

**CHAPTER 1221**

**APPROPRIATIONS — HEALTH AND HUMAN RIGHTS**

*S.F. 2280*

**AN ACT** relating to and making appropriations to the department for the blind, the Iowa state civil rights commission, the department of elder affairs, the Iowa department of public health, the department of human rights, the governor’s alliance on substance abuse, and the commission of veterans affairs, and providing effective dates.

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

Section 1. DEPARTMENT FOR THE BLIND. There is appropriated from the general fund of the state to the department for the blind for the fiscal year beginning July 1, 1998, and ending June 30, 1999, 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:

.....	\$	1,579,592
.....	FTEs	97.50

Of the full-time equivalent positions appropriated for in this section, 2.50 FTEs relate to the transition of personnel services contractors to FTEs. The merit system provisions of chapter 19A and the provisions of the state or union collective bargaining agreements shall not govern movement into these FTE positions until September 1, 1998. This provision relating to the transition of personnel services contractors shall apply to the period beginning July 1, 1998, and ending September 1, 1998.

Sec. 2. CIVIL RIGHTS COMMISSION. There is appropriated from the general fund of the state to the Iowa state civil rights commission for the fiscal year beginning July 1, 1998, and ending June 30, 1999, 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:

.....	\$	1,154,368
.....	FTEs	38.50

Two of the FTEs appropriated for in this section relate to the transition of personnel services contractors to FTEs. The merit system provisions of chapter 19A and the provisions of the state or union collective bargaining agreements shall not govern movement into these FTE positions until September 1, 1998. This provision relating to the transition of personnel services contractors shall apply to the period beginning July 1, 1998, and ending September 1, 1998.

If the anticipated amount of federal funding from the federal equal employment opportunity commission and the federal department of housing and urban development exceeds \$645,000 during the fiscal year beginning July 1, 1998, the Iowa state civil rights commission may exceed the staffing level authorized in this section to hire additional staff to process or to support the processing of employment and housing complaints during that fiscal year.

Sec. 3. DEPARTMENT OF ELDER AFFAIRS. There is appropriated from the general fund of the state to the department of elder affairs for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

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

.....	\$	543,284
.....	FTEs	28.00

2. For aging programs and services:

..... \$ 4,215,598

a. All funds appropriated in this subsection shall be received and disbursed by the director of elder affairs for aging programs and services. These funds shall not be used by the department for administrative purposes, and not more than \$151,654 shall be used for area agencies on aging administrative purposes, and shall be used for citizens of Iowa over 60 years of age for case management for the frail elderly, mental health outreach, Alzheimer's support, retired senior volunteer program, care review committee coordination, employment, adult day care, respite care, chore services, telephone reassurance, information and assistance, and home repair services, including the winterizing of homes, and for the construction of entrance ramps which make residences accessible to the physically handicapped.

b. Funds appropriated in this subsection may be used to supplement federal funds under federal regulations. To receive funds appropriated in this subsection, a local area agency on aging shall match the funds with moneys from other sources according to rules adopted by the department. Funds appropriated in this subsection may be used for elderly services not specifically enumerated in this subsection only if approved by an area agency on aging for provision of the service within the area.

c. It is the intent of the general assembly that the Iowa chapters of the Alzheimer's association and the case management program for frail elders shall collaborate and cooperate fully to assist families in maintaining family members with Alzheimer's disease in the community for the longest period of time possible.

d. The department shall maintain policies and procedures regarding Alzheimer's support and the retired senior volunteer program.

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

Sec. 4. GOVERNOR'S ALLIANCE ON SUBSTANCE ABUSE. There is appropriated from the general fund of the state to the governor's alliance on substance abuse for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

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

..... \$ 414,888  
..... FTEs 10.00

2. For the Iowa substance abuse clearinghouse in Cedar Rapids for staff, materials, and operating expenses:

..... \$ 32,894

Sec. 5. DEPARTMENT OF PUBLIC HEALTH. There is appropriated from the general fund of the state to the Iowa department of public health for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. a. PLANNING AND ADMINISTRATION DIVISION

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

.....	\$	1,948,346
.....	FTEs	53.50

(1) Of the funds appropriated in this lettered paragraph, \$738,185 shall be used for the chronic renal disease program. The types of assistance available to eligible recipients under the program may include insurance premiums, travel reimbursement, and prescription and nonprescription drugs. The program expenditures shall not exceed this allocation. If projected expenditures will exceed the allocation, the department shall establish by administrative rule a mechanism to reduce financial assistance under the renal disease program in order to keep expenditures within the amounts allocated.

(2) Hospitals shall not collect fees for birth certificates in excess of the amounts as set out in the administrative rules of the Iowa department of public health.

(3) Of the funds appropriated in this lettered paragraph, \$118,055 shall be used to provide regulatory oversight of accountable health plans.

(4) Of the funds appropriated in this lettered paragraph, \$46,658 shall be used for the purchase, verification, updating, and storage of health data information.

(5) The department shall compile, correlate, and disseminate data from health care providers, the state medical assistance program, third-party payors, associations, and other appropriate sources in furtherance of the purpose and intent of this appropriation.

(6) The department shall request and receive information from other state agencies similar to that required of third-party payors for the purpose of dissemination of health data. The department may enter into agreements for studies on health-related questions and provide or make data available to health care providers, health care subscribers, third-party payors, and the general public. The department may purchase data for the purpose of dissemination of health data information. The department shall assure the confidentiality of the data collected from other state agencies, hospitals, and third-party payors under chapter 22. The compilation of data information prepared for release or dissemination from the data collected shall be a public record. The department shall adopt administrative rules to address a contracting process, define confidential information, set fees to be charged for data, and prescribe the forms upon which the information is to be made available.

**b. PROFESSIONAL LICENSURE**

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

.....	\$	1,108,819
.....	FTEs	16.00

The director of public health, when estimating expenditure requirements for the boards funded under this paragraph, shall base the budget on 85 percent of the average annual fees generated for the previous two fiscal years. The department shall confer with the boards funded under this paragraph in estimating the boards' annual fee generation and administrative costs. When the department develops each board's annual budget, a board's budget shall not exceed 85 percent of fees collected, based on the average of the previous two fiscal years. The department may expend funds in addition to amounts budgeted, if those additional expenditures are directly the result of a scope of practice review committee or unanticipated litigation costs arising from the discharge of the board's regulatory duties. Before the department expends or encumbers funds for a scope of practice review committee or an amount in excess of the funds budgeted for a board, the director of the department of management shall approve the expenditure or encumbrance. The amounts necessary to fund the unanticipated litigation in the fiscal year beginning July 1, 1998, shall not exceed 5 percent of the average annual fees generated by the boards for the previous two fiscal years.

**c. EMERGENCY MEDICAL SYSTEMS**

For salaries, support, maintenance, and emergency medical services training of emergency medical services (EMS) personnel at the state, county, and local levels, and for not more than the following full-time equivalent positions:

.....	\$	1,039,914
.....	FTEs	14.00

If a person in the course of responding to an emergency renders aid to an injured person and becomes exposed to bodily fluids of the injured person, that emergency responder shall be entitled to hepatitis testing and immunization in accordance with the latest available medical technology to determine if infection with hepatitis has occurred. The person shall be entitled to reimbursement from the EMS funds available under this lettered paragraph only if the reimbursement is not available through any employer or third-party payor.

2. HEALTH PROTECTION DIVISION

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

.....	\$	2,354,751
.....	FTEs	77.00

b. Of the funds appropriated in this subsection, \$75,000 shall be used for chlamydia testing.

c. Of the funds appropriated in this subsection, \$39,547 shall be used for the lead abatement program.

d. Of the funds appropriated in this subsection, \$100,000 shall be allocated to and used by local boards of health to ensure that core public health functions are maintained and to support essential services in their communities.

e. The state university of Iowa hospitals and clinics shall not receive indirect costs from the funds appropriated in this subsection.

f. The division may retain fees collected from the certification of lead inspectors and lead abaters pursuant to section 135.105A to support the certification program.

g. The department shall establish a task force to evaluate current infectious disease laws in the state and the extent to which they provide, or fail to provide, a framework and foundation for promoting public health. The task force shall conduct an evaluation of the effectiveness of the infectious disease laws, with the goal of making recommendations for a comprehensive communicable disease statute intended to improve local and state department of public health responsiveness to needs for infectious disease prevention, treatment, and education.

The task force shall be organized and administered by the Iowa department of public health, and shall be comprised of representatives from the department, directors or representatives of county health departments or boards, faculty members at the state university of Iowa and the university of osteopathic medicine and surgery who instruct or conduct research in the area of infectious disease and public health, physicians specializing in the identification and treatment of infectious disease, members of the general public, and additional members as determined to be appropriate by the department. Four members of the general assembly, one each from the majority and minority parties, respectively, of each house of the general assembly, shall be designated by the division to serve as nonvoting ex officio members. The ex officio members shall receive per diem and expenses pursuant to section 2.12. Based on the recommendations of the task force, the department shall submit a report for the proposed contents of a comprehensive communicable disease statute to the governor and general assembly by January 1, 2000.

h. The director of public health shall designate, as a state poison center, any medical center in the state which is operating a poison center on or before July 1, 1998. The state poison center shall provide poison information, telephone management advice and consultation, conduct hazard surveillance to achieve hazard elimination, and provide professional and public education in poison prevention, diagnosis, and treatment, and shall provide any other services or functions necessary to be classified as a certified poison center. The director shall provide the necessary documentation of the state poison center designation to the poison center for certification by the American association of poison control centers or other certifying organization.

3. SUBSTANCE ABUSE AND HEALTH PROMOTION DIVISION

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

.....	\$	693,489
.....	FTEs	40.80

(1) The division shall continue to coordinate with substance abuse treatment and prevention providers regardless of funding source to assure the delivery of substance abuse treatment and prevention programs.

(2) The commission on substance abuse, in conjunction with the division, shall continue to coordinate the delivery of substance abuse services involving prevention, social and medical detoxification, and other treatment by medical and nonmedical providers to uninsured and court-ordered substance abuse patients in all counties of the state.

(3) The division shall establish an interagency work group to conduct an evaluation of the effectiveness of all existing federal and state funded substance abuse treatment and prevention programs in the state. Evaluation issues and components to be examined by the interagency work group shall include, but are not limited to, access to treatment; identification of all state and federal funds spent on treatment and prevention programs, including insurance plan components and employee assistance programs; substance abuse relapse rates; the reasons for different outcomes in different programs; costs of service delivery; the relationship of outcomes to cost offsets such as a decline in arrest rates and hospitalizations; review of managed care approaches and exemplary programs in other states; and the profiling of clients by the types of substances abused.

The interagency work group shall be comprised of representatives from the department of human services, the department of public health, the department of corrections, the governor's alliance on substance abuse, the state department of personnel, and the judicial department.

The department shall submit a report containing the recommendations of the interagency work group to the governor and the general assembly by January 1, 2000.

b. Of the funds appropriated in this subsection, \$15,000 is allocated to support the surveillance and reporting of disabilities suffered by persons engaged in agriculture resulting from diseases or injuries, including identifying the amount and severity of agriculture-related injuries and diseases in the state, identifying causal factors associated with agriculture-related injuries and diseases, and evaluating the effectiveness of intervention programs designed to reduce injuries and diseases. The department shall cooperate with the department of agriculture and land stewardship, Iowa state university of science and technology, and the college of medicine at the state university of Iowa in accomplishing these duties.

c. For program grants:

.....	\$	8,390,159
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(1) Of the funds appropriated in this lettered paragraph, \$193,500 shall be used for the provision of aftercare services for persons completing substance abuse treatment.

(2) Of the funds appropriated in this lettered paragraph, \$950,000 shall be used by the Iowa department of public health to continue the integrated substance abuse managed care system.

4. FAMILY AND COMMUNITY HEALTH DIVISION

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

.....	\$	3,538,535
.....	FTEs	70.50

(1) Of the funds appropriated in this lettered paragraph, at least \$587,865 shall be allocated by the division for the birth defects and genetics counseling program and of these funds, \$279,402 is allocated for regional genetic counseling services contracted from the state university of Iowa hospitals and clinics under the control of the state board of regents. The birth defects and genetic counseling service shall apply a sliding fee scale to determine the amount a person receiving the services is required to pay for the services. These fees shall be considered repayment receipts and used for the program.

(2) Of the funds appropriated in this lettered paragraph, the following amounts shall be allocated to the state university of Iowa hospitals and clinics under the control of the state

board of regents for the following programs under the Iowa specialized child health care services:

(a) Mobile and regional child health specialty clinics: \$ 392,931

The regional clinic located in Sioux City shall maintain a social worker component to assist the families of children participating in the clinic program.

Of the funds allocated in this subparagraph subdivision, \$97,937 shall be used for a specialized medical home care program providing care planning and coordination of community support services for children who require technical medical care in the home.

(b) Muscular dystrophy and related genetic disease programs: \$ 115,613

(c) Statewide perinatal program: \$ 61,693

The department, in consultation with the advisory committee for perinatal guidelines, shall develop and maintain the statewide perinatal program based on the recommendations of the American academy of pediatrics and the American college of obstetricians and gynecologists contained in the most recent edition of the "Guides for Perinatal Care", and shall adopt rules in accordance with chapter 17A to implement those recommendations. Hospitals within the state shall determine whether to participate in the statewide perinatal program, and select the hospital's level of participation in the program. A hospital having determined to participate in the program shall comply with the guidelines appropriate to the level of participation selected by the hospital.

(3) Of the funds appropriated in this lettered paragraph, \$1,105,461 shall be used for maternal and child health services.

(4) Of the funds appropriated in this lettered paragraph, \$165,391 shall be allocated for the office of rural health to provide technical assistance to rural areas in the area of health care delivery.

(5) Of the funds appropriated in this lettered paragraph, \$182,028 shall be used to develop, implement, and maintain rural health provider recruitment and retention efforts.

(6) The state university of Iowa hospitals and clinics shall not receive indirect costs from the funds allocated in this lettered paragraph.

(7) If during the fiscal year, the federal government incorporates the special supplemental nutrition program for women, infants, and children into a block grant, the department of human services, Iowa department of public health, or any other state agency which administers the block grant shall require a competitive bid process for infant formula purchased by or for families under the block grant.

(8) The Iowa department of public health shall administer the statewide maternal and child health program, conduct mobile and regional child health specialty clinics, and conduct other activities to improve the health of low-income women and children and to promote the welfare of children with actual or potential handicapping conditions and chronic illnesses in accordance with the requirements of Title V of the federal Social Security Act.

(9) The department shall continue efforts to realize the "Healthy Iowans 2000" goal of promoting prevention and health promotion to improve the quality\* of life of Iowans and to hold down health care costs.

(10) Of the funds appropriated in this lettered paragraph and allocated by the department to the Iowa child death review team established in section 135.43, \$5,000 shall be used to establish a domestic abuse death review team. The membership, authority, and operation of the domestic abuse death review team shall be patterned after the child death review team, with modifications specific to domestic abuse to be established by the department by rule. The department shall coordinate administrative costs between the child death review team and the domestic abuse death review team, and shall submit prefiled legislation in accordance with section 2.16 in advance of the convening of the 1999 Session of the general assembly for codifying the domestic abuse death review team provisions.

\* The word "quality" probably intended

b. Sudden infant death syndrome autopsies:

For reimbursing counties for expenses resulting from autopsies of suspected victims of sudden infant death syndrome required under section 331.802, subsection 3, paragraph "j":

..... \$ 9,675

c. For grants to the counties for public health nursing, home care aide/chore, and senior health programs:

..... \$ 11,683,924

The local board of health and local board of supervisors shall jointly determine which one shall be a contractor for these funds in a single contract beginning July 1, 1998. For those counties participating in a multi-county project, each local board of health and local board of supervisors of participating counties shall jointly agree upon the county that will serve as the contractor with the department. The department shall adopt administrative rules defining program direction, a formula used for distributing money, and program evaluation requirements for the three programs. The rules shall contain provisions encouraging local entities receiving moneys appropriated in this paragraph to collaborate and fully cooperate in providing health services, and shall be consistent with the requirements specified in 1997 Iowa Acts, chapter 203, section 5, subsection 4, paragraph "c". The funds appropriated in this lettered paragraph are allocated as follows:

(1) For the public health nursing program:

..... \$ 2,511,871

(2) For the home care aide/chore program:

..... \$ 8,586,716

Of the funds appropriated for the home care aide/chore program, no more than \$500,000 shall be used for court-ordered services for children.

(3) For the senior health program:

..... \$ 585,337

(4) Notwithstanding the program allocations made in subparagraphs (1), (2), and (3), a county may continue or submit to the department a new plan for an alternate allocation of funding which provides for assuring the delivery of existing services and the essential public health services based on an assessment of community needs, and targeted populations to be served under the alternate plan. The department shall adopt rules to administer these programs. The department may establish or continue demonstration projects which provide for an alternate allocation of funds based upon the proposed plan to provide essential public health services as determined by the community health assessment and targeted populations to be served.

d. For the physician care for children program:

..... \$ 411,187

The physician services shall be subject to managed care and selective contracting provisions and shall be used to provide for the medical treatment of children and shall include coverage of diagnostic procedures, prescription drugs, and physician-ordered treatments necessary to treat an acute condition. Services provided under this lettered paragraph shall be reimbursed according to medical assistance reimbursement rates established as of July 1, 1998.

e. For primary and preventive health care for children:

..... \$ 75,000

Funds appropriated in this lettered paragraph shall be used for the public purpose of providing a renewable grant, following a request for proposals, to a statewide charitable organization within the meaning of section 501(c)(3) of the Internal Revenue Code which was organized prior to April 1, 1989, and has as one of its purposes the sponsorship or support for programs designed to improve the quality, awareness, and availability of health care for the young, to serve as the funding mechanism for the provision of primary health care and preventive services to children in the state who are uninsured and who are not eligible under any public plan of health insurance, provided all of the following conditions are met:

(1) The organization shall provide a match of four dollars in advance of each state dollar provided.

(2) The organization coordinates services with new or existing public programs and services provided by or funded by appropriate state agencies in an effort to avoid inappropriate duplication of services and ensure access to care to the extent as is reasonably possible. The organization shall work with the Iowa department of public health, family and community health division, to ensure duplication is minimized.

(3) The organization's governing board includes in its membership representatives from the executive and legislative branches of state government.

(4) Grant funds are available as needed to provide services and shall not be used for administrative costs of the department or the grantee.

f. For the healthy opportunities for parents to experience success-healthy families Iowa (HOPES-HFI) program under section 135.106:

..... \$ 952,000

(1) Of the funds appropriated in this lettered paragraph, not more than \$165,000 shall be used to continue the existing infant mortality and morbidity prevention pilot projects in Polk, Scott, and Woodbury counties with no more than 15 percent being used for administrative expenses.

(2) Of the funds appropriated in this lettered paragraph, not more than \$25,000 shall be used to continue supporting multidisciplinary research into the cause of individual infant deaths in the state and shall be used solely for research purposes.

(3) Of the funds appropriated in this lettered paragraph, not more than \$140,000 shall be used to continue existing mid-level practitioners demonstration projects in Black Hawk, Polk, and Scott counties. The funds shall be issued in three equal grant amounts and shall be used to promote the use of mid-level practitioners, which includes obstetrical-gynecological nurse practitioners and family nurse practitioners focusing on maternal and child health, to improve access to prenatal care and obstetrical services.

(4) The remaining funds appropriated in this lettered paragraph shall be used for the HOPES-HFI program. Any new funds or funds in excess of that necessary to continue existing programs shall be used by the department to expand the program to counties with greatest need and the capacity to deliver the services. Any funds contracted to agencies under subparagraphs (1), (2), and (3) which are projected to be unused at the close of the fiscal year shall be reallocated to the HOPES-HFI program.

g. For primary care provider recruitment and retention endeavors:

..... \$ 235,000

h. For the prospective minor parents decision-making assistance program under chapter 135L, and for not more than the following full-time equivalent positions:

..... \$ 33,134

5. STATE BOARD OF DENTAL EXAMINERS

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

..... \$ 297,504

..... FTEs 4.00

6. STATE BOARD OF MEDICAL EXAMINERS

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

..... \$ 1,222,782

..... FTEs 19.00

7. STATE BOARD OF NURSING EXAMINERS

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

..... \$ 1,048,825

..... FTEs 18.00

8. STATE BOARD OF PHARMACY EXAMINERS

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

.....	\$	752,697
.....	FTEs	12.00

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

10. The state board of medical examiners, the state board of pharmacy examiners, the state board of dental examiners, and the state board of nursing examiners shall retain their individual executive officers, but are strongly encouraged to share administrative, clerical, and investigative staffs to the greatest extent possible.

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

12. The department shall maintain the administrative rules which were adopted in accordance with chapter 17A to implement the scope of practice pilot project and shall maintain the pilot project in accordance with 1997 Iowa Acts, chapter 203, section 6.

13. The department shall establish a scope of practice review committee for the purpose of reviewing existing oversight of the nurse aide workforce to determine the adequacy of nurse aide education and competency testing.

14. One and one-half of the FTEs appropriated for in this section to the division of planning and administration, and one of the FTEs appropriated for in this section to the divisions of health protection, substance abuse and health promotion, and family and community health, respectively, relate to the transition of personnel services contractors to FTEs. The merit system provisions of chapter 19A and the provisions of the state or union collective bargaining agreements shall not govern movement into these FTE positions until September 1, 1998. This provision relating to the transition of personnel services contractors shall apply to the period beginning July 1, 1998, and ending September 1, 1998.

15. a. The department shall apply for available federal funds for sexual abstinence education programs in accordance with the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, § 912.

b. It is the intent of the general assembly to comply with the United States Congress' intent to assist welfare recipients to terminate dependency upon government benefits by promoting marriage, reducing the incidence of out-of-wedlock pregnancies, and encouraging abstinence from sexual activities outside of marriage with a focus upon those persons who are most likely to bear children out-of-wedlock.

c. Any sexual abstinence education program awarded moneys under the grant program shall meet the definition of abstinence education in the federal law. Grantees shall be evaluated based upon the extent to which the abstinence program successfully communicates the goals set forth in the federal law.

16. The department shall conduct a comprehensive evaluation of the gambling treatment program provisions under section 99D.7, subsection 21, and additions to and distributions from the gambling treatment fund pursuant to section 99E.10, subsection 1, paragraph "a". The evaluation shall provide information and analysis concerning the number of referrals to the program, assessments of the success rates regarding outpatient and follow-up treatment, rehabilitation, and residential treatment programs for persons affected by problem gambling, and the extent to which information and referral services, and education and preventive services, have been determined to be effective in preventing the development of

problem gambling behavior or in reaching individuals in need of treatment. The evaluation shall also provide an analysis of funding levels and contain recommendations with regard to future funding of the program and additional treatment interventions.

Sec. 6. DEPARTMENT OF HUMAN RIGHTS. There is appropriated from the general fund of the state to the department of human rights for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. CENTRAL ADMINISTRATION DIVISION

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

.....	\$	222,159
.....	FTEs	6.60

2. DEAF SERVICES DIVISION

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

.....	\$	318,957
.....	FTEs	7.00

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

3. PERSONS WITH DISABILITIES DIVISION

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

.....	\$	109,876
.....	FTEs	2.00

4. LATINO AFFAIRS DIVISION

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

.....	\$	150,089
.....	FTEs	3.00

5. STATUS OF WOMEN DIVISION

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

.....	\$	335,804
.....	FTEs	3.00

a. Of the funds appropriated in this subsection, at least \$125,775 shall be spent for the displaced homemaker program.

b. Of the funds appropriated in this subsection, at least \$42,570 shall be spent for domestic violence and sexual assault-related grants.

6. STATUS OF AFRICAN-AMERICANS DIVISION

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

.....	\$	116,543
.....	FTEs	2.00

7. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION

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

.....	\$	397,633
.....	FTEs	8.56

a. The criminal and juvenile justice planning advisory council and the juvenile justice advisory council shall coordinate their efforts in carrying out their respective duties relative to juvenile justice.

b. Of the funds appropriated in this subsection, at least \$36,300 shall be spent for expenses relating to the administration of federal funds for juvenile assistance. It is the intent

of the general assembly that the department of human rights employ sufficient staff to meet the federal funding match requirements established by the federal office for juvenile justice delinquency prevention. The governor's advisory council on juvenile justice shall determine the staffing level necessary to carry out federal and state mandates for juvenile justice.

8. COMMUNITY GRANT FUND

For the community grant fund established in section 232.190 for the fiscal year beginning July 1, 1998, and ending June 30, 1999, to be used for the purposes of the community grant fund and for not more than the following full-time equivalent positions:

.....	\$	1,600,494
.....	FTEs	2.32

9. SHARED STAFF. Except for the persons with disabilities division which shall be administered by the director of the department of human rights, the divisions of the department of human rights shall retain their individual administrators, but shall share staff to the greatest extent possible.

Sec. 7. COMMISSION OF VETERANS AFFAIRS. There is appropriated from the general fund of the state to the commission of veterans affairs for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. COMMISSION OF VETERANS AFFAIRS ADMINISTRATION

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

.....	\$	269,657
.....	FTEs	5.00

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

2. WAR ORPHANS

For the war orphans educational aid fund established pursuant to chapter 35:

.....	\$	6,000
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3. IOWA VETERANS HOME

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

.....	\$	41,912,604
.....	FTEs	803.64

Of the full-time equivalent positions appropriated for in subsection 1, 1.82 FTEs relate to the transition of personnel services contractors to FTEs. The merit system provisions of chapter 19A and the provisions of the state or union collective bargaining agreements shall not govern movement into these FTE positions until September 1, 1998. This provision relating to the transition of personnel services contractors shall apply to the period beginning July 1, 1998, and ending September 1, 1998.

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

b. If medical assistance revenues are expanded at the Iowa veterans home, and this expansion results in medical assistance reimbursements which exceed the amount budgeted for that purpose in the fiscal year beginning July 1, 1998, and ending June 30, 1999, the Iowa veterans home may expend the excess amounts to exceed the number of full-time equivalent positions authorized for the purpose of meeting related certification requirements or to provide additional beds. The expenditure of additional funds received, as outlined in this paragraph, is subject to the approval by the department of management.

*\*c. Any Iowa veterans home successor contractor shall not consider employees of a state institution or facility to be new employees for purposes of employee wages, health insurance, or retirement benefits.\**

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

Sec. 8. GAMBLING TREATMENT FUND ALLOCATIONS.

1. The moneys remaining unobligated or unexpended in the gambling treatment fund created in section 99E.10, subsection 1, paragraph "a", Code Supplement 1997, at the end of the fiscal year beginning July 1, 1997, and ending June 30, 1998, are appropriated to the Iowa department of public health for the fiscal year beginning July 1, 1998, and ending June 30, 1999, to be allocated as follows:

a. For transfer to the department of public safety to combat methamphetamine use:  
..... \$ 236,000

The funds transferred in this lettered paragraph shall be utilized by the division of narcotics enforcement of the department of public safety for undercover purchases of methamphetamine by law enforcement agency and drug task force personnel.

b. For transfer to the governor's alliance on substance abuse for the establishment of an education program designed to increase the availability of information relating to methamphetamine abuse in Iowa schools and throughout the media:

..... \$ 83,000

The funds transferred in this lettered paragraph shall be used to assist in targeting an anti-methamphetamine message specifically to Iowa teenagers through the school system and through public service media advertisements. The education program shall be coordinated by the drug enforcement and abuse prevention coordinator in consultation with the Iowa drug abuse prevention and education advisory council established in section 80E.2.

2. *\*a. There is appropriated from receipts in excess of \$1,900,000 deposited into the gambling treatment fund pursuant to section 99E.10, subsection 1, paragraph "a", to the Iowa department of public health, for the fiscal year beginning July 1, 1998, and ending June 30, 1999, an amount sufficient for funding of the allocation made in subsection 3.\**

b. For the fiscal year beginning July 1, 1998, and ending June 30, 1999, an amount of the tax revenue received pursuant to section 99D.15, subsections 1, 3, and 4 equal to three-tenths of one percent of the gross sum wagered by the pari-mutuel method shall be deposited into the gambling treatment fund in addition to the other revenue deposited under law.

*\*c. The amount appropriated pursuant to paragraph "a" shall be based on the most recent projections for gross lottery revenue, excursion boat and racetrack wagering revenue, and tax revenue derived from pari-mutuel wagering, for the fiscal year beginning July 1, 1998, and ending June 30, 1999. If the amount appropriated based on the projection is insufficient for full funding of the allocations, the allocations shall be prorated proportionately.\**

*\*3. The moneys appropriated in subsection 2 shall be allocated as follows:*

a. For the public health nursing program:  
..... \$ 200,000

The funds appropriated in this paragraph shall be utilized by the Iowa department of public health to establish a competitive grant program to increase the availability of public health nurses throughout the state, and shall be in addition to funding allocated pursuant to existing contracts entered into between the department and the local boards of health and boards of supervisors. One-half of the funds appropriated shall be awarded to county applicants with a county population of less than 25,000, and the remaining one-half shall be awarded to county applicants with a county population of 25,000 or more.

A county may submit an application to the department for a grant to expand the county's existing public health nursing program by October 1, 1998, on application forms to be

\* Item veto; see message at end of the Act

developed by the department. Grant award criteria shall include the extent to which existing allocations to the county have successfully been utilized to maintain and expand the public health nursing program for elderly and low-income persons, the proportion of elderly and low-income persons living in the county in relation to the total number of elderly and low-income persons living in the state, and proposals submitted by the county for expanding existing services and programs to meet the particular needs of the elderly and low-income persons residing within the county. A county receiving a grant award may utilize the grant moneys to expand existing subcontracts with a nonprofit nurses' association, or an independent nonprofit agency, or for new programs and services as proposed in the grant application.

The department shall submit a report to the general assembly by January 1, 2000, regarding the effectiveness of the competitive grant program in expanding public health nursing care, and containing recommendations regarding future utilization or expansion of the program.

b. For the provision of emergency medical services and training of emergency medical services personnel:

..... \$ 78,000

c. For transfer to the Iowa law enforcement academy to be used for the drug abuse resistance education program:

..... \$ 70,000

d. For transfer to the department of public safety for costs associated with the training by the department of public safety of state and local law enforcement personnel concerning the recognition of and response to persons with Alzheimer's disease:

..... \$ 70,000

e. For use by local boards of health to ensure that core public health functions are maintained and to support essential services in their communities:

..... \$ 150,000

f. For transfer to the department of elder affairs to be used for the recruitment, retention, recognition, and training of care review committee volunteers:

..... \$ 130,000

The department of elder affairs shall develop outcome measurements regarding use of the funds transferred in this lettered paragraph, and shall conduct a study of issues including, but not limited to, how the funds were utilized, liability for area agencies on aging, and access to nursing home records. The department shall submit a report of the results of the study to the general assembly by January 1, 2000.

g. For transfer to the department of public safety to combat methamphetamine use:

..... \$ 200,000

The funds transferred in this lettered paragraph shall be utilized by the department of public safety to enhance existing programs or to initiate new efforts designed to prevent and combat methamphetamine use. The department shall submit a report of the expenditures made and a status report on anti-methamphetamine efforts to the general assembly by January 1, 2000.\*

3. Notwithstanding section 8.33, the moneys appropriated in subsection 1 and allocated in subsection 2 that remain unencumbered and unobligated on June 30, 1999, shall not revert to any fund but shall remain available for expenditure for the purposes designated during the fiscal year beginning July 1, 1999.

4. The legislative fiscal committee shall conduct a review of the operation of the gambling treatment fund, including additions to and allocations from the fund, and submit a report to the general assembly by January 1, 1999.

Sec. 9. VITAL RECORDS. The vital records modernization project as enacted in 1993 Iowa Acts, chapter 55, section 1, as amended by 1994 Iowa Acts, chapter 1068, section 8, and as amended by 1997 Iowa Acts, chapter 203, section 9, shall be extended until June 30, 1999, and the increased fees to be collected pursuant to that project shall continue to be collected until June 30, 1999.

\* Item veto; see message at end of the Act

Sec. 10. Section 99E.10, subsection 1, paragraph a, Code Supplement 1997, is amended to read as follows:

a. An amount equal to three-tenths of one percent of the gross lottery revenue shall be deposited in a gambling treatment fund in the office of the treasurer of state. The director of the Iowa department of public health shall administer the fund and shall provide that receipts are allocated on a monthly basis to fund administrative costs and to provide programs which may include, but are not limited to, outpatient and follow-up treatment for persons affected by problem gambling, rehabilitation and residential treatment programs, information and referral services, ~~and education and preventive services,~~ and financial management services.

Sec. 11. Section 99F.11, subsection 3, Code 1997, is amended to read as follows:

3. Three-tenths of one percent of the adjusted gross receipts shall be deposited in the ~~gamblers assistance~~ gambling treatment fund specified in section 99E.10, subsection 1, paragraph "a".

Sec. 12. Section 135.11, subsection 15, Code Supplement 1997, is amended to read as follows:

15. Administer the statewide public health nursing, ~~and homemaker-home health aide,~~ and senior health programs by approving grants of state funds to the local boards of health and the county boards of supervisors and by providing guidelines for the approval of the grants and allocation of the state funds. Program direction, evaluation requirements, and formula allocation procedures for each of the programs shall be established by the department by rule, consistent with 1997 Iowa Acts, chapter 203, section 5.

Sec. 13. Section 232.190, Code 1997, is amended to read as follows:

232.190 COMMUNITY GRANT FUND—~~FUTURE REPEAL.~~

1. A community grant fund is established in the state treasury under the control of the division of criminal and juvenile justice planning of the department of human rights for the purposes of awarding grants under this section. The criminal and juvenile justice planning advisory council and the juvenile justice advisory council shall assist the division in administering grants awarded under this section. ~~The department~~ departments of education, human services, public health, and public safety, and the governor's alliance on substance abuse shall advise the division on ~~programs which meet the grant application and selection criteria established for grant recipients and performance measures for the programs.~~ Not more than five percent of the moneys appropriated to the fund shall be used for administrative purposes.

2. A city, county, or entity organized under chapter 28E may apply to the ~~department division~~ for a grant on a matching basis to fund juvenile crime prevention programs. The match may ~~come from funds provided to the city, county, or entity organized under chapter 28E~~ be obtained from private sources, other state programs, or federal programs. ~~A city, county, or entity organized under chapter 28E applying for a grant under this section is encouraged to seek matching funds from, but not limited to, the Iowa finance authority, the governor's alliance on substance abuse, and under the state and federal community reinvestment Acts. Applications shall state specific outcomes sought to be obtained under a program funded by a grant under this section. The division shall adopt rules establishing required matching fund levels that progressively increase as applicants receive a second or subsequent year of consecutive funding through the community grant fund. The division shall not accept an application for a fourth or subsequent consecutive year of funding. However, cities, counties, or entities organized under chapter 28E receiving grants prior to July 1, 1998, may apply and receive funding for an additional two consecutive years beyond June 30, 1998.~~

3. ~~Programs awarded~~ Applications for moneys from the community grant fund shall ~~involve~~ define the geographical boundaries of the site chosen to benefit from the funds from this program and shall demonstrate a collaborative effort by all ~~children and family support~~

relevant local government and school officials and service providers to provide services and agencies with authority, responsibilities, or other interests within the chosen site. Proposed plans set forth in the applications shall reflect a community-wide consensus in how to remediate community problems and may include programs dealing with truancy which involve school district and community partnerships, and programs involving judicial district community based corrections programs related to juvenile crime and shall describe how the funds from this program will be used in a manner consistent with the human investment strategy of the state as developed pursuant to section 8A.1. Services provided under the programs a grant through this program shall be comprehensive and utilize flexible delivery systems. The department of human services division shall establish a point system for determining eligibility for grants from the fund based upon the nature and breadth of the proposed community juvenile crime prevention programs plans and the extent to which a community has sought to obtain additional public and private funding sources for all or parts of the community's program the proposals include viable plans to sustain the funding and local governance of the proposed juvenile crime prevention services and activities following the proposed grant period.

4. The division shall provide potential applicants for grant moneys with information describing performance measures for this program and shall establish a monitoring system for this program that requires participating cities, counties, and entities organized under chapter 28E to report information with which to measure program performance. The division shall solicit input from cities, counties, and service-providing agencies on the establishment of program performance measures and the structure of the program monitoring system. Applications for grant moneys shall state specific results sought to be obtained by any service or activity funded by a grant under this section and shall describe how their desired results are related to the program's performance measures.

4. 5. This section is repealed effective June 30, 1998 2000. The division of criminal and juvenile justice planning and the department of human services shall submit a an annual report to the general assembly by January 15, 1998, regarding the program's performance measures and the effectiveness of the programs services and activities funded under this section in meeting the objectives contained in subsection 3.

#### Sec. 14. EFFECTIVE DATES.

1. Section 9 of this Act, relating to the vital records modernization project, being deemed of immediate importance, takes effect upon enactment.

2. Section 13 of this Act, amending section 232.190, takes effect June 30, 1998.

*Approved May 19, 1998, except the items which I hereby disapprove and which are designated as Section 7, subsection 3, lettered paragraph c, in its entirety; Section 8, subsection 2(a), in its entirety; Section 8, subsection 2(c), in its entirety; and Section 8, the first subsection 3, in its entirety. My reasons for vetoing these items are delineated in the item veto message pertaining to this Act to the Secretary of State this same date, a copy of which is attached hereto.*

TERRY E. BRANSTAD, Governor

Dear Mr. Secretary:

I hereby transmit Senate File 2280, an Act relating to and making appropriations to the Department for the Blind, the Iowa State Civil Rights Commission, the Department of Elder Affairs, the Iowa Department of Public Health, the Department of Human Rights, the Governor's Alliance on Substance Abuse, and the Commission of Veterans Affairs, and providing effective dates.

Senate File 2280 is, therefore, approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve Section 7, subsection 3, lettered paragraph c, in its entirety, which relates to successor contractors at the Iowa Veterans Home. While apparently intended to apply to employees of contractors at the Iowa Veterans Home, the language applies only to current state employees and not to the employees of contractors. Therefore, the purpose of this section is not achieved.

I am unable to approve Section 8, subsections 2 (a) and 2 (c), and the first subsection 3, in their entirety. These items collectively relate to diverting money away from the Gamblers Treatment Fund and spending the diverted money for non-related purposes. The Gamblers Treatment Fund, then called the Gamblers Assistance Fund, was created by the same statute that permitted gambling in the State of Iowa. Since that time, the Fund has been the only source of state money used to combat the ill effects of gambling for Iowa citizens. The programs identified to receive these diverted funds have merit. However, the problems associated with gambling, including bankruptcies, broken homes, embezzlement and suicide, have become more prevalent and the need for gamblers' treatment grows more pressing all the time. Therefore, I will not set a precedent that impairs its annual funding.

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 Senate File 2280 are hereby approved as of this date.

Sincerely,  
TERRY E. BRANSTAD, Governor

**CHAPTER 1222**

APPROPRIATIONS — JUSTICE SYSTEM

H.F. 2539

**AN ACT** relating to and making appropriations to the justice system and providing effective dates.

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

Section 1. DEPARTMENT OF JUSTICE. There is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the general office of attorney general for salaries, support, maintenance, miscellaneous purposes including odometer fraud enforcement, and for not more than the following full-time equivalent positions:

.....	\$	7,524,661
.....	FTEs	186.50

Of the full-time equivalent positions (FTEs) appropriated for in this subsection, 4.00 FTEs represent the transition of personnel services contractors to full-time equivalent position status. The merit system provisions of chapter 19A, collective bargaining agreement provisions of chapter 20, and the state and union collective bargaining agreements, as these relate to the filling of positions, shall not govern movement of these 4.00 FTEs into the full-time equivalent position status during the period beginning July 1, 1998, and ending August 31, 1998.