

APR 15 2005
APPROPRIATIONS CALENDAR

HOUSE FILE 862
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HSB 299)

Passed House, Date 4-20-05 Passed Senate, Date _____
Vote: Ayes 100 Nays 0 Vote: Ayes _____ Nays _____
Approved Item Veto 6/14

A BILL FOR

1 An Act relating to and making appropriations from the healthy
2 Iowans tobacco trust and the tobacco settlement trust fund.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

4

5

HOUSE FILE 862

6

H-1390

7

1 Amend House File 862 as follows:

8

2 1. Page 5, by striking line 4, and inserting the
3 following:

9

4 "h. For grants, awarded on a competitive basis, to
5 provide substance abuse".

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6 2. Page 5, by striking lines 7 through 21.

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By SMITH of Marshall
MASCHER of Johnson
D. OLSON of Boone

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H-1390 FILED APRIL 18, 2005

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HF-862

1 Section 1. HEALTHY IOWANS TOBACCO TRUST -- APPROPRIATIONS
2 TO DEPARTMENTS. There is appropriated from the healthy Iowans
3 tobacco trust created in section 12.65 to the following
4 departments for the fiscal year beginning July 1, 2005, and
5 ending June 30, 2006, the following amounts, or so much
6 thereof as is necessary, to be used for the purposes
7 designated:

8 1. To the department of human services:

9 a. To supplement the medical assistance program
10 appropriations for the fiscal year, including for
11 reimbursement of noninstitutional medical assistance providers
12 with the exception of anesthesia and dental providers and to
13 continue the resource-based relative value system of
14 reimbursement based upon the reimbursement rates established
15 for the fiscal year beginning July 1, 2005, and ending June
16 30, 2006, pursuant to 2005 Iowa Acts, House File 825, if
17 enacted; for reimbursement of dental services, hospitals, home
18 health care services, critical access hospitals, expansion of
19 home health care services and habilitative day care for
20 children with special needs, and expansion of respite care
21 services provided through home and community-based waivers
22 based upon the reimbursement rates established for the fiscal
23 year beginning July 1, 2005, and ending June 30, 2006,
24 pursuant to 2005 Iowa Acts, House File 825, if enacted; and
25 for provision of coverage to women who require treatment for
26 breast or cervical cancer as provided in section 249A.3,
27 subsection 2, paragraph "b":

28 \$ 35,013,803

29 Of the amount appropriated in this paragraph, \$50,000 shall
30 be used to continue the efforts of the Iowa chronic care
31 consortium pursuant to 2003 Iowa Acts, chapter 112, section
32 12, as amended by 2003 Iowa Acts, chapter 179, sections 166
33 and 167.

34 b. For child and family services and adoption subsidy
35 services including for reimbursement of rehabilitative

1 treatment and support services providers, adoption,
2 independent living, shelter care, and home studies services
3 providers, and other service providers under the purview of
4 the department of human services:

5 \$ 4,257,623

6 c. To continue the supplementation of the children's
7 health insurance program appropriation:

8 \$ 200,000

9 d. For general administration of health-related programs:

10 \$ 274,000

11 2. To the Iowa department of public health:

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

16 \$ 5,011,565

17 FTEs 7.00

18 (1) The director of public health shall dedicate
19 sufficient resources to promote and ensure retailer compliance
20 with tobacco laws and ordinances relating to persons under 18
21 years of age, and shall prioritize the state's compliance in
22 the allocation of available funds to comply with 42 U.S.C. §
23 300x-26 and section 453A.2.

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

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

34 (4) Of the funds appropriated in this paragraph "a", not
35 less than 80 percent of the amount expended in the fiscal year

1 beginning July 1, 2001, for community partnerships shall be
2 expended in the fiscal year beginning July 1, 2005, for that
3 purpose.

4 b. For provision of smoking cessation and smoking-related
5 diseases products as provided in this paragraph:

6 \$ 75,000

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

14 c. For additional substance abuse treatment under the
15 substance abuse treatment program:

16 \$ 11,800,000

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

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

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

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

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

35 (6) The department shall submit a report annually by March

1 1, to the governor and the general assembly delineating the
2 success rates of the substance abuse treatment programs that
3 receive funding under this paragraph "c".

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

7 \$ 2,509,960
8 FTEs 4.00

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

14 (2) Of the funds appropriated in this paragraph "d", not
15 more than \$387,320 shall be used for the continuation and
16 support of a coordinated system of delivery of trauma and
17 emergency medical services.

18 (3) Of the funds appropriated in this paragraph "d", not
19 more than \$600,000 shall be used for the state poison control
20 center.

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

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

28 e. For the automated external defibrillator grant program
29 established pursuant to section 135.26:

30 \$ 250,000

31 f. For implementation and maintenance of a public access
32 defibrillation plan to provide access to automatic external
33 defibrillators throughout the state capitol complex on a 24-
34 hour, 7 days per week basis:

35 \$ 100,000

1 g. For the center for congenital and inherited disorders
2 established pursuant to section 136A.3:
3 \$ 26,000

4 h. For a grant program to provide substance abuse
5 prevention programming for children:
6 \$ 400,000

7 A program approved for a grant under the program shall meet
8 all of the following criteria:

9 (1) The program is administered by a federally chartered
10 nonprofit organization.

11 (2) The program is located in multiple locations across
12 the state, including in at least one location in a county
13 ranked in the bottom quartile of population when compared with
14 other counties.

15 (3) The program has been nationally recognized for its
16 effectiveness in reducing substance abuse by children.

17 (4) The program is able to use the grant funding to target
18 a minimum of 1,000 children for substance abuse prevention
19 programming.

20 The Iowa department of public health shall procure a sole
21 source contract to implement this paragraph "h".

22 3. To the department of corrections:
23 \$ 1,214,000

24 a. Of the funds appropriated in this subsection, \$286,217
25 is allocated to the second judicial district department of
26 correctional services to replace expired federal funding for
27 day programming and to replace expired federal funding for the
28 drug court program.

29 b. Of the funds appropriated in this subsection, \$110,359
30 is allocated to the third judicial district department of
31 correctional services to replace expired federal funding for
32 the drug court program.

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

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

5 e. Of the funds appropriated in this subsection, \$370,000
6 is allocated to the Newton correctional facility for a value-
7 based treatment program.

8 4. To the department for the blind:

9 \$ 130,000

10 To plan, establish, administer, and promote a statewide
11 program to provide audio news and information services to
12 blind or visually impaired persons residing in this state.

13 Sec. 2. PURCHASE OF SERVICE CONTRACT PROVIDERS --

14 REIMBURSEMENT INCREASE. There is appropriated from the
15 healthy Iowans tobacco trust created in section 12.65 to the
16 property tax relief fund created in section 426B.1 for the
17 fiscal year beginning July 1, 2005, and ending June 30, 2006,
18 the following amount, or so much thereof as is necessary, to
19 be used for the purposes designated:

20 For assistance to the counties with limited county mental
21 health, mental retardation, and developmental disabilities
22 services fund balances which were selected in accordance with
23 2000 Iowa Acts, chapter 1221, section 3, to receive such
24 assistance in the same amount provided during the fiscal year
25 beginning July 1, 2000, and ending June 30, 2001, to pay
26 reimbursement increases in accordance with 2000 Iowa Acts,
27 chapter 1221, section 3:

28 \$ 146,750

29 Sec. 3. IOWA EMPOWERMENT FUND. There is appropriated from
30 the healthy Iowans tobacco trust created in section 12.65, to
31 the Iowa empowerment fund created in section 28.9 for the
32 fiscal year beginning July 1, 2005, and ending June 30, 2006,
33 for deposit in the school ready children grants account:

34 \$ 2,153,250

35 Sec. 4. DEPARTMENT OF CORRECTIONS -- SPECIAL NEEDS UNIT.

1 There is appropriated from the healthy Iowans tobacco trust
2 created in section 12.65, to the department of corrections for
3 the fiscal year beginning July 1, 2005, and ending June 30,
4 2006, the following amount, or so much thereof as is
5 necessary, to be used for the purpose designated:

6 For operating the special needs unit at the Fort Madison
7 correctional facility:
8 \$ 1,187,285

9 Sec. 5. ENDOWMENT FOR IOWA'S HEALTH ACCOUNT -- TRANSFER.

10 In addition to the amount transferred pursuant to section
11 12E.12, subsection 1, paragraph "b", subparagraph (2),
12 subparagraph subdivision (b), \$6,400,000 is transferred from
13 the endowment for Iowa's health account of the tobacco
14 settlement trust fund created in section 12E.12 to the healthy
15 Iowans tobacco trust created in section 12.65 for the fiscal
16 year beginning July 1, 2005, and ending June 30, 2006.

17 EXPLANATION

18 This bill relates to and makes appropriations from the
19 healthy Iowans tobacco trust.

20 The bill makes appropriations to the department of human
21 services for the following:

22 1. To supplement the medical assistance appropriation
23 including reimbursement for all noninstitutional providers
24 with the exception of anesthesia and dental providers and for
25 continuation of the resource-based relative value system; for
26 reimbursement for dental services, hospitals, home health
27 agencies, critical access hospitals, the expansion of home
28 health care services and habilitative day care services, for
29 children with special needs, and expansion of respite care
30 services provided through home and community-based services
31 waivers; and for provision of coverage to women who require
32 treatment for breast or cervical cancer.

33 2. For child and family services and adoption subsidy
34 services including for reimbursement of rehabilitative
35 treatment and support services providers, adoption,

1 independent living, shelter care, and home studies services
2 providers, and other service providers under the purview of
3 the department of human services.

4 3. For supplementation of the appropriation for the
5 children's health insurance program.

6 4. For general administration of health-related programs.

7 The bill appropriates funds to the Iowa department of
8 public health for the tobacco use prevention and control
9 program for additional substance abuse treatment and for
10 smoking cessation and smoking-related disease products.

11 The bill appropriates funds to the Iowa department of
12 public health for development of a healthy Iowans 2010 plan
13 for the following purposes: for core public health functions
14 including home health care and public health nursing services
15 contracted through a formula by local boards of health, to
16 enhance disease and injury prevention services; for the
17 implementation and support of a coordinated system of delivery
18 of trauma and emergency medical services; for the poison
19 control center; for development of scientific and medical
20 expertise in environmental epidemiology; and for the childhood
21 lead poisoning prevention program. The bill appropriates
22 funds to the Iowa department of public health for the
23 automated external defibrillator grant program, for provision
24 of access to automated external defibrillators throughout the
25 capitol complex, and for a grant program to provide substance
26 abuse prevention programming for children.

27 The bill appropriates funds to the department of
28 corrections for day programming and the drug court program.

29 The bill appropriates funds to the department for the blind
30 for a statewide program to provide audio news and information
31 services to blind or visually impaired persons residing in the
32 state.

33 The bill appropriates funds to the property tax relief fund
34 for the fiscal year beginning July 1, 2005, and ending June
35 30, 2006, for assistance to counties with limited county

1 mental health, mental retardation, and developmental
2 disabilities services fund balances to pay reimbursement
3 increases in the same amount as provided in the fiscal year
4 beginning July 1, 2000, and ending June 30, 2001.

5 The bill appropriates funds from the healthy Iowans tobacco
6 trust to the Iowa empowerment fund for the fiscal year
7 beginning July 1, 2005, and ending June 30, 2006, for deposit
8 in the school ready children grants account.

9 The bill appropriates funds to the department of
10 corrections from the healthy Iowans tobacco trust for
11 operation and staffing of a special needs unit at the Fort
12 Madison correctional facility.

13 The bill provides for the transfer of additional funds from
14 the endowment for Iowa's health account to the healthy Iowans
15 tobacco trust for the fiscal year beginning July 1, 2005, and
16 ending June 30, 2006.

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HOUSE FILE 862

H-1418

1 Amend House File 862 as follows:

2 1. Page 6, by striking lines 6 and 7, and
3 inserting the following: "is allocated to the
4 Mitchellville correctional facility for women to be
5 used for a substance abuse treatment program which
6 involves a therapeutic community."

By MASCHER of Johnson

H-1418 FILED APRIL 19, 2005

HOUSE FILE 862

H-1419

1 Amend House File 862 as follows:

2 1. Page 7, by inserting after line 16, the
3 following:

4 "Sec. ____ . Section 142A.9, Code 2005, is amended
5 by adding the following new subsection:

6 NEW SUBSECTION. 4. The chairperson of the
7 commission and the director of the department of
8 education shall approve the content of any materials
9 distributed under this section, prior to
10 distribution."

11 2. By renumbering as necessary.

By DE BOEF of Keokuk

HEATON of Henry

TYMESON of Madison

UPMEYER of Hancock

H-1419 FILED APRIL 19, 2005

HOUSE FILE 862

H-1429

1 Amend House File 862 as follows:

2 1. Page 4, line 34, by inserting after the word
3 "basis" the following: "and for not more than the
4 following full-time equivalent positions:"

5 2. Page 4, by inserting after line 35, the
6 following:

7 "..... FTEs 1.00"

8 3. Page 5, by inserting after line 19, the
9 following:

10 "i. For a grant to a program that utilizes high
11 school mentors to teach life skills, violence
12 prevention, and character education in an effort to
13 reduce the illegal use of alcohol, tobacco, and other
14 substances:

15 \$ 400,000

16 (1) The program described in this paragraph "i"
17 shall meet all of the following requirements:

18 (a) The program shall be a statewide mentoring
19 program that is an alternative to mentoring programs
20 that utilize the standards of effective practice.

21 (b) The program shall contract with a university
22 to assist in curriculum development and performance
23 evaluation.

24 (c) The program shall provide for some level of
25 public-private partnership.

26 (d) The program shall obtain the assistance of the
27 Iowa department of public health in the development of
28 the performance evaluation design.

29 (e) The program shall demonstrate improvement in
30 meeting current standards.

31 (2) The Iowa department of public health shall
32 negotiate a sole source contract with a nonprofit
33 corporation that mentors through live music and
34 receives funds through private partnership to
35 implement this paragraph "i".

36 (3) The Iowa department of public health may use
37 up to \$50,000 of the moneys appropriated under this
38 paragraph "i" to provide technical assistance to and
39 monitoring of the program.

40 (4) Notwithstanding section 8.33, moneys
41 appropriated under this paragraph "i" that remain
42 unencumbered or unobligated at the close of the fiscal
43 year shall not revert but shall remain available for
44 the purpose designated in the succeeding fiscal year."

45 4. Page 5, line 28, by inserting after the word
46 "program." the following: "Of the amount allocated in
47 this paragraph, \$20,000 shall be used for substance
48 abuse treatment."

49 5. Page 5, line 32, by inserting after the word
50 "program." the following: "Of the amount allocated in

H-1429

H-1429

Page 2

1 this paragraph, \$20,000 shall be used for substance
2 abuse treatment."

3 6. Page 6, line 5, by striking the figure
4 "370,000" and inserting the following: "310,000".

5 7. Page 6, line 7, by inserting after the word
6 "program." the following: "The aftercare provided
7 under the program may be provided by any religious
8 faith."

9 8. Page 6, by inserting after line 7, by
10 following:

11 "____. Of the funds appropriated in this
12 subsection, \$60,000 is allocated to the Iowa
13 correctional institution for women at Mitchellville
14 for a value-based treatment program."

15 9. Page 6, line 12, by inserting after the word
16 "state" the following: "as provided pursuant to
17 section 216B.3, subsection 18, paragraphs "a" and
18 "b"."

19 10. Page 7, line 12, by striking the figure
20 "6,400,000" and inserting the following: "6,800,000".

21 11. By renumbering as necessary.

By HEATON of Henry

H-1429 FILED APRIL 20, 2005

A-ADOPTED B-WITHDRAWN

HOUSE FILE 862

H-1434

1 Amend House File 862 as follows:

2 1. Page 2, line 16, by striking the figure
3 "5,011,565" and inserting the following: "9,345,394".

By FOEGE of Linn

H-1434 FILED APRIL 20, 2005

WITHDRAWN

HOUSE FILE 862

H-1439

1 Amend the amendment, H-1429, to House File 862 as
2 follows:

3 1. Page 1, line 47, by striking the figure
4 "20,000" and inserting the following: "40,000".

By HEATON of Henry

H-1439 FILED APRIL 20, 2005

ADOPTED

HOUSE FILE 862

H-1440

- 1 Amend House File 862 as follows:
2 1. Page 3, by inserting after line 13, by
3 following:
4 "bb. For substance abuse prevention:
5 \$ 2,000,000"
6 2. Page 5, line 23, by striking the figure
7 "1,214,000" and inserting the following: "1,464,000".
8 3. Page 6, line 1, by striking the figure
9 "255,693" and inserting the following: "505,693".
10 4. Page 6, by inserting after line 7, the
11 following:
12 "3A. To the department of corrections:
13 For substance abuse treatment programs in
14 correctional facilities:
15 \$ 2,000,000"
16 5. Page 7, line 12, by striking the figure
17 "6,400,000" and inserting the following: "10,650,000".
18 6. By renumbering as necessary.

By FORD of Polk

H-1440 FILED APRIL 20, 2005

A-LOST B-OUT OF ORDER

HOUSE FILE 862

H-1441

- 1 Amend House File 862 as follows:
2 1. Page 2, line 16, by striking the figure
3 "5,011,565" and inserting the following: "9,345,394".
4 2. Page 7, line 12, by striking the figure
5 "6,400,000" and inserting the following: "10,733,829".

By FOEGE of Linn

H-1441 FILED APRIL 20, 2005

WITHDRAWN

HOUSE FILE 862

H-1444

- 1 Amend House File 862 as follows:
2 1. Page 6, line 7, by inserting after the word
3 "program." the following: "The aftercare provided
4 under the program may be provided by any religious
5 faith."

By HUNTER of Polk

H-1444 FILED APRIL 20, 2005

LOST

HOUSE FILE 862

H-1445

1 Amend House File 862 as follows:

2 1. Page 7, by inserting after line 16, the
3 following:

4 "Sec. ____ . Section 142A.4, Code 2005, is amended
5 by adding the following new subsection:

6 NEW SUBSECTION. 23. Approve the content of any
7 materials distributed by the youth program pursuant to
8 section 142A.9, prior to distribution of the
9 materials."

10 2. By renumbering as necessary.

By DE BOEF of Keokuk

HEATON of Henry

TYMESON of Madison

UPMEYER of Hancock

H-1445 FILED APRIL 20, 2005

NOT GERMANE

HOUSE FILE 862

H-1446

1 Amend House File 862 as follows:

2 1. Page 2, line 16, by striking the figure
3 "5,011,565" and inserting the following: "9,345,394".

4 2. Page 7, by inserting after line 16, the
5 following:

6 "Sec. ____ . ENDOWMENT FOR IOWA'S HEALTH ACCOUNT --
7 TRANSFER. In addition to the amount transferred
8 pursuant to section 12E.12, subsection 1, paragraph
9 "b", subparagraph (2), subparagraph subdivision (b),
10 and in addition to any other amount transferred in
11 this Act, \$4,333,829 is transferred from the endowment
12 for Iowa's health account of the tobacco settlement
13 trust fund created in section 12E.12 to the healthy
14 Iowans tobacco trust created in section 12.65 for the
15 fiscal year beginning July 1, 2005, and ending June
16 30, 2006."

17 3. By renumbering as necessary.

By FOEGE of Linn

H-1446 FILED APRIL 20, 2005

LOST

HOUSE FILE 862
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HSB 299)

(As Amended and Passed by the House April 20, 2005)

Re- Passed House, Date 5-9-05 Passed Senate, Date 5-3-05
Vote: Ayes 96 Nays 0 Vote: Ayes 38 Nays 8
Approved _____

A BILL FOR

1 An Act relating to and making appropriations from the healthy
2 Iowans tobacco trust and the tobacco settlement trust fund.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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House Amendments _____

1 Section 1. HEALTHY IOWANS TOBACCO TRUST -- APPROPRIATIONS
2 TO DEPARTMENTS. There is appropriated from the healthy Iowans
3 tobacco trust created in section 12.65 to the following
4 departments for the fiscal year beginning July 1, 2005, and
5 ending June 30, 2006, the following amounts, or so much
6 thereof as is necessary, to be used for the purposes
7 designated:

8 1. To the department of human services:

9 a. To supplement the medical assistance program
10 appropriations for the fiscal year, including for
11 reimbursement of noninstitutional medical assistance providers
12 with the exception of anesthesia and dental providers and to
13 continue the resource-based relative value system of
14 reimbursement based upon the reimbursement rates established
15 for the fiscal year beginning July 1, 2005, and ending June
16 30, 2006, pursuant to 2005 Iowa Acts, House File 825, if
17 enacted; for reimbursement of dental services, hospitals, home
18 health care services, critical access hospitals, expansion of
19 home health care services and habilitative day care for
20 children with special needs, and expansion of respite care
21 services provided through home and community-based waivers
22 based upon the reimbursement rates established for the fiscal
23 year beginning July 1, 2005, and ending June 30, 2006,
24 pursuant to 2005 Iowa Acts, House File 825, if enacted; and
25 for provision of coverage to women who require treatment for
26 breast or cervical cancer as provided in section 249A.3,
27 subsection 2, paragraph "b":

28 \$ 35,013,803

29 Of the amount appropriated in this paragraph, \$50,000 shall
30 be used to continue the efforts of the Iowa chronic care
31 consortium pursuant to 2003 Iowa Acts, chapter 112, section
32 12, as amended by 2003 Iowa Acts, chapter 179, sections 166
33 and 167.

34 b. For child and family services and adoption subsidy
35 services including for reimbursement of rehabilitative

1 treatment and support services providers, adoption,
2 independent living, shelter care, and home studies services
3 providers, and other service providers under the purview of
4 the department of human services:

5 \$ 4,257,623

6 c. To continue the supplementation of the children's
7 health insurance program appropriation:

8 \$ 200,000

9 d. For general administration of health-related programs:

10 \$ 274,000

11 2. To the Iowa department of public health:

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

16 \$ 5,011,565

17 FTEs 7.00

18 (1) The director of public health shall dedicate
19 sufficient resources to promote and ensure retailer compliance
20 with tobacco laws and ordinances relating to persons under 18
21 years of age, and shall prioritize the state's compliance in
22 the allocation of available funds to comply with 42 U.S.C. §
23 300x-26 and section 453A.2.

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

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

34 (4) Of the funds appropriated in this paragraph "a", not
35 less than 80 percent of the amount expended in the fiscal year

1 beginning July 1, 2001, for community partnerships shall be
2 expended in the fiscal year beginning July 1, 2005, for that
3 purpose.

4 b. For provision of smoking cessation and smoking-related
5 diseases products as provided in this paragraph:

6 \$ 75,000

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

14 c. For additional substance abuse treatment under the
15 substance abuse treatment program:

16 \$ 11,800,000

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

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

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

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

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

35 (6) The department shall submit a report annually by March

1 1, to the governor and the general assembly delineating the
2 success rates of the substance abuse treatment programs that
3 receive funding under this paragraph "c".

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

7 \$ 2,509,960
8 FTEs 4.00

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

14 (2) Of the funds appropriated in this paragraph "d", not
15 more than \$387,320 shall be used for the continuation and
16 support of a coordinated system of delivery of trauma and
17 emergency medical services.

18 (3) Of the funds appropriated in this paragraph "d", not
19 more than \$600,000 shall be used for the state poison control
20 center.

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

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

28 e. For the automated external defibrillator grant program
29 established pursuant to section 135.26:

30 \$ 250,000

31 f. For implementation and maintenance of a public access
32 defibrillation plan to provide access to automatic external
33 defibrillators throughout the state capitol complex on a 24-
34 hour, 7 days per week basis and for not more than the
35 following full-time equivalent positions:

1 \$ 100,000
2 FTEs 1.00

3 g. For the center for congenital and inherited disorders
4 established pursuant to section 136A.3:

5 \$ 26,000

6 h. For a grant program to provide substance abuse
7 prevention programming for children:

8 \$ 400,000

9 A program approved for a grant under the program shall meet
10 all of the following criteria:

11 (1) The program is administered by a federally chartered
12 nonprofit organization.

13 (2) The program is located in multiple locations across
14 the state, including in at least one location in a county
15 ranked in the bottom quartile of population when compared with
16 other counties.

17 (3) The program has been nationally recognized for its
18 effectiveness in reducing substance abuse by children.

19 (4) The program is able to use the grant funding to target
20 a minimum of 1,000 children for substance abuse prevention
21 programming.

22 i. For a grant to a program that utilizes high school
23 mentors to teach life skills, violence prevention, and
24 character education in an effort to reduce the illegal use of
25 alcohol, tobacco, and other substances:

26 \$ 400,000

27 (1) The program described in this paragraph "i" shall meet
28 all of the following requirements:

29 (a) The program shall be a statewide mentoring program
30 that is an alternative to mentoring programs that utilize the
31 standards of effective practice.

32 (b) The program shall contract with a university to assist
33 in curriculum development and performance evaluation.

34 (c) The program shall provide for some level of public-
35 private partnership.

1 (d) The program shall obtain the assistance of the Iowa
2 department of public health in the development of the
3 performance evaluation design.

4 (e) The program shall demonstrate improvement in meeting
5 current standards.

6 (2) The Iowa department of public health shall negotiate a
7 sole source contract with a nonprofit corporation that mentors
8 through live music and receives funds through private
9 partnership to implement this paragraph "i".

10 (3) The Iowa department of public health may use up to
11 \$50,000 of the moneys appropriated under this paragraph "i" to
12 provide technical assistance to and monitoring of the program.

13 (4) Notwithstanding section 8.33, moneys appropriated
14 under this paragraph "i" that remain unencumbered or
15 unobligated at the close of the fiscal year shall not revert
16 but shall remain available for the purpose designated in the
17 succeeding fiscal year.

18 The Iowa department of public health shall procure a sole
19 source contract to implement this paragraph "h".

20 3. To the department of corrections:

21 \$ 1,214,000

22 a. Of the funds appropriated in this subsection, \$286,217
23 is allocated to the second judicial district department of
24 correctional services to replace expired federal funding for
25 day programming and to replace expired federal funding for the
26 drug court program. Of the amount allocated in this
27 paragraph, \$40,000 shall be used for substance abuse
28 treatment.

29 b. Of the funds appropriated in this subsection, \$110,359
30 is allocated to the third judicial district department of
31 correctional services to replace expired federal funding for
32 the drug court program. Of the amount allocated in this
33 paragraph, \$20,000 shall be used for substance abuse
34 treatment.

35 c. Of the funds appropriated in this subsection, \$191,731

1 is allocated to the fourth judicial district department of
2 correctional services for a drug court program.

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

7 e. Of the funds appropriated in this subsection, \$310,000
8 is allocated to the Newton correctional facility for a value-
9 based treatment program.

10 f. Of the funds appropriated in this subsection, \$60,000
11 is allocated to the Iowa correctional institution for women at
12 Mitchellville for a value-based treatment program.

13 4. To the department for the blind:
14 \$ 130,000

15 To plan, establish, administer, and promote a statewide
16 program to provide audio news and information services to
17 blind or visually impaired persons residing in this state as
18 provided pursuant to section 216B.3, subsection 18, paragraphs
19 "a" and "b".

20 Sec. 2. PURCHASE OF SERVICE CONTRACT PROVIDERS --
21 REIMBURSEMENT INCREASE. There is appropriated from the
22 healthy Iowans tobacco trust created in section 12.65 to the
23 property tax relief fund created in section 426B.1 for the
24 fiscal year beginning July 1, 2005, and ending June 30, 2006,
25 the following amount, or so much thereof as is necessary, to
26 be used for the purposes designated:

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

35 \$ 146,750

1 Sec. 3. IOWA EMPOWERMENT FUND. There is appropriated from
2 the healthy Iowans tobacco trust created in section 12.65, to
3 the Iowa empowerment fund created in section 28.9 for the
4 fiscal year beginning July 1, 2005, and ending June 30, 2006,
5 for deposit in the school ready children grants account:
6 \$ 2,153,250

7 Sec. 4. DEPARTMENT OF CORRECTIONS -- SPECIAL NEEDS UNIT.
8 There is appropriated from the healthy Iowans tobacco trust
9 created in section 12.65, to the department of corrections for
10 the fiscal year beginning July 1, 2005, and ending June 30,
11 2006, the following amount, or so much thereof as is
12 necessary, to be used for the purpose designated:
13 For operating the special needs unit at the Fort Madison
14 correctional facility:
15 \$ 1,187,285

16 Sec. 5. ENDOWMENT FOR IOWA'S HEALTH ACCOUNT -- TRANSFER.
17 In addition to the amount transferred pursuant to section
18 12E.12, subsection 1, paragraph "b", subparagraph (2),
19 subparagraph subdivision (b), \$6,800,000 is transferred from
20 the endowment for Iowa's health account of the tobacco
21 settlement trust fund created in section 12E.12 to the healthy
22 Iowans tobacco trust created in section 12.65 for the fiscal
23 year beginning July 1, 2005, and ending June 30, 2006.

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HOUSE FILE 862

S-3192

1 Amend House File 862, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 5, line 1, by striking the figure
4 "100,000" and inserting the following: "70,000".

5 2. Page 5, line 2, by striking the figure "1.00"
6 and inserting the following: "0.50"

7 3. Page 5, by inserting after line 21, the
8 following:

9 "The Iowa department of public health shall procure
10 a sole source contract to implement this paragraph
11 "h"."

12 4. Page 6, by striking lines 18 and 19.

13 5. Page 6, by inserting before line 20, the
14 following:

15 "j. For a grant program to provide substance abuse
16 programming for children:

17 \$ 800,000

18 The Iowa department of public health shall utilize
19 a request for proposals process to implement this
20 paragraph "j". A program approved for a grant under
21 paragraph "h" or paragraph "i" shall not be eligible
22 for a grant under this paragraph "j".

23 6. Page 8, line 19, by striking the figure
24 "6,800,000" and inserting the following: "7,600,000".

COMMITTEE ON APPROPRIATIONS
JEFF ANGELO, CO-CHAIRPERSON
ROBERT E. DVORSKY, CO-CHAIRPERSON

S-3192 FILED APRIL 27, 2005

S-3211

1 Amend the amendment, S-3192, to House File 862, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, by inserting after line 11, the
5 following:

6 "A program approved for a grant shall participate
7 in a program evaluation as a requirement for receiving
8 grant funds.""

9 2. Page 1, line 15, by inserting after the word
10 "abuse" the following: "prevention".

11 3. Page 1, line 16, by inserting after the word
12 "programming" the following: ", including tobacco use
13 prevention programming,".

14 4. Page 1, by inserting after line 22, the
15 following:

16 "All grant recipients shall participate in a
17 program evaluation as a requirement for receiving
18 grant funds.""

19 5. Page 1, by inserting before line 23, the
20 following:

21 "____. Page 6, line 22, by striking the figure
22 "286,217" and inserting the following: "296,217".

23 _____. Page 6, line 29, by striking the figure
24 "110,359" and inserting the following: "100,359".

25 _____. Page 6, by striking lines 32 through 34, and
26 inserting the following: "the drug court program.""

27 6. By renumbering as necessary.

By JOE BOLKCOM
JAMES SEYMOUR

JEFF ANGELO
ROBERT E. DVORSKY

S-3211 FILED APRIL 29, 2005

ADOPTED

HOUSE FILE 862

S-3213

1 Amend the amendment, S-3192, to House File 862, as
2 amended, passed, and reprinted by the House, as
3 follows:

- 4 1. Page 1, by striking lines 3 through 6.
- 5 2. By renumbering as necessary.

By JOE BOLKCOM

S-3213 FILED APRIL 29, 2005

ADOPTED

HOUSE FILE 862

S-3214

1 Amend the amendment, H-3192, to House File 862 as
2 amended, passed, and reprinted by the House, as
3 follows:

- 4 1. Page 1, by inserting after line 24, the
5 following:

6 "____. Page 6, by inserting before line 20, the
7 following:

8 "____. To continue funding to local communities
9 that have previously received funding from the centers
10 for disease control and prevention of the United
11 States department of health and human services for
12 secondhand smoke education initiatives:

13 \$ 30,300"

- 14 2. By renumbering as necessary.

By HERMAN C. QUIRMBACH

JOE BOLKCOM

THOMAS RIELLY

WILLIAM A. DOTZLER

JEFF DANIELSON

S-3214 FILED APRIL 29, 2005

WITHDRAWN

SENATE AMENDMENT TO
HOUSE FILE 862

H-1625

1 Amend House File 862, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 5, by inserting after line 21, the
4 following:

5 "The Iowa department of public health shall procure
6 a sole source contract to implement this paragraph
7 "h".

8 A program approved for a grant shall participate in
9 a program evaluation as a requirement for receiving
10 grant funds."

11 2. Page 6, by striking lines 18 and 19.

12 3. Page 6, by inserting before line 20, the
13 following:

14 "j. For a grant program to provide substance abuse
15 prevention programming, including tobacco use
16 prevention programming, for children:

17 \$ 800,000

18 The Iowa department of public health shall utilize
19 a request for proposals process to implement this
20 paragraph "j". A program approved for a grant under
21 paragraph "h" or paragraph "i" shall not be eligible
22 for a grant under this paragraph "j".

23 All grant recipients shall participate in a program
24 evaluation as a requirement for receiving grant
25 funds."

26 4. Page 6, line 22, by striking the figure
27 "286,217" and inserting the following: "296,217".

28 5. Page 6, line 29, by striking the figure
29 "110,359" and inserting the following: "100,359".

30 6. Page 6, by striking lines 32 through 34, and
31 inserting the following: "the drug court program."

32 7. Page 8, line 19, by striking the figure
33 "6,800,000" and inserting the following: "7,600,000".

RECEIVED FROM THE SENATE

H-1625 FILED MAY 3, 2005

HEATON-CH
HORBACH
SMITH

SUC
SF 867

HSB 299
APPROPRIATIONS

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
CHAIRPERSON DIX)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to and making appropriations from the healthy
2 Iowans tobacco trust and the tobacco settlement trust fund.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. HEALTHY IOWANS TOBACCO TRUST -- APPROPRIATIONS
2 TO DEPARTMENTS. There is appropriated from the healthy Iowans
3 tobacco trust created in section 12.65 to the following
4 departments for the fiscal year beginning July 1, 2005, and
5 ending June 30, 2006, the following amounts, or so much
6 thereof as is necessary, to be used for the purposes
7 designated:

8 1. To the department of human services:

9 a. To supplement the medical assistance program
10 appropriations for the fiscal year, including for
11 reimbursement of noninstitutional medical assistance providers
12 with the exception of anesthesia and dental providers and to
13 continue the resource-based relative value system of
14 reimbursement based upon the reimbursement rates established
15 for the fiscal year beginning July 1, 2005, and ending June
16 30, 2006, pursuant to 2005 Iowa Acts, House File 825, if
17 enacted; for reimbursement of dental services, hospitals, home
18 health care services, critical access hospitals, expansion of
19 home health care services and habilitative day care for
20 children with special needs, and expansion of respite care
21 services provided through home and community-based waivers
22 based upon the reimbursement rates established for the fiscal
23 year beginning July 1, 2005, and ending June 30, 2006,
24 pursuant to 2005 Iowa Acts, House File 825, if enacted; and
25 for provision of coverage to women who require treatment for
26 breast or cervical cancer as provided in section 249A.3,
27 subsection 2, paragraph "b":

28 \$ 35,013,803

29 Of the amount appropriated in this paragraph, \$50,000 shall
30 be used to continue the efforts of the Iowa chronic care
31 consortium pursuant to 2003 Iowa Acts, chapter 112, section
32 12, as amended by 2003 Iowa Acts, chapter 179, sections 166
33 and 167.

34 b. For child and family services and adoption subsidy
35 services including for reimbursement of rehabilitative

1 treatment and support services providers, adoption,
2 independent living, shelter care, and home studies services
3 providers, and other service providers under the purview of
4 the department of human services:

5 \$ 4,257,623

6 c. To continue the supplementation of the children's
7 health insurance program appropriation:

8 \$ 200,000

9 d. For general administration of health-related programs:

10 \$ 274,000

11 2. To the Iowa department of public health:

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

16 \$ 5,011,565

17 FTEs 7.00

18 (1) The director of public health shall dedicate
19 sufficient resources to promote and ensure retailer compliance
20 with tobacco laws and ordinances relating to persons under 18
21 years of age, and shall prioritize the state's compliance in
22 the allocation of available funds to comply with 42 U.S.C. §
23 300x-26 and section 453A.2.

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

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

34 (4) Of the funds appropriated in this paragraph "a", not
35 less than 80 percent of the amount expended in the fiscal year

1 beginning July 1, 2001, for community partnerships shall be
2 expended in the fiscal year beginning July 1, 2005, for that
3 purpose.

4 b. For provision of smoking cessation and smoking-related
5 diseases products as provided in this paragraph:

6 \$ 75,000

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

14 c. For additional substance abuse treatment under the
15 substance abuse treatment program:

16 \$ 11,800,000

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

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

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

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

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

35 (6) The department shall submit a report annually by March

1 1, to the governor and the general assembly delineating the
2 success rates of the substance abuse treatment programs that
3 receive funding under this paragraph "c".

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

7	\$	2,509,960
8	FTEs	4.00

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

14 (2) Of the funds appropriated in this paragraph "d", not
15 more than \$387,320 shall be used for the continuation and
16 support of a coordinated system of delivery of trauma and
17 emergency medical services.

18 (3) Of the funds appropriated in this paragraph "d", not
19 more than \$600,000 shall be used for the state poison control
20 center.

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

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

28 e. For the automated external defibrillator grant program
29 established pursuant to section 135.26:

30	\$	250,000
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31 f. For implementation and maintenance of a public access
32 defibrillation plan to provide access to automatic external
33 defibrillators throughout the state capitol complex on a 24-
34 hour, 7 days per week basis:

35	\$	100,000
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1 g. For the center for congenital and inherited disorders
2 established pursuant to section 136A.3:

3 \$ 26,000

4 h. For a grant program to provide substance abuse
5 prevention programming for children:

6 \$ 400,000

7 A program approved for a grant under the program shall meet
8 all of the following criteria:

9 (1) The program is administered by a federally chartered
10 nonprofit organization.

11 (2) The program is located in multiple locations across
12 the state, including in at least one location in a county
13 ranked in the bottom quartile of population when compared with
14 other counties.

15 (3) The program has been nationally recognized for its
16 effectiveness in reducing substance abuse by children.

17 (4) The program is able to use the grant funding to target
18 a minimum of 1,000 children for substance abuse prevention
19 programming.

20 The Iowa department of public health shall procure a sole
21 source contract to implement this paragraph "h".

22 3. To the department of corrections:

23 \$ 1,214,000

24 a. Of the funds appropriated in this subsection, \$286,217
25 is allocated to the second judicial district department of
26 correctional services to replace expired federal funding for
27 day programming and to replace expired federal funding for the
28 drug court program.

29 b. Of the funds appropriated in this subsection, \$110,359
30 is allocated to the third judicial district department of
31 correctional services to replace expired federal funding for
32 the drug court program.

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

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

5 e. Of the funds appropriated in this subsection, \$370,000
6 is allocated to the Newton correctional facility for a value-
7 based treatment program.

8 4. To the department for the blind:

9 \$ 130,000

10 To plan, establish, administer, and promote a statewide
11 program to provide audio news and information services to
12 blind or visually impaired persons residing in this state.

13 Sec. 2. PURCHASE OF SERVICE CONTRACT PROVIDERS --

14 REIMBURSEMENT INCREASE. There is appropriated from the
15 healthy Iowans tobacco trust created in section 12.65 to the
16 property tax relief fund created in section 426B.1 for the
17 fiscal year beginning July 1, 2005, and ending June 30, 2006,
18 the following amount, or so much thereof as is necessary, to
19 be used for the purposes designated:

20 For assistance to the counties with limited county mental
21 health, mental retardation, and developmental disabilities
22 services fund balances which were selected in accordance with
23 2000 Iowa Acts, chapter 1221, section 3, to receive such
24 assistance in the same amount provided during the fiscal year
25 beginning July 1, 2000, and ending June 30, 2001, to pay
26 reimbursement increases in accordance with 2000 Iowa Acts,
27 chapter 1221, section 3:

28 \$ 146,750

29 Sec. 3. IOWA EMPOWERMENT FUND. There is appropriated from
30 the healthy Iowans tobacco trust created in section 12.65, to
31 the Iowa empowerment fund created in section 28.9 for the
32 fiscal year beginning July 1, 2005, and ending June 30, 2006,
33 for deposit in the school ready children grants account:

34 \$ 2,153,250

35 Sec. 4. DEPARTMENT OF CORRECTIONS -- SPECIAL NEEDS UNIT.

1 There is appropriated from the healthy Iowans tobacco trust
2 created in section 12.65, to the department of corrections for
3 the fiscal year beginning July 1, 2005, and ending June 30,
4 2006, the following amount, or so much thereof as is
5 necessary, to be used for the purpose designated:

6 For operating the special needs unit at the Fort Madison
7 correctional facility:

8 \$ 1,187,285

9 Sec. 5. ENDOWMENT FOR IOWA'S HEALTH ACCOUNT -- TRANSFER.

10 In addition to the amount transferred pursuant to section
11 12E.12, subsection 1, paragraph "b", subparagraph (2),
12 subparagraph subdivision (b), \$6,400,000 is transferred from
13 the endowment for Iowa's health account of the tobacco
14 settlement trust fund created in section 12E.12 to the healthy
15 Iowans tobacco trust created in section 12.65 for the fiscal
16 year beginning July 1, 2005, and ending June 30, 2006.

17 EXPLANATION

18 This bill relates to and makes appropriations from the
19 healthy Iowans tobacco trust.

20 The bill makes appropriations to the department of human
21 services for the following:

22 1. To supplement the medical assistance appropriation
23 including reimbursement for all noninstitutional providers
24 with the exception of anesthesia and dental providers and for
25 continuation of the resource-based relative value system; for
26 reimbursement for dental services, hospitals, home health
27 agencies, critical access hospitals, the expansion of home
28 health care services and habilitative day care services, for
29 children with special needs, and expansion of respite care
30 services provided through home and community-based services
31 waivers; and for provision of coverage to women who require
32 treatment for breast or cervical cancer.

33 2. For child and family services and adoption subsidy
34 services including for reimbursement of rehabilitative
35 treatment and support services providers, adoption,

1 independent living, shelter care, and home studies services
2 providers, and other service providers under the purview of
3 the department of human services.

4 3. For supplementation of the appropriation for the
5 children's health insurance program.

6 4. For general administration of health-related programs.

7 The bill appropriates funds to the Iowa department of
8 public health for the tobacco use prevention and control
9 program for additional substance abuse treatment and for
10 smoking cessation and smoking-related disease products.

11 The bill appropriates funds to the Iowa department of
12 public health for development of a healthy Iowans 2010 plan
13 for the following purposes: for core public health functions
14 including home health care and public health nursing services
15 contracted through a formula by local boards of health, to
16 enhance disease and injury prevention services; for the
17 implementation and support of a coordinated system of delivery
18 of trauma and emergency medical services; for the poison
19 control center; for development of scientific and medical
20 expertise in environmental epidemiology; and for the childhood
21 lead poisoning prevention program. The bill appropriates
22 funds to the Iowa department of public health for the
23 automated external defibrillator grant program, for provision
24 of access to automated external defibrillators throughout the
25 capitol complex, and for a grant program to provide substance
26 abuse prevention programming for children.

27 The bill appropriates funds to the department of
28 corrections for day programming and the drug court program.

29 The bill appropriates funds to the department for the blind
30 for a statewide program to provide audio news and information
31 services to blind or visually impaired persons residing in the
32 state.

33 The bill appropriates funds to the property tax relief fund
34 for the fiscal year beginning July 1, 2005, and ending June
35 30, 2006, for assistance to counties with limited county

1 mental health, mental retardation, and developmental
2 disabilities services fund balances to pay reimbursement
3 increases in the same amount as provided in the fiscal year
4 beginning July 1, 2000, and ending June 30, 2001.

5 The bill appropriates funds from the healthy Iowans tobacco
6 trust to the Iowa empowerment fund for the fiscal year
7 beginning July 1, 2005, and ending June 30, 2006, for deposit
8 in the school ready children grants account.

9 The bill appropriates funds to the department of
10 corrections from the healthy Iowans tobacco trust for
11 operation and staffing of a special needs unit at the Fort
12 Madison correctional facility.

13 The bill provides for the transfer of additional funds from
14 the endowment for Iowa's health account to the healthy Iowans
15 tobacco trust for the fiscal year beginning July 1, 2005, and
16 ending June 30, 2006.

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June 14, 2005

The Honorable Chester Culver
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit **House File 862**, an Act relating to and making appropriations from the Healthy Iowans Tobacco Trust and the Tobacco Settlement Trust Fund.

House File 862 is approved on this date, with the following exceptions which I hereby disapprove:

I am unable to approve the item designated as a portion of Section 1, subsection 3, paragraph f. This language requires allocation of funds for the implementation of a treatment program at the Iowa Correctional Institution for Women in Mitchellville. A similar value-based treatment program at the Newton Correctional Facility is the subject of a constitutional challenge currently before the U.S. District Court. In order to avoid confusion, state appropriations for value-based treatment programming should not be expanded to other correctional institutions until the courts resolve this issue and provide clear direction as to what is and is not permissible.

For the above reasons, I respectfully disapprove of the designated item in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in **House File 862** are hereby approved as of this date.

Sincerely,

Thomas J. Vilsack
Governor

TJV:jmc

cc: Secretary of the Senate
Chief Clerk of the House

HOUSE FILE 862

AN ACT

RELATING TO AND MAKING APPROPRIATIONS FROM THE HEALTHY IOWANS TOBACCO TRUST AND THE TOBACCO SETTLEMENT TRUST FUND.

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, 2005, and ending June 30, 2006, 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. To supplement the medical assistance program appropriations for the fiscal year, including for reimbursement of noninstitutional medical assistance providers with the exception of anesthesia and dental providers and to continue the resource-based relative value system of reimbursement based upon the reimbursement rates established for the fiscal year beginning July 1, 2005, and ending June 30, 2006, pursuant to 2005 Iowa Acts, House File 825, if enacted; for reimbursement of dental services, hospitals, home health care services, critical access hospitals, expansion of home health care services and habilitative day care for children with special needs, and expansion of respite care services provided through home and community-based waivers based upon the reimbursement rates established for the fiscal year beginning July 1, 2005, and ending June 30, 2006, pursuant to 2005 Iowa Acts, House File 825, if enacted; and for provision of coverage to women who require treatment for

breast or cervical cancer as provided in section 249A.3, subsection 2, paragraph "b":

..... \$ 35,013,803

Of the amount appropriated in this paragraph, \$50,000 shall be used to continue the efforts of the Iowa chronic care consortium pursuant to 2003 Iowa Acts, chapter 112, section 12, as amended by 2003 Iowa Acts, chapter 179, sections 166 and 167.

b. For child and family services and adoption subsidy services including for reimbursement of rehabilitative treatment and support services providers, adoption, independent living, shelter care, and home studies services providers, and other service providers under the purview of the department of human services:

..... \$ 4,257,623

c. To continue the supplementation of the children's health insurance program appropriation:

..... \$ 200,000

d. For general administration of health-related programs:

..... \$ 274,000

2. 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:

..... \$ 5,011,565

..... 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 in this paragraph "a", 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, 2005, for that purpose.

b. For provision of smoking cessation and smoking-related diseases 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 and smoking-related diseases 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.

c. For additional substance abuse treatment under the substance abuse treatment program:

..... \$ 11,800,000

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

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

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

(6) The department shall submit a report annually by March 1, to the governor and the general assembly delineating the success rates of the substance abuse treatment programs that receive funding under this paragraph "c".

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

..... \$ 2,509,960
..... FTEs 4.00

(1) Of the funds appropriated in this paragraph "d", 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 "d", not more than \$387,320 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 "d", not more than \$600,000 shall be used for the state poison control center.

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

e. For the automated external defibrillator grant program established pursuant to section 135.26:

..... \$ 250,000

f. For implementation and maintenance of a public access defibrillation plan to provide access to automatic external defibrillators throughout the state capitol complex on a 24-hour, 7 days per week basis and for not more than the following full-time equivalent positions:

..... \$ 100,000

..... FTEs 1.00

g. For the center for congenital and inherited disorders established pursuant to section 136A.3:

..... \$ 26,000

h. For a grant program to provide substance abuse prevention programming for children:

..... \$ 400,000

A program approved for a grant under the program shall meet all of the following criteria:

- (1) The program is administered by a federally chartered nonprofit organization.
- (2) The program is located in multiple locations across the state, including in at least one location in a county ranked in the bottom quartile of population when compared with other counties.
- (3) The program has been nationally recognized for its effectiveness in reducing substance abuse by children.
- (4) The program is able to use the grant funding to target a minimum of 1,000 children for substance abuse prevention programming.

The Iowa department of public health shall procure a sole source contract to implement this paragraph "h".

A program approved for a grant shall participate in a program evaluation as a requirement for receiving grant funds.

i. For a grant to a program that utilizes high school mentors to teach life skills, violence prevention, and character education in an effort to reduce the illegal use of alcohol, tobacco, and other substances:

..... \$ 400,000

(1) The program described in this paragraph "i" shall meet all of the following requirements:

- (a) The program shall be a statewide mentoring program that is an alternative to mentoring programs that utilize the standards of effective practice.
- (b) The program shall contract with a university to assist in curriculum development and performance evaluation.
- (c) The program shall provide for some level of public-private partnership.
- (d) The program shall obtain the assistance of the Iowa department of public health in the development of the performance evaluation design.
- (e) The program shall demonstrate improvement in meeting current standards.

(2) The Iowa department of public health shall negotiate a sole source contract with a nonprofit corporation that mentors through live music and receives funds through private partnership to implement this paragraph "i".

(3) The Iowa department of public health may use up to \$50,000 of the moneys appropriated under this paragraph "i" to provide technical assistance to and monitoring of the program.

(4) Notwithstanding section 8.33, moneys appropriated under this paragraph "i" that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for the purpose designated in the succeeding fiscal year.

j. For a grant program to provide substance abuse prevention programming, including tobacco use prevention

programming, for children:

..... \$ 800,000

The Iowa department of public health shall utilize a request for proposals process to implement this paragraph "j". A program approved for a grant under paragraph "h" or paragraph "i" shall not be eligible for a grant under this paragraph "j".

All grant recipients shall participate in a program evaluation as a requirement for receiving grant funds.

3. To the department of corrections:

..... \$ 1,214,000

a. Of the funds appropriated in this subsection, \$296,217 is allocated to the second judicial district department of correctional services to replace expired federal funding for day programming and to replace expired federal funding for the drug court program. Of the amount allocated in this paragraph, \$40,000 shall be used for substance abuse treatment.

b. Of the funds appropriated in this subsection, \$100,359 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.

e. Of the funds appropriated in this subsection, \$310,000 is allocated to the Newton correctional facility for a value-based treatment program.

f. Of the funds appropriated in this subsection, \$60,000 is allocated to the Iowa correctional institution for women at Mitchellville for a value-based treatment program.

4. To the department for the blind:

..... \$ 130,000

To plan, establish, administer, and promote a statewide program to provide audio news and information services to blind or visually impaired persons residing in this state as provided pursuant to section 216B.3, subsection 18, paragraphs "a" and "b".

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, 2005, and ending June 30, 2006, 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, 2005, and ending June 30, 2006, for deposit in the school ready children grants account:

..... \$ 2,153,250

Sec. 4. 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, 2005, and ending June 30, 2006, 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:

..... \$ 1,187,285

Sec. 5. ENDOWMENT FOR IOWA'S HEALTH ACCOUNT -- TRANSFER.

In addition to the amount transferred pursuant to section 12E.12, subsection 1, paragraph "b", subparagraph (2), subparagraph subdivision (b), \$7,600,000 is transferred from the endowment for Iowa's health account of the tobacco settlement trust fund created in section 12E.12 to the healthy Iowans tobacco trust created in section 12.65 for the fiscal year beginning July 1, 2005, and ending June 30, 2006.

CHRISTOPHER C. RANTS
Speaker of the House

JOHN P. KIBBIE
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 862, Eighty-first General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Item Veto
Approved 6/14, 2005

THOMAS J. VILSACK
Governor