

buildings for use of the general assembly or legislative agencies. The legislative council may authorize the renovation, remodeling and preparation of the physical facilities used or to be used by the general assembly or legislative agencies subject to the jurisdiction of the legislative council and award contracts pursuant to such authority to carry out such preparation. The legislative council may purchase supplies and equipment deemed necessary for the proper functioning of the legislative branch of government.

Sec. 24. RAILROAD CLOSE-CLEARANCE STUDY. The state department of transportation shall conduct a study concerning close-clearance conditions near railroad tracks. The department shall report the findings of the study and make recommendations regarding such findings to the general assembly by January 1, 2003.

Approved May 10, 2002

CHAPTER 1174

HEALTHY IOWANS TOBACCO TRUST AND TOBACCO SETTLEMENT TRUST FUND — APPROPRIATIONS

H.F. 2615

AN ACT relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund, and providing effective dates, and providing for retroactive applicability.

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

Section 1. HEALTHY IOWANS TOBACCO TRUST — APPROPRIATIONS TO DEPARTMENTS. There is appropriated from the healthy Iowans tobacco trust created in section 12.65 to the following departments 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 the department of human services:
 - a. Unless otherwise provided, to maintain the reimbursement rate for all noninstitutional medical assistance providers, with the exception of anesthesia and dental services, at the rate provided under the federal Medicare program for such providers during the fiscal year beginning July 1, 2000, and ending June 30, 2001, as specified in 2000 Iowa Acts, chapter 1221, section 1, subsection 1, paragraph “a”, for the fiscal year July 1, 2002, through June 30, 2003, and to continue the resource-based relative value system of reimbursement under the medical assistance program:

.....	\$	8,095,718
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 - b. To maintain the reimbursement rate at the usual and customary rate as established in 2000 Iowa Acts, chapter 1221, section 1, subsection 1, paragraph “b”, for the fiscal year July 1, 2002, through June 30, 2003, for dental services under the medical assistance program:

.....	\$	3,814,973
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 - c. To maintain the cost-of-living adjustment as established in 2000 Iowa Acts, chapter 1221, section 1, subsection 1, paragraph “c”, for the fiscal year July 1, 2002, through June 30, 2003, for rehabilitative treatment and support services providers under child and family services:

.....	\$	3,243,026
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 - d. To maintain the cost-of-living adjustment as established in 2000 Iowa Acts, chapter 1221,

section 1, subsection 1, paragraph “d”, for the fiscal year July 1, 2002, through June 30, 2003, for adoption, independent living, shelter care, and home studies services providers:

..... \$ 468,967

e. To maintain the reimbursement rate as established in 2000 Iowa Acts, chapter 1221, section 1, subsection 1, paragraph “e”, for the fiscal year July 1, 2002, through June 30, 2003, for hospitals under the medical assistance program:

..... \$ 3,035,278

f. To maintain the reimbursement rate as established in 2000 Iowa Acts, chapter 1221, section 1, subsection 1, paragraph “f”, for the fiscal year July 1, 2002, through June 30, 2003, for home health care services under the medical assistance program:

..... \$ 2,108,279

g. To maintain the reimbursement rate as established in 2000 Iowa Acts, chapter 1221, section 1, subsection 1, paragraph “g”, for the fiscal year July 1, 2002, through June 30, 2003, for critical access hospitals under the medical assistance program:

..... \$ 250,000

h. To maintain the expansion of home health care services and habilitative day care as established in 2000 Iowa Acts, chapter 1221, section 1, subsection 1, paragraph “h”, under the medical assistance program for children with special needs:

..... \$ 1,975,496

i. To maintain the expansion of respite care services provided through home and community-based waivers as established in 2000 Iowa Acts, chapter 1221, section 1, subsection 1, paragraph “i”, under the medical assistance program:

..... \$ 1,137,309

j. To maintain the reimbursement rate as established in 2000 Iowa Acts, chapter 1221, section 1, subsection 1, paragraph “j”, for the fiscal year July 1, 2002, through June 30, 2003, to service providers under the purview of the department of human services:

..... \$ 545,630

2. To the department of human services to continue the supplementation of the children’s health insurance program appropriation:

..... \$ 200,000

3. To the department of human services to continue the supplementation of the medical assistance appropriation:

..... \$ 17,500,000

4. To the department of human services to provide coverage under the medical assistance program to women who require treatment for breast or cervical cancer as provided in section 249A.3, subsection 2, paragraph “b”:

..... \$ 250,000

5. To the Iowa department of public health:

a. For the tobacco use prevention and control initiative, including efforts at the state and local levels, as provided in chapter 142A and for not more than the following full-time equivalent positions:

..... \$ 5,000,000

..... FTEs 7.00

(1) The director of public health shall dedicate sufficient resources to promote and ensure retailer compliance with tobacco laws and ordinances relating to persons under 18 years of age, and shall prioritize the state’s compliance in the allocation of available funds to comply with 42 U.S.C. § 300X-26 and section 453A.2.

(2) Of the full-time equivalent positions funded under this section, two full-time equivalent positions shall be utilized to provide for enforcement of tobacco laws, regulations, and ordinances under a chapter 28D agreement entered into between the Iowa department of public health and the alcoholic beverages division of the department of commerce.

(3) Of the funds appropriated in this paragraph “a”, not more than \$525,759 shall be expended on administration and management of the program.

(4) Of the funds appropriated in this paragraph “a”, not less than 80 percent of the amount

expended in the fiscal year beginning July 1, 2001, for community partnerships shall be expended in the fiscal year beginning July 1, 2002, for that purpose.

b. For additional substance abuse treatment under the substance abuse treatment program: \$ 10,000,000

(1) The department shall use funds appropriated in this paragraph "b" to enhance the quality of and to expand the capacity to provide 24-hour substance abuse treatment programs.

(2) The department shall use funds appropriated in this paragraph "b" to expand the length of individual client substance abuse treatment plans, as necessary to reduce program recidivism.

(3) The department shall use funds appropriated in this paragraph "b" to share research-based best practices for treatment with substance abuse treatment facilities.

(4) The department shall use funds appropriated in this paragraph "b" to develop a results-based funding approach for substance abuse treatment services.

(5) The department shall use funds appropriated in this paragraph "b" to develop a program to encourage individuals who are successfully managing their substance abuse problems to serve as role models.

c. For the healthy Iowans 2010 plan within the Iowa department of public health and for not more than the following full-time equivalent positions:

..... \$ 2,390,064
..... FTEs 4.00

(1) Of the funds appropriated in this paragraph "c", not more than \$1,157,482 shall be used for core public health functions, including home health care and public health nursing services, contracted through a formula by local boards of health, to enhance disease and injury prevention services.

(2) Of the funds appropriated in this paragraph "c", not more than \$381,445 shall be used for the continuation and support of a coordinated system of delivery of trauma and emergency medical services.

(3) Of the funds appropriated in this paragraph "c", not more than \$409,591 shall be used for the state poison control center.

(4) Of the funds appropriated in this paragraph "c", not more than \$288,770 shall be used for the development of scientific and medical expertise in environmental epidemiology.

(5) Of the funds appropriated in this paragraph "c", not more than \$76,388 shall be used to implement prevention strategies of healthy Iowans 2010 plan to address the leading causes of death in Iowa.

(6) Of the funds appropriated in this paragraph "c", not more than \$76,388 shall be used for the childhood lead poisoning prevention program.

d. For provision of smoking cessation products as provided in this paragraph: \$ 75,000

The department shall award grants to free health clinics that are tax-exempt organizations pursuant to 26 U.S.C. § 501(c)(3) to fund the provision of smoking cessation products to patients. The department shall adopt a methodology for the awarding of the grants to the health clinics based upon the order of receipt of applications.

6. To the department of corrections: \$ 610,000

a. Of the funds appropriated in this subsection, \$127,217 is allocated to the second judicial district department of correctional services to replace expired federal funding for day programming.

b. Of the funds appropriated in this subsection \$35,359 is allocated to the third judicial district department of correctional services to replace expired federal funding for the drug court program.

c. Of the funds appropriated in this subsection, \$191,731 is allocated to the fourth judicial district department of correctional services for a drug court program.

d. Of the funds appropriated in this subsection, \$255,693 is allocated to the fifth judicial district department of correctional services to replace expired funding for the drug court program.

Sec. 2. PURCHASE OF SERVICE CONTRACT PROVIDERS — REIMBURSEMENT INCREASE. There is appropriated from the healthy Iowans tobacco trust created in section 12.65 to the property tax relief fund created in section 426B.1 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 purposes designated:

For assistance to the counties with limited county mental health, mental retardation, and developmental disabilities services fund balances which were selected in accordance with 2000 Iowa Acts, chapter 1221, section 3, to receive such assistance in the same amount provided during the fiscal year beginning July 1, 2000, and ending June 30, 2001, to pay reimbursement increases in accordance with 2000 Iowa Acts, chapter 1221, section 3:

..... \$ 146,750

Sec. 3. IOWA EMPOWERMENT FUND. There is appropriated from the healthy Iowans tobacco trust created in section 12.65, to the Iowa empowerment fund created in section 28.9 for the fiscal year beginning July 1, 2002, and ending June 30, 2003, for deposit in the school ready children grants account and for distribution as provided in this section:

..... \$ 1,153,250

Sec. 4. IOWA DEPARTMENT OF HUMAN SERVICES. There is appropriated from the healthy Iowans tobacco trust created in section 12.65, 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 purposes designated:

For the implementation of the provisions of the federal Health Insurance Portability and Accountability Act, Pub. L. No. 104-191 relating to the medical assistance program:

..... \$ 2,100,000

Notwithstanding section 8.33, moneys appropriated under this section that are unobligated or unencumbered at the end of the fiscal year beginning June 30,¹ 2002, and ending June 30, 2003, shall not revert, but shall remain available for the specific purposes designated in this section until June 30, 2004.

Sec. 5. DEPARTMENT OF CORRECTIONS — SPECIAL NEEDS UNIT. There is appropriated from the healthy Iowans tobacco trust created in section 12.65, to the department of corrections 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 operating the special needs unit at the Fort Madison correctional facility and for not more than the following full-time equivalent positions:

..... \$ 1,100,000

..... FTEs 17.87

Sec. 6. PRIOR YEAR NONREVERSION. Notwithstanding 2001 Iowa Acts, chapter 184, section 3, subsection 3, 2001 Iowa Acts, chapter 184, section 13, and section 8.33, moneys appropriated under 2001 Iowa Acts, chapter 184, section 3, subsection 2, for the establishment and operating of a substance abuse treatment facility which are unobligated or unencumbered on April 1, 2002, shall not be expended or obligated during the remainder of the fiscal year beginning July 1, 2001, and ending June 30, 2002, and shall not revert but shall be available for the fiscal year beginning July 1, 2002, and ending June 30, 2003, for the following:

1. The first \$27,409 available shall be used to supplement the appropriations in this or any other Act for the state poison control center.
2. The next \$172,591 available shall be used for a value-based treatment program at the Newton correctional facility.
3. The remaining moneys available shall be used to supplement the appropriations in this or any other Act for substance abuse treatment under the substance abuse treatment program.
4. Any unobligated or unencumbered moneys remaining at the end of the fiscal year beginning July 1, 2002, shall revert to the healthy Iowans tobacco trust.

¹ See 2002 Iowa Acts, Second Extraordinary Session, chapter 1003, §244, 262 herein

Sec. 7. TOBACCO USE PREVENTION AND CONTROL INITIATIVE — FY 2001-2002 NONREVERSION. Notwithstanding section 8.33 and 2001 Iowa Acts, chapter 184, section 13, moneys appropriated for the tobacco use prevention and control initiative in 2001 Iowa Acts, chapter 184, section 1, subsection 5, paragraph “a”, that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 8. 2001 Iowa Acts, chapter 174, section 1, is amended to read as follows:

SECTION 1. TOBACCO SETTLEMENT TRUST FUND.

1. Notwithstanding provisions to the contrary in sections 99D.17 and 99F.11, and notwithstanding provisions to the contrary in section 8.57, subsection 5, paragraph “e”, and following deposits in the general fund of the state, the vision Iowa fund created in section 12.72, and the school infrastructure fund created in section 12.82, pursuant to section 8.57, subsection 5, paragraph “e”, for the designated fiscal years, the following moneys received pursuant to sections 99D.17 and 99F.11 shall be deposited in the endowment for Iowa’s health account of the tobacco settlement trust fund created in section 12E.12 for the purposes specified in section 12E.12 for the endowment for Iowa’s health account:

FY 2001-2002	\$	80,000,000
FY 2002-2003	\$	75,000,000
FY 2003-2004	\$	70,000,000
FY 2004-2005	\$	70,000,000
FY 2005-2006	\$	70,000,000
FY 2006-2007	\$	70,000,000

The total moneys received pursuant to sections 99D.17 and 99F.11 in a fiscal year, in excess of the moneys received pursuant to sections 99D.17 and 99F.11 and deposited in the general fund of the state, the vision Iowa fund, the school infrastructure fund, and the tobacco settlement trust fund, shall be deposited in the rebuild Iowa infrastructure fund and shall be used as provided in section 8.57, notwithstanding section 8.60.

For the fiscal year beginning July 1, 2002, and ending June 30, 2003, of the \$75,000,000 to be deposited in the endowment for Iowa’s health account of the tobacco settlement trust fund, \$9,000,000 shall be transferred to the healthy Iowans tobacco trust created in section 12.65.

2. There is appropriated from the general fund of the state to the endowment for Iowa’s health account of the tobacco settlement trust fund created in section 12E.12, for the designated fiscal years, the following amounts, to be used for the purposes specified in section 12E.12 for the endowment for Iowa’s health account:

FY 2001-2002	\$	7,248,000
FY 2002-2003	\$	27,087,000
FY 2003-2004	\$	28,251,000
FY 2004-2005	\$	29,785,000
FY 2005-2006	\$	29,562,000
FY 2006-2007	\$	17,773,000

Sec. 9. EFFECTIVE DATES.

1. Section 4 of this Act, relating to the appropriation to the department of human services for the implementation of the federal Health Insurance Portability and Accountability Act, being deemed of immediate importance, takes effect upon enactment.

2. Section 7 of this Act, relating to nonreversion of moneys appropriated for the tobacco use prevention and control initiative, being deemed of immediate importance, takes effect upon enactment.

Sec. 10. EFFECTIVE DATE — RETROACTIVE APPLICABILITY. Section 6 of this Act, relating to nonexpenditure, nonobligation, and nonreversion of funds remaining unencumbered or unobligated on April 1, 2002, which were appropriated for the establishment and operation of a substance abuse treatment facility and which are to be available in the fiscal year

beginning July 1, 2002, and ending June 30, 2003, takes effect upon enactment and is retroactively applicable to April 1, 2002.

Approved May 10, 2002

CHAPTER 1175

COMPENSATION FOR PUBLIC EMPLOYEES AND ADDITIONAL PROVISIONS

H.F. 2623

AN ACT relating to public funding provisions involving the compensation and benefits for public officials and employees, county mental health allowed growth, regulatory and other properly related matters of the state, making and reducing appropriations, and providing effective dates.

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

DIVISION I COMPENSATION AND BENEFITS

Section 1.

1. STATE BOARD OF REGENTS DEMUTUALIZATION PROCEEDS AND UNDERGROUND STORAGE TANK FUND TRANSFERS.

a. The state board of regents shall transfer by June 1, 2002, to the treasurer of state for deposit in the salary adjustment fund the sum of \$30,000,000 from the proceeds received by the state board of regents as a result of the demutualization of the principal mutual holding company. The amount transferred represents the portion of the funds utilized by the state board of regents institutions for employer contributions toward the premiums on insurance policies which were paid from state general fund appropriations for previous fiscal years.

b. Notwithstanding section 455G.3, subsection 1, on July 1, 2002, \$11,100,000 is transferred from the Iowa comprehensive petroleum underground storage tank fund created in section 455G.3, subsection 1, to the salary adjustment fund.

2. COLLECTIVE BARGAINING AGREEMENTS FUNDED — REGENTS DEMUTUALIZATION PROCEEDS — UNDERGROUND STORAGE TANK FUND TRANSFER. The state board of regents demutualization proceeds and underground storage tank fund moneys transferred pursuant to subsection 1 to the salary adjustment fund are appropriated and shall be distributed by the department of management to the various state departments, boards, commissions, councils, and agencies, including the state board of regents, for the fiscal year beginning July 1, 2002, and ending June 30, 2003, in the amount of \$41,100,000, or so much thereof as may be necessary, to fully fund the following annual pay adjustments, expense reimbursements, and related benefits:

a. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the blue collar bargaining unit.

b. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the public safety bargaining unit.

c. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the security bargaining unit.