

the board shall carry out its responsibilities under the general direction of the loess hills development and conservation authority. The bylaws of the hungry canyons alliance are subject to review and approval of the loess hills development and conservation authority.

Sec. 2. Section 161D.1, Code Supplement 1999, is amended by adding the following new subsection:

NEW SUBSECTION. 5. In matters relating to the conservation, preservation, or development of the loess hills, state agencies shall coordinate, cooperate, and consult with the loess hills development and conservation authority and its associated alliances.

Sec. 3. Section 161D.5, subsection 1, Code Supplement 1999, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. The voting members of the board of directors appointed pursuant to paragraphs "a" and "b" shall include agricultural producers owning real property within the loess hills landform.

Approved April 19, 2000

CHAPTER 1112

HUMAN SERVICES — ADMINISTRATION AND EMPLOYMENT

S.F. 2360

AN ACT relating to state and local administrative and employment provisions involving human services and providing an effective date.

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

DIVISION I

ADMINISTRATION OF DEPARTMENT OF HUMAN SERVICES INSTITUTIONS

Section 1. Section 218.1, unnumbered paragraph 1, Code 1999, is amended to read as follows:

The director ~~of the state department~~ of human services shall have the general and full authority given under statute to control, manage, direct, and operate the following institutions under the director's jurisdiction, and may at the director's discretion ~~execute~~ assign the powers and authorities given the director by statute to any one of the deputy directors, division administrators, or ~~to any of the~~ officers or employees of the divisions of the department of human services:

Sec. 2. Section 218.2, unnumbered paragraph 2, Code 1999, is amended to read as follows:

The ~~division~~ administrator to whom primary responsibility of a particular institution has been assigned shall make ~~such~~ reports to the director of the ~~department~~ of human services as are requested by the director and the director shall report, in writing, to the governor any abuses found to exist in any of the ~~said~~ institutions.

Sec. 3. Section 218.3, Code 1999, is amended by striking the section and inserting in lieu thereof the following:

218.3 DEFINITIONS.

For the purposes of this chapter, unless the context otherwise requires:

1. "Administrator" means the person to whom the director of human services has assigned power and authority over an institution in accordance with section 218.1.
2. "Institution" means an institution listed in section 218.1.

Sec. 4. Section 218.4, unnumbered paragraph 2, Code 1999, is amended to read as follows:

Rules adopted by the council shall be uniform and shall apply to all institutions under the particular administrator and to all other institutions under the administrator's jurisdiction and the primary rules ~~of the administrator of the division of mental health and developmental disabilities~~ for use in institutions where persons with mental illness are served shall, unless otherwise indicated, uniformly apply to county or private hospitals in which persons with mental illness are served, but the rules shall not interfere with proper medical treatment administered to patients by competent physicians. Annually, signed copies of the rules shall be sent to the ~~chief executive officer~~ superintendent of each institution or hospital under the control or supervision of a particular administrator and copies shall also be sent to the clerk of each district court, the chairperson of the board of supervisors of each county and, as appropriate, to the officer in charge of institutions or hospitals caring for persons with mental illness in each county who shall be responsible for seeing that the rules are posted in each institution or hospital in a prominent place. The rules shall be kept current to meet the public need and shall be revised and published annually.

Sec. 5. Section 218.5, Code 1999, is amended to read as follows:

218.5 FIRE PROTECTION CONTRACTS.

The administrators ~~of the divisions of the state department of human services~~ shall have power to enter into contracts with the governing body of any city or other municipal corporation for the protection from fire of any property under ~~such~~ the administrators' primary control, located in any ~~such~~ municipal corporation or in territory contiguous ~~thereto~~ to the municipal corporation, upon ~~such~~ terms as may be agreed upon.

Sec. 6. Section 218.9, unnumbered paragraph 1, Code 1999, is amended to read as follows:

The administrator ~~of the division of mental health and developmental disabilities of the department of human services in charge of an institution~~, subject to the approval of the director of ~~the department~~ human services, shall appoint the ~~superintendents of the state hospital schools and the state mental health institutes~~ superintendent of the institution.

Sec. 7. Section 218.10, Code 1999, is amended to read as follows:

218.10 SUBORDINATE OFFICERS AND EMPLOYEES.

The ~~division~~ administrator in charge of a particular institution, with the consent and approval of the director ~~of the department~~ of human services, shall determine the number of subordinate officers and employees for ~~each~~ the institution. Subject to this chapter, the officers and employees shall be appointed and discharged by the ~~chief executive officer~~ superintendent or business manager pursuant to chapter 19A. The ~~officer~~ superintendent shall keep, in the record of each subordinate officer and employee, the date of employment, the compensation, and the date of each discharge, and the reasons for discharge.

Sec. 8. Section 218.14, Code 1999, is amended to read as follows:

218.14 DWELLING HOUSE OF SUPERINTENDENT OR OTHER EMPLOYEE.

1. The ~~division~~ administrator having control over ~~any state an~~ institution may, with consent of the director of human services, furnish the ~~executive head~~ superintendent of ~~each of the institutions institution~~, in addition to salary, with a dwelling house or with appropriate quarters in lieu ~~thereof~~ of the dwelling, or the ~~division~~ administrator may compensate the ~~executive head~~ superintendent of ~~each of the institutions institution~~ in lieu of furnishing a ~~house~~ dwelling or quarters. If an ~~executive head~~ the superintendent of the institution is furnished with a dwelling house or quarters, either of which is owned by the state, the ~~executive head~~ superintendent may also be furnished with water, heat, and electricity.

2. The ~~division~~ administrator having control over ~~any state an~~ institution may furnish assistant ~~executive heads~~ superintendents or other employees, or both, with ~~a~~ dwelling houses or with appropriate quarters, owned by the state. The assistant ~~executive head~~ superintendent or employee, who is so furnished, shall pay rent for the dwelling house or

quarters in an amount to be determined by the ~~executive head~~ superintendent of the institution, which shall be the fair market rental value of the ~~house dwelling~~ or quarters. If an assistant ~~executive head~~ superintendent or employee is furnished with a dwelling ~~house~~ or quarters, either of which is owned by the state, the assistant ~~executive head~~ superintendent or employee may also be furnished with water, heat, and electricity. However, the furnishing of these utilities shall be considered in determining the fair market rental value of the ~~house dwelling~~ or quarters.

Sec. 9. Section 218.17, Code 1999, is amended to read as follows:
218.17 AUTHORITY FOR VACATION.

Vacations and sick leave with pay as authorized in section 70A.1 shall only be taken at such times as the ~~executive officer~~ superintendent or the business manager in charge of ~~said an~~ an officer or employee, as the case may be, may direct, and only after written authorization by the ~~executive officer~~ superintendent or business manager, and for the number of days specified ~~therein in the authorization~~. A copy of ~~such permit~~ the authorization shall be attached to the institution's copy of the payroll of the institution, for audit purposes, for the period during which the vacation was taken, and the semimonthly payroll shall show the number of days the person was absent under the ~~permit~~ authorization.

Sec. 10. Section 218.19, Code 1999, is amended to read as follows:
218.19 DISTRICTS.

The administrator having control over ~~any state~~ a type of institution shall, from time to time, divide the state into districts from which the ~~several institutions~~ type of institution may receive residents. The particular ~~division administrators~~ administrator shall promptly notify the proper county or judicial officers of all changes in ~~such the~~ districts.

Sec. 11. Section 218.20, Code 1999, is amended to read as follows:
218.20 PLACE OF COMMITMENTS — TRANSFERS.

Commitments, unless otherwise permitted by the ~~division~~ administrator having control over ~~any state~~ an institution, shall be to the institution located in the district embracing the county from which the commitment is issued. ~~The particular division administrators~~ An administrator may, at the expense of the state, transfer a resident of one institution to another like institution.

Sec. 12. Section 218.23, Code 1999, is amended to read as follows:
218.23 REPORTS TO ADMINISTRATOR.

The ~~managing officer~~ superintendent of ~~each an~~ an institution shall, within ten days after the commitment or entrance of a person to the institution, cause a true copy of the person's entrance record to be made and forwarded to the administrator in control of ~~such the~~ the institution. When a patient or resident leaves, or is discharged, or transferred, or dies in ~~any an~~ an institution, the superintendent or person in charge shall within ten days ~~thereafter~~ after that date send ~~such the~~ the information to the office of ~~such the institution's~~ the institution's administrator on forms which the administrator prescribes.

Sec. 13. Section 218.25, Code 1999, is amended to read as follows:
218.25 RELIGIOUS BELIEFS.

The ~~chief executive officer~~ superintendent of ~~an institution~~ the institution, receiving a person committed to ~~any of said institutions~~ the institution, shall inquire of ~~such the~~ the person as to the person's religious preference and enter the ~~same preference~~ preference in the book kept for the purpose, and cause ~~said the~~ the person to sign the ~~same book~~ book.

Sec. 14. Section 218.30, Code 1999, is amended to read as follows:
218.30 INVESTIGATION OF OTHER INSTITUTIONS.

The administrators ~~of the department of human services~~ to whom control of ~~state~~ state institutions has been ~~delegated~~ assigned, or their authorized officers or employees, may investigate charges of abuse, neglect, or mismanagement on the part of ~~any an~~ an officer or employee

of ~~any~~ a private institution which is subject to the administrator's particular supervision or control. The administrator ~~of the division of mental health and developmental disabilities who has been assigned to have authority over the state mental health institutes~~, or the administrator's authorized officer or employee, shall also investigate charges concerning county care facilities in which persons with mental illness are served.

Sec. 15. Section 218.45, Code 1999, is amended to read as follows:
218.45 CONFERENCES.

Quarterly conferences of the ~~chief executive officers~~ superintendents of ~~said the~~ institutions shall be held with the administrator in control of ~~such institution the institutions~~ at Des Moines or at institutions under the administrator's jurisdiction, for the consideration of all matters relative to the management of ~~said the~~ institutions. Full minutes of ~~such meetings the conferences~~ shall be preserved in the records of the administrator. The administrator in control may cause papers on appropriate subjects to be prepared and read, at ~~such the~~ conferences, ~~on appropriate subjects~~.

Sec. 16. Section 218.46, subsection 1, Code 1999, is amended to read as follows:

1. The ~~administrators of divisions of the department of human services who are administrator who is~~ in charge of ~~institutions an institution~~ shall encourage the scientific investigation, on the part of the ~~executive heads~~ superintendent and medical ~~staffs~~ staff of the ~~various institutions institution~~, as to the most successful methods of ~~managing such institutions institutional management~~ and treating the persons committed ~~thereto, to the institution~~. In addition, the administrator shall procure and furnish to such heads and staffs the superintendent and medical staff information relative to such management and treatment, and, from time to time, publish bulletins and reports of scientific and clinical work done in said institutions that type of institution.

Sec. 17. Section 218.47, Code 1999, is amended to read as follows:
218.47 MONTHLY REPORT.

The ~~chief executive officer superintendent or business manager~~ of each institution, ~~or business manager of institutions having the same~~, shall, on the first day of each month, account to the administrator in control of the particular institution for all state funds received during the preceding month, and, at ~~said the same~~ time, remit the ~~same~~ accounting to the treasurer of state.

Sec. 18. Section 218.48, Code 1999, is amended to read as follows:
218.48 ANNUAL REPORTS.

The ~~executive head~~ superintendent or business manager of each institution shall make an annual report to the administrator in control of the particular institution and ~~embrace therein a minute~~ include in the report a detailed and accurate inventory of the stock and supplies on hand, and ~~the their~~ amount and value ~~thereof~~, under the following ~~heads~~ headings: ~~Livestock livestock~~, farm produce on hand, vehicles, agricultural implements, machinery, mechanical fixtures, real estate, furniture, and bedding in residents' department, state property in superintendent's department, clothing, dry goods, provisions and groceries, drugs and medicine, fuel, library, and all other state property under appropriate ~~heads~~ headings to be determined by the particular administrator involved.

Sec. 19. Section 218.49, Code 1999, is amended to read as follows:
218.49 CONTINGENT FUND.

The administrator in control of ~~a state an~~ institution may permit the ~~executive head, which shall include superintendent or~~ the business manager ~~as provided in this chapter~~, of each institution to retain a stated amount of funds ~~in~~ under the ~~executive head's superintendent's or business manager's possession supervision~~ as a contingent fund for the payment of freight, postage, commodities purchased on authority of the particular ~~administrator superintendent or business manager~~ involved on a cash basis, salaries, and bills granting discount for cash.

Sec. 20. Section 218.55, Code 1999, is amended to read as follows:

218.55 PURCHASE FROM AN INSTITUTION.

The ~~An~~ administrator of a division of the department of human services may purchase supplies of any institution under the administrator's control, for use in any other ~~such~~ institution under the administrator's control, and reasonable payment ~~therefor~~ for the supplies shall be made as in the case of other purchases.

Sec. 21. Section 218.57, Code 1999, is amended to read as follows:

218.57 COMBINING APPROPRIATIONS.

The director of revenue and finance is ~~authorized to~~ may combine the balances carried in all specific appropriations into a special account for each institution under the control of a particular administrator of a division of the department of human services, except that the support fund for each institution shall be carried as a separate account.

Sec. 22. Section 218.65, Code 1999, is amended to read as follows:

218.65 PROPERTY OF DECEASED RESIDENT.

The ~~chief executive officer~~ superintendent or business manager of each institution shall, upon the death of any resident or patient, immediately take possession of all property of the deceased left at ~~said~~ the institution, and deliver the ~~same~~ property to the duly appointed and qualified representative of the deceased.

Sec. 23. Section 218.67, Code 1999, is amended to read as follows:

218.67 ~~WHEN NO ADMINISTRATION GRANTED~~ ESTATE ADMINISTRATOR NOT IDENTIFIED.

If ~~administration be not granted~~ an estate administrator is not identified within one year from the death of a decedent in an institution, and ~~no~~ a surviving spouse or heir is not known, ~~said executive officer~~ the superintendent of the institution may convert all ~~said the~~ decedent's property into money cash and in so doing the ~~executive officer~~ superintendent shall have the powers possessed by a general administrator of an estate.

Sec. 24. Section 218.69, Code 1999, is amended to read as follows:

218.69 PERMANENT RECORD.

A complete permanent record of the money ~~so sent~~ transmitted to the treasurer of state under section 218.68, showing by whom and with whom it was left, its amount, the date of the death of the owner, the owner's reputed place of residence before the owner became a resident of the institution, the date on which it was ~~sent~~ transmitted to the state treasurer and any other facts which may tend to identify the intestate and explain the case, shall be kept by the ~~chief executive officer~~ superintendent of the institution or business manager, as the case may be, and a transcript ~~thereof~~ of the record shall be sent to, and kept by, the treasurer of state.

Sec. 25. Section 218.72, Code 1999, is amended to read as follows:

218.72 TEMPORARY QUARTERS IN EMERGENCY.

In case the buildings at any institution under the ~~management~~ control of an administrator of the division of the department of human services are destroyed or rendered unfit for habitation by reason of fire, storms, or other like causes, to such an extent that the residents cannot be ~~there confined~~ housed and cared for, ~~said the~~ administrator shall make temporary provision for the ~~confinement~~ housing and care of the residents at some other place in the state. Like provision may be made in case any pestilence breaks out among the residents. The reasonable cost of the change, including transfer of residents, shall be paid from any money in the state treasury not otherwise appropriated.

Sec. 26. Section 218.83, Code 1999, is amended to read as follows:

218.83 ~~CO-OPERATION~~ ADMINISTRATIVE IMPROVEMENT.

The director of the department of human services and the administrators ~~of the divisions~~ therein are directed to ~~co-operate~~ assigned to have authority over the institutions shall

~~cooperate~~ with any department or agency of the state government in any manner, including the exchange of employees, calculated to improve administration of the affairs of the institutions ~~under the control of the department of human services.~~

Sec. 27. Section 218.85, Code 1999, is amended to read as follows:

218.85 UNIFORM SYSTEM OF ACCOUNTS.

The director of ~~the department of human services~~ through the administrators ~~of the divisions~~ in control of ~~state~~ the institutions shall install in all ~~such state~~ the institutions ~~under the director's control and supervision~~ the most modern, complete, and uniform system of accounts, records, and reports possible, ~~which.~~ The system shall be prescribed by the director of revenue and finance as authorized in section 421.31, subsection 10, and, among other matters, shall clearly show the detailed facts relative to the handling and uses of all purchases.

Sec. 28. Section 218.88, Code 1999, is amended to read as follows:

218.88 INSTITUTIONAL PAYROLLS.

At the close of each pay period, the ~~chief executive officer of each institution superintendent~~ or business manager of each institution ~~having the same,~~ shall prepare and forward to the director of ~~the department of human services~~ a semimonthly payroll which shall show the name of each officer and employee, the semimonthly pay, time paid for, the amount of pay, and any deductions. ~~In no event shall a~~ substitute shall not be permitted to receive compensation in the name of the employee for whom the substitute is acting.

Sec. 29. Section 218.92, Code 1999, is amended to read as follows:

218.92 ~~DANGEROUS MENTALLY DISTURBED PATIENTS~~ WITH DANGEROUS MENTAL DISTURBANCES.

When a patient in a state hospital-school for persons with mental retardation, a state mental health institute, or ~~an another~~ institution under the administration of the ~~administrator of the division of mental health and developmental disabilities of the~~ department of human services, has become so mentally disturbed as to constitute a danger to self, to other patients ~~in or staff of~~ the institution, or to the public, and the institution cannot provide adequate security, the administrator in charge of the institution, with the consent of the director of the Iowa department of corrections, may order the patient to be transferred to the Iowa medical and classification center, if the ~~executive head~~ superintendent of the institution from which the patient is to be transferred, with the support of a majority of the medical staff, recommends the transfer in the interest of the patient, other patients, or the public. If the patient transferred was hospitalized pursuant to sections 229.6 to 229.15, the transfer shall be promptly reported to the court ~~which hospitalized that ordered the hospitalization of~~ the patient, as required by section 229.15, subsection 4. The Iowa medical and classification center has the same rights, duties, and responsibilities with respect to the patient as the institution from which the patient was transferred had while the patient was hospitalized ~~there in the institution.~~ The cost of the transfer shall be paid from the funds of the institution from which the transfer is made.

Sec. 30. Section 218.93, Code 1999, is amended to read as follows:

218.93 CONSULTANTS FOR DIRECTOR OR ADMINISTRATORS.

The director of ~~the department of human services~~ or the administrators ~~of divisions~~ in control of ~~state~~ the institutions are authorized to secure the services of consultants to furnish advice on administrative, professional, or technical problems to the director or ~~such the~~ administrators, their employees, or employees of institutions under their jurisdiction or to provide in-service training and instruction for ~~such the~~ employees. The director and administrators are authorized to pay the consultants at a rate to be determined by them from funds ~~appropriated to~~ under their division control or to from any institution institutional funding under their jurisdiction as ~~such the~~ director or administrator may determine.

Sec. 31. Section 218.98, Code 1999, is amended to read as follows:

218.98 CANTEEN MAINTAINED.

The administrators ~~of divisions in the department of human services~~ in control of state ~~the~~ institutions may maintain a canteen at any institution under their jurisdiction and control for the sale to persons ~~confined therein~~ residing in the institution of toilet articles, candy, tobacco products, notions, and other sundries, and may provide the necessary facilities, equipment, personnel, and merchandise ~~therefor for such sale~~. ~~Such~~ The administrators shall specify what commodities will be sold ~~therein in the canteen~~. The department may establish and maintain a permanent operating fund for each canteen. The fund shall consist of the receipts from the sale of commodities at the canteen.

Sec. 32. Section 218.99, Code 1999, is amended to read as follows:

218.99 COUNTIES TO BE NOTIFIED OF PATIENTS' PERSONAL ACCOUNTS.

The administrator ~~of a division of the department of human services~~ in control of a state institution shall direct the business manager of each institution under the administrator's jurisdiction which is mentioned in section 331.424, subsection 1, paragraphs "a" and "b", and for which services are paid under section 331.424A, to quarterly inform the county of legal settlement's entity designated to perform the county's single entry point process of any patient or resident who has an amount in excess of two hundred dollars on account in the patients' personal deposit fund and the amount on deposit. The administrators shall direct the business manager to further notify the entity designated to perform the county's single entry point process at least fifteen days before the release of funds in excess of two hundred dollars or upon the death of the patient or resident. If the patient or resident has no county of legal settlement, notice shall be made to the director of human services and the administrator ~~of the division of the department~~ in control of the institution involved.

Sec. 33. Section 225C.4, subsection 1, paragraph h, and subsection 2, paragraph b, Code Supplement 1999, are amended by striking the paragraphs.

Sec. 34. Section 225C.13, Code 1999, is amended to read as follows:

225C.13 AUTHORITY OF ADMINISTRATOR TO ESTABLISH AND LEASE FACILITIES.

1. The administrator assigned, in accordance with section 218.1, to control the state mental health institutes and the state resource centers may enter into agreements under which a facility or portion of a facility administered by the administrator is leased to a department or division of state government, a county or group of counties, or a private nonprofit corporation organized under chapter 504A. A lease executed under this section shall require that the lessee use the leased premises to deliver either disability services or other services normally delivered by the lessee.

2. The administrator of the division of mental health and developmental disabilities may work with the appropriate administrator of the department's institutions to establish mental health and mental retardation services for all institutions under the control of the director of human services and to establish an autism unit, following mutual planning and consultation with the medical director of the state psychiatric hospital, at an institution or a facility administered by the department to provide psychiatric and related services and other specific programs to meet the needs of autistic persons, and to furnish appropriate diagnostic evaluation services.

Sec. 35. Section 226.47, Code 1999, is amended to read as follows:

226.47 ADMINISTRATOR DEFINED.

For the purpose of this chapter, "administrator" means the ~~administrator of the division of mental health and developmental disabilities of the department of human services~~ person assigned, in accordance with section 218.1, to control the state mental health institutes.

Sec. 36. Section 227.19, Code 1999, is amended to read as follows:

227.19 ADMINISTRATOR DEFINED.

For the purpose of this chapter, “administrator” or “administrator of the division” means ~~the administrator of the division of mental health and developmental disabilities of the department of human services~~ person assigned, in accordance with section 218.1, to control the state mental health institutes or that person’s designee.

Sec. 37. Section 229.1, subsection 1, Code 1999, is amended to read as follows:

1. “Administrator” means the administrator of ~~that division of~~ the department of human services ~~having jurisdiction of~~ assigned, in accordance with section 218.1, to control the state mental health institutes, or that administrator’s designee.

Sec. 38. Section 229.15, subsection 3, Code 1999, is amended to read as follows:

3. When a patient has been placed in a facility other than a hospital pursuant to section 229.14, subsection 4, a report on the patient’s condition and prognosis shall be made to the court which ~~so~~ placed the patient, at least once every six months, unless the court authorizes annual reports. ~~A report shall be submitted within fifteen days after the facility in which the patient has been placed is evaluated as required by~~ If an evaluation of the patient is performed pursuant to section 227.2, subsection 4, a copy of the evaluation report shall be submitted to the court within fifteen days of the evaluation’s completion. The court may in its discretion waive the requirement of an additional report between the annual evaluations. ~~If the administrator of the division exercises the authority to remove residents from a county care facility or other county or private institution under section 227.6, the administrator shall promptly notify each court which placed in that facility any resident so removed.~~

Sec. 39. Section 229.41, Code 1999, is amended to read as follows:

229.41 VOLUNTARY ADMISSION.

Persons making application pursuant to section 229.2 on their own behalf or on behalf of another person who is under eighteen years of age, if the person whose admission is sought is received for observation and treatment on ~~such~~ the application, shall be required to pay the costs of hospitalization at rates established by the administrator ~~of the division, which,~~ The costs may be collected weekly in advance and shall be payable at the business office of the hospital. ~~Such~~ The collections shall be remitted to the director of revenue and finance monthly to be credited to the general fund of the state.

Sec. 40. Section 229.43, Code 1999, is amended to read as follows:

229.43 NONRESIDENTS OR NO-SETTLEMENT PATIENTS.

~~The administrator of the division shall have the power to~~ may place patients of mental health institutes who have no county of legal settlement; who are nonresidents; or whose legal settlement is unknown, on convalescent leave to a private sponsor or in ~~any~~ a health care facility licensed under chapter 135C, when in the opinion of the administrator ~~said~~ the placement is in the best interests of the patient and the state of Iowa. If the patient was involuntarily hospitalized, the district court which ~~hospitalized~~ ordered hospitalization of the patient must be informed when the patient is placed on convalescent leave, as required by section 229.15, subsection 4.

Sec. 41. Section 230.5, Code 1999, is amended to read as follows:

230.5 NONRESIDENTS.

If such legal settlement is found by the court to be in some foreign state or country, or unknown, ~~the court~~ shall immediately notify the administrator ~~of the division~~ of ~~such~~ the finding and furnish the administrator with a copy of the evidence taken on the question of legal settlement, and shall in its order issued pursuant to section 229.13 direct that the patient be hospitalized at the appropriate state hospital for persons with mental illness.

Sec. 42. Section 230.31, Code 1999, is amended to read as follows:

230.31 DEPARTERS FROM OTHER STATES.

~~When any~~ If a person with mental illness departs without proper authority from an institution in another state and is found in this state, ~~any a~~ peace officer in ~~any the~~ county in which ~~such the~~ patient is found may take and detain the patient without order and shall report ~~such the~~ detention to the administrator ~~of the division~~ who shall provide for the return of ~~such the~~ patient to the authorities of the state where the unauthorized leave was made. Pending such return ~~such the~~ patient may be detained temporarily at one of the institutions of this state ~~governed by under the control of~~ the administrator ~~of the division~~ or any other administrator of the state department of human services. Expenses incurred under this section shall be paid in the same manner as is provided for transfers in section 230.8.

Sec. 43. Section 230.33, unnumbered paragraph 1, Code 1999, is amended to read as follows:

The administrator ~~of the division is hereby authorized to~~ may enter into agreements with other states, through their duly constituted authorities, to effect the reciprocal return of persons with mental illness and persons with mental retardation to the contracting states, and to effect the reciprocal supervision of persons on convalescent leave.

Sec. 44. Section 230.34, subsection 1, Code 1999, is amended to read as follows:

1. As used in this chapter, "administrator" means the administrator of ~~the division of mental health and developmental disabilities of~~ the department of human services assigned, in accordance with section 218.1, to control the state mental health institutes, or that administrator's designee.

DIVISION II RESOURCE CENTERS

Sec. 45. Section 218.1, subsections 1 and 2, Code 1999, are amended to read as follows:

1. Glenwood state ~~hospital-school~~ resource center.
2. Woodward state ~~hospital-school~~ resource center.

Sec. 46. Section 222.1, Code 1999, is amended to read as follows:

222.1 PURPOSE OF STATE SCHOOLS ~~RESOURCE CENTERS.~~

1. The Glenwood state ~~hospital-school~~ resource center and the Woodward state ~~hospital-school~~ resource center are established and shall be maintained as the state's regional resource centers for the purpose of providing treatment, training, instruction, care, habilitation, and support of persons with mental retardation or other disabilities in this state, and providing facilities, services, and other support to the communities located in the region being served by a state ~~hospital-school~~ resource center. In addition, the state ~~hospital-schools~~ resource centers are encouraged to serve as a training resource for community-based program staff, medical students, and other participants in professional education programs. A ~~hospital-school~~ resource center may request the approval of the council on human services to change the name of the ~~institution~~ resource center for use in communication with the public, in signage, and in other forms of communication.

2. A special mental retardation unit may be maintained at one of the state mental health institutes for the purposes set forth in sections 222.88 to 222.91.

Sec. 47. Section 222.2, subsection 1, Code 1999, is amended to read as follows:

1. "Administrator" means the ~~administrator of the division of mental health and developmental disabilities of~~ person assigned by the department director of human services, in accordance with section 218.1, to control the state resource centers.

Sec. 48. Section 222.2, subsection 3, Code 1999, is amended by striking the subsection.

Sec. 49. Section 222.2, Code 1999, is amended by adding the following new subsection: NEW SUBSECTION. 6A. "State resource centers" or "resource centers" means the Glenwood state resource center and the Woodward state resource center.

Sec. 50. Section 222.2, subsection 7, Code 1999, is amended to read as follows:

7. "Superintendents" means the superintendents of the state ~~hospital-schools~~ resource centers.

Sec. 51. AMENDMENTS TO TERMS "HOSPITAL-SCHOOL" AND "HOSPITAL-SCHOOLS" — DIRECTIVE TO CODE EDITOR.

1. Sections 218.92, 222.5, 222.6, 222.7, 222.9, 222.12, 222.13, 222.15, 222.31, 222.36, 222.37, 222.38, 222.39, 222.41, 222.42, 222.43, 222.44, 222.45, 222.51, 222.59, 222.60, 222.61, 222.62, 222.65, 222.66, 222.67, 222.68, 222.69, 222.70, 222.72, 222.73, 222.77, 222.78, 222.83, 222.84, 222.85, 222.86, 222.87, 227.6, 249A.11, and 252.16, Code 1999, are amended by striking from the sections the word "hospital-school" and inserting in lieu thereof the words "resource center".

2. Sections 23A.2, 222.13A, and 227.2, Code Supplement 1999, are amended by striking from the sections the word "hospital-school" and inserting in lieu thereof the words "resource center".

3. Sections 135B.9, 218.78, 222.3, 222.4, 222.6, 222.7, 222.8, 222.11, and 222.90, Code 1999, are amended by striking from the sections the word "hospital-schools" and inserting in lieu thereof the words "resource centers".

4. Sections 225C.4, 225C.6, 227.2, and 331.440A, Code Supplement 1999, are amended by striking from the sections the word "hospital-schools" and inserting in lieu thereof the words "resource centers".

5. The Code editor shall substitute the words "resource center" for the word "hospital-school" anywhere in the Code of Iowa or in any enactment to be codified if there appears to be no doubt as to the intent to refer to the Glenwood resource center or Woodward resource center under the authority of the department of human services.

6. The Code editor shall substitute the words "resource centers" for the word "hospital-schools" anywhere in the Code of Iowa or in any enactment to be codified if there appears to be no doubt as to the intent to refer to the Glenwood resource center and Woodward resource center under the authority of the department of human services.

DIVISION III COUNTY CLUSTER EMPLOYEE AND VOLUNTEER RECORD CHECKS

Sec. 52. NEW SECTION. 217.44 COUNTY CLUSTERS — EMPLOYEE AND VOLUNTEER RECORD CHECKS.

1. The department shall conduct criminal and child and dependent adult abuse record checks of persons who are potential employees, employees, potential volunteers, and volunteers in county cluster offices in a position having direct contact with the department's clients. The record checks shall be performed in this state and the department may conduct these checks in other states. If the department determines that a person has been convicted of a crime or has a record of founded child or dependent adult abuse, the department shall perform an evaluation to determine whether the crime or founded abuse warrants prohibition of the person's employment or participation as a volunteer. The record checks and evaluation shall be performed in accordance with procedures adopted for this purpose by the department.

2. In an evaluation, the department shall consider the nature and seriousness of the crime or founded child or dependent adult abuse in relation to the position sought or held, the time elapsed since the commission of the crime or founded abuse, the circumstances under which the crime or founded abuse was committed, the degree of rehabilitation, the likelihood that the person will commit the crime or founded abuse again, and the number of crimes or founded abuses committed by the person involved.

3. The department may permit a person who is evaluated to be employed or to participate as a volunteer if the person complies with the department's conditions relating to employment or participation as a volunteer which may include completion of additional training.

4. If the department determines that the person has committed a crime or has a record of founded child or dependent adult abuse which warrants prohibition of employment or participation as a volunteer, the person shall not be employed by or participate as a volunteer in a department cluster office in a position having direct contact with the department's clients.

DIVISION IV SERVICE INFORMATION — OTHER PROVISIONS

Sec. 53. Section 225C.20, Code 1999, is amended to read as follows:

225C.20 RESPONSIBILITIES OF COUNTIES FOR INDIVIDUAL CASE MANAGEMENT SERVICES.

Individual case management services funded under medical assistance shall be provided by the department except when a county or a consortium of counties contracts with the department to provide the services. A county or consortium of counties may contract to be the provider at any time and the department shall agree to the contract so long as the contract meets the standards for case management adopted by the department. The county or consortium of counties may subcontract for the provision of case management services so long as the subcontract meets the same standards. A county board of supervisors may change the provider of individual case management services at any time. If the current or proposed contract is with the department, the county board of supervisors shall provide written notification of a ~~proposed change to the department on or before August 15 and written notification of an approved change on or before November 15 in the fiscal year which precedes the fiscal year in which the change~~ at least ninety days before the date the change will take effect.

Sec. 54. Section 331.440A, subsection 1, paragraph b, Code Supplement 1999, is amended to read as follows:

b. "Pilot project areas" means the pilot project created under this section involving the ~~three county~~ county or multicounty single entry point process administrative areas designated in accordance with this section.

Sec. 55. Section 331.440A, subsection 3, Code Supplement 1999, is amended to read as follows:

3. PROJECT ESTABLISHED. The department of human services shall establish a pilot project for decategorizing the public funding for adult mental health, mental retardation, and developmental disabilities services in accordance with this section. The pilot project shall include the three-county single entry point process administrative areas designated for decategorization planning under 1997 Iowa Acts, chapter 169, section 13, Washington county, and Webster county. Under the pilot project, a projected funding amount for a fiscal year shall be developed for each of the ~~three administrative~~ pilot project areas, from the funding sources designated in this section. The projected funding amount for a fiscal year, manner of payment, and other provisions of the pilot project shall be delineated in contracts between the department and the counties involved in the pilot project.

Sec. 56. Section 331.440A, subsection 7, paragraph a, subparagraph (1), Code Supplement 1999, is amended to read as follows:

(1) At least one service consumer, one service provider, and one county supervisor from each of the ~~three~~ pilot project areas, designated by the governor.

Sec. 57. INFORMATION. The department of human services shall develop data that tracks the county of residence for all individuals who received mental health or developmental disabilities services funded by medical assistance and for which the nonfederal share was paid by a county. In addition, the department shall provide this data for individuals who received such services and for which the state paid the nonfederal share. Initially, the data shall be reported for all or part, as available, of fiscal years 1998-1999 and 1999-2000. The aggregate data, along with other pertinent information, shall be submitted as soon as is practicable to the governor, general assembly, and any task force created by the legislative council to study mental health and developmental disabilities services.

Sec. 58. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 19, 2000

CHAPTER 1113

PROPERTY TAX CERTIFICATION BY TOWNSHIPS

S.F. 2418

AN ACT relating to certification of property taxes by townships and providing an effective date.

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

Section 1. Section 359.17, Code 1999, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If a township fails to certify property taxes by March 15, the amount of taxes collected by the county for the township shall be the amount collected for the township in the previous fiscal year to the extent that it does not exceed the applicable levy rate limits in this chapter. However, that amount may not exceed the amount the township could collect based on property assessments for the fiscal year for which the township failed to certify property taxes.

Sec. 2. TRANSITION.

Notwithstanding section 359.17, as amended by this Act, or any other provision of the Code to the contrary, the chairperson of the board of township trustees shall have until May 1, 2000, to certify township property taxes pursuant to that section for property taxes due and payable in the fiscal year beginning July 1, 2000.

Sec. 3. CONTINGENT REPEAL. If section 359.49, relating to the consequences of a township's failure to certify property taxes, is enacted by 2000 Iowa Acts, House File 2492,¹ section 1 of this Act is repealed effective July 1, 2000.

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

Approved April 19, 2000

¹ Chapter 1117 herein