of the state to the
10 department of general services for the fiscal year beginning
11 July 1, 2002, and ending June 30, 2003, the following amounts,
12 or so much thereof as is necessary, to be used for the
13 purposes designated:

14 1. ADMINISTRATION AND PROPERTY MANAGEMENT

15 For salaries, support, maintenance, miscellaneous purposes,
16 and for not more than the following full-time equivalent
17 positions:

18 \$ 5,271,304

19 FTEs 152.60

20 2. TERRACE HILL OPERATIONS

21 For salaries, support, maintenance, and miscellaneous
22 purposes necessary for the operation of Terrace Hill and for
23 not more than the following full-time equivalent positions:

24 \$ 236,037

25 FTEs 5.00

26 3. RENTAL SPACE

27 For payment of lease or rental costs of buildings and
28 office space as provided in section 18.12, subsection 9,
29 notwithstanding section 18.16:

30 \$ 846,770

31 The department shall prepare a summary of lease and rental
32 agreements entered into by the department with information
33 concerning the location of leased property, the funding source
34 for each lease, and the cost of the lease. The summary shall
35 be submitted to the general assembly by January 13, 2003.

1 4. UTILITY COSTS

2 For payment of utility costs and for not more than the
3 following full-time equivalent position:

4 \$ 1,817,095
5 FTEs 1.00

6 Notwithstanding sections 8.33 and 18.12, subsection 11, any
7 excess funds appropriated for utility costs in this subsection
8 shall not revert to the general fund of the state at the end
9 of the fiscal year but shall remain available for expenditure
10 for the purposes of this subsection during the fiscal year
11 beginning July 1, 2003.

12 5. The department of general services shall identify all
13 positions throughout state government that have job
14 responsibilities that are duplicative of the same or similar
15 job functions that are performed by similar positions in the
16 department of general services. The positions throughout
17 state government that are duplicative of positions in the
18 department of general services shall be identified by
19 department, position title, and position pay grade. The
20 department of general services shall also determine if the
21 department can perform the functions of the duplicated
22 position. The department shall submit a report, with
23 findings, conclusions, and supporting data, to the oversight
24 committee of the general assembly by September 1, 2002.

25 Sec. 6. REVOLVING FUNDS. There is appropriated from the
26 designated revolving funds to the department of general
27 services for the fiscal year beginning July 1, 2002, and
28 ending June 30, 2003, the following amounts, or so much
29 thereof as is necessary, to be used for the purposes
30 designated:

31 1. CENTRALIZED PURCHASING

32 From the centralized purchasing permanent revolving fund
33 established by section 18.9 for salaries, support,
34 maintenance, miscellaneous purposes, and for not more than the
35 following full-time equivalent positions:

1 \$ 1,118,960

2 FTEs 17.95

3 2. CENTRALIZED PURCHASING -- REMAINDER

4 The remainder of the centralized purchasing permanent
5 revolving fund is appropriated for the payment of expenses
6 incurred through purchases by various state departments and
7 for contingencies arising during the fiscal year beginning
8 July 1, 2002, and ending June 30, 2003, which are legally
9 payable from this fund.

10 3. STATE FLEET ADMINISTRATOR

11 a. From the state fleet administrator revolving fund
12 established by section 18.119 for salaries, support,
13 maintenance, miscellaneous purposes, and for not more than the
14 following full-time equivalent positions:

15 \$ 881,501

16 FTEs 16.75

17 b. The state fleet administrator shall conduct a study
18 concerning the utilization of state-owned vehicles by state
19 government that are under the control of the administrator
20 pursuant to section 18.114. As part of the study, the state
21 fleet administrator shall investigate the cost and benefits of
22 entering into an agreement with an entity that leases or rents
23 vehicles for the purpose of providing vehicles from that
24 source for use by state government. The study shall also
25 examine what revenue may be generated as a result of the sale
26 of state-owned vehicles. The state fleet administrator shall
27 submit a report to the general assembly by January 13, 2003,
28 concerning the progress of the administrator in meeting the
29 goal of reducing the number of state-owned vehicles. The
30 report shall include all relevant data concerning the study,
31 any actions taken to reduce the number of state-owned
32 vehicles, and any proposed legislative changes needed to
33 implement the goal of reducing the number of state-owned
34 vehicles.

35 4. STATE FLEET ADMINISTRATOR -- REMAINDER

1 The remainder of the state fleet administrator revolving
2 fund is appropriated for the purchase of ethanol blended fuels
3 and other fuels specified in section 18.115, subsection 5,
4 oil, tires, repairs, and all other maintenance expenses
5 incurred in the operation of state-owned motor vehicles and
6 for contingencies arising during the fiscal year beginning
7 July 1, 2002, and ending June 30, 2003, which are legally
8 payable from this fund.

9 5. CENTRALIZED PRINTING

10 From the centralized printing permanent revolving fund
11 established by section 18.57 for salaries, support,
12 maintenance, miscellaneous purposes, and for not more than the
13 following full-time equivalent positions:

14	\$	1,328,025
15	FTEs	29.55

16 6. CENTRALIZED PRINTING -- REMAINDER

17 The remainder of the centralized printing permanent
18 revolving fund is appropriated for the expense incurred in
19 supplying paper stock, offset printing, copy preparation,
20 binding, distribution costs, original payment of printing and
21 binding claims and contingencies arising during the fiscal
22 year beginning July 1, 2002, and ending June 30, 2003, which
23 are legally payable from this fund.

24 Sec. 7. GOVERNOR AND LIEUTENANT GOVERNOR. There is
25 appropriated from the general fund of the state to the offices
26 of the governor and the lieutenant governor for the fiscal
27 year beginning July 1, 2002, and ending June 30, 2003, the
28 following amounts, or so much thereof as is necessary, to be
29 used for the purposes designated:

30 1. GENERAL OFFICE

31 For salaries, support, maintenance, and miscellaneous
32 purposes for the general office of the governor and the
33 general office of the lieutenant governor, and for not more
34 than the following full-time equivalent positions:

35	\$	1,270,595
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1 FTEs 17.25
2 2. TERRACE HILL QUARTERS
3 For salaries, support, maintenance, and miscellaneous
4 purposes for the governor's quarters at Terrace Hill, and for
5 not more than the following full-time equivalent positions:
6 \$ 100,519
7 FTEs 3.00
8 3. ADMINISTRATIVE RULES COORDINATOR
9 For salaries, support, maintenance, and miscellaneous
10 purposes for the office of administrative rules coordinator,
11 and for not more than the following full-time equivalent
12 positions:
13 \$ 132,113
14 FTEs 3.00
15 4. NATIONAL GOVERNORS ASSOCIATION
16 For payment of Iowa's membership in the national governors
17 association:
18 \$ 64,393
19 5. STATE-FEDERAL RELATIONS
20 For salaries, support, maintenance, miscellaneous purposes,
21 and for not more than the following full-time equivalent
22 positions:
23 \$ 106,802
24 FTEs 2.00
25 Sec. 8. DEPARTMENT OF INSPECTIONS AND APPEALS. There is
26 appropriated from the general fund of the state to the
27 department of inspections and appeals for the fiscal year
28 beginning July 1, 2002, and ending June 30, 2003, the
29 following amounts, or so much thereof as is necessary, for the
30 purposes designated:
31 1. Administration division
32 For salaries, support, maintenance, miscellaneous purposes,
33 and for not more than the following full-time equivalent
34 positions:
35 \$ 714,101

1 FTEs 24.00
2 2. Administrative hearings division
3 For salaries, support, maintenance, miscellaneous purposes,
4 and for not more than the following full-time equivalent
5 positions:
6 \$ 472,240
7 FTEs 30.00
8 3. Investigations division
9 For salaries, support, maintenance, miscellaneous purposes,
10 and for not more than the following full-time equivalent
11 positions:
12 \$ 1,376,587
13 FTEs 46.00
14 4. Health facilities division
15 For salaries, support, maintenance, miscellaneous purposes,
16 and for not more than the following full-time equivalent
17 positions:
18 \$ 2,276,504
19 FTEs 108.00
20 5. Inspections division
21 For salaries, support, maintenance, miscellaneous purposes,
22 and for not more than the following full-time equivalent
23 positions:
24 \$ 759,066
25 FTEs 13.00
26 6. Employment appeal board
27 For salaries, support, maintenance, miscellaneous purposes,
28 and for not more than the following full-time equivalent
29 positions:
30 \$ 34,172
31 FTEs 15.00
32 The employment appeal board shall be reimbursed by the
33 labor services division of the department of workforce
34 development for all costs associated with hearings conducted
35 under chapter 91C, related to contractor registration. The

1 board may expend, in addition to the amount appropriated under
2 this subsection, additional amounts as are directly billable
3 to the labor services division under this subsection and to
4 retain the additional full-time equivalent positions as needed
5 to conduct hearings required pursuant to chapter 91C.

6 7. Child advocacy board

7 For foster care review and the court appointed special
8 advocate program, including salaries, support, maintenance,
9 miscellaneous purposes, and for not more than the following
10 full-time equivalent positions:

11 \$ 1,711,033
12 FTEs 44.00

13 a. The department of human services, in coordination with
14 the child advocacy board, and the department of inspections
15 and appeals, shall submit an application for funding available
16 pursuant to Title IV-E of the federal Social Security Act for
17 claims for child advocacy board, administrative review costs.

18 b. It is the intent of the general assembly that the court
19 appointed special advocate program investigate and develop
20 opportunities for expanding fund-raising for the program.

21 c. The child advocacy board shall report to the
22 chairpersons and ranking members of the joint appropriations
23 subcommittee on administration and regulation and the
24 legislative fiscal bureau by August 31, 2002, providing a
25 budget for the appropriation made in this subsection. The
26 budget shall delineate the expenditures planned for foster
27 care review, the court appointed special advocate program,
28 joint expenditures, and other pertinent information. The
29 board shall submit to the same entities a report of the actual
30 expenditures at the close of the fiscal year.

31 d. Administrative costs charged by the department of
32 inspections and appeals for items funded under this subsection
33 shall not exceed 4 percent of the amount appropriated in this
34 subsection.

35 Sec. 9. RACING AND GAMING COMMISSION.

1 1. RACETRACK REGULATION

2 There is appropriated from the general fund of the state to
3 the racing and gaming commission of the department of
4 inspections and appeals for the fiscal year beginning July 1,
5 2002, and ending June 30, 2003, the following amount, or so
6 much thereof as is necessary, to be used for the purposes
7 designated:

8 For salaries, support, maintenance, and miscellaneous
9 purposes for the regulation of pari-mutuel racetracks, and for
10 not more than the following full-time equivalent positions:

11	\$ 2,083,762
12	FTEs 24.78

13 Of the funds appropriated in this subsection, \$85,576 shall
14 be used to conduct an extended harness racing season.

15 2. EXCURSION BOAT REGULATION

16 There is appropriated from the general fund of the state to
17 the racing and gaming commission of the department of
18 inspections and appeals for the fiscal year beginning July 1,
19 2002, and ending June 30, 2003, the following amount, or so
20 much thereof as is necessary, to be used for the purposes
21 designated:

22 For salaries, support, maintenance, and miscellaneous
23 purposes for administration and enforcement of the excursion
24 boat gambling laws, and for not more than the following full-
25 time equivalent positions:

26	\$ 1,602,611
27	FTEs 30.97

28 3. ACCOUNTABLE GOVERNMENT REPORT

29 The racing and gaming commission shall submit a report to
30 the cochairpersons and ranking members of the joint
31 appropriations subcommittee on administration and regulation
32 on or before January 13, 2003, which encompasses the reporting
33 requirements provided in Code chapter 8E, including
34 development of an agency strategic plan, performance measures,
35 performance targets based on performance data, performance

1 data, and data sources used to evaluate the agency
2 performance, and explanations of the plan's provisions.

3 Sec. 10. USE TAX APPROPRIATION. There is appropriated
4 from the use tax receipts collected pursuant to sections 423.7
5 and 423.7A prior to their deposit in the road use tax fund
6 pursuant to section 423.24, to the appeals and fair hearings
7 division of the department of inspections and appeals for the
8 fiscal year beginning July 1, 2002, and ending June 30, 2003,
9 the following amount, or so much thereof as is necessary, for
10 the purposes designated:

11 For salaries, support, maintenance, and miscellaneous
12 purposes:

13 \$ 1,197,552

14 Sec. 11. DEPARTMENT OF MANAGEMENT. There is appropriated
15 from the general fund of the state to the department of
16 management for the fiscal year beginning July 1, 2002, and
17 ending June 30, 2003, the following amounts, or so much
18 thereof as is necessary, to be used for the purposes
19 designated:

20 1. GENERAL OFFICE -- STATEWIDE PROPERTY TAX ADMINISTRATION

21 For salaries, support, maintenance, miscellaneous purposes,
22 and for not more than the following full-time equivalent
23 positions:

24 \$ 2,100,036

25 FTEs 33.00

26 2. ENTERPRISE RESOURCE PLANNING

27 If funding is provided for the redesign of the enterprise
28 resource planning budget system for the fiscal year beginning
29 July 1, 2002, then there is appropriated from the general fund
30 of the state to the department of management for the fiscal
31 year beginning July 1, 2002, and ending June 30, 2003, the
32 following amount, or so much thereof as is necessary, to be
33 used for the purpose designated:

34 For salaries, support, maintenance, and miscellaneous
35 purposes for administration of the enterprise resource

1 planning system, and for not more than the following full-time
2 equivalent position:

3 \$ 58,680
4 FTEs 1.00

5 3. STATE GOVERNMENT ADMINISTRATIVE SERVICES REORGANIZATION

6 The department of management, in consultation with other
7 administrative departments, shall continue to study and pursue
8 the goal of providing for the reorganization of state
9 government in order to facilitate the efficient and effective
10 delivery of state government services. The reorganization
11 study shall concentrate on establishing a new state
12 organization that will increase the efficiency of managing the
13 major resources of state government, including personnel,
14 financial, physical, and information assets, in order to
15 provide better service at less cost to all departments of
16 state government and the citizens of Iowa. As part of this
17 study, the department shall identify and examine areas where
18 duplicative services are performed by state government which
19 may be more efficiently accomplished by a reorganization and
20 redesign of state government. In addition, as part of this
21 reorganization study, support services provided to state
22 agencies should be reoriented to continuously improve service
23 and lower costs through a strong customer focus and
24 entrepreneurial management. The department of management
25 shall submit a report, including its findings, conclusions,
26 and specific recommendations for legislative change, to the
27 general assembly by December 2, 2002.

28 Sec. 12. ROAD USE TAX APPROPRIATION. There is
29 appropriated from the road use tax fund to the department of
30 management for the fiscal year beginning July 1, 2002, and
31 ending June 30, 2003, the following amount, or so much thereof
32 as is necessary, to be used for the purposes designated:

33 For salaries, support, maintenance, and miscellaneous
34 purposes:

35 \$ 56,000

1 Sec. 13. DEPARTMENT OF PERSONNEL. There is appropriated
2 from the general fund of the state to the department of
3 personnel for the fiscal year beginning July 1, 2002, and
4 ending June 30, 2003, the following amounts, or so much
5 thereof as is necessary, to be used for the purposes
6 designated, including the filing of quarterly reports as
7 required in this section:

8 1. For salaries, support, maintenance, and miscellaneous
9 purposes for the director's staff, research, communications
10 and workforce planning services, data processing, financial
11 services, customer information and support services,
12 employment law and labor relations, training and benefit
13 programs, and for not more than the following full-time
14 equivalent positions:

15	\$	3,723,868
16	FTEs	86.00

17 Any funds received by the department for workers'
18 compensation purposes shall be used only for the payment of
19 workers' compensation claims and administrative costs.

20 It is the intent of the general assembly that members of
21 the general assembly serving as members of the deferred
22 compensation advisory board shall be entitled to receive per
23 diem and necessary travel and actual expenses pursuant to
24 section 2.10, subsection 5, while carrying out their official
25 duties as members of the board.

26 2. The department of personnel shall identify all
27 positions throughout state government that have job
28 responsibilities that are duplicative of the same or similar
29 job functions that are performed by similar positions in the
30 department of personnel. The positions throughout state
31 government that are duplicative of positions in the department
32 of personnel shall be identified by department, position
33 title, and position pay grade. The department of personnel
34 shall also determine if the department can perform the
35 functions of the duplicated position. The department shall

1 submit a report, with findings, conclusions, and supporting
2 data, to the oversight committee of the general assembly by
3 September 1, 2002.

4 Sec. 14. READY TO WORK PROGRAM COORDINATOR. There is
5 appropriated from the surplus funds in the long-term
6 disability reserve fund and the workers' compensation trust
7 fund to the department of personnel for the fiscal year
8 beginning July 1, 2002, and ending June 30, 2003, the
9 following amount, or so much thereof as is necessary, to be
10 used for the purposes designated:

11 For the salary, support, and miscellaneous expenses for the
12 ready to work program and coordinator:

13 \$ 89,416

14 The moneys appropriated pursuant to this section shall be
15 taken in equal proportions from the long-term disability
16 reserve fund and the workers' compensation trust fund.

17 Sec. 15. IPERS. There is appropriated from the Iowa
18 public employees' retirement system fund to the department of
19 personnel for the fiscal year beginning July 1, 2002, and
20 ending June 30, 2003, the following amount, or so much thereof
21 as is necessary, to be used for the purposes designated:

22 1. GENERAL OFFICE

23 For salaries, support, maintenance, and other operational
24 purposes to pay the costs of the Iowa public employees'
25 retirement system division and for not more than the following
26 full-time positions:

27 \$ 8,062,203

28 FTEs 90.04

29 2. INVESTMENT PROGRAM STAFFING

30 It is the intent of the general assembly that the Iowa
31 public employees' retirement system division employ sufficient
32 staff within the appropriation provided in this section to
33 meet the developing requirements of the investment program.

34 Sec. 16. IPERS -- DEFERRED RETIREMENT OPTION PROGRAM AND
35 TERMINATED VESTED MEMBER STUDIES. There is appropriated from

1 the Iowa public employees' retirement system fund to the Iowa
2 public employees' retirement system division for the fiscal
3 year beginning July 1, 2002, and ending June 30, 2003, the
4 following amounts, or so much thereof as is necessary, to be
5 used for the purposes designated:

6 1. For expenses related to the study of the implementation
7 of a cost-neutral deferred retirement option plan as directed
8 in 2002 Iowa Acts, House File 2532:

9 \$ 95,000

10 2. For expenses related to the study of the implementation
11 of a new option for terminated vested members as directed in
12 2002 Iowa Acts, House File 2532:

13 \$ 40,000

14 Sec. 17. PRIMARY ROAD FUND APPROPRIATION. There is
15 appropriated from the primary road fund to the department of
16 personnel for the fiscal year beginning July 1, 2002, and
17 ending June 30, 2003, the following amount, or so much thereof
18 as is necessary, to be used for the purposes designated:

19 For salaries, support, maintenance, and miscellaneous
20 purposes to provide personnel services for the state
21 department of transportation:

22 \$ 423,539

23 Sec. 18. ROAD USE TAX FUND APPROPRIATION. There is
24 appropriated from the road use tax fund to the department of
25 personnel for the fiscal year beginning July 1, 2002, and
26 ending June 30, 2003, the following amount, or so much thereof
27 as is necessary, to be used for the purposes designated:

28 For salaries, support, maintenance, and miscellaneous
29 purposes to provide personnel services for the state
30 department of transportation:

31 \$ 69,237

32 Sec. 19. STATE WORKERS' COMPENSATION CLAIMS. The premiums
33 collected by the department of personnel shall be segregated
34 into a separate workers' compensation fund in the state
35 treasury to be used for payment of state employees' workers'

1 compensation claims. Notwithstanding section 8.33,
2 unencumbered or unobligated moneys remaining in this workers'
3 compensation fund at the end of the fiscal year shall not
4 revert but shall be available for expenditure for purposes of
5 the fund for subsequent fiscal years.

6 Any funds received by the department of personnel for
7 workers' compensation purposes other than funds appropriated
8 in this section shall be used for the payment of workers'
9 compensation claims and administrative costs.

10 Sec. 20. DEPARTMENT OF REVENUE AND FINANCE. There is
11 appropriated from the general fund of the state to the
12 department of revenue and finance for the fiscal year
13 beginning July 1, 2002, and ending June 30, 2003, the
14 following amounts, or so much thereof as is necessary, to be
15 used for the purposes designated, and for not more than the
16 following full-time equivalent positions used for the purposes
17 designated in subsection 1:

18 FTEs 443.01

19 1. COMPLIANCE -- INTERNAL RESOURCES MANAGEMENT -- STATE
20 FINANCIAL MANAGEMENT -- STATEWIDE PROPERTY TAX ADMINISTRATION

21 For salaries, support, maintenance, and miscellaneous
22 purposes:

23 \$ 24,781,012

24 Of the funds appropriated pursuant to this subsection,
25 \$400,000 shall be used to pay the direct costs of compliance
26 related to the collection and distribution of local sales and
27 services taxes imposed pursuant to chapters 422B and 422E.

28 The director of revenue and finance shall prepare and issue
29 a state appraisal manual and the revisions to the state
30 appraisal manual as provided in section 421.17, subsection 18,
31 without cost to a city or county.

32 2. COLLECTION COSTS AND FEES

33 For payment of collection costs and fees pursuant to
34 section 422.26:

35 \$ 28,166

1 Sec. 21. LOTTERY.

2 1. APPROPRIATION. There is appropriated from the lottery
3 fund to the department of revenue and finance for the fiscal
4 year beginning July 1, 2002, and ending June 30, 2003, the
5 following amount, or so much thereof as is necessary, to be
6 used for the purposes designated:

7 For salaries, support, maintenance, miscellaneous purposes
8 for the administration and operation of lottery games, and for
9 not more than the following full-time equivalent positions:

10	\$	8,688,714
11	FTEs	117.00

12 The lottery shall deduct \$500,000 from its calculated
13 retained earnings before making lottery proceeds transfers to
14 the general fund of the state during the fiscal year beginning
15 July 1, 2002.

16 2. ACCOUNTABLE GOVERNMENT REPORT. The lottery shall
17 submit a report to the cochairpersons and ranking members of
18 the joint appropriations subcommittee on administration and
19 regulation on or before January 13, 2003, which encompasses
20 the reporting requirements provided in Code chapter 8E,
21 including development of an agency strategic plan, performance
22 measures, performance targets based on performance data,
23 performance data, and data sources used to evaluate the agency
24 performance, and explanations of the plan's provisions. In
25 submitting the report required by this subsection, the lottery
26 is not required to disclose any proprietary or otherwise
27 confidential information which is considered a confidential
28 record pursuant to section 22.7.

29 3. VIDEO LOTTERY. It is the intent of the general
30 assembly that the lottery should investigate whether the
31 deployment of vending machines with video screens would
32 enhance the lottery's ability to perform its statutory duties
33 and if, in the business judgment of the lottery commissioner
34 and the lottery board, it would do so, that the lottery is
35 authorized to establish a plan to implement the deployment of

1 pull-tab vending machines with video monitors consistent with
2 the requirements of this subsection. At a minimum, the
3 deployment plan shall include provisions for restricting
4 access to these machines by minors, including but not limited
5 to requirements relating to the location of these machines.
6 Prior to implementing the deployment plan as described in this
7 subsection, the lottery shall notify the legislative oversight
8 committee and shall submit a report to the committee
9 describing the deployment plan, including measures the lottery
10 will implement to restrict access to the machines by minors.

11 Sec. 22. MOTOR VEHICLE FUEL TAX APPROPRIATION. There is
12 appropriated from the motor fuel tax fund created by section
13 452A.77 to the department of revenue and finance for the
14 fiscal year beginning July 1, 2002, and ending June 30, 2003,
15 the following amount, or so much thereof as is necessary, to
16 be used for the purposes designated:

17 For salaries, support, maintenance, and miscellaneous
18 purposes for administration and enforcement of the provisions
19 of chapter 452A and the motor vehicle use tax program:

20 \$ 1,084,112

21 Sec. 23. SECRETARY OF STATE. There is appropriated from
22 the general fund of the state to the office of the secretary
23 of state for the fiscal year beginning July 1, 2002, and
24 ending June 30, 2003, the following amounts, or so much
25 thereof as is necessary, to be used for the purposes
26 designated:

27 1. ADMINISTRATION AND ELECTIONS

28 For salaries, support, maintenance, miscellaneous purposes,
29 and for not more than the following full-time equivalent
30 positions:

31 \$ 680,716

32 FTEs 10.00

33 It is the intent of the general assembly that the state
34 department or state agency which provides data processing
35 services to support voter registration file maintenance and

1 storage shall provide those services without charge.

2 2. BUSINESS SERVICES

3 For salaries, support, maintenance, miscellaneous purposes,
4 and for not more than the following full-time equivalent
5 positions:

6	\$	1,433,235
7	FTEs	32.00

8 Sec. 24. SECRETARY OF STATE FILING FEES REFUND.

9 Notwithstanding the obligation to collect fees pursuant to the
10 provisions of section 490.122, subsection 1, paragraphs "a"
11 and "s", and section 504A.85, subsections 1 and 9, for the
12 fiscal year beginning July 1, 2002, and ending June 30, 2003,
13 the secretary of state may refund these fees to the filer
14 pursuant to rules established by the secretary of state. The
15 decision of the secretary of state not to issue a refund under
16 rules established by the secretary of state is final and not
17 subject to review pursuant to the provisions of the Iowa
18 administrative procedure Act.

19 Sec. 25. TREASURER. There is appropriated from the
20 general fund of the state to the office of treasurer of state
21 for the fiscal year beginning July 1, 2002, and ending June
22 30, 2003, the following amount, or so much thereof as is
23 necessary, to be used for the purposes designated:

24 For salaries, support, maintenance, miscellaneous purposes,
25 and for not more than the following full-time equivalent
26 positions:

27	\$	785,550
28	FTEs	25.80

29 The office of treasurer of state shall supply clerical and
30 secretarial support for the executive council.

31 The treasurer of state is authorized not more than the
32 following additional full-time equivalent position for the
33 purposes provided for in 2002 Iowa Acts, House File 681,
34 relating to the pledging of collateral in relation to the
35 deposit of uninsured public funds:

1 FTEs 1.00

2 The treasurer of state may expend additional funds for the
3 purposes of 2002 Iowa Acts, House File 681, if those
4 additional expenditures are actual expenses as provided in
5 2002 Iowa Acts, House File 681, and the expenses are fully
6 reimbursable.

7 Sec. 26. INFORMATION TECHNOLOGY DEPARTMENT. There is
8 appropriated from the general fund of the state to the
9 information technology department for the fiscal year
10 beginning July 1, 2002, and ending June 30, 2003, the
11 following amount, or so much thereof as is necessary, to be
12 used for the purpose designated:

13 For the purpose of providing information technology
14 services to state agencies and for the following full-time
15 equivalent positions:

16 \$ 2,982,748
17 FTEs 125.00

18 1. The information technology department shall not
19 increase any fees or charges to other state agencies for
20 services provided to such state agencies by the department,
21 unless such increase in fees or charges is first reported to
22 the department of management. The department of management
23 shall submit a report notifying the legislative fiscal bureau
24 regarding any fee increase as the increase occurs.

25 2. The department of information technology shall identify
26 all positions throughout state government that have job
27 responsibilities that are duplicative of the same or similar
28 job functions that are performed by similar positions in the
29 department of information technology. The positions
30 throughout state government that are duplicative of positions
31 in the department of information technology shall be
32 identified by department, position title, and position pay
33 grade. The department of information technology shall also
34 determine if the department can perform the functions of the
35 duplicated position. The department shall submit a report,

1 with findings, conclusions, and supporting data, to the
2 oversight committee of the general assembly by September 1,
3 2002.

4 3. The information technology department shall submit a
5 report to the general assembly by January 13, 2003, providing
6 information concerning the funding of the operation of the
7 department, to include information concerning the receipt and
8 use of fees and other revenues by the department, the method
9 of determining fees to be charged, and information comparing
10 fees charged by the department with comparable private sector
11 rates.

12 4. It is the intent of the general assembly that all
13 agencies comply with the requirements established in section
14 304.13A relating to utilization of the electronic repository
15 developed for the purpose of providing public access to agency
16 publications. To ensure compliance with the requirements, the
17 department of management, the information technology
18 department, and the state librarian shall coordinate the
19 development of a process to maximize and monitor the extent to
20 which the number of printed copies of agency publications is
21 reduced, and to realize monetary savings through the
22 reduction. The process shall include a policy for
23 distribution of written copies of publications to members of
24 the general assembly on a request-only basis and weekly
25 notification of a new publication posting on the repository by
26 the state librarian to the secretary of state, secretary of
27 the senate, and chief clerk of the house of representatives,
28 who in turn shall notify members of the general assembly of
29 publication availability. The process shall also include the
30 electronic submission of a report by November 1, annually, to
31 the legislative fiscal bureau and legislative fiscal committee
32 detailing the number of written copies of agency publications
33 produced in the preceding two fiscal years, and indicating the
34 extent to which a reduction may be observed.

35 Sec. 27. FUNDING FOR IOWACCESS.

1 1. Notwithstanding section 321A.3, subsection 1, for the
2 fiscal year beginning July 1, 2002, and ending June 30, 2003,
3 the first \$1,000,000 collected and transferred by the
4 department of transportation to the treasurer of state with
5 respect to the fees for transactions involving the furnishing
6 of a certified abstract of a vehicle operating record under
7 section 321A.3, subsection 1, shall be transferred to the
8 IowAccess revolving fund created in section 14B.206 and
9 administered by the information technology department for the
10 purposes of developing, implementing, maintaining, and
11 expanding electronic access to government records in
12 accordance with the requirements set forth in chapter 14B.

13 2. It is the intent of the general assembly that all fees
14 collected with respect to transactions involving IowAccess
15 shall be deposited in the IowAccess revolving fund created in
16 section 14B.206 and shall be used only for the support of
17 IowAccess projects.

18 Sec. 28. DUPLICATION AND REORGANIZATION REVIEWS. In
19 implementing the requirements of this division I of this Act,
20 involving the department of general services, department of
21 management, department of personnel, and information
22 technology department identifying duplicative positions or
23 studying the reorganization of state government, those
24 departments shall consult with the departments that may be
25 affected, consider previously conducted studies or reviews,
26 and identify the projected impacts of recommended changes upon
27 the general fund of the state, road use tax fund, and any
28 other affected funding source.

29 Sec. 29. Section 7D.33, subsection 2, Code 2001, is
30 amended by adding the following new paragraph:

31 NEW PARAGRAPH. e. The method of promoting the suggestion
32 program in the broadest possible manner to state employees.

33 Sec. 30. Section 7D.33, subsection 3, paragraph a, Code
34 2001, is amended to read as follows:

35 a. When a suggestion is implemented and results in a

1 direct cost reduction within state government, the suggester
2 shall be awarded ten percent of the first year's net savings,
3 not exceeding two-thousand-five-hundred twenty-five thousand
4 dollars or, and a certificate. A cash award shall not be
5 awarded for a suggestion which saves less than one hundred
6 dollars during the first year of implementation. The
7 department head shall approve all awards and determine the
8 amount to be awarded. Appeals of award amounts shall be
9 submitted to the director of the department of management
10 whose decision is final.

11 Sec. 31. Section 476.53, Code Supplement 2001, is amended
12 by adding the following new subsection:

13 NEW SUBSECTION. 4. The utilities board and the consumer
14 advocate may employ additional temporary staff, or may
15 contract for professional services with persons who are not
16 state employees, as the board and the consumer advocate deem
17 necessary to perform required functions as provided in this
18 section, including but not limited to, review of power
19 purchase contracts, review of emission plans and budgets, and
20 review of ratemaking principles proposed for construction or
21 lease of a new generating facility. Beginning July 1, 2002,
22 there is appropriated out of any funds in the state treasury
23 not otherwise appropriated, such sums as may be necessary to
24 enable the board and the consumer advocate to hire additional
25 staff and contract for services under this section. The costs
26 of the additional staff and services shall be assessed to the
27 utilities pursuant to the procedure in section 476.10 and
28 section 475A.6.

29 Sec. 32. Section 505.7, subsection 4, Code 2001, is
30 amended by striking the subsection and inserting in lieu
31 thereof the following:

32 4. Except as otherwise provided in subsection 6, the
33 insurance division may expend additional funds if those
34 additional expenditures are actual expenses which exceed the
35 funds budgeted for statutory duties of the division and

1 directly result from the statutory duties of the division. The
2 amounts necessary to fund the excess division expenses shall
3 be collected from additional fees and other moneys collected
4 by the division. The division shall notify in writing the
5 legislative fiscal bureau and the department of management
6 when hiring additional personnel. The written notification
7 shall include documentation that any additional expenditure
8 related to such hiring will be totally reimbursed to the
9 general fund, and shall also include the division's
10 justification for hiring such personnel. The division must
11 obtain the approval of the department of management only if
12 the number of additional personnel to be hired exceeds the
13 number of full-time equivalent positions authorized by the
14 general assembly.

15 Sec. 33. Section 546.10, subsection 3, Code Supplement
16 2001, is amended by adding the following new unnumbered
17 paragraph:

18 NEW UNNUMBERED PARAGRAPH. Notwithstanding subsection 5,
19 eighty-five percent of the funds received annually resulting
20 from an increase in licensing fees implemented on or after
21 April 1, 2002, by a licensing board or commission listed in
22 subsection 1, is appropriated to the professional licensing
23 and regulation division to be allocated to the board or
24 commission for the fiscal year beginning July 1, 2002, and
25 succeeding fiscal years, for purposes related to the duties of
26 the board or commission, including but not limited to
27 additional full-time equivalent positions. The director of
28 revenue and finance shall draw warrants upon the treasurer of
29 state from the funds appropriated as provided in this section
30 and shall make the funds available to the professional
31 licensing division on a monthly basis during each fiscal year.

32 Sec. 34. 2001 Iowa Acts, First Extraordinary Session,
33 chapter 5, section 1, is repealed.

34 Sec. 35. EFFECTIVE DATE. This division of this Act takes
35 effect July 1, 2002.

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DIVISION II

AGRICULTURE AND NATURAL RESOURCES

DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

Sec. 36. GENERAL DEPARTMENT APPROPRIATION. There is appropriated from the general fund of the state to the department of agriculture and land stewardship 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 purposes of supporting the department, including its divisions, for administration, regulations, and programs, for salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$ 16,469,640
.....	FTEs 440.13

DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

SPECIAL APPROPRIATIONS

Sec. 37. RIVER AUTHORITIES. There is appropriated from the general fund of the state to the department of agriculture and land stewardship 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 purposes of supporting the department for membership in the state interagency Missouri river authority, created in 2002 Iowa Acts, Senate File 2051, in the Missouri river basin association:

.....	\$ 9,780
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Sec. 38. FEED GRAIN PROJECT. There is appropriated from the general fund of the state to the department of agriculture and land stewardship 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:

1 For purposes of administering a pilot process verification
2 program for feed grains. The program shall be administered in
3 conjunction with the Iowa corn growers association:

4 \$ 19,560

5 Sec. 39. HORSE AND DOG RACING. There is appropriated from
6 the moneys available under section 99D.13 to the
7 administrative division of the department of agriculture and
8 land stewardship for the fiscal year beginning July 1, 2002,
9 and ending June 30, 2003, the following amount, or so much
10 thereof as is necessary, to be used for the purposes
11 designated:

12 For salaries, support, maintenance, and miscellaneous
13 purposes for the administration of section 99D.22:

14 \$ 293,441

15 Sec. 40. REGULATORY DIVISION DAIRY PRODUCTS CONTROL
16 BUREAU. There is appropriated from the general fund of the
17 state to the department of agriculture and land stewardship
18 for the fiscal year beginning July 1, 2002, and ending June
19 30, 2003, the following amount, or so much thereof as is
20 necessary, to be used for the purposes designated:

21 For purposes of supporting the operations of the dairy
22 products control bureau within the department's regulatory
23 division, including salaries, support, maintenance, and
24 miscellaneous purposes:

25 \$ 664,646

26 DEPARTMENT OF NATURAL RESOURCES

27 GENERAL APPROPRIATIONS

28 Sec. 41. GENERAL DEPARTMENT APPROPRIATION.

29 1. There is appropriated from the general fund of the
30 state to the department of natural resources for the fiscal
31 year beginning July 1, 2002, and ending June 30, 2003, the
32 following amount, or so much thereof as is necessary, to be
33 used for the purposes designated:

34 For purposes of supporting the department, including its
35 divisions, for administration, regulations, and programs, for

1 salaries, support, maintenance, miscellaneous purposes, and
2 for not more than the following full-time equivalent
3 positions:

4 \$ 15,555,316
5 FTEs 1,075.12

6 2. Of the amount appropriated in subsection 1, the air
7 quality bureau may expend up to \$5,000 for purposes of
8 supporting public education programs for controlled burning of
9 demolition sites and the proper disposal of waste materials
10 from demolition sites.

11 3. Of the amount appropriated in subsection 1, \$5,949,760
12 shall be used by the parks and preserves division for
13 salaries, support, maintenance, and miscellaneous purposes.

14 4. Of the amount appropriated in subsection 1, \$1,250,000
15 shall be used for salaries, support, maintenance, and
16 miscellaneous purposes for activities regarding animal
17 agriculture.

18 Sec. 42. STATE FISH AND GAME PROTECTION FUND --
19 APPROPRIATION TO THE DIVISION OF FISH AND WILDLIFE.

20 1. a. There is appropriated from the state fish and game
21 protection fund to the department of natural resources for the
22 fiscal year beginning July 1, 2002, and ending June 30, 2003,
23 the following amount, or so much thereof as is necessary, to
24 be used for the purposes designated:

25 For use by the division of fish and wildlife for
26 administrative support, and for salaries, support,
27 maintenance, equipment, and miscellaneous purposes:
28 \$ 28,044,786

29 b. The department may use moneys appropriated in paragraph
30 "a", as is necessary to provide compensation to conservation
31 peace officers employed in a protection occupation who retire,
32 pursuant to section 97B.49B.

33 2. The department shall not expend more moneys from the
34 fish and game protection fund than provided in this section,
35 unless the expenditure derives from contributions made by a

1 private entity, or a grant or moneys received from the federal
2 government, and is approved by the natural resource
3 commission. The department of natural resources shall
4 promptly notify the legislative fiscal bureau and the
5 chairpersons and ranking members of the joint appropriations
6 subcommittee on agriculture and natural resources concerning
7 the commission's approval.

8 DEPARTMENT OF NATURAL RESOURCES

9 RELATED TRANSFERS AND APPROPRIATIONS

10 Sec. 43. SNOWMOBILE FEES -- TRANSFER FOR ENFORCEMENT

11 PURPOSES. There is transferred on July 1, 2002, from the fees
12 deposited under section 321G.7 to the fish and game protection
13 fund and appropriated to the department of natural resources
14 for the fiscal year beginning July 1, 2002, and ending June
15 30, 2003, the following amount, or so much thereof as is
16 necessary, to be used for the purpose designated:

17 For enforcing snowmobile laws as part of the state
18 snowmobile program administered by the department of natural
19 resources:

20 \$ 100,000

21 Sec. 44. VESSEL FEES -- TRANSFER FOR ENFORCEMENT PURPOSES.

22 There is transferred on July 1, 2002, from the fees deposited
23 under section 462A.52 to the fish and game protection fund and
24 appropriated to the natural resource commission for the fiscal
25 year beginning July 1, 2002, and ending June 30, 2003, the
26 following amount, or so much thereof as is necessary, to be
27 used for the purpose designated:

28 For the administration and enforcement of navigation laws
29 and water safety:

30 \$ 1,400,000

31 Notwithstanding section 8.33, moneys transferred and
32 appropriated in this section that remain unencumbered or
33 unobligated at the close of the fiscal year shall not revert
34 to the credit of the fish and game protection fund but shall
35 be credited to the special conservation fund established by

1 section 462A.52 to be used as provided in that section.

2 DEPARTMENT OF NATURAL RESOURCES

3 SPECIAL APPROPRIATIONS

4 Sec. 45. REVENUE ADMINISTERED BY THE IOWA COMPREHENSIVE
5 UNDERGROUND STORAGE TANK FUND BOARD. There is appropriated
6 from the unassigned revenue fund administered by the Iowa
7 comprehensive underground storage tank fund board, to the
8 department of natural resources for the fiscal year beginning
9 July 1, 2002, and ending June 30, 2003, the following amount,
10 or so much thereof as is necessary, to be used for the purpose
11 designated:

12 For administration expenses of the underground storage tank
13 section of the department of natural resources:

14 \$ 75,000

15 Sec. 46. FLOODPLAIN PERMIT BACKLOG. Notwithstanding any
16 contrary provision of state law, for the fiscal year beginning
17 July 1, 2002, and ending June 30, 2003, the department of
18 natural resources may use additional funds available to the
19 department from stormwater discharge permit fees for the
20 staffing of the following additional full-time staff members
21 to reduce the department's floodplain permit backlog:

22 FTES 2.00

23 Sec. 47. IMPLEMENTATION OF THE FEDERAL TOTAL MAXIMUM DAILY
24 LOAD PROGRAM. Notwithstanding any contrary provision of state
25 law, for the fiscal year beginning July 1, 2002, and ending
26 June 30, 2003, the department of natural resources may use
27 additional funds available to the department from stormwater
28 discharge permit fees for the staffing of the following
29 additional full-time equivalent positions for implementation
30 of the federal total maximum daily load program:

31 FTES 2.00

32 Sec. 48. EFFECTIVE DATE. This division of this Act takes
33 effect July 1, 2002.

34 DIVISION III
35 ECONOMIC DEVELOPMENT

1 Sec. 49. GOALS AND ACCOUNTABILITY.

2 1. The goals for the department of economic development
3 shall be to expand and stimulate the state economy, increase
4 the wealth of Iowans, and increase the population of the
5 state.

6 2. To achieve the goals in subsection 1, the department of
7 economic development shall do all of the following:

8 a. Concentrate its efforts on programs and activities that
9 result in commercially viable products and services.

10 b. Adopt practices and services consistent with free
11 market, private sector philosophies.

12 c. Ensure economic growth and development throughout the
13 state.

14 3. The department of economic development shall
15 demonstrate accountability by using performance measures
16 appropriate to show the attainment of the goals in subsection
17 1 for the state and by measuring the effectiveness and results
18 of the department's programs and activities. The performance
19 measures and associated benchmarks shall be developed or
20 identified in cooperation with the legislative fiscal bureau
21 and approved by the joint appropriations subcommittee on
22 economic development. The data demonstrating accountability
23 collected by the department shall be made readily available
24 and maintained in computer-readable format.

25 Sec. 50. DEPARTMENT OF ECONOMIC DEVELOPMENT. There is
26 appropriated from the general fund of the state to the
27 department of economic development for the fiscal year
28 beginning July 1, 2002, and ending June 30, 2003, the
29 following amounts, or so much thereof as is necessary, to be
30 used for the purposes designated:

31 1. ADMINISTRATIVE SERVICES DIVISION

32 a. General administration

33 For salaries, support, maintenance, miscellaneous purposes,
34 programs, for the transfer to the Iowa state commission grant
35 program, and for not more than the following full-time

1 equivalent positions:

2 \$ 1,509,134
3 FTEs 28.75

4 b. The department shall work with businesses and
5 communities to continually improve the economic development
6 climate along with the economic well-being and quality of life
7 for Iowans. The administrative services division shall
8 coordinate with other state agencies ensuring that all state
9 departments are attentive to the needs of an entrepreneurial
10 culture.

11 2. BUSINESS DEVELOPMENT DIVISION

12 a. Business development operations

13 For business development operations and programs,
14 international trade, export assistance, workforce recruitment,
15 the partner state program, for transfer to the strategic
16 investment fund, for transfer to the value-added agricultural
17 products and processes financial assistance fund, salaries,
18 support, maintenance, miscellaneous purposes, and for not more
19 than the following full-time equivalent positions:

20 \$ 10,311,286
21 FTEs 60.00

22 b. The department shall establish a strong and aggressive
23 marketing image to showcase Iowa's workforce, existing
24 industry, and potential. A priority shall be placed on
25 recruiting new businesses, business expansion, and retaining
26 existing Iowa businesses. Emphasis shall also be placed on
27 entrepreneurial development through helping to secure capital
28 for entrepreneurs, and developing networks and a business
29 climate conducive to entrepreneurs and small business.

30 c. Notwithstanding section 8.33, moneys appropriated in
31 this subsection that remain unencumbered or unobligated at the
32 close of the fiscal year shall not revert but shall remain
33 available for expenditure for the purposes designated until
34 the close of the succeeding fiscal year.

35 3. COMMUNITY AND RURAL DEVELOPMENT DIVISION

1 a. Community development programs

2 For salaries, support, maintenance, miscellaneous purposes,
3 community economic development programs, tourism operations,
4 community assistance, the film office, the mainstreet and
5 rural mainstreet programs, the school-to-career program, the
6 community development block grant, and housing and shelter-
7 related programs and for not more than the following full-time
8 equivalent positions:

9 \$ 4,591,404
10 FTEs 65.00

11 b. The department shall encourage development of
12 communities and quality of life to foster economic growth. The
13 department shall prepare communities for future growth and
14 development through development, expansion, and modernization
15 of infrastructure.

16 c. The department shall develop public-private
17 partnerships with Iowa businesses in the tourism industry,
18 Iowa tour groups, Iowa tourism organizations, and political
19 subdivisions in this state to assist in the development of
20 advertising efforts. The department shall, to the fullest
21 extent possible, develop cooperative efforts for advertising
22 with contributions from other sources.

23 d. Notwithstanding section 8.33, moneys that remain
24 unexpended at the end of the fiscal year shall not revert to
25 any fund but shall remain available for expenditure for the
26 designated purposes during the succeeding fiscal year.

27 4. For allocating moneys for the world food prize:
28 \$ 285,000

29 Sec. 51. VISION IOWA PROGRAM -- FTE AUTHORIZATION. For
30 purposes of administrative duties associated with the vision
31 Iowa program, the department of economic development is
32 authorized an additional 3.00 full-time equivalent positions
33 above those otherwise authorized in this division of this Act.

34 Sec. 52. RURAL COMMUNITY 2000 PROGRAM. There is
35 appropriated from loan repayments on loans under the former

1 rural community 2000 program, sections 15.281 through 15.288,
2 Code 2001, to the department of economic development for the
3 fiscal year beginning July 1, 2002, and ending June 30, 2003,
4 the following amounts, or so much thereof as is necessary, to
5 be used for the purposes designated:

6 1. For providing financial assistance to Iowa's councils
7 of governments that provide technical and planning assistance
8 to local governments:

9 \$ 150,000

10 2. For the rural development program for the purposes of
11 the program including the rural enterprise fund and
12 collaborative skills development training:

13 \$ 370,000

14 Sec. 53. INSURANCE ECONOMIC DEVELOPMENT. There is
15 appropriated from moneys collected by the division of
16 insurance in excess of the anticipated gross revenues under
17 section 505.7, subsection 3, to the department of economic
18 development for the fiscal year beginning July 1, 2002, and
19 ending June 30, 2003, the following amount, or so much thereof
20 as is necessary, for insurance economic development and
21 international insurance economic development:

22 \$ 100,000

23 Sec. 54. TOURISM OPERATIONS. There is appropriated from
24 the community attraction and tourism fund created in section
25 15F.204 to the department of economic development for the
26 fiscal year beginning July 1, 2002, and ending June 30, 2003,
27 the following amount, or so much thereof as is necessary, to
28 be used for the purposes designated:

29 For tourism operations, including salaries, support,
30 maintenance, and miscellaneous purposes:

31 \$ 1,200,000

32 Moneys appropriated pursuant to this section shall not be
33 appropriated from moneys in the community attraction and
34 tourism fund which are moneys originating from the tax-exempt
35 bond proceeds restricted capital funds account of the tobacco

1 settlement trust fund.

2 Sec. 55. COMMUNITY DEVELOPMENT LOAN FUND. Notwithstanding
3 section 15E.120, subsections 5 and 6, there is appropriated
4 from the Iowa community development loan fund all the moneys
5 available during the fiscal year beginning July 1, 2002, and
6 ending June 30, 2003, to the department of economic
7 development for the community development program to be used
8 by the department for the purposes of the program.

9 Sec. 56. WORKFORCE DEVELOPMENT FUND. There is
10 appropriated from the workforce development fund account
11 created in section 15.342A, to the workforce development fund
12 created in section 15.343, for the fiscal year beginning July
13 1, 2002, and ending June 30, 2003, the following amount, for
14 the purposes of the workforce development fund, and for not
15 more than the following full-time equivalent positions:

16	\$	4,000,000
17	FTEs	4.00

18 Sec. 57. WORKFORCE DEVELOPMENT ADMINISTRATION. From funds
19 appropriated or transferred to or receipts credited to the
20 workforce development fund created in section 15.343, up to
21 \$400,000 for the fiscal year beginning July 1, 2002, and
22 ending June 30, 2003, may be used for the administration of
23 workforce development activities including salaries, support,
24 maintenance, and miscellaneous purposes and for not more than
25 4.00 full-time equivalent positions.

26 Sec. 58. JOB TRAINING FUND. Notwithstanding section
27 15.251, all remaining moneys in the job training fund on July
28 1, 2002, and any moneys appropriated or credited to the fund
29 during the fiscal year beginning July 1, 2002, shall be
30 transferred to the workforce development fund established
31 pursuant to section 15.343.

32 Sec. 59. IOWA STATE UNIVERSITY.
33 1. There is appropriated from the general fund of the
34 state to the Iowa state university of science and technology
35 for the fiscal year beginning July 1, 2002, and ending June

1 30, 2003, the following amount, or so much thereof as is
2 necessary, to be used for small business development centers,
3 the science and technology research park, the institute for
4 physical research, and for not more than the following full-
5 time equivalent positions:

6 \$ 2,384,063

7 FTEs 56.53

8 2. Iowa state university of science and technology shall
9 do all of the following:

10 a. Direct expenditures for research toward projects that
11 will provide economic stimulus for Iowa.

12 b. Emphasize that a business and an individual that
13 creates a business and receives benefits from a program
14 funded, in part, through moneys appropriated in this section
15 have a commercially viable product or service.

16 c. Provide emphasis to providing services to Iowa-based
17 companies.

18 3. It is the intent of the general assembly that the
19 industrial incentive program focus on Iowa industrial sectors
20 and seek contributions and in-kind donations from businesses,
21 industrial foundations, and trade associations and that moneys
22 for the institute for physical research and technology
23 industrial incentive program shall only be allocated for
24 projects which are matched by private sector moneys for
25 directed contract research or for nondirected research. The
26 match required of small businesses as defined in section
27 15.102, subsection 4, for directed contract research or for
28 nondirected research shall be \$1 for each \$3 of state funds.
29 The match required for other businesses for directed contract
30 research or for nondirected research shall be \$1 for each \$1
31 of state funds. The match required of industrial foundations
32 or trade associations shall be \$1 for each \$1 of state funds.

33 Iowa state university of science and technology shall
34 report annually to the joint appropriations subcommittee on
35 economic development and the legislative fiscal bureau the

1 total amount of private contributions, the proportion of
2 contributions from small businesses and other businesses, and
3 the proportion for directed contract research and nondirected
4 research of benefit to Iowa businesses and industrial sectors.

5 Notwithstanding section 8.33, moneys appropriated in this
6 section that remain unencumbered or unobligated at the close
7 of the fiscal year shall not revert but shall remain available
8 for expenditure for the purposes designated until the close of
9 the succeeding fiscal year.

10 Sec. 60. UNIVERSITY OF IOWA.

11 1. There is appropriated from the general fund of the
12 state to the state university of Iowa for the fiscal year
13 beginning July 1, 2002, and ending June 30, 2003, the
14 following amount, or so much thereof as is necessary, to be
15 used for the university of Iowa research park and for the
16 advanced drug development program at the Oakdale research
17 park, including salaries, support, maintenance, equipment,
18 miscellaneous purposes, and for not more than the following
19 full-time equivalent positions:

20	\$	245,463
21	FTEs	6.00

22 2. The university of Iowa shall do all of the following:

23 a. Direct expenditures for research toward projects that
24 will provide economic stimulus for Iowa.

25 b. Emphasize that a business and an individual that
26 creates a business and receives benefits from a program
27 funded, in part, through moneys appropriated in this section
28 have a commercially viable product or service.

29 c. Provide emphasis to providing services to Iowa-based
30 companies.

31 3. The board of regents shall submit a report on the
32 progress of regents institutions in meeting the strategic plan
33 for technology transfer and economic development to the
34 secretary of the senate, the chief clerk of the house of
35 representatives, and the legislative fiscal bureau by January

1 15, 2003.

2 4. Notwithstanding section 8.33, moneys appropriated in
3 this section that remain unencumbered or unobligated at the
4 close of the fiscal year shall not revert but shall remain
5 available for expenditure for the purposes designated until
6 the close of the succeeding fiscal year.

7 Sec. 61. UNIVERSITY OF NORTHERN IOWA.

8 1. There is appropriated from the general fund of the
9 state to the university of northern Iowa for the fiscal year
10 beginning July 1, 2002, and ending June 30, 2003, the
11 following amount, or so much thereof as is necessary, to be
12 used for the metal casting institute, and for the institute of
13 decision making, including salaries, support, maintenance,
14 miscellaneous purposes, and for not more than the following
15 full-time equivalent positions:

16	\$	352,889
17	FTEs	11.15

18 2. The university of northern Iowa shall do all of the
19 following:

- 20 a. Direct expenditures for research toward projects that
21 will provide economic stimulus for Iowa.
- 22 b. Emphasize that a business and an individual that
23 creates a business and receives benefits from a program
24 funded, in part, through moneys appropriated in this section
25 have a commercially viable product or service.
- 26 c. Provide emphasis to providing services to Iowa-based
27 companies.

28 3. Notwithstanding section 8.33, moneys appropriated in
29 this section that remain unencumbered or unobligated at the
30 close of the fiscal year shall not revert but shall remain
31 available for expenditure for the purposes designated until
32 the close of the succeeding fiscal year.

33 Sec. 62. DEPARTMENT OF WORKFORCE DEVELOPMENT.

34 1. There is appropriated from the general fund of the
35 state, to the department of workforce development for the

1 fiscal year beginning July 1, 2002, and ending June 30, 2003,
2 the following amount, or so much thereof as is necessary, for
3 the division of labor services, the division of workers'
4 compensation, the workforce development state and regional
5 boards, the new employment opportunity fund, salaries,
6 support, maintenance, miscellaneous purposes, and for not more
7 than the following full-time equivalent positions:

8	\$	4,878,316
9	FTEs	113.30

10 2. From the contractor registration fees, the division of
11 labor services shall reimburse the department of inspections
12 and appeals for all costs associated with hearings under
13 chapter 91C, relating to contractor registration.

14 3. The division of workers' compensation shall continue
15 charging a \$65 filing fee for workers' compensation cases. The
16 filing fee shall be paid by the petitioner of a claim.
17 However, the fee can be taxed as a cost and paid by the losing
18 party, except in cases where it would impose an undue hardship
19 or be unjust under the circumstances.

20 4. Notwithstanding section 8.33, moneys appropriated in
21 this section that remain unencumbered or unobligated at the
22 close of the fiscal year shall not revert but shall remain
23 available for expenditure for the purposes designated until
24 the close of the succeeding fiscal year.

25 Sec. 63. ADMINISTRATIVE CONTRIBUTION SURCHARGE FUND.
26 Notwithstanding section 96.7, subsection 12, paragraph "c",
27 there is appropriated from the administrative contribution
28 surcharge fund of the state to the department of workforce
29 development for the fiscal year beginning July 1, 2002, and
30 ending June 30, 2003, any moneys remaining in the
31 administrative contribution surcharge fund on June 30, 2002,
32 and the entire amount collected during the fiscal year
33 beginning July 1, 2002, and ending June 30, 2003, or so much
34 thereof as is necessary, for salaries, support, maintenance,
35 conducting labor market surveys, miscellaneous purposes, and

1 for workforce development regional advisory board member
2 expenses.

3 Sec. 64. EMPLOYMENT SECURITY CONTINGENCY FUND. There is
4 appropriated from the special employment security contingency
5 fund to the department of workforce development for the fiscal
6 year beginning July 1, 2002, and ending June 30, 2003, the
7 following amounts, or so much thereof as is necessary, for the
8 purposes designated:

9 1. DIVISION OF WORKERS' COMPENSATION

10 For salaries, support, maintenance, and miscellaneous
11 purposes:

12 \$ 471,000

13 2. IMMIGRATION SERVICE CENTERS

14 For salaries, support, maintenance, and miscellaneous
15 purposes for the pilot immigration service centers:

16 \$ 160,000

17 The department of workforce development shall maintain
18 pilot immigration service centers that offer one-stop services
19 to deal with the multiple issues related to immigration and
20 employment. The pilot centers shall be designed to support
21 workers, businesses, and communities with information,
22 referrals, job placement assistance, translation, language
23 training, resettlement, as well as technical and legal
24 assistance on such issues as forms and documentation. Through
25 the coordination of local, state, and federal service
26 providers, and through the development of partnerships with
27 public, private, and nonprofit entities with established
28 records of international service, these pilot centers shall
29 seek to provide a seamless service delivery system for new
30 Iowans.

31 3. LABOR MARKET INFORMATION

32 For salaries, support, maintenance, miscellaneous purposes
33 for collection of labor market information, and for not more
34 than the following full-time equivalent position:

35 \$ 67,078

1 FTEs 1.00

2 Any additional penalty and interest revenue may be used to
3 accomplish the mission of the department upon notification of
4 the use to the chairpersons and ranking members of the joint
5 appropriations subcommittee on economic development, the
6 department of management, and the legislative fiscal bureau.
7 However, the department shall not allocate any additional
8 penalty and interest revenue prior to January 30, 2003.

9 Sec. 65. PUBLIC EMPLOYMENT RELATIONS BOARD. There is
10 appropriated from the general fund of the state to the public
11 employment relations board for the fiscal year beginning July
12 1, 2002, and ending June 30, 2003, the following amount, or so
13 much thereof as is necessary, for the purposes designated:

14 For salaries, support, maintenance, miscellaneous purposes,
15 and for not more than the following full-time equivalent
16 positions:

17 \$ 815,857
18 FTEs 12.00

19 Sec. 66. Section 15E.112, subsection 5, Code 2001, is
20 amended by striking the subsection.

21 Sec. 67. Section 159A.7, subsection 6, Code 2001, is
22 amended by striking the subsection.

23 Sec. 68. 2000 Iowa Acts, chapter 1230, section 11,
24 unnumbered paragraph 3, as amended by 2001 Iowa Acts, chapter
25 188, section 19, is amended to read as follows:

26 In addition to moneys appropriated by this section,
27 notwithstanding section 96.7, subsection 12, paragraph "c",
28 for the fiscal year beginning July 1, 2000, there is
29 appropriated from the administrative contribution surcharge
30 fund of the state to the department of workforce development
31 \$700,000, or so much thereof as is necessary, for matching
32 funds for welfare-to-work grants authorized through the United
33 States department of labor. Notwithstanding section 8.33,
34 moneys appropriated in this unnumbered paragraph that remain
35 unencumbered or unobligated on June 30, 2001, shall not revert

1 but shall remain available for expenditure for the purposes
2 designated for the fiscal year years beginning July 1, 2001,
3 and July 1, 2002.

4 Sec. 69. VALUE-ADDED AGRICULTURAL PRODUCTS AND PROCESSES
5 FINANCIAL ASSISTANCE FUND MONEYS. The office of renewable
6 fuels and coproducts may apply to the department of economic
7 development for moneys in value-added agricultural products
8 and processes financial assistance fund for deposit in the
9 renewable fuels and coproducts fund created in section 159A.7.

10 Sec. 70. IOWA FINANCE AUTHORITY AUDIT. The auditor of
11 state is requested to review the audit of the Iowa finance
12 authority performed by the auditor hired by the authority. The
13 auditor of state is also requested to conduct a performance
14 audit of the authority to determine the effectiveness of the
15 authority and the programs of the authority.

16 Sec. 71. APPLICATION FOR DEPARTMENT OF ECONOMIC
17 DEVELOPMENT MONEYS. For the fiscal year beginning July 1,
18 2002, any entity that was specifically identified in 2001 Iowa
19 Acts, chapter 188, to receive funding from the department of
20 economic development, excluding any entity identified to
21 receive a direct appropriation beginning July 1, 2002, may
22 apply to the department for assistance through the appropriate
23 program. The department shall provide application criteria
24 necessary to implement this section.

25 Sec. 72. EXPENDITURE AND ALLOCATION REPORTS. The
26 department of economic development, the department of
27 workforce development, and the regents institutions receiving
28 an appropriation pursuant to this division of this Act shall
29 file a written report on a quarterly basis with the
30 chairpersons and ranking members of the joint appropriations
31 subcommittee on economic development and the legislative
32 fiscal bureau regarding all expenditures of moneys
33 appropriated pursuant to this division of this Act during the
34 quarter, allocations of moneys appropriated pursuant to this
35 division of this Act during the quarter, and full-time

1 equivalent positions allocated during the quarter.

2 Sec. 73. EMPLOYER'S CONTRIBUTION AND PAYROLL REPORT FORM.
3 Notwithstanding Iowa administrative code 871, chapter 22, an
4 entity filing the employer's contribution and payroll report
5 form and any other unemployment insurance forms on behalf of
6 multiple accounts shall be allowed to submit one check for
7 these accounts. A listing of applicable account numbers shall
8 be submitted with the payment.

9 Sec. 74. SHELTER ASSISTANCE FUND. In providing moneys
10 from the shelter assistance fund to homeless shelter programs
11 in the fiscal year beginning July 1, 2002, and ending June 30,
12 2003, the department of economic development shall explore the
13 potential of allocating moneys to homeless shelter programs
14 based in part on their ability to move their clients toward
15 self-sufficiency.

16 Sec. 75. ISCC REPORT. By December 31, 2002, the
17 department of economic development shall submit a written
18 report to the chairpersons and the ranking members of the
19 joint appropriations subcommittee on economic development and
20 the legislative fiscal bureau. The report shall identify any
21 moneys received from the ISCC liquidation corporation.

22 Sec. 76. FEDERAL GRANTS. All federal grants to and the
23 federal receipts of agencies appropriated funds under this
24 division of this Act, not otherwise appropriated, are
25 appropriated for the purposes set forth in the federal grants
26 or receipts unless otherwise provided by the general assembly.

27 Sec. 77. UNEMPLOYMENT COMPENSATION PROGRAM.
28 Notwithstanding section 96.9, subsection 4, paragraph "a",
29 moneys credited to the state by the secretary of the treasury
30 of the United States pursuant to section 903 of the Social
31 Security Act shall be appropriated to the department of
32 workforce development and shall be used by the department for
33 the administration of the unemployment compensation program
34 only. This appropriation shall not apply to any fiscal year
35 beginning after December 31, 2002.

1 For salaries, support, maintenance, miscellaneous purposes,
2 and for not more than the following full-time equivalent
3 positions:

4	\$	3,025,891
5		<u>2,814,079</u>
6	FTEs	66.70

7 5. ARTS DIVISION

8 For salaries, support, maintenance, miscellaneous purposes,
9 including funds to match federal grants and for not more than
10 the following full-time equivalent positions:

11	\$	1,254,679
12		<u>1,166,851</u>
13	FTEs	11.00

14 Sec. 84. 2002 Iowa Acts, Senate File 2326, section 79,
15 subsections 1 through 3, are amended to read as follows:

16 1. GENERAL ADMINISTRATION

17 For salaries, support, maintenance, miscellaneous purposes,
18 and for not more than the following full-time equivalent
19 positions:

20	\$	5,165,531
21		<u>5,051,889</u>
22	FTEs	104.45

23 The director of the department of education shall ensure
24 that all school districts are aware of the state education
25 resources available on the state website for listing teacher
26 job openings and shall make every reasonable effort to enable
27 qualified practitioners to post their resumes on the state
28 website. The department shall administer the posting of job
29 vacancies for school districts, accredited nonpublic schools,
30 and area education agencies on the state website. The
31 department may coordinate this activity with the Iowa school
32 board association or other interested education associations
33 in the state.

34 2. VOCATIONAL EDUCATION ADMINISTRATION

35 For salaries, support, maintenance, miscellaneous purposes,

1 and for not more than the following full-time equivalent
2 positions:

3	\$	500,111
4		<u>489,109</u>
5	FTEs	15.60

6 3. BOARD OF EDUCATIONAL EXAMINERS

7 For salaries, support, maintenance, miscellaneous purposes,
8 and for not more than the following full-time equivalent
9 positions:

10	\$	437,695
11		<u>42,734</u>
12	FTEs	9.00

13 Sec. 85. 2002 Iowa Acts, Senate File 2326, section 79,
14 subsection 4, paragraph a, unnumbered paragraph 1, is amended
15 to read as follows:

16 For salaries, support, maintenance, miscellaneous purposes,
17 and for not more than the following full-time equivalent
18 positions:

19	\$	4,386,854
20		<u>4,290,343</u>
21	FTEs	290.50

22 Sec. 86. 2002 Iowa Acts, Senate File 2326, section 79,
23 subsection 4, paragraph b, unnumbered paragraph 1, is amended
24 to read as follows:

25 For matching funds for programs to enable persons with
26 severe physical or mental disabilities to function more
27 independently, including salaries and support, and for not
28 more than the following full-time equivalent position:

29	\$	57,158
30		<u>55,901</u>
31	FTEs	1.00

32 Sec. 87. 2002 Iowa Acts, Senate File 2326, section 79,
33 subsection 5, paragraph a, is amended to read as follows:

34 a. For salaries, support, maintenance, miscellaneous
35 purposes, and for not more than the following full-time

1 equivalent positions:

2	.....	\$	1,750,000
3			<u>1,250,000</u>
4	.....	FTEs	20.00

5 Sec. 88. 2002 Iowa Acts, Senate File 2326, section 79,
6 subsection 5, paragraph b, unnumbered paragraph 1, is amended
7 to read as follows:

8 For the enrich Iowa program:

9	.....	\$	1,781,160
10			<u>1,741,982</u>

11 Sec. 89. 2002 Iowa Acts, Senate File 2326, section 79,
12 subsections 6 and 7, are amended to read as follows:

13 6. LIBRARY SERVICE AREA SYSTEM

14 For state aid:

15	.....	\$	1,443,613
16			<u>1,411,854</u>

17 7. PUBLIC BROADCASTING DIVISION

18 For salaries, support, maintenance, capital expenditures,
19 miscellaneous purposes, and for not more than the following
20 full-time equivalent positions:

21	.....	\$	6,856,407
22			<u>6,356,407</u>
23	.....	FTEs	89.00

24 Sec. 90. 2002 Iowa Acts, Senate File 2326, section 79,
25 subsection 11, unnumbered paragraph 1, is amended to read as
26 follows:

27 For deposit in the school ready children grants account of
28 the Iowa empowerment fund created in section 28.9:

29	.....	\$	14,033,440
30			<u>13,724,712</u>

31 Sec. 91. 2002 Iowa Acts, Senate File 2326, section 79,
32 subsections 13 through 16, are amended by striking the
33 subsections.

34 Sec. 92. Section 256.9, subsection 48, Code Supplement
35 2001, is amended to read as follows:

1 48. Develop and administer, with the cooperation of the
2 commission of veterans affairs, a program which shall be known
3 as "operation recognition". The purpose of the program is to
4 award high school diplomas to ~~World-War-II~~ World
5 War I, World War II, and the Korean and Vietnam conflicts who
6 left high school prior to graduation to enter United States
7 military service. The department and the commission shall
8 jointly develop an application procedure, distribute
9 applications, and publicize the program to school districts,
10 accredited nonpublic schools, county commissions of veteran
11 affairs, veterans organizations, and state, regional, and
12 local media. All honorably discharged ~~World-War-II~~ veterans
13 who are residents or former residents of the state; who
14 served at any time between April 6, 1917, and November 11,
15 1918, at any time between September 16, 1940, and December 31,
16 1946, at any time between June 25, 1950, and January 31, 1955,
17 or at any time between February 28, 1961, and May 5, 1975, all
18 dates inclusive; and who did not return to school and complete
19 their education after the war or conflict shall be eligible to
20 receive a diploma. Diplomas may be issued posthumously. Upon
21 approval of an application, the department shall issue an
22 honorary high school diploma for an eligible veteran. The
23 diploma shall indicate the veteran's school of attendance. The
24 department and the commission shall work together to provide
25 school districts, schools, communities, and county commissions
26 of veteran affairs with information about hosting a diploma
27 ceremony on or around Veterans Day. The diploma shall be
28 mailed to the veteran or, if the veteran is deceased, to the
29 veteran's family.

30 Sec. 93. Section 261.25, subsection 1, Code 2001, as
31 amended by 2002 Iowa Acts, Senate File 2326, section 85, is
32 amended to read as follows:

33 1. There is appropriated from the general fund of the
34 state to the commission for each fiscal year the sum of forty-
35 seven forty-six million one hundred fifty-five seventeen

1 thousand three nine hundred eighty-two sixty-four dollars for
2 tuition grants.

3 Sec. 94. Chapter 260A, Code 2001 and Code Supplement 2001,
4 is repealed.

5 Sec. 95. EFFECTIVE DATE.

6 1. Except as otherwise provided in subsection 2, this
7 division of this Act takes effect July 1, 2002.

8 2. The section of this division of this Act amending
9 section 256.9, being deemed of immediate importance, takes
10 effect upon enactment.

11 DIVISION V

12 HEALTH AND HUMAN RIGHTS

13 Sec. 96. DEPARTMENT FOR THE BLIND. There is appropriated
14 from the general fund of the state to the department for the
15 blind for the fiscal year beginning July 1, 2002, and ending
16 June 30, 2003, the following amount, or so much thereof as is
17 necessary, to be used for the purposes designated:

18 For salaries, support, maintenance, miscellaneous purposes,
19 and for not more than the following full-time equivalent
20 positions:

21	\$	1,529,780
22	FTEs	106.50

23 Sec. 97. CIVIL RIGHTS COMMISSION. There is appropriated
24 from the general fund of the state to the Iowa state civil
25 rights commission for the fiscal year beginning July 1, 2002,
26 and ending June 30, 2003, the following amount, or so much
27 thereof as is necessary, to be used for the purposes
28 designated:

29 For salaries, support, maintenance, miscellaneous purposes,
30 and for not more than the following full-time equivalent
31 positions:

32	\$	908,253
33	FTEs	35.75

34 If the anticipated amount of federal funding from the
35 federal equal employment opportunity commission and the

1 federal department of housing and urban development exceeds
2 \$1,144,875 during the fiscal year beginning July 1, 2002, the
3 Iowa state civil rights commission may exceed the staffing
4 level authorized in this section to hire additional staff to
5 process or to support the processing of employment and housing
6 complaints during that fiscal year.

7 Sec. 98. DEPARTMENT OF ELDER AFFAIRS. There is
8 appropriated from the general fund of the state to the
9 department of elder affairs for the fiscal year beginning July
10 1, 2002, and ending June 30, 2003, the following amount, or so
11 much thereof as is necessary, to be used for the purposes
12 designated:

13 1. For aging programs for the department of elder affairs
14 and area agencies on aging to provide citizens of Iowa who are
15 60 years of age and older with case management for the frail
16 elderly, Alzheimer's support, the retired and senior volunteer
17 program, resident advocate committee coordination, employment,
18 and other services which may include, but are not limited to,
19 adult day services, respite care, chore services, telephone
20 reassurance, information and assistance, and home repair
21 services, including the winterizing of homes, and for the
22 construction of entrance ramps which make residences
23 accessible to the physically handicapped, and for salaries,
24 support, administration, maintenance, miscellaneous purposes,
25 and for not more than the following full-time equivalent
26 positions with the department of elder affairs:

27	\$	3,928,156
28	FTEs	28.00

29 a. Funds appropriated in this subsection may be used to
30 supplement federal funds under federal regulations. To
31 receive funds appropriated in this subsection, a local area
32 agency on aging shall match the funds with moneys from other
33 sources according to rules adopted by the department. Funds
34 appropriated in this subsection may be used for elderly
35 services not specifically enumerated in this subsection only

1 if approved by an area agency on aging for provision of the
2 service within the area.

3 b. It is the intent of the general assembly that the Iowa
4 chapters of the Alzheimer's association and the case
5 management program for the frail elderly shall collaborate and
6 cooperate fully to assist families in maintaining family
7 members with Alzheimer's disease in the community for the
8 longest period of time possible.

9 c. The department shall maintain policies and procedures
10 regarding Alzheimer's support and the retired and senior
11 volunteer program.

12 2. The department may grant an exception for a limited
13 period of time, determined by the department to be reasonable,
14 to allow for compliance by persons regulated by the department
15 or applicants for assisted living certification with any part
16 of chapter 104A relative to buildings in existence on July 1,
17 1998. The determination of the period of time allowed for
18 compliance shall be commensurate with the anticipated
19 magnitude of expenditure, disruption of services, and the
20 degree of hazard presented. The department shall also be
21 authorized to modify the accessibility requirements otherwise
22 applicable to such applicants for buildings in existence on
23 July 1, 1998, if the department determines that compliance
24 with the requirements would be unreasonable, but only if it is
25 determined that noncompliance with the requirements would not
26 present an unreasonable degree of danger.

27 Sec. 99. GOVERNOR'S OFFICE OF DRUG CONTROL POLICY.

28 1. There is appropriated from the general fund of the
29 state to the governor's office of drug control policy for the
30 fiscal year beginning July 1, 2002, and ending June 30, 2003,
31 the following amount, or so much thereof as is necessary, to
32 be used for the purposes designated:

33 For salaries, support, maintenance, miscellaneous purposes
34 including statewide coordination of the drug abuse resistance
35 education (D.A.R.E.) programs or similar programs, and for not

1 more than the following full-time equivalent positions:
2 \$ 261,504
3 FTEs 11.00

4 2. The governor's office of drug control policy, in
5 consultation with the Iowa department of public health, and
6 after discussion and collaboration with all interested
7 agencies, shall coordinate substance abuse treatment and
8 prevention efforts in order to avoid duplication of services.

9 Sec. 100. DEPARTMENT OF PUBLIC HEALTH. There is
10 appropriated from the general fund of the state to the Iowa
11 department of public health for the fiscal year beginning July
12 1, 2002, and ending June 30, 2003, the following amounts, or
13 so much thereof as is necessary, to be used for the purposes
14 designated:

15 1. ADDICTIVE DISORDERS

16 For reducing the prevalence of use of tobacco, alcohol, and
17 other drugs, and treating individuals affected by addictive
18 behaviors, including gambling, and for not more than the
19 following full-time equivalent positions:

20 \$ 1,182,980
21 FTEs 15.51

22 a. The department shall continue to coordinate with
23 substance abuse treatment and prevention providers regardless
24 of funding source to assure the delivery of substance abuse
25 treatment and prevention programs.

26 b. The commission on substance abuse, in conjunction with
27 the department, shall continue to coordinate the delivery of
28 substance abuse services involving prevention, social and
29 medical detoxification, and other treatment by medical and
30 nonmedical providers to uninsured and court-ordered substance
31 abuse patients in all counties of the state.

32 c. The department and any grantee or subgrantee of the
33 department shall not discriminate against a nongovernmental
34 organization that provides substance abuse treatment and
35 prevention services or applies for funding to provide those

1 services on the basis that the organization has a religious
2 character. The department shall report to the governor and
3 the general assembly on or before February 1, 2003, regarding
4 the number of religious or other nongovernmental organizations
5 that applied for funds in the preceding fiscal year, the
6 amounts awarded to those organizations, and the basis for any
7 refusal by the department or grantee or subgrantee of the
8 department to award funds to any of those organizations that
9 applied.

10 2. ADULT WELLNESS

11 For maintaining or improving the health status of adults,
12 with target populations between the ages of 18 through 60, and
13 for not more than the following full-time equivalent
14 positions:

15	\$	497,647
16	FTEs	24.27

17 3. CHILD AND ADOLESCENT WELLNESS

18 For promoting the optimum health status for children and
19 adolescents from birth through 21 years of age, and for not
20 more than the following full-time equivalent positions:

21	\$	1,092,689
22	FTEs	47.07

23 4. CHRONIC CONDITIONS

24 For serving individuals identified as having chronic
25 conditions or special health care needs, and for not more than
26 the following full-time equivalent positions:

27	\$	1,171,453
28	FTEs	10.30

29 5. COMMUNITY CAPACITY

30 For strengthening the health care delivery system at the
31 local level, and for not more than the following full-time
32 equivalent positions:

33	\$	1,225,717
34	FTEs	26.12

35 6. ELDERLY WELLNESS

1 For optimizing the health of persons 60 years of age and
2 older, and for not more than the following full-time
3 equivalent positions:

4 \$ 9,455,265
5 FTEs 4.05

6 7. ENVIRONMENTAL HAZARDS

7 For reducing the public's exposure to hazards in the
8 environment, primarily chemical hazards, and for not more than
9 the following full-time equivalent positions:

10 \$ 158,258
11 FTEs 9.20

12 8. INFECTIOUS DISEASES

13 For reducing the incidence and prevalence of communicable
14 diseases, and for not more than the following full-time
15 equivalent positions:

16 \$ 1,095,419
17 FTEs 36.40

18 9. INJURIES

19 For providing support and protection to victims of abuse or
20 injury, or programs that are designed to prevent abuse or
21 injury, and for not more than the following full-time
22 equivalent positions:

23 \$ 1,467,105
24 FTEs 8.55

25 Of the funds appropriated in this subsection, \$660,000
26 shall be credited to the emergency medical services fund
27 created in section 135.25.

28 10. PUBLIC PROTECTION

29 For protecting the health and safety of the public through
30 establishing standards and enforcing regulations, and for not
31 more than the following full-time equivalent positions:

32 \$ 6,269,235
33 FTEs 129.77

34 a. The department may expend funds received from licensing
35 fees in addition to amounts appropriated in this subsection,

1 if those additional expenditures are directly the result of a
2 scope of practice review committee unanticipated litigation
3 costs arising from the discharge of an examining board's
4 regulatory duties. Before the department expends or encumbers
5 funds for a scope of practice review committee or for an
6 amount in excess of the funds budgeted for an examining board,
7 the director of the department of management shall approve the
8 expenditure or encumbrance. The amounts necessary to fund any
9 unanticipated litigation or scope of practice review committee
10 expense in the fiscal year beginning July 1, 2002, shall not
11 exceed 5 percent of the average annual fees generated by the
12 boards for the previous two fiscal years.

13 b. For the fiscal year beginning July 1, 2002, the
14 department shall retain fees collected from the certification
15 of lead inspectors and lead abaters pursuant to section
16 135.105A to support the certification program; and shall
17 retain fees collected from the licensing, registration,
18 authorization, accreditation, and inspection of x-ray machines
19 used for mammographically guided breast biopsy, screening, and
20 diagnostic mammography, pursuant to section 136C.10 to support
21 the administration of the chapter. The department may also
22 retain fees collected pursuant to section 136C.10 on all
23 shippers of radioactive material waste containers transported
24 across Iowa if the department does not obtain funding to
25 support the oversight and regulation of this activity, and for
26 x-ray radiology examination fees collected by the department
27 and reimbursed to a private organization conducting the
28 examination.

29 c. The department may retain and expend not more than
30 \$279,056 for lease and maintenance expenses from fees
31 collected pursuant to section 147.80 by the board of dental
32 examiners, the board of pharmacy examiners, the board of
33 medical examiners, and the board of nursing in the fiscal year
34 beginning July 1, 2002, and ending June 30, 2003. Fees
35 retained by the department pursuant to this lettered paragraph

1 are appropriated to the department for the purposes described
2 in this lettered paragraph.

3 d. The department may retain and expend not more than
4 \$100,000 for reduction of the number of days necessary to
5 process medical license requests and for reduction of the
6 number of days needed for consideration of malpractice cases
7 from fees collected pursuant to section 147.80 by the board of
8 medical examiners in the fiscal year beginning July 1, 2002,
9 and ending June 30, 2003. Fees retained by the department
10 pursuant to this lettered paragraph are appropriated to the
11 department for the purposes described in this lettered
12 paragraph.

13 e. If a person in the course of responding to an emergency
14 renders aid to an injured person and becomes exposed to bodily
15 fluids of the injured person, that emergency responder shall
16 be entitled to hepatitis testing and immunization in
17 accordance with the latest available medical technology to
18 determine if infection with hepatitis has occurred. The
19 person shall be entitled to reimbursement from the funds
20 appropriated in this subsection only if the reimbursement is
21 not available through any employer or third-party payor.

22 f. The board of dental examiners may retain and expend not
23 more than \$148,060 from revenues generated pursuant to section
24 147.80. Fees retained by the board pursuant to this lettered
25 paragraph are appropriated to the department to be used for
26 the purposes of regulating dental assistants.

27 g. The board of medical examiners, the board of pharmacy
28 examiners, the board of dental examiners, and the board of
29 nursing shall prepare estimates of projected receipts to be
30 generated by the licensing, certification, and examination
31 fees of each board as well as a projection of the fairly
32 apportioned administrative costs and rental expenses
33 attributable to each board. Each board shall annually review
34 and adjust its schedule of fees so that, as nearly as
35 possible, projected receipts equal projected costs.

1 h. The board of medical examiners, the board of pharmacy
2 examiners, the board of dental examiners, and the board of
3 nursing shall retain their individual executive officers, but
4 are strongly encouraged to share administrative, clerical, and
5 investigative staffs to the greatest extent possible.

6 i. The licensing boards funded under this section shall
7 submit a report by February 1, 2003, to the chairpersons and
8 ranking members of the joint appropriations subcommittee on
9 health and human rights providing management to staff ratios
10 of all funded positions as of January 13, 2003.

11 11. RESOURCE MANAGEMENT

12 For establishing and sustaining the overall ability of the
13 department to deliver services to the public, and for not more
14 than the following full-time equivalent positions:

15	\$ 1,101,021
16	FTEs 53.76

17 12. The state university of Iowa hospitals and clinics
18 under the control of the state board of regents shall not
19 receive indirect costs from the funds appropriated in this
20 section.

21 13. A local health care provider or nonprofit health care
22 organization seeking grant moneys administered by the Iowa
23 department of public health shall provide documentation that
24 the provider or organization has coordinated its services with
25 other local entities providing similar services.

26 14. a. The department shall apply for available federal
27 funds for sexual abstinence education programs.

28 b. It is the intent of the general assembly to comply with
29 the United States Congress' intent to provide education that
30 promotes abstinence from sexual activity outside of marriage
31 and reduces pregnancies, by focusing efforts on those persons
32 most likely to father and bear children out of wedlock.

33 c. Any sexual abstinence education program awarded moneys
34 under the grant program shall meet the definition of
35 abstinence education in the federal law. Grantees shall be

1 evaluated based upon the extent to which the abstinence
2 program successfully communicates the goals set forth in the
3 federal law.

4 d. It is the intent of the general assembly that the Iowa
5 department of public health and the department of human
6 services shall discuss the feasibility of combining adolescent
7 pregnancy prevention programs under one department and shall
8 submit a written report regarding such discussions to the
9 chairpersons and ranking members of the joint appropriations
10 subcommittee on health and human rights by November 1, 2002.

11 Sec. 101. DEPARTMENT OF HUMAN RIGHTS. There is
12 appropriated from the general fund of the state to the
13 department of human rights for the fiscal year beginning July
14 1, 2002, and ending June 30, 2003, the following amounts, or
15 so much thereof as is necessary, to be used for the purposes
16 designated:

17 1. CENTRAL ADMINISTRATION DIVISION

18 For salaries, support, maintenance, miscellaneous purposes,
19 and for not more than the following full-time equivalent
20 positions:

21	\$	255,624
22	FTEs	7.00

23 2. DEAF SERVICES DIVISION

24 For salaries, support, maintenance, miscellaneous purposes,
25 and for not more than the following full-time equivalent
26 positions:

27	\$	313,828
28	FTEs	7.00

29 The fees collected by the division for provision of
30 interpretation services by the division to obligated agencies
31 shall be disbursed pursuant to the provisions of section 8.32,
32 and shall be dedicated and used by the division for continued
33 and expanded interpretation services.

34 3. PERSONS WITH DISABILITIES DIVISION

35 For salaries, support, maintenance, miscellaneous purposes,

1 and for not more than the following full-time equivalent
2 positions:

3 \$ 173,136
4 FTEs 3.50

5 4. LATINO AFFAIRS DIVISION

6 For salaries, support, maintenance, miscellaneous purposes,
7 and for not more than the following full-time equivalent
8 positions:

9 \$ 155,124
10 FTEs 3.00

11 5. STATUS OF WOMEN DIVISION

12 For salaries, support, maintenance, miscellaneous purposes,
13 including the Iowans in transition program, and the domestic
14 violence and sexual assault-related grants, and for not more
15 than the following full-time equivalent positions:

16 \$ 333,415
17 FTEs 3.00

18 6. STATUS OF AFRICAN-AMERICANS DIVISION

19 For salaries, support, maintenance, miscellaneous purposes,
20 and for not more than the following full-time equivalent
21 positions:

22 \$ 124,373
23 FTEs 2.00

24 The appropriation in this subsection is contingent upon the
25 appointment of an administrator of the division on the status
26 of African-Americans and the appointment of all nine members
27 to the commission on the status of African-Americans.

28 7. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION

29 For salaries, support, maintenance, miscellaneous purposes,
30 and for not more than the following full-time equivalent
31 positions:

32 \$ 368,604
33 FTEs 9.15

34 The criminal and juvenile justice planning advisory council
35 and the juvenile justice advisory council shall coordinate

1 their efforts in carrying out their respective duties relative
2 to juvenile justice.

3 8. SHARED STAFF. The divisions of the department of human
4 rights shall retain their individual administrators, but shall
5 share staff to the greatest extent possible.

6 Sec. 102. COMMISSION OF VETERANS AFFAIRS. There is
7 appropriated from the general fund of the state to the
8 commission of veterans affairs for the fiscal year beginning
9 July 1, 2002, and ending June 30, 2003, the following amounts,
10 or so much thereof as is necessary, to be used for the
11 purposes designated:

12 1. COMMISSION OF VETERANS AFFAIRS ADMINISTRATION

13 For salaries, support, maintenance, miscellaneous purposes,
14 including the war orphan educational fund established pursuant
15 to chapter 35, and for not more than the following full-time
16 equivalent positions:

17	\$	192,792
18	FTEs	3.00

19 The commission of veterans affairs may use the gifts
20 accepted by the chairperson of the commission of veterans
21 affairs, or designee, and other resources available to the
22 commission for use at its Camp Dodge office. The commission
23 shall report annually to the governor and the general assembly
24 on monetary gifts received by the commission for the Camp
25 Dodge office.

26 2. IOWA VETERANS HOME

27 For salaries, support, maintenance, miscellaneous purposes,
28 and for not more than the following full-time equivalent
29 positions:

30	\$	14,445,694
31	FTEs	843.00

32 a. The Iowa veterans home may use the gifts accepted by
33 the chairperson of the commission of veterans affairs and
34 other resources available to the commission for use at the
35 Iowa veterans home.

1 b. Any Iowa veterans home successor contractor shall not
2 consider employees of a state institution or facility to be
3 new employees for purposes of employee wages, health
4 insurance, or retirement benefits.

5 c. The chairpersons and ranking members of the joint
6 appropriations subcommittee on health and human rights shall
7 be notified by January 15 of any calendar year during which a
8 request for proposals is anticipated to be issued regarding
9 any Iowa veterans home contract involving employment, for
10 purposes of providing legislative review and oversight.

11 d. The Iowa veterans home shall operate with a net state
12 general fund appropriation. The amount appropriated in this
13 subsection is the net amount of state moneys projected to be
14 needed for the Iowa veterans home. The purposes of operating
15 with a net state general fund appropriation are to encourage
16 the Iowa veterans home to operate with increased self-
17 sufficiency, to improve quality and efficiency, and to support
18 collaborative efforts among all funders of services available
19 from the Iowa veterans home. Moneys appropriated in this
20 subsection may be used throughout the fiscal year in the
21 manner necessary for purposes of cash flow management, and for
22 purposes of cash flow management the Iowa veterans home may
23 temporarily draw more than the amount appropriated, provided
24 the amount appropriated is not exceeded at the close of the
25 fiscal year. Beginning September 1, 2002, the Iowa veterans
26 home shall submit a report every other month to the
27 chairpersons and ranking members of the joint appropriations
28 subcommittee on health and human rights and to the legislative
29 fiscal committee providing a financial analysis of revenues
30 and expenses.

31 e. Revenues attributable to the Iowa veterans home for the
32 fiscal year beginning July 1, 2002, shall be deposited into
33 the Iowa veterans home account and shall be treated as
34 repayment receipts, including but not limited to all of the
35 following:

- 1 (1) Federal veterans administration payments.
- 2 (2) Medical assistance revenue received under chapter
- 3 249A.
- 4 (3) Federal Medicare program payments.
- 5 (4) Moneys received from client financial participation.
- 6 (5) Other revenues generated from current, new, or
- 7 expanded services which the Iowa veterans home is authorized
- 8 to provide.

9 f. For the purposes of allocating the salary adjustment
10 fund moneys appropriated in another Act, the Iowa veterans
11 home shall be considered to be funded entirely with state
12 moneys.

13 g. Notwithstanding section 8.33, up to \$500,000 of the
14 Iowa veterans home revenues that remain unencumbered or
15 unobligated at the close of the fiscal year shall not revert
16 but shall remain available to be used in the succeeding fiscal
17 year.

18 Sec. 103. GAMBLING TREATMENT FUND -- APPROPRIATION.

19 1. There is appropriated from funds available in the
20 gambling treatment fund established in the office of the
21 treasurer of state pursuant to section 99E.10 to the Iowa
22 department of public health for the fiscal year beginning July
23 1, 2002, and ending June 30, 2003, the following amount, or so
24 much thereof as is necessary, to be used for the purpose
25 designated:

26 a. Addictive disorders

27 To be utilized for the benefit of persons with addictions:

28 \$ 1,690,000

29 b. It is the intent of the general assembly that from the
30 moneys appropriated in this section, persons with a dual
31 diagnosis of substance abuse and gambling addictions shall be
32 given priority in treatment services.

33 c. Gambling treatment program

34 The funds remaining in the gambling treatment fund after
35 the appropriation in paragraph "a" is made shall be used for

1 funding of administrative costs and to provide programs which
2 may include, but are not limited to, outpatient and follow-up
3 treatment for persons affected by problem gambling,
4 rehabilitation and residential treatment programs, information
5 and referral services, education and preventive services, and
6 financial management services.

7 2. For the fiscal year beginning July 1, 2002, and ending
8 June 30, 2003, from the tax revenue received by the state
9 racing and gaming commission pursuant to section 99D.15,
10 subsections 1, 3, and 4, an amount equal to three-tenths of
11 one percent of the gross sum wagered by the pari-mutuel method
12 is to be deposited into the gambling treatment fund.

13 Sec. 104. VITAL RECORDS. The vital records modernization
14 project as enacted in 1993 Iowa Acts, chapter 55, section 1,
15 as amended by 1994 Iowa Acts, chapter 1068, section 8, as
16 amended by 1997 Iowa Acts, chapter 203, section 9, 1998 Iowa
17 Acts, chapter 1221, section 9, and 1999 Iowa Acts, chapter
18 201, section 17, and as continued by 2000 Iowa Acts, chapter
19 1222, section 10, and 2001 Iowa Acts, chapter 182, section 13,
20 shall be extended until June 30, 2003, and the increased fees
21 to be collected pursuant to that project shall continue to be
22 collected and are appropriated to the Iowa department of
23 public health until June 30, 2003.

24 Sec. 105. SPAN OF CONTROL REPORTING. The department for
25 the blind, the Iowa state civil rights commission, the
26 department of elder affairs, the Iowa department of public
27 health, the department of human rights, the governor's office
28 of drug control policy, and the commission of veterans affairs
29 shall submit a report by February 1, 2003, to the chairpersons
30 and ranking members of the joint appropriations subcommittee
31 on health and human rights providing all management to staff
32 ratios of all funded positions as of January 13, 2003.

33 Sec. 106. PROGRAM PERFORMANCE BUDGETS. It is the intent
34 of the general assembly that the department for the blind, the
35 Iowa state civil rights commission, the department of elder

1 affairs, the Iowa department of public health, the department
2 of human rights, the governor's office of drug control policy,
3 and the commission of veterans affairs develop program
4 performance budget measures to include, but not be limited to,
5 the development and tracking of demand, workload,
6 productivity, and effectiveness performance indicators for
7 each program. The program performance measures shall include
8 minority programs and grants received by minority programs.
9 The program performance measures shall also include gender-
10 based programs. The purpose of the program performance budget
11 initiative is to emphasize the programs the agencies provide
12 based upon citizen needs, the agencies' responses to those
13 needs, and the resources the agencies require to respond to
14 those needs. The agencies shall submit a report on the status
15 of achieving the program performance measures to the
16 chairpersons and ranking members of the joint appropriations
17 subcommittee on health and human rights by December 16, 2002.

18 Sec. 107. SCOPE OF PRACTICE REVIEW PROJECT. The scope of
19 practice review committee pilot project as enacted in 1997
20 Iowa Acts, chapter 203, section 6, shall be extended until
21 July 1, 2003. The Iowa department of public health shall
22 submit an annual progress report to the governor and the
23 general assembly by January 15 and shall include any
24 recommendations for legislative action as a result of review
25 committee activities. The department may contract with a
26 school or college of public health in Iowa to assist in
27 implementing the project.

28 Sec. 108. Section 232.190, Code 2001, is repealed.

29 Sec. 109. EFFECTIVE DATE. This division of this Act takes
30 effect July 1, 2002.

31 DIVISION VI

32 HUMAN SERVICES

33 Sec. 110. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK
34 GRANT. There is appropriated from the fund created in section
35 8.41 to the department of human services for the fiscal year

1 beginning July 1, 2002, and ending June 30, 2003, from moneys
2 received under the federal temporary assistance for needy
3 families block grant pursuant to the federal Personal
4 Responsibility and Work Opportunity Reconciliation Act of
5 1996, Pub. L. No. 104-193 and successor legislation, which are
6 federally appropriated for the federal fiscal years beginning
7 October 1, 2001, and ending September 30, 2002, and beginning
8 October 1, 2002, and ending September 30, 2003, the following
9 amounts, or so much thereof as is necessary, to be used for
10 the purposes designated:

11 If the federal government appropriation received for Iowa's
12 portion of the federal temporary assistance for needy families
13 block grant for the federal fiscal year beginning October 1,
14 2002, and ending September 30, 2003, is less than
15 \$131,524,959, it is the intent of the general assembly to act
16 expeditiously during the 2003 legislative session to adjust
17 appropriations or take other actions to address the reduced
18 amount. Moneys appropriated in this section shall be used in
19 accordance with the federal law making the funds available,
20 applicable Iowa law, appropriations made from the general fund
21 of the state in this Act for the purpose designated, and
22 administrative rules adopted to implement the federal and Iowa
23 law:

24 1. To be credited to the family investment program account
25 and used for assistance under the family investment program
26 under chapter 239B:

27 \$ 46,508,982

28 2. To be credited to the family investment program account
29 and used for the job opportunities and basic skills (JOBS)
30 program, and implementing family investment agreements, in
31 accordance with chapter 239B:

32 \$ 13,412,794

33 3. For field operations:

34 \$ 12,885,790

35 4. For general administration:

1 \$ 3,238,614
2 5. For local administrative costs:
3 \$ 2,122,982
4 6. For state child care assistance:
5 \$ 28,638,329
6 a. Of the funds appropriated in this subsection, \$200,000
7 shall be used for provision of educational opportunities to
8 registered child care home providers in order to improve
9 services and programs offered by this category of providers
10 and to increase the number of providers. The department may
11 contract with institutions of higher education or child care
12 resource and referral centers to provide the educational
13 opportunities. Allowable administrative costs under the
14 contracts shall not exceed 5 percent. The application for a
15 grant shall not exceed two pages in length.
16 b. Of the funds appropriated in this subsection, the
17 maximum amount allowed under Pub. L. No. 104-193 shall be
18 transferred to the child care and development block grant
19 appropriation. Funds appropriated in this subsection that
20 remain following the transfer shall be used to provide direct
21 spending for the child care needs of working parents in
22 families eligible for the family investment program.
23 7. For emergency assistance:
24 \$ 1,000,000
25 8. For mental health and developmental disabilities
26 community services:
27 \$ 4,349,266
28 9. For child and family services:
29 \$ 22,896,571
30 10. For child abuse prevention grants:
31 \$ 250,000
32 11. For pregnancy prevention grants on the condition that
33 family planning services are funded:
34 \$ 2,514,413
35 a. Pregnancy prevention grants shall be awarded to

1 programs in existence on or before July 1, 2002, if the
 2 programs are comprehensive in scope and have demonstrated
 3 positive outcomes. Grants shall be awarded to pregnancy
 4 prevention programs which are developed after July 1, 2002, if
 5 the programs are comprehensive in scope and are based on
 6 existing models that have demonstrated positive outcomes.
 7 Grants shall comply with the requirements provided in 1997
 8 Iowa Acts, chapter 208, section 14, subsections 1 and 2,
 9 including the requirement that grant programs must emphasize
 10 sexual abstinence. Priority in the awarding of grants shall
 11 be given to programs that serve areas of the state which
 12 demonstrate the highest percentage of unplanned pregnancies of
 13 females age 13 or older but younger than age 18 within the
 14 geographic area to be served by the grant.

15 b. In addition to the full-time equivalent positions
 16 funded in this division of this Act, the department may use a
 17 portion of the funds appropriated in this subsection to employ
 18 an employee in up to 1.00 full-time equivalent position for
 19 the administration of programs specified in this subsection.

20 12. For technology needs and other resources necessary to
 21 meet federal welfare reform reporting, tracking, and case
 22 management requirements:

23 \$ 565,088

24 13. For volunteers:

25 \$ 42,663

26 14. For individual development accounts under chapter
 27 541A:

28 \$ 150,000

29 15. For the healthy opportunities for parents to
 30 experience success (HOPES) program administered by the Iowa
 31 department of public health to target child abuse prevention:

32 \$ 200,000

33 16. To be credited to the state child care assistance
 34 appropriation made in this section to be used for funding of
 35 community-based early childhood programs targeted to children

1 from birth through five years of age, developed by community
2 empowerment areas as provided in this subsection:

3 \$ 6,350,000

4 a. The department may transfer federal temporary
5 assistance for needy families block grant funding appropriated
6 and allocated in this subsection to the child care and
7 development block grant appropriation in accordance with
8 federal law as necessary to comply with the provisions of this
9 subsection. The funding shall then be provided to community
10 empowerment areas for the fiscal year beginning July 1, 2002,
11 in accordance with all of the following:

12 (1) The area must be approved as a designated community
13 empowerment area by the Iowa empowerment board.

14 (2) The maximum funding amount a community empowerment
15 area is eligible to receive shall be determined by applying
16 the area's percentage of the state's average monthly family
17 investment program population in the preceding fiscal year to
18 the total amount appropriated for fiscal year 2002-2003 from
19 the TANF block grant to fund community-based programs targeted
20 to children from birth through five years of age developed by
21 community empowerment areas.

22 (3) A community empowerment area receiving funding shall
23 comply with any federal reporting requirements associated with
24 the use of that funding and other results and reporting
25 requirements established by the Iowa empowerment board. The
26 department shall provide technical assistance in identifying
27 and meeting the federal requirements.

28 (4) The availability of funding provided under this
29 subsection is subject to changes in federal requirements and
30 amendments to Iowa law.

31 b. The moneys distributed in accordance with this
32 subsection shall be used by communities for the purposes of
33 enhancing quality child care capacity in support of parent
34 capability to obtain or retain employment. The moneys shall
35 be used with a primary emphasis on low-income families and

1 children from birth to five years of age. Moneys shall be
2 provided in a flexible manner to communities, and shall be
3 used to implement strategies identified by the communities to
4 achieve such purposes. In addition to the full-time
5 equivalent positions funded in this division of this Act, 1.00
6 full-time equivalent position is authorized and the department
7 may use funding appropriated in this subsection for provision
8 of technical assistance and other support to communities
9 developing and implementing strategies with moneys distributed
10 in accordance with this subsection.

11 c. Moneys that are subject to this subsection which are
12 not distributed to a community empowerment area or otherwise
13 remain unobligated or unexpended at the end of the fiscal year
14 shall revert to the fund created in section 8.41 to be
15 available for appropriation by the general assembly in a
16 subsequent fiscal year.

17 Of the amounts appropriated in this section, \$11,612,112
18 for the fiscal year beginning July 1, 2002, shall be
19 transferred to the appropriation of the federal social
20 services block grant for that fiscal year.

21 Eligible funding available under the federal temporary
22 assistance for needy families block grant that is not
23 appropriated or not otherwise expended shall be considered
24 reserved for economic downturns and welfare reform purposes
25 and is subject to further state appropriation to support
26 families in their movement toward self-sufficiency.

27 Federal funding received that is designated for activities
28 supporting marriage or two-parent families is appropriated to
29 the Iowa marriage initiative grant fund created in section
30 234.45.

31 Sec. 111. FAMILY INVESTMENT PROGRAM ACCOUNT.

32 1. Moneys credited to the family investment program (FIP)
33 account for the fiscal year beginning July 1, 2002, and ending
34 June 30, 2003, shall be used in accordance with the following
35 requirements:

1 a. The department shall provide assistance in accordance
2 with chapter 239B.

3 b. The department shall continue the special needs program
4 under the family investment program.

5 c. The department shall continue to comply with federal
6 welfare reform data requirements pursuant to the
7 appropriations made for that purpose.

8 d. (1) The department shall continue expansion of the
9 electronic benefit transfer program as necessary to comply
10 with federal food stamp benefit requirements. The target date
11 for statewide implementation of the program is October 1,
12 2003.

13 (2) Notwithstanding section 234.12A, subsection 1, for the
14 fiscal year beginning July 1, 2002, a retailer providing
15 electronic equipment shall not be reimbursed a transaction
16 fee.

17 2. The department may use a portion of the moneys credited
18 to the family investment account under this section, as
19 necessary for salaries, support, maintenance, and
20 miscellaneous purposes for not more than the following full-
21 time equivalent positions which are in addition to any other
22 full-time equivalent positions authorized by this Act:

23 FTEs 6.00

24 3. The department may transfer funds in accordance with
25 section 8.39, either federal or state, to or from the child
26 care appropriations made for the fiscal year beginning July 1,
27 2002, if the department deems this would be a more effective
28 method of paying for JOBS program child care, to maximize
29 federal funding, or to meet federal maintenance of effort
30 requirements.

31 4. Moneys appropriated in this division of this Act and
32 credited to the family investment program account for the
33 fiscal year beginning July 1, 2002, and ending June 30, 2003,
34 are allocated as follows:

35 a. For the family development and self-sufficiency grant

1 program as provided under section 217.12:

2 \$ 5,133,042

3 (1) Of the funds allocated for the family development and
4 self-sufficiency grant program in this lettered paragraph, not
5 more than 5 percent of the funds shall be used for the
6 administration of the grant program.

7 (2) Based upon the annual evaluation report concerning
8 each grantee funded by previously appropriated funds and
9 through the solicitation of additional grant proposals, the
10 family development and self-sufficiency council may use the
11 allocated funds to renew or expand existing grants or award
12 new grants. In utilizing the funding allocated in this
13 lettered paragraph, the council shall give consideration, in
14 addition to other criteria established by the council, to a
15 grantee's intended use of local funds with a grant and to
16 whether approval of a grant proposal would expand the
17 availability of the program's services.

18 (3) The department may continue to implement the family
19 development and self-sufficiency grant program statewide
20 during FY 2002-2003.

21 b. For the diversion subaccount of the family investment
22 program account:

23 \$ 1,814,000

24 (1) Moneys allocated to the diversion subaccount shall be
25 used to continue the pilot initiative of providing incentives
26 to assist families who meet income eligibility requirements
27 for the family investment program in obtaining or retaining
28 employment, to assist participant families in overcoming
29 barriers to obtaining employment, and to assist families in
30 stabilizing employment and in reducing the likelihood of the
31 family returning to the family investment program. The
32 requirements established and position authorized under 2001
33 Iowa Acts, chapter 191, section 3, subsection 5, paragraph
34 "c", subparagraph (1), shall remain applicable to the
35 initiative for fiscal year 2002-2003.

1 (2) Of the moneys allocated to the diversion subaccount,
2 not more than \$250,000 shall be used to develop or continue
3 community-level parental obligation pilot projects. The
4 requirements established under 2001 Iowa Acts, chapter 191,
5 section 3, subsection 5, paragraph "c", subparagraph (3),
6 shall remain applicable to the parental obligation pilot
7 projects for fiscal year 2002-2003.

8 c. For the food stamp employment and training program:
9 \$ 63,000

10 5. Of the child support collections assigned under the
11 family investment program, an amount equal to the federal
12 share of support collections shall be credited to the child
13 support recovery appropriation. Of the remainder of the
14 assigned child support collections received by the child
15 support recovery unit, a portion shall be credited to the
16 family investment program account and a portion may be used to
17 increase recoveries.

18 6. The department may adopt emergency administrative rules
19 for the family investment, food stamp, and medical assistance
20 programs, if necessary, to comply with federal requirements.
21 Prior to adoption of the rules, the department shall consult
22 with the welfare reform council and the chairpersons and
23 ranking members of the joint appropriations subcommittee on
24 human services.

25 7. The department may continue the initiative to
26 streamline and simplify the employer verification process for
27 applicants, participants, and employers in the administration
28 of the department's programs. The department may contract
29 with companies collecting data from employers when the
30 information is needed in the administration of these programs.
31 The department may limit the availability of the initiative on
32 the basis of geographic area or number of individuals.

33 Sec. 112. FAMILY INVESTMENT PROGRAM GENERAL FUND. There
34 is appropriated from the general fund of the state to the
35 department of human services for the fiscal year beginning

1 July 1, 2002, and ending June 30, 2003, the following amount,
2 or so much thereof as is necessary, to be used for the purpose
3 designated:

4 To be credited to the family investment program account and
5 used for family investment program assistance under chapter
6 239B:

7 \$ 35,288,782

8 1. The department of workforce development, in
9 consultation with the department of human services, shall
10 continue to utilize recruitment and employment practices to
11 include former and current family investment program
12 recipients.

13 2. The department of human services shall continue to work
14 with the department of workforce development and local
15 community collaborative efforts to provide support services
16 for family investment program participants. The support
17 services shall be directed to those participant families who
18 would benefit from the support services and are likely to have
19 success in achieving economic independence.

20 3. Of the funds appropriated in this section, \$9,274,143
21 is allocated for the JOBS program.

22 4. The department shall continue to work with religious
23 organizations and other charitable institutions to increase
24 the availability of host homes, referred to as second chance
25 homes or other living arrangements under the federal Personal
26 Responsibility and Work Opportunity Reconciliation Act of
27 1996, Pub. L. No. 104-193, § 103. The purpose of the homes or
28 arrangements is to provide a supportive and supervised living
29 arrangement for minor parents receiving assistance under the
30 family investment program who, under chapter 239B, may receive
31 assistance while living in an alternative setting other than
32 with their parent or legal guardian.

33 Sec. 113. EMERGENCY ASSISTANCE.

34 1. The emergency assistance funds received in accordance
35 with this section and federal moneys appropriated for this

1 purpose in this division of this Act shall be available
2 beginning October 1, 2002, and shall be provided only if all
3 other publicly funded resources have been exhausted.
4 Specifically, emergency assistance is the program of last
5 resort and shall not supplant assistance provided by the low-
6 income home energy assistance program (LIHEAP), county general
7 relief, and veterans affairs programs. The department shall
8 establish a \$500 maximum payment, per family, in a 12-month
9 period. The emergency assistance includes, but is not limited
10 to, assisting people who face eviction, potential eviction, or
11 foreclosure, utility shutoff or fuel shortage, loss of heating
12 energy supply or equipment, homelessness, utility or rental
13 deposits, or other specified crisis which threatens family or
14 living arrangements. The emergency assistance shall be
15 available to migrant families who would otherwise meet
16 eligibility criteria. The department may contract for the
17 administration and delivery of the program. The program shall
18 be terminated when funds are exhausted.

19 2. a. For the fiscal year beginning July 1, 2002, the
20 department shall continue the process for the state to receive
21 refunds of utility and rent deposits, including any accrued
22 interest, for emergency assistance recipients which were paid
23 by persons other than the state. The department shall also
24 receive refunds, including any accrued interest, of assistance
25 paid with funding available under this program. The refunds
26 received by the department under this subsection shall be
27 deposited with the moneys of the appropriation made in this
28 Act and are appropriated to be used as additional funds for
29 the emergency assistance program.

30 b. Notwithstanding section 8.33, moneys received by the
31 department under this subsection which remain after the
32 emergency assistance program is terminated and state or
33 federal moneys in the emergency assistance account which
34 remain unobligated or unexpended at the close of the fiscal
35 year beginning July 1, 2002, shall not revert but shall remain

1 available for expenditure when the program resumes operation
2 on October 1 in the succeeding fiscal year.

3 Sec. 114. CHILD SUPPORT RECOVERY. There is appropriated
4 from the general fund of the state to the department of human
5 services for the fiscal year beginning July 1, 2002, and
6 ending June 30, 2003, the following amount, or so much thereof
7 as is necessary, to be used for the purposes designated:

8 For child support recovery, including salaries, support,
9 maintenance, and miscellaneous purposes and for not more than
10 the following full-time equivalent positions:

11	\$	5,895,189
12	FTEs	406.40

13 1. The director of human services, within the limitations
14 of the moneys appropriated in this section, or moneys
15 transferred from the family investment program account for
16 this purpose, shall establish new positions and add employees
17 to the child support recovery unit if the director determines
18 that both the current and additional employees together can
19 reasonably be expected to maintain or increase net state
20 revenue at or beyond the budgeted level.

21 2. Nonpublic assistance application fees and other user
22 fees received by the child support recovery unit are
23 appropriated and shall be used for the purposes of the child
24 support recovery program. The director of human services may
25 add positions within the limitations of the amount
26 appropriated for salaries and support for the positions.

27 3. The director of human services, in consultation with
28 the department of management and the legislative fiscal
29 committee, is authorized to receive and deposit state child
30 support incentive earnings in the manner specified under
31 applicable federal requirements.

32 4. a. The director of human services may establish new
33 positions and add state employees to the child support
34 recovery unit or contract for delivery of services if the
35 director determines the employees are necessary to replace

1 county-funded positions eliminated due to termination,
2 reduction, or nonrenewal of a chapter 28E contract. However,
3 the director must also determine that the resulting increase
4 in the state share of child support recovery incentives
5 exceeds the cost of the positions or contract, the positions
6 or contract are necessary to ensure continued federal funding
7 of the program, or the new positions or contract can
8 reasonably be expected to recover at least twice the amount of
9 money necessary to pay the salaries and support for the new
10 positions or the contract will generate at least 200 percent
11 of the cost of the contract.

12 b. Employees in full-time positions that transition from
13 county government to state government employment under this
14 subsection are exempt from testing, selection, and appointment
15 provisions of chapter 19A and from the provisions of
16 collective bargaining agreements relating to the filling of
17 vacant positions.

18 5. Surcharges paid by obligors and received by the unit as
19 a result of the referral of support delinquency by the child
20 support recovery unit to any private collection agency are
21 appropriated to the department and shall be used to pay the
22 costs of any contracts with the collection agencies.

23 6. The department shall expend up to \$51,000, including
24 federal financial participation, for the fiscal year beginning
25 July 1, 2002, for a child support public awareness campaign.
26 The department and the office of the attorney general shall
27 cooperate in continuation of the campaign. The public
28 awareness campaign shall emphasize, through a variety of media
29 activities, the importance of maximum involvement of both
30 parents in the lives of their children as well as the
31 importance of payment of child support obligations.

32 7. Federal access and visitation grant moneys shall be
33 issued directly to private not-for-profit agencies that
34 provide services designed to increase compliance with the
35 child access provisions of court orders, including but not

1 limited to neutral visitation site and mediation services.

2 Sec. 115. MEDICAL ASSISTANCE. There is appropriated from
3 the general fund of the state to the department of human
4 services for the fiscal year beginning July 1, 2002, and
5 ending June 30, 2003, the following amount, or so much thereof
6 as is necessary, to be used for the purpose designated:

7 For medical assistance reimbursement and associated costs
8 as specifically provided in the reimbursement methodologies in
9 effect on June 30, 2002, except as otherwise expressly
10 authorized by law, including reimbursement for abortion
11 services, which shall be available under the medical
12 assistance program only for those abortions which are
13 medically necessary:

14 \$380,907,073

15 1. Medically necessary abortions are those performed under
16 any of the following conditions:

17 a. The attending physician certifies that continuing the
18 pregnancy would endanger the life of the pregnant woman.

19 b. The attending physician certifies that the fetus is
20 physically deformed, mentally deficient, or afflicted with a
21 congenital illness.

22 c. The pregnancy is the result of a rape which is reported
23 within 45 days of the incident to a law enforcement agency or
24 public or private health agency which may include a family
25 physician.

26 d. The pregnancy is the result of incest which is reported
27 within 150 days of the incident to a law enforcement agency or
28 public or private health agency which may include a family
29 physician.

30 e. Any spontaneous abortion, commonly known as a
31 miscarriage, if not all of the products of conception are
32 expelled.

33 2. Notwithstanding section 8.39, the department may
34 transfer funds appropriated in this section to a separate
35 account established in the department's case management unit

1 for expenditures required to provide case management services
2 for mental health, mental retardation, and developmental
3 disabilities services under medical assistance which are
4 jointly funded by the state and county, pending final
5 settlement of the expenditures. Funds received by the case
6 management unit in settlement of the expenditures shall be
7 used to replace the transferred funds and are available for
8 the purposes for which the funds were appropriated in this
9 section.

10 3. a. The county of legal settlement shall be billed for
11 50 percent of the nonfederal share of the cost of case
12 management provided for adults, day treatment, and partial
13 hospitalization in accordance with sections 249A.26 and
14 249A.27, and 100 percent of the nonfederal share of the cost
15 of care for adults which is reimbursed under a federally
16 approved home and community-based waiver that would otherwise
17 be approved for provision in an intermediate care facility for
18 persons with mental retardation, provided under the medical
19 assistance program. The state shall have responsibility for
20 the remaining 50 percent of the nonfederal share of the cost
21 of case management provided for adults, day treatment, and
22 partial hospitalization. For persons without a county of
23 legal settlement, the state shall have responsibility for 100
24 percent of the nonfederal share of the costs of case
25 management provided for adults, day treatment, partial
26 hospitalization, and the home and community-based waiver
27 services. The case management services specified in this
28 subsection shall be billed to a county only if the services
29 are provided outside of a managed care contract.

30 b. The state shall pay the entire nonfederal share of the
31 costs for case management services provided to persons 17
32 years of age and younger who are served in a medical
33 assistance home and community-based waiver program for persons
34 with mental retardation.

35 c. Medical assistance funding for case management services

1 for eligible persons 17 years of age and younger shall also be
2 provided to persons residing in counties with child welfare
3 decategorization projects implemented in accordance with
4 section 232.188, provided these projects have included these
5 persons in their service plan and the decategorization project
6 county is willing to provide the nonfederal share of costs.

7 d. When paying the necessary and legal expenses of
8 intermediate care facilities for persons with mental
9 retardation (ICFMR), the cost payment requirements of section
10 222.60 shall be considered fulfilled when payment is made in
11 accordance with the medical assistance payment rates
12 established for ICFMRs by the department and the state or a
13 county of legal settlement is not obligated for any amount in
14 excess of the rates.

15 e. Unless a county has paid or is paying for the
16 nonfederal share of the cost of a person's home and community-
17 based waiver services or ICFMR placement under the county's
18 mental health, mental retardation, and developmental
19 disabilities services fund, or unless a county of legal
20 settlement would become liable for the costs of services at
21 the ICFMR level of care for a person due to the person
22 reaching the age of majority, the state shall pay the
23 nonfederal share of the costs of an eligible person's services
24 under the home and community-based waiver for persons with
25 brain injury.

26 4. The department shall utilize not more than \$60,000 of
27 the funds appropriated in this section to continue the
28 AIDS/HIV health insurance premium payment program as
29 established in 1992 Iowa Acts, Second Extraordinary Session,
30 chapter 1001, section 409, subsection 6. Of the funds
31 allocated in this subsection, not more than \$5,000 may be
32 expended for administrative purposes.

33 5. Of the funds appropriated to the Iowa department of
34 public health for substance abuse grants, \$950,000 for the
35 fiscal year beginning July 1, 2002, shall be transferred to

1 the department of human services for an integrated substance
2 abuse managed care system.

3 6. In administering the medical assistance home and
4 community-based waivers, the total number of openings for
5 persons with physical disabilities served at any one time
6 shall be limited to the number approved for a waiver by the
7 secretary of the United States department of health and human
8 services. The openings shall be available on a first-come,
9 first-served basis.

10 7. The department of human services, in consultation with
11 the Iowa department of public health and the department of
12 education, shall continue the program to utilize the early and
13 periodic screening, diagnosis, and treatment (EPSDT) funding
14 under medical assistance, to the extent possible, to implement
15 the screening component of the EPSDT program through the
16 school system. The department may enter into contracts to
17 utilize maternal and child health centers, the public health
18 nursing program, or school nurses in implementing this
19 provision.

20 8. The department shall continue the medical assistance
21 home and community-based services waiver to allow children
22 with mental retardation, who would otherwise require ICF/MR
23 care, to be served in out-of-home settings of up to eight beds
24 which meet standards established by the department. Up to
25 \$1,487,314 of the funds appropriated in this section may be
26 used for the costs of the waiver.

27 9. The department shall continue working with county
28 representatives in aggressively implementing the
29 rehabilitation option for services to persons with chronic
30 mental illness under the medical assistance program, and
31 county funding shall be used to provide the match for the
32 federal funding, except for individuals with state case
33 status, for whom state funding shall provide the match.

34 10. If the federal centers for Medicare and Medicaid
35 services approves a waiver request from the department, the

1 department shall provide a period of 24 months of guaranteed
2 eligibility for medical assistance family planning services,
3 regardless of the change in circumstances of a woman who was a
4 medical assistance recipient when a pregnancy ended.

5 11. The department shall aggressively pursue options for
6 providing medical assistance or other assistance to
7 individuals with special needs who become ineligible to
8 continue receiving services under the early and periodic,
9 screening, diagnosis, and treatment program under the medical
10 assistance program due to becoming 21 years of age, who have
11 been approved for additional assistance through the
12 department's exception to policy provisions, but who have
13 health care needs in excess of the funding available through
14 the exception to policy process.

15 12. Of the funds appropriated in this section, \$150,000
16 shall be used as state matching funds, in combination with
17 federal and private funds for participation in a federal home
18 telecare pilot program intended to manage health care needs of
19 subpopulations of Iowans and specifically including
20 subpopulations of Iowans who require high utilization of
21 health care services and represent a disproportionate share of
22 consumption of health care services. The program shall be
23 administered by the Iowa telecare consortium, which is a
24 collaboration of public, private, academic, and governmental
25 participants coordinated by Des Moines university --
26 osteopathic medical center. The program may direct telecare
27 services to persons with diagnoses of specific nonacute
28 chronic illnesses, which may include, but are not limited to,
29 chronic obstructive pulmonary disease, congestive heart
30 disease, diabetes, and asthma. Des Moines university --
31 osteopathic medical center shall submit a report to the
32 general assembly by January 15, 2003, regarding the status of
33 the pilot program. The program guidelines shall be consistent
34 with those specified under 2001 Iowa Acts, chapter 191,
35 section 7, subsection 15.

1 13. The drug utilization review board shall submit copies
2 of the board's annual review, including facts and findings, of
3 the drugs on the department's prior authorization list to the
4 department and to the members of the joint appropriations
5 subcommittee on human services.

6 14. The department shall expend the anticipated savings
7 for operation of the state maximum allowable cost program for
8 pharmaceuticals as additional funding for the medical
9 assistance program.

10 Sec. 116. HEALTH INSURANCE PREMIUM PAYMENT PROGRAM. There
11 is appropriated from the general fund of the state to the
12 department of human services for the fiscal year beginning
13 July 1, 2002, and ending June 30, 2003, the following amount,
14 or so much thereof as is necessary, to be used for the purpose
15 designated:

16 For administration of the health insurance premium payment
17 program, including salaries, support, maintenance, and
18 miscellaneous purposes, and for not more than the following
19 full-time equivalent positions:

20	\$	580,044
21	FTEs	22.00

22 Sec. 117. MEDICAL CONTRACTS. There is appropriated from
23 the general fund of the state to the department of human
24 services for the fiscal year beginning July 1, 2002, and
25 ending June 30, 2003, the following amount, or so much thereof
26 as is necessary, to be used for the purpose designated:

27 For medical contracts:

28	\$	8,729,141
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29 1. The department shall receive input and recommendations
30 from the chairpersons and ranking members of the joint
31 appropriations subcommittee on human services prior to
32 entering into or extending any managed care contract for
33 mental health or substance abuse services.

34 2. In any managed care contract for mental health or
35 substance abuse services entered into or extended by the

1 department on or after July 1, 2002, the request for proposals
2 shall provide for coverage of dual diagnosis mental health and
3 substance abuse treatment provided at the state mental health
4 institute at Mount Pleasant. To the extent possible, the
5 department shall also amend any such contract existing on July
6 1, 2002, to provide for such coverage.

7 Sec. 118. STATE SUPPLEMENTARY ASSISTANCE. There is
8 appropriated from the general fund of the state to the
9 department of human services for the fiscal year beginning
10 July 1, 2002, and ending June 30, 2003, the following amount,
11 or so much thereof as is necessary, to be used for the
12 purposes designated:

13 For state supplementary assistance and the medical
14 assistance home and community-based services waiver rent
15 subsidy program:

16 \$ 19,500,000

17 1. The department shall increase the personal needs
18 allowance for residents of residential care facilities by the
19 same percentage and at the same time as federal supplemental
20 security income and federal social security benefits are
21 increased due to a recognized increase in the cost of living.
22 The department may adopt emergency rules to implement this
23 subsection.

24 2. If during the fiscal year beginning July 1, 2002, the
25 department projects that state supplementary assistance
26 expenditures for a calendar year will not meet the federal
27 pass-along requirement specified in Title XVI of the federal
28 Social Security Act, section 1618, as codified in 42 U.S.C. §
29 1382g, the department may take actions including but not
30 limited to increasing the personal needs allowance for
31 residential care facility residents and making programmatic
32 adjustments or upward adjustments of the residential care
33 facility or in-home health-related care reimbursement rates
34 prescribed in this division of this Act to ensure that federal
35 requirements are met. The department may adopt emergency

1 rules to implement the provisions of this subsection.

2 3. The department may use up to \$25,000 of the funds
3 appropriated in this section for a rent subsidy program for
4 adult persons. The requirements under 2001 Iowa Acts, chapter
5 191, section 11, subsection 3, shall apply to the program and
6 the participants in the program.

7 Sec. 119. CHILD CARE ASSISTANCE. There is appropriated
8 from the general fund of the state to the department of human
9 services for the fiscal year beginning July 1, 2002, and
10 ending June 30, 2003, the following amount, or so much thereof
11 as is necessary, to be used for the purpose designated:

12 For child care programs:

13 \$ 4,939,635

14 1. a. Of the funds appropriated in this section,
15 \$4,414,111 shall be used for state child care assistance in
16 accordance with section 237A.13.

17 b. During the 2002-2003 fiscal year, the moneys deposited
18 in the child care credit fund created in section 237A.28 are
19 appropriated to the department to be used for state child care
20 assistance in accordance with section 237A.13, in addition to
21 the moneys allocated for that purpose in paragraph "a".

22 2. Nothing in this section shall be construed or is
23 intended as, or shall imply, a grant of entitlement for
24 services to persons who are eligible for assistance due to an
25 income level consistent with the waiting list requirements of
26 section 237A.13. Any state obligation to provide services
27 pursuant to this section is limited to the extent of the funds
28 appropriated in this section.

29 3. Of the funds appropriated in this section, \$525,524 is
30 allocated for the statewide program for child care resource
31 and referral services under section 237A.26.

32 4. The department may use any of the funds appropriated in
33 this section as a match to obtain federal funds for use in
34 expanding child care assistance and related programs. For the
35 purpose of expenditures of state and federal child care

1 funding, funds shall be considered obligated at the time
2 expenditures are projected or are allocated to the
3 department's regions. Projections shall be based on current
4 and projected caseload growth, current and projected provider
5 rates, staffing requirements for eligibility determination and
6 management of program requirements including data systems
7 management, staffing requirements for administration of the
8 program, contractual and grant obligations and any transfers
9 to other state agencies, and obligations for decategorization
10 or innovation projects.

11 5. If the federal government appropriates additional
12 funding under the federal child care and development block
13 grant than was anticipated would be received for the state
14 fiscal year beginning July 1, 2002, in addition to the
15 notification requirements for expenditure requirements for
16 additional federal funds under 2002 Iowa Acts, House File
17 2582, the department shall consult with the chairpersons and
18 ranking members of the joint appropriations subcommittee on
19 human services at least thirty days in advance of committing
20 to expenditure of the additional funding.

21 Sec. 120. JUVENILE INSTITUTIONS. There is appropriated
22 from the general fund of the state to the department of human
23 services for the fiscal year beginning July 1, 2002, and
24 ending June 30, 2003, the following amounts, or so much
25 thereof as is necessary, to be used for the purposes
26 designated:

- 27 1. For operation of the Iowa juvenile home at Toledo and
- 28 for salaries, support, maintenance, and for not more than the
- 29 following full-time equivalent positions:
- 30 \$ 6,273,663
- 31 FTEs 134.54

32 It is the intent of the general assembly that beginning in
33 the fiscal year commencing on July 1, 2003, the Iowa juvenile
34 home at Toledo will serve only females.

35 2. For operation of the state training school at Eldora

1 and for salaries, support, maintenance, and for not more than
2 the following full-time equivalent positions:

3 \$ 10,434,719
4 FTEs 218.53

5 3. During the fiscal year beginning July 1, 2002, the
6 population levels at the state juvenile institutions shall not
7 exceed the population guidelines established under 1990 Iowa
8 Acts, chapter 1239, section 21, as adjusted for additional
9 beds developed at the institutions.

10 4. A portion of the moneys appropriated in this section
11 shall be used by the state training school and by the Iowa
12 juvenile home for grants for adolescent pregnancy prevention
13 activities at the institutions in the fiscal year beginning
14 July 1, 2002.

15 5. Within the amounts appropriated in this section, the
16 department may transfer funds as necessary to best fulfill the
17 needs of the institutions provided for in the appropriation.

18 Sec. 121. CHILD AND FAMILY SERVICES. There is
19 appropriated from the general fund of the state to the
20 department of human services 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 purpose
23 designated:

24 For child and family services:

25 \$98,144,163

26 1. The department may transfer funds appropriated in this
27 section as necessary to pay the nonfederal costs of services
28 reimbursed under medical assistance or the family investment
29 program which are provided to children who would otherwise
30 receive services paid under the appropriation in this section.
31 The department may transfer funds appropriated in this section
32 to the appropriations in this division of this Act for general
33 administration and for field operations for resources
34 necessary to implement and operate the services funded in this
35 section.

1 2. a. Of the funds appropriated in this section, up to
2 \$28,665,950 is allocated as the statewide expenditure target
3 under section 232.143 for group foster care maintenance and
4 services.

5 b. If at any time after September 30, 2002, annualization
6 of a service area's current expenditures indicates a service
7 area is at risk of exceeding its group foster care expenditure
8 target under section 232.143 by more than five percent, the
9 department and juvenile court services shall examine all group
10 foster care placements in that service area in order to
11 identify those which might be appropriate for termination. In
12 addition, any aftercare services believed to be needed for the
13 children whose placements may be terminated shall be
14 identified. The department and juvenile court services shall
15 initiate action to set dispositional review hearings for the
16 placements identified. In such a dispositional review
17 hearing, the juvenile court shall determine whether needed
18 aftercare services are available and whether termination of
19 the placement is in the best interest of the child and the
20 community.

21 c. (1) Of the funds appropriated in this section, not
22 more than \$6,585,993 is allocated as the state match funding
23 for psychiatric medical institutions for children.

24 (2) The department may transfer all or a portion of the
25 amount allocated in this lettered paragraph for psychiatric
26 medical institutions for children (PMICs) to the appropriation
27 in this division of this Act for medical assistance.

28 d. Of the funds allocated in this subsection, \$1,370,127
29 is allocated as the state match funding for 50 highly
30 structured juvenile program beds. If the number of beds
31 provided for in this lettered paragraph is not utilized, the
32 remaining funds allocated may be used for group foster care.

33 e. For the fiscal year beginning July 1, 2002, the
34 requirements of section 232.143 applicable to the juvenile
35 court and to representatives of the juvenile court shall be

1 applicable instead to juvenile court services and to
2 representatives of juvenile court services. The
3 representatives appointed by the department of human services
4 and by juvenile court services to establish the plan to
5 contain expenditures for children placed in group foster care
6 ordered by the court within the budget target allocated to the
7 service area shall establish the plan in a manner so as to
8 ensure the moneys allocated to the service area under section
9 232.143 shall last the entire fiscal year. Funds for a child
10 placed in group foster care shall be considered encumbered for
11 the duration of the child's projected or actual length of
12 stay, whichever is applicable.

13 3. The department shall continue the goal that not more
14 than 15 percent of the children placed in foster care funded
15 under the federal Social Security Act, Title IV-E, may be
16 placed in foster care for a period of more than 24 months.

17 4. In accordance with the provisions of section 232.188,
18 the department shall continue the program to decategorize
19 child welfare services funding in additional counties or
20 clusters of counties.

21 5. A portion of the funding appropriated in this section
22 may be used for emergency family assistance to provide other
23 resources required for a family participating in a family
24 preservation or reunification project to stay together or to
25 be reunified.

26 6. Notwithstanding section 234.35, subsection 1, for the
27 fiscal year beginning July 1, 2002, state funding for shelter
28 care paid pursuant to section 234.35, subsection 1, paragraph
29 "h", shall be limited to \$7,120,382.

30 7. The department shall continue to make adoption
31 presubsidy and adoption subsidy payments to adoptive parents
32 at the beginning of the month for the current month.

33 8. Federal funds received by the state during the fiscal
34 year beginning July 1, 2002, as the result of the expenditure
35 of state funds appropriated during a previous state fiscal

1 year for a service or activity funded under this section,
2 shall be used as additional funding for services provided
3 under this section.

4 9. The department and juvenile court services shall
5 continue to develop criteria for the department service area
6 administrator and chief juvenile court officer to grant
7 exceptions to extend eligibility, within the funds allocated,
8 for intensive tracking and supervision and for supervised
9 community treatment to delinquent youth beyond age 18 who are
10 subject to release from the state training school, a highly
11 structured juvenile program, or group foster care.

12 10. Of the moneys appropriated in this section, not more
13 than \$415,135 is allocated to provide clinical assessment
14 services as necessary to continue funding of children's
15 rehabilitation services under medical assistance in accordance
16 with federal law and requirements. The funding allocated is
17 the amount projected to be necessary for providing the
18 clinical assessment services.

19 11. Of the funding appropriated in this section,
20 \$3,696,285 shall be used for protective child care assistance.

21 12. Of the moneys appropriated in this section, up to
22 \$2,924,183 is allocated for the payment of the expenses of
23 court-ordered services provided to juveniles which are a
24 charge upon the state pursuant to section 232.141, subsection
25 4.

26 a. Notwithstanding section 232.141 or any other provision
27 of law, the amount allocated in this subsection shall be
28 distributed to the judicial districts as determined by the
29 state court administrator. The state court administrator
30 shall make the determination of the distribution amounts on or
31 before June 15, 2002.

32 b. Notwithstanding chapter 232 or any other provision of
33 law, a district or juvenile court shall not order any service
34 which is a charge upon the state pursuant to section 232.141
35 if there are insufficient court-ordered services funds

1 available in the district court distribution amount to pay for
2 the service. The chief juvenile court officer shall encourage
3 use of the funds allocated in this subsection such that there
4 are sufficient funds to pay for all court-related services
5 during the entire year. The chief juvenile court officers
6 shall attempt to anticipate potential surpluses and shortfalls
7 in the distribution amounts and shall cooperatively request
8 the state court administrator to transfer funds between the
9 districts' distribution amounts as prudent.

10 c. Notwithstanding any provision of law to the contrary, a
11 district or juvenile court shall not order a county to pay for
12 any service provided to a juvenile pursuant to an order
13 entered under chapter 232 which is a charge upon the state
14 under section 232.141, subsection 4.

15 d. Of the funding allocated in this subsection, not more
16 than \$100,000 may be used by the judicial branch for
17 administration of the requirements under this subsection and
18 for travel associated with court-ordered placements which are
19 a charge upon the state pursuant to section 232.141,
20 subsection 4.

21 13. a. Of the funding appropriated in this section,
22 \$2,927,602 is allocated to provide school-based supervision of
23 children adjudicated under chapter 232, including not more
24 than \$1,463,801 from the allocation in this section for court-
25 ordered services. Not more than \$15,000 of the funding
26 allocated in this subsection may be used for the purpose of
27 training.

28 b. A portion of the cost of each school-based liaison
29 officer shall be paid by the school district or other funding
30 source as approved by the chief juvenile court officer.

31 14. The department shall maximize the capacity to draw
32 federal funding under Title IV-E of the federal Social
33 Security Act.

34 15. Any unanticipated federal funding that is received
35 during the fiscal year due to improvements in the hours

1 counted by the judicial branch under the claiming process for
2 federal Title IV-E funding are appropriated to the department
3 to be used for additional or expanded services and support for
4 court-ordered services pursuant to section 232.141.

5 Notwithstanding section 8.33, moneys appropriated in this
6 subsection that remain unencumbered or unobligated at the
7 close of the fiscal year shall not revert but shall remain
8 available for expenditure for the purposes designated until
9 the close of the succeeding fiscal year.

10 16. Notwithstanding section 234.39, subsection 5, and 2000
11 Iowa Acts, chapter 1228, section 43, the department may
12 operate a subsidized guardianship program if the United States
13 department of health and human services approves a waiver
14 under Title IV-E of the federal Social Security Act and the
15 subsidized guardianship program can be operated without loss
16 of Title IV-E funds.

17 17. It is the intent of the general assembly that the
18 department continue its practice of providing strong support
19 for Iowa's nationally recognized initiative of
20 decategorization of child welfare funding.

21 18. It is the intent of the general assembly that
22 administration of the foster care and adoption programs be
23 privatized.

24 Sec. 122. JUVENILE DETENTION HOME FUND. Moneys deposited
25 in the juvenile detention home fund created in section 232.142
26 during the fiscal year beginning July 1, 2002, and ending June
27 30, 2003, are appropriated to the department of human services
28 for the fiscal year beginning July 1, 2002, and ending June
29 30, 2003, for distribution as follows:

30 1. An amount equal to ten percent of the costs of the
31 establishment, improvement, operation, and maintenance of
32 county or multicounty juvenile detention homes in the fiscal
33 year beginning July 1, 2001. Moneys appropriated for
34 distribution in accordance with this paragraph shall be
35 allocated among eligible detention homes, prorated on the

1 basis of an eligible detention home's proportion of the costs
2 of all eligible detention homes in the fiscal year beginning
3 July 1, 2001. Notwithstanding section 232.142, subsection 3,
4 the financial aid payable by the state under that provision
5 for the fiscal year beginning July 1, 2002, shall be limited
6 to the amount appropriated for the purposes of this
7 subsection.

8 2. For renewal of a grant to a county with a population
9 between 168,000 and 175,000 for implementation of the county's
10 runaway treatment plan under section 232.195:

11 \$ 80,000

12 3. For grants to counties implementing a runaway treatment
13 plan under section 232.195.

14 4. The remainder for additional allocations to county or
15 multicounty juvenile detention homes, in accordance with the
16 distribution requirements of subsection 1.

17 Sec. 123. FAMILY SUPPORT SUBSIDY PROGRAM. There is
18 appropriated from the general fund of the state to the
19 department of human services for the fiscal year beginning
20 July 1, 2002, and ending June 30, 2003, the following amount,
21 or so much thereof as is necessary, to be used for the purpose
22 designated:

23 For the family support subsidy program:

24 \$ 1,936,434

25 1. The department may use up to \$333,312 of the moneys
26 appropriated in this section to continue the children-at-home
27 program in current counties, of which not more than \$20,000
28 shall be used for administrative costs.

29 2. Notwithstanding section 225C.38, subsection 1, the
30 monthly family support payment amount for the fiscal year
31 beginning July 1, 2002, shall remain the same as the payment
32 amount in effect on June 30, 2002.

33 Sec. 124. CONNER DECREE. There is appropriated from the
34 general fund of the state to the department of human services
35 for the fiscal year beginning July 1, 2002, and ending June

1 30, 2003, the following amount, or so much thereof as is
2 necessary, to be used for the purpose designated:

3 For building community capacity through the coordination
4 and provision of training opportunities in accordance with the
5 consent decree of Conner v. Branstad, No. 4-86-CV-30871(S.D.
6 Iowa, July 14, 1994):

7 \$ 42,623

8 Sec. 125. MENTAL HEALTH INSTITUTES. There is appropriated
9 from the general fund of the state to the department of human
10 services for the fiscal year beginning July 1, 2002, and
11 ending June 30, 2003, the following amounts, or so much
12 thereof as is necessary, to be used for the purposes
13 designated:

14 1. For the state mental health institute at Cherokee for
15 salaries, support, maintenance, and miscellaneous purposes and
16 for not more than the following full-time equivalent
17 positions:

18 \$ 12,747,990

19 FTEs 227.65

20 2. For the state mental health institute at Clarinda for
21 salaries, support, maintenance, and miscellaneous purposes and
22 for not more than the following full-time equivalent
23 positions:

24 \$ 7,244,131

25 FTEs 126.15

26 3. For the state mental health institute at Independence
27 for salaries, support, maintenance, and miscellaneous purposes
28 and for not more than the following full-time equivalent
29 positions:

30 \$ 16,552,128

31 FTEs 333.80

32 The state mental health institute at Independence shall
33 continue the 30 psychiatric medical institution for children
34 (PMIC) beds authorized in section 135H.6, in a manner which
35 results in no net state expenditure amount in excess of the

1 amount appropriated in this subsection. Counties are not
2 responsible for the costs of PMIC services described in this
3 subsection. Subject to the approval of the department, with
4 the exception of revenues required under section 249A.11 to be
5 credited to the appropriation in this division of this Act for
6 medical assistance, revenues attributable to the PMIC beds
7 described in this subsection for the fiscal year beginning
8 July 1, 2002, and ending June 30, 2003, shall be deposited in
9 the institute's account, including but not limited to any of
10 the following revenues:

- 11 a. The federal share of medical assistance revenue
- 12 received under chapter 249A.
- 13 b. Moneys received through client participation.
- 14 c. Any other revenues directly attributable to the PMIC
- 15 beds.

16 4. For the state mental health institute at Mount Pleasant
17 for salaries, support, maintenance, and miscellaneous purposes
18 and for not more than the following full-time equivalent
19 positions:

20	\$ 5,343,829
21	FTEs 100.07

22 a. Funding is provided in this subsection for the state
23 mental health institute at Mount Pleasant to continue the dual
24 diagnosis mental health and substance abuse program on a net
25 budgeting basis in which 50 percent of the actual per diem and
26 ancillary services costs are chargeable to the patient's
27 county of legal settlement or as a state case, as appropriate.
28 Subject to the approval of the department, revenues
29 attributable to the dual diagnosis program for the fiscal year
30 beginning July 1, 2002, and ending June 30, 2003, shall be
31 deposited in the institute's account, including but not
32 limited to all of the following revenues:

- 33 (1) Moneys received by the state from billings to counties
- 34 under section 230.20.
- 35 (2) Moneys received from billings to the Medicare program.

1 (3) Moneys received from a managed care contractor
2 providing services under contract with the department or any
3 private third-party payor.

4 (4) Moneys received through client participation.

5 (5) Any other revenues directly attributable to the dual
6 diagnosis program.

7 b. The following additional provisions are applicable in
8 regard to the dual diagnosis program:

9 (1) A county may split the charges between the county's
10 mental health, mental retardation, and developmental
11 disabilities services fund and the county's budget for
12 substance abuse expenditures.

13 (2) If an individual is committed to the custody of the
14 department of corrections at the time the individual is
15 referred for dual diagnosis treatment, the department of
16 corrections shall be charged for the costs of treatment.

17 (3) Prior to an individual's admission for dual diagnosis
18 treatment, the individual shall have been screened through a
19 county's single entry point process to determine the
20 appropriateness of the treatment.

21 (4) A county shall not be chargeable for the costs of
22 treatment for an individual enrolled in and authorized by or
23 decertified by a managed behavioral care plan under the
24 medical assistance program.

25 (5) Notwithstanding section 8.33, state mental health
26 institute revenues related to the dual diagnosis program that
27 remain unencumbered or unobligated at the close of the fiscal
28 year shall not revert but shall remain available up to the
29 amount which would allow the state mental health institute to
30 meet credit obligations owed to counties as a result of year-
31 end per diem adjustments for the dual diagnosis program.

32 5. Within the funds appropriated in this section, the
33 department may transfer funds as necessary to best fulfill the
34 needs of the institutes provided for in the appropriation.

35 6. As part of the discharge planning process at the state

1 mental health institutes, the department shall provide
2 assistance in obtaining eligibility for federal supplemental
3 security income (SSI) to those individuals whose care at a
4 state mental health institute is the financial responsibility
5 of the state or a county.

6 Sec. 126. STATE RESOURCE CENTERS. There is appropriated
7 from the general fund of the state to the department of human
8 services for the fiscal year beginning July 1, 2002, and
9 ending June 30, 2003, the following amounts, or so much
10 thereof as is necessary, to be used for the purposes
11 designated:

12 1. For the state resource center at Glenwood for salaries,
13 support, maintenance, and miscellaneous purposes:

14 \$ 2,170,150

15 2. For the state resource center at Woodward for salaries,
16 support, maintenance, and miscellaneous purposes:

17 \$ 1,463,073

18 3. a. The department shall continue operating the state
19 resource centers at Glenwood and Woodward with a net general
20 fund appropriation. The amounts allocated in this section are
21 the net amounts of state moneys projected to be needed for the
22 state resource centers. The purposes of operating with a net
23 general fund appropriation are to encourage the state resource
24 centers to operate with increased self-sufficiency, to improve
25 quality and efficiency, and to support collaborative efforts
26 between the state resource centers and counties and other
27 funders of services available from the state resource centers.
28 The state resource centers shall not be operated under the net
29 appropriation in a manner which results in a cost increase to
30 the state or cost shifting between the state, the medical
31 assistance program, counties, or other sources of funding for
32 the state resource centers. Moneys appropriated in this
33 section may be used throughout the fiscal year in the manner
34 necessary for purposes of cash flow management, and for
35 purposes of cash flow management the state resource centers

1 may temporarily draw more than the amounts appropriated,
2 provided the amounts appropriated are not exceeded at the
3 close of the fiscal year.

4 b. Subject to the approval of the department, except for
5 revenues under section 249A.11, revenues attributable to the
6 state resource centers for the fiscal year beginning July 1,
7 2002, shall be deposited into each state resource center's
8 account, including but not limited to all of the following:

9 (1) Moneys received by the state from billings to counties
10 under section 222.73.

11 (2) The federal share of medical assistance revenue
12 received under chapter 249A.

13 (3) Federal Medicare program payments.

14 (4) Moneys received from client financial participation.

15 (5) Other revenues generated from current, new, or
16 expanded services which the state resource center is
17 authorized to provide.

18 c. For the purposes of allocating the salary adjustment
19 fund moneys appropriated in another Act, the state resource
20 centers shall be considered to be funded entirely with state
21 moneys.

22 d. Notwithstanding section 8.33, up to \$500,000 of a state
23 resource center's revenues that remain unencumbered or
24 unobligated at the close of the fiscal year shall not revert
25 but shall remain available to be used in the succeeding fiscal
26 year.

27 4. Within the funds appropriated in this section, the
28 department may transfer funds as necessary to best fulfill the
29 needs of the institutions provided for in the appropriation.

30 5. The department may continue to bill for state resource
31 center services utilizing a scope of services approach used
32 for private providers of ICFMR services, in a manner which
33 does not shift costs between the medical assistance program,
34 counties, or other sources of funding for the state resource
35 centers.

1 6. The state resource centers may expand the time limited
2 assessment and respite services during the fiscal year.

3 7. If the department's administration and the department
4 of management concur with a finding by a state resource
5 center's superintendent that projected revenues can reasonably
6 be expected to pay the salary and support costs for a new
7 employee position, or that such costs for adding a particular
8 number of new positions for the fiscal year would be less than
9 the overtime costs if new positions would not be added, the
10 superintendent may add the new position or positions. If the
11 vacant positions available to a resource center do not include
12 the position classification desired to be filled, the state
13 resource center's superintendent may reclassify any vacant
14 position as necessary to fill the desired position. The
15 superintendents of the state resource centers may, by mutual
16 agreement, pool vacant positions and position classifications
17 during the course of the fiscal year in order to assist one
18 another in filling necessary positions.

19 8. If existing capacity limitations are reached in
20 operating units, a waiting list is in effect for a service or
21 a special need for which a payment source or other funding is
22 available for the service or to address the special need, and
23 facilities for the service or to address the special need can
24 be provided within the available payment source or other
25 funding, the superintendent of a state resource center may
26 authorize opening not more than two units or other facilities
27 and to begin implementing the service or addressing the
28 special need during fiscal year 2002-2003.

29 Sec. 127. SPECIAL NEEDS GRANTS. There is appropriated
30 from the general fund of the state to the department of human
31 services for the fiscal year beginning July 1, 2002, and
32 ending June 30, 2003, the following amount, or so much thereof
33 as is necessary, to be used for the purpose designated:

34 To provide special needs grants to families with a family
35 member at home who has a developmental disability or to a

1 person with a developmental disability:

2 \$ 47,827

3 Grants must be used by a family to defray special costs of
4 caring for the family member to prevent out-of-home placement
5 of the family member or to provide for independent living
6 costs. The grants may be administered by a private nonprofit
7 agency which serves people statewide provided that no
8 administrative costs are received by the agency.

9 Sec. 128. MI/MR/DD STATE CASES. There is appropriated
10 from the general fund of the state to the department of human
11 services for the fiscal year beginning July 1, 2002, and
12 ending June 30, 2003, the following amount, or so much thereof
13 as is necessary, to be used for the purpose designated:

14 For purchase of local services for persons with mental
15 illness, mental retardation, and developmental disabilities
16 where the client has no established county of legal
17 settlement:

18 \$ 11,414,619

19 The general assembly encourages the department to continue
20 discussions with the Iowa state association of counties and
21 administrators of county central point of coordination offices
22 regarding proposals for moving state cases to county budgets.

23 Sec. 129. MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES --
24 COMMUNITY SERVICES FUND. There is appropriated from the
25 general fund of the state to the mental health and
26 developmental disabilities community services fund created in
27 section 225C.7 for the fiscal year beginning July 1, 2002, and
28 ending June 30, 2003, the following amount, or so much thereof
29 as is necessary, to be used for the purpose designated:

30 For mental health and developmental disabilities community
31 services in accordance with this division of this Act:

32 \$ 17,757,890

33 1. Of the funds appropriated in this section, \$17,727,890
34 shall be allocated to counties for funding of community-based
35 mental health and developmental disabilities services. The

1 moneys shall be allocated to a county as follows:

2 a. Fifty percent based upon the county's proportion of the
3 state's population of persons with an annual income which is
4 equal to or less than the poverty guideline established by the
5 federal office of management and budget.

6 b. Fifty percent based upon the county's proportion of the
7 state's general population.

8 2. a. A county shall utilize the funding the county
9 receives pursuant to subsection 1 for services provided to
10 persons with a disability, as defined in section 225C.2.
11 However, no more than 50 percent of the funding shall be used
12 for services provided to any one of the service populations.

13 b. A county shall use at least 50 percent of the funding
14 the county receives under subsection 1 for contemporary
15 services provided to persons with a disability, as described
16 in rules adopted by the department.

17 3. Of the funds appropriated in this section, \$30,000
18 shall be used to support the Iowa compass program providing
19 computerized information and referral services for Iowans with
20 disabilities and their families.

21 4. a. Funding appropriated for purposes of the federal
22 social services block grant is allocated for distribution to
23 counties for local purchase of services for persons with
24 mental illness or mental retardation or other developmental
25 disability.

26 b. The funds allocated in this subsection shall be
27 expended by counties in accordance with the county's approved
28 county management plan. A county without an approved county
29 management plan shall not receive allocated funds until the
30 county's management plan is approved.

31 c. The funds provided by this subsection shall be
32 allocated to each county as follows:

33 (1) Fifty percent based upon the county's proportion of
34 the state's population of persons with an annual income which
35 is equal to or less than the poverty guideline established by

1 the federal office of management and budget.

2 (2) Fifty percent based upon the amount provided to the
3 county for local purchase of services in the preceding fiscal
4 year.

5 5. A county is eligible for funds under this section if
6 the county qualifies for a state payment as described in
7 section 331.439.

8 Sec. 130. PERSONAL ASSISTANCE. There is appropriated from
9 the general fund of the state to the department of human
10 services for the fiscal year beginning July 1, 2002, and
11 ending June 30, 2003, the following amount, or so much thereof
12 as is necessary, to be used for the purpose designated:

13 For continuation of a pilot project for the personal
14 assistance services program in accordance with this section:
15 \$ 157,921

16 1. The funds appropriated in this section shall be used to
17 continue the pilot project for the personal assistance
18 services program under section 225C.46 in an urban and a rural
19 area. Not more than 10 percent of the amount appropriated
20 shall be used for administrative costs. The pilot project
21 shall not be implemented in a manner which would require
22 additional county or state costs for assistance provided to an
23 individual served under the pilot project.

24 2. In accordance with 2001 Iowa Acts, chapter 191, section
25 25, subsection 2, new applicants shall not be accepted into
26 the pilot project. An individual receiving services under the
27 pilot project as of June 30, 2002, shall continue receiving
28 services until the individual voluntarily leaves the project
29 or until another program with similar services exists.

30 Sec. 131. SEXUALLY VIOLENT PREDATORS. There is
31 appropriated from the general fund of the state to the
32 department of human services for the fiscal year beginning
33 July 1, 2002, and ending June 30, 2003, the following amount,
34 or so much thereof as is necessary, to be used for the purpose
35 designated:

1 For costs associated with the commitment and treatment of
2 sexually violent predators in the unit located at the state
3 mental health institute at Cherokee, including costs of legal
4 services and other associated costs, including salaries,
5 support, maintenance, and miscellaneous purposes and for not
6 more than the following full-time equivalent positions:

7 \$ 3,459,855
8 FTEs 44.00

9 In implementing the relocation of the unit for commitment
10 of sexually violent predators from Oakdale to the state mental
11 health institute at Cherokee in the fiscal year beginning July
12 1, 2002, it is the intent of the general assembly that the
13 department of human services complete the renovation of space
14 at the institute and the relocation of the unit as
15 expeditiously as possible. If requested by the department of
16 human services as necessary to complete the renovation of
17 space and relocation as expeditiously as possible,
18 notwithstanding any provision of law or rule to the contrary,
19 the department of general services shall grant a waiver for
20 purposes of the renovation project from those requirements in
21 administrative rule and policy that would otherwise govern the
22 length of time the renovation project components are noticed.

23 Sec. 132. FIELD OPERATIONS. There is appropriated from
24 the general fund of the state to the department of human
25 services for the fiscal year beginning July 1, 2002, and
26 ending June 30, 2003, the following amount, or so much thereof
27 as is necessary, to be used for the purposes designated:

28 1. For field operations, including salaries, support,
29 maintenance, and miscellaneous purposes and for not more than
30 the following full-time equivalent positions:

31 \$ 51,204,264
32 FTEs 1,920.00

33 Priority in filling full-time equivalent positions shall be
34 given to those positions related to child protection services.

35 2. In implementing the transition from a regional system

1 to the service area system established pursuant to 2001 Iowa
2 Acts, Second Extraordinary Session, chapter 4, for the fiscal
3 year beginning July 1, 2002, and ending June 30, 2003, the
4 department shall utilize the service areas and service area
5 administrators in lieu of regions and regional administrators,
6 notwithstanding the references to department regions or
7 regional administrators in sections 232.2, 232.52, 232.68,
8 232.72, 232.102, 232.117, 232.127, 232.143, 232.188, and
9 234.35, or other provision in law. The department shall
10 submit proposed legislation under section 2.16 for
11 consideration by the Eightieth General Assembly, 2003 Session,
12 to correct the references in the necessary Code sections.

13 Sec. 133. ADDITIONAL FEDERAL FUNDING -- FISCAL YEAR 2002-
14 2003.

15 1. The provisions of this section are applicable for the
16 fiscal year beginning July 1, 2002.

17 2. It is the intent of the general assembly that the
18 director of human services work to secure federal financial
19 participation through Titles IV-E and XIX of the federal
20 Social Security Act for services and activities that are
21 currently funded with state, county, or community moneys. It
22 is further intended that the director initially focus on
23 securing targeted case management funding under medical
24 assistance for state child protection staff and for services
25 and activities currently funded with juvenile court services,
26 county, or community moneys and state moneys used in
27 combination with such moneys.

28 3. Additional federal financial participation secured for
29 the fiscal year beginning July 1, 2002, and ending June 30,
30 2003, is appropriated to the department of human services for
31 use as provided in this section. All of the following are
32 applicable to the additional federal financial participation
33 and efforts made to secure the federal financial
34 participation:

35 a. The department may pursue federal approval of a state

1 plan amendment to use medical assistance funding for targeted
2 case management services. The population to be served through
3 targeted case management services is children who are at risk
4 of maltreatment or who are in need of protective services. The
5 funding shall be based on the federal and state moneys
6 available under the medical assistance program. For the
7 additional federal financial participation received under the
8 reimbursement methodology established for the services, a
9 distribution plan shall attribute revenue to the cost sources
10 upon which the reimbursement rates are based. In addition, of
11 the additional federal funds received, a 5 percent set-aside
12 shall be used for funding the revenue enhancement activities
13 and for service delivery and results improvement efforts.

14 b. The director may use part or all of the additional
15 federal financial participation received from medical
16 assistance claims for child protection staff for full-time
17 equivalent state child protection staff positions, including
18 child abuse assessment positions, social workers, and support
19 positions performing related functions. Positions added in
20 accordance with this paragraph "b" are in addition to those
21 authorized in the appropriation made in this Act for field
22 operations.

23 c. The director may also use a portion of the additional
24 federal financial participation received from medical
25 assistance claims for child protection staff for providing
26 grants to communities to support the community partnership
27 approach to child protection. Potential grantees may include
28 child welfare funding decategorization projects, community
29 empowerment area boards, or other community-based entities
30 who, in partnership with the local departmental
31 administrators, agree to implement the four community
32 partnership components.

33 4. The department may adopt emergency rules to implement
34 the provisions of this section.

35 Sec. 134. ADDITIONAL FEDERAL FINANCIAL PARTICIPATION --

1 FISCAL 2001-2002 AND FISCAL 2002-2003. The first \$10 million
2 of federal financial participation received under the section
3 of this division of this Act providing for the department of
4 human services' efforts to secure additional federal funding
5 for FY 2002-2003 through Titles IV-E and XIX of the federal
6 Social Security Act or from other efforts by the department of
7 human services to draw additional federal financial
8 participation associated with funds appropriated for child and
9 family services in fiscal years 2001-2002 and 2002-2003 shall
10 be used in those two fiscal years to offset reductions in
11 federal financial participation for child welfare services due
12 to changes in federal regulations or interpretations of
13 federal regulations, changes in federal cost allocations or
14 federal match provisions, or federal sanctions. The
15 department may adopt emergency rules to implement the
16 provisions of this section.

17 Sec. 135. GENERAL ADMINISTRATION. There is appropriated
18 from the general fund of the state to the department of human
19 services for the fiscal year beginning July 1, 2002, and
20 ending June 30, 2003, the following amount, or so much thereof
21 as is necessary, to be used for the purpose designated:

22 For general administration, including salaries, support,
23 maintenance, and miscellaneous purposes and for not more than
24 the following full-time equivalent positions:

25	\$ 11,587,936
26	FTEs 356.00

27 1. Of the funds appropriated in this section, \$57,000 is
28 allocated for the prevention of disabilities policy council
29 established in section 225B.3.

30 2. The department shall report to the governor, the
31 general assembly, the legislative fiscal bureau, and the
32 legislative service bureau, within thirty days of notice from
33 the source of payment of the future receipt of any bonus,
34 incentive, or other payments received from the federal
35 government, court settlement payments, and any other payments

1 received by the state that may be used to supplement state
2 funds appropriated to the department.

3 3. If the department proposes an amendment to a state plan
4 for a program that is subject to federal approval and the
5 amendment would have an effect on state appropriations, unless
6 the amendment is adopted as a rule that has been reviewed and
7 approved by the administrative rules review committee, the
8 amendment shall not be submitted to the federal government for
9 consideration unless the fiscal committee of the legislative
10 council has adopted a motion recommending implementation of
11 the amendment.

12 Sec. 136. VOLUNTEERS. There is appropriated from the
13 general fund of the state to the department of human services
14 for the fiscal year beginning July 1, 2002, and ending June
15 30, 2003, the following amount, or so much thereof as is
16 necessary, to be used for the purpose designated:

17 For development and coordination of volunteer services:
18 \$ 109,568

19 Sec. 137. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY
20 ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE
21 DEPARTMENT OF HUMAN SERVICES.

22 1. a. For the fiscal year beginning July 1, 2002, nursing
23 facilities shall be reimbursed as provided in 2002 Iowa Acts,
24 House File 2613. Nursing facilities reimbursed under the
25 medical assistance program shall submit annual cost reports
26 and additional documentation as required by rules adopted by
27 the department.

28 b. (1) For the fiscal year beginning July 1, 2002, the
29 department shall reimburse pharmacy dispensing fees using a
30 single rate of \$5.17 per prescription or the pharmacy's usual
31 and customary fee, whichever is lower.

32 (2) The department shall implement a series of prospective
33 drug utilization review edits on targeted drugs to facilitate
34 the cost effective use of these drugs. The edits shall be
35 implemented in a manner that does not change the therapy or

1 the therapeutic outcome for the patient.

2 (3) The department of human services shall require
3 recipients of medical assistance to pay the following
4 copayment on each covered drug prescription, including each
5 refill as follows:

6 (a) A copayment of \$1 for each covered generic drug
7 prescription.

8 (b) A copayment of \$1 for each covered brand-name drug
9 prescription for which the cost to the state is less than \$25.

10 (c) A copayment of \$2 for each covered brand-name drug
11 prescription for which the cost to the state is between \$25
12 and \$50.

13 (d) A copayment of \$3 for each covered brand-name drug
14 prescription for which the cost to the state is over \$50.

15 c. For the fiscal year beginning July 1, 2002,
16 reimbursement rates for inpatient and outpatient hospital
17 services shall remain at the rates in effect on June 30, 2002.
18 The department shall continue the outpatient hospital
19 reimbursement system based upon ambulatory patient groups
20 implemented pursuant to 1994 Iowa Acts, chapter 1186, section
21 25, subsection 1, paragraph "f". In addition, the department
22 shall continue the revised medical assistance payment policy
23 implemented pursuant to that paragraph to provide
24 reimbursement for costs of screening and treatment provided in
25 the hospital emergency room if made pursuant to the
26 prospective payment methodology developed by the department
27 for the payment of outpatient services provided under the
28 medical assistance program. Any rebasing of hospital
29 inpatient or outpatient rates shall not increase total
30 payments for inpatient and outpatient services.

31 d. For the fiscal year beginning July 1, 2002,
32 reimbursement rates for rural health clinics, hospices,
33 independent laboratories, and acute mental hospitals shall be
34 increased in accordance with increases under the federal
35 Medicare program or as supported by their Medicare audited

1 costs.

2 e. For the fiscal year beginning July 1, 2002,
3 reimbursement rates for home health agencies shall remain at
4 the rates in effect on June 30, 2002.

5 f. For the fiscal year beginning July 1, 2002, federally
6 qualified health centers shall receive cost-based
7 reimbursement for 100 percent of the reasonable costs for the
8 provision of services to recipients of medical assistance.

9 g. Beginning July 1, 2002, the reimbursement rates for
10 dental services shall remain at the rates in effect on June
11 30, 2002.

12 h. Beginning July 1, 2002, the reimbursement rates for
13 community mental health centers shall remain at the rates in
14 effect on June 30, 2002.

15 i. For the fiscal year beginning July 1, 2002, the maximum
16 reimbursement rate for psychiatric medical institutions for
17 children shall remain at the rate in effect on June 30, 2002,
18 based on per day rates for actual costs.

19 j. For the fiscal year beginning July 1, 2002, unless
20 otherwise specified in this division of this Act, all
21 noninstitutional medical assistance provider reimbursement
22 rates shall remain at the rates in effect on June 30, 2002,
23 except for area education agencies, local education agencies,
24 infant and toddler services providers, and those providers
25 whose rates are required to be determined pursuant to section
26 249A.20.

27 k. Notwithstanding section 249A.20, the average
28 reimbursement rates for health care providers eligible for use
29 of the reimbursement methodology under that section shall
30 remain at the rate in effect on June 30, 2002.

31 l. In addition to other dental services provided to adults
32 under the medical assistance program in accordance with 2002
33 Iowa Acts, House File 2245, section 7, subsection 2, for the
34 fiscal year beginning July 1, 2002, the following services
35 shall be provided:

1 (1) Root canal treatments on permanent anterior teeth.

2 (2) General anesthesia and intravenous sedation if
3 necessitated by the physical or mental disability of the
4 patient.

5 2. For the fiscal year beginning July 1, 2002, the maximum
6 cost reimbursement rate for residential care facilities
7 reimbursed by the department shall not be less than \$25.92 per
8 day for the time period of July 1, 2002, through December 31,
9 2002, and shall not be less than \$26.20 per day for the time
10 period of January 1, 2003, through June 30, 2003. The flat
11 reimbursement rate for facilities electing not to file
12 semiannual cost reports shall not be less than \$18.52 per day
13 for the time period of July 1, 2002, through December 31,
14 2002, and shall not be less than \$18.72 per day for the time
15 period of January 1, 2003, through June 30, 2003.

16 3. For the fiscal year beginning July 1, 2002, the maximum
17 reimbursement rate for providers reimbursed under the in-home
18 health-related care program shall not be less than \$498.29 per
19 month for the time period of July 1, 2002, through December
20 31, 2002, and shall not be less than \$503.67 per month for the
21 time period of January 1, 2003, through June 30, 2003.

22 4. Unless otherwise directed in this section, when the
23 department's reimbursement methodology for any provider
24 reimbursed in accordance with this section includes an
25 inflation factor, this factor shall not exceed the amount by
26 which the consumer price index for all urban consumers
27 increased during the calendar year ending December 31, 2001.

28 5. Notwithstanding section 234.38, in the fiscal year
29 beginning July 1, 2002, the foster family basic daily
30 maintenance rate and the maximum adoption subsidy rate for
31 children ages 0 through 5 years shall be \$14.28, the rate for
32 children ages 6 through 11 years shall be \$15.07, the rate for
33 children ages 12 through 15 years shall be \$16.83, and the
34 rate for children ages 16 and older shall be \$16.83.

35 6. For the fiscal year beginning July 1, 2002, the maximum

1 reimbursement rates for social service providers shall remain
2 at the rates in effect on June 30, 2002. However, the rates
3 may be adjusted under any of the following circumstances:

4 a. If a new service was added after June 30, 2002, the
5 initial reimbursement rate for the service shall be based upon
6 actual and allowable costs.

7 b. If a social service provider loses a source of income
8 used to determine the reimbursement rate for the provider, the
9 provider's reimbursement rate may be adjusted to reflect the
10 loss of income, provided that the lost income was used to
11 support actual and allowable costs of a service purchased
12 under a purchase of service contract.

13 7. The group foster care reimbursement rates paid for
14 placement of children out-of-state shall be calculated
15 according to the same rate-setting principles as those used
16 for in-state providers unless the director or the director's
17 designee determines that appropriate care cannot be provided
18 within the state. The payment of the daily rate shall be
19 based on the number of days in the calendar month in which
20 service is provided.

21 8. For the fiscal year beginning July 1, 2002, the
22 reimbursement rates for rehabilitative treatment and support
23 services providers shall remain at the rates in effect on June
24 30, 2002.

25 9. For the fiscal year beginning July 1, 2002, the
26 combined service and maintenance components of the
27 reimbursement rate paid to a shelter care provider shall be
28 based on the cost report submitted to the department. The
29 maximum reimbursement rate shall be \$83.69 per day. The
30 department shall reimburse a shelter care provider at the
31 provider's actual and allowable unit cost, plus inflation, not
32 to exceed the maximum reimbursement rate.

33 10. For the fiscal year beginning July 1, 2002, the
34 department shall calculate reimbursement rates for
35 intermediate care facilities for persons with mental

1 retardation at the 80th percentile.

2 11. For the fiscal year beginning July 1, 2002, for child
3 care providers, the department shall set provider
4 reimbursement rates based on the rate reimbursement survey
5 completed in December 1998. The department shall set rates in
6 a manner so as to provide incentives for a nonregistered
7 provider to become registered.

8 12. For the fiscal year beginning July 1, 2002,
9 reimbursements for providers reimbursed by the department of
10 human services may be modified if appropriated funding is
11 allocated for that purpose from the senior living trust fund
12 created in section 249H.4, or as specified in appropriations
13 from the healthy Iowans tobacco trust created in section
14 12.65.

15 13. The department may adopt emergency rules to implement
16 this section.

17 Sec. 138. HEALTH CARE FACILITY -- EXCEPTION.

18 Notwithstanding any provision of chapter 135, division VI, to
19 the contrary and notwithstanding current applicable life
20 safety code and physical plant requirements, a health care
21 facility located in Dows, Iowa, that was operating prior to
22 May 1, 2002, and that terminated operation prior to May 31,
23 2002, that previously completed the certificate of need
24 process and that was previously licensed by the state, shall
25 not be subject to a subsequent certificate of need process and
26 shall not be subject to current life safety code requirements
27 or current physical plant requirements in order to be issued a
28 conditional license, if the successor health care facility
29 becomes operational on or before July 1, 2004.

30 Sec. 139. TRANSFER AUTHORITY. Subject to the provisions
31 of section 8.39, for the fiscal year beginning July 1, 2002,
32 if necessary to meet federal maintenance of effort
33 requirements or to transfer federal temporary assistance for
34 needy families block grant funding to be used for purposes of
35 the federal social services block grant or to meet cash flow

1 needs resulting from delays in receiving federal funding or to
2 implement, in accordance with this division of this Act,
3 targeted case management for child protection and for
4 activities currently funded with juvenile court services,
5 county, or community moneys and state moneys used in
6 combination with such moneys, the department of human services
7 may transfer within or between any of the appropriations made
8 in this division of this Act and appropriations in law for the
9 federal social services block grant to the department for the
10 following purposes, provided that the combined amount of state
11 and federal temporary assistance for needy families block
12 grant funding for each appropriation remains the same before
13 and after the transfer:

- 14 1. For the family investment program.
- 15 2. For emergency assistance.
- 16 3. For child care assistance.
- 17 4. For child and family services.
- 18 5. For field operations.
- 19 6. For general administration.
- 20 7. MH/MR/DD/BI community services (local purchase).

21 This section shall not be construed to prohibit existing
22 state transfer authority for other purposes.

23 Sec. 140. FRAUD AND RECOUPMENT ACTIVITIES. During the
24 fiscal year beginning July 1, 2002, notwithstanding the
25 restrictions in section 239B.14, recovered moneys generated
26 through fraud and recoupment activities are appropriated to
27 the department of human services to be used for additional
28 fraud and recoupment activities performed by the department of
29 human services or the department of inspections and appeals,
30 and the department of human services may add not more than
31 five full-time equivalent positions, in addition to those
32 funded in this division of this Act, subject to both of the
33 following conditions:

- 34 1. The director of human services determines that the
35 investment can reasonably be expected to increase recovery of

1 assistance paid in error, due to fraudulent or nonfraudulent
2 actions, in excess of the amount recovered in the fiscal year
3 beginning July 1, 1997.

4 2. The amount expended for the additional fraud and
5 recoupment activities shall not exceed the amount of the
6 projected increase in assistance recovered.

7 Sec. 141. TARGETED CASE MANAGEMENT SERVICES FOR CHILDREN
8 -- FY 2001-2002. It is the intent of the general assembly
9 that the department evaluate the documentation provisions
10 implemented in fiscal year 2001-2002 for medical assistance
11 claiming of targeted case management services for children who
12 are at risk of maltreatment or who are in need of protective
13 services. The purpose of the evaluation is for the department
14 to ease the administrative burden on department staff by
15 limiting the documentation requirement to those children known
16 to be eligible or implementing other appropriate measures.

17 Sec. 142. NEW SECTION. 249A.20A NURSING FACILITIES --
18 DUAL CERTIFICATION REQUIRED.

19 Beginning October 1, 2002, all licensed nursing facilities
20 shall be certified under both the federal Medicare program and
21 the medical assistance program as a condition for
22 participation in the medical assistance program. The
23 department shall, in consultation with nursing facility
24 provider organizations, adopt rules to establish criteria for
25 individual exceptions to the dual certification requirement
26 under this section.

27 Sec. 143. Section 252B.4, subsection 1, Code 2001, is
28 amended to read as follows:

29 1. The director shall require an application fee of five
30 twenty-five dollars.

31 Sec. 144. 2001 Iowa Acts, chapter 176, section 1, is
32 amended to read as follows:

33 SECTION 1. COUNTY MENTAL HEALTH, MENTAL RETARDATION, AND
34 DEVELOPMENTAL DISABILITIES ALLOWED GROWTH FACTOR ADJUSTMENT
35 AND ALLOCATIONS. There is appropriated from the general fund

1 of the state to the department of human services for the
2 fiscal year beginning July 1, 2002, and ending June 30, 2003,
3 the following amount, or so much thereof as is necessary, to
4 be used for the purpose designated:

5 For distribution to counties of the county mental health,
6 mental retardation, and developmental disabilities allowed
7 growth factor adjustment, as provided in this section in lieu
8 of the provisions of section 331.438, subsection 2, and
9 section 331.439, subsection 3, and chapter 426B:

10	\$ 14,874,702
11	<u>14,181,000</u>

12 The funding appropriated in this section is the allowed
13 growth factor adjustment for fiscal year 2002-2003, and is
14 allocated for distribution as provided by law.

15 Sec. 145. COUNTY MENTAL HEALTH, MENTAL RETARDATION, AND
16 DEVELOPMENTAL DISABILITIES (MH/MR/DD) ALLOWED GROWTH FACTOR
17 ADJUSTMENT AND ALLOCATIONS -- DISTRIBUTION FOR FY 2002-2003.

18 1. For the fiscal year beginning July 1, 2002, the moneys
19 appropriated in 2001 Acts, chapter 176, section 1, as amended
20 by this division of this Act, for distribution to counties of
21 the county mental health, mental retardation, and
22 developmental disabilities allowed growth factor adjustment,
23 shall be distributed as provided in this section in lieu of
24 the provisions of section 331.438, subsection 2, and section
25 331.439, subsection 3, and chapter 426B, as follows:

26 a. The first \$500,000 shall be credited to the risk pool
27 created in the property tax relief fund and shall be
28 distributed pursuant to section 426B.5, subsection 2.

29 b. The remaining \$13,681,000 shall be distributed as
30 provided in this section.

31 2. The following formula amounts shall be utilized only to
32 calculate preliminary distribution amounts for fiscal year
33 2002-2003 under this section by applying the indicated formula
34 provisions to the formula amounts and producing a preliminary
35 distribution total for each county:

1 a. For calculation of an allowed growth factor adjustment
2 amount for each county in accordance with the formula in
3 section 331.438, subsection 2, paragraph "b":

4 \$ 12,000,000

5 b. For calculation of a distribution amount for eligible
6 counties from the per capita expenditure target pool created
7 in the property tax relief fund in accordance with the
8 requirements in section 426B.5, subsection 1:

9 \$ 14,492,712

10 c. For calculation of a distribution amount for counties
11 from the mental health and developmental disabilities (MH/DD)
12 community services fund in accordance with the formula
13 provided in this division of this Act:

14 \$ 17,727,890

15 3. Notwithstanding any contrary provisions of sections
16 225C.7, 331.438, subsection 2, 331.439, subsection 3, and
17 426B.5, the moneys allocated for distribution in subsection 1,
18 paragraph "b", and in any other Act of the Seventy-ninth
19 General Assembly, 2002 Session, for distribution to counties
20 in the fiscal year beginning July 1, 2002, for purposes of the
21 mental health and developmental disabilities (MH/DD) community
22 services fund under section 225C.7, and for the allowed growth
23 factor adjustment for services paid under a county's section
24 331.424A mental health, mental retardation, and developmental
25 disabilities services fund and as calculated under subsection
26 2 to produce preliminary distribution amounts for counties
27 shall be subject to withholding as provided in this section.

28 4. After applying the applicable statutory distribution
29 formulas to the amounts indicated in subsection 2 for purposes
30 of formula calculations to produce preliminary distribution
31 totals, the department of human services shall apply a
32 withholding factor to adjust an eligible individual county's
33 preliminary distribution total. An ending balance percentage
34 for each county shall be determined by expressing the county's
35 ending balance on a modified accrual basis under generally

1 accepted accounting principles for the fiscal year beginning
2 July 1, 2001, in the county's mental health, mental
3 retardation, and developmental disabilities services fund
4 created under section 331.424A, as a percentage of the
5 county's gross expenditures from that fund for that fiscal
6 year. The withholding factor for a county shall be the
7 following applicable percent:

8 a. For an ending balance percentage of less than 10
9 percent, a withholding factor of 0 percent.

10 b. For an ending balance percentage of 10 through 24
11 percent, a withholding factor of 48.1 percent.

12 c. For an ending balance percentage of 25 through 34
13 percent, a withholding factor of 60 percent.

14 d. For an ending balance percentage of 35 through 44
15 percent, a withholding factor of 85 percent.

16 e. For an ending balance percentage of 45 percent or more,
17 a withholding factor of 100 percent.

18 5. The total withholding amounts applied pursuant to
19 subsection 4 shall be equal to a withholding target amount of
20 \$12,811,712 and the appropriation made in this division of
21 this Act for the MH/DD community services fund and the
22 appropriation made in 2001 Iowa Acts, chapter 176, section 1,
23 as amended by this division of this Act shall be reduced by
24 the amount necessary to attain the withholding target amount.
25 If the department of human services determines that the amount
26 to be withheld in accordance with subsection 4 is not equal to
27 the target withholding amount, the department shall adjust the
28 withholding factors listed in subsection 4 as necessary to
29 achieve the withholding target amount. However, in making
30 such adjustments to the withholding factors, the department
31 shall strive to minimize changes to the withholding factors
32 for those ending balance percentage ranges that are lower than
33 others and shall not adjust the zero withholding factor
34 specified in subsection 4, paragraph "a".

35 6. In order to be eligible for a funding distribution

1 under this section, a county must levy at least 70 percent of
2 the maximum allowed for the county's services fund under
3 section 331.424A for taxes due and payable in the fiscal year
4 beginning July 1, 2002, and comply with the December 1, 2002,
5 filing deadline for the county annual financial report in
6 accordance with section 331.403. The amount that would
7 otherwise be available for distribution to a county that fails
8 to so comply shall be proportionately distributed among the
9 eligible counties.

10 7. The department of human services shall authorize the
11 issuance of warrants payable to the county treasurer for the
12 distribution amounts due the counties eligible under this
13 section and notwithstanding prior practice for the MH/DD
14 community services fund, the warrants shall be issued in
15 January 2003.

16 Sec. 146. EMERGENCY RULES. If specifically authorized by
17 a provision of this division of this Act, the department of
18 human services or the mental health and developmental
19 disabilities commission may adopt administrative rules under
20 section 17A.4, subsection 2, and section 17A.5, subsection 2,
21 paragraph "b", to implement the provisions and the rules shall
22 become effective immediately upon filing or on a later
23 effective date specified in the rules, unless the effective
24 date is delayed by the administrative rules review committee.
25 Any rules adopted in accordance with this section shall not
26 take effect before the rules are reviewed by the
27 administrative rules review committee. The delay authority
28 provided to the administrative rules review committee under
29 section 17A.4, subsection 5, and section 17A.8, subsection 9,
30 shall be applicable to a delay imposed under this section,
31 notwithstanding a provision in those sections making them
32 inapplicable to section 17A.5, subsection 2, paragraph "b".
33 Any rules adopted in accordance with the provisions of this
34 section shall also be published as notice of intended action
35 as provided in section 17A.4.

1 Sec. 147. REPORTS.

2 1. Any reports or information required to be compiled and
3 submitted under this division of this Act shall be submitted
4 to the chairpersons and ranking members of the joint
5 appropriations subcommittee on human services, the legislative
6 fiscal bureau, the legislative service bureau, and to the
7 legislative caucus staffs on or before the dates specified for
8 submission of the reports or information.

9 2. In order to reduce mailing and paper processing costs,
10 the department shall provide, to the extent feasible, reports,
11 notices, minutes, and other documents by electronic means to
12 those persons who have the capacity to access the documents in
13 that manner.

14 Sec. 148. LAW INAPPLICABLE FOR FISCAL YEAR 2002-2003.

15 1. The following provisions in Code or rule shall be
16 suspended for the period beginning July 1, 2002, and ending
17 June 30, 2003:

18 a. The requirements of section 239B.2A, relating to school
19 attendance by children participating in the family investment
20 program.

21 b. For a case permanency plan, as defined in section
22 232.2, the requirement for a six-month case permanency plan
23 review for an intact family. In addition, the department of
24 human services may implement a shortened case permanency plan
25 format tailored to meet compliance issues.

26 c. The requirements of section 225C.42, relating to an
27 annual evaluation of the family support subsidy program.

28 2. The department may adopt emergency rules to implement
29 the provisions of this section.

30 Sec. 149. MEDICAL ASSISTANCE PROGRAM -- REPAYMENT OF
31 SENIOR LIVING TRUST FUND FOR FY 2001-2002. If moneys
32 appropriated for the medical assistance program for the fiscal
33 year beginning July 1, 2001, and ending June 30, 2002, from
34 the general fund of the state, the tobacco settlement trust
35 fund, the healthy Iowans tobacco trust fund, the senior living

1 trust fund, and the hospital trust fund are in excess of
2 actual expenditures for the medical assistance program and
3 remain available at the close of the fiscal year, the excess
4 moneys in an amount not to exceed the amount appropriated from
5 the senior living trust fund for the medical assistance
6 program for the fiscal year beginning July 1, 2001, which have
7 not otherwise been repaid, shall be transferred to the senior
8 living trust fund created in section 249H.4.

9 Sec. 150. MEDICAL ASSISTANCE PROGRAM -- REPAYMENT OF
10 SENIOR LIVING TRUST FUND FOR FY 2002-2003. If moneys
11 appropriated for the medical assistance program for the fiscal
12 year beginning July 1, 2002, and ending June 30, 2003, from
13 the general fund of the state, the tobacco settlement trust
14 fund, the healthy Iowans tobacco trust fund, the senior living
15 trust fund, and the hospital trust fund are in excess of
16 actual expenditures for the medical assistance program and
17 remain available at the close of the fiscal year, the excess
18 moneys, not to exceed the amount appropriated from the senior
19 living trust fund for the medical assistance program for the
20 fiscal years beginning July 1, 2001, and July 1, 2002, which
21 have not otherwise been repaid, shall be transferred to the
22 senior living trust fund created in section 249H.4.

23 Sec. 151. EFFECTIVE DATES.

24 1. Except as otherwise provided in subsection 2, this
25 division of this Act takes effect July 1, 2002.

26 2. The following provisions of this division of this Act,
27 being deemed of immediate importance, take effect upon
28 enactment:

29 a. The provision under the appropriation for child and
30 family services, relating to requirements of section 232.143
31 for representatives of the department of human services and
32 juvenile court services to establish a plan for continuing
33 group foster care expenditures for the 2002-2003 fiscal year.

34 b. The provision under the appropriation for child and
35 family services, relating to the state court administrator

1 determining allocation of court-ordered services funding by
2 June 15, 2002.

3 c. The provision relating to the evaluation of
4 documentation for targeted case management services for
5 children in fiscal year 2001-2002.

6 d. The provision relating to obtaining additional federal
7 financial participation for fiscal year 2001-2002 and fiscal
8 year 2002-2003.

9 e. The provision relating to repayment of the senior
10 living trust fund for fiscal year 2001-2002.

11 f. The provision enacting new section 249A.20A relating to
12 dual certification of nursing facilities.

13 DIVISION VII

14 JUSTICE SYSTEM

15 Sec. 152. DEPARTMENT OF JUSTICE. There is appropriated
16 from the general fund of the state to the department of
17 justice for the fiscal year beginning July 1, 2002, and ending
18 June 30, 2003, the following amounts, or so much thereof as is
19 necessary, to be used for the purposes designated:

20 1. For the general office of attorney general for
21 salaries, support, maintenance, miscellaneous purposes
22 including prosecuting attorney training program, victim
23 assistance grants, office of drug control policy (ODCP)
24 prosecuting attorney program, legal services for persons in
25 poverty grants as provided in section 13.34, odometer fraud
26 enforcement, and for not more than the following full-time
27 equivalent positions:

28	\$	7,340,260
29	FTEs	210.48

30 2. In addition to the funds appropriated in subsection 1,
31 there is appropriated from the general fund of the state to
32 the department of justice for the fiscal year beginning July
33 1, 2002, and ending June 30, 2003, an amount not exceeding
34 \$200,000 to be used for the enforcement of the Iowa
35 competition law. The funds appropriated in this subsection

1 are contingent upon receipt by the general fund of the state
2 of an amount at least equal to the expenditure amount from
3 either damages awarded to the state or a political subdivision
4 of the state by a civil judgment under chapter 553, if the
5 judgment authorizes the use of the award for enforcement
6 purposes or costs or attorneys fees awarded the state in state
7 or federal antitrust actions. However, if the amounts
8 received as a result of these judgments are in excess of
9 \$200,000, the excess amounts shall not be appropriated to the
10 department of justice pursuant to this subsection.

11 3. In addition to the funds appropriated in subsection 1,
12 there is appropriated from the general fund of the state to
13 the department of justice for the fiscal year beginning July
14 1, 2002, and ending June 30, 2003, an amount not exceeding
15 \$1,125,000 to be used for public education relating to
16 consumer fraud and for enforcement of section 714.16, and an
17 amount not exceeding \$75,000 for investigation, prosecution,
18 and consumer education relating to consumer and criminal fraud
19 against older Iowans. The funds appropriated in this
20 subsection are contingent upon receipt by the general fund of
21 the state of an amount at least equal to the expenditure
22 amount from damages awarded to the state or a political
23 subdivision of the state by a civil consumer fraud judgment or
24 settlement, if the judgment or settlement authorizes the use
25 of the award for public education on consumer fraud. However,
26 if the funds received as a result of these judgments and
27 settlements are in excess of \$1,200,000, the excess funds
28 shall not be appropriated to the department of justice
29 pursuant to this subsection.

30 4. a. The funds used for victim assistance grants shall
31 be used to provide grants to care providers providing services
32 to crime victims of domestic abuse or to crime victims of rape
33 and sexual assault.

34 b. The balance of the victim compensation fund established
35 in section 915.94 may be used to provide salary and support of

1 not more than 22.0 FTEs and to provide maintenance for the
2 victim compensation functions of the department of justice.

3 5. The department of justice shall submit monthly
4 financial statements to the legislative fiscal bureau and the
5 department of management containing all appropriated accounts
6 in the same manner as provided in the monthly financial status
7 reports and personal services usage reports of the department
8 of revenue and finance. The monthly financial statements
9 shall include comparisons of the moneys and percentage spent
10 of budgeted to actual revenues and expenditures on a
11 cumulative basis for full-time equivalent positions and
12 available moneys.

13 6. a. The department of justice, in submitting budget
14 estimates for the fiscal year commencing July 1, 2003,
15 pursuant to section 8.23, shall include a report of funding
16 from sources other than amounts appropriated directly from the
17 general fund of the state to the department of justice or to
18 the office of consumer advocate. These funding sources shall
19 include, but are not limited to, reimbursements from other
20 state agencies, commissions, boards, or similar entities, and
21 reimbursements from special funds or internal accounts within
22 the department of justice. The department of justice shall
23 report actual reimbursements for the fiscal year commencing
24 July 1, 2001, and actual and expected reimbursements for the
25 fiscal year commencing July 1, 2002.

26 b. The department of justice shall include the report
27 required under paragraph "a", as well as information regarding
28 any revisions occurring as a result of reimbursements actually
29 received or expected at a later date, in a report to the co-
30 chairpersons and ranking members of the joint appropriations
31 subcommittee on the justice system and the legislative fiscal
32 bureau. The department of justice shall submit the report on
33 or before January 15, 2003.

34 7. As a condition for accepting a grant for legal services
35 for persons in poverty funded pursuant to section 13.34, an

1 organization receiving a grant shall submit a report to the
2 general assembly by January 1, 2003, concerning the use of any
3 grants received during the previous fiscal year and efforts
4 made by the organization to find alternative sources of
5 revenue to replace any reductions in federal funding for the
6 organization.

7 Sec. 153. DEPARTMENT OF JUSTICE -- ENVIRONMENTAL CRIMES
8 INVESTIGATION AND PROSECUTION -- FUNDING. There is
9 appropriated from the environmental crime fund of the
10 department of justice, consisting of court-ordered fines and
11 penalties awarded to the department arising out of the
12 prosecution of environmental crimes, to the department of
13 justice for the fiscal year beginning July 1, 2002, and ending
14 June 30, 2003, an amount not exceeding \$20,000 to be used by
15 the department, at the discretion of the attorney general, for
16 the investigation and prosecution of environmental crimes,
17 including the reimbursement of expenses incurred by county,
18 municipal, and other local governmental agencies cooperating
19 with the department in the investigation and prosecution of
20 environmental crimes.

21 The funds appropriated in this section are contingent upon
22 receipt by the environmental crime fund of the department of
23 justice of an amount at least equal to the appropriations made
24 in this section and received from contributions, court-ordered
25 restitution as part of judgments in criminal cases, and
26 consent decrees entered into as part of civil or regulatory
27 enforcement actions. However, if the funds received during
28 the fiscal year are in excess of \$20,000, the excess funds
29 shall be deposited in the general fund of the state.

30 Notwithstanding section 8.33, moneys appropriated in this
31 section that remain unexpended or unobligated at the close of
32 the fiscal year shall not revert but shall remain available
33 for expenditure for the purpose designated until the close of
34 the succeeding fiscal year.

35 Sec. 154. OFFICE OF CONSUMER ADVOCATE. There is

1 appropriated from the general fund of the state to the office
2 of consumer advocate of the department of justice for the
3 fiscal year beginning July 1, 2002, and ending June 30, 2003,
4 the following amount, or so much thereof as is necessary, to
5 be used for the purposes designated:

6 For salaries, support, maintenance, miscellaneous purposes,
7 and for not more than the following full-time equivalent
8 positions:

9 \$ 2,443,903
10 FTEs 33.00

11 Sec. 155. DEPARTMENT OF CORRECTIONS -- FACILITIES. There
12 is appropriated from the general fund of the state to the
13 department of corrections for the fiscal year beginning July
14 1, 2002, and ending June 30, 2003, the following amounts, or
15 so much thereof as is necessary, to be used for the purposes
16 designated:

17 1. For the operation of adult correctional institutions,
18 reimbursement of counties for certain confinement costs, and
19 federal prison reimbursement, to be allocated as follows:

20 a. For the operation of the Fort Madison correctional
21 facility, including salaries, support, maintenance, employment
22 of correctional officers, miscellaneous purposes, and for not
23 more than the following full-time equivalent positions:

24 \$ 32,168,605
25 FTEs 543.69

26 It is the intent of the general assembly to operate a
27 special needs unit at the Fort Madison correctional facility
28 at a capacity of 200 beds when funding constraints are
29 eliminated.

30 b. For the operation of the Anamosa correctional facility,
31 including salaries, support, maintenance, employment of
32 correctional officers and a part-time chaplain to provide
33 religious counseling to inmates of a minority race,
34 miscellaneous purposes, and for not more than the following
35 full-time equivalent positions:

1 \$ 23,786,629

2 FTEs 379.75

3 Moneys are provided within this appropriation for one full-
4 time substance abuse counselor for the Luster Heights
5 facility, for the purpose of certification of a substance
6 abuse program at that facility.

7 c. For the operation of the Oakdale correctional facility,
8 including salaries, support, maintenance, employment of
9 correctional officers, miscellaneous purposes, and for not
10 more than the following full-time equivalent positions:

11 \$ 21,497,363

12 FTEs 328.50

13 d. For the operation of the Newton correctional facility,
14 including salaries, support, maintenance, employment of
15 correctional officers, miscellaneous purposes, and for not
16 more than the following full-time equivalent positions:

17 \$ 22,538,275

18 FTEs 371.25

19 e. For the operation of the Mt. Pleasant correctional
20 facility, including salaries, support, maintenance, employment
21 of correctional officers and a full-time chaplain to provide
22 religious counseling at the Oakdale and Mt. Pleasant
23 correctional facilities, miscellaneous purposes, and for not
24 more than the following full-time equivalent positions:

25 \$ 21,161,133

26 FTEs 330.56

27 f. For the operation of the Rockwell City correctional
28 facility, including salaries, support, maintenance, employment
29 of correctional officers, miscellaneous purposes, and for not
30 more than the following full-time equivalent positions:

31 \$ 7,268,049

32 FTEs 110.00

33 g. For the operation of the Clarinda correctional
34 facility, including salaries, support, maintenance, employment
35 of correctional officers, miscellaneous purposes, and for not

1 more than the following full-time equivalent positions:
2 \$ 18,326,306
3 FTEs 291.76

4 Moneys received by the department of corrections as
5 reimbursement for services provided to the Clarinda youth
6 corporation are appropriated to the department and shall be
7 used for the purpose of operating the Clarinda correctional
8 facility.

9 h. For the operation of the Mitchellville correctional
10 facility, including salaries, support, maintenance, employment
11 of correctional officers, miscellaneous purposes, and for not
12 more than the following full-time equivalent positions:

13 \$ 12,024,416
14 FTEs 215.50

15 i. For the operation of the Fort Dodge correctional
16 facility, including salaries, support, maintenance, employment
17 of correctional officers, miscellaneous purposes, and for not
18 more than the following full-time equivalent positions:

19 \$ 24,379,674
20 FTEs 395.00

21 j. For reimbursement of counties for temporary confinement
22 of work release and parole violators, as provided in sections
23 901.7, 904.908, and 906.17 and for offenders confined pursuant
24 to section 904.513:

25 \$ 674,954

26 k. For federal prison reimbursement, reimbursements for
27 out-of-state placements, and miscellaneous contracts:

28 \$ 241,293

29 The department of corrections shall use funds appropriated
30 in this subsection to continue to contract for the services of
31 a Muslim imam.

32 2. a. If the inmate tort claim fund for inmate claims of
33 less than \$100 is exhausted during the fiscal year, sufficient
34 funds shall be transferred from the institutional budgets to
35 pay approved tort claims for the balance of the fiscal year.

1 The warden or superintendent of each institution or
2 correctional facility shall designate an employee to receive,
3 investigate, and recommend whether to pay any properly filed
4 inmate tort claim for less than the above amount. The
5 designee's recommendation shall be approved or denied by the
6 warden or superintendent and forwarded to the department of
7 corrections for final approval and payment. The amounts
8 appropriated to this fund pursuant to 1987 Iowa Acts, chapter
9 234, section 304, subsection 2, are not subject to reversion
10 under section 8.33.

11 b. Tort claims denied at the institution shall be
12 forwarded to the state appeal board for their consideration as
13 if originally filed with that body. This procedure shall be
14 used in lieu of chapter 669 for inmate tort claims of less
15 than \$100.

16 3. It is the intent of the general assembly that the
17 department of corrections shall timely fill correctional
18 positions authorized for correctional facilities pursuant to
19 this section.

20 Sec. 156. DEPARTMENT OF CORRECTIONS -- ADMINISTRATION.
21 There is appropriated from the general fund of the state to
22 the department of corrections for the fiscal year beginning
23 July 1, 2002, and ending June 30, 2003, the following amounts,
24 or so much thereof as is necessary, to be used for the
25 purposes designated:

26 1. For general administration, including salaries,
27 support, maintenance, employment of an education director and
28 clerk to administer a centralized education program for the
29 correctional system, miscellaneous purposes, and for not more
30 than the following full-time equivalent positions:

31	\$	2,666,224
32	FTEs	42.18

33 Notwithstanding section 904.108, for the fiscal year
34 beginning July 1, 2002, and ending June 30, 2003, the
35 correctional training center need not be maintained at the

1 Mount Pleasant correctional facility.

2 a. The department shall monitor the use of the
3 classification model by the judicial district departments of
4 correctional services and has the authority to override a
5 district department's decision regarding classification of
6 community-based clients. The department shall notify a
7 district department of the reasons for the override.

8 b. It is the intent of the general assembly that as a
9 condition of receiving the appropriation provided in this
10 subsection, the department of corrections shall not, except as
11 otherwise provided in paragraph "c", enter into a new
12 contract, unless the contract is a renewal of an existing
13 contract, for the expenditure of moneys in excess of \$100,000
14 during the fiscal year beginning July 1, 2002, for the
15 privatization of services performed by the department using
16 state employees as of July 1, 2002, or for the privatization
17 of new services by the department, without prior consultation
18 with any applicable state employee organization affected by
19 the proposed new contract and prior notification of the
20 cochairpersons and ranking members of the joint appropriations
21 subcommittee on the justice system.

22 c. It is the intent of the general assembly that each
23 lease negotiated by the department of corrections with a
24 private corporation for the purpose of providing private
25 industry employment of inmates in a correctional institution
26 shall prohibit the private corporation from utilizing inmate
27 labor for partisan political purposes for any person seeking
28 election to public office in this state and that a violation
29 of this requirement shall result in a termination of the lease
30 agreement.

31 d. It is the intent of the general assembly that as a
32 condition of receiving the appropriation provided in this
33 subsection, the department of corrections shall not enter into
34 a lease or contractual agreement pursuant to section 904.809
35 with a private corporation for the use of building space for

1 the purpose of providing inmate employment without providing
2 that the terms of the lease or contract establish safeguards
3 to restrict, to the greatest extent feasible, access by
4 inmates working for the private corporation to personal
5 identifying information of citizens.

6 e. It is the intent of the general assembly that as a
7 condition of receiving the appropriation provided in this
8 subsection, the department of corrections shall not enter into
9 any new agreement with a private for-profit agency or
10 corporation for the purpose of transferring inmates under the
11 custody of the department to a jail or correctional facility
12 or institution in this state which is established, maintained,
13 or operated by a private for-profit agency or corporation
14 without prior approval by the general assembly.

15 2. For educational programs for inmates at state penal
16 institutions:

17 \$ 100,000

18 It is the intent of the general assembly that moneys
19 appropriated in this subsection shall be used solely for the
20 purpose indicated and that the moneys shall not be transferred
21 for any other purpose. In addition, it is the intent of the
22 general assembly that the department shall consult with the
23 community colleges in the areas in which the institutions are
24 located to utilize moneys appropriated in this subsection to
25 fund the high school completion, high school equivalency
26 diploma, adult literacy, and adult basic education programs in
27 a manner so as to maintain these programs at the institutions.

28 To maximize the funding for educational programs, the
29 department shall establish guidelines and procedures to
30 prioritize the availability of educational and vocational
31 training for inmates based upon the goal of facilitating an
32 inmate's successful release from the correctional institution.

33 The director of the department of corrections may transfer
34 moneys from Iowa prison industries for use in educational
35 programs for inmates.

1 Notwithstanding section 8.33, moneys appropriated in this
2 subsection that remain unobligated or unexpended at the close
3 of the fiscal year shall not revert but shall remain available
4 for expenditure only for the purpose designated in this
5 subsection until the close of the succeeding fiscal year.

6 3. For the development of the Iowa corrections offender
7 network (ICON) data system:

8 \$ 427,700

9 4. The department of corrections shall submit a report to
10 the cochairpersons and ranking members of the joint
11 appropriations subcommittee on the justice system and the
12 legislative fiscal bureau, on or before January 15, 2003,
13 concerning the development and implementation of the Iowa
14 corrections offender network (ICON) data system. The report
15 shall include a description of the system and functions, a
16 plan for implementation of the system, including a timeline,
17 resource and staffing requirements for the system, and a
18 current status and progress report concerning the
19 implementation of the system. In addition, the report shall
20 specifically address the ability of the system to receive and
21 transmit data between prisons, community-based corrections
22 district departments, the judicial branch, board of parole,
23 the criminal and juvenile justice planning division of the
24 department of human rights, the department of public safety,
25 and other applicable governmental agencies. The report should
26 include a detailed discussion of the cooperation with other
27 state agencies and the judicial branch in the development and
28 implementation of the system.

29 5. It is the intent of the general assembly that the
30 department of corrections shall continue to operate the
31 correctional farms under the control of the department at the
32 same or greater level of participation and involvement as
33 existed as of January 1, 2002, shall not enter into any rental
34 agreement or contract concerning any farmland under the
35 control of the department that is not subject to a rental

1 agreement or contract as of January 1, 2002, without prior
2 legislative approval, and shall further attempt to provide job
3 opportunities at the farms for inmates. The department shall
4 attempt to provide job opportunities at the farms for inmates
5 by encouraging labor-intensive farming or gardening where
6 appropriate, using inmates to grow produce and meat for
7 institutional consumption, researching the possibility of
8 instituting food canning and cook-and-chill operations, and
9 exploring opportunities for organic farming and gardening,
10 livestock ventures, horticulture, and specialized crops.

11 6. The department of corrections shall submit a report to
12 the general assembly by January 1, 2003, concerning moneys
13 recouped from inmate earnings for the reimbursement of
14 operational expenses of the applicable facility during the
15 fiscal year beginning July 1, 2001, for each correctional
16 institution and judicial district department of correctional
17 services. In addition, each correctional institution and
18 judicial district department of correctional services shall
19 continue to submit a report to the legislative fiscal bureau
20 on a monthly basis concerning moneys recouped from inmate
21 earnings pursuant to sections 904.702, 904.809, and 905.14.

22 Sec. 157. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL
23 SERVICES.

24 1. There is appropriated from the general fund of the
25 state to the department of corrections for the fiscal year
26 beginning July 1, 2002, and ending June 30, 2003, the
27 following amounts, or so much thereof as is necessary, to be
28 allocated as follows:

29 a. For the first judicial district department of
30 correctional services, including the treatment and supervision
31 of probation and parole violators who have been released from
32 the department of corrections violator program, the following
33 amount, or so much thereof as is necessary:

34 \$ 8,953,795

35 b. For the second judicial district department of

1 correctional services, including the treatment and supervision
2 of probation and parole violators who have been released from
3 the department of corrections violator program, the following
4 amount, or so much thereof as is necessary:

5 \$ 6,992,061

6 c. For the third judicial district department of
7 correctional services, including the treatment and supervision
8 of probation and parole violators who have been released from
9 the department of corrections violator program, the following
10 amount, or so much thereof as is necessary:

11 \$ 4,073,638

12 d. For the fourth judicial district department of
13 correctional services, including the treatment and supervision
14 of probation and parole violators who have been released from
15 the department of corrections violator program, the following
16 amount, or so much thereof as is necessary:

17 \$ 3,854,236

18 e. For the fifth judicial district department of
19 correctional services, including the treatment and supervision
20 of probation and parole violators who have been released from
21 the department of corrections violator program, the following
22 amount, or so much thereof as is necessary:

23 \$ 11,702,787

24 f. For the sixth judicial district department of
25 correctional services, including the treatment and supervision
26 of probation and parole violators who have been released from
27 the department of corrections violator program, the following
28 amount, or so much thereof as is necessary:

29 \$ 8,965,564

30 g. For the seventh judicial district department of
31 correctional services, including the treatment and supervision
32 of probation and parole violators who have been released from
33 the department of corrections violator program, the following
34 amount, or so much thereof as is necessary:

35 \$ 5,125,593

1 h. For the eighth judicial district department of
2 correctional services, including the treatment and supervision
3 of probation and parole violators who have been released from
4 the department of corrections violator program, the following
5 amount, or so much thereof as is necessary:

6 \$ 5,097,521

7 2. Each judicial district department of correctional
8 services shall continue programs and plans established within
9 that district to provide for intensive supervision, sex
10 offender treatment, diversion of low-risk offenders to the
11 least restrictive sanction available, job development, and
12 expanded use of intermediate criminal sanctions.

13 3. The department of corrections shall continue to
14 contract with a judicial district department of correctional
15 services to provide for the rental of electronic monitoring
16 equipment which shall be available statewide.

17 4. Each judicial district department of correctional
18 services and the department of corrections shall continue the
19 treatment alternatives to street crime programs established in
20 1989 Iowa Acts, chapter 225, section 9.

21 5. The governor's office of drug control policy shall
22 consider federal grants made to the department of corrections
23 for the benefit of each of the eight judicial district
24 departments of correctional services as local government
25 grants, as defined pursuant to federal regulations.

26 6. The department of corrections and the eight judicial
27 district departments of correctional services shall submit a
28 combined comprehensive report on the violator program and the
29 violator aftercare program to the cochairpersons and ranking
30 members of the joint appropriations subcommittee on the
31 justice system and to the legislative fiscal bureau by
32 December 1, 2002.

33 7. In addition to the requirements of section 8.39, the
34 department of corrections shall not make an intradepartmental
35 transfer of moneys appropriated to the department, unless

1 notice of the intradepartmental transfer is given prior to its
2 effective date to the legislative fiscal bureau. The notice
3 shall include information on the department's rationale for
4 making the transfer and details concerning the work load and
5 performance measures upon which the transfers are based.

6 8. The department of corrections and the eight judicial
7 district departments of correctional services shall submit a
8 combined comprehensive report on the use of intermediate
9 criminal sanctions program pursuant to chapter 901B to the
10 cochairpersons and ranking members of the joint appropriations
11 subcommittee on the justice system, and to the legislative
12 fiscal bureau by January 15, 2003. The report shall include a
13 description of the program at each intermediate sanction level
14 or sublevel of the corrections continuum within each district
15 plan, and the number of offenders placed at each intermediate
16 sanction level or sublevel in each district for the previous
17 fiscal year, and the current fiscal year as of March 1. The
18 report shall also include the personal characteristics of each
19 offender, including the offender's race, gender, and age, and
20 the offender's placement on the corrections continuum. The
21 number of FTEs working in positions related to the corrections
22 continuum shall also be included in the report.

23 9. The department of corrections in cooperation with the
24 second, third, fourth, and fifth judicial district departments
25 of correctional services, shall implement procedures to
26 provide continuing evaluation of the drug courts. The
27 evaluation shall include a description of the two models
28 currently being used by the judicial districts, a description
29 of the program, criteria for admission, program capacity,
30 number of offenders in the program by offense class, program
31 expenditures, and quantitative outcome measures including
32 successful completion and recidivism rates.

33 Sec. 158. CORRECTIONAL INSTITUTIONS -- VOCATIONAL
34 TRAINING.

35 1. The state prison industries board and the department of

1 corrections shall continue the implementation of a plan to
2 enhance vocational training opportunities within the
3 correctional institutions listed in section 904.102, as
4 provided in 1993 Iowa Acts, chapter 171, section 12. The plan
5 shall provide for increased vocational training opportunities
6 within the correctional institutions, including the
7 possibility of approving community college credit for inmates
8 working in prison industries. The department of corrections
9 shall provide a report concerning the implementation of the
10 plan to the cochairpersons and ranking members of the joint
11 appropriations subcommittee on the justice system and the
12 legislative fiscal bureau, on or before January 15, 2003.

13 2. It is the intent of the general assembly that each
14 correctional facility make all reasonable efforts to maintain
15 vocational education programs for inmates and to identify
16 available funding sources to continue these programs. The
17 department of corrections shall submit a report to the general
18 assembly by January 1, 2003, concerning the efforts made by
19 each correctional facility in maintaining vocational education
20 programs for inmates.

21 3. The department of corrections shall submit a report on
22 inmate labor to the general assembly, the cochairpersons, and
23 the ranking members of the joint appropriations subcommittee
24 on the justice system, and to the legislative fiscal bureau by
25 January 15, 2003. The report shall specifically address the
26 progress the department has made in implementing the
27 requirements of section 904.701, inmate labor on capital
28 improvement projects, community work crews, and private-sector
29 employment.

30 4. Each month the department shall provide a status report
31 regarding private-sector employment to the legislative fiscal
32 bureau beginning on July 1, 2002. The report shall include
33 the number of offenders employed in the private sector, the
34 combined number of hours worked by the offenders, and the
35 total amount of allowances, and the distribution of allowances

1 pursuant to section 904.702, including any moneys deposited in
2 the general fund of the state.

3 Sec. 159. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.

4 1. As used in this section, unless the context otherwise
5 requires, "state agency" means the government of the state of
6 Iowa, including but not limited to all executive branch
7 departments, agencies, boards, bureaus, and commissions, the
8 judicial branch, the general assembly and all legislative
9 agencies, institutions within the purview of the state board
10 of regents, and any corporation whose primary function is to
11 act as an instrumentality of the state.

12 2. State agencies are hereby encouraged to purchase
13 products from Iowa state industries, as defined in section
14 904.802, when purchases are required and the products are
15 available from Iowa state industries.

16 3. State agencies shall submit to the legislative fiscal
17 bureau by January 15, 2003, a report of the dollar value of
18 products and services purchased from Iowa state industries by
19 the state agency during the fiscal year beginning July 1,
20 2001, and ending June 30, 2002.

21 Sec. 160. STATE PUBLIC DEFENDER. There is appropriated
22 from the general fund of the state to the office of the state
23 public defender of the department of inspections and appeals
24 for the fiscal year beginning July 1, 2002, and ending June
25 30, 2003, the following amount, or so much thereof as is
26 necessary, for the purposes designated:

27 \$ 33,908,325

28 The funds appropriated and full-time equivalent positions
29 authorized in this section are allocated as follows:

30 1. For salaries, support, maintenance, and miscellaneous
31 purposes, and for not more than the following full-time
32 equivalent positions:

33 \$ 15,770,739

34 FTEs 202.00

35 2. For the fees of court-appointed attorneys for indigent

1 adults and juveniles, in accordance with section 232.141 and
2 chapter 815:

3 \$ 18,137,586

4 Sec. 161. IOWA LAW ENFORCEMENT ACADEMY. There is
5 appropriated from the general fund of the state to the Iowa
6 law enforcement academy for the fiscal year beginning July 1,
7 2002, and ending June 30, 2003, the following amount, or so
8 much thereof as is necessary, to be used for the purposes
9 designated:

10 1. For salaries, support, maintenance, miscellaneous
11 purposes, including jailer training and technical assistance,
12 and for not more than the following full-time equivalent
13 positions:

14 \$ 1,000,000

15 FTEs 29.05

16 It is the intent of the general assembly that the Iowa law
17 enforcement academy may provide training of state and local
18 law enforcement personnel concerning the recognition of and
19 response to persons with Alzheimer's disease.

20 2. The Iowa law enforcement academy may select at least
21 five automobiles of the department of public safety, division
22 of the Iowa state patrol, prior to turning over the
23 automobiles to the state fleet administrator to be disposed of
24 by public auction and the Iowa law enforcement academy may
25 exchange any automobile owned by the academy for each
26 automobile selected if the selected automobile is used in
27 training law enforcement officers at the academy. However,
28 any automobile exchanged by the academy shall be substituted
29 for the selected vehicle of the department of public safety
30 and sold by public auction with the receipts being deposited
31 in the depreciation fund to the credit of the department of
32 public safety, division of the Iowa state patrol.

33 Sec. 162. BOARD OF PAROLE. There is appropriated from the
34 general fund of the state to the board of parole for the
35 fiscal year beginning July 1, 2002, and ending June 30, 2003,

1 the following amount, or so much thereof as is necessary, to
2 be used for the purposes designated:

3 For salaries, support, maintenance, miscellaneous purposes,
4 and for not more than the following full-time equivalent
5 positions:

6	\$	986,636
7	FTEs	16.00

8 Sec. 163. DEPARTMENT OF PUBLIC DEFENSE. There is
9 appropriated from the general fund of the state to the
10 department of public defense for the fiscal year beginning
11 July 1, 2002, and ending June 30, 2003, the following amounts,
12 or so much thereof as is necessary, to be used for the
13 purposes designated:

14 1. MILITARY DIVISION

15 For salaries, support, maintenance, miscellaneous purposes,
16 and for not more than the following full-time equivalent
17 positions:

18	\$	5,115,428
19	FTEs	285.89

20 If there is a surplus in the general fund of the state for
21 the fiscal year ending June 30, 2003, within 60 days after the
22 close of the fiscal year, the military division may incur up
23 to an additional \$500,000 in expenditures from the surplus
24 prior to transfer of the surplus pursuant to section 8.57.

25 2. EMERGENCY MANAGEMENT DIVISION

26 For salaries, support, maintenance, miscellaneous purposes,
27 and for not more than the following full-time equivalent
28 positions:

29	\$	1,077,354
30	FTEs	25.25

31 Sec. 164. IOWA COMMUNICATIONS NETWORK OPERATIONS.

32 1. There is appropriated from the general fund of the
33 state to the Iowa telecommunications and technology commission
34 for the fiscal year beginning July 1, 2002, and ending June
35 30, 2003, the following amount, or so much thereof as is

1 necessary, to be used for the purposes designated in this
2 subsection:

3 For operations of the network consistent with chapter 8D
4 and for the following full-time equivalent positions:

5	\$	1,027,503
6	FTEs	105.00

7 2. Notwithstanding section 8.33 or 8.39, moneys
8 appropriated in this section which remain unobligated or
9 unexpended at the close of the fiscal year shall not revert
10 but shall remain available for the purposes designated in the
11 succeeding fiscal year, and shall not be transferred to any
12 other program.

13 3. It is the intent of the general assembly that the Iowa
14 telecommunications and technology commission annually review
15 the hourly rates established, as provided in section 8D.3,
16 subsection 3, paragraph "i". Such rates shall be established
17 in a manner to minimize any subsidy provided through state
18 general fund appropriations.

19 Sec. 165. DEPARTMENT OF PUBLIC SAFETY. There is
20 appropriated from the general fund of the state to the
21 department of public safety for the fiscal year beginning July
22 1, 2002, and ending June 30, 2003, the following amounts, or
23 so much thereof as is necessary, to be used for the purposes
24 designated:

25 1. For the department's administrative functions,
26 including the criminal justice information system, and for not
27 more than the following full-time equivalent positions:

28	\$	2,379,176
29	FTEs	38.50

30 2. For the division of criminal investigation and bureau
31 of identification including the state's contribution to the
32 peace officers' retirement, accident, and disability system
33 provided in chapter 97A in the amount of 17 percent of the
34 salaries for which the funds are appropriated, to meet federal
35 fund matching requirements, and for not more than the

1 following full-time equivalent positions:

2 \$ 12,050,565
3 FTEs 231.50

4 Riverboat enforcement costs shall be billed in accordance
5 with section 99F.10, subsection 4, and section 99F.10A. The
6 costs shall be not more than the department's estimated
7 expenditures, including salary adjustment, for riverboat
8 enforcement for the fiscal year. The costs billed to the
9 riverboats shall not be more than \$1,280,000 in excess of the
10 amount billed to the riverboats in the fiscal year beginning
11 July 1, 2001. Racetrack enforcement costs shall be billed in
12 accordance with section 99D.14, subsection 7, and section
13 99D.14A. The costs shall be not more than the department's
14 estimated expenditures, including salary adjustment, for
15 racetrack enforcement for the fiscal year. The costs billed
16 to the racetracks shall not be more than \$420,000 in excess of
17 the amount billed to the racetracks in the fiscal year
18 beginning July 1, 2001.

19 The department of public safety, with the approval of the
20 department of management, may employ no more than two special
21 agents and four gaming enforcement officers for each
22 additional riverboat regulated after July 1, 2002, and one
23 special agent for each racing facility which becomes
24 operational during the fiscal year which begins July 1, 2002.
25 One additional gaming enforcement officer, up to a total of
26 four per boat, may be employed for each riverboat that has
27 extended operations to 24 hours and has not previously
28 operated with a 24-hour schedule. Positions authorized in
29 this paragraph are in addition to the full-time equivalent
30 positions otherwise authorized in this subsection.

31 3. a. For the division of narcotics enforcement,
32 including the state's contribution to the peace officers'
33 retirement, accident, and disability system provided in
34 chapter 97A in the amount of 17 percent of the salaries for
35 which the funds are appropriated, to meet federal fund

1 matching requirements, and for not more than the following
 2 full-time equivalent positions:

3 \$ 3,392,889
 4 FTEs 58.00

5 b. For the division of narcotics enforcement for
 6 undercover purchases:

7 \$ 123,343

8 4. a. For the state fire marshal's office, including the
 9 state's contribution to the peace officers' retirement,
 10 accident, and disability system provided in chapter 97A in the
 11 amount of 17 percent of the salaries for which the funds are
 12 appropriated, and for not more than the following full-time
 13 equivalent positions:

14 \$ 1,777,630
 15 FTEs 38.80

16 b. For the state fire marshal's office, for fire
 17 protection services as provided through the state fire service
 18 and emergency response council as created in the department,
 19 and for not more than the following full-time equivalent
 20 positions:

21 \$ 572,150
 22 FTEs 12.00

23 5. a. For the division of the Iowa state patrol of the
 24 department of public safety, for salaries, support,
 25 maintenance, workers' compensation costs, and miscellaneous
 26 purposes, including the state's contribution to the peace
 27 officers' retirement, accident, and disability system provided
 28 in chapter 97A in the amount of 17 percent of the salaries for
 29 which the funds are appropriated, and for not more than the
 30 following full-time equivalent positions:

31 \$ 37,019,624
 32 FTEs 545.00

33 b. District 16, including the state's contribution to the
 34 peace officers' retirement, accident, and disability system
 35 provided in chapter 97A in the amount of 17 percent of the

1 salaries for which the funds are appropriated and for not more
2 than the following full-time equivalent positions:

3 \$ 1,240,381
4 FTEs 26.00

5 6. For deposit in the public safety law enforcement sick
6 leave benefits fund established under section 80.42, for all
7 departmental employees eligible to receive benefits for
8 accrued sick leave under the collective bargaining agreement:

9 \$ 272,421

10 7. An employee of the department of public safety who
11 retires after July 1, 2002, but prior to June 30, 2003, is
12 eligible for payment of life or health insurance premiums as
13 provided for in the collective bargaining agreement covering
14 the public safety bargaining unit at the time of retirement if
15 that employee previously served in a position which would have
16 been covered by the agreement. The employee shall be given
17 credit for the service in that prior position as though it
18 were covered by that agreement. The provisions of this
19 subsection shall not operate to reduce any retirement benefits
20 an employee may have earned under other collective bargaining
21 agreements or retirement programs.

22 8. For costs associated with the training and equipment
23 needs of volunteer fire fighters and for not more than the
24 following full-time equivalent position:

25 \$ 544,826
26 FTEs 1.00

27 Notwithstanding section 8.33, moneys appropriated in this
28 subsection that remain unobligated or unexpended at the close
29 of the fiscal year shall not revert but shall remain available
30 for expenditure only for the purpose designated in this
31 subsection until the close of the succeeding fiscal year.

32 Sec. 166. POSTING OF REPORTS IN ELECTRONIC FORMAT --
33 LEGISLATIVE FISCAL BUREAU. All reports or copies of reports
34 required to be provided to the legislative fiscal bureau in
35 this division for the fiscal year beginning July 1, 2002,

1 shall be provided in an electronic format. The legislative
2 fiscal bureau shall post the reports on its internet site and
3 shall notify by electronic means all the members of the joint
4 appropriations subcommittee on the justice system when a
5 report is posted. Upon request, copies of the reports may be
6 mailed to members of the joint appropriations subcommittee on
7 the justice system.

8 Sec. 167. NEW SECTION. 99D.14A PAYMENT OF THE DIVISION
9 OF CRIMINAL INVESTIGATION COSTS.

10 A licensee shall pay a fee in an amount representing twenty
11 percent of the salary costs of the division of criminal
12 investigation of the department of public safety plus any
13 amount over thirty thousand dollars in direct and indirect
14 support costs, in addition to that assessed under section
15 99D.14, subsection 7, for enforcement of this chapter. The
16 fees assessed in this section shall be deposited in the
17 general fund of the state.

18 Sec. 168. Section 99F.4A, subsection 8, Code 2001, is
19 amended to read as follows:

20 8. A licensee shall pay a fee in an amount representing
21 eighty one hundred percent of the salary and other related
22 costs of the division of criminal investigation of the
23 department of public safety for enforcement of this chapter.

24 Sec. 169. NEW SECTION. 99F.10A PAYMENT OF THE DIVISION
25 OF CRIMINAL INVESTIGATION COSTS.

26 A licensee shall pay twenty percent of the division's
27 salary costs for special agents and twenty percent of the
28 division's salary costs for gaming enforcement plus any amount
29 over one hundred twenty-five thousand dollars in direct and
30 indirect support costs, in addition to that assessed under
31 section 99F.10, subsection 4. The costs assessed in this
32 section shall be deposited in the general fund of the state.

33 Sec. 170. 1998 Iowa Acts, chapter 1101, section 15,
34 subsection 2, as amended by 1999 Iowa Acts, chapter 202,
35 section 25, as amended by 2000 Iowa Acts, chapter 1229,

1 section 25, and as amended by 2001 Iowa Acts, chapter 186,
2 section 21, is amended to read as follows:

3 2. a. There is appropriated from surcharge moneys
4 received by the E911 administrator and deposited into the
5 wireless E911 emergency communications fund, for each fiscal
6 year in the fiscal period beginning July 1, 1998, and ending
7 June 30, ~~2002~~ 2003, an amount not to exceed two hundred
8 thousand dollars to be used for the implementation, support,
9 and maintenance of the functions of the E911 administrator.
10 The amount appropriated in this paragraph includes any amounts
11 necessary to reimburse the division of emergency management of
12 the department of public defense pursuant to paragraph "b".

13 b. Notwithstanding the distribution formula in section
14 34A.7A, as enacted in this Act, and prior to any such
15 distribution, of the initial surcharge moneys received by the
16 E911 administrator and deposited into the wireless E911
17 emergency communications fund, for each fiscal year in the
18 fiscal period beginning July 1, 1998, and ending June 30, ~~2002~~
19 2003, an amount is appropriated to the division of emergency
20 management of the department of public defense as necessary to
21 reimburse the division for amounts expended for the
22 implementation, support, and maintenance of the E911
23 administrator, including the E911 administrator's salary.

24 Sec. 171. 2001 Iowa Acts, chapter 186, section 6,
25 subsection 6, is amended by striking the subsection.

26 Sec. 172. EFFECTIVE DATES.

27 1. Except as otherwise provided by this section, this
28 division of this Act takes effect July 1, 2002.

29 2. The section of this division of this Act striking 2001
30 Iowa Acts, chapter 186, section 6, subsection 6, being deemed
31 of immediate importance, takes effect upon enactment.

32 3. The section of this Act amending 1998 Iowa Acts,
33 chapter 1101, section 15, as amended, being deemed of
34 immediate importance, takes effect upon enactment.

35

DIVISION VIII

1 JUDICIAL BRANCH

2 Sec. 173. JUDICIAL BRANCH. There is appropriated from the
3 general fund of the state to the judicial branch 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 salaries of supreme court justices, appellate court
8 judges, district court judges, district associate judges,
9 judicial magistrates and staff, state court administrator,
10 clerk of the supreme court, district court administrators,
11 clerks of the district court, juvenile court officers, board
12 of law examiners and board of examiners of shorthand reporters
13 and judicial qualifications commission, receipt and
14 disbursement of child support payments, reimbursement of the
15 auditor of state for expenses incurred in completing audits of
16 the offices of the clerks of the district court during the
17 fiscal year beginning July 1, 2002, and maintenance,
18 equipment, and miscellaneous purposes:

19 \$111,356,002

20 1. The judicial branch, except for purposes of internal
21 processing, shall use the current state budget system, the
22 state payroll system, and the Iowa finance and accounting
23 system in administration of programs and payments for
24 services, and shall not duplicate the state payroll,
25 accounting, and budgeting systems.

26 2. The judicial branch shall submit monthly financial
27 statements to the legislative fiscal bureau and the department
28 of management containing all appropriated accounts in the same
29 manner as provided in the monthly financial status reports and
30 personal services usage reports of the department of revenue
31 and finance. The monthly financial statements shall include a
32 comparison of the dollars and percentage spent of budgeted
33 versus actual revenues and expenditures on a cumulative basis
34 for full-time equivalent positions and dollars.

35 3. The judicial branch shall continue to assist in the

1 development and implementation of a justice data warehouse
2 which shall include in the Iowa court information system,
3 starting with appointments of counsel made on or after July 1,
4 1999, the means to identify any case where the court has
5 determined indigence, and whether the case is handled by a
6 public defender or other court-appointed counsel.

7 4. Of the funds appropriated in this section, not more
8 than \$1,897,728 may be transferred into the revolving fund
9 established pursuant to section 602.1302, subsection 3, to be
10 used for the payment of jury and witness fees and mileage.

11 5. The judicial branch shall focus efforts upon the
12 collection of delinquent fines, penalties, court costs, fees,
13 surcharges, or similar amounts.

14 6. It is the intent of the general assembly that the
15 offices of the clerks of the district court operate in all
16 ninety-nine counties and be accessible to the public as much
17 as is reasonably possible in order to address the relative
18 needs of the citizens of each county.

19 7. In addition to the requirements for transfers under
20 section 8.39, the judicial branch shall not change the
21 appropriations from the amounts appropriated to the branch in
22 this Act, unless notice of the revisions is given prior to
23 their effective date to the legislative fiscal bureau. The
24 notice shall include information on the branch's rationale for
25 making the changes and details concerning the work load and
26 performance measures upon which the changes are based.

27 8. The judicial branch shall provide to the legislative
28 fiscal bureau by January 15, 2003, an annual report concerning
29 the operation and use of the Iowa court information system and
30 any recommendations to improve the utilization of the system.
31 The annual report shall include information specifying the
32 amounts of fines, surcharges, and court costs collected using
33 the system and how the system is used to improve the
34 collection process. In addition, the judicial branch shall
35 submit a semiannual update to the legislative fiscal bureau

1 specifying the amounts of fines, surcharges, and court costs
2 collected using the Iowa court information system since the
3 last report. The judicial branch shall continue to facilitate
4 the sharing of vital sentencing and other information with
5 other state departments and governmental agencies involved in
6 the criminal justice system through the Iowa court information
7 system.

8 9. The judicial branch shall provide a report to the
9 general assembly by January 1, 2003, concerning the amounts
10 received and expended from the enhanced court collections fund
11 created in section 602.1304 and the court technology and
12 modernization fund created in section 602.8108, subsection 5,
13 during the fiscal year beginning July 1, 2001, and ending June
14 30, 2002, and the plans for expenditures from each fund during
15 the fiscal year beginning July 1, 2002, and ending June 30,
16 2003. A copy of the report shall be provided to the
17 legislative fiscal bureau.

18 10. The judicial branch shall continue to provide criminal
19 justice data to the department of corrections for use by the
20 Iowa corrections offender network (ICON) data system.

21 Sec. 174. JUDICIAL RETIREMENT FUND. There is appropriated
22 from the general fund of the state to the judicial retirement
23 fund for the fiscal year beginning July 1, 2002, and ending
24 June 30, 2003, the following amount, or so much thereof as is
25 necessary, to be used for the purpose designated:

26 Notwithstanding section 602.9104, for the state's
27 contribution to the judicial retirement fund in the amount of
28 9.9 percent of the basic salaries of the judges covered under
29 chapter 602, article 9:

30 \$ 2,039,664

31 Sec. 175. POSTING OF REPORTS IN ELECTRONIC FORMAT --
32 LEGISLATIVE FISCAL BUREAU. All reports or copies of reports
33 required to be provided by the judicial branch for fiscal year
34 2002-2003 to the legislative fiscal bureau shall be provided
35 in an electronic format. The legislative fiscal bureau shall

1 post the reports on its internet site and shall notify by
2 electronic means all the members of the joint appropriations
3 subcommittee on the justice system when a report is posted.
4 Upon request, copies of the reports may be mailed to members
5 of the joint appropriations subcommittee on the justice
6 system.

7 Sec. 176. CLERK OF COURT -- STUDY COMMITTEE. The supreme
8 court shall establish a study committee for the purpose of
9 providing findings and recommendations to the court in order
10 for the court to submit a report to the general assembly by
11 December 15, 2002, regarding the efficient operation and
12 management of the clerks of courts offices in every county of
13 the state. The study committee shall include representatives
14 of key court stakeholder groups including but not limited to,
15 members of the general public, legislators, county and city
16 officials, court employees, clerks of court, judges, and
17 attorneys representing both urban and rural areas of the
18 state. The court shall include interested associations and
19 public agencies who request the opportunity to have input into
20 the work of the study committee. The committee shall issue a
21 report to the court which includes the committee's findings
22 and recommendations of how to improve the operation and
23 management of clerk of court offices under the present
24 statutory framework of one clerk of court office per county.
25 The supreme court shall submit its report to the general
26 assembly after consideration of the study committee's findings
27 and recommendations.

28 Sec. 177. APPOINTMENT OF CLERK OF COURT. Up until such
29 time the supreme court submits its clerk of court study
30 committee report to the general assembly and notwithstanding
31 section 602.1215, the appointment of a clerk of the district
32 court shall not occur unless the state court administrator
33 approves the appointment.

34 Sec. 178. EFFECTIVE DATE. This division of this Act takes
35 effect July 1, 2002.

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DIVISION IX

STANDING APPROPRIATIONS -- REDUCTIONS

Sec. 179. 2002 Iowa Acts, Senate File 2326, section 168, is amended to read as follows:

SEC. 168. GENERAL ASSEMBLY. The appropriations made pursuant to section 2.12 for the expenses of the general assembly and legislative agencies for the fiscal year beginning July 1, 2002, and ending June 30, 2003, are reduced by the following amount:

.....	\$	7447947
		<u>1,828,845</u>

Sec. 180. 2002 Iowa Acts, Senate File 2326, section 169, is amended to read as follows:

SEC. 169. STATE APPEAL BOARD CLAIMS. Notwithstanding the standing appropriations in section 25.2, subsection 3, the amount appropriated from the general fund of the state under section 25.2, subsection 3, to the state appeal board to pay claims against the state for the fiscal year beginning July 1, 2002, and ending June 30, 2003, is reduced by the following amount:

.....	\$	275007000
		<u>3,000,000</u>

STANDING APPROPRIATIONS -- LIMITATIONS

Sec. 181. 2002 Iowa Acts, Senate File 2326, section 175, subsections 6, 7, 9, 10, and 11, are amended to read as follows:

6. For the personal property tax replacement program under section 405A.8:

.....	\$	5272517176
		<u>51,101,650</u>

7. For the payment of franchise tax allocations to cities and counties under section 405A.10:

.....	\$	871687952
		<u>7,989,235</u>

9. For payment of livestock production credit refunds

1 under section 422.121:

2 \$ ~~1,785,675~~80
3 1,815,735

4 10. For reimbursement for the homestead property tax
5 credit under section 425.1:

6 \$~~107,960~~127
7 105,585,004

8 11. For reimbursement for the agricultural land and family
9 farm tax credits under section 426.1:

10 \$ ~~36,296~~139
11 35,497,624

12 Sec. 182. 2002 Iowa Acts, Senate File 2326, section 176,
13 is amended to read as follows:

14 SEC. 176. ELDERLY AND DISABLED CREDIT. Notwithstanding
15 the standing appropriation in section 425.39, the amount
16 appropriated from the general fund of the state under section
17 425.39, for the fiscal year beginning July 1, 2002, and ending
18 June 30, 2003, for purposes of implementing the elderly and
19 disabled credit and reimbursement portion of the extraordinary
20 property tax and reimbursement division of chapter 425, shall
21 not exceed \$~~16,152,246~~ 15,796,897. The director shall pay, in
22 full, all claims to be paid during the fiscal year beginning
23 July 1, 2002, for reimbursement of rent constituting property
24 taxes paid. If the amount of claims for credit for property
25 taxes due to be paid during the fiscal year beginning July 1,
26 2002, exceeds the amount remaining after payment to renters,
27 the director of revenue and finance shall prorate the payments
28 to the counties for the property tax credit. In order for the
29 director to carry out the requirements of this section,
30 notwithstanding any provision to the contrary in sections
31 425.16 through 425.39, claims for reimbursement for rent
32 constituting property taxes paid filed before May 1, 2003,
33 shall be eligible to be paid in full during the fiscal year
34 ending June 30, 2003, and those claims filed on or after May
35 1, 2003, shall be eligible to be paid during the fiscal year

1 beginning July 1, 2003, and the director is not required to
2 make payments to counties for the property tax credit before
3 June 15, 2003.

4 Sec. 183. PUBLIC TRANSIT ASSISTANCE APPROPRIATION. 2002
5 Iowa Acts, Senate File 2326, section 175, subsection 14, is
6 amended by striking the subsection.

7 Sec. 184. PUBLIC TRANSIT ASSISTANCE APPROPRIATION.
8 Notwithstanding section 312.2, subsection 14, the amount
9 appropriated from the general fund of the state under section
10 312.2, subsection 14, to the state department of
11 transportation for public transit assistance under chapter
12 324A for the fiscal year beginning July 1, 2002, and ending
13 June 30, 2003, is reduced by the following amount:

14 \$ 1,298,675

15 REVENUE ADJUSTMENTS -- TRANSFERS

16 Sec. 185. DEPRECIATION FUND. Notwithstanding section
17 18.120, there is transferred from the depreciation fund
18 created in section 18.120 for the purchase of replacement
19 motor vehicles and additions to the fleet, to the general fund
20 of the state for the fiscal year beginning July 1, 2002, and
21 ending June 30, 2003, the following amount:

22 \$ 2,200,000

23 Sec. 186. GROUNDWATER PROTECTION FUND -- AGRICULTURE
24 MANAGEMENT ACCOUNT. Notwithstanding section 455E.11,
25 subsection 2, paragraph "b", there is transferred from the
26 agriculture management account of the groundwater protection
27 fund created pursuant to section 455E.11, subsection 2,
28 paragraph "b", to the general fund of the state during the
29 fiscal year beginning July 1, 2002, and ending June 30, 2003,
30 the following amount from those moneys appropriated for the
31 Leopold center for sustainable agriculture:

32 \$ 1,000,000

33 Sec. 187. JURY AND WITNESS FEES FUND. Notwithstanding
34 section 602.1302, there is transferred from the revolving fund
35 created in section 602.1302, for the purpose of paying jury

1 and witness fees and mileage by the judicial branch, to the
2 general fund of the state for the fiscal year beginning July
3 1, 2002, and ending June 30, 2003, the following amount:

4 \$ 1,000,000

5 Sec. 188. REBUILD IOWA INFRASTRUCTURE FUND.

6 Notwithstanding section 8.57, subsection 5, paragraph "e",
7 there is transferred from wagering tax revenues, in excess of
8 the moneys to be deposited in the general fund of the state,
9 the vision Iowa fund, and the school infrastructure fund as
10 provided in section 8.57, subsection 5, paragraph "e", to the
11 general fund of the state for the fiscal year beginning July
12 1, 2002, and ending June 30, 2003, the following amount:

13 \$ 15,496,600

14 Sec. 189. ENVIRONMENT FIRST FUND. Notwithstanding section
15 8.57A, subsection 3, there is transferred from the environment
16 first fund created in section 8.57A to the general fund of the
17 state for the fiscal year beginning July 1, 2002, and ending
18 June 30, 2003, the following amount:

19 \$ 18,445,000

20 Sec. 190. ENDOWMENT FOR IOWA'S HEALTH ACCOUNT.

21 Notwithstanding 2001 Iowa Acts, chapter 174, section 1, there
22 is transferred from the endowment for Iowa's health account of
23 the tobacco settlement trust fund created in section 12E.12 to
24 the general fund of the state for the fiscal year beginning
25 July 1, 2002, and ending June 30, 2003, the following amount:

26 \$ 9,000,000

27 Sec. 191. 2002 Iowa Acts, House File 2613, section 2,
28 subsection 1, is amended to read as follows:

29 1. To supplement the medical assistance appropriation and
30 to provide reimbursement for health care services and rent
31 expenses to eligible persons through the home and community-
32 based services waiver and the state supplementary assistance
33 program, including program administration and data system
34 costs associated with implementation, salaries, support,
35 maintenance, and miscellaneous purposes and for not more than

1 the following full-time equivalent positions:

2	\$ 21,733,406
3	<u>37,733,406</u>
4	FTEs 5.00

5 Sec. 192. EFFECTIVE DATE. This division of this Act takes
6 effect July 1, 2002.

7 DIVISION X

8 CAPITALS AND INFRASTRUCTURE

9 SCHOOL INFRASTRUCTURE FUND -- SALES AND SERVICES TAX FUND

10 Sec. 193. SCHOOL INFRASTRUCTURE FUND.

11 1. Notwithstanding section 12.82, subsection 1, and
12 section 292.2, there is appropriated from the school
13 infrastructure fund created in section 12.82 to the director
14 of revenue and finance for the fiscal year beginning July 1,
15 2002, and ending June 30, 2003, the following amount to be
16 used for the purpose designated:

17 For deposit by the director into the school district
18 accounts in the local sales and services tax fund, as created
19 in section 422B.10, subsection 1, of those counties that have
20 imposed a local sales and services tax for school
21 infrastructure purposes under chapter 422E:

22	\$ 22,000,000
----------	---------------

23 2. The portion of the amount appropriated in subsection 1
24 that shall be deposited into each school district account
25 equals the ratio that the amount of local sales and services
26 tax for school infrastructure purposes revenue deposited into
27 that account during the fiscal year beginning July 1, 2001,
28 and ending June 30, 2002, bears to the total amount of local
29 sales and services tax for school infrastructure purposes
30 revenue deposited into all accounts during the fiscal year
31 beginning July 1, 2001, and ending June 30, 2002.

32 Sec. 194. COUNTY SALES AND SERVICES TAX FUND.

33 1. Notwithstanding section 422E.1, there is transferred to
34 the general fund of the state from the school district
35 accounts in the county sales and services tax fund, as created

1 in section 422B.10, subsection 1, of those counties that have
2 imposed a local sales and services tax for school
3 infrastructure purposes under chapter 422E, for the fiscal
4 year beginning July 1, 2002, and ending June 30, 2003, the
5 following amount:

6 \$ 22,000,000

7 2. The portion of the amount transferred in subsection 1
8 that shall be transferred from each school district account
9 equals the ratio that the amount of local sales and services
10 tax for school infrastructure purposes revenue deposited into
11 that account during the fiscal year beginning July 1, 2001,
12 and ending June 30, 2002, bears to the total amount of local
13 sales and services tax for school infrastructure purposes
14 revenue deposited in all accounts during the fiscal year
15 beginning July 1, 2001, and ending June 30, 2002.

16 REBUILD IOWA INFRASTRUCTURE FUND

17 Sec. 195. 2002 Iowa Acts, House File 2614, section 10,
18 subsection 1, unnumbered paragraph 1, is amended to read as
19 follows:

20 For allocation to the university of northern Iowa for
21 developing a 21st century learning initiative, notwithstanding
22 section 8.57, subsection 5, paragraph "c":

23 \$ 800,000

24 0

25 Sec. 196. 2002 Iowa Acts, House File 2614, section 10,
26 subsection 3, paragraph a, unnumbered paragraph 1, is amended
27 to read as follows:

28 For historical site preservation grants, to be used for the
29 restoration, preservation, and development of historical
30 sites:

31 \$ 800,000

32 0

33 Sec. 197. 2002 Iowa Acts, House File 2614, section 10,
34 subsection 3, paragraph b, is amended to read as follows:

35 b. For continuation of the project recommended by the Iowa

1 battle flag advisory committee to stabilize the condition of
2 the battle flag collection, notwithstanding section 8.57,
3 subsection 5, paragraph "c":

4 \$ 150,000
5 100,000

6 Sec. 198. 2002 Iowa Acts, House File 2614, section 10,
7 subsection 4, paragraphs a and b, are amended to read as
8 follows:

9 a. For deposit in the local housing assistance program
10 fund created in section 15.354, notwithstanding section 8.57,
11 subsection 5, paragraph "c":

12 \$ 800,000
13 0

14 b. For deposit in the rural enterprise fund to be used for
15 the dry fire hydrant and rural water supply education and
16 demonstration project, notwithstanding section 8.57,
17 subsection 5, paragraph "c":

18 \$ 100,000
19 0

20 Sec. 199. 2002 Iowa Acts, House File 2614, section 10,
21 subsection 5, paragraphs a and b, are amended to read as
22 follows:

23 a. To provide resources for structural and technological
24 improvements to local libraries, notwithstanding section 8.57,
25 subsection 5, paragraph "c":

26 \$ 600,000
27 0

28 b. For the community college vocational-technical
29 technology improvement program authorized in chapter 260A,
30 notwithstanding section 8.57, subsection 5, paragraph "c":

31 \$ 3,700,000
32 0

33 Sec. 200. 2002 Iowa Acts, House File 2614, section 10,
34 subsection 5, paragraph c, unnumbered paragraph 1, is amended
35 to read as follows:

1 For school improvement technology block grants,
 2 notwithstanding section 8.57, subsection 5, paragraph "c", and
 3 notwithstanding section 256D.5, subsection 2, Code 2001:
 4 \$ 5,770,600
 5 0

6 Sec. 201. 2002 Iowa Acts, House File 2614, section 10,
 7 subsection 5, paragraph d, is amended to read as follows:
 8 d. For completion of the electronic data interchange
 9 project known as project EASIER, notwithstanding section 8.57,
 10 subsection 5, paragraph "c":
 11 \$ 150,000
 12 0

13 Sec. 202. 2002 Iowa Acts, House File 2614, section 10,
 14 subsection 6, paragraph a, unnumbered paragraph 1, is amended
 15 to read as follows:
 16 For routine maintenance of state buildings and facilities
 17 under the purview of the department, notwithstanding section
 18 8.57, subsection 5, paragraph "c":
 19 \$ 2,000,000
 20 0

21 Sec. 203. 2002 Iowa Acts, House File 2614, section 10,
 22 subsection 7, unnumbered paragraph 1, is amended to read as
 23 follows:
 24 For automation of child abuse intake reports,
 25 notwithstanding section 8.57, subsection 5, paragraph "c":
 26 \$ 154,267
 27 0

28 Sec. 204. 2002 Iowa Acts, House File 2614, section 10,
 29 subsection 9, paragraph a, unnumbered paragraph 1, is amended
 30 to read as follows:
 31 For data warehouse projects, notwithstanding section 8.57,
 32 subsection 5, paragraph "c":
 33 \$ 1,000,000
 34 624,000

35 Sec. 205. 2002 Iowa Acts, House File 2614, section 10,

1 subsection 9, paragraph b, unnumbered paragraph 1, is amended
2 to read as follows:

3 For additional technology projects, as determined by the
4 department, notwithstanding section 8.57, subsection 5,
5 paragraph "c":

6 \$ 545,733
7 0

8 Sec. 206. 2002 Iowa Acts, House File 2614, section 10,
9 subsection 11, unnumbered paragraph 1, is amended to read as
10 follows:

11 To replace the voter registration system, notwithstanding
12 section 8.57, subsection 5, paragraph "c":

13 \$ 350,000
14 0

15 ENVIRONMENT FIRST FUND

16 Sec. 207. 2002 Iowa Acts, House File 2614, section 20,
17 subsection 1, paragraphs c and d, are amended to read as
18 follows:

19 c. For continuation of a statewide voluntary farm
20 management demonstration program to demonstrate the
21 effectiveness and adaptability of emerging practices in
22 agronomy that protect water resources and provide other
23 environmental benefits emphasizing nitrogen, phosphorous, and
24 manure management:

25 \$ 850,000
26 500,000

27 d. For deposit in the alternative drainage system
28 assistance fund created in section 159.29A to be used for
29 purposes of supporting the alternative drainage system
30 assistance program as provided in section 159.29B:

31 \$ 1,750,000
32 0

33 Sec. 208. 2002 Iowa Acts, House File 2614, section 20,
34 subsection 1, paragraph e, unnumbered paragraph 1, is amended
35 to read as follows:

1 To provide financial assistance for the establishment of
2 permanent soil and water conservation practices:

3 \$ 7,500,000
4 3,500,000

5 Sec. 209. 2002 Iowa Acts, House File 2614, section 20,
6 subsection 1, paragraphs f, g, and h, are amended to read as
7 follows:

8 f. To encourage and assist farmers in enrolling in the
9 continuous sign-up federal conservation reserve program and
10 work with them to enhance their revegetation efforts to
11 improve water quality and habitat:

12 \$ 1,500,000
13 0

14 g. For deposit in the loess hills development and
15 conservation fund created in section 161D.2:

16 \$ 750,000
17 0

18 ~~Of the amount appropriated to the loess hills development~~
19 ~~and conservation fund in this paragraph "g", \$650,000 shall be~~
20 ~~allocated to the hungry canyons account, and \$100,000 shall be~~
21 ~~allocated to the loess hills alliance account.~~

22 h. For allocation to the southern Iowa development and
23 conservation authority for protection of road structures:

24 \$ 250,000
25 0

26 Sec. 210. 2002 Iowa Acts, House File 2614, section 20,
27 subsection 2, unnumbered paragraph 1, is amended to read as
28 follows:

29 For deposit in the brownfield redevelopment fund created in
30 section 15.293 to provide assistance under the brownfield
31 redevelopment program:

32 \$ 1,000,000
33 0

34 Sec. 211. 2002 Iowa Acts, House File 2614, section 20,
35 subsection 3, paragraphs a and d, are amended to read as

1 follows:

2 a. To provide local watershed managers with geographic
 3 information system data for their use in developing,
 4 monitoring, and displaying results of their watershed work:
 5 \$ 1957000
 6 0

7 d. For the dredging of lakes, including necessary
 8 preparation for dredging, in accordance with the department's
 9 classification of Iowa lakes restoration report:
 10 \$ 172507000
 11 350,000

12 It is the intent of the general assembly that the
 13 department shall consider the following criteria for funding
 14 lake dredging projects as provided in this paragraph "d", and
 15 shall prioritize projects based on the following:

16 (1) Documented efforts to address watershed protection,
 17 considering testing, conservation efforts, and amount of time
 18 devoted to watershed protection.

19 (2) Protection of a natural resource and natural habitat.

20 (3) Percentage of public access and undeveloped lakefront
 21 property.

22 (4) Continuation of current projects partially funded by
 23 state resources to achieve department recommendations.

24 Sec. 212. 2002 Iowa Acts, House File 2614, section 21, is
 25 amended to read as follows:

26 SEC. 21. Notwithstanding the amount of the standing
 27 appropriation from the general fund of the state under section
 28 455A.18, subsection 3, there is appropriated from the
 29 environment first fund to the Iowa resources enhancement and
 30 protection fund, in lieu of the appropriation made in section
 31 455A.18, for the fiscal year beginning July 1, 2002, and
 32 ending June 30, 2003, the following amount, to be ~~allocated-as~~
 33 provided-in used for the purposes designated, notwithstanding
 34 section 455A.19:

35 For reimbursement of political subdivisions of the state

1 for property tax dollars lost to open space acquisitions based
2 on the reimbursement formula provided in section 465A.4, for
3 contractual obligations for capital projects relating to
4 natural resource areas, and for maintenance of state lands
5 owned by the department of natural resources:

6 \$ 10,000,000
7 2,000,000

8 ~~The funds allocated to the land management and open spaces~~
9 ~~accounts form the appropriation in this section may be used~~
10 ~~for park operation purposes.~~

11 Sec. 213. EFFECTIVE DATES.

12 1. Except as otherwise provided in subsection 2, this
13 division of this Act takes effect July 1, 2002.

14 2. The sections of this division of this Act appropriating
15 moneys from the school infrastructure fund and transferring
16 moneys from the county sales and services tax fund shall take
17 effect on July 31, 2002, only if the treasurer of state
18 determines that the appropriation from the school
19 infrastructure fund of this division of this Act will not
20 adversely affect the tax-exempt status of any outstanding
21 bonds issued for purposes of the school infrastructure program
22 established in section 292.2. The treasurer of state shall
23 notify the Code editor of the treasurer's determination under
24 this subsection by July 31, 2002.

25 DIVISION XI

26 STATE EMPLOYEES -- PRINTED DOCUMENTS AND PROGRAM

27 ELIMINATION -- FURLOUGHS -- MISCELLANEOUS

28 Sec. 214. VACANT POSITIONS. Effective July 1, 2002, any
29 full-time equivalent position that is authorized in an
30 executive branch table of organization and has been vacant for
31 12 months or more shall be eliminated from the table of
32 organization.

33 Sec. 215. EDUCATIONAL ASSISTANCE. For the fiscal year
34 beginning July 1, 2002, and ending June 30, 2003, unless
35 specifically authorized by a collective bargaining agreement,

1 an executive or judicial branch agency shall not provide an
2 employee with a subsidy or reimbursement for a class or other
3 course of study leading to an advanced degree.

4 Sec. 216. PRINTED DOCUMENTS. Notwithstanding any
5 provision of law or rule to the contrary, as a cost savings
6 measure, for the fiscal year beginning July 1, 2002, and
7 ending June 30, 2003, the requirements in law or rule for the
8 executive and judicial branches to issue reports, minutes, and
9 other documents of an informational nature in printed form
10 shall be suspended. Such documents shall be provided in
11 printed form only in response to an individual request and, to
12 the extent possible, shall be made available by internet
13 posting, electronic mail, or other electronic means in lieu of
14 availability in printed form.

15 Sec. 217. PROGRAM ELIMINATION COMMISSION.

16 1. A program elimination commission is established to
17 review all programs and other functions funded in whole or
18 part with state or local government revenues, including but
19 not limited to general taxes and fees and special revenues
20 such as gaming and road use tax revenues. The commission
21 shall operate with the goal of identifying a 2 percent savings
22 for the general fund of the state. The commission's duties
23 shall include the following:

24 a. Review of state and local government programs and other
25 functions.

26 b. Consideration of sale of public assets or providing for
27 performance of public functions on behalf of government by
28 nongovernmental entities. The assets and functions considered
29 shall include the state nursery, department of general
30 services vehicle fleet, state medical library, prison farms,
31 and alcoholic beverage warehouse.

32 c. Identification of programs or functions recommended for
33 elimination or for performance by a nongovernmental entity.

34 d. Identification of public assets for sale.

35 e. Other duties assigned by the legislative council.

1 2. The program elimination commission shall consist of the
2 following members:

3 a. The auditor of state as a voting member.

4 b. Four voting members who have expertise with profit or
5 nonprofit enterprise in evaluating projects and determining
6 which projects should be continued or eliminated. Each of the
7 following shall appoint one of the four voting members: the
8 majority leader of the senate, the minority leader of the
9 senate, the speaker of the house of representatives, and the
10 minority leader of the house of representatives.

11 c. One nonvoting member representing the executive branch
12 appointed by the governor.

13 d. One nonvoting member representing the judicial branch
14 appointed by the chief justice of the supreme court.

15 e. One nonvoting member representing the legislative
16 branch appointed by the legislative council.

17 3. Staff support to the commission shall be provided by
18 the research staffs of the senate and house of
19 representatives, the legislative fiscal bureau, and the
20 legislative service bureau. In addition, the commission may
21 utilize other staff support made available to the commission.

22 4. The program elimination commission shall issue a report
23 on or before December 31, 2002, to the governor, supreme
24 court, and general assembly containing findings and
25 recommendations fulfilling the commission's duties. The
26 recommendations made by the commission shall be prepared in
27 the form of a bill by the legislative service bureau. It is
28 the intent of this section that the bill be referred to the
29 committees on state government of the senate and the house of
30 representatives. It is further the intent of this section
31 that the general assembly shall bring the bill to a vote under
32 a procedure or rule permitting no amendments except those of a
33 purely corrective nature recommended by a committee on state
34 government.

35 5. Unless otherwise continued by the legislative council

1 or by law, the program elimination commission shall be
2 dissolved on December 31, 2002.

3 Sec. 218. JUDICIAL BRANCH -- FURLOUGHS.

4 1. The appropriations from the general fund of the state
5 to the judicial branch for operational costs for the fiscal
6 year beginning July 1, 2002, and ending June 30, 2003, are
7 reduced by the following amount:

8 \$ 2,201,399

9 2. In order to implement the reduction made in subsection
10 1, the judicial branch shall implement furloughs of judicial
11 branch employees other than justices, judges, and magistrates
12 or other cost reductions in a manner so as to produce cost
13 savings equivalent to a furlough of one-half day per employee
14 per calendar month.

15 3. As part of implementing the reduction made in
16 subsection 1, notwithstanding the annual salary rates
17 authorized for justices, judges, and magistrates in 2001 Iowa
18 Acts, chapter 190, section 1, and 2002 Iowa Acts, House File
19 2623, section 4, for the fiscal year beginning July 1, 2002,
20 those salary rates shall be reduced by applying a 2.5 percent
21 reduction to the portion of annual salary attributable to the
22 period beginning on June 21, 2002, through June 19, 2003.
23 Subsection 2 does not apply to justices, judges, and
24 magistrates subject to this subsection.

25 4. Notwithstanding the uses listed in section 602.1304,
26 subsection 2, paragraph "c", the judicial branch may use not
27 more than \$1,000,000 of the moneys available to the judicial
28 branch in the enhanced court collections fund for the fiscal
29 year beginning July 1, 2002, to supplant the reduction made in
30 subsection 1 and thereby decrease the application of
31 subsections 2 and 3. Any such decrease involving employee
32 furloughs and salary reductions shall be applied
33 proportionately between subsections 2 and 3.

34 LEGISLATIVE BRANCH -- FURLOUGHS

35 Sec. 219. APPROPRIATIONS REDUCTION.

1 1. The appropriations made from the general fund of the
2 state in section 2.12 to the general assembly for operational
3 costs for the fiscal year beginning July 1, 2002, and ending
4 June 30, 2003, shall be reduced by \$392,858. The reduction in
5 this subsection shall be in addition to the reduction made in
6 2002 Iowa Acts, Senate File 2326, section 168, as amended in
7 division IX of this Act.

8 2. In order to implement the reduction made in subsection
9 1, the legislative branch shall implement furloughs of
10 legislative branch employees other than members of the general
11 assembly or other cost reductions in a manner so as to produce
12 cost savings equivalent to a furlough of one-half day per
13 employee per calendar month.

14 3. As part of implementing the reduction made in
15 subsection 1, notwithstanding the annual salary rates
16 authorized for members of the general assembly in section
17 2.10, the salary rates for such members shall be reduced by
18 applying a 2.5 percent reduction to the portion of annual
19 salary attributable to the period beginning June 21, 2002,
20 through June 19, 2003, as if the members were all paid a
21 salary under section 2.10, subsection 4, paragraph "a".
22 Subsection 2 does not apply to members of the general
23 assembly.

24 4. As part of the reduction made in subsection 1, it is
25 the intent of the general assembly to suspend the issuance of
26 documents of an informational nature in printed form and the
27 provision of a subsidy or reimbursement to an employee for a
28 class or other course of study leading to an advanced degree.

29 EXECUTIVE BRANCH -- FURLOUGHS

30 Sec. 220. EXECUTIVE BRANCH. The appropriations made from
31 the general fund of the state to the departments and
32 establishments of the executive branch, as defined in section
33 8.2, including but not limited to the appropriations to the
34 state board of regents, for operational costs for the fiscal
35 year beginning July 1, 2002, and ending June 30, 2003, are

1 reduced by the following amount:

2 \$ 30,862,939

3 1. The department of management shall apply the reduction
4 made in accordance with this section in a manner so that the
5 portion of an appropriation for operational costs is reduced
6 in proportion to the amount that such costs in that
7 appropriation bear to the total amount of all such costs in
8 all appropriations from the general fund of the state to
9 executive branch departments and establishments.

10 2. In order to implement the reduction made in this
11 section, the departments and establishments shall implement
12 furloughs for those employees whose compensation is paid from
13 the general fund of the state or other cost reductions, in a
14 manner to produce cost savings equivalent to a furlough of
15 one-half day per employee per calendar month.

16 3. Notwithstanding the annual salary rates authorized for
17 elective executive branch officials in 2000 Iowa Acts, chapter
18 1219, section 3, as part of implementing the reduction made in
19 this section, for the fiscal year beginning July 1, 2002, the
20 salary rates for such officials shall be reduced by applying a
21 2.5 percent reduction to the portion of annual salary
22 attributable to the period beginning June 21, 2002, through
23 June 19, 2003. Subsection 2 does not apply to elective
24 executive branch officials subject to this subsection.

25 4. Notwithstanding the annual salaries established under
26 2001 Iowa Acts, chapter 190, section 3, as part of
27 implementing the reduction made in this section, for the
28 fiscal year beginning July 1, 2002, each of those salaries
29 shall be reduced by applying a 2.5 percent reduction to the
30 portion of the salary attributable to the period beginning
31 June 21, 2002, through June 19, 2003. Subsection 2 does not
32 apply to appointed executive branch officers subject to this
33 subsection.

34 Sec. 221. IMPLEMENTATION OF FURLOUGHS. Furloughs
35 implemented pursuant to this division shall not be implemented

1 in a manner which results in more than 25 percent of the
2 workforce within an agency division being on furlough at the
3 same time.

4 Sec. 222. 2001 Iowa Acts, chapter 176, section 20,
5 unnumbered paragraph 2, is amended to read as follows:

6 For allocation by the state board of regents to the state
7 university of Iowa, the Iowa state university of science and
8 technology, and the university of northern Iowa to finance or
9 pay debt service to pay debt to finance the cost of providing
10 academic and administrative buildings and facilities at the
11 institutions:

12 \$ 600,330
13 600,860

14 Sec. 223. 2001 Iowa Acts, chapter 176, section 21,
15 unnumbered paragraph 2, is amended to read as follows:

16 For debt service for the Iowa communications network:
17 \$ 9,939,165
18 9,940,000

19 Sec. 224. 2001 Iowa Acts, chapter 176, section 22,
20 unnumbered paragraph 2, is amended to read as follows:

21 For debt service for the Iowa communications network:
22 \$ 1,465,835
23 1,465,443

24 Sec. 225. 2001 Iowa Acts, chapter 176, section 24,
25 unnumbered paragraph 2, is amended to read as follows:

26 For repayment of prison infrastructure bonds under section
27 16.177:
28 \$ 5,182,272
29 5,182,089

30 Sec. 226. 2002 Iowa Acts, House File 2614, section 2,
31 unnumbered paragraph 2, is amended to read as follows:

32 For allocation by the state board of regents to the state
33 university of Iowa, the Iowa state university of science and
34 technology, and the university of northern Iowa to reimburse
35 the institutions for deficiencies in their operating funds

1 resulting from the pledging of tuitions, student fees and
2 charges, and institutional income to finance the cost of
3 providing academic and administrative buildings and facilities
4 and utility services at the institutions, notwithstanding
5 section 12E.12, subsection 1, paragraph "b", subparagraph (1):

6 \$ 9,151,609
7 9,127,635

8 Sec. 227. 2002 Iowa Acts, House File 2614, section 3,
9 unnumbered paragraph 2, is amended to read as follows:

10 For debt service for the Iowa communications network,
11 notwithstanding section 12E.12, subsection 1, paragraph "b",
12 subparagraph (1):

13 \$ 12,855,000
14 13,044,784

15 Sec. 228. 2002 Iowa Acts, House File 2614, section 4,
16 unnumbered paragraph 2, is amended to read as follows:

17 For repayment of prison infrastructure bonds under section
18 16.177, notwithstanding section 12E.12, subsection 1,
19 paragraph "b", subparagraph (1):

20 \$ 5,185,576
21 5,417,250

22 Sec. 229. Section 12E.12, Code Supplement 2001, is amended
23 by adding the following new subsection:

24 NEW SUBSECTION. 8. With respect to the payment of certain
25 debt service, the debt service to be paid shall be those
26 installments of debt service on bonds selected by the
27 treasurer of state and identified in the authority's tax
28 certificate delivered at the time of the issuance of the bonds
29 issued pursuant to this chapter, or as otherwise selected by
30 the treasurer of state. Once the bonds and the installments
31 of debt service thereon are so selected, that debt service and
32 bonds shall not be paid, or provided to be paid, from any
33 other source including the state or any of its departments or
34 agencies.

35 Sec. 230. Section 260G.4B, subsection 1, Code Supplement

1 2001, as amended by 2002 Iowa Acts, House File 2623, section
2 30, is amended to read as follows:

3 1. The total amount of program job credits from all
4 employers which shall be allocated for all accelerated career
5 education programs in the state in any one fiscal year shall
6 not exceed the sum of three million dollars in the fiscal year
7 beginning July 1, 2000, three million dollars in the fiscal
8 year beginning July 1, 2001, three four million two hundred
9 thousand dollars in the fiscal year beginning July 1, 2002,
10 and six million dollars in the fiscal year beginning July 1,
11 2003, and every fiscal year thereafter. Any increase in
12 program job credits above the six-million-dollar limitation
13 per fiscal year shall be developed, based on recommendations
14 in a study which shall be conducted by the department of
15 economic development of the needs and performance of approved
16 programs in the fiscal years beginning July 1, 2000, and July
17 1, 2001. The study's findings and recommendations shall be
18 submitted to the general assembly by the department by
19 December 31, 2002. The study shall include but not be limited
20 to an examination of the quality of the programs, the number
21 of program participant placements, the wages and benefits in
22 program jobs, the level of employer contributions, the size of
23 participating employers, and employer locations. A community
24 college shall file a copy of each agreement with the
25 department of economic development. The department shall
26 maintain an annual record of the proposed program job credits
27 under each agreement for each fiscal year. Upon receiving a
28 copy of an agreement, the department shall allocate any
29 available amount of program job credits to the community
30 college according to the agreement sufficient for the fiscal
31 year and for the term of the agreement. When the total
32 available program job credits are allocated for a fiscal year,
33 the department shall notify all community colleges that the
34 maximum amount has been allocated and that further program job
35 credits will not be available for the remainder of the fiscal

1 year. Once program job credits have been allocated to a
2 community college, the full allocation shall be received by
3 the community college throughout the fiscal year and for the
4 term of the agreement even if the statewide program job credit
5 maximum amount is subsequently allocated and used.

6 Sec. 231. Section 422.11A, Code 2001, is amended by adding
7 the following new unnumbered paragraph:

8 NEW UNNUMBERED PARAGRAPH. The new jobs tax credit
9 authorized in this section shall only apply to an agreement
10 authorized under chapter 260E which was finalized prior to
11 July 1, 2002.

12 Sec. 232. Section 422.33, subsection 6, Code Supplement
13 2001, is amended by adding the following new unnumbered
14 paragraph:

15 NEW UNNUMBERED PARAGRAPH. The new jobs tax credit
16 authorized in this subsection shall only apply to an agreement
17 authorized under chapter 260E which was finalized prior to
18 July 1, 2002.

19 Sec. 233. EFFECTIVE DATE.

20 1. Except as provided in subsection 2, this division of
21 this Act takes effect July 1, 2002.

22 2. a. The sections of this division of this Act providing
23 for salary reductions in appropriations to the judicial,
24 legislative, and executive branches take effect June 21, 2002.

25 b. The sections of this division of this Act amending 2001
26 Iowa Acts, chapter 176, being deemed of immediate importance,
27 take effect upon enactment.

28 DIVISION XII

29 CORRECTIVE AMENDMENTS

30 GENERAL PROVISIONS

31 Sec. 234. Section 16.131, subsection 1, Code 2001, is
32 amended to read as follows:

33 1. The authority shall cooperate with the department of
34 natural resources in the creation, administration, and
35 financing of the Iowa sewage-treatment water pollution control

1 and drinking water facilities financing program established in
2 sections 455B.291 through 455B.299.

3 Sec. 235. Section 16.132, subsection 1, paragraph d, Code
4 2001, is amended to read as follows:

5 d. The amounts payable to the department by municipalities
6 ~~or-water-systems~~ eligible entities pursuant to loan agreements
7 with ~~municipalities-or-water-systems~~ eligible entities.

8 Sec. 236. Section 124.401A, Code 2001, as amended by 2002
9 Iowa Acts, House File 2623, section 25, is affirmed and
10 reenacted.

11 Sec. 237. Section 124.409, Code 2001, as amended by 2002
12 Iowa Acts, House File 2623, section 26, is affirmed and
13 reenacted.

14 Sec. 238. Section 225C.5, subsection 1, paragraph d, Code
15 2001, as amended by 2002 Iowa Acts, House File 2430, section
16 1, is amended to read as follows:

17 d. One member shall be either an active board member of an
18 agency serving persons with a developmental disability
19 selected from nominees submitted by the Iowa association of
20 community providers.

21 Sec. 239. Section 237.16, subsection 3, Code 2001, is
22 amended to read as follows:

23 3. An employee of the department or of the department of
24 inspections and appeals, an employee of a child-placing
25 agency, an employee of an agency with which the department
26 contracts for services for children under foster care, a
27 foster parent providing foster care, or an employee of the
28 district court is not eligible to serve on the state board.
29 However, the judicial branch employee or judicial officer
30 appointed from nominees submitted by the judicial branch in
31 accordance with subsection 1 shall be eligible to serve on the
32 state board.

33 Sec. 240. Section 321J.22, subsection 2, paragraph d, Code
34 2001, as amended by 2002 Iowa Acts, House File 2515, section
35 37, is amended to read as follows:

1 d. The department of education shall establish reasonable
2 fees to defray the expense of obtaining classroom space,
3 instructor salaries, and class materials for courses offered
4 both by community colleges and by substance abuse treatment
5 programs licensed under chapter 125, and for administrative
6 expenses incurred by the department of education in
7 implementing subsection 5.

8 Sec. 241. Section 455B.133, subsection 10, as enacted by
9 2002 Iowa Acts, Senate File 2325, section 45, is amended to
10 read as follows:

11 10. Adopt rules allowing a city to conduct a controlled
12 burn of a demolished building subject to the same restrictions
13 as are in effect for fire fighting training fires. The rules
14 shall include a provision that a city may undertake no more
15 than three controlled burns in every overlapping six-tenths-
16 of-a-mile-radius circle every three years. The rules shall
17 prohibit a controlled burn of a demolished building in Cedar
18 Rapids, Marion, Hiawatha, Council Bluffs, Carter Lake, Des
19 Moines, West Des Moines, Clive, Windsor Heights, Urbandale,
20 Pleasant Hill, Buffalo, Davenport, Mason City or any other
21 area where area-specific state implementation plans require
22 the control of particulate matter.

23 Sec. 242. Section 456A.17, unnumbered paragraph 7, Code
24 2001, is amended to read as follows:

25 The department may apply for a loan for the construction of
26 facilities for the collection and treatment of waste water
27 under the state sewage-treatment-works water pollution control
28 and drinking water facilities financing program as established
29 in sections 455B.291 through 455B.299. In order to provide
30 for the repayment of a loan granted under the financing
31 program, the commission may impose a lien on not more than ten
32 percent of the annual revenues from user fees and related
33 revenue derived from park and recreation areas under chapter
34 461A which are deposited in the state conservation fund. If a
35 lien is established as provided in this paragraph, repayment

1 of the loan is the first priority on the revenues received and
2 dedicated for the loan repayment each year.

3 Sec. 243. Section 724.26, Code 2001, as amended by 2002
4 Iowa Acts, House File 2363, section 4, and as amended by 2002
5 Iowa Acts, House File 2623, section 94, is affirmed and
6 reenacted.

7 Sec. 244. 2002 Iowa Acts, House File 2615, section 4,
8 unnumbered paragraph 3, is amended to read as follows:

9 Notwithstanding section 8.33, moneys appropriated under
10 this section that are unobligated or unencumbered at the end
11 of the fiscal year beginning ~~June-30~~ July 1, 2002, and ending
12 June 30, 2003, shall not revert, but shall remain available
13 for the specific purposes designated in this section until
14 June 30, 2004.

15 Sec. 245. 2002 Iowa Acts, House File 2623, section 72, is
16 amended to read as follows:

17 SEC. 72. EFFECTIVE DATE. The provision of this division
18 of this Act amending 2001 Iowa Acts, chapter 191, section 14,
19 relating to the department of human services exceeding its
20 budget target for group foster care by up to twenty percent in
21 fiscal year 2001-2002, being deemed of immediate importance,
22 takes effect upon enactment.

23 Sec. 246. 2002 Iowa Acts, Senate File 2275, sections 13
24 and 182, are repealed.

25 ANIMAL FEEDING OPERATIONS

26 Sec. 247. Section 455B.127, subsection 3, as enacted by
27 2002 Iowa Acts, Senate File 2293, section 6, subsection 3, is
28 amended to read as follows:

29 3. Moneys in the compliance fund are appropriated to the
30 department exclusively to pay the expenses of the department
31 in administering and enforcing the provisions of division II,
32 part 2, and division III, part 1, subpart A B, as necessary to
33 ensure that animal feeding operations comply with all
34 applicable requirements of those provisions, including rules
35 adopted or orders issued by the department pursuant to those

1 provisions. The moneys shall not be transferred, used,
2 obligated, appropriated, or otherwise encumbered except as
3 provided in this subsection. The department shall not
4 transfer moneys from the compliance fund's assessment account
5 to another fund or account, including but not limited to the
6 fund's general account.

7 Sec. 248. Section 455B.161, subsection 22, Code 2001, is
8 amended by striking the subsection.

9 Sec. 249. Section 455B.171, subsection 13, Code 2001, is
10 amended by striking the subsection.

11 Sec. 250. Section 455B.200, subsection 3, as enacted by
12 2002 Iowa Acts, Senate File 2293, section 27, is amended to
13 read as follows:

14 3. The department and the attorney general shall enforce
15 the provisions of this chapter in the same manner as provided
16 in division I, unless otherwise provided in this ~~section~~
17 chapter.

18 Sec. 251. Section 455B.200A, subsection 1, unnumbered
19 paragraph 1, as enacted by 2002 Iowa Acts, Senate File 2293,
20 section 28, is amended to read as follows:

21 The department shall approve or disapprove applications for
22 permits for the construction, including the expansion, of
23 confinement feeding operation structures, as provided by rules
24 adopted pursuant to this chapter. The department's decision
25 to approve or disapprove a permit for the construction of a
26 confinement feeding operation structure shall be based on
27 whether the application is submitted according to procedures
28 required by the department and the application meets standards
29 established by the department. A person shall not begin
30 construction of a confinement feeding operation structure
31 requiring a permit under this section, unless the department
32 first approves the person's application and issues to the
33 person a construction permit. The department shall provide
34 conditions for requiring when a person must obtain a
35 construction permit.

1 Sec. 252. Section 455B.200B, subsection 5, paragraph a, as
2 enacted by 2002 Iowa Acts, Senate File 2293, section 32, is
3 amended to read as follows:

4 a. The department shall designate by rule each one hundred
5 year floodplain in this state according to the location of the
6 one hundred year floodplain. A person shall not be prohibited
7 from constructing a confinement feeding operation structure on
8 a one hundred year floodplain unless the one hundred year
9 floodplain is designated by rule in accordance with this
10 subsection.

11 Sec. 253. Section 455B.200B, subsection 5, paragraph b,
12 subparagraphs (2) and (3), as enacted by 2002 Iowa Acts,
13 Senate File 2293, section 32, are amended to read as follows:

14 (2) The department shall provide in its declaratory order
15 or its approval or disapproval of a construction permit
16 application a determination regarding whether the confinement
17 feeding operation structure is to be located on a one hundred
18 year floodplain, whether the confinement feeding operation
19 structure may be constructed at the location, and any
20 conditions for the construction.

21 (3) This paragraph "b" is repealed on the effective date
22 that rules are adopted by the department pursuant to paragraph
23 "a". The department shall provide a caption on the adopted
24 rule as published in the Iowa administrative bulletin as
25 provided in section 17A.4, stating that this paragraph is
26 repealed as provided in this subparagraph subdivision. The
27 director of the department shall deliver a copy of the adopted
28 rule to the Iowa Code editor.

29 Sec. 254. Section 455B.200C, subsection 2, paragraph c, as
30 enacted by 2002 Iowa Acts, Senate File 2293, section 33, is
31 amended to read as follows:

32 c. If a construction permit is required pursuant to
33 section 455B.200A for the construction of three or more
34 confinement feeding operation structures that include a formed
35 manure storage structure, the contractor person responsible

1 for constructing the formed manure storage structure must
2 provide that the construction of the formed manure storage
3 structure will not impede drainage through established
4 drainage tile lines which cross property boundary lines unless
5 measures are taken to reestablish the drainage prior to
6 completion of construction.

7 Sec. 255. Section 455B.200E, subsection 3, paragraph b, as
8 enacted by 2002 Iowa Acts, Senate File 2293, section 35, is
9 amended to read as follows:

10 b. The board must conduct an evaluation of the application
11 using the master matrix as provided in section 455B.200F. The
12 board's recommendation may be based on the master matrix as
13 provided or may be based on comments under this section
14 regardless of the results of the master matrix.

15 Sec. 256. Section 455B.203, subsection 2B, paragraph b, as
16 enacted by 2002 Iowa Acts, Senate File 2293, section 38, is
17 amended to read as follows:

18 b. The department shall not file a construction design
19 statement as provided in section 455B.200C, unless the owner
20 of the confinement feeding operation structure submits an
21 original manure management plan together with the construction
22 design statement. The construction design statement and
23 manure management plan may be submitted as part of an
24 application for a construction permit as provided in section
25 455B.200A.

26 Sec. 257. Section 455B.203, subsection 3, paragraph a,
27 subparagraph (2), unnumbered paragraph 1, as enacted by 2002
28 Iowa Acts, Senate File 2293, section 39, is amended to read as
29 follows:

30 Subparagraph subdivisions (b) through (e) and this
31 paragraph are repealed on the date that any person who has
32 submitted an original manure management plan prior to April 1,
33 2002, is required to submit a manure management plan update
34 which includes a phosphorus index as provided in subparagraph
35 subdivision ~~(e)~~ (e), subparagraph subdivision part (i). The

1 department shall publish a notice in the Iowa administrative
2 bulletin published immediately prior to that date, and the
3 director of the department shall deliver a copy of the notice
4 to the Iowa Code editor.

5 Sec. 258. 2002 Iowa Acts, Senate File 2293, section 66, is
6 amended to read as follows:

7 SEC. 66. INTERIM COUNTY PARTICIPATION AND CONTESTED
8 DECISIONS REPEAL. The section of this Act providing for
9 interim county participation in the approval of applications
10 for construction permits for confinement feeding operation
11 structures is repealed March 1, 2003, and including provisions
12 relating to the rights of applicants¹ applicants and boards of
13 supervisors to contest departmental decisions. However, the
14 provisions of the section shall continue to apply to
15 applications received by a county board of supervisors prior
16 to March 1, 2003.

17 Sec. 259. 2002 Iowa Acts, Senate File 2293, section 68,
18 subsection 1, paragraph c, is amended to read as follows:

19 c. Chapter 455B, division III, part 1, subpart A B, as
20 enacted in this Act, with the exception of section 455B.200,
21 as amended by this Act, and section 455B.207, as enacted by
22 this Act, shall be transferred to new chapter 456D, as
23 subchapter 3.

24 Sec. 260. 2002 Iowa Acts, Senate File 2293, section 68, is
25 amended by adding the following new subsections:

26 NEW SUBSECTION. 3. The Code editor shall transfer Code
27 chapter 460A to be part of Code chapter 455A or to be a new
28 Code chapter.

29 NEW SUBSECTION. 4. When transferring and consolidating
30 provisions as provided in this section, the Code editor may
31 reorganize the provisions provided in this section in a manner
32 other than that provided in this section in order to enhance
33 their readability. The Code editor shall publish in the 2003
34 Code the provisions of 2002 Iowa Acts, Senate File 2293,
35 designated for codification, regardless of the effective date

1 of the provisions.

2 Sec. 261. 2002 Iowa Acts, Senate File 2293, section 70,
3 subsection 1, paragraph b, is amended to read as follows:

4 b. The department has not received evidence that an
5 applicant or person submitting or required to submit a manure
6 management plan as provided in paragraph "a" of this
7 subsection 2, has incurred commitments based on a reliance of
8 the law as the law existed on March 31, 2002. The commitments
9 must constitute a legal obligation for performance by the
10 person to construct a confinement feeding operation structure.
11 The applicant or other person required to submit the evidence
12 to the department must submit such evidence not later than
13 twenty-one days after the effective-date enactment of this
14 Act.

15 Sec. 262. EFFECTIVE DATES.

16 1. Except as otherwise provided in subsection 2, this
17 division of this Act takes effect July 1, 2002.

18 2. a. The section of this division of this Act amending
19 2002 Iowa Acts, House File 2623, section 72, being deemed of
20 immediate importance, takes effect upon enactment.

21 b. The sections of this division of this Act amending
22 sections 455B.127, 455B.161, 455B.171, 455B.200, 455B.200A,
23 455B.200B, and 455B.203, as enacted by 2002 Iowa Acts, Senate
24 File 2293, and amending 2002 Iowa Acts, Senate File 2293,
25 being deemed of immediate importance, take effect upon
26 enactment.

27 c. The sections of this division of this Act amending
28 sections 455B.200C and 455B.200E, as enacted by 2002 Iowa
29 Acts, Senate File 2293, take effect on March 1, 2003.

30 DIVISION XIII

31 DRUG UTILIZATION REVIEW COMMISSION

32 Sec. 263. NEW SECTION. 249A.32 IOWA MEDICAL ASSISTANCE
33 DRUG UTILIZATION REVIEW COMMISSION -- CREATED.

34 1. An Iowa medical assistance drug utilization review
35 commission is created within the department. The commission

1 membership, duties, and related provisions shall comply with
2 42 C.F.R. pt. 456, subpt. K.

3 2. In addition to any other duties prescribed, the
4 commission shall make recommendations to the council on human
5 services regarding strategies to reduce state expenditures for
6 prescription drugs under the medical assistance program
7 excluding provider reimbursement rates. The commission shall
8 make initial recommendations to the council by October 1,
9 2002. Following approval of any recommendation by the council
10 on human services, the department shall include the approved
11 recommendation in a notice of intended action under chapter
12 17A and shall comply with chapter 17A in adopting any rules to
13 implement the recommendation. The department shall seek any
14 federal waiver necessary to implement any approved
15 recommendation. The strategies to be considered for
16 recommendation by the commission shall include at a minimum
17 all of the following:

18 a. Development of a preferred drug formulary pursuant to
19 42 U.S.C. § 1396r-8.

20 b. Negotiation of supplemental rebates from manufacturers
21 that are in addition to those required by Title XIX of the
22 federal Social Security Act. For the purposes of this
23 paragraph, "supplemental rebates" may include, at the
24 department's discretion, cash rebates and other program
25 benefits that offset a medical assistance expenditure.
26 Pharmaceutical manufacturers agreeing to provide a
27 supplemental rebate as provided in this paragraph shall have
28 an opportunity to present evidence supporting inclusion of a
29 product on any preferred drug formulary developed.

30 c. Disease management programs.

31 d. Drug product donation programs.

32 e. Drug utilization control programs.

33 f. Prescriber and beneficiary counseling and education.

34 g. Fraud and abuse initiatives.

35 h. Pharmaceutical case management.

1 i. Services or administrative investments with guaranteed
2 savings to the medical assistance program.

3 j. Expansion of prior authorization for prescription drugs
4 and pharmaceutical case management under the medical
5 assistance program.

6 k. Any other strategy that has been approved by the United
7 States department of health and human services regarding
8 prescription drugs under the medical assistance program.

9 Sec. 264. EMERGENCY RULES. The department of human
10 services may adopt administrative rules under section 17A.4,
11 subsection 2, and section 17A.5, subsection 2, paragraph "b",
12 to implement section 249A.32 as created in this division of
13 this Act, and the rules shall become effective immediately
14 upon filing or on a later effective date specified in the
15 rules, unless the effective date is delayed by the
16 administrative rules review committee. Any rules adopted in
17 accordance with this section shall not take effect before the
18 rules are reviewed by the administrative rules review
19 committee. The delay authority provided to the administrative
20 rules review committee under section 17A.4, subsection 5, and
21 section 17A.8, subsection 9, shall be applicable to a delay
22 imposed under this section, notwithstanding a provision in
23 those sections making them inapplicable to section 17A.5,
24 subsection 2, paragraph "b". Any rules adopted in accordance
25 with this section shall also be published as notice of
26 intended action as provided in section 17A.4.

27 Sec. 265. TRANSITION PROVISIONS. The department of human
28 services shall continue to contract with the peer review
29 organization, with which the department held a contract to
30 carry out the duties of the Iowa Medicaid drug utilization
31 review commission prior to the effective date of this division
32 of this Act in order to carry out the duties of the commission
33 after that date.

34 The Iowa Medicaid drug utilization review commission
35 existing on the effective date of this division of this Act

1 shall act as the Iowa medical assistance drug utilization
2 review commission as created in this division of this Act.
3 Sec. 266. EFFECTIVE DATE. This division of this Act,
4 being deemed of immediate importance, takes effect upon
5 enactment.

6 EXPLANATION

7 DIVISION I - This division of this bill relates to and
8 appropriates moneys to various state departments, agencies,
9 funds, and certain other interstate and national entities for
10 the fiscal year beginning July 1, 2002, and ending June 30,
11 2003.

12 The state departments and agencies include the auditor of
13 state, Iowa ethics and campaign disclosure board, department
14 of commerce, department of general services, office of
15 governor including the lieutenant governor and Terrace Hill
16 quarters, department of inspections and appeals, department of
17 management, department of personnel, Iowa public employees'
18 retirement system, department of revenue and finance,
19 secretary of state, and treasurer of state.

20 Division I also appropriates funding for the state's
21 membership on the national governors association and for the
22 ready to work program coordinator.

23 Division I also makes related statutory changes.

24 Code section 7D.33, concerning the state employee
25 suggestion program, is amended to increase the maximum payment
26 to an employee for implementation of a cost savings suggestion
27 from \$2,500 to \$25,000.

28 Code section 476.53 is amended to provide that the
29 utilities board and the consumer advocate can expend
30 additional moneys to provide temporary staff necessary to
31 perform certain functions, including review of ratemaking
32 principles proposed for construction of a new generating
33 facility. 2001 Iowa Acts, First Extraordinary Session,
34 chapter 5, section 1, currently grants this authority to the
35 board and the consumer advocate and the language currently in

1 the Acts is transferred to the Code section and the session
2 law provision from the 2001 First Extraordinary Session is
3 then repealed.

4 Code section 505.7 is amended to permit the insurance
5 division to expend additional funds to perform the statutory
6 duties of the division if those additional funds will be
7 collected from moneys and fees collected by the division.

8 Code section 546.10, relating to the establishment and
9 administration of the professional licensing division, is
10 amended by adding provisions appropriating 85 percent of any
11 amount representing an increase in funding implemented by
12 licensing boards or commissions listed in the Code section to
13 the division for allocation to the boards or commissions for
14 the fiscal year beginning July 1, 2002, and succeeding fiscal
15 years.

16 Division I takes effect July 1, 2002.

17 DIVISION II - This division of this bill relates to
18 agriculture and natural resources by making appropriations to
19 support related entities, including the department of
20 agriculture and land stewardship and the department of natural
21 resources.

22 Division II appropriates moneys to the department of
23 agriculture and land stewardship and the department of natural
24 resources. The appropriations are made to support
25 administration of those departments. The division also
26 provides moneys for specific programs administered by those
27 departments. The division appropriates moneys from a number
28 of sources, including the general fund of the state and the
29 state fish and game protection fund.

30 For the department of agriculture and land stewardship,
31 moneys are appropriated and full-time equivalent positions
32 authorized in order to support its divisions (the
33 administrative division, the regulatory division, the
34 laboratory division, and the soil conservation division).

35 Division II appropriates moneys to support animal industry

1 programs, including a program to regulate horse and dog racing
2 by the department of agriculture and land stewardship. The
3 division appropriates moneys to support the department of
4 agriculture and land stewardship for membership in a river
5 association and for the administration of a project in
6 conjunction with the Iowa corn growers association.

7 For the department of natural resources, moneys are
8 appropriated or full-time equivalent positions authorized in
9 order to support its divisions (the administrative and support
10 services division, the parks and preserves division, the
11 forests and forestry division, the energy and geological
12 resources division, and the environmental protection
13 division). The department is required to use appropriated
14 moneys to support specific purposes, including for parks and
15 preserves and for animal feeding operations.

16 Division II makes appropriations from other funds and
17 accounts. The division appropriates moneys to the department
18 of natural resources from the state fish and game protection
19 fund for support of the division of fish and wildlife. The
20 division makes an appropriation from moneys transferred to the
21 state fish and game protection fund to support snowmobile
22 programs and enforce state navigation laws administered by the
23 department of natural resources.

24 An appropriation is made from the unassigned revenue fund
25 administered by the Iowa comprehensive underground storage
26 tank fund board to the department of natural resources for
27 administration and expenses of the underground storage tank
28 section.

29 Division II provides that the department of natural
30 resources may use additional funds for staffing to reduce the
31 department's floodplain permit backlog. It provides that the
32 department may use additional funds available from stormwater
33 discharge permit fees for staffing required to implement the
34 federal maximum daily load program.

35 Division II takes effect July 1, 2002.

1 DIVISION III - This division of this bill makes
2 appropriations and transfers from the general fund of the
3 state to the department of economic development, the
4 university of Iowa, the university of northern Iowa, Iowa
5 state university, the department of workforce development, and
6 the public employment relations board for the 2002-2003 fiscal
7 year.

8 Division III provides that the goals for the department of
9 economic development shall be to expand and stimulate the
10 state economy, increase the wealth of Iowans, and increase the
11 population of the state. The division provides that the
12 department of economic development shall demonstrate
13 accountability by using performance measures appropriate to
14 show the attainment of the goals for the state and by
15 measuring the effectiveness and results of the department's
16 programs and activities.

17 Division III appropriates from loan repayments on loans
18 under the former rural community 2000 program to the
19 department of economic development moneys for providing
20 financial assistance to Iowa's councils of governments that
21 provide technical and planning assistance to local governments
22 and for the rural development program for the purposes of the
23 program including the rural enterprise fund and collaborative
24 skills development training.

25 Division III appropriates moneys collected by the division
26 of insurance in excess of the anticipated gross revenues to
27 the department of economic development for purposes of
28 insurance economic development and international insurance
29 economic development.

30 Division III appropriates moneys from the community
31 attraction and tourism fund to the department of economic
32 development for tourism operations.

33 Division III appropriates moneys from the Iowa community
34 development loan fund to the department of economic
35 development for purposes of the community development program.

1 Division III appropriates moneys from the workforce
2 development fund account to the workforce development fund.

3 Division III provides that moneys appropriated or
4 transferred to or receipts credited to the workforce
5 development fund may be used for administration of workforce
6 development activities.

7 Division III provides that all moneys remaining in the job
8 training fund on July 1, 2002, and any moneys appropriated or
9 credited to the fund during the fiscal year beginning July 1,
10 2002, shall be transferred to the workforce development fund.

11 Division III appropriates moneys from the administrative
12 contribution surcharge fund to the department of workforce
13 development for salaries, support, maintenance, conducting
14 labor market surveys, miscellaneous purposes, and for
15 workforce development regional advisory board member expenses.

16 Division III appropriates moneys from the special
17 employment security contingency fund to the department of
18 workforce development for the division of workers'
19 compensation, immigration service centers, and labor market
20 information.

21 Division III strikes a standing limited appropriation from
22 the value-added agricultural products and processes financial
23 assistance fund to the office of renewable fuels and
24 coproducts and makes related Code changes. The division
25 provides that the office of renewable fuels and coproducts may
26 apply to the department of economic development for moneys in
27 the value-added agricultural products and processes financial
28 assistance fund for deposit in the renewable fuels and
29 coproducts fund.

30 Division III extends for one additional fiscal year the
31 nonreversion of moneys appropriated in 2000 Iowa Acts, chapter
32 1230, from the administrative contribution surcharge fund to
33 the department of workforce development for matching funds for
34 welfare-to-work grants.

35 Division III provides that the auditor of state is

1 requested to review the audit of the Iowa finance authority
2 performed by the auditor hired by the authority. The division
3 provides that the auditor of state is also requested to
4 conduct a performance audit of the authority to determine the
5 effectiveness of the authority and the programs of the
6 authority.

7 Division III provides that, for the fiscal year beginning
8 July 1, 2002, any entity that was specifically identified in
9 2001 Iowa Acts, chapter 188, to receive funding from the
10 department of economic development, excluding any entity
11 identified to receive a direct appropriation beginning July 1,
12 2002, may apply to the department for assistance through the
13 appropriate program.

14 Division III provides that the department of economic
15 development, the department of workforce development, and the
16 regents institutions receiving an appropriation pursuant to
17 this division shall file a written report on a quarterly basis
18 with the chairpersons and ranking members of the joint
19 appropriations subcommittee on economic development and the
20 legislative fiscal bureau regarding all expenditures of moneys
21 appropriated pursuant to this division during the quarter,
22 allocations of moneys appropriated pursuant to this division
23 during the quarter, and full-time equivalent positions
24 allocated during the quarter.

25 Division III provides that an entity filing the employer's
26 contribution and payroll report form and any other
27 unemployment insurance forms on behalf of multiple accounts
28 shall be allowed to submit one check for these accounts.

29 Division III provides that, in providing moneys from the
30 shelter assistance fund to homeless shelter programs, the
31 department of economic development shall explore the potential
32 of allocating moneys to programs based in part on their
33 ability to move their clients toward self-sufficiency.

34 Division III requires the department of economic
35 development to submit a report identifying any moneys received

1 from the ISCC liquidation corporation.

2 Division III provides that all federal grants to and the
3 federal receipts of agencies appropriated funds under this
4 division, not otherwise appropriated, are appropriated for the
5 purposes set forth in the federal grants or receipts unless
6 otherwise provided.

7 Division III appropriates moneys from moneys credited to
8 the state by the secretary of the treasury of the United
9 States pursuant to the Social Security Act to the department
10 of workforce development for the administration of the
11 unemployment compensation program only.

12 Division III reduces the standing limited appropriation for
13 the school-to-career program employer refunds.

14 Division III takes effect July 1, 2002.

15 DIVISION IV - This division of this bill reduces or
16 eliminates state moneys appropriated for fiscal year 2002-2003
17 from the general fund of the state to the college student aid
18 commission, the department of cultural affairs, and the
19 department of education as enacted in 2002 Iowa Acts, Senate
20 File 2326.

21 Division IV eliminates state funding Senate File 2326
22 appropriated to the college student aid commission for
23 purposes of forgivable loans for the Des Moines university --
24 osteopathic medical center and the chiropractic graduate
25 student forgivable loan program.

26 Division IV reduces state funding that Senate File 2326
27 appropriated to the department of cultural affairs for
28 purposes of its administration, arts, and historical divisions
29 and for purposes of community cultural grants.

30 Division IV reduces the moneys Senate File 2326
31 appropriated to the department of education for purposes of
32 the department's general administration, vocational education
33 administration, board of educational examiners, division of
34 vocational rehabilitation services, independent living, state
35 library for general administration and the enrich Iowa

1 program, library service area system, public broadcasting
2 division, and the Iowa empowerment fund. The division
3 eliminates funding Senate File 2326 appropriated to the
4 department for purposes of providing support to assist a
5 vocational education youth organization statewide school-to-
6 work implementation, jobs for America's graduates, and the
7 americorps after-school initiative.

8 Division IV also amends the Code, as amended by Senate File
9 2326, to reduce the amount of state assistance for Iowa
10 tuition grants.

11 Division IV expands the operation recognition program to
12 include, in addition to the veterans of World War II, the
13 veterans of World War I and the Korean and Vietnam conflicts.
14 The program is administered by the department of education and
15 its purpose is to award honorary high school diplomas to
16 honorably discharged veterans who are residents or former
17 residents of the state and who left high school prior to
18 graduation to enter U.S. military service. Diplomas may be
19 issued posthumously. This provision takes effect upon
20 enactment.

21 Division IV also permanently eliminates the community
22 college vocational-technical technology improvement program.

23 Division IV takes effect July 1, 2002, except where
24 otherwise provided.

25 DIVISION V - This division of this bill makes
26 appropriations for the 2002-2003 fiscal year to the department
27 for the blind, the Iowa state civil rights commission, the
28 state commission of veterans affairs, the governor's office of
29 drug control policy, and the departments of elder affairs,
30 public health, and human rights.

31 Division V includes authority for the Iowa department of
32 public health to retain fees as necessary, to reduce the
33 number of days necessary to process medical license requests
34 and to consider malpractice cases. These fees are collected
35 pursuant to Code section 147.80 by the board of medical

1 examiners in the fiscal year beginning July 1, 2002, and
2 ending June 30, 2003.

3 Division V further provides that the Iowa veterans home
4 shall operate with a net state general fund appropriation, and
5 that general fund moneys may be used for cash flow management
6 purposes.

7 Division V extends the vital records modernization project
8 to June 30, 2003, and the scope of practice review project to
9 July 1, 2003.

10 Division V provides that the department for the blind, the
11 Iowa state civil rights commission, the department of elder
12 affairs, the Iowa department of public health, the department
13 of human rights, the governor's office of drug control policy,
14 and the commission of veterans affairs shall submit a report
15 to the chairpersons and ranking members of the joint
16 appropriations subcommittee on health and human rights
17 providing all management to staff ratios of all funded
18 positions as of January 13, 2003.

19 Division V further provides for the aforementioned agencies
20 to develop program performance budget measures to include, but
21 not be limited to, the development and tracking of demand,
22 workload, productivity, and effectiveness performance
23 indicators for each program, including minority and gender-
24 based programs.

25 Division V repeals the community grant fund.

26 Division V takes effect July 1, 2002.

27 DIVISION VI - This division of this bill makes
28 appropriations for the 2002-2003 fiscal year for the
29 department of human services and includes other appropriations
30 and provisions involving human services and health care.

31 In new Code section 249A.20A, the division requires that
32 beginning October 1, 2002, all licensed nursing facilities are
33 to be certified under both the federal Medicare program and
34 the medical assistance program as a condition for
35 participation in the medical assistance program. The division

1 directs the department, in consultation with nursing facility
2 provider organizations to adopt rules to establish criteria
3 for individual exceptions to the dual certification
4 requirement.

5 Division VI amends Code section 252B.4 to increase the
6 application fee for nonpublic assistance clients of the child
7 support recovery unit from \$5 to \$25.

8 Division VI addresses the county mental health, mental
9 retardation, and developmental disabilities allowed growth
10 factor adjustment. Under Code section 331.439, the statute
11 establishing the adjustment must be enacted during the fiscal
12 year in progress two years prior to the fiscal year to which
13 the adjustment is applicable. The division amends the
14 adjustment previously enacted during the 2001 legislative
15 session for fiscal year 2002-2003.

16 Under 2001 Iowa Acts, chapter 176, the growth factor
17 adjustment for fiscal year 2002-2003 was to be distributed by
18 law in lieu of the distribution formula in Code sections
19 331.438 and 331.439. The division provides allocation amounts
20 to be used for calculating preliminary distribution amounts in
21 accordance with statutory formulas. After a preliminary
22 amount is determined using the formulas, a withholding amount
23 is applied, based upon a county's MH/DD community services
24 fund balance at the close of the previous fiscal year. A
25 county must comply with a financial reporting deadline.

26 Division VI also provides that moneys appropriated from
27 various sources to the medical assistance program for fiscal
28 year 2001-2002 and fiscal year 2002-2003 that are in excess of
29 actual expenditures are to be transferred to the senior living
30 trust fund as repayment of amounts not otherwise repaid.

31 Division VI takes effect July 1, 2002, except for various
32 provisions that take effect upon enactment.

33 DIVISION VII - This division of this bill makes
34 appropriations for fiscal year 2002-2003 from the general fund
35 of the state to the departments of justice, corrections,

1 public defense, and public safety, Iowa law enforcement
2 academy, office of the state public defender, Iowa
3 telecommunications and technology commission, and the board of
4 parole.

5 Division VII creates new Code section 99D.14A which
6 provides that a licensee for pari-mutuel wagering shall pay
7 all the salary costs and direct and indirect support costs
8 which exceed \$30,000 incurred by the division of criminal
9 investigations for the enforcement of laws pertaining to pari-
10 mutuel wagering. Under current law, a licensee pays 80
11 percent of the salary costs of the division of criminal
12 investigations, and that money is deposited into the rebuild
13 Iowa infrastructure fund. The division provides that 20
14 percent of the salary costs shall be deposited into the
15 general fund of the state.

16 Division VII creates new Code section 99F.10A which
17 provides that an excursion boat licensee shall pay all the
18 salary costs and direct and indirect support costs which
19 exceed \$125,000 incurred by special agents and all the salary
20 costs for gaming enforcement personnel of the division of
21 criminal investigations for the enforcement pertaining to
22 excursion boats. Under current law, a licensee pays a total
23 of 80 percent of the salary costs of the special agents and 80
24 percent of the salary costs of gaming enforcement personnel of
25 the division of criminal investigations, and the moneys are
26 then deposited into the rebuild Iowa infrastructure fund. The
27 division provides that 20 percent of the salary costs shall be
28 deposited into the general fund of the state.

29 Division VII permits the director of the department of
30 corrections to transfer moneys from Iowa prison industries for
31 use in inmate educational programs.

32 Division VII eliminates certain restrictions placed on drug
33 courts established during the 2001-2002 state fiscal year in
34 2001 Iowa Acts, chapter 186, section 6, subsection 6. The
35 restrictions eliminated by the division require drug courts to

1 be offered only to persons who have been convicted of a crime
2 and to give priority to felons over misdemeanants. This
3 section of division VII takes effect upon enactment.

4 Division VII amends 2001 Iowa Acts, chapter 186, section
5 21, by providing that any unobligated moneys appropriated to
6 the state fire marshal for fire protection services do not
7 revert to the general fund until the end of fiscal year 2002-
8 2003. This section of division VII takes effect upon
9 enactment.

10 Division VII takes effect July 1, 2002, except as otherwise
11 provided.

12 DIVISION VIII - This division of this bill makes
13 appropriations for the 2002-2003 fiscal year to the judicial
14 branch.

15 Division VIII includes a reduction in the percentage of the
16 state's contribution to the judicial retirement fund for FY
17 2002-2003.

18 Division VIII eliminates the requirements that moneys be
19 paid out of the enhanced court collections fund for
20 implementation of the justice data warehouse if sufficient
21 moneys are not made available to the justice data warehouse.

22 Division VIII creates a study committee in the supreme
23 court to review the operation of the clerks of the district
24 court in each county and, until the study committee report is
25 submitted, prohibits appointment of a clerk of court unless
26 the appointment is approved by the state court administrator.

27 Division VIII takes effect July 1, 2002.

28 DIVISION IX - This division of this bill reduces certain
29 standing appropriations presently in the Code by specific
30 dollar amounts. These standing appropriations are: the
31 general assembly and its agencies and the state appeal board.

32 Division IX also limits standing appropriations presently
33 in the Code to specific dollar amounts. These standing
34 appropriations are: personal property tax replacement;
35 franchise tax allocation; payment of livestock production

1 credit refunds; and reimbursements for homestead credits,
2 agricultural land tax credit, family farm tax credit, and for
3 the elderly and disabled tax credit and renter's
4 reimbursement; and public transit assistance.

5 Division IX transfers moneys from other funds to the
6 general fund of the state. These funds are the vehicle fleet
7 depreciation, groundwater protection, jury and witness fees,
8 rebuild Iowa infrastructure, and environment first funds and
9 the endowment for Iowa's health account. The division also
10 appropriates additional funds to the medical assistance
11 program from the senior living trust fund.

12 Division IX takes effect July 1, 2002.

13 Division X - This division of this bill relates to
14 appropriations and transfers from the school infrastructure
15 fund, county sales and services tax fund, rebuild Iowa
16 infrastructure fund, and the environment first fund. The
17 sections of the division relating to the school infrastructure
18 and county sales and services tax fund do not take effect
19 unless the treasurer of state determines that the
20 appropriation from the school infrastructure fund will not
21 adversely affect the tax-exempt status of any outstanding
22 bonds issued for the school infrastructure program. These
23 sections include an appropriation from the school
24 infrastructure fund to the department of revenue and finance
25 for replacement of county sales and services tax revenues that
26 are transferred to the general fund of the state.

27 The remainder of division X reduces previously enacted
28 appropriations from the rebuild Iowa infrastructure fund and
29 the environment first fund. The division provides legislative
30 intent for funding of lake dredging projects. The division
31 also modifies the purposes for which moneys appropriated from
32 the environment first fund to the Iowa resources enhancement
33 and protection fund may be used.

34 Division X takes effect July 1, 2002, except as otherwise
35 provided.

1 DIVISION XI - This division of this bill relates to vacant
2 state employee positions, printed documents, creation of a
3 program elimination commission, and employee furloughs.

4 Division XI requires that effective July 1, 2002, any full-
5 time equivalent position authorized in an executive branch
6 table of organization that has been vacant for 12 months or
7 more shall be eliminated from that table of organization.

8 For fiscal year 2002-2003, unless specifically authorized
9 by a collective bargaining agreement, an executive or judicial
10 branch agency is prohibited from providing an employee with a
11 subsidy or reimbursement for a class or other course of study
12 leading to an advanced degree.

13 For fiscal year 2002-2003, the bill suspends requirements
14 in law or rule that would otherwise require the executive or
15 judicial branches to issue reports, minutes, and other
16 documents of an informational nature in printed form.
17 However, such documents must be provided in printed form upon
18 request and, if possible, are required to be made available by
19 internet posting, electronic mail, or other electronic means
20 in lieu of printed form.

21 Division XI establishes a program elimination commission to
22 include the auditor of state with other members to be
23 appointed by legislative leaders, the governor, the chief
24 justice of the supreme court, and the legislative council.
25 The commission is directed to consider options for elimination
26 of programs and functions funded in whole or part by state or
27 local public revenues with the goal of identifying savings of
28 2 percent for the general fund. In addition, the commission
29 is required to consider sale of public assets or providing for
30 performance of public functions on behalf of government by
31 nongovernmental entities, with various functions identified
32 for consideration.

33 The commission must issue its report by December 31, 2002,
34 providing recommendations and findings. The recommendations
35 are required to be prepared in bill form. Legislative intent

1 is stated for the commission's bill to be referred to
2 committees on state government of the senate and house of
3 representatives and that the bill be subject to debate
4 according to procedures that only allow amendments of a purely
5 corrective nature that are recommended by a committee on state
6 government. Unless continued by the legislative council or by
7 law, the commission is dissolved on December 31, 2002.

8 Division XI makes reductions in the judicial, executive,
9 and legislative branches by requiring furloughs or other cost
10 reductions equal to the furlough cost savings of a one-half-
11 day furlough per employee per calendar month. Executive and
12 judicial branch officials and legislators whose salaries are
13 specifically set by law are subject to a 2.5 percent reduction
14 in salary for the period beginning June 21, 2002, through June
15 19, 2003.

16 Division XI also adjusts the appropriations from the
17 general fund of the state and the tobacco settlement trust
18 account for tuition replacement, debt service for the Iowa
19 communications network, and prison infrastructure bonds for
20 the 2001-2002 fiscal year and the 2002-2003 fiscal year.

21 Division XI increases from \$3 million to \$4.2 million the
22 total amount of accelerated career education program job
23 credits for all employers during the 2002-2003 fiscal year.
24 The new jobs tax credits under the individual and corporate
25 income taxes are limited to those Code chapter 260E agreements
26 finalized prior to July 1, 2002.

27 Division XI takes effect July 1, 2002, except for the
28 provisions applying operational reductions to executive,
29 judicial, and legislative branches of state government, which
30 take effect June 21, 2002.

31 DIVISION XII - This division of this bill relates to state
32 government authority by providing for correction and
33 reenactment of statutes including penalty provisions.

34 The amendments to Code sections 16.131, 16.132, and 456A.17
35 relate to the changing of the name of the department of

1 natural resources' Iowa sewage treatment and drinking water
2 facilities financing program to the Iowa water pollution
3 control and drinking water facilities financing program and
4 other changes to the program enacted in 2002 Iowa Acts, Senate
5 File 2145.

6 The amendment in 2002 Iowa Acts, House File 2623, to Code
7 section 124.401A, relating to enhanced penalties for
8 distribution of controlled substances in proximity to schools
9 and other public facilities involving children and applying
10 the same penalties for manufacturing with intent to
11 distribute, is reenacted.

12 The amendment in 2002 Iowa Acts, House File 2623, striking
13 Code section 124.409, subsection 1, which eliminates the
14 authority of the court to order probation in certain
15 controlled substance possession or accommodation cases, is
16 reenacted.

17 Code section 225C.5, relating to the membership of the
18 mental health and developmental disabilities commission, as
19 amended by 2002 Iowa Acts, House File 2430, is amended to
20 eliminate superfluous language.

21 Under 2002 Iowa Acts, Senate File 2325, the state citizen
22 foster care review board name was changed to the child
23 advocacy board and the membership was expanded to include a
24 judicial branch employee or judicial officer appointed from
25 nominees submitted by the judicial branch. Code section
26 237.16, subsection 3, which provides that an employee of the
27 district court is ineligible for membership on the board, is
28 amended to provide eligibility for the judicial branch
29 employee or judicial officer appointed from nominees submitted
30 by the judicial branch.

31 Code section 321J.22, as amended by 2002 Iowa Acts, House
32 File 2515, is amended to specify that the driver's education
33 expenses defrayed by the authorized fees are the expenses of
34 the department of education.

35 Code section 455B.133, subsection 10, in 2002 Iowa Acts,

1 Senate File 2325, relating to a controlled burn of a
2 demolished building, is amended to complete a reference to
3 "particulate matter".

4 The amendment in 2002 Iowa Acts, House File 2363, to Code
5 section 724.26, relating to possession of a firearm by a
6 convicted felon, that makes a technical correction, is
7 reenacted.

8 A provision in 2002 Iowa Acts, House File 2615, providing
9 for nonreversion of an appropriation for implementation of the
10 federal Health Insurance Portability and Accountability Act,
11 is amended to correct a date reference for the fiscal year.

12 A provision of 2002 Iowa Acts, House File 2623, relating to
13 an effective date for a provision providing for group foster
14 care budget targets, is amended to include omitted language.
15 This provision takes effect upon enactment.

16 Division XII repeals two provisions of 2002 Iowa Acts,
17 Senate File 2275, generally referred to as the "Code editor's
18 bill", that were affected by other substantive legislation
19 passed in the 2002 legislative session, namely House File
20 2416, section 10 and Senate File 2279, section 24. The
21 provisions repealed relate to certificate of need and a
22 reference to a county mutual insurance association.

23 Division XII amends provisions in 2002 Iowa Acts, Senate
24 File 2293, that provide for the regulation of animal feeding
25 operations by the department of natural resources under Code
26 chapter 455B, division III, part 1, subpart B, including new
27 Code section 455B.127 that establishes an animal agriculture
28 compliance fund to pay for the expenses of the department in
29 administering and enforcing provisions relating to animal
30 agriculture. This division amends an internal reference in
31 2002 Iowa Acts, Senate File 2293, that incorrectly provides
32 that the provisions affecting animal agriculture are located
33 in subpart A.

34 Division XII amends a provision in Code section 455B.161 as
35 amended in Senate File 2293 that refers to a definition of

1 "spray irrigation equipment". The same definition is provided
2 in Code section 455B.171. 2002 Iowa Acts, Senate File 2293,
3 directs the Code editor to consolidate and transfer provisions
4 in Code chapter 455B into a new Code chapter. This division
5 strikes the definition of "spray irrigation equipment" in Code
6 section 455B.161 because it will be duplicative once the
7 provisions are consolidated and transferred into the new Code
8 chapter. For the same reason the division eliminates a
9 reference to "earthen manure storage basin" defined in section
10 455B.171. The amendment in 2002 Iowa Acts, Senate File 2293,
11 amending Code section 455B.200, relating to the authority of
12 the department of natural resources and the attorney general's
13 office to enforce the provisions of the bill after they are
14 transferred to a new Code chapter, strikes a reference to the
15 term "section", and substitutes the term "chapter".

16 The amendment in 2002 Iowa Acts, Senate File 2293, amending
17 Code section 455B.200A, relating to the approval of
18 construction permits for confinement feeding operation
19 structures is amended by adding the term "structure" in order
20 to be consistent with the other provisions of the Code
21 section.

22 The amendments in 2002 Iowa Acts, Senate File 2293,
23 amending Code section 455B.200B, restricting the construction
24 of confinement feeding operation structures on floodplains is
25 amended by adding the term "structure" in order to be
26 consistent with the other provisions of the Code section. The
27 amendment also corrects an internal reference.

28 The amendments in 2002 Iowa Acts, Senate File 2293,
29 enacting Code section 455B.200C, requiring that a construction
30 design statement must be filed by a person responsible for
31 constructing formed manure storage structures, is amended by
32 substituting the term "contractor" with "person responsible
33 for constructing the formed manure storage structure" in order
34 to be consistent with the other provisions of the Code
35 section.

1 The amendments in 2002 Iowa Acts, Senate File 2293,
2 enacting Code section 455B.200E, providing for the use of a
3 master matrix by county boards of supervisors in evaluating
4 construction permit applications, is amended by striking
5 superfluous language.

6 The amendments in 2002 Iowa Acts, Senate File 2293,
7 amending Code section 455B.203, providing for manure
8 management plans filed with a construction permit application,
9 is amended by specifically referring to the application.

10 The amendments in 2002 Iowa Acts, Senate File 2293,
11 amending Code section 455B.203, providing for a phased-in
12 implementation schedule for the submission of manure
13 management plans containing a phosphorus index, is amended by
14 correcting an internal reference.

15 The amendments in 2002 Iowa Acts, Senate File 2293,
16 enacting section 66 of the Act, repealing the interim process
17 for a county board of supervisors to participate in the
18 approval of construction permit applications and the rights of
19 a board or applicant to contest a departmental decision, is
20 amended by specifically referring to applications, and
21 clarifying that the provisions relate to the rights of
22 applicants and boards of supervisors.

23 Division XII provides limited discretion to the Code editor
24 to complete the transfer of provisions in Code chapter 455B as
25 amended in 2002 Iowa Acts, Senate File 2293, in order to
26 enhance the provisions' readability. This is the same general
27 discretion that the Code editor has under Code section 2B.13.
28 The division also directs the Code editor to publish the
29 provisions of 2002 Iowa Acts, Senate File 2293, in the 2003
30 Code, but does not change the effective dates of provisions
31 that are delayed until March 1, 2003.

32 The amendments in 2002 Iowa Acts, Senate File 2293,
33 enacting section 70 of the Act, providing for the retroactive
34 application of provisions affecting construction permits, is
35 amended by correcting an internal reference and substituting

1 the term "enactment" for "effective date" due to the various
2 effective dates provided in the Act.

3 DIVISION XIII - This division of this bill creates an Iowa
4 medical assistance drug utilization review commission within
5 the department of human services. The membership, duties, and
6 related provisions are to comply with federal regulations.
7 The commission is charged with making recommendations to the
8 council on human services regarding strategies to reduce state
9 expenditures for prescription drugs, excluding provider
10 reimbursement rates, under the medical assistance program.
11 The commission is directed to make initial recommendations by
12 October 1, 2002. Any recommendation approved by the council
13 on human services is to be included in a notice of intended
14 action under Code chapter 17A. The division directs the
15 department of human services to seek any federal waiver
16 necessary to implement the approved recommendations. The
17 strategies to be considered for recommendation by the
18 commission are to include, at a minimum, development of a
19 preferred drug formulary in compliance with federal law,
20 negotiation of supplemental rebates from pharmaceutical
21 manufacturers in addition to those rebates provided under the
22 Medicaid program, disease management programs, drug product
23 donation programs, drug utilization control programs,
24 prescriber and beneficiary counseling and education, fraud and
25 abuse initiatives, pharmaceutical case management, services or
26 administrative investments with guaranteed savings to the
27 medical assistance program, expansion of prior authorization
28 for prescription drugs and pharmaceutical case management
29 under the medical assistance program, and any other strategy
30 that has been approved by the United States department of
31 health and human services regarding prescription drugs under
32 the medical assistance program. The division provides
33 transition provisions, emergency rulemaking provisions, and
34 takes effect upon enactment.

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