

**CHAPTER 1075**  
**STATE CLAIMS PROCEDURES**  
*S.F. 2367*

**AN ACT** providing for the payment of outdated invoices by the agency to which the goods or services were provided, and by the department of revenue and finance, and providing an effective date.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 25.1, Code 1995, is amended to read as follows:

25.1 RECEIPT, INVESTIGATION, AND REPORT.

1. When a claim is filed or made against the state, on which in the judgment of the director of the department of management the state would be liable except for the fact of its sovereignty or ~~which that it~~ has no appropriation available for its payment, the director of the department of management shall deliver that claim to the state appeal board.

2. The state appeal board shall make a record of the receipt of ~~that claim and forthwith deliver it~~ claims received from the director of the department of management, notify the special assistant attorney general for claims, and deliver a copy to the state official or agency against whom the claim is made, if any.

a. The official or agency shall report its recommendations concerning the claim to the special assistant attorney general for claims who ~~shall~~, with a view to determining the merits and legality of it, fully the claim, shall investigate the claim, ~~including the facts upon which it is based and report in duplicate~~ the findings and conclusions of law the investigation to the state appeal board.

b. To help defray the initial costs of processing a claim and the costs of investigating a claim, the department of management may assess a processing fee and a fee to reimburse the office of the attorney general for the costs of the claim investigation against the state agency which incurred the liability of the claim.

3. Notwithstanding subsections 1 and 2 and section 25.2, the following claims shall be submitted by the person filing the claim directly to the agency against whom the claim is made for resolution according to section 25.2, subsection 2:

a. Outdated invoices, outdated bills for merchandise, or claims for services furnished to the state, for goods or services provided in the same fiscal year that the claim is filed.

b. Outdated invoices, outdated bills for merchandise, or claims for services furnished to the state, for goods or services provided in any prior fiscal year, for which funding would have been available to pay the claim if it had been filed before the close of the fiscal year.

Claims submitted under this section may be approved by the agency in accordance with section 25.2, subsection 2, except that payment for claims for which the appropriation has reverted to the general fund of the state must be paid in accordance with section 25.2, subsection 3.

Sec. 2. Section 25.2, Code Supplement 1995, is amended to read as follows:

25.2 EXAMINATION OF REPORT - APPROVAL OR REJECTION - PAYMENT.

1. The state appeal board with the recommendation of the special assistant attorney general for claims may approve or reject claims against the state of less than ten years ~~covering~~ involving the following: ~~outdated~~

a. Outdated warrants; ~~outdated.~~

b. Outdated sales and use tax refunds; ~~license.~~

c. License refunds; ~~additional.~~

d. Additional agricultural land tax credits; ~~outdated.~~

e. Outdated invoices; ~~fuel.~~

f. Fuel and gas tax refunds; ~~outdated.~~

g. Outdated homestead and veterans' exemptions; ~~outdated.~~

h. Outdated funeral service claims; ~~tractor.~~

- i. Tractor fees; registration.
  - j. Registration permits; outdated.
  - k. Outdated bills for merchandise; services.
  - l. Services furnished to the state; claims.
  - m. Claims by any county or county official relating to the personal property tax credit; and refunds.
  - n. Refunds of fees collected by the state.
2. Notwithstanding subsection 1, an agency that receives a claim based on an outdated invoice, outdated bill for merchandise, or for services furnished to the state pursuant to section 25.1, subsection 3, may on its own approve or deny the claim. The agency shall provide the state appeal board with notification of receipt of the claim and action taken on the claim by the agency. The state appeal board shall adopt rules setting forth the procedures and standards for resolution of claims by state agencies. Claims denied by an agency shall be forwarded to the state appeal board by the agency for further consideration, in accordance with this chapter.
3. Payments authorized by the state appeal board shall be paid from the appropriation or fund of original certification of the claim. However, if that appropriation or fund has since reverted under section 8.33 then such payment authorized by the state appeal board shall be out of any money in the state treasury not otherwise appropriated.
4. Notwithstanding the provisions of this section, the director of revenue and finance may reissue outdated warrants.
5. On or before November 1 of each year, the director of revenue and finance shall provide the treasurer of state with a report of all unpaid warrants which have been outdated for two years or more. The treasurer shall include information regarding outdated warrants in the notice published pursuant to section 556.12. The provisions of section 556.11 regarding agreements to pay compensation for recovery or assistance in recovery of unclaimed property are applicable to agreements to pay compensation to recover or assist in the recovery of outdated warrants.

Sec. 3. Section 421.38, subsection 1, Code 1995, is amended to read as follows:

1. a. THREE MONTHS TIME AND FUNDING LIMIT. A claim shall not be allowed by the department of revenue and finance if the either of the following has occurred:
- (1) The claim is presented after the lapse of three months from its accrual. However, this
  - (2) The appropriation or fund of certification available for paying the claim has been exhausted or proves insufficient.
- b. The time limit limitation set forth in paragraph "a", subparagraph (1), is subject to the following exceptions:
- a- (1) Claims by state employees for benefits pursuant to chapters 85, 85A, and 86 are subject to limitations provided in those chapters.
  - b- (2) Claims for medical assistance payments authorized under chapter 249A are subject to the time limits imposed by rule adopted by the department.
  - (3) Claims approved by an agency according to the provisions of sections 25.1 and 25.2.

Sec. 4. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 8, 1996

**CHAPTER 1076****ANATOMICAL GIFT PUBLIC AWARENESS AND TRANSPLANTATION****S.F. 2110**

**AN ACT** relating to the establishment of an anatomical gift public awareness and transplantation fund to be administered by and an anatomical gift public awareness advisory committee to be established within the Iowa department of public health.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. NEW SECTION. 142C.15 ANATOMICAL GIFT PUBLIC AWARENESS AND TRANSPLANTATION FUND – ESTABLISHED – USES OF FUND.

1. a. An anatomical gift public awareness and transplantation fund is created as a separate fund in the state treasury under the control of the Iowa department of public health. The fund shall consist of moneys remitted by the county treasurer of a county or by the department of transportation which were collected through the payment of a contribution made by an applicant for registration of a motor vehicle pursuant to section 321.44A and any other contributions to the fund.

b. The moneys collected under this section and deposited in the fund are appropriated to the Iowa department of public health for the purposes specified in this section. Moneys in the fund shall not be subject to appropriation or expenditure for any other purpose.

c. The treasurer of state shall act as custodian of the fund and shall disburse amounts contained in the fund as directed by the department. The treasurer of state may invest the moneys deposited in the fund. The income from any investment shall be credited to and deposited in the fund. Notwithstanding section 8.33, moneys in the fund are not subject to reversion to the general fund of the state. The fund shall be administered by the department which shall make expenditures from the fund consistent with the purposes of this section.

d. The Iowa department of public health may use not more than five percent of the moneys in the fund for administrative costs. The remaining moneys in the fund may be expended through grants to any of the following persons, subject to the following conditions:

(1) Not more than twenty percent of the moneys in the fund annually may be expended in the form of grants to state agencies or to nonprofit legal entities with an interest in anatomical gift public awareness and transplantation. Grants shall be made based upon the submission of a grant application by an agency or entity to conduct a public awareness project.

(2) Not more than thirty percent of the moneys in the fund annually may be expended in the form of grants to hospitals for reimbursement for costs directly related to the development of in-hospital anatomical gift public awareness projects, anatomical gift referral protocols, and associated administrative expenses. As a condition of receiving a grant, a hospital shall demonstrate, through documentation, that the hospital, during the previous calendar year, properly complied with in-hospital anatomical gift request protocols for at least eighty percent of all deaths occurring in the hospital.

(3) Not more than fifty percent of the moneys in the fund annually may be expended in the form of grants to hospitals which perform heart, lung, liver, pancreas, or kidney transplants. As a condition of receiving a grant, a hospital shall demonstrate, through documentation, that the hospital, during the previous calendar year, properly complied with in-hospital anatomical gift request protocols for at least eighty percent of all deaths occurring in the hospital. The hospital shall submit an application on behalf of a patient requiring a transplant in the amount of the costs associated with the following, if funds are not available from any other third-party payor:

(a) The costs of the organ transplantation procedure.