

I am unable to approve the designated portion of section 29, subsection 2. This item would prohibit a state institution with excess capacity from entering into a contract to provide services to a county under an approved county management plan. The opportunity to contract with a state institution should remain as an option available to counties operating as their own managed care providers.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 715 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD, Governor

CHAPTER 209
SUPPLEMENTAL AND OTHER APPROPRIATIONS
AND MISCELLANEOUS PROVISIONS
S.F. 542

AN ACT relating to and making supplemental and other appropriations for the fiscal year beginning July 1, 1996, and subsequent fiscal years, reestablishing a domestic abuse services income tax checkoff, including retroactive applicability provisions, and providing effective dates.

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

DIVISION I

Section 1. DEPARTMENT OF GENERAL SERVICES. There is appropriated from the general fund of the state to the department of general services for the fiscal year beginning July 1, 1996, and ending June 30, 1997, to supplement the appropriations made in 1996 Iowa Acts, chapter 1211, section 5, subsection 6, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For utility costs:
..... \$ 234,591

Sec. 2. DEPARTMENT OF GENERAL SERVICES — CENTURY DATE CHANGE. There is appropriated from the general fund of the state to the department of general services for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For state acquisition in accordance with the competitive bidding requirements of this section and as a condition of the appropriation made in this subsection of new information technology hardware and software which already includes the century date change programming and which achieves additional purposes in replacing state hardware and software for which the century date change programming is required:

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

Moneys appropriated in this subsection shall be used for the purpose designated and notwithstanding section 8.39 are not subject to transfer or use for any other purpose.

2. For the costs of century date change programming in existing state information technology software when state acquisition of new information technology hardware and software which already includes the century date change programming and which achieves

additional purposes to incorporate the century date change, is not cost effective, provided the programming is acquired in accordance with the competitive bidding requirements of this section and as a condition of the appropriation made in this subsection:

..... \$ 3,000,000

Moneys appropriated in this subsection shall be used for the purpose designated and notwithstanding section 8.39 are not subject to transfer or use except for the purposes of additional acquisitions under subsection 1.

The department shall not enter into a contract or any other obligation for the purpose of addressing the need for century date programming which would require the need for funding in excess of the amount appropriated in this section. The department shall utilize, to the greatest extent possible, students and other knowledgeable persons connected with Iowa's colleges and universities in developing or acquiring hardware, software, and programming funded under this section. Otherwise, any acquisition for the purposes described in this section is subject to competitive bidding requirements in rule adopted under law and in accordance with the requirements of this section. In order to maintain maximum open and free competition among bidders, an eligible bidder shall have been organized or doing business prior to January 1, 1997. In addition, an eligible bidder shall not have a relationship with the state for assessment of bids or for preparation of a request for proposals under this section. A bidder with an actual or organizational conflict of interest shall be disqualified. A bidder shall be considered to have a conflict of interest if the organization, or a parent, subsidiary, or affiliated organization, of which the bidder is a shareholder, partner, limited partner, or member, has a conflict of interest. A bidder shall provide assurances of compliance with the requirements of this paragraph at the time of submitting a bid or proposal for any acquisition for the purposes described in this section.

Notwithstanding section 8.33, moneys appropriated in this section which remain unexpended or unencumbered at the close of the fiscal year shall not revert to the general fund of the state but shall remain available to be used for the purposes designated until the close of the fiscal year beginning July 1, 1999.

Sec. 3. SOCIAL SERVICES BLOCK GRANT — APPROPRIATION. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1996, and ending June 30, 1997, to supplement the appropriation and allocation made in 1996 Iowa Acts, chapter 1210, section 10, subsection 3, paragraph "g", the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For MH/MR/DD/BI community service (local purchase) to be distributed and used in accordance with 1996 Iowa Acts, chapter 1213, section 19, subsection 6:

..... \$ 194,057

Sec. 4. SOCIAL SERVICES BLOCK GRANT — TRANSFER. It is the intent of the general assembly that the department of human services transfer not more than \$2,186,995 from the appropriation to the department in 1996 Iowa Acts, chapter 1213, section 3, for the fiscal year beginning July 1, 1996, and ending June 30, 1997, to supplement the federal social services block grant appropriation in 1996 Iowa Acts, chapter 1210, section 10, for distribution among the allocations in that block grant appropriation as follows:

a. General administration:

..... \$ 309,399

b. Field operations:

..... \$ 1,617,370

c. Child and family services:

..... \$ 214,578

d. Child care assistance:

..... \$ 41,736

e. Volunteers:

..... \$ 3,912

For purposes of section 8.62, moneys transferred under this section shall not be considered transferred pursuant to section 8.39 and the transferred moneys which remain unexpended or unencumbered at the close of the fiscal year may be encumbered and used by the department of human services as provided in section 8.62.

Sec. 5. DEPARTMENT OF INSPECTIONS AND APPEALS. There is appropriated from the general fund of the state to the department of inspections and appeals for the fiscal year beginning July 1, 1996, and ending June 30, 1997, to supplement the appropriations made in 1996 Iowa Acts, chapter 1211, section 9, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For regulation of pari-mutuel racetrack operations:
..... \$ 98,695

Sec. 6. DEPARTMENT OF NATURAL RESOURCES — BROWNFIELDS. There is appropriated from the general fund of the state to the department of natural resources for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For support of the land recycling program and the technical advisory committee established in 1997 Iowa Acts, Senate File 528, if enacted by the Seventy-seventh General Assembly, 1997 Session:*

..... \$ 65,000

Moneys appropriated in this section which remain unexpended or unencumbered at the close of the fiscal year shall not revert to the general fund of the state but shall remain available for expenditure in the succeeding fiscal year.

Sec. 7. SNOW DISASTER EMERGENCY GRANTS TO COUNTIES. There is appropriated from the general fund of the state to the department of public defense for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For distribution by the emergency management division to assist those counties proclaimed by the governor to be in a state of disaster emergency as the result of a severe winter storm:

..... \$ 100,000

Funding distributed to a county eligible for assistance under this section shall not exceed the amount the county expended in excess of the county's approved budget amount for snow removal. If the total amount of excess expenditures by all counties eligible for assistance exceeds the amount appropriated, the amounts distributed shall be prorated based upon a county's share of the total amount of excess expenditures by all counties. If the total amount of excess expenditures is less than the amount appropriated, the remainder of the appropriation shall revert to the general fund of the state.

Sec. 8. DEPARTMENT OF PUBLIC SAFETY. There is appropriated from the general fund of the state to the department of public safety for the fiscal year beginning July 1, 1996, and ending June 30, 1997, to supplement the appropriations made in 1996 Iowa Acts, chapter 1216, section 21, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For riverboat enforcement due to expanded operational hours:
..... \$ 71,114

Sec. 9. STATE BOARD OF REGENTS. There is appropriated from the general fund of the state to the state board of regents for the fiscal year beginning July 1, 1996, and ending June 30, 1997, to supplement the appropriations made in 1996 Iowa Acts, chapter 1215, section 12, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For salaries:
..... \$ 2,325,940

* Chapter 127 herein

DIVISION II

Sec. 10. EXCESS LOTTERY REVENUES — FY 1994-1995. Of the lottery revenues received during the fiscal year beginning July 1, 1994, which remain in the lottery fund following transfers made pursuant to 1995 Iowa Acts, chapter 220, section 16, and 1996 Iowa Acts, chapter 1219, section 14, the following amounts are appropriated, on the condition that each appropriation made in this section is contingent on all other appropriations made in this section and that any veto of a single appropriation in this section shall constitute a veto of all appropriations in this section, for use during the fiscal year beginning July 1, 1996, and ending June 30, 1997, to be used for the purposes designated:

1. To the state board of regents for Iowa state university of science and technology for support of Iowa's participation in the funding of the world food prize:

..... \$ 300,000

2. To the department of cultural affairs for a grant to be combined with local match funding of two dollars for every one state dollar to be used for costs associated with establishment of the Iowa fire fighters memorial:

..... \$ 50,000

3. To the department of general services for construction of a World War II veterans memorial:

..... \$ 50,000

4. To the department of education for purposes of the educational excellence commission:

..... \$ 250,000

5. To the department of commerce for the insurance division for the community health management information system:

..... \$ 200,000

Notwithstanding section 144C.8, subsection 1, the implementation of phase I of the system may be delayed until July 1, 1998. The funds appropriated in this subsection shall be distributed to the system for the collection of data necessary to implement section 144C.8, subsection 1, and the data collected shall be verified for accuracy. It is the intent of the general assembly that no additional appropriation will be made for purposes of the community health management information system.

6. To the department of human services for administration of a telemedicine services pilot project under the medical assistance program:

..... \$ 60,000

The department shall utilize the moneys appropriated in this subsection for administration of a telemedicine pilot project and for medical assistance payment for teleconsultive services to eligible providers who are participating in a federally funded telemedicine program. The department shall evaluate the pilot project and report on savings realized through the use of teleconsultive services under the medical assistance program. The department shall adopt emergency rules under section 17A.4, subsection 2, and section 17A.5, subsection 2, paragraph "b", to implement the provisions of this subsection and the rules shall become effective immediately upon filing unless the effective date is delayed by the administrative rules review committee, notwithstanding section 17A.4, subsection 5, and section 17A.8, subsection 9, or a later date is specified in the rules. Any rules adopted in accordance with this subsection shall not take effect before the rules are reviewed by the administrative rules review committee. Any rules adopted in accordance with this section shall also be published as a notice of intended action as provided in section 17A.4.

7. To the Iowa department of public health for implementation of the provisions of 1997 Iowa Acts, Senate File 128:*

..... \$ 40,000

8. To the department of human services to be used for implementation of child support enforcement changes necessitated by federal welfare reform legislation, provided that none of the moneys shall be used to fill new full-time equivalent positions:

..... \$ 300,000

* Chapter 172 herein

9. To the commission of veterans affairs to be used for CD-ROM conversion:
 \$ 229,317

Notwithstanding section 8.33, moneys appropriated in this subsection shall not revert at the close of the fiscal year but shall remain available for the purpose designated until the close of the fiscal year beginning July 1, 1999.

10. To the department of natural resources for allocation to the United States department of agriculture, animal and plant health inspection service, to be used for animal damage control in this state:
 \$ 50,000

11. To the department of education to develop an initiative to improve access to education through distance learning in postsecondary institutions:
 \$ 50,000

Notwithstanding section 8.33, unless otherwise provided in this section, moneys appropriated in this section which remain unobligated or unexpended for the purpose designated shall revert at the close of the fiscal year beginning July 1, 1997, and ending June 30, 1998.

Sec. 11. FISCAL YEAR 1997-1998 LOTTERY TRANSFER. Notwithstanding the requirement in section 99E.10, subsection 1, to transfer lottery revenue remaining after expenses are deducted, notwithstanding the requirement under section 99E.20, subsection 2, for the commissioner to certify and transfer a portion of the lottery fund to the CLEAN fund, and notwithstanding the appropriations and allocations in section 99E.34, all lottery revenues received during the fiscal year beginning July 1, 1997, and ending June 30, 1998, after deductions as provided in section 99E.10, subsection 1, and as appropriated under any Act of the Seventy-seventh General Assembly, 1997 Session, shall not be transferred to and deposited into the CLEAN fund but shall be transferred and credited to the general fund of the state.

DIVISION III

Sec. 12. NEW SECTION. 236.15B INCOME TAX CHECKOFF FOR DOMESTIC ABUSE SERVICES.

A person who files an individual or a joint income tax return with the department of revenue and finance under section 422.13 may designate any amount to be paid to the general fund of the state and used for the purposes of providing emergency shelter services, support services, and other services to victims of domestic abuse or sexual assault. If the refund due on the return or the payment remitted with the return is insufficient to pay the additional amount designated by the taxpayer to be used for the purposes of providing services to victims of domestic abuse or sexual assault, the amount designated shall be reduced to the remaining amount of refund or the remaining amount remitted with the return.

It is the intent of the general assembly that the funds generated from the checkoff be appropriated and used for the purposes of providing services to victims of domestic abuse or sexual assault.

The director of revenue and finance shall draft the income tax form to allow the designation of contributions to be used for the purposes of providing services to victims of domestic abuse or sexual assault on the tax return.

The department of revenue and finance on or before January 31 of the calendar year following the calendar year in which the tax returns were filed shall certify the total amount designated on the tax return forms due in the preceding calendar year and shall report the amount to the treasurer of state.

The department of revenue and finance shall consult the crime victim assistance board concerning the adoption of rules to implement this section. However, before a checkoff pursuant to this section shall be permitted, all liabilities on the books of the department of revenue and finance and accounts identified as owing under section 421.17 and the political contribution allowed under section 56.18 shall be satisfied.

Sec. 13. Section 236.15A, Code 1997, is repealed.

Sec. 14. APPROPRIATION. There is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

To fund domestic abuse and sexual assault grants administered by the crime victim assistance division of the department of justice for the purposes of providing emergency shelter services, support services, and other services to victims of domestic abuse or sexual assault:
 \$ 75,000

Notwithstanding section 8.33, moneys appropriated in this section shall not revert but shall remain available for the purposes designated until the close of the fiscal year ending June 30, 1999.

Sec. 15. RETROACTIVE APPLICABILITY. Section 12 of this division of this Act applies retroactively to January 1, 1997, for tax years beginning on or after that date. Section 13 of this division of this Act applies retroactively to January 1, 1996, for tax years beginning on or after that date.

DIVISION IV

Sec. 16. VALUE-ADDED PRODUCTION ASSISTANCE.

1. It is the intent of the general assembly to support the creation of an ag-initiative 2000 subaccount in the community economic betterment program account as provided in and for the purposes stated in the Senate amendment, H-1975, to House File 731.* As evidence of this support, the general assembly directs the department of economic development to use resources under existing financial assistance programs to support the organization of innovative ownership and management entities involving valued-added agricultural processes. The department shall explore all capital assistance opportunities and may consider proposals from and negotiate with potential entities.

2. The legislative council shall create a four-member task force consisting of one senator of each party and one representative of each party designated by their respective leadership which shall assist the department of economic development and the office of the governor in any negotiations.

3. Proposals developed in conjunction with the department, the governor, and the task force for providing capital incentives or capital assistance presently not available shall be presented to the general assembly for its approval.

4. The department of economic development shall report to the task force and the office of the governor on its activities pursuant to this section.

DIVISION V

Sec. 17. Section 279.51, subsection 1, unnumbered paragraph 1, Code 1997, is amended to read as follows:

There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, ~~1996~~ 1997, and each succeeding fiscal year, the sum of ~~fourteen fifteen~~ million ~~five one~~ hundred ~~twenty seventy~~ thousand dollars.

Sec. 18. Section 279.51, subsection 1, paragraph b, Code 1997, is amended to read as follows:

b. For the fiscal year beginning July 1, ~~1996~~ 1997, and for each succeeding fiscal year, ~~seven eight~~ million ~~six three~~ hundred ~~seventy twenty~~ thousand dollars of the funds appropriated shall be allocated to the child development coordinating council established in chapter 256A for the purposes set out in subsection 2 of this section and section 256A.3.

* House File 731 not enacted

DIVISION VI

Sec. 19. NEW SECTION. 12C.26 TOBACCO SETTLEMENT FUND.

A tobacco settlement fund is created in the office of the treasurer of state. After payment of litigation costs, the state portion of any moneys paid to the state by tobacco companies in settlement of the state's lawsuit for recovery of public expenditures associated with tobacco use shall be deposited in the tobacco settlement fund. Moneys deposited in the fund shall be used only as provided in appropriations from the fund to the department of human services for the medical assistance program and to the Iowa department of public health for programs to reduce smoking by teenage youth. For purposes of this section, "litigation costs" are those costs itemized by the attorney general and submitted to and approved by the general assembly.

Sec. 20. 1997 Iowa Acts, House File 715, section 9, subsection 3, unnumbered paragraph 1, if enacted,* is amended to read as follows:

For the purposes of this subsection, the term "poverty level" means the poverty level defined by the poverty income guidelines published by the United States department of health and human services. Effective ~~October~~ **July 1, 1997**, the department shall increase to 125 percent the maximum federal poverty level used to determine eligibility for state child care assistance. Based upon the availability of the funding provided in subsection 2 the department shall establish waiting lists for state child care assistance in descending order of prioritization as follows:

Sec. 21. 1997 Iowa Acts, Senate File 131, section 1, amending section 239.14, if enacted, is repealed.**

Sec. 22. 1997 Iowa Acts, Senate File 131, section 2, amending section 239.17, if enacted, is repealed.**

DIVISION VII

Sec. 23. BUDGETING FOR RESULTS.

1. For the purposes of this section, unless the context otherwise requires, the term "budgeting for results" for a department or establishment as defined in chapter 8 means the budgeting process which includes steps for identifying and measuring desired results by use of results-oriented performance measures. Under budgeting for results the performance measures are developed by a department or establishment in collaboration with the department of management and the legislative fiscal bureau for a program administered by the department or establishment.

2. If a new program commences on or after July 1, 1997, under a department or establishment or the source of funding for a program administered by a department or establishment is changed by law from the source of funding used in the previous fiscal year, the program may be included in budgeting for results for the fiscal years beginning July 1, 1997, and July 1, 1998.

3. It is the intent of the general assembly to consider requiring that all programs administered by departments and establishments will be included in budgeting for results.

4. The departments and establishments utilizing budgeting for results, shall collect data as determined by the department of management in collaboration with the legislative fiscal bureau, for use in evaluating the programs included in budgeting for results. The data shall measure the effectiveness of a program in achieving the stated desired results. Analysis of the data and evaluations of the effectiveness of a program in achieving the desired results shall be submitted by the departments and establishments to the governor and general assembly for use in making budgetary and policy decisions.

* Chapter 208 herein

** Chapter 56 herein

DIVISION VIII

Sec. 24. NEW SECTION. 692.2A CRIMINAL HISTORY DATA CHECK PREPAYMENT FUND.

1. A criminal history data check prepayment fund is created in the state treasury under the control of the department for the purpose of allowing any nonlaw enforcement agency or person to deposit moneys as an advance on fees required to conduct criminal history data checks as provided in section 692.2.

2. The department shall adopt rules governing the fund, including the crediting of deposits made to the fund. Prepaid fees deposited in the fund are appropriated to the department for use as provided in section 692.2.

3. Interest or earnings on moneys deposited in the fund shall not be credited to the fund or to the agency or person who deposited the money but shall be deposited in the general fund of the state as provided in section 12C.7. Notwithstanding section 8.33, moneys remaining in the criminal history data check prepayment fund at the end of a fiscal year shall not revert to the general fund of the state.

Sec. 25. DIRECTOR OF DEPARTMENT OF COMMERCE. Notwithstanding section 546.2, subsection 2, the governor may reappoint the commissioner of insurance to be the director of the department of commerce for a second year beginning July 1, 1997.

Sec. 26. 1996 Iowa Acts, chapter 1218, section 10, unnumbered paragraph 3, is amended to read as follows:

Of the appropriation in this section, \$50,000 shall be used for costs associated with the renovation and repair of the Allison monument located on the state capitol complex. An effort shall be made by the department of education to match this appropriation from the citizens and the school children of Iowa as occurred when the monument was initially built.

Sec. 27. HOUSE FILE 453 — EFFECTIVE DATE. 1997 Iowa Acts, House File 453, if enacted,* being deemed of immediate importance, takes effect upon enactment of this Act.

Sec. 28. FEDERAL WELFARE REFORM COMPLIANCE — CHILD SUPPORT ENFORCEMENT. For the fiscal year beginning July 1, 1996, and ending June 30, 1997, after \$36,370,000 of child support revenue has been collected by the department of human services and deposited in the family investment program account established in section 239B.11, notwithstanding section 8.33, not more than \$1,000,000 of the remaining child support revenue collected and deposited in the account which remains unobligated or unexpended at the close of the fiscal year ending June 30, 1996,** shall not revert to the general fund of the state, but shall remain available and is appropriated to the department for use in the succeeding fiscal year for the purpose of implementing child support enforcement changes necessitated by federal welfare reform legislation.

Sec. 29. EFFECTIVE DATE. Section 28 of this division of this Act, relating to federal welfare reform compliance, being deemed of immediate importance, takes effect upon enactment.

DIVISION IX

Sec. 30. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 23, 1997

* Chapter 161 herein

** June 30, 1997, probably intended