

I am unable to approve Section 79, subsection 16, paragraph 2. This paragraph states that it is the intent of the general assembly to cease providing assistance for the Americorps After-School Initiative on June 30, 2003. Americorps is an after-school program aimed at middle school students located in schools with high rates of juvenile crime, violence and drug abuse. This is an important tool in linking people across Iowa willing to volunteer to improve a child's life.

For the above reasons, I 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 2326 are hereby approved as of this date.

Sincerely,
THOMAS J. VILSACK, Governor

CHAPTER 1172

SENIOR LIVING AND HOSPITAL TRUST FUNDS APPROPRIATIONS

H.F. 2613

AN ACT relating to and making appropriations from the senior living trust fund to the department of elder affairs and the department of human services and making appropriations from the hospital trust fund to the department of human services and providing effective dates and providing for retroactive applicability.

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

Section 1. DEPARTMENT OF ELDER AFFAIRS APPROPRIATION — SENIOR LIVING TRUST FUND. There is appropriated from the senior living trust fund created in section 249H.4 to the department of elder affairs for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the development and implementation of a comprehensive senior living program, including program administration and costs associated with implementation, salaries, support, maintenance, and miscellaneous purposes and for not more than the following full-time equivalent positions:

.....	\$	6,553,967
.....	FTEs	8.00

Sec. 2. DEPARTMENT OF HUMAN SERVICES APPROPRIATION — SENIOR LIVING TRUST FUND. There is appropriated from the senior living trust fund created in section 249H.4 to the department of human services for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. To supplement the medical assistance appropriation and to provide reimbursement for health care services and rent expenses to eligible persons through the home and community-based services waiver and the state supplementary assistance program, including program administration and data system costs associated with implementation, salaries, support,

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

.....	\$	21,733,406 ³⁰
.....	FTEs	5.00

2. To implement nursing facility provider reimbursements as provided in this subsection:

.....	\$	29,950,000
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a. Notwithstanding the provision in 2002 Iowa Acts, Senate File 2326,³¹ if enacted, relating to the reimbursement rate for nursing facilities under the medical assistance program, for the fiscal year beginning July 1, 2002, nursing facilities shall instead be reimbursed under the medical assistance program in accordance with this subsection.

b. Notwithstanding 2001 Iowa Acts, chapter 192, section 4, subsection 2, paragraph "b", nursing facilities shall be reimbursed at the rate in effect on June 30, 2002.

c. Of the moneys appropriated in this subsection, \$3,000,000 shall be used to provide nursing facilities a supplemental payment, in addition to the reimbursement rate provided under paragraph "b". The supplemental payment to nursing facilities shall be determined by the department of human services, in consultation with representatives of nursing facilities and the vendor under contract with the department to develop and implement the modified price-based case-mix reimbursement system. The additional payment amount may be determined in accordance with 2001 Iowa Acts, chapter 192, section 4, subsection 2, paragraph "b", or may be determined on an alternative basis.

d. In order to carry out the purposes of this subsection, the department shall transfer funds appropriated in this section to supplement other appropriations to the department of human services.

3. Notwithstanding sections 249H.4 and 249H.5, the department of human services may use moneys from the senior living trust fund for cash flow purposes to make payments under the nursing facility or hospital upper payment limit methodology. The amount of any moneys so used shall be refunded to the senior living trust fund within the same fiscal year and in a prompt manner.

4. Notwithstanding section 8.33, moneys committed to grantees under contract to provide for conversion to assisted living programs or for development of long-term care alternatives that remain unexpended at the close of the fiscal year shall not revert to any fund but shall remain available for expenditure for purposes of the contract during the succeeding fiscal year.

Sec. 3. CONVERSION GRANT PROJECTS — RULES — INTENT.

1. The department of human services shall adopt rules that provide that beginning with applications for conversion grants received on or after July 1, 2002, the department shall give greater weight in the scoring methodology to nursing facility conversion projects that are primarily for the renovation and remodeling of the existing nursing facility structure and give less weight to conversion projects that are primarily for new construction. The department of human services shall encourage cooperative efforts between the department of inspections and appeals, the state fire marshal, and the grant applicant to promote the acceptance of nursing facility conversion projects that are primarily renovation and remodeling of the existing nursing facility structure.

2. The department of elder affairs shall certify all assisted living programs established through nursing facility conversion grants. The department of elder affairs shall consult with conversion grant applicants and recipients to establish and monitor occupancy agreements and assisted living program residents shall be allowed access to third-party payors. The department of elder affairs shall allow grant recipients to revise and modify occupancy agreements to reflect rates that are affordable, as defined in section 249H.3, during the ten-year period of operation following the awarding of the grant by the department of human services.

Sec. 4. NURSING FACILITY CONVERSION GRANTS — MORATORIUM. Nursing facility conversion grants as described in section 249H.6 shall not be awarded during the period beginning April 1, 2002, and ending June 30, 2003. A nursing facility that has completed a

³⁰ See 2002 Iowa Acts, Second Extraordinary Session, chapter 1003, §191, 192 herein

³¹ Chapter 1171 herein

feasibility study prior to April 1, 2002, shall be eligible for a nursing facility conversion grant beginning July 1, 2003.

Sec. 5. DEPARTMENT OF HUMAN SERVICES APPROPRIATION — HOSPITAL TRUST FUND. There is appropriated from the hospital trust fund created in section 249I.4 to the department of human services for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

To supplement the medical assistance appropriation:
..... \$ 12,000,000

Sec. 6. 2001 Iowa Acts, chapter 192, section 2, subsection 1, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33, moneys committed to grantees under contract pursuant to this subsection that remain unexpended at the close of the fiscal year shall not revert to any fund but shall remain available for purposes of the contract during the succeeding fiscal year.

Sec. 7. EFFECTIVE DATE. Section 6 of this Act amending 2001 Iowa Acts, chapter 192, being deemed of immediate importance, takes effect upon enactment.

Sec. 8. EFFECTIVE DATE RETROACTIVE APPLICABILITY. Section 4 of this Act, relating to a nursing facility conversion grants moratorium, being deemed of immediate importance, takes effect upon enactment, and is retroactively applicable to April 1, 2002.

Approved May 10, 2002

CHAPTER 1173

TOBACCO SETTLEMENT, INFRASTRUCTURE, AND ENVIRONMENT FIRST FUNDS — APPROPRIATIONS AND MISCELLANEOUS RELATED CHANGES

H.F. 2614

AN ACT relating to and making appropriations to state departments and agencies from the tobacco settlement trust fund, rebuild Iowa infrastructure fund, and environment first fund, making related statutory changes, and providing effective dates.

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

DIVISION I TOBACCO SETTLEMENT TRUST FUND

Section 1. There is appropriated from the tax-exempt bond proceeds restricted capital funds account of the tobacco settlement trust fund to the following departments and agencies for the fiscal period beginning July 1, 2002, and ending June 30, 2006, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. STATE BOARD OF REGENTS
a. For construction of a new business college building at Iowa state university of science and technology:
FY 2002-2003 \$ 6,700,000