



Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 17, 2008

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 2308

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1 4 To the President of the Senate and the Speaker of the House
1 5 of Representatives:

1 6 We, the undersigned members of the conference committee
1 7 appointed to resolve the differences between the Senate and the
1 8 House of Representatives on Senate File 2308, a bill for an Act
1 9 relating to identity theft by providing for the notification of
1 10 a breach in the security of personal information, and providing
1 11 penalties, respectfully make the following report:

1 12 1. That the Senate recedes from its amendment, H=8465.

1 13 2. That the House recedes from its amendment, S=5272.

1 14 3. That Senate File 2308, as amended, passed, and reprinted
1 15 by the Senate, is amended to read as follows:

1 16 #1. Page 1, line 5, by inserting after the word

1 17 <maintained> the following: <in computerized form>.

1 18 #2. Page 1, by striking lines 13 through 21 and inserting
1 19 the following: <integrity of the personal information.>

1 20 #3. Page 2, lines 27 and 28, by striking the words <voice
1 21 print or recording,>.

1 22 #4. Page 3, by striking line 1 and inserting the following:
1 23 <than five digits of a social security number or the last four
1 24 digits of other>.

1 25 #5. Page 3, line 6, by striking the words <owns, maintains,
1 26 or otherwise possesses> and inserting the following: <owns or
1 27 licenses computerized>.

1 28 #6. Page 3, line 9, by striking the word <who> and
1 29 inserting the following: <that>.

1 30 #7. Page 4, line 3, by inserting after the word <notice>
1 31 the following: <to the last available address the person has
1 32 in the person's records>.

1 33 #8. Page 5, line 2, by inserting before the word <harm> the
1 34 following: <financial>.

1 35 #9. Page 5, by inserting after line 32 the following:

1 36 <Sec. ____ . DISCLOSURE OF PERSONAL INFORMATION BY PUBLIC

1 37 OFFICIALS, ENTITIES, OR AFFILIATED ORGANIZATIONS == INTERIM



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Conference Committee Report 2308 continued

2 1 STUDY COMMITTEE REQUESTED.

2 2 The legislative council is requested to establish an interim
2 3 study committee to assess and review the extent to which public
2 4 officials, entities, and affiliated organizations in possession
2 5 of or with access to personal identifying information of a
2 6 resident of this state which could, if disclosed, render the
2 7 resident vulnerable to identity theft, are disclosing or
2 8 selling such information for compensation. Based upon this
2 9 assessment and review, the committee shall develop
2 10 recommendations relating to these practices. The committee
2 11 shall be composed of ten members representing both political
2 12 parties and both houses of the general assembly. Five members
2 13 shall be members of the senate, three of whom shall be
2 14 appointed by the majority leader of the senate and two of whom
2 15 shall be appointed by the minority leader of the senate. The
2 16 other five members shall be members of the house of
2 17 representatives, three of whom shall be appointed by the
2 18 speaker of the house of representatives and two of whom shall
2 19 be appointed by the minority leader of the house of
2 20 representatives. The committee shall issue a report of its
2 21 recommendations to the general assembly by January 15, 2009.>

2 22 #10. Title page, line 3, by inserting after the word
2 23 <information,> the following: <requesting the establishment of
2 24 an interim study committee relating to disclosure of personal
2 25 information by public officials, entities, and affiliated
2 26 organizations,>.

2 27 #11. By renumbering, relettering, or redesignating and
2 28 correcting internal references as necessary.

2 29

2 30 ON THE PART OF THE SENATE:

ON THE PART OF THE HOUSE:

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2 32

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2 35 STEVE WARNSTADT, CHAIRPERSON

DORIS KELLEY, CHAIRPERSON

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Conference Committee Report 2308 continued

3 1		
3 2	JERRY BEHN	GERI HUSER
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3 6	THOMAS G. COURTNEY	LIBBY JACOBS
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3 10	WILLIAM HECKROTH	DAVE JACOBY
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3 13		
3 14	STEVE KETTERING	DAVID TJEPKES
3 15	CCS 2308	
3 16	rn/nh/8	



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House Amendment 8555

PAG LIN

1 1 Amend House File 2687 as follows:
1 2 #1. Page 1, by inserting before line 1 the
1 3 following:
1 4 <DIVISION I
1 5 REDEVELOPMENT TAX CREDITS>
1 6 #2. Page 9, line 5, by inserting after the word
1 7 <This> the following: <division of this>.
1 8 #3. Page 9, by inserting after line 7 the
1 9 following:
1 10 <DIVISION II
1 11 DATA CENTER TAX EXEMPTIONS
1 12 Sec. ____ . Section 423.3, subsection 93, as enacted
1 13 by 2008 Iowa Acts, House File 2233, subsection 1, is
1 14 amended to read as follows:
1 15 93. a. (1) The sales price from the sale or
1 16 rental of computers and equipment that are necessary
1 17 for the maintenance and operation of a web search
1 18 portal business or data center and property whether
1 19 directly or indirectly connected to the computers,
1 20 including but not limited to cooling systems, cooling
1 21 towers, and other temperature control infrastructure;
1 22 power infrastructure for transformation, distribution,
1 23 or management of electricity used for the maintenance
1 24 and operation of the web search portal business or
1 25 data center, including but not limited to exterior
1 26 dedicated business-owned substations, back-up power
1 27 generation systems, battery systems, and related
1 28 infrastructure; and racking systems, cabling, and
1 29 trays, which are necessary for the maintenance and
1 30 operation of the web search portal business or data
1 31 center.
1 32 (2) The sales price of back-up power generation
1 33 fuel, that is purchased by a web search portal
1 34 business or data center for use in the items listed in
1 35 subparagraph (1).
1 36 (3) The sales price of electricity purchased for
1 37 use by a web search portal business or data center.
1 38 b. For the purpose of claiming this exemption, all
1 39 of the following requirements shall be met:
1 40 (1) The purchaser or renter shall be a web search
1 41 portal business or data center.
1 42 (2) The web search portal business or data center
1 43 shall have a physical location in the state that is
1 44 used for the operations and maintenance of the web
1 45 search portal business or data center.
1 46 (3) (a) The web search portal business shall make
1 47 a minimum investment in an Iowa physical location of
1 48 two hundred million dollars within the first six years
1 49 of operation in Iowa beginning with the date the web
1 50 search portal business initiates site preparation



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House Amendment 8555 continued

2 1 activities. The minimum investment includes the
2 2 initial investment, including land and subsequent
2 3 acquisition of additional adjacent land and subsequent
2 4 investment at the Iowa location.

2 5 (b) The data center shall make a minimum
2 6 investment in an Iowa physical location of one million
2 7 dollars within the first six years of operation in
2 8 Iowa beginning with the date the data center initiates
2 9 site preparation activities. The minimum investment
2 10 includes the initial investment, including land and
2 11 subsequent acquisition of additional adjacent land and
2 12 subsequent investment at the Iowa location.

2 13 (4) The web search portal business or data center
2 14 shall purchase, option, or lease Iowa land not later
2 15 than December 31, 2008, for any initial investment.
2 16 However, the December 31, 2008, date shall not affect
2 17 the future purchases of adjacent land and additional
2 18 investment in the initial or adjacent land to qualify
2 19 as part of the minimum investment for purposes of this
2 20 exemption.

2 21 c. This exemption applies from the date of the
2 22 initial investment in or the initiation of site
2 23 preparation activities for the web search portal
2 24 facility or data center as described in paragraph "b".
2 25 For purposes of claiming this exemption, the
2 26 requirements may be met by aggregating the various
2 27 Iowa investments and other requirements of the web
2 28 search portal business's affiliates or data center's
2 29 affiliates. This exemption applies to affiliates of
2 30 the web search portal business or data center.

2 31 d. Failure to meet eighty percent of the minimum
2 32 investment amount requirement specified in paragraph
2 33 "b" within the first six years of operation from the
2 34 date the web search portal business or data center
2 35 initiates site preparation activities will result in
2 36 the web search portal business or data center losing
2 37 the right to claim this ~~web search portal business~~
2 38 exemption and the web search portal business or data
2 39 center shall pay all sales or use tax that would have
2 40 been due on the purchase or rental or use of the items
2 41 listed in this exemption, plus any applicable penalty
2 42 and interest imposed by statute.

2 43 e. For purposes of this subsection:
2 44 (1) "Affiliate" means an entity that directly or
2 45 indirectly controls, is controlled with or by, or is
2 46 under common control with another entity.
2 47 (2) "Control" means any of the following:
2 48 (a) In the case of a United States corporation,
2 49 the ownership, directly or indirectly, of fifty
2 50 percent or more of the voting power to elect



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House Amendment 8555 continued

3 1 directors.

3 2 (b) In the case of a foreign corporation, if the
3 3 voting power to elect the directors is less than fifty
3 4 percent, the maximum amount allowed by applicable law.

3 5 (c) In the case of an entity other than a
3 6 corporation, fifty percent or more ownership interest
3 7 in the entity, or the power to direct the management
3 8 of the entity.

3 9 (3) "Data center" means a facility, or portion of
3 10 a facility, that is predominately used for the housing
3 11 and operation of computer data processing hardware and
3 12 associated equipment directly in support thereof.

3 13 ~~(3)~~ (4) "Web search portal business" means a
3 14 entity whose business among other businesses is to
3 15 provide a search portal to organize information; to
3 16 access, search, and navigate the internet, including
3 17 research and development to support capabilities to
3 18 organize information; or to provide internet access,
3 19 navigation, or search functionalities.

3 20 Sec. _____. Section 427.1, subsection 36, as enacted
3 21 by 2008 Iowa Acts, House File 2233, section 2, is
3 22 amended to read as follows:

3 23 36. WEB SEARCH AND DATA CENTER PROPERTY.

3 24 a. Property, other than land and buildings and
3 25 other improvements, that is utilized by a web search
3 26 portal business or data center as defined in and
3 27 meeting the requirements of section 423.3, subsection
3 28 93, including computers and equipment that are
3 29 necessary for the maintenance and operation of a web
3 30 search portal business or data center and other
3 31 property whether directly or indirectly connected to
3 32 the computers, including but not limited to cooling
3 33 systems, cooling towers, and other temperature control
3 34 infrastructure; power infrastructure for
3 35 transformation, distribution, or management of
3 36 electricity, including but not limited to exterior
3 37 dedicated business-owned substations, and power
3 38 distribution systems which are not subject to
3 39 assessment under chapter 437A; racking systems,
3 40 cabling, and trays; and back-up power generation
3 41 systems, battery systems, and related infrastructure
3 42 all of which are necessary for the maintenance and
3 43 operation of the web search portal business or data
3 44 center.

3 45 b. This ~~web search portal business~~ exemption
3 46 applies beginning with the assessment year the
3 47 investment in or construction of the facility
3 48 utilizing the materials, equipment, and systems set
3 49 forth in paragraph "a" are first assessed. For
3 50 purposes of claiming this ~~web search portal business~~



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4 1 exemption, the requirements may be met by aggregating
4 2 the various Iowa investments and other requirements of
4 3 the web search portal business's affiliates or data
4 4 center's affiliates as allowed under section 423.3,
4 5 subsection 93. This exemption applies to affiliates
4 6 of the web search portal business or data center.>
4 7 #4. Title page, line 3, by inserting after the
4 8 word <properties> the following: <providing sales,
4 9 use, and property tax exemptions for certain data
4 10 centers,>.
4 11 #5. By renumbering as necessary.
4 12
4 13
4 14
4 15 RANTS of Woodbury
4 16 HF 2687.202 82
4 17 tw/sc/11598



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House Amendment 8556

PAG LIN

1 1 Amend the Senate amendment, H=8552, to House File
1 2 2612, as amended, passed, and reprinted by the House,
1 3 as follows:
1 4 #1. Page 2, by striking lines 12 through 17.
1 5 #2. By renumbering as necessary.
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1 9 BAUDLER of Adair
1 10 HF 2612.705 82
1 11 av/nh/12540
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House Amendment 8557

PAG LIN

1 1 Amend the amendment, H=8425, to Senate File 2193,
1 2 as passed by the Senate, as follows:
1 3 #1. By striking page 1, line 3, through page 3,
1 4 line 25, and inserting the following:
1 5 <#____. Page 2, by inserting after line 8, the
1 6 following:
1 7 <Sec. ____ . NEW SECTION. 70A.1A BONUS PAY.
1 8 1. As used in this section unless the context
1 9 otherwise requires, "bonus pay" means any additional
1 10 remuneration provided to an employee in the form of a
1 11 bonus, including but not limited to a retention bonus,
1 12 recruitment bonus, exceptional job performance pay,
1 13 extraordinary job performance pay, exceptional
1 14 performance pay, extraordinary duty pay, extraordinary
1 15 or special duty pay, advanced appointment rate,
1 16 incentive pay, and any extra benefit not otherwise
1 17 provided to other similarly situated employees.
1 18 2. Unless otherwise authorized by law or required
1 19 pursuant to a collective bargaining agreement, a state
1 20 employee shall not, in addition to a salary, receive
1 21 any bonus pay unless all of the following have
1 22 occurred:
1 23 a. All requests for the payment of bonus pay to a
1 24 state employee shall be submitted in writing on a
1 25 prescribed form, to the director of the department in
1 26 which the state employee is employed. The request
1 27 shall contain a detailed justification for the request
1 28 explaining how approval of the bonus pay request will
1 29 benefit the efficiency or effectiveness of the state's
1 30 operations.
1 31 b. If approved by the employee's department
1 32 director, the bonus pay request shall then be
1 33 submitted to the director of the department of
1 34 administrative services for review and approval or
1 35 denial. However, if the bonus pay request is for an
1 36 employee of the department of administrative services,
1 37 the request shall instead be submitted to the
1 38 department of management for approval or denial. A
1 39 bonus pay request shall not be effective until the
1 40 request has been approved or denied as provided in
1 41 this paragraph "b". An approved bonus pay request
1 42 shall be submitted by a department director to the
1 43 department of administrative services or to the
1 44 department of management, as applicable, not less than
1 45 forty=five days before the end of the fiscal year in
1 46 order to be approved for payment during that fiscal
1 47 year.
1 48 c. A state employee is eligible to receive bonus
1 49 pay pursuant to an approved bonus pay request only
1 50 once during each fiscal year.



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House Amendment 8557 continued

2 1 3. The department of administrative services shall
2 2 maintain a record of all approved bonus pay requests
2 3 including copies of all documents submitted in
2 4 conjunction with such requests, which shall be
2 5 available for public inspection as provided in chapter
2 6 22.
2 7 4. The director of the department of
2 8 administrative services shall present a report at the
2 9 end of each fiscal year to the joint government
2 10 oversight committee of the general assembly. Copies
2 11 of the annual report shall be furnished to members of
2 12 the public upon request as provided in chapter 22.>
2 13 #___. Title page, line 3, by inserting after the
2 14 word <employees> the following: <, and payment of
2 15 bonus pay to certain government employees>.
2 16 #___. By renumbering as necessary.>
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2 20 BAUDLER of Adair
2 21 SF 2193.501 82
2 22 av/rj/11480



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House Amendment 8558

PAG LIN

1 1 Amend the amendment, H=8349, to Senate File 2386,
1 2 as passed by the Senate, as follows:
1 3 #1. Page 1, by striking lines 11 through 19.
1 4 #2. Page 1, line 26, by inserting after the word
1 5 <assess> the following: <maximum>.
1 6 #3. Page 1, by striking line 31 and inserting the
1 7 following: <energy load, projected demand, customer
1 8 base,>.
1 9 #4. Page 1, line 38, by inserting after the word
1 10 <include> the following: <efficiency improvements to
1 11 a utility infrastructure and system and>.
1 12 #5. Page 1, line 42, by inserting after the word
1 13 <used.> the following: <In the case of a municipal
1 14 utility, for purposes of this paragraph, other
1 15 utilities and departments of the municipal utility
1 16 shall be considered customers to the same extent that
1 17 such utilities and departments would be considered
1 18 customers if served by an electric or gas utility that
1 19 is not a municipal utility.>
1 20 #6. Page 2, line 1, by inserting after the words
1 21 <tree planting programs,> the following: <educational
1 22 programs,>.
1 23 #7. Page 2, by striking lines 8 through 17 and
1 24 inserting the following: <board on or before January
1 25 1, 2010. The report shall include the utility's
1 26 cost=effective energy efficiency goal, and for each
1 27 measure utilized by the utility in meeting the goal,
1 28 the measure's description, projected costs, and the
1 29 analysis of its cost=effectiveness. Each utility or
1 30 group of utilities shall evaluate cost=effectiveness
1 31 using the cost=effectiveness tests in accordance with
1 32 section 476.6, subsection 14.>
1 33 #8. By striking page 2, line 50, through page 3,
1 34 line 4, and inserting the following: <projected costs
1 35 of achieving the goals, potential rate impacts, and a
1 36 description of the programs offered and proposed by
1 37 each utility or group of utilities, and may take into
1 38 account differences in>.
1 39 #9. Page 3, by inserting after line 20 the
1 40 following:
1 41 <Sec. ____ . RENEWABLE ENERGY GENERATION ==
1 42 COST=EFFECTIVE POTENTIAL STUDY. The Iowa utility
1 43 association, in consultation with the Iowa association
1 44 of electric cooperatives and the Iowa association of
1 45 municipal utilities, shall conduct a technical study
1 46 of the potential for achieving or engaging in
1 47 renewable energy generation on a cost=effective basis
1 48 by 2025. The study shall be transmitted to the office
1 49 of energy independence by December 1, 2008, to be
1 50 submitted with the energy independence plan required



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House Amendment 8558 continued

2 1 to be submitted by the office to the governor and the
2 2 general assembly by December 14, 2008.>
2 3 #10. By renumbering as necessary.
2 4
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2 7 REICHERT of Muscatine
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2 10
2 11 PETERSEN of Polk
2 12 SF 2386.507 82
2 13 rn/rj/11970



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House Amendment 8559

PAG LIN

1 1 Amend the amendment, H=8475, to Senate File 2404,
1 2 as passed by the Senate, as follows:
1 3 #1. By striking page 1, line 3, through page 3,
1 4 line 9, and inserting the following:
1 5 <#____. Page 3, by inserting after line 12 the
1 6 following:
1 7 <Sec. ____ . NEW SECTION. 70A.1A BONUS PAY.
1 8 1. As used in this section unless the context
1 9 otherwise requires, "bonus pay" means any additional
1 10 remuneration provided to an employee in the form of a
1 11 bonus, including but not limited to a retention bonus,
1 12 recruitment bonus, exceptional job performance pay,
1 13 extraordinary job performance pay, exceptional
1 14 performance pay, extraordinary duty pay, extraordinary
1 15 or special duty pay, advanced appointment rate,
1 16 incentive pay, and any extra benefit not otherwise
1 17 provided to other similarly situated employees.
1 18 2. Unless otherwise authorized by law or required
1 19 pursuant to a collective bargaining agreement, a state
1 20 employee shall not, in addition to a salary, receive
1 21 any bonus pay unless all of the following have
1 22 occurred:
1 23 a. All requests for the payment of bonus pay to a
1 24 state employee shall be submitted in writing on a
1 25 prescribed form, to the director of the department in
1 26 which the state employee is employed. The request
1 27 shall contain a detailed justification for the request
1 28 explaining how approval of the bonus pay request will
1 29 benefit the efficiency or effectiveness of the state's
1 30 operations.
1 31 b. If approved by the employee's department
1 32 director, the bonus pay request shall then be
1 33 submitted to the director of the department of
1 34 administrative services for review and approval or
1 35 denial. However, if the bonus pay request is for an
1 36 employee of the department of administrative services,
1 37 the request shall instead be submitted to the
1 38 department of management for approval or denial. A
1 39 bonus pay request shall not be effective until the
1 40 request has been approved or denied as provided in
1 41 this paragraph "b". An approved bonus pay request
1 42 shall be submitted by a department director to the
1 43 department of administrative services or to the
1 44 department of management, as applicable, not less than
1 45 forty=five days before the end of the fiscal year in
1 46 order to be approved for payment during that fiscal
1 47 year.
1 48 c. A state employee is eligible to receive bonus
1 49 pay pursuant to an approved bonus pay request only
1 50 once during each fiscal year.



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House Amendment 8559 continued

2 1 3. The department of administrative services shall
2 2 maintain a record of all approved bonus pay requests
2 3 including copies of all documents submitted in
2 4 conjunction with such requests, which shall be
2 5 available for public inspection as provided in chapter
2 6 22.
2 7 4. The director of the department of
2 8 administrative services shall present a report at the
2 9 end of each fiscal year to the joint government
2 10 oversight committee of the general assembly. Copies
2 11 of the annual report shall be furnished to members of
2 12 the public upon request as provided in chapter 22.>
2 13 #___. Title page, line 2, by inserting after the
2 14 word <grants> the following: <, and payment of bonus
2 15 pay to certain government employees>.
2 16 #___. By renumbering as necessary.>
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2 18
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2 20 BAUDLER of Adair
2 21 SF 2404.701 82
2 22 av/rj/12535



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House Amendment 8560

PAG LIN

1 1 Amend the amendment, H=8330, to Senate File 385, as
1 2 passed by the Senate, as follows:
1 3 #1. Page 1, line 46, by striking the word <state>
1 4 and inserting the following: <state.>
1 5 #2. Page 1, by striking line 47.
1 6 #3. Page 3, line 4, by inserting after the word
1 7 <dollars.> the following: <The commissioner may
1 8 develop and establish a graduated license fee system.>
1 9 #4. Page 3, line 18, by inserting after the word
1 10 <Iowa.> the following: <The commissioner may review
1 11 similar fees assessed in surrounding states and fees
1 12 assessed regionally and nationally in setting the
1 13 permit fee.>
1 14 #5. Page 4, by inserting after line 7 the
1 15 following:
1 16 <____. If an unarmed combat fighter with a permit
1 17 to compete in this state in a scheduled unarmed combat
1 18 fighting event is determined to be unable to
1 19 participate in the event up to fourteen days prior to
1 20 the event, the commissioner may issue a permit to
1 21 another unarmed combat fighter, waiving the
1 22 application deadline in subsection 1, provided the new
1 23 unarmed combat fighter submits to the commissioner a
1 24 permit application that meets the requirements of
1 25 subsections 2, 3, and 4, and the requirements of
1 26 section 90B.10 are met.>
1 27 #6. Page 6, line 32, by inserting after the word
1 28 and figure <subsection 4.> the following: <Fees,
1 29 taxes, and forfeited moneys collected under this
1 30 section shall be deposited into the general fund of
1 31 the state and may be used to reimburse the
1 32 commissioner for the costs of investigation and
1 33 amounts in excess of such reimbursement shall be
1 34 expended as provided in section 90A.10.>
1 35 #7. By renumbering as necessary.
1 36
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1 39 JOCHUM of Dubuque
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1 43 VAN FOSSEN of Scott
1 44 SF 385.205 82
1 45 ak/rj/11547
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House Amendment 8561

PAG LIN

1 1 Amend the Senate amendment, H=8552, to House File
1 2 2612, as amended, passed, and reprinted by the House,
1 3 as follows:
1 4 #1. Page 1, line 49, by striking the word
1 5 <subsection> and inserting the following:
1 6 <subsections>.
1 7 #2. Page 2, by inserting after line 11 the
1 8 following:
1 9 <NEW SUBSECTION. 16. An operator of a motorboat
1 10 or sailboat on the navigable waters of this state or a
1 11 passenger on such a vessel shall not possess on the
1 12 vessel an open or unsealed bottle, can, jar, or other
1 13 receptacle containing an alcoholic beverage.>
1 14 #3. By renumbering as necessary.
1 15
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1 18 BAUDLER of Adair
1 19 HF 2612.503 82
1 20 av/nh/12542
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House Amendment 8562

PAG LIN

1 1 Amend House File 2680 as follows:
 1 2 #1. Page 1, by inserting after line 9 the
 1 3 following:
 1 4 <Sec. _____. Section 282.18, subsection 7, Code
 1 5 2007, is amended to read as follows:
 1 6 7. A pupil participating in open enrollment shall
 1 7 be counted, for state school foundation aid purposes,
 1 8 in the pupil's district of residence. A pupil's
 1 9 residence, for purposes of this section, means a
 1 10 residence under section 282.1. The board of directors
 1 11 of the district of residence shall pay to the
 1 12 receiving district the state cost per pupil for the
 1 13 previous school year, plus any moneys received for the
 1 14 pupil as a result of the non-English speaking
 1 15 weighting under section 280.4, subsection 3, for the
 1 16 previous school year multiplied by the state cost per
 1 17 pupil for the previous year. If the pupil
 1 18 participating in open enrollment is also an eligible
 1 19 pupil under chapter 261C, the receiving district shall
 1 20 pay the tuition reimbursement amount to an eligible
 1 21 postsecondary institution as provided in section
 1 22 261C.6. However, if seventeen or more pupils from the
 1 23 same district of residence participate in open
 1 24 enrollment and enroll in the same receiving district,
 1 25 the district of residence shall pay to the receiving
 1 26 district the percentage of the amount the district of
 1 27 residence receives under 284.13, subsection 1,
 1 28 paragraph "h", equal to the proportion that the number
 1 29 of students enrolled in the receiving district bears
 1 30 to the basic enrollment of the district of residence.>
 1 31 #2. By renumbering as necessary.
 1 32
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 1 34
 1 35 WORTHAN of Buena Vista
 1 36 HF 2680.201 82
 1 37 kh/rj/12133
 1 38
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House Amendment 8563

PAG LIN

1 1 Amend House File 2692 as follows:

1 2 #1. Page 1, line 1, by striking the words and
1 3 figures <subsection 4, Code 2007, is> and inserting
1 4 the following: <subsections 4, 11, and 17, Code 2007,
1 5 are>.

1 6 #2. Page 1, by inserting after line 11 the
1 7 following:

1 8 <11. "Commercial manure service" means a sole
1 9 proprietor or business association as defined in
1 10 section 202B.102, engaged in the business of
1 11 transporting, handling, storing, or applying manure
1 12 for a ~~fee~~, compensation, but does not include a person
1 13 who only receives compensation for the manure
1 14 originating from that person's own animal feeding
1 15 operation or for applying manure originating from that
1 16 person's own animal feeding operation.

1 17 17. a. "Confinement site manure applicator" means
1 18 a person, other than a commercial manure service or a
1 19 commercial manure service representative, who
1 20 transports, handles, or applies manure on to land if
1 21 the manure originates from a ~~manure storage~~
1 22 confinement feeding operation structure.

1 23 b. "Confinement site manure applicator" includes a
1 24 person who conducts any activity involved in
1 25 transferring manure from a confinement feeding
1 26 operation structure to its application on land but
1 27 does not include a person who only transfers manure
1 28 within a confinement feeding operation structure,
1 29 transfers manure in an exclusively dry form to or from
1 30 a confinement feeding operation structure at a
1 31 confinement feeding operation, or transfers manure
1 32 inside permanent piping between confinement feeding
1 33 operation structures.>

1 34 #3. Page 1, by inserting after line 13 the
1 35 following:

1 36 <NEW SUBSECTION. 8A. "Business day" means a
1 37 calendar day except Saturday, Sunday, or a holiday
1 38 specified in section 1C.2.>

1 39 #4. Page 3, by inserting after line 12 the
1 40 following:

1 41 <Sec. _____. Section 459.315, subsection 2, Code
1 42 2007, is amended to read as follows:

1 43 2. a. A person required to be certified as a
1 44 commercial manure service representative must be
1 45 certified by the department each year. The
1 46 certification expires on March 1 of each year. The
1 47 person shall be certified after completing an
1 48 educational program which shall consist of ~~an~~ any of
1 49 the following:

1 50 (1) An examination required to be passed by the



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House Amendment 8563 continued

2 1 person ~~or three.~~
2 2 (2) At least two hours of continuing instructional
2 3 courses which the person must attend each year ~~in lieu~~
~~2 4 of passing the examination. However, the department~~
2 5 may require that the person attend up to one
2 6 additional hour of continuing instructional courses
2 7 each year.
2 8 b. A person required to be certified as a
2 9 confinement site manure applicator must be certified
2 10 by the department ~~every three years~~ each year.
2 11 ~~However, if the person is exempt from paying the~~
~~2 12 certification fee because a family member has paid a~~
~~2 13 certification fee as provided in section 459.400, the~~
~~2 14 person's certification shall expire on the same date~~
~~2 15 that the paid family member's certification expires.~~
~~2 16 A~~ The certification expires on March 1 of each year.
2 17 The person shall be certified after completing an
2 18 educational program which shall consist of ~~an~~ any of
2 19 the following:
2 20 (1) An examination required to be passed by the
2 21 person ~~or two.~~
2 22 (2) At least two hours of continuing instructional
2 23 courses which the person must attend each year ~~in lieu~~
~~2 24 of passing the examination.~~
2 25 Sec. _____. Section 459.315, subsection 5, paragraph
2 26 a, subparagraph (2), subparagraph subdivision (a),
2 27 Code 2007, is amended to read as follows:
2 28 (a) The person completes and submits a form as
2 29 required by the department documenting that the person
2 30 is actively seeking certification under this section.
2 31 Sec. _____. Section 459.315, subsection 5, paragraph
2 32 b, subparagraph (2), subparagraph subdivision (b),
2 33 Code 2007, is amended to read as follows:
2 34 (b) In sight or ~~hearing~~ immediate communication
2 35 distance of the supervised person.
2 36 Sec. _____. Section 459.315, subsection 5, Code
2 37 2007, is amended by adding the following new
2 38 paragraph:
2 39 NEW PARAGRAPH. c. This subsection shall not be
2 40 construed to exempt a person from being required to be
2 41 certified as a confinement site manure applicator
2 42 merely because the person is not required to be
2 43 certified as a commercial manure service
2 44 representative.
2 45 Sec. _____. Section 459.400, subsection 1, paragraph
2 46 d, subparagraph (2), subparagraph subdivision (a),
2 47 Code 2007, is amended to read as follows:
2 48 (a) ~~The person is certified within one year from~~
~~2 49 the date that a~~ A family member has been certified as
2 50 a confinement site manure applicator.>



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House Amendment 8563 continued

3 1 #5. Page 4, by inserting after line 34 the
3 2 following:
3 3 <Sec. _____. CURRENT CERTIFICATIONS.
3 4 1. The provisions of this Act shall not affect the
3 5 duration of a three-year certification issued by the
3 6 department of natural resources to a person as a
3 7 confinement site manure applicator pursuant to section
3 8 459.315 prior to the effective date of this Act, if
3 9 all of the following apply:
3 10 a. The certification is valid on the date
3 11 immediately prior to the effective date of this Act.
3 12 b. The person complies with the applicable
3 13 requirements provided in chapter 459, including
3 14 section 459.315 as amended by this Act.
3 15 2. The person's three-year certification shall
3 16 remain valid regardless of whether the person paid a
3 17 certification fee or was exempt from paying the
3 18 certification fee as provided in sections 459.315 and
3 19 459.400, as those sections existed on the date
3 20 immediately prior to the effective date of this Act.
3 21 3. At the end of the duration of the person's
3 22 certification as a confinement site manure applicator
3 23 as provided in section 459.315 as that section existed
3 24 on the date immediately prior to the effective date of
3 25 this Act, the person's certification shall expire and
3 26 the person shall only be certified as a confinement
3 27 site manure applicator on an annual basis as provided
3 28 in section 459.315, as amended by this Act.
3 29 4. The department may adopt rules as necessary to
3 30 implement this section.>
3 31 #6. Title page, line 2, by inserting after the
3 32 words <and the> the following: <management and>.
3 33 #7. By renumbering as necessary.
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3 37 COMMITTEE ON AGRICULTURE
3 38 MERTZ of Kossuth, Chairperson
3 39 HF 2692.701 82
3 40 da/nh/11595



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House Amendment 8564

PAG LIN

1 1 Amend the Senate amendment, H=8552, to House File
1 2 2612, as amended, passed, and reprinted by the House,
1 3 as follows:
1 4 #1. Page 1, line 49, by striking the word
1 5 <subsection> and inserting the following:
1 6 <subsections>.
1 7 #2. Page 2, by inserting after line 11 the
1 8 following:
1 9 <NEW SUBSECTION. 16. A person shall not operate a
1 10 vessel while alone on the waters of this state under
1 11 the jurisdiction of the commission unless the person
1 12 is wearing a type I, II, III, or V personal flotation
1 13 device, including a "float coat" that meets this
1 14 definition, that is approved by the United States
1 15 coast guard, while the vessel is under way.>
1 16 #3. By renumbering as necessary.
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1 20 BAUDLER of Adair
1 21 HF 2612.707 82
1 22 av/nh/12543
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House Amendment 8565

PAG LIN

1 1 Amend the Senate amendment, H=8552, to House File
1 2 2612, as amended, passed, and reprinted by the House
1 3 as follows:
1 4 #1. Page 2, line 3, by striking the word
1 5 <thirteen> and inserting the following: <six>.
1 6 #2. Page 2, line 9, by striking the word
1 7 <thirteen> and inserting the following: <six>.
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1 11 HORBACH of Tama
1 12 HF 2612.504 82
1 13 av/nh/21287
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House Amendment 8566

PAG LIN

1 1 Amend the amendment, H=8349, to Senate File 2386,
 1 2 as passed by the Senate, as follows:
 1 3 #1. Page 3, by inserting after line 20 the
 1 4 following:
 1 5 <Sec. _____. NEW SECTION. 476A.16 MERCHANT POWER
 1 6 PLANTS == ALLOCATION OF REVENUE.
 1 7 1. For the purposes of this section, "merchant
 1 8 power plant" means a power plant located in this state
 1 9 that burns coal or natural gas and is not owned or
 1 10 operated by a public utility, municipally owned
 1 11 utility, municipal power agency, or electric
 1 12 cooperative corporation or association and which is
 1 13 not subject to rate regulation pursuant to chapter
 1 14 476.
 1 15 2. As a condition for issuance of a certificate by
 1 16 the board pursuant to this subchapter, the board shall
 1 17 require an owner or operator of a merchant power plant
 1 18 to allocate one-tenth of one percent of the gross
 1 19 revenue derived from power sold for use outside of
 1 20 this state for the support of the Iowa energy center
 1 21 established in section 266.39C, the university of Iowa
 1 22 center for global and regional environmental research
 1 23 established by the state board of regents, and the
 1 24 center for energy and environmental education at the
 1 25 university of northern Iowa.>
 1 26 #2. By renumbering as necessary.
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 1 30 BERRY of Black Hawk
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 1 34 KRESSIG of Black Hawk
 1 35 SF 2386.704 82
 1 36 rn/rj/21291
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House Amendment 8567

PAG LIN

1 1 Amend Senate File 2415, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 1, line 16, by inserting after the word
1 4 <district.> the following: <A member of the
1 5 commission shall not appoint a designee to serve on
1 6 the commission in the member's capacity.>
1 7 #2. Page 4, line 32, by inserting after the word
1 8 <district.> the following: <A proposed property tax
1 9 levy rate shall not be approved by the commission
1 10 unless two-thirds of the commission's members are
1 11 present when the proposed property tax levy rate is
1 12 approved.>
1 13 #3. Page 5, line 11, by inserting after the word
1 14 <needed.> the following: <The commission shall have
1 15 exclusive tax=levying authority for the district.>
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1 20 SF 2415.701 82
1 21 md/sc/12555
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House Amendment 8568

PAG LIN

1 1 Amend Senate File 2267, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 1, lines 14 and 15, by striking the words
1 4 <well and the need to protect the environment.> and
1 5 inserting the following: <well.
1 6 f. Reasonable and appropriate limitations on
1 7 wastewater discharge that take into consideration the
1 8 need to conserve soil and protect water quality.>
1 9 #2. By renumbering as necessary.
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1 13 D. OLSON of Boone
1 14 SF 2267.201 82
1 15 tw/nh/21297
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House Amendment 8569

PAG LIN

1 1 Amend Senate File 2334, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. By striking everything after the enacting
1 4 clause and inserting the following:
1 5 <Section 1. NEW SECTION. 249A.36 HEALTH CARE
1 6 INFORMATION SHARING.
1 7 1. As a condition of doing business in the state,
1 8 health insurers including self-insured plans, group
1 9 health plans as defined in the federal Employee
1 10 Retirement Income Security Act of 1974, Pub. L. No.
1 11 93-406, service benefit plans, managed care
1 12 organizations, pharmacy benefits managers, and other
1 13 parties that are, by statute, contract, or agreement,
1 14 legally responsible for payment of a claim for a
1 15 health care item or service, shall do all of the
1 16 following:
1 17 a. Provide, with respect to individuals who are
1 18 eligible for or are provided medical assistance under
1 19 the state's medical assistance state plan, upon the
1 20 request of the state, information to determine during
1 21 what period the individual or the individual's spouse
1 22 or dependents may be or may have been covered by a
1 23 health insurer and the nature of the coverage that is
1 24 or was provided by the health insurer, including the
1 25 name, address, and identifying number of the plan, in
1 26 accordance with section 505.25, and in a manner
1 27 prescribed by the department of human services or as
1 28 agreed upon by the department and the entity specified
1 29 in this section.
1 30 b. Accept the state's right of recovery and the
1 31 assignment to the state of any right of an individual
1 32 or other entity to payment from the party for an item
1 33 or service for which payment has been made under the
1 34 medical assistance state plan.
1 35 c. Respond to any inquiry by the state regarding a
1 36 claim for payment for any health care item or service
1 37 that is submitted no later than three years after the
1 38 date of the provision of such health care item or
1 39 service.
1 40 d. Agree not to deny any claim submitted by the
1 41 state solely on the basis of the date of submission of
1 42 the claim, the type or format of the claim form, or a
1 43 failure to present proper documentation at the
1 44 point-of-sale that is the basis of the claim, if all
1 45 of the following conditions are met:
1 46 (1) The claim is submitted to the entity by the
1 47 state within the three-year period beginning on the
1 48 date on which the item or service was furnished.
1 49 (2) Any action by the state to enforce its rights
1 50 with respect to such claim is commenced within six



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House Amendment 8569 continued

2 1 years of the date that the claim was submitted by the
2 2 state.
2 3 2. The department of human services may adopt
2 4 rules pursuant to chapter 17A as necessary to
2 5 implement this section. Rules governing the exchange
2 6 of information under this section shall be consistent
2 7 with all laws, regulations, and rules relating to the
2 8 confidentiality or privacy of personal information or
2 9 medical records, including but not limited to the
2 10 federal Health Insurance Portability and
2 11 Accountability Act of 1996, Pub. L. No. 104=191, and
2 12 regulations promulgated in accordance with that Act
2 13 and published in 45 C.F.R. pts. 160 through 164.
2 14 Sec. 2. EFFECTIVE DATE AND RETROACTIVE
2 15 APPLICABILITY. This Act, being deemed of immediate
2 16 importance, takes effect upon enactment and is
2 17 retroactively applicable to March 1, 2008.>
2 18 #2. Title page, line 3, by inserting after the
2 19 word <date> the following: <and a retroactive
2 20 applicability provision>.
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2 24 ABDUL-SAMAD of Polk
2 25 SF 2334.501 82
2 26 pf/nh/11618



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House Amendment 8570

PAG LIN

1 1 Amend House File 2604 as follows:
1 2 #1. By striking everything after the enacting
1 3 clause and inserting the following:
1 4 <Section 1. Section 249A.2, Code 2007, is amended
1 5 by adding the following new subsection:
1 6 NEW SUBSECTION. 4A. "Entity" includes but is not
1 7 limited to a carrier as defined in section 514C.13,
1 8 health insurer, health maintenance organization as
1 9 defined in section 514B.1, nonprofit health service
1 10 corporation as specified in chapter 514, self-insured
1 11 plan, group health plan, service benefit plan, managed
1 12 care organization, pharmacy benefits manager as
1 13 defined in section 510B.1, preferred provider
1 14 organization, professional association or society,
1 15 trust, pool, union, fraternal benefit society,
1 16 third-party administrator, and any other party that
1 17 is, by law, contract, or agreement, legally
1 18 responsible for payment of a claim for a health care
1 19 item or service.
1 20 Sec. 2. Section 249A.6, Code 2007, is amended to
1 21 read as follows:
1 22 249A.6 ASSIGNMENT == LIEN.
1 23 1. a. As a condition of eligibility for medical
1 24 assistance, a recipient who has the legal capacity to
1 25 execute an assignment shall do all of the following:
1 26 (1) Assign to the department any rights to payment
1 27 of medical care and services from any third party.
1 28 (2) Cooperate with the department in obtaining
1 29 payments described in subparagraph (1).
1 30 (3) Cooperate with the department in identifying
1 31 and providing information to assist the department in
1 32 pursuing any third party who may be liable to pay for
1 33 medical care and services available under the medical
1 34 assistance program.
1 35 b. Any amount collected by the department through
1 36 an assignment shall be retained by the department as
1 37 reimbursement for medical assistance payments.
1 38 c. An assignment under this subsection is in
1 39 addition to an assignment of medical support payments
1 40 under any other law, including section 252E.11.
1 41 2. When payment is made by the department for
1 42 medical care or expenses through the medical
1 43 assistance program on behalf of a recipient, the
1 44 department shall have a lien, to the extent of those
1 45 payments, upon all monetary claims which the recipient
1 46 may have against third parties. A lien under this
1 47 section is not effective unless the department files a
1 48 notice of lien with the clerk of the district court in
1 49 the county where the recipient resides and with the
1 50 recipient's attorney when the recipient's eligibility



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House Amendment 8570 continued

2 1 for medical assistance is established. The notice of
2 2 lien shall be filed before the third party has
2 3 concluded a final settlement with the recipient, the
2 4 recipient's attorney, or other representative. The
2 5 third party shall obtain a written determination from
2 6 the department concerning the amount of the lien
2 7 before a settlement is deemed final for purposes of
2 8 this section. A compromise, including but not limited
2 9 to a settlement, waiver or release, of a claim under
2 10 this section does not defeat the department's lien
2 11 except pursuant to the written agreement of the
2 12 director or the director's designee. A settlement,
2 13 award, or judgment structured in any manner not to
2 14 include medical expenses or an action brought by a
2 15 recipient or on behalf of a recipient which fails to
2 16 state a claim for recovery of medical expenses does
2 17 not defeat the department's lien if there is any
2 18 recovery on the recipient's claim.
2 19 ~~2.~~ 3. The department shall be given notice of
2 20 monetary claims against third parties as follows:
2 21 a. Applicants for medical assistance shall notify
2 22 the department of any possible claims against third
2 23 parties upon submitting the application. Recipients
2 24 of medical assistance shall notify the department of
2 25 any possible claims when those claims arise.
2 26 b. A person who provides health care services to a
2 27 person receiving assistance through the medical
2 28 assistance program shall notify the department
2 29 whenever the person has reason to believe that third
2 30 parties may be liable for payment of the costs of
2 31 those health care services.
2 32 c. An attorney representing an applicant for or
2 33 recipient of assistance on a claim upon which the
2 34 department has a lien under this section shall notify
2 35 the department of the claim of which the attorney has
2 36 actual knowledge, prior to filing a claim, commencing
2 37 an action, or negotiating a settlement offer. Actual
2 38 knowledge under this section shall include the notice
2 39 to the attorney pursuant to subsection ~~2.~~
2 40 The mailing and deposit in a United States post
2 41 office or public mailing box of the notice, addressed
2 42 to the department at its state or district office
2 43 location, is adequate legal notice of the claim.
2 44 ~~3.~~ 4. The department's lien is valid and binding
2 45 on an attorney, insurer, or other third party only
2 46 upon notice by the department or unless the attorney,
2 47 insurer, or third party has actual notice that the
2 48 recipient is receiving medical assistance from the
2 49 department and only to the extent to which the
2 50 attorney, insurer, or third party has not made payment



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House Amendment 8570 continued

3 1 to the recipient or an assignee of the recipient prior
3 2 to the notice. Payment of benefits by an insurer or
3 3 third party pursuant to the rights of the lienholder
3 4 in this section discharges the attorney, insurer, or
3 5 third party from liability to the recipient or the
3 6 recipient's assignee to the extent of the payment to
3 7 the department.

3 8 ~~4-~~ 5. If a recipient of assistance through the
3 9 medical assistance program incurs the obligation to
3 10 pay attorney fees and court costs for the purpose of
3 11 enforcing a monetary claim upon which the department
3 12 has a lien under this section, upon the receipt of the
3 13 judgment or settlement of the total claim, of which
3 14 the lien for medical assistance payments is a part,
3 15 the court costs and reasonable attorney fees shall
3 16 first be deducted from this total judgment or
3 17 settlement. One-third of the remaining balance shall
3 18 then be deducted and paid to the recipient. From the
3 19 remaining balance, the lien of the department shall be
3 20 paid. Any amount remaining shall be paid to the
3 21 recipient. An attorney acting on behalf of a
3 22 recipient of medical assistance for the purpose of
3 23 enforcing a claim upon which the department has a lien
3 24 shall not collect from the recipient any amount as
3 25 attorney fees which is in excess of the amount which
3 26 the attorney customarily would collect on claims not
3 27 subject to this section.

3 28 ~~5-~~ 6. For purposes of this section the term "third
3 29 party" includes an attorney, individual, institution,
3 30 corporation, or public or private agency which is or
3 31 may be liable to pay part or all of the medical costs
3 32 incurred as a result of injury, disease, or disability
3 33 by or on behalf of an applicant for or recipient of
3 34 assistance under the medical assistance program.

3 35 ~~6-~~ 7. The department may enforce its lien by a
3 36 civil action against any liable third party.

3 37 Sec. 3. NEW SECTION. 249A.36 HEALTH CARE
3 38 INFORMATION SHARING.

3 39 1. An entity shall provide on a monthly basis to
3 40 the department, in a format determined by the
3 41 department or as agreed upon by the department and the
3 42 entity, information necessary to enable the department
3 43 or entity to determine whether a health care coverage
3 44 recipient of the entity is also a recipient of medical
3 45 assistance. If the department determines that a
3 46 health care coverage recipient of an entity is also a
3 47 recipient of medical assistance, the department shall
3 48 request any additional information or payment from the
3 49 entity as described in subsection 2.

3 50 2. If the department determines that a health care



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House Amendment 8570 continued

4 1 coverage recipient of the entity is also a medical
4 2 assistance recipient, the entity shall do all of the
4 3 following, as applicable, by no later than one hundred
4 4 eighty days after the department's request made
4 5 pursuant to subsection 1:
4 6 a. Pay the department for, or assign to the
4 7 department any right of recovery owed to the entity
4 8 for, a covered health claim for which medical
4 9 assistance payment has been made.
4 10 b. Pay the claim submitted by the health care
4 11 coverage recipient in lieu of a medical assistance
4 12 payment of the claim.
4 13 c. Respond to any inquiry by the department
4 14 concerning a claim for payment for any health care
4 15 item or service that is submitted no later than three
4 16 years after the date the health care item or service
4 17 was provided.
4 18 3. An entity shall not deny a payment to the
4 19 department for any claim submitted by the department
4 20 on any procedural basis, including the date of
4 21 submission of the claim, the type or format of the
4 22 claim form, or a failure to present proper
4 23 documentation at the time the health care item or
4 24 service that is the basis of the claim was provided,
4 25 if both of the following apply:
4 26 a. The claim is submitted to the entity within
4 27 three years of the date that the health care item or
4 28 service that is the subject of the claim was provided.
4 29 b. Any action by the state to enforce its rights
4 30 under this section is commenced within six years of
4 31 the date that the claim was submitted by the state.
4 32 4. If the department determines that a health care
4 33 coverage recipient of an entity is also a medical
4 34 assistance recipient, both of the following provisions
4 35 shall apply:
4 36 a. The department may use information received
4 37 under subsection 1 to update the medical assistance
4 38 database maintained by the department.
4 39 b. The department shall share with that entity
4 40 only such information necessary for claims
4 41 adjudication activities or to recover erroneous
4 42 medical assistance payments made.
4 43 5. The department may adopt rules pursuant to
4 44 chapter 17A as necessary to implement this section.
4 45 Rules governing the exchange of information under this
4 46 section shall be consistent with all laws,
4 47 regulations, and rules relating to the confidentiality
4 48 or privacy of personal information or medical records,
4 49 including but not limited to the federal Health
4 50 Insurance Portability and Accountability Act of 1996,



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House Amendment 8570 continued

5 1 Pub. L. No. 104=191, and regulations promulgated in
5 2 accordance with that Act, and published in 45 C.F.R.
5 3 pts. 160 to 164.
5 4 Sec. 4. Section 488.201, subsection 1, Code 2007,
5 5 is amended by adding the following new paragraph:
5 6 NEW PARAGRAPH. dd. An agreement to cooperate with
5 7 the department of human services in complying with
5 8 section 249A.36.
5 9 Sec. 5. Section 488.210, subsection 1, Code 2007,
5 10 is amended by adding the following new paragraph:
5 11 NEW PARAGRAPH. e. (1) The street and mailing
5 12 address of any entity, as defined in section 249A.2,
5 13 legally responsible for payment of a claim for a
5 14 health care item or service provided to a health care
5 15 coverage recipient of the limited partnership or
5 16 foreign limited partnership.
5 17 (2) A statement agreeing to cooperate with the
5 18 department of human services in complying with section
5 19 249A.36.
5 20 (3) The secretary of state shall provide the
5 21 information submitted under this lettered paragraph to
5 22 the department of human services in the format
5 23 determined by the department of human services to
5 24 enable the department of human services to determine
5 25 whether a health care coverage recipient of the
5 26 limited partnership or foreign limited partnership is
5 27 also a medical assistance recipient pursuant to
5 28 section 249A.36.
5 29 Sec. 6. Section 490.202, subsection 1, Code
5 30 Supplement 2007, is amended by adding the following
5 31 new paragraph:
5 32 NEW PARAGRAPH. e. A statement agreeing to
5 33 cooperate with the department of human services in
5 34 complying with section 249A.36.
5 35 Sec. 7. Section 490.1622, subsection 1, Code 2007,
5 36 is amended by adding the following new paragraph:
5 37 NEW PARAGRAPH. e. (1) The street and mailing
5 38 address of any entity, as defined in section 249A.2,
5 39 legally responsible for payment of a claim for a
5 40 health care item or service provided to a health care
5 41 coverage recipient of the domestic corporation or
5 42 foreign corporation.
5 43 (2) A statement agreeing to cooperate with the
5 44 department of human services in complying with section
5 45 249A.36.
5 46 (3) The secretary of state shall provide the
5 47 information submitted under this lettered paragraph to
5 48 the department of human services in the format
5 49 determined by the department of human services to
5 50 enable the department of human services to determine



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6 1 whether a health care coverage recipient of the
6 2 domestic corporation or foreign corporation is also a
6 3 medical assistance recipient pursuant to section
6 4 249A.36.
6 5 Sec. 8. Section 490A.131, subsection 1, Code 2007,
6 6 is amended by adding the following new paragraph:
6 7 NEW PARAGRAPH. e. (1) The street and mailing
6 8 address of any entity, as defined in section 249A.2,
6 9 legally responsible for payment of a claim for a
6 10 health care item or service provided to a health care
6 11 coverage recipient of the limited liability company or
6 12 foreign limited liability company.
6 13 (2) A statement agreeing to cooperate with the
6 14 department of human services in complying with section
6 15 249A.36.
6 16 (3) The secretary of state shall provide the
6 17 information submitted in this lettered paragraph to
6 18 the department of human services in the format
6 19 determined by the department of human services to
6 20 enable the department of human services to determine
6 21 whether a health care coverage recipient of the
6 22 limited liability company or foreign limited liability
6 23 company is also a medical assistance recipient
6 24 pursuant to section 249A.36.
6 25 Sec. 9. Section 490A.303, subsection 1, Code 2007,
6 26 is amended by adding the following new paragraph:
6 27 NEW PARAGRAPH. e. A statement agreeing to
6 28 cooperate with the department of human services in
6 29 complying with section 249A.36.
6 30 Sec. 10. Section 496C.21, Code 2007, is amended by
6 31 adding the following new subsection:
6 32 NEW SUBSECTION. 5. a. The street and mailing
6 33 address of any entity, as defined in section 249A.2,
6 34 legally responsible for payment of a claim for a
6 35 health care item or service provided to a health care
6 36 coverage recipient of the domestic professional
6 37 corporation or foreign professional corporation.
6 38 b. A statement agreeing to cooperate with the
6 39 department of human services in complying with section
6 40 249A.36.
6 41 c. The secretary of state shall provide the
6 42 information submitted in this lettered paragraph to
6 43 the department of human services in the format
6 44 determined by the department of human services to
6 45 enable the department of human services to determine
6 46 whether a health care coverage recipient of the
6 47 professional corporation or foreign professional
6 48 corporation is also a medical assistance recipient
6 49 pursuant to section 249A.36.
6 50 Sec. 11. Section 497.22, Code 2007, is amended to



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7 1 read as follows:

7 2 497.22 BIENNIAL REPORT == PENALTY.

7 3 1. Section 504.1613 applies to a cooperative
7 4 association organized under this chapter in the same
7 5 manner as that section applies to a corporation
7 6 organized under chapter 504. In addition to the
7 7 information required to be set forth in the biennial
7 8 report under section 504.1613, the cooperative
7 9 association shall also set forth the total amount of
7 10 business transacted, number of members, total expense
7 11 of operation, total amount of indebtedness, and total
7 12 profits or losses for each calendar or fiscal year of
7 13 the two-year period which ended immediately preceding
7 14 the first day of January of the year in which the
7 15 report is filed.

7 16 2. a. The cooperative association shall also
7 17 include in the biennial report all of the following:

7 18 (1) The street and mailing address of any entity,
7 19 as defined in section 249A.2, legally responsible for
7 20 payment of a claim for a health care item or service
7 21 provided to a health care coverage recipient of the
7 22 cooperative association.

7 23 (2) A statement agreeing to cooperate with the
7 24 department of human services in complying with section
7 25 249A.36.

7 26 b. The secretary of state shall provide the
7 27 information submitted under this subsection to the
7 28 department of human services in the format determined
7 29 by the department of human services to enable the
7 30 department of human services to determine whether a
7 31 health care coverage recipient of the cooperative
7 32 association is also a medical assistance recipient
7 33 pursuant to section 249A.36.

7 34 3. A cooperative association which fails to comply
7 35 with this section before April 1 of the year in which
7 36 the report is due is subject to a penalty of ten
7 37 dollars.

7 38 Sec. 12. Section 498.24, Code 2007, is amended to
7 39 read as follows:

7 40 498.24 BIENNIAL REPORT == PENALTY.

7 41 1. Section 504.1613 applies to a cooperative
7 42 association organized under this chapter in the same
7 43 manner as that section applies to a corporation
7 44 organized under chapter 504. In addition to the
7 45 information required to be set forth in the biennial
7 46 report under section 504.1613, the cooperative
7 47 association shall also set forth the total amount of
7 48 business transacted, number of members, total expense
7 49 of operation, total amount of indebtedness, and total
7 50 profits or losses for each calendar or fiscal year of



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House Amendment 8570 continued

8 1 the two-year period which ended immediately preceding
8 2 the first day of January of the year in which the
8 3 report is filed.
8 4 2. a. The nonprofit cooperative association shall
8 5 also include in the biennial report all of the
8 6 following:
8 7 (1) The street and mailing address of any entity,
8 8 as defined in section 249A.2, legally responsible for
8 9 payment of a claim for a health care item or service
8 10 provided to a health care coverage recipient of the
8 11 nonprofit cooperative association.
8 12 (2) A statement agreeing to cooperate with the
8 13 department of human services in complying with section
8 14 249A.36.
8 15 b. The secretary of state shall provide the
8 16 information submitted under this subsection to the
8 17 department of human services in the format determined
8 18 by the department of human services to enable the
8 19 department of human services to determine whether a
8 20 health care coverage recipient of the nonprofit
8 21 cooperative association is also a medical assistance
8 22 recipient pursuant to section 249A.36.
8 23 3. A cooperative association which fails to comply
8 24 with this section before April 1 of the year in which
8 25 the report is due is subject to a penalty of ten
8 26 dollars.
8 27 Sec. 13. Section 499.40, Code 2007, is amended by
8 28 adding the following new subsection:
8 29 NEW SUBSECTION. 9. A statement agreeing to
8 30 cooperate with the department of human services in
8 31 complying with section 249A.36.
8 32 Sec. 14. Section 499.49, Code 2007, is amended to
8 33 read as follows:
8 34 499.49 BIENNIAL REPORT.
8 35 1. Section 504.1613 applies to a cooperative
8 36 organized under this chapter in the same manner as
8 37 that section applies to a corporation organized under
8 38 chapter 504. In addition to the information required
8 39 to be set forth in the biennial report under section
8 40 504.1613, the cooperative shall also set forth the
8 41 number of members of the cooperative, the percentage
8 42 of the cooperative's business done with or for its own
8 43 members during each of the fiscal or calendar years of
8 44 the preceding two-year period, the percentage of the
8 45 cooperative's business done with or for each class of
8 46 nonmembers specified in section 499.3, and any other
8 47 information deemed necessary by the secretary of state
8 48 to advise the secretary whether the cooperative is
8 49 actually functioning as a cooperative.
8 50 2. a. The cooperative association shall also



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9 1 include in the biennial report all of the following:

9 2 (1) The street and mailing address of any entity,
9 3 as defined in section 249A.2, legally responsible for
9 4 payment of a claim for a health care item or service
9 5 provided to a health care coverage recipient of the
9 6 cooperative association.

9 7 (2) A statement agreeing to cooperate with the
9 8 department of human services in complying with section
9 9 249A.36.

9 10 b. The secretary of state shall provide the
9 11 information submitted under this subsection to the
9 12 department of human services in the format determined
9 13 by the department of human services to enable the
9 14 department of human services to determine whether a
9 15 health care coverage recipient of the cooperative
9 16 association is also a medical assistance recipient
9 17 pursuant to section 249A.36.

9 18 Sec. 15. Section 501.202, subsection 2, Code 2007,
9 19 is amended by adding the following new paragraph:

9 20 NEW PARAGRAPH. g. A statement agreeing to
9 21 cooperate with the department of human services in
9 22 complying with section 249A.36.

9 23 Sec. 16. Section 501.713, subsection 1, Code 2007,
9 24 is amended by adding the following new paragraph:

9 25 NEW PARAGRAPH. e. (1) The street and mailing
9 26 address of any entity, as defined in section 249A.2,
9 27 legally responsible for payment of a claim for a
9 28 health care item or service provided to a health care
9 29 coverage recipient of the closed cooperative.

9 30 (2) A statement agreeing to cooperate with the
9 31 department of human services in complying with section
9 32 249A.36.

9 33 (3) The secretary of state shall provide the
9 34 information submitted under this lettered paragraph to
9 35 the department of human services in the format
9 36 determined by the department of human services to
9 37 enable the department of human services to determine
9 38 whether a health care coverage recipient of the closed
9 39 cooperative is also a medical assistance recipient
9 40 pursuant to section 249A.36.

9 41 Sec. 17. Section 501A.231, subsection 1, Code
9 42 2007, is amended by adding the following new
9 43 paragraph:

9 44 NEW PARAGRAPH. e. (1) The street and mailing
9 45 address of any entity, as defined in section 249A.2,
9 46 legally responsible for payment of a claim for a
9 47 health care item or service provided to a health care
9 48 coverage recipient of the cooperative.

9 49 (2) A statement agreeing to cooperate with the
9 50 department of human services in complying with section



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10 1 249A.36.
10 2 (3) The secretary of state shall provide the
10 3 information submitted under this lettered paragraph to
10 4 the department of human services in the format
10 5 determined by the department of human services to
10 6 enable the department of human services to determine
10 7 whether a health care coverage recipient of the
10 8 cooperative is also a medical assistance recipient
10 9 pursuant to section 249A.36.
10 10 Sec. 18. Section 501A.503, subsection 1, paragraph
10 11 a, Code 2007, is amended by adding the following new
10 12 subparagraph:
10 13 NEW SUBPARAGRAPH. (6) A statement agreeing to
10 14 cooperate with the department of human services in
10 15 complying with section 249A.36.
10 16 Sec. 19. Section 504.202, subsection 1, Code 2007,
10 17 is amended by adding the following new paragraph:
10 18 NEW PARAGRAPH. f. A statement agreeing to
10 19 cooperate with the department of human services in
10 20 complying with section 249A.36.
10 21 Sec. 20. Section 504.1613, subsection 1, Code
10 22 2007, is amended by adding the following new
10 23 paragraph:
10 24 NEW PARAGRAPH. f. (1) The street and mailing
10 25 address of any entity, as defined in section 249A.2,
10 26 legally responsible for payment of a claim for a
10 27 health care item or service provided to a health care
10 28 coverage recipient of the domestic nonprofit
10 29 corporation or foreign nonprofit corporation.
10 30 (2) A statement agreeing to cooperate with the
10 31 department of human services in complying with section
10 32 249A.36.
10 33 (3) The secretary of state shall provide the
10 34 information submitted under this lettered paragraph to
10 35 the department of human services in the format
10 36 determined by the department of human services to
10 37 enable the department of human services to determine
10 38 whether a health care coverage recipient of the
10 39 domestic nonprofit corporation or foreign nonprofit
10 40 corporation is also a medical assistance recipient
10 41 pursuant to section 249A.36.
10 42 Sec. 21. Section 505.25, Code 2007, is amended to
10 43 read as follows:
10 44 505.25 INFORMATION PROVIDED TO MEDICAL ASSISTANCE
10 45 PROGRAM, HAWK=I PROGRAM, AND CHILD SUPPORT RECOVERY
10 46 UNIT.
10 47 1. A carrier, as defined in section 514C.13, shall
10 48 enter into a health insurance data match program with
10 49 the department of human services for the sole purpose
10 50 of comparing the names of the carrier's insureds with



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11 1 the names of recipients of the medical assistance
11 2 program under chapter 249A, individuals under the
11 3 purview of the child support recovery unit pursuant to
11 4 chapter 252B, or enrollees of the hawk=i program under
11 5 chapter 514I.

11 6 2. An entity as defined in section 249A.2 shall
11 7 enter into a health insurance data match program with
11 8 the department of human services requiring the entity
11 9 to provide on a monthly basis to the department, in
11 10 the format determined by the department, information
11 11 necessary to enable the department to determine
11 12 whether a health care coverage recipient of the entity
11 13 is also a recipient of medical assistance under
11 14 chapter 249A.

11 15 3. The division of insurance of the department of
11 16 commerce shall make information available to the
11 17 department of human services for the purpose of
11 18 identifying carriers and entities subject to the
11 19 health insurance data match program.

11 20 Sec. 22. EFFECTIVE DATE. This Act takes effect
11 21 March 1, 2008.>

11 22

11 23

11 24

11 25 ABDUL-SAMAD of Polk

11 26 HF 2604.302 82

11 27 pf/nh/11616



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House Amendment 8571

PAG LIN

1 1 Amend House File 2669, as passed by the House, as
1 2 follows:
1 3 #1. Page 5, by striking lines 12 through 33 and
1 4 inserting the following:
1 5 <8. The goal of the collection and recycling
1 6 efforts under this section is to collect and recycle
1 7 as many mercury-added thermostats as reasonably
1 8 practicable. By January 1, 2009, the department shall
1 9 determine collection goals for the program in
1 10 consultation with interested persons, including the
1 11 national electrical manufacturers association and
1 12 representatives of thermostat manufacturers,
1 13 thermostat wholesalers, thermostat retailers,
1 14 contractors, environmental groups, and local
1 15 government. If collection efforts fail to meet the
1 16 collection goals described in this subsection, the
1 17 department shall, in consultation with the national
1 18 electrical manufacturers association and other
1 19 interested persons, consider modifications to
1 20 collection programs in an attempt to improve
1 21 collection rates in accordance with these goals.>
1 22 #2. By renumbering as necessary.
1 23 HF 2669.S
1 24 tw/ml/12
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House File 2695 - Introduced

HOUSE FILE
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HF 2573)
(SUCCESSOR TO HSB 713)

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

A BILL FOR

- 1 An Act concerning bingo conducted during county fairs and
- 2 community festivals and providing an effective date.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TL5B 6475HZ 82
- 5 ec/nh/5



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House File 2695 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 99B.5A BINGO CONDUCTED AT A FAIR
1 2 OR COMMUNITY FESTIVAL.
1 3 1. For purposes of this section:
1 4 a. "Community festival" means a festival of no more than
1 5 four days in length held by a community group.
1 6 b. "Community group" means an Iowa nonprofit, tax-exempt
1 7 organization which is open to the general public and
1 8 established for the promotion and development of the arts,
1 9 history, culture, ethnicity, historic preservation, tourism,
1 10 economic development, festivals, or municipal libraries.
1 11 "Community group" does not include a school, college,
1 12 university, political party, labor union, state or federal
1 13 government agency, fraternal organization, church, convention
1 14 or association of churches, or organizations operated
1 15 primarily for religious purposes, or which are operated,
1 16 supervised, controlled, or principally supported by a church,
1 17 convention, or association of churches.
1 18 2. Bingo may lawfully be conducted at a fair, as defined
1 19 in section 174.1, or a community festival if all the following
1 20 conditions are met:
1 21 a. Bingo is conducted by the sponsor of the fair or
1 22 community festival or a qualified organization licensed under
1 23 section 99B.7 that has received permission from the sponsor of
1 24 the fair or community festival to conduct bingo.
1 25 b. The sponsor of the fair or community festival or the
1 26 qualified organization has submitted a license application and
1 27 a fee of twenty-five dollars to the department, has been
1 28 issued a license, and prominently displays the license at the
1 29 area where the bingo occasion is being held. A license shall
1 30 only be valid for the duration of the fair or community
1 31 festival indicated on the application.
1 32 c. The number of bingo occasions shall be limited to one
1 33 for each day of the duration of the fair of community
1 34 festival.
1 35 d. The rules for the bingo occasion are posted.



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House File 2695 - Introduced continued

2 1 e. Except as provided in this section, the provisions of
2 2 sections 99B.2 and 99B.7 related to bingo shall apply.
2 3 3. An individual other than a person conducting the bingo
2 4 occasion may participate in the bingo occasion conducted at a
2 5 fair or community festival, whether or not conducted in
2 6 compliance with this section.

2 7 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
2 8 immediate importance, takes effect upon enactment.

2 9 EXPLANATION

2 10 This bill provides for bingo conducted at a fair or
2 11 community festival.

2 12 The bill provides that a fair, or community festival of no
2 13 more than four days in length, may conduct bingo if the
2 14 sponsor of the event approves, a \$25 license fee is paid, and
2 15 no more than one bingo occasion may be conducted for each day
2 16 of the fair or community festival. The bill requires that the
2 17 community festival be held by a community group, which is
2 18 defined as an Iowa nonprofit, tax-exempt organization
2 19 established for the promotion of the arts, history, culture,
2 20 ethnicity, historic preservation, tourism, economic
2 21 development, or municipal libraries. The bill excludes
2 22 educational institutions, government agencies, fraternal
2 23 organizations, and churches from the definition of community
2 24 group.

2 25 The bill takes effect upon enactment.

2 26 LSB 6475HZ 82

2 27 ec/nh/5



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House File 2696 - Introduced

HOUSE FILE
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HF 2444)

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

A BILL FOR

1 An Act relating to economic development by expanding the scope of
2 enterprise zones and targeted jobs withholding credit
3 agreements in certain pilot project cities located in border
4 counties, and providing an effective date.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 5877HV 82
7 tw/sc/14



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House File 2696 - Introduced continued

PAG LIN

1 1 Section 1. Section 15E.194, subsection 3, unnumbered
1 2 paragraph 1, Code Supplement 2007, is amended to read as
1 3 follows:
1 4 3. A city may designate an area of up to four square miles
1 5 to be an enterprise zone if the area ~~is~~ either meets the
1 6 definition of an economic development area pursuant to section
1 7 403.17 and qualifies as a targeted jobs withholding city
1 8 pursuant to section 403.19A with a commercial service airport
1 9 or if the area meets the definition of a blighted area as
~~1 10 defined in pursuant to section 403.17 and the area includes or~~
1 11 is located within four miles of at least three of the
1 12 following:
1 13 Sec. 2. Section 403.19A, subsection 1, unnumbered
1 14 paragraph 1, Code Supplement 2007, is amended to read as
1 15 follows:
1 16 For purposes of this ~~section~~ subchapter, unless the context
1 17 otherwise requires:
1 18 Sec. 3. Section 403.19A, subsection 1, paragraphs c and f,
1 19 Code Supplement 2007, are amended to read as follows:
1 20 c. "Employer" means a business creating targeted jobs in
1 21 ~~an urban renewal area of a pilot project city pursuant to a~~
1 22 ~~withholding agreement.~~
1 23 f. "Targeted job" means a job in a business which is or
1 24 will be located in ~~an urban renewal area of a pilot project~~
1 25 ~~city that pays a wage at least equal to the countywide average~~
1 26 ~~wage. "Targeted job" includes new jobs from Iowa business~~
1 27 ~~expansions or retentions within the city limits of the pilot~~
1 28 ~~project city and those jobs resulting from established~~
1 29 ~~out-of-state businesses, as defined by the department of~~
1 30 ~~economic development, moving to or expanding in Iowa.~~
1 31 Sec. 4. Section 403.19A, subsection 3, paragraphs a and b,
1 32 Code Supplement 2007, are amended to read as follows:
1 33 a. A pilot project city may provide by ordinance for the
1 34 ~~deposit into a designated account in the special fund~~
~~1 35 described in section 403.19, subsection 2, of the targeted~~



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House File 2696 - Introduced continued

2 1 jobs withholding credit described in this ~~section~~ subchapter
2 2 into a fund established for that purpose. The targeted jobs
2 3 withholding credit shall be based upon the wages paid to
2 4 employees pursuant to a withholding agreement.
2 5 b. An amount equal to three percent of the gross wages
2 6 paid by an employer to each employee under a withholding
2 7 agreement shall be credited from the payment made by the
2 8 employer pursuant to section 422.16. If the amount of the
2 9 withholding by the employer is less than three percent of the
2 10 gross wages paid to the employees covered by the withholding
2 11 agreement, the employer shall receive a credit against other
2 12 withholding taxes due by the employer or may carry the credit
2 13 forward for up to ten years or until depleted, whichever is
2 14 the earlier. The employer shall remit the amount of the
2 15 credit quarterly, in the same manner as withholding payments
2 16 are reported to the department of revenue, to the pilot
2 17 project city to be allocated to and when collected paid into a
~~2 18 designated account in the special fund for the urban renewal~~
~~2 19 area in which the targeted jobs are located~~ established in
2 20 paragraph "a". All amounts so deposited shall be used or
2 21 pledged by the pilot project city for ~~an urban renewal a~~
2 22 project related to the employer pursuant to the withholding
2 23 agreement.
2 24 Sec. 5. Section 403.19A, subsection 3, paragraph c,
2 25 subparagraph (1), Code Supplement 2007, is amended to read as
2 26 follows:
2 27 (1) The pilot project city shall enter into a withholding
2 28 agreement with each employer concerning the targeted jobs
2 29 withholding credit. However, an agreement shall not be
2 30 entered into by a pilot project city with a business currently
2 31 located in this state unless the business either creates ten
2 32 new jobs or makes a qualifying investment of at least five
2 33 hundred thousand dollars ~~within the urban renewal area in the~~
2 34 pilot project city. The withholding agreement may have a term
2 35 of up to ten years. An employer shall not be obligated to



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House File 2696 - Introduced continued

3 1 enter into a withholding agreement.

3 2 Sec. 6. Section 403.19A, subsection 3, paragraph j, Code
3 3 Supplement 2007, is amended to read as follows:

3 4 j. A pilot project city that enters into a withholding
3 5 agreement shall arrange for a match of at least one dollar for
3 6 each withholding credit dollar received by the city. The
3 7 local match may come from the pilot project city, a private
3 8 donor, or the business, or a combination of all three. The
3 9 local match may be in cash or in kind to be used for the
3 10 business project. If the business is located in an urban
3 11 renewal area, the pilot project city may use revenues from the
3 12 special fund created in section 403.19, subsection 2, if the
3 13 project related to the employer meets the definition of urban
3 14 renewal project in section 403.17, subsection 25.

3 15 Sec. 7. CODE EDITOR DIRECTIVE. The Code editor is
3 16 directed to transfer section 403.19A, as amended in this Act,
3 17 to become new section 403.25 and to correct any internal
3 18 references as necessary.

3 19 Sec. 8. EFFECTIVE DATE. The section of this Act amending
3 20 section 15E.194, being deemed of immediate importance, takes
3 21 effect upon enactment.

3 22 EXPLANATION

3 23 This bill relates to the designation of enterprise zones
3 24 located near modes of transportation and to withholding
3 25 agreement tax credits.

3 26 The bill provides that a city may designate an area as a
3 27 transportation enterprise zone if the area is either an
3 28 economic development area and a targeted jobs withholding city
3 29 that has a commercial service airport or if the area is a
3 30 blighted area. This section of the bill takes effect upon
3 31 enactment.

3 32 The bill provides that employers who have entered into a
3 33 withholding agreement no longer have to be located in an urban
3 34 renewal area. Instead they are only required to be in a pilot
3 35 project city.



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House File 2696 - Introduced continued

4 1 The bill also provides that the amount of the withholding
4 2 credits is to be deposited in a fund of the city established
4 3 for that purpose rather than into the special fund created for
4 4 urban renewal purposes.

4 5 The bill provides that a pilot project city may use tax
4 6 increment financing funds from the special fund created in
4 7 Code section 403.19 as matching funds, provided the project
4 8 meets the definition of an urban renewal project.

4 9 The bill directs the Code editor to transfer Code section
4 10 403.19A, as amended in the bill, to new Code section 403.25.

4 11 LSB 5877HV 82

4 12 tw/sc/14



**Iowa General Assembly
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House Study Bill 794

HOUSE FILE
BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
CHAIRPERSON OLDSON)

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act concerning public retirement systems and other employee
2 benefit-related matters, including the public safety peace
3 officers' retirement, accident, and disability system, the
4 Iowa public employees' retirement system, the statewide fire
5 and police retirement system, and the judicial retirement
6 system, including implementation and transition provisions,
7 and providing effective and retroactive applicability dates.
8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
9 TL5B 6675HC 82
10 ec/sc/5



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House Study Bill 794 continued

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1 1 DIVISION I
1 2 PUBLIC SAFETY PEACE OFFICERS' RETIREMENT,
1 3 ACCIDENT, AND DISABILITY SYSTEM
1 4 Section 1. Section 97A.1, subsection 14, Code 2007, is
1 5 amended by striking the subsection.
1 6 Sec. 2. Section 97A.1, subsection 15, Code 2007, is
1 7 amended to read as follows:
1 8 15. "Pensions" shall mean annual payments for life derived
1 9 from the appropriations provided by the state of Iowa and from
1 10 contributions of the members which are deposited in the
1 11 ~~pension accumulation~~ retirement fund. All pensions shall be
1 12 paid in equal monthly installments.
1 13 Sec. 3. Section 97A.5, subsections 3 and 4, Code 2007, are
1 14 amended to read as follows:
1 15 3. COMPENSATION. The trustees shall serve as such without
1 16 compensation, but they shall be reimbursed from the ~~expense~~
1 17 retirement fund for all necessary expenses which they may
1 18 incur through service on the board.
1 19 4. RULES. The board of trustees shall, from time to time,
1 20 establish such rules not inconsistent with this chapter, for
1 21 the administration of ~~funds~~ the system and the retirement fund
1 22 created by this chapter and as may be necessary or appropriate
1 23 for the transaction of its business.
1 24 Sec. 4. Section 97A.5, subsection 6, paragraph a, Code
1 25 2007, is amended to read as follows:
1 26 a. The department of public safety shall keep in
1 27 convenient form the data necessary for the actuarial valuation
1 28 of the ~~various funds of the system~~ and for checking the
1 29 expense of the system. The commissioner of public safety
1 30 shall keep a record of all the acts and proceedings of the
1 31 board, which records shall be open to public inspection. The
1 32 board of trustees shall biennially make a report to the
1 33 general assembly showing the fiscal transactions of the system
1 34 for the preceding biennium, the amount of the accumulated cash
1 35 and securities of the system, and the last balance sheet



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2 1 showing the financial condition of the system by means of an
2 2 actuarial valuation of the assets and liabilities of the
2 3 system.

2 4 Sec. 5. Section 97A.5, subsections 8, 9, 11, and 12, Code
2 5 2007, are amended to read as follows:

2 6 8. MEDICAL BOARD. The board of trustees shall designate a
2 7 single medical provider network as the medical board to be
~~2 8 composed of three physicians who for the system. The medical~~
2 9 board shall arrange for and pass upon the all medical
2 10 examinations required under the provisions of this chapter and
2 11 shall report in writing to the board of trustees, its
2 12 conclusions and recommendations upon all matters duly referred
2 13 to it. For examinations required because of disability, a
2 14 physician from the medical board specializing in occupational
2 15 medicine, and a second physician specializing in an
2 16 appropriate field of medicine as determined by the
2 17 occupational medicine physician, shall pass upon the medical
2 18 examinations required for disability retirements and shall
2 19 report to the system in writing their conclusions and
2 20 recommendations upon all matters referred to the medical
2 21 board. Each report of a medical examination under section
2 22 97A.6, subsections 3 and 5, shall include the medical board's
2 23 findings in accordance with section 97A.6 as to the extent of
2 24 the member's physical impairment.

2 25 9. DUTIES OF ACTUARY. The actuary hired by the board of
2 26 trustees shall be the technical advisor of the board of
2 27 trustees on matters regarding the operation of the ~~funds~~
2 28 retirement fund created by the provisions of this chapter and
2 29 shall perform such other duties as are required in connection
2 30 therewith.

2 31 11. ACTUARIAL INVESTIGATION. At least once in each
2 32 two-year period, the actuary hired by the board of trustees
2 33 shall make an actuarial investigation in the mortality,
2 34 service, and compensation experience of the members and
2 35 beneficiaries of the system, and the interest and other



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3 1 earnings on the moneys and other assets of the system, and
3 2 shall make a valuation of the assets and liabilities of the
3 3 ~~funds~~ retirement fund of the system, and taking into account
3 4 the results of the investigation and valuation, the board of
3 5 trustees shall-

3 6 ~~a. Adopt~~ adopt for the system, upon recommendation of the
3 7 system's actuary, such actuarial methods and assumptions,
3 8 interest rate, and mortality and other tables as shall be
3 9 deemed necessary;

~~3 10 b. Certify the rates of contribution payable by the state~~
~~3 11 of Iowa in accordance with section 97A.8 to conduct the~~
3 12 actuarial valuation of the system.

3 13 12. ANNUAL ACTUARIAL VALUATION.

3 14 a. On the basis of the actuarial methods and assumptions,
3 15 rate of interest, and tables adopted by the board of trustees,
3 16 the actuary hired by the board of trustees shall make an
3 17 annual actuarial valuation of the assets and liabilities of
3 18 the ~~funds of the system~~ retirement fund created by this
3 19 chapter. As a result of the annual actuarial valuation, the
3 20 board of trustees shall certify the rates of contribution
3 21 payable by the state of Iowa in accordance with section 97A.8.

3 22 b. Effective with the fiscal year beginning July 1, 2008,
3 23 the annual actuarial valuation required to be conducted shall
3 24 include information as required by section 97D.5.

3 25 Sec. 6. Section 97A.5, subsection 13, paragraphs b, c, and
3 26 d, Code 2007, are amended to read as follows:

3 27 b. The ~~funds~~ retirement fund established in section 97A.8
3 28 shall be held in trust for the benefit of the members of the
3 29 system and the members' beneficiaries. No part of the corpus
3 30 or income of the ~~funds~~ retirement fund shall be used for, or
3 31 diverted to, purposes other than for the exclusive benefit of
3 32 the members or the members' beneficiaries or for expenses
3 33 incurred in the operation of the ~~funds~~ retirement fund. A
3 34 person shall not have any interest in, or right to, any part
3 35 of the corpus or income of the ~~funds~~ retirement fund except as



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4 1 otherwise expressly provided.

4 2 c. Notwithstanding any provision of this chapter to the
4 3 contrary, in the event of a complete discontinuance of
4 4 contributions, for reasons other than achieving fully funded
4 5 status upon an actuarially determined basis, or upon
4 6 termination of the ~~funds~~ retirement fund established in
4 7 section 97A.8, a member shall be vested, to the extent then
4 8 funded, in the benefits which the member has accrued at the
4 9 date of the discontinuance or termination.

4 10 d. Benefits payable from the ~~funds~~ retirement fund
4 11 established in section 97A.8 to members and members'
4 12 beneficiaries shall not be increased due to forfeitures from
4 13 other members. Forfeitures shall be used as soon as possible
4 14 to reduce future contributions by the state to the ~~pension~~
4 15 ~~accumulation~~ retirement fund, except that the rate shall not
4 16 be less than the minimum rate established in section 97A.8.

4 17 Sec. 7. Section 97A.5, subsection 14, Code 2007, is
4 18 amended to read as follows:

4 19 14. INVESTMENT CONTRACTS. The board of trustees may
4 20 execute contracts and agreements with investment advisors,
4 21 consultants, and investment management and benefit consultant
4 22 firms in the administration of the ~~funds~~ retirement fund
4 23 established in section 97A.8.

4 24 Sec. 8. Section 97A.6, subsection 7, Code 2007, is amended
4 25 by adding the following new paragraph:

4 26 NEW PARAGRAPH. d. Should a disability beneficiary under
4 27 age fifty-five be employed in a public safety occupation, the
4 28 disability beneficiary's retirement allowance shall cease.
4 29 Notwithstanding any provision of this chapter to the contrary,
4 30 if a disability beneficiary is employed in a public safety
4 31 occupation that would otherwise constitute membership service,
4 32 the disability beneficiary shall not become a member of the
4 33 system. For purposes of this paragraph, "public safety
4 34 occupation" means a peace officer, as defined in section
4 35 97A.1; a protection occupation, as defined in section 97B.49B;



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5 1 a sheriff or deputy sheriff as defined in section 97B.49C; and
5 2 a police officer or fire fighter as defined in section 411.1,
5 3 who was not restored to active service as provided by this
5 4 subsection.

5 5 Sec. 9. Section 97A.6, subsection 11, Code 2007, is
5 6 amended to read as follows:

5 7 11. PENSIONS OFFSET BY COMPENSATION BENEFITS. Any amounts
5 8 which may be paid or payable by the state under the provisions
5 9 of any workers' compensation or similar law to a member or to
5 10 dependents of a member on account of any disability or
5 11 death, shall be offset against and payable in lieu of any
5 12 benefits payable out of ~~funds~~ the retirement fund provided by
5 13 the state under the provisions of this chapter on account of
5 14 the same disability or death. In case the present value of
5 15 the total commuted benefits under said workers' compensation
5 16 or similar law is less than the ~~pension reserve on present~~
5 17 value of the benefits otherwise payable from ~~funds~~ the
5 18 retirement fund provided by the state under this chapter, then
5 19 the present value of the commuted payments shall be deducted
5 20 from the pension ~~reserve~~ payable and such benefits as may be
5 21 provided by the ~~pension reserve system~~ so reduced shall be
5 22 payable under the provisions of this chapter.

5 23 Sec. 10. Section 97A.7, subsections 1, 2, and 3, Code
5 24 Supplement 2007, are amended to read as follows:

5 25 1. The board of trustees shall be the trustees of the
5 26 ~~several funds~~ retirement fund created by this chapter as
5 27 provided in section 97A.8 and shall have full power to invest
5 28 and reinvest ~~such~~ funds subject to the terms, conditions,
5 29 limitations, and restrictions imposed by subsection 2 of this
5 30 section and chapter 12F, and subject to like terms,
5 31 conditions, limitations, and restrictions said trustees shall
5 32 have full power to hold, purchase, sell, assign, transfer, or
5 33 dispose of any of the securities and investments ~~in which any~~
5 34 of the ~~funds created herein shall~~ retirement fund which have
5 35 been invested, as well as of the proceeds of said investments



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6 1 and any moneys belonging to ~~said funds~~ the retirement fund.
6 2 The board of trustees may authorize the treasurer of state to
6 3 exercise any of the duties of this section. When so
6 4 authorized the treasurer of state shall report any
6 5 transactions to the board of trustees at its next monthly
6 6 meeting.

6 7 2. The ~~several funds~~ retirement fund created by this
6 8 chapter may be invested in any investments authorized for the
6 9 Iowa public employees' retirement system in section 97B.7A.

6 10 3. The treasurer of the state shall be the custodian of
6 11 the ~~several funds~~ retirement fund. All payments from ~~said~~
~~6 12 funds~~ the retirement fund shall be made by the treasurer only
6 13 upon vouchers signed by two persons designated by the board of
6 14 trustees. A duly attested copy of the resolution of the board
6 15 of trustees designating such persons and bearing on its face
6 16 specimen signatures of such persons shall be filed with the
6 17 treasurer of state as the treasurer's authority for making
6 18 payments on such vouchers. No voucher shall be drawn unless
6 19 it shall previously have been allowed by resolution of the
6 20 board of trustees.

6 21 Sec. 11. Section 97A.8, Code 2007, is amended to read as
6 22 follows:

6 23 97A.8 METHOD OF FINANCING.

6 24 There is hereby created as a special fund, separate and
6 25 apart from all other public moneys or funds of this state, the
6 26 peace officers' retirement, accident, and disability system
6 27 retirement fund, hereafter called the "retirement fund". All
6 28 the assets of the system created and established by this
6 29 chapter shall be credited according to the purpose for which
~~6 30 they are held to one of three funds, namely, the pension~~
~~6 31 accumulation fund, the pension reserve fund, and the expense~~
6 32 to the retirement fund.

6 33 1. ~~PENSION ACCUMULATION FUND.~~ ~~The pension accumulation~~
~~6 34 fund shall be the fund in which shall be accumulated all All~~
6 35 moneys for the payment of all pensions and other benefits



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7 1 payable from contributions made by the state and from which
7 2 shall be paid the lump-sum death benefits for all members
7 3 payable from the said contributions shall be accumulated in
7 4 the retirement fund. The refunds and benefits for all members
7 5 and beneficiaries shall be payable from the retirement fund.
7 6 Contributions to and payments from the ~~pension accumulation~~
7 7 retirement fund shall be as follows:
7 8 a. On account of each member there shall be paid annually
7 9 into the ~~pension accumulation~~ retirement fund by the state of
7 10 Iowa an amount equal to a certain percentage of the earnable
7 11 compensation of the member to be known as the "normal
7 12 contribution". The rate percent of such contribution shall be
7 13 fixed on the basis of the liabilities of the retirement system
7 14 as shown by annual actuarial valuations.
7 15 b. (1) On the basis of the actuarial methods and
7 16 assumptions, rate of interest, and of the mortality, interest,
7 17 and other tables adopted by the board of trustees, the board
7 18 of trustees, upon the advice of the actuary hired by the board
7 19 for that purpose, shall make each valuation required by this
7 20 chapter pursuant to the requirements of section 97A.5 and
7 21 shall immediately after making such valuation, determine the
7 22 "normal contribution rate". The normal contribution rate
7 23 shall be the rate percent of the earnable compensation of all
7 24 members obtained by deducting from the total liabilities of
~~7 25 the fund the sum of the amount of the funds in hand to the~~
~~7 26 credit of the fund and dividing the remainder by one percent~~
~~7 27 of the present value of the prospective future compensation of~~
~~7 28 all members as computed on the basis of the rate of interest~~
~~7 29 and of mortality and service tables adopted by the board of~~
~~7 30 trustees, all equal to the rate required by the system to~~
7 31 discharge its liabilities, stated as a percentage of the
7 32 earnable compensation of all members, and reduced by the
7 33 employee contribution made pursuant to rate provided in this
7 34 subsection. However, the normal rate of contribution shall
7 35 not be less than seventeen percent. ~~The normal rate of~~



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~~8 1 contribution shall be determined by the board of trustees
8 2 after each valuation. To assist in determining the normal
8 3 rate of contribution, the board of trustees may adopt a
8 4 smoothing method for valuing the assets of the system. The
8 5 smoothing method is designed to reduce changes in the normal
8 6 contribution rate which could result from fluctuations in the
8 7 market value of the assets of the system.~~

~~8 8 (2) Notwithstanding the provisions of subparagraph (1) to
8 9 the contrary, the normal contribution rate shall be as
8 10 follows:~~

~~8 11 (a) For the fiscal year beginning July 1, 2008, nineteen
8 12 percent.~~

~~8 13 (b) For the fiscal year beginning July 1, 2009, twenty-one
8 14 percent.~~

~~8 15 (c) For the fiscal year beginning July 1, 2010,
8 16 twenty-three percent.~~

~~8 17 (d) For the fiscal year beginning July 1, 2011,
8 18 twenty-five percent.~~

~~8 19 (e) For each fiscal year beginning on or after July 1,
8 20 2012, the lesser of twenty-seven percent or the normal
8 21 contribution rate as calculated pursuant to subparagraph (1).~~

~~8 22 c. The total amount payable in each year to the pension
8 23 accumulation retirement fund shall not be less than the rate
8 24 percent known as the normal contribution rate of the total
8 25 compensation earnable by all members during the year.
8 26 However, the aggregate payment by the state shall be
8 27 sufficient when combined with the amount in the retirement
8 28 fund to provide the pensions and other benefits payable out of
8 29 the retirement fund during the then current year.~~

~~8 30 d. All lump-sum death benefits on account of death in
8 31 active service payable from contributions of the state shall
8 32 be paid from the pension accumulation retirement fund.~~

~~8 33 e. Upon the retirement or death of a member an amount
8 34 equal to the pension reserve on any pension payable to the
8 35 member or on account of the member's death shall be~~



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~~9 1 transferred from the pension accumulation fund to the pension
9 2 reserve fund.~~

9 3 ~~f.~~ e. Except as otherwise provided in paragraph "h" "g":

9 4 (1) An amount equal to three and one-tenth percent of each
9 5 member's compensation from the earnable compensation of the
9 6 member shall be paid to the ~~pension accumulation~~ retirement
9 7 fund for the fiscal year beginning July 1, 1989.

9 8 (2) An amount equal to four and one-tenth percent of each
9 9 member's compensation from the earnable compensation of the
9 10 member shall be paid to the ~~pension accumulation~~ retirement
9 11 fund for the fiscal year beginning July 1, 1990.

9 12 (3) An amount equal to five and one-tenth percent of each
9 13 member's compensation from the earnable compensation of the
9 14 member shall be paid to the ~~pension accumulation~~ retirement
9 15 fund for the fiscal year beginning July 1, 1991.

9 16 (4) An amount equal to six and one-tenth percent of each
9 17 member's compensation from the earnable compensation of the
9 18 member shall be paid to the ~~pension accumulation~~ retirement
9 19 fund for the fiscal year beginning July 1, 1992.

9 20 (5) An amount equal to seven and one-tenth percent of each
9 21 member's compensation from the earnable compensation of the
9 22 member shall be paid to the ~~pension accumulation~~ retirement
9 23 fund for the fiscal year beginning July 1, 1993.

9 24 (6) An amount equal to eight and one-tenth percent of each
9 25 member's compensation from the earnable compensation of the
9 26 member shall be paid to the ~~pension accumulation~~ retirement
9 27 fund for the fiscal period beginning July 1, 1994, through
9 28 December 31, 1994, and an amount equal to eight and
9 29 thirty-five hundredths percent of each member's compensation
9 30 from the earnable compensation of the member shall be paid to
9 31 the ~~pension accumulation~~ retirement fund for the fiscal period
9 32 beginning January 1, 1995, through June 30, 1995.

9 33 (7) An amount equal to nine and thirty-five hundredths
9 34 percent of each member's compensation from the earnable
9 35 compensation of the member shall be paid to the ~~pension~~



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~~10 1 accumulation retirement~~ fund for the fiscal year beginning
10 2 July 1, 1995.
10 3 (8) Notwithstanding any other provision of this chapter,
10 4 beginning July 1, 1996, and each fiscal year thereafter, an
10 5 amount equal to the member's contribution rate times each
10 6 member's compensation shall be paid to the ~~pension~~
~~10 7 accumulation retirement~~ fund from the earnable compensation of
10 8 the member. For the purposes of this subparagraph, the
10 9 member's contribution rate shall be nine and thirty-five
10 10 hundredths percent. However, the system shall increase the
10 11 member's contribution rate as necessary to cover any increase
10 12 in cost to the system resulting from statutory changes which
10 13 are enacted by any session of the general assembly meeting
10 14 after January 1, 1995, if the increase cannot be absorbed
10 15 within the contribution rates otherwise established pursuant
10 16 to this paragraph, but subject to a maximum employee
10 17 contribution rate of eleven and three-tenths percent. After
10 18 the employee contribution reaches eleven and three-tenths
10 19 percent, sixty percent of the additional cost of such
10 20 statutory changes shall be paid by the employer under
10 21 paragraph "c" and forty percent of the additional cost shall
10 22 be paid by employees under this ~~paragraph~~ subparagraph (8).
10 23 ~~g.~~ f. The board of trustees shall certify to the director
10 24 of the department of administrative services and the director
10 25 of the department of administrative services shall cause to be
10 26 deducted from the earnable compensation of each member the
10 27 contribution required under this subsection and shall forward
10 28 the contributions to the board of trustees for recording and
10 29 for deposit in the ~~pension accumulation retirement~~ fund.
10 30 The deductions provided for under this subsection shall be
10 31 made notwithstanding that the minimum compensation provided by
10 32 law for any member is reduced. Every member is deemed to
10 33 consent to the deductions made under this section.
10 34 ~~h.~~ g. Notwithstanding the provisions of paragraph ~~"f"~~
10 35 "e", the following transition percentages apply to members'



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11 1 contributions as specified:

11 2 (1) For members who on July 1, 1990, have attained the age
11 3 of forty-nine years or more, an amount equal to nine and
11 4 one-tenth percent of each member's compensation from the
11 5 earnable compensation of the member shall be paid to the
11 6 ~~pension accumulation~~ retirement fund for the fiscal period
11 7 beginning July 1, 1990, through October 15, 1992, and
11 8 commencing October 16, 1992, and for each subsequent fiscal
11 9 period, the rates specified in paragraph ~~"f"~~ "e",
11 10 subparagraphs (4) through (8), shall apply.

11 11 (2) For members who on July 1, 1990, have attained the age
11 12 of forty-eight years but have not attained the age of
11 13 forty-nine years, an amount equal to eight and one-tenth
11 14 percent shall be paid for the fiscal year beginning July 1,
11 15 1990, and an amount equal to nine and one-tenth percent shall
11 16 be paid for the fiscal period beginning July 1, 1991, through
11 17 October 15, 1992, and commencing October 16, 1992, and for
11 18 each subsequent fiscal period, the rates specified in
11 19 paragraph ~~"f"~~ "e", subparagraphs (4) through (8), shall apply.

11 20 (3) For members who on July 1, 1990, have attained the age
11 21 of forty-seven years but have not attained the age of
11 22 forty-eight years, an amount equal to seven and one-tenth
11 23 percent shall be paid for the fiscal year beginning July 1,
11 24 1990, an amount equal to eight and one-tenth percent shall be
11 25 paid for the fiscal year beginning July 1, 1991, and an amount
11 26 equal to nine and one-tenth percent shall be paid for the
11 27 fiscal period beginning July 1, 1992, through October 15,
11 28 1992, and commencing October 16, 1992, and for each subsequent
11 29 fiscal period, the rates specified in paragraph ~~"f"~~ "e",
11 30 subparagraphs (4) through (8), shall apply.

11 31 (4) For members who on July 1, 1990, have attained the age
11 32 of forty-six years but have not attained the age of
11 33 forty-seven years, an amount equal to six and one-tenth
11 34 percent shall be paid for the fiscal year beginning July 1,
11 35 1990, an amount equal to seven and one-tenth percent shall be



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12 1 paid for the fiscal year beginning July 1, 1991, an amount
12 2 equal to eight and one-tenth percent shall be paid for the
12 3 fiscal period beginning July 1, 1992, through October 15,
12 4 1992, and commencing October 16, 1992, and for each subsequent
12 5 fiscal period, the rates specified in paragraph ~~"f"~~ "e",
12 6 subparagraphs (4) through (8), shall apply.
12 7 (5) For members who on July 1, 1990, have attained the age
12 8 of forty-five years but have not attained the age of forty-six
12 9 years, an amount equal to five and one-tenth percent shall be
12 10 paid for the fiscal year beginning July 1, 1990, an amount
12 11 equal to six and one-tenth percent shall be paid for the
12 12 fiscal year beginning July 1, 1991, and an amount equal to
12 13 seven and one-tenth percent shall be paid for the fiscal
12 14 period beginning July 1, 1992, through October 15, 1992.
12 15 Commencing October 16, 1992, and for each subsequent fiscal
12 16 period, the rates specified in paragraph ~~"f"~~ "e",
12 17 subparagraphs (4) through (8), shall apply.
12 18 ~~i.~~ h. (1) Notwithstanding paragraph ~~"g"~~ "f" or other
12 19 provisions of this chapter, beginning January 1, 1995, for
12 20 federal income tax purposes, and beginning January 1, 1999,
12 21 for state income tax purposes, member contributions required
12 22 under paragraph ~~"f"~~ "e" or ~~"h"~~ "g" which are picked up by the
12 23 department shall be considered employer contributions for
12 24 federal and state income tax purposes, and the department
12 25 shall pick up the member contributions to be made under
12 26 paragraph ~~"f"~~ "e" or ~~"h"~~ "g" by its employees. The department
12 27 shall pick up these contributions by reducing the salary of
12 28 each of its employees covered by this chapter by the amount
12 29 which each employee is required to contribute under paragraph
12 30 ~~"f"~~ "e" or ~~"h"~~ "g" and shall certify the amount picked up in
12 31 lieu of the member contributions to the department of
12 32 administrative services. The department of administrative
12 33 services shall forward the amount of the contributions picked
12 34 up to the board of trustees for recording and deposit in the
12 35 ~~pension accumulation~~ retirement fund.



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13 1 (2) Member contributions picked up by the department under
13 2 subparagraph (1) shall be treated as employer contributions
13 3 for federal and state income tax purposes only and for all
13 4 other purposes of this chapter shall be treated as employee
13 5 contributions and deemed part of the employee's earnable
13 6 compensation or salary.

~~13 7 2. PENSION RESERVE FUND. The pension reserve fund shall
13 8 be the fund in which shall be held the reserves on all
13 9 pensions granted to members or to their beneficiaries and from
13 10 which such pensions and benefits in lieu thereof shall be
13 11 paid. Should a beneficiary retired on account of disability
13 12 be restored to active service and again become a member of the
13 13 system, the member's pension reserve shall be transferred from
13 14 the pension reserve fund to the pension accumulation fund.
13 15 Should the pension of a disability beneficiary be reduced as a
13 16 result of an increase in the beneficiary's amount earned, the
13 17 amount of the annual reduction in the beneficiary's pension
13 18 shall be paid annually into the pension accumulation fund
13 19 during the period of such reduction.~~

13 20 3. 2. a. EXPENSE FUND. The expense fund shall be the
13 21 fund to which shall be credited all money provided by the
13 22 state of Iowa to pay the administration expenses of the system
13 23 and from which shall be paid all All the expenses necessary in
13 24 connection with the administration and operation of the system
13 25 shall be paid from the retirement fund. ~~Biennially the board
13 26 of trustees shall estimate the amount of money necessary to be
13 27 paid into the expense fund during the ensuing biennium to
13 28 provide for the expense of operation of the system.~~

13 29 Investment management expenses shall be charged to the
13 30 investment income of the system and there is appropriated from
13 31 the system an amount required for the investment management
13 32 expenses. The board of trustees shall report the investment
13 33 management expenses for the fiscal year as a percent of the
13 34 market value of the system.

13 35 b. For purposes of this subsection, investment management



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14 1 expenses are limited to the following:

14 2 ~~a.~~ (1) Fees for investment advisors, consultants, and
14 3 investment management and benefit consultant firms hired by
14 4 the board of trustees in administering this chapter.

14 5 ~~b.~~ (2) Fees and costs for safekeeping fund assets.

14 6 ~~c.~~ (3) Costs for performance and compliance monitoring,
14 7 and accounting for fund investments.

14 8 ~~d.~~ (4) Any other costs necessary to prudently invest or
14 9 protect the assets of the fund.

14 10 Sec. 12. Section 97A.11, Code 2007, is amended to read as
14 11 follows:

14 12 97A.11 CONTRIBUTIONS BY THE STATE.

14 13 On or before the first day of November in each year, the
14 14 board of trustees shall certify to the director of the
14 15 department of administrative services the amounts which will
14 16 become due and payable during the year next following to the
14 17 ~~pension accumulation retirement fund and the expense fund.~~

14 18 The amounts so certified shall be paid by the director of the
14 19 department of administrative services out of the funds
14 20 appropriated for the Iowa department of public safety, to the
14 21 treasurer of state, the same to be credited to the system for
14 22 the ensuing year.

14 23 Sec. 13. Section 97A.12, Code 2007, is amended to read as
14 24 follows:

14 25 97A.12 EXEMPTION FROM EXECUTION AND OTHER PROCESS OR
14 26 ASSIGNMENT == EXCEPTIONS.

14 27 The right of any person to a pension, annuity, or
14 28 retirement allowance, to the return of contributions, the
14 29 pension, annuity, or retirement allowance itself, any optional
14 30 benefit or death benefit, any other right accrued or accruing
14 31 to any person under this chapter, and the moneys in the
14 32 ~~various funds~~ retirement fund created under this chapter, are
14 33 not subject to execution, garnishment, attachment, or any
14 34 other process whatsoever, and are unassignable except for the
14 35 purposes of enforcing child, spousal, or medical support



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15 1 obligations or marital property orders, or as otherwise
15 2 specifically provided in this chapter. For the purposes of
15 3 enforcing child, spousal, or medical support obligations, the
15 4 garnishment or attachment of or the execution against
15 5 compensation due a person under this chapter shall not exceed
15 6 the amount specified in 15 U.S.C. } 1673(b).

15 7 Sec. 14. Section 97A.14, Code 2007, is amended to read as
15 8 follows:

15 9 97A.14 HOSPITALIZATION AND MEDICAL ATTENTION.

15 10 The board of trustees shall provide hospital, nursing, and
15 11 medical attention for the members in service when injured
15 12 while in the performance of their duties and shall continue to
15 13 provide hospital, nursing, and medical attention for injuries
15 14 or diseases incurred while in the performance of their duties
15 15 for the members receiving a retirement allowance under section
15 16 97A.6, subsection 6. The cost of hospital, nursing, and
15 17 medical attention shall be paid out of the ~~expense~~ retirement
15 18 fund. However, any amounts received by the injured person
15 19 under the workers' compensation law of the state, or from any
15 20 other source for such specific purposes, shall be deducted
15 21 from the amount paid by the board of trustees provisions of
15 22 this section.

15 23 Sec. 15. Section 97A.14A, subsection 5, Code 2007, is
15 24 amended to read as follows:

15 25 5. All funds recovered by the system under this section
15 26 shall be deposited in the ~~pension accumulation~~ retirement fund
15 27 created in section 97A.8.

15 28 Sec. 16. Section 97A.15, subsection 2, paragraph a, Code
15 29 2007, is amended to read as follows:

15 30 a. "Accumulated contributions" means the sum of all
15 31 amounts deducted from the compensation of a member and
15 32 credited to the member's individual account in the annuity
15 33 savings fund together with regular interest thereon as
15 34 provided in this subsection. Accumulated contributions do not
15 35 include any amount deducted from the compensation of a member



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16 1 and credited to the ~~pension accumulation~~ retirement fund.

16 2 Sec. 17. Section 97A.15, subsection 8, Code 2007, is
16 3 amended to read as follows:

16 4 8. The actuary shall annually determine the amount
16 5 required in the annuity reserve fund. If the amount required
16 6 is less than the amount in the annuity reserve fund, the board
16 7 of trustees shall transfer the excess funds from the annuity
16 8 reserve fund to the ~~pension accumulation~~ retirement fund. If
16 9 the amount required is more than the amount in the annuity
16 10 reserve fund, the board of trustees shall transfer the amount
16 11 prescribed by the actuary to the annuity reserve fund from the
16 12 ~~pension accumulation~~ retirement fund.

16 13 DIVISION II

16 14 IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

16 15 Sec. 18. Section 97B.1A, subsection 20, paragraph a, Code
16 16 2007, is amended to read as follows:

16 17 a. Service in the armed forces of the United States, if
16 18 the employee was employed by a covered employer immediately
16 19 prior to entry into the armed forces, and if ~~the~~ any of the
16 20 following requirements are met:

16 21 (1) The employee was released from service and returns to
16 22 covered employment with an employer within twelve months of
16 23 the date on which the employee has the right of release from
16 24 service or within a longer period as required by the
16 25 applicable laws of the United States.

16 26 (2) The employee, while serving on active duty in the
16 27 armed forces of the United States in an area designated by the
16 28 president of the United States or the United States Congress
16 29 as a combat zone or as a qualified hazardous duty area, or
16 30 deployed outside the United States away from the individual's
16 31 permanent duty station while participating in an operation
16 32 designated by the United States secretary of defense as a
16 33 contingency operation as defined in 10 U.S.C. } 101(a)(13), or
16 34 which became such a contingency operation by the operation of
16 35 law, dies, or suffers an injury or acquires a disease



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17 1 resulting in death, so long as the death from the injury or
17 2 disease occurs within a two-year period from the date the
17 3 employee suffered the active duty injury or disease and the
17 4 active duty injury or disease prevented the employee from
17 5 returning to covered employment as provided in subparagraph
17 6 (1).

17 7 Sec. 19. Section 97B.1A, subsection 26, paragraph a,
17 8 subparagraph (2), subparagraph subdivision (i), Code 2007, is
17 9 amended to read as follows:

17 10 (i) ~~Payments for allowances made to an employee that are~~
~~17 11 not included in an employee's federal taxable income except~~
17 12 for those allowances included as wages for a member of the
17 13 general assembly.

17 14 Sec. 20. Section 97B.1A, subsection 26, paragraph a,
17 15 subparagraph (2), Code 2007, is amended by adding the
17 16 following new subparagraph subdivision:

17 17 NEW SUBPARAGRAPH SUBDIVISION. (n) Bonuses of any type,
17 18 whether paid in a lump sum or in installments.

17 19 Sec. 21. Section 97B.4, subsection 2, Code Supplement
17 20 2007, is amended by adding the following new paragraph:

17 21 NEW PARAGRAPH. d. In administering this chapter, the
17 22 system shall not be a participating agency for purposes of
17 23 chapter 8A, subchapter II.

17 24 Sec. 22. Section 97B.4, subsection 4, paragraph d, Code
17 25 Supplement 2007, is amended to read as follows:

17 26 d. ANNUAL VALUATION OF ASSETS. The system shall cause an
17 27 annual actuarial valuation to be made of the assets and
17 28 liabilities of the retirement system and shall prepare an
17 29 annual statement of the amounts to be contributed under this
17 30 chapter, and shall publish annually such valuation of the
17 31 assets and liabilities and the statement of receipts and
17 32 disbursements of the retirement system. Based upon the
17 33 actuarial methods and assumptions adopted by the board for the
17 34 annual actuarial valuation, the system shall certify to the
17 35 governor the contribution rates determined thereby as the



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18 1 rates necessary and sufficient for members and employers to
18 2 fully fund the benefits and retirement allowances being
18 3 credited. Effective with the fiscal year beginning July 1,
18 4 2008, the annual actuarial valuation required by this
18 5 paragraph shall include information as required by section
18 6 97D.5 for each membership group which separately determines
18 7 contribution rates under this chapter.
18 8 Sec. 23. Section 97B.7, subsection 3, paragraph d, Code
18 9 2007, is amended to read as follows:
18 10 d. To be used to pay for investment management expenses
18 11 incurred in the management of the retirement fund. Expenses
18 12 incurred pursuant to this paragraph shall be charged to the
18 13 investment income of the retirement fund. ~~However, the amount~~
18 14 ~~appropriated for a fiscal year under this paragraph shall not~~
18 15 ~~exceed four-tenths of one percent of the market value of the~~
18 16 ~~retirement fund.~~
18 17 Sec. 24. Section 97B.9, subsections 1 and 2, Code 2007,
18 18 are amended to read as follows:
18 19 1. An employer shall be charged the greater of ~~ten~~ twenty
18 20 dollars per occurrence or interest at the combined interest
18 21 and dividend rate required under section 97B.70 for the
18 22 applicable calendar year for contributions unpaid on the date
18 23 on which they are due and payable as prescribed by the system.
18 24 The system may adopt rules prescribing circumstances for which
18 25 the interest or charge shall not accrue with respect to
18 26 contributions required. Interest or charges collected
18 27 pursuant to this section shall be paid into the Iowa public
18 28 employees' retirement fund.
18 29 2. If within thirty days after due notice the employer
18 30 defaults in payment of contributions or interest thereon, the
18 31 amount due ~~shall~~ may be collected by civil action in the name
18 32 of the system, and the employer adjudged in default shall pay
18 33 the costs of such action. Civil actions brought under this
18 34 section to collect contributions or interest thereon shall be
18 35 heard by the court at the earliest possible date and shall be



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19 1 entitled to preference upon the calendar of the court over all
19 2 other civil actions.

19 3 Sec. 25. Section 97B.10, subsection 3, Code 2007, is
19 4 amended to read as follows:

19 5 3. ~~Except as provided in this subsection, interest~~
19 6 Interest shall not be paid on credits issued pursuant to this
19 7 section. ~~However, if a credit for contributions paid prior to~~
~~19 8 an individual's decision to elect out of coverage pursuant to~~
~~19 9 section 97B.42A is issued, accumulated interest and interest~~
~~19 10 on dividends as provided in section 97B.70 shall apply. In~~
~~19 11 addition,~~ the system may, at any time, apply accumulated
19 12 interest and interest dividends as provided in section 97B.70
19 13 on any credits issued under this section if the system finds
19 14 that the crediting of interest is just and equitable.

19 15 Sec. 26. Section 97B.11, Code 2007, is amended to read as
19 16 follows:

19 17 97B.11 CONTRIBUTIONS BY EMPLOYER AND EMPLOYEE.

19 18 1. Each employer shall deduct from the wages of each
19 19 member of the retirement system a contribution in the amount
19 20 of the applicable employee percentage of the covered wages
19 21 paid by the employer and such additional amount if otherwise
19 22 required by law, until the member's termination from
19 23 employment. The contributions of the employer shall be in the
19 24 amount of the applicable employer percentage of the covered
19 25 wages of the member and such additional amount if otherwise
19 26 required by law.

19 27 2. ~~For~~ Prior to July 1, 2011, for purposes of this
19 28 section, unless the context otherwise requires:

19 29 a. "Applicable employee percentage" means the percentage
19 30 rate equal to three and seven-tenths percent plus forty
19 31 percent of the total additional percentage.

19 32 b. "Applicable employer percentage" means the percentage
19 33 rate equal to five and seventy-five hundredths percent plus
19 34 sixty percent of the total additional percentage.

19 35 c. "Total additional percentage" means ~~as follows:~~



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20 1 ~~(1) For~~, for the fiscal period beginning July 1, 2007,
20 2 through June 30, 2011, ~~the total additional percentage for a~~
~~20 3 fiscal year shall be~~ the total additional percentage for the
20 4 prior fiscal year plus, only if the total comparison
20 5 percentage is greater than the total of the applicable
20 6 employee percentage and the applicable employer percentage for
20 7 the prior fiscal year, one-half percentage point.
20 8 ~~(2) For each fiscal year beginning on or after July 1,~~
~~20 9 2011, the total additional percentage shall be the total~~
~~20 10 additional percentage for the prior fiscal year.~~
20 11 d. "Total comparison percentage" means the percentage rate
20 12 that the system determines, based upon the most recent
20 13 actuarial valuation of the retirement system, would be
20 14 sufficient to amortize the unfunded actuarial liability of the
20 15 retirement system in ten years.
20 16 3. On and after July 1, 2011, for purposes of this
20 17 section, unless the context otherwise requires:
20 18 a. For members in regular service:
20 19 (1) "Applicable employee percentage" means the percentage
20 20 rate equal to forty percent of the required contribution rate
20 21 for members in regular service.
20 22 (2) "Applicable employer percentage" means the percentage
20 23 rate equal to sixty percent of the required contribution rate
20 24 for members in regular service.
20 25 b. For members in special service in a protection
20 26 occupation as described in section 97B.49B:
20 27 (1) "Applicable employee percentage" means the percentage
20 28 rate equal to forty percent of the required contribution rate
20 29 for members described in section 97B.49B.
20 30 (2) "Applicable employer percentage" means the percentage
20 31 rate equal to sixty percent of the required contribution rate
20 32 for members described in section 97B.49B.
20 33 c. For members in special service as a county sheriff or
20 34 deputy sheriff as described in section 97B.49C:
20 35 (1) "Applicable employee percentage" means the percentage



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21 1 rate equal to fifty percent of the required contribution rate
21 2 for members described in section 97B.49C.
21 3 (2) "Applicable employer percentage" means the percentage
21 4 rate equal to fifty percent of the required contribution rate
21 5 for members described in section 97B.49C.
21 6 d. "Required contribution rate" means that percentage of
21 7 the covered wages of members in regular service, members
21 8 described in section 97B.49B, and members described in section
21 9 97B.49C, that the system shall, for each fiscal year,
21 10 separately set for members in each membership category as
21 11 provided in this paragraph. The required contribution rate
21 12 for a membership category shall be the contribution rate the
21 13 system actuarially determines, based upon the most recent
21 14 actuarial valuation of the system and using the actuarial
21 15 methods, assumptions, and funding policy approved by the
21 16 investment board, is the rate required by the system to
21 17 discharge its liabilities as a percentage of the covered wages
21 18 of members in that membership category. However, the required
21 19 contribution rate set by the system for a fiscal year shall
21 20 not vary by more than one-half percentage point from the
21 21 required contribution rate for the prior fiscal year.
21 22 Sec. 27. Section 97B.14, Code 2007, is amended to read as
21 23 follows:
21 24 97B.14 CONTRIBUTIONS FORWARDED.
21 25 Contributions deducted from the wages of the member under
21 26 section 97B.11 prior to January 1, 1995, member contributions
21 27 picked up by the employer under section 97B.11A beginning
21 28 January 1, 1995, and the employer's contribution shall be
21 29 forwarded to the system for recording and deposited with the
21 30 treasurer of the state to the credit of the Iowa public
21 31 employees' retirement fund. Contributions shall be remitted
21 32 monthly, ~~if total contributions by both employee and employer~~
~~21 33 amount to one hundred dollars or more each month,~~ and shall be
21 34 otherwise paid in such manner, at such times, and under such
21 35 conditions, either by copies of payrolls or other methods



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22 1 necessary or helpful in securing proper identification of the
22 2 member, as may be prescribed by the system.

22 3 Sec. 28. Section 97B.33, Code 2007, is amended to read as
22 4 follows:

22 5 97B.33 ~~CERTIFICATION TO DIRECTOR~~ PAYMENT TO INDIVIDUALS.

22 6 Upon final decision of the system, or upon final judgment
22 7 of any court of competent jurisdiction, that any person is
22 8 entitled to any payment or payments under this chapter, the
22 9 system shall ~~certify to the director of the department of~~
~~22 10 administrative services the name and address of the person so~~
~~22 11 entitled to receive such payment or payments, the amount of~~
~~22 12 such payment or payments, and the time at which such payment~~
~~22 13 or payments should be made, and the system, through the~~
~~22 14 director of the department of administrative services, shall~~
22 15 make payment in accordance with the certification of the
~~22 16 system to the person, provided that where judicial review of~~
22 17 the ~~system~~ system's decision is or may be sought in accordance
22 18 with the terms of the Iowa administrative procedure Act,
22 19 chapter 17A, ~~certification of~~ payment may be withheld pending
22 20 such review. ~~The director of the department of administrative~~
~~22 21 services shall not be held personally liable for any payment~~
~~22 22 or payments made in accordance with a certification by the~~
~~22 23 system.~~

22 24 Sec. 29. Section 97B.34A, subsections 1 and 2, Code 2007,
22 25 are amended to read as follows:

22 26 1. If the total sum to be paid to the minor is less than
22 27 ~~ten~~ the greater of twenty-five thousand dollars or the maximum
22 28 amount permitted under section 565B.7, subsection 3, the funds
22 29 may be paid to an adult as custodian for the minor. The
22 30 custodian must complete the proper forms as determined by the
22 31 system.

22 32 2. If the total sum to be paid to the minor is equal to or
22 33 more than ~~ten thousand dollars~~ the amount authorized in
22 34 subsection 1, the funds must be paid to a court-established
22 35 conservator. The system shall not make payment until the



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23 1 conservatorship has been established and the system has
23 2 received the appropriate documentation.

23 3 Sec. 30. Section 97B.38, Code 2007, is amended to read as
23 4 follows:

23 5 97B.38 FEES FOR SERVICES.

23 6 The system may, by rule, prescribe reasonable fees which
23 7 may be charged for ~~production costs incurred~~, including staff
23 8 time and materials, ~~associated with performing to perform its~~
23 9 ~~duties under this chapter for active, inactive, and retired~~
~~23 10 members, beneficiaries, and the general public, where such~~
~~23 11 production costs are more than de minimis, as determined by~~
~~23 12 the system.~~

23 13 Sec. 31. Section 97B.49B, subsection 1, paragraph e, Code
23 14 2007, is amended by adding the following new subparagraphs:

23 15 NEW SUBPARAGRAPH. (9) A jailer or detention officer who
23 16 performs duties as a jailer, including but not limited to the
23 17 transportation of inmates, who is certified as having
23 18 completed jailer training pursuant to chapter 80B, and who is
23 19 employed by a county as a jailer.

23 20 NEW SUBPARAGRAPH. (10) An employee covered by the merit
23 21 system as provided in chapter 8A, subchapter IV, whose primary
23 22 duty is providing security at Iowa national guard
23 23 installations and facilities and who carries or is licensed to
23 24 carry a firearm while performing those duties.

23 25 NEW SUBPARAGRAPH. (11) An emergency medical care provider
23 26 who provides emergency medical services, as defined in section
23 27 147A.1, and who is not a member of the retirement systems
23 28 established in chapter 410 or 411.

23 29 NEW SUBPARAGRAPH. (12) An investigator employed by a
23 30 county attorney's office who is a certified law enforcement
23 31 officer and who is deputized as an investigator for the county
23 32 attorney's office by the sheriff of the applicable county.

23 33 Sec. 32. Section 97B.49B, subsection 3, paragraph a, Code
23 34 2007, is amended by striking the paragraph.

23 35 Sec. 33. Section 97B.49C, subsection 3, paragraph a, Code



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24 1 2007, is amended by striking the paragraph.

24 2 Sec. 34. Section 97B.49F, subsection 1, paragraph b,
24 3 subparagraph (2), subparagraph subdivision (b), Code 2007, is
24 4 amended to read as follows:

24 5 (b) The percentage representing the percentage amount the
24 6 actuary has certified, ~~in the annual actuarial valuation of~~
~~24 7 the retirement system as of June 30 of the year in which the~~
~~24 8 dividend is to be paid,~~ that the fund can absorb without
24 9 requiring an increase in the employer and employee
24 10 contributions to the fund. The actuary's certification of
24 11 such percentage amount shall be based on a comparison of the
24 12 actuarially required contribution rate for the fiscal year of
24 13 the dividend adjustment to the statutory contribution rate for
24 14 that same fiscal year. If the actuarially required
24 15 contribution rate exceeds the statutory contribution rate for
24 16 that same fiscal year, the percentage amount shall be zero.

24 17 Sec. 35. Section 97B.49H, subsection 3, Code 2007, is
24 18 amended to read as follows:

24 19 3. The system shall annually determine the amount to be
24 20 credited to the supplemental accounts of active members. The
24 21 total amount credited to the supplemental accounts of all
24 22 active members shall not exceed the amount that the system
24 23 determines, in consultation with the system's actuary, ~~can be~~
~~24 24 absorbed without significantly impacting the funded status of~~
24 25 leaves the system fully funded following the crediting of the
24 26 total amount to the supplemental accounts. The amount to be
24 27 credited shall not be greater than the amount calculated by
24 28 multiplying the member's covered wages for the applicable wage
24 29 reporting period by the supplemental rate. For purposes of
24 30 this subsection, the supplemental rate is the difference, if
24 31 positive, between the combined employee and employer statutory
24 32 contribution rates in effect under section 97B.11 and the
24 33 normal cost rate of the retirement system as determined by the
24 34 system's actuary in the most recent annual actuarial valuation
24 35 of the retirement system. The credits shall be made ~~at least~~



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~~25 1 quarterly to each member's account at the time that covered~~
~~25 2 wages are reported for each wage reporting period during the~~
~~25 3 calendar year following a determination that the retirement~~
~~25 4 system does not have an unfunded accrued liability will remain~~
~~25 5 fully funded following the crediting of the total amount to~~
~~25 6 the supplemental accounts. The normal cost rate, calculated~~
~~25 7 according to the actuarial cost method used, is the percent of~~
~~25 8 pay allocated to each year of service that is necessary to~~
~~25 9 fund projected benefits over all members' service with the~~
~~25 10 retirement system.~~

25 11 Sec. 36. Section 97B.50, subsection 2, Code 2007, is
25 12 amended by adding the following new paragraph:

25 13 NEW PARAGRAPH. d. For a vested member who retires from
25 14 the retirement system due to disability on or after July 1,
25 15 2009, and commences receiving disability benefits pursuant to
25 16 the federal Railroad Retirement Act, 45 U.S.C. } 231 et seq.,
25 17 or the federal Social Security Act, 42 U.S.C. } 423 et seq.,
25 18 the system may require the vested member to certify on an
25 19 annual basis continued eligibility for disability payments
25 20 under the federal Railroad Retirement Act or the federal
25 21 Social Security Act. If the vested member is under the age at
25 22 which disability benefits are converted under the federal
25 23 Social Security Act or the federal Railroad Retirement Act to
25 24 retirement benefits and is no longer eligible for disability
25 25 payments under either the federal Railroad Retirement Act or
25 26 the federal Social Security Act, the vested member shall no
25 27 longer be eligible to receive retirement benefits as provided
25 28 by this subsection. If the system has paid retirement
25 29 benefits to the member between the month the member was no
25 30 longer eligible for payment pursuant to the federal Railroad
25 31 Retirement Act or the federal Social Security Act and the
25 32 month the system terminated retirement benefits under this
25 33 paragraph, the member shall return all retirement benefits
25 34 paid by the system following the termination of such federal
25 35 disability benefits, plus interest. The system shall adopt



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26 1 rules pursuant to chapter 17A to implement this paragraph.

26 2 Sec. 37. Section 97B.50A, subsection 12, Code 2007, is
26 3 amended to read as follows:

26 4 12. CONTRIBUTIONS. The expenses incurred in the
26 5 administration of this section by the system shall be paid
26 6 through contributions as determined pursuant to section
26 7 ~~97B.49B, subsection 3, or section 97B.49C, subsection 3, as~~
~~26 8 applicable 97B.11.~~

26 9 Sec. 38. Section 97B.52, subsection 1, paragraph a,
26 10 unnumbered paragraphs 1 and 3, Code 2007, are amended to read
26 11 as follows:

26 12 A lump sum payment equal to the accumulated contributions
26 13 of the member at the date of death plus the product of an
26 14 amount equal to the highest year of covered wages of the
26 15 deceased member and the number of years of membership service
26 16 divided by the applicable denominator. ~~However, a lump sum~~
~~26 17 payment made to a beneficiary under this paragraph due to the~~
~~26 18 death of a member shall not be less than the amount that would~~
~~26 19 have been payable on the death of the member on June 30, 1984,~~
~~26 20 under this paragraph as it appeared in the 1983 Code.~~

26 21 ~~Effective July 1, 1978, a method of payment under this~~
~~26 22 paragraph filed with the system by a member does not apply.~~

26 23 Sec. 39. Section 97B.53B, Code 2007, is amended to read as
26 24 follows:

26 25 97B.53B ROLLOVERS OF MEMBERS' ACCOUNTS.

26 26 1. As used in this section, unless the context otherwise
26 27 requires, and to the extent permitted by the internal revenue
26 28 service:

26 29 a. "Direct rollover" means a payment by the system to the
26 30 eligible retirement plan specified by ~~the member or the~~
~~26 31 member's surviving spouse an eligible person.~~

26 32 b. "Eligible person" means any of the following:

26 33 (1) The member.

26 34 (2) The member's surviving spouse.

26 35 (3) The member's spouse or former spouse as an alternate



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27 1 payee under a qualified domestic relations order.

27 2 (4) Effective January 1, 2007, the member's nonspouse
27 3 beneficiaries who are designated beneficiaries as defined by
27 4 section 401(a)(9)(E) of the federal Internal Revenue Code, as
27 5 authorized under section 829 of the federal Pension Protection
27 6 Act of 2006.

27 7 c. "Eligible retirement plan" means either, for an
27 8 eligible person, any of the following retirement plans that
27 9 accepts can accept an eligible rollover distribution from a
~~27 10 member or a member's surviving spouse that eligible person:~~

27 11 (1) An individual retirement account in accordance with
27 12 section 408(a) of the federal Internal Revenue Code.

27 13 (2) An individual retirement annuity in accordance with
27 14 section 408(b) of the federal Internal Revenue Code.

27 15 (3) In addition, an "eligible retirement plan" includes an
27 16 An annuity plan in accordance with section 403(a) of the
27 17 federal Internal Revenue Code, or a qualified trust in
27 18 accordance with section 401(a) of the federal Internal Revenue
27 19 Code, that accepts an eligible rollover distribution from a
27 20 member.

27 21 (4) Effective January 1, 2002, the term "eligible
~~27 22 retirement plan" also includes an annuity contract described~~
27 23 in section 403(b) of the federal Internal Revenue Code, and an
27 24 eligible plan under section 457(b) of the federal Internal
27 25 Revenue Code which is maintained by a state, political
27 26 subdivision of a state, or any agency or instrumentality of a
27 27 state or political subdivision of a state that chooses to
27 28 separately account for amounts transferred into such eligible
27 29 retirement plan from the system.

27 30 (5) Effective January 1, 2008, a Roth individual
27 31 retirement account or a Roth individual retirement annuity
27 32 established under section 408A of the Internal Revenue Code.

27 33 e. d. (1) "Eligible rollover distribution" includes any
27 34 of the following:

27 35 (a) All or any portion of a member's account and



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28 1 supplemental account.

28 2 (b) Effective January 1, 2002, after-tax employee
28 3 contributions, if the plan to which such amounts are to be
28 4 transferred is an individual retirement account described in
28 5 federal Internal Revenue Code section 408(a) or 408(b), or is
28 6 a qualified defined contribution plan described in federal
28 7 Internal Revenue Code section 401(a) or 403(a), and such plan
28 8 agrees to separately account for the after-tax amount so
28 9 transferred.

~~28 10 (c) A distribution made on behalf of a surviving spouse
28 11 and to an alternate payee, who is a spouse or former spouse,
28 12 under a qualified domestic relations order. Effective January
28 13 1, 2007, after-tax employee contributions to a qualified
28 14 defined benefit plan described in federal Internal Revenue
28 15 Code section 401(a) or 403(a), or a tax-sheltered annuity plan
28 16 described in federal Internal Revenue Code section 403(b), and
28 17 such plan agrees to separately account for the after-tax
28 18 amount so transferred.~~

28 19 (2) An eligible rollover distribution does not include any
28 20 of the following:

28 21 (a) A distribution that is one of a series of
28 22 substantially equal periodic payments, which occur annually or
28 23 more frequently, made for the life or life expectancy of the
28 24 distributee or the joint lives or joint life expectancies of
28 25 the distributee and the distributee's designated beneficiary,
28 26 or made for a specified period of ten years or more.

28 27 (b) A distribution to the extent that the distribution is
28 28 required pursuant to section 401(a)(9) of the federal Internal
28 29 Revenue Code.

28 30 (c) Prior to January 1, 2002, the portion of any
28 31 distribution that is not includible in the gross income of the
28 32 distributee, determined without regard to the exclusion for
28 33 net unrealized appreciation with respect to employer
28 34 securities.

28 35 2. ~~Effective January 1, 1993, a member or a member's~~



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~~29 1 surviving spouse An eligible person may elect, at the time and
29 2 in the manner prescribed in rules adopted by the system and in
29 3 rules of the receiving retirement plan, to have the system pay
29 4 all or a portion of an eligible rollover distribution directly
29 5 to an eligible retirement plan, specified by the member or the
29 6 member's surviving spouse, in a direct rollover. However,
29 7 effective January 1, 2007, if the eligible person is a
29 8 nonspouse beneficiary as described in subsection 1, paragraph
29 9 "b", subparagraph (4), the nonspouse beneficiary may only have
29 10 a direct rollover of the distribution to an individual
29 11 retirement account or annuity as described in subsection 1,
29 12 paragraph "c", subparagraphs (1), (2), and (5), established
29 13 for the purpose of receiving the distribution on behalf of the
29 14 nonspouse beneficiary, and such individual retirement account
29 15 or annuity will be treated as an inherited individual
29 16 retirement account or annuity pursuant to section 829 of the
29 17 federal Pension Protection Act of 2006.~~

29 18 Sec. 40. Section 97B.65, Code 2007, is amended to read as
29 19 follows:

29 20 97B.65 REVISION RIGHTS RESERVED == LIMITATION ON INCREASE
29 21 OF BENEFITS == RATES OF CONTRIBUTION.

29 22 1. The right is reserved to the general assembly to alter,
29 23 amend, or repeal any provision of this chapter or any
29 24 application thereof to any person, provided, however, that to
29 25 the extent of the funds in the retirement system the amount of
29 26 benefits which at the time of any such alteration, amendment,
29 27 or repeal shall have accrued to any member of the retirement
29 28 system shall not be repudiated, provided further, however,
29 29 that the amount of benefits accrued on account of prior
29 30 service shall be adjusted to the extent of any unfunded
29 31 accrued liability then outstanding.

29 32 2. An increase in the benefits or retirement allowances
29 33 provided under this chapter shall not be enacted until after
29 34 the system's actuary determines that the system is fully
29 35 funded and will continue to be fully funded immediately



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30 1 following enactment of the increase and the increase can be
30 2 absorbed within the contribution rates otherwise established
30 3 for the membership group authorized to receive the increase.
30 4 However, an increase in the benefits or retirement allowances
30 5 provided under this chapter may be enacted if the statutory
30 6 change providing for the increase is accompanied by a change
~~30 7 in the employer and employee contribution rates an adjustment~~
30 8 in the required contribution rate of the membership group
~~30 9 affected that is necessary to support such increase as~~
30 10 determined by the system's actuary.
30 11 Sec. 41. Section 97B.80C, subsection 1, paragraph a, Code
30 12 2007, is amended to read as follows:
30 13 a. "Nonqualified service" means ~~service that is not~~
~~30 14 qualified service and includes, but is not limited to,~~ any of
30 15 the following:
30 16 (1) ~~Full-time volunteer public service in the federal~~
~~30 17 peace corps program. Service that is not qualified service.~~
30 18 (2) ~~Public employment comparable to employment covered~~
~~30 19 under this chapter in a qualified Canadian governmental entity~~
~~30 20 that is an elementary school, secondary school, college, or~~
~~30 21 university that is organized, administered, and primarily~~
~~30 22 supported by the provincial, territorial, or federal~~
~~30 23 governments of Canada, or any combination of the same. Any~~
30 24 period of time for which there was no performance of services.
30 25 (3) Service as described in subsection 1, paragraph "c",
30 26 subparagraph (2).
30 27 Sec. 42. Section 97B.80C, subsection 2, Code 2007, is
30 28 amended to read as follows:
30 29 2. a. A vested or retired member may make contributions
30 30 to the retirement system to purchase up to the maximum amount
30 31 of permissive service credit for qualified service as
30 32 determined by the system, pursuant to Internal Revenue Code
30 33 section 415(n), and the requirements of this section, and the
30 34 system's administrative rules.
30 35 b. A vested or retired member of the retirement system ~~who~~



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~~31 1 has five or more full calendar years of covered wages may make
31 2 contributions to the retirement system to purchase up to five
31 3 years a maximum of twenty quarters of permissive service
31 4 credit for nonqualified service as determined by the system,
31 5 pursuant to Internal Revenue Code section 415(n), and the
31 6 requirements of this section, and the system's administrative
31 7 rules. A vested or retired member must have at least twenty
31 8 quarters of covered wages in order to purchase permissive
31 9 service credit for nonqualified service.~~

~~31 10 c. A vested or retired member may convert regular member
31 11 service credit to special service credit by payment of the
31 12 amount actuarially determined as necessary to fund the
31 13 resulting increase in the member's accrued benefit. The
31 14 conversion shall be treated as a purchase of qualified service
31 15 credit subject to the requirements of paragraph "a" if the
31 16 service credit to be converted was or would have been for
31 17 qualified service. The conversion shall be treated as a
31 18 purchase of nonqualified service credit subject to the
31 19 requirements of paragraph "b" if the service credit to be
31 20 converted was purchased as nonqualified service credit.~~

~~31 21 Sec. 43. Section 97B.82, subsection 2, paragraph b,
31 22 subparagraph (2), subparagraph subdivision (c), Code 2007, is
31 23 amended to read as follows:~~

~~31 24 (c) ~~The~~ For rollover service purchases prior to January 1,
31 25 2007, the portion of any distribution that is not includible
31 26 in the gross income of the distributee, determined without
31 27 regard to the exclusion for net unrealized appreciation with
31 28 respect to employer securities.~~

~~31 29 For rollover service purchases on or after January 1, 2007,
31 30 the portion of any distribution that is not includible in the
31 31 gross income of the distributee, determined without regard to
31 32 the exclusion for net unrealized appreciation with respect to
31 33 employer securities, shall be treated as an eligible rollover
31 34 distribution only when such portion is received from a
31 35 qualified plan under section 401(a) or 403(a) of the federal~~



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32 1 Internal Revenue Code.

32 2 Sec. 44. Section 97B.82, subsection 3, Code 2007, is
32 3 amended to read as follows:

32 4 3. A member may purchase any service credit as authorized
32 5 by this section, to the extent permitted by the internal
32 6 revenue service, by means of a direct transfer, ~~excluding of~~
32 7 pretax amounts, and effective January 1, 2007, any after-tax
32 8 contributions, from an annuity contract qualified under
32 9 federal Internal Revenue Code section 403(b), or an eligible
32 10 plan described in federal Internal Revenue Code section
32 11 457(b), maintained by a state, political subdivision of a
32 12 state, or any agency or instrumentality of a state or
32 13 political subdivision of a state. A direct transfer is a
32 14 trustee-to-trustee transfer to the retirement system of
32 15 contributions made to annuity contracts qualified under
32 16 federal Internal Revenue Code section 403(b) and eligible
32 17 governmental plans qualified under federal Internal Revenue
32 18 Code section 457(b) for purposes of purchasing service credit
32 19 in the retirement system.

32 20 Sec. 45. Section 97B.73B, Code 2007, is repealed.

32 21 Sec. 46. TRANSITION PROVISION == REQUIRED CONTRIBUTION
32 22 RATE FOR FISCAL YEAR 2010=2011. For purposes of establishing
32 23 the required contribution rate for the fiscal year beginning
32 24 July 1, 2011, as provided in section 97B.11, as amended in
32 25 this Act, the required contribution rate for the fiscal year
32 26 beginning July 1, 2010, shall be, for members in regular
32 27 service, members described in section 97B.49B, and members
32 28 described in section 97B.49C, the total contribution
32 29 percentage rate paid by members and employers of that
32 30 membership group for the fiscal year beginning July 1, 2010.

32 31 Sec. 47. IMPLEMENTATION PROVISION. Notwithstanding any
32 32 provision of section 97B.65 to the contrary, the provisions of
32 33 this division of this Act shall be enacted and implemented by
32 34 the Iowa public employees' retirement system upon the
32 35 effective dates provided for the provisions of this division



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33 1 of this Act.

33 2 Sec. 48. EFFECTIVE DATES == RETROACTIVE APPLICABILITY.

33 3 1. The sections of this Act amending section 97B.49B,
33 4 subsection 3, section 97B.49C, subsection 3, section 97B.50A,
33 5 subsection 12, and section 97B.65 take effect July 1, 2011.

33 6 2. The section of this Act amending section 97B.53B, being
33 7 deemed of immediate importance, takes effect upon enactment,
33 8 and, except as otherwise stated, is retroactively applicable
33 9 to January 1, 2007, and is applicable on and after that date.

33 10 3. The sections of this Act amending section 97B.82, being
33 11 deemed of immediate importance, take effect upon enactment,
33 12 and are retroactively applicable to January 1, 2007, and are
33 13 applicable on and after that date.

33 14 DIVISION III

33 15 STATEWIDE FIRE AND POLICE RETIREMENT SYSTEM

33 16 Sec. 49. Section 411.5, subsections 10 and 11, Code 2007,
33 17 are amended to read as follows:

33 18 10. ACTUARIAL INVESTIGATION == TABLES == RATES. At least
33 19 once in each five-year period, the actuary shall make an
33 20 actuarial investigation into the mortality, service, and
33 21 compensation experience of the members and beneficiaries of
33 22 the retirement system, and the interest and other earnings on
33 23 the moneys and other assets of the retirement system, and
33 24 shall make a valuation of the assets and liabilities of the
33 25 fire and police retirement fund, and on the basis of the
33 26 results of the investigation and valuation, the system shall
33 27 ~~do all of the following:~~

33 28 ~~a. Adopt~~ adopt for the retirement system such actuarial
33 29 methods and assumptions, interest rate, and mortality and
33 30 other tables as are deemed necessary to conduct the annual
33 31 actuarial valuation of the system.

33 32 ~~b. Certify the rates of contribution payable by the cities~~
~~33 33 in accordance with section 411.8.~~

33 34 ~~e. Certify the rates of contributions payable by the~~
~~33 35 members in accordance with section 411.8.~~



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34 1 11. ANNUAL ACTUARIAL VALUATION.

34 2 a. On the basis of the actuarial methods and assumptions,
34 3 rate of interest and tables adopted, the actuary shall make an
34 4 annual valuation of the assets and liabilities of the fire and
34 5 police retirement fund created by this chapter. As a result
34 6 of the annual actuarial valuation, the system shall do all of
34 7 the following:

34 8 (1) Certify the rates of contribution payable by the
34 9 cities in accordance with section 411.8.

34 10 (2) Certify the rates of contributions payable by the
34 11 members in accordance with section 411.8.

34 12 b. Effective with the fiscal year beginning July 1, 2008,
34 13 the annual actuarial valuation required to be conducted shall
34 14 include information as required by section 97D.5.

34 15 Sec. 50. Section 411.8, subsection 1, paragraph b, Code
34 16 2007, is amended to read as follows:

34 17 b. On the basis of the actuarial methods and assumptions,
34 18 rate of interest, and of the mortality, interest and other
34 19 tables adopted by the system, the actuary engaged by the
34 20 system to make each valuation required by this chapter
34 21 pursuant to the requirements of section 411.5, shall
34 22 immediately after making such valuation, determine the "normal
34 23 contribution rate". Except as otherwise provided in this
34 24 lettered paragraph, the normal contribution rate shall be the
34 25 rate percent of the earnable compensation of all members
34 26 obtained by deducting from the total liabilities of the fund
~~34 27 the amount of the funds in hand to the credit of the fund and~~
~~34 28 dividing the remainder by one percent of the present value of~~
~~34 29 the prospective future compensation of all members as computed~~
~~34 30 on the basis of the rate of interest and of mortality and~~
~~34 31 service tables adopted, all equal to the rate required by the~~
34 32 system to discharge its liabilities, stated as a percentage of
34 33 the earnable compensation of all members, and reduced by the
34 34 employee contribution made pursuant to rate provided in
34 35 paragraph "f" of this subsection and the contribution rate



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35 1 representing the state appropriation made as provided in
35 2 section 411.20. However, the normal rate of contribution
35 3 shall not be less than seventeen percent.
35 4 ~~Beginning July 1, 1996, and each fiscal year thereafter,~~
35 5 ~~the normal contribution rate shall be the rate percent of the~~
35 6 ~~earnable compensation of all members obtained by deducting~~
35 7 ~~from the total liabilities of the fund the amount of the funds~~
35 8 ~~in hand to the credit of the fund and dividing the remainder~~
35 9 ~~by one percent of the present value of the prospective future~~
35 10 ~~compensation of all members as computed on the basis of the~~
35 11 ~~rate of interest and of mortality and service tables adopted,~~
35 12 ~~multiplied by six-tenths, or seventeen percent, whichever is~~
35 13 ~~greater.~~

35 14 The normal rate of contribution shall be determined by the
35 15 actuary after each valuation.

35 16 Sec. 51. NEW SECTION. 411.10 PURCHASE OF SERVICE CREDIT
35 17 FOR MILITARY SERVICE.

35 18 1. An active member of the system who has been a member of
35 19 the retirement system five or more years may elect to purchase
35 20 up to five years of service credit for military service, other
35 21 than military service required to be recognized under Internal
35 22 Revenue Code section 414(u) or under the federal Uniformed
35 23 Services Employment and Reemployment Rights Act, that will be
35 24 recognized by the retirement system for purposes of
35 25 calculating a member's benefit, pursuant to Internal Revenue
35 26 Code section 415(n) and the requirements of this section.

35 27 2. a. A member seeking to purchase service credit
35 28 pursuant to this section shall file a written application with
35 29 the system requesting an actuarial determination of the cost
35 30 of a purchase of service credit. Upon receipt of the cost
35 31 estimate for the purchase of service from the system, the
35 32 member may make contributions to the system in an amount equal
35 33 to the actuarial cost of the service credit purchase.

35 34 b. For purposes of this subsection, the actuarial cost of
35 35 the service credit purchase is an amount determined by the



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36 1 system in accordance with actuarial tables, as reported to the
36 2 system by the system's actuary, which reflects the actuarial
36 3 cost necessary to fund an increased retirement allowance
36 4 resulting from the purchase of service credit.

36 5 3. The system shall ensure that the member, in exercising
36 6 an option provided in this section, does not exceed the amount
36 7 of annual additions to a member's account permitted pursuant
36 8 to section 415 of the federal Internal Revenue Code.

36 9 4. The board of trustees shall adopt rules providing for
36 10 the implementation and administration of this section.

36 11 DIVISION IV

36 12 JUDICIAL RETIREMENT SYSTEM

36 13 Sec. 52. Section 602.9104, subsection 1, paragraph b, Code
36 14 2007, is amended to read as follows:

36 15 b. The state shall contribute annually to the judicial
36 16 retirement fund an amount equal to the state's required
36 17 contribution for all judges covered under this article. ~~The~~
~~36 18 state's required contribution shall be appropriated directly~~
~~36 19 to the judicial retirement fund by the general assembly.~~

36 20 Sec. 53. Section 602.9104, subsection 4, paragraphs b, c,
36 21 d, and e, Code 2007, are amended to read as follows:

36 22 b. "Fully funded status" means that the most recent
36 23 actuarial valuation reflects that, ~~using the projected unit~~
~~36 24 credit method in accordance with generally recognized and~~
~~36 25 accepted actuarial principles and practices set forth by the~~
~~36 26 American academy of actuaries,~~ the funded status of the system
36 27 is at least ninety one hundred percent, based upon the
36 28 benefits provided for judges through the judicial retirement
36 29 system as of July 1, 2006.

36 30 c. "Judge's required contribution" means an amount equal
36 31 to the basic salary of the judge multiplied by the following
36 32 applicable percentage:

36 33 (1) For the fiscal year beginning July 1, 2008, and ending
36 34 June 30, 2009, seven and seven-tenths percent.

36 35 (2) For the fiscal year beginning July 1, 2009, and ending



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37 1 June 30, 2010, eight and seven-tenths percent.
37 2 ~~(1)~~ (3) For the fiscal year beginning July 1, ~~2006~~ 2010,
37 3 and for each subsequent fiscal year until the system attains
37 4 fully funded status, ~~six percent multiplied by a fraction~~
~~37 5 equal to the actual percentage rate contributed by the state~~
~~37 6 for that fiscal year divided by twenty-three and seven-tenths~~
~~37 7 percent~~ nine and thirty-five hundredths percent.
37 8 ~~(2)~~ (4) Commencing with the first fiscal year in which
37 9 the system attains fully funded status, and for each
37 10 subsequent fiscal year, the percentage rate equal to ~~fifty~~
37 11 forty percent of the required contribution rate.
37 12 d. "Required contribution rate" means that percentage of
37 13 the basic salary of all judges covered under this article
37 14 ~~which the actuary of the system determines is necessary, using~~
~~37 15 the projected unit credit method in accordance with generally~~
~~37 16 recognized and accepted actuarial principles and practices set~~
~~37 17 forth by the American academy of actuaries, to amortize the~~
~~37 18 unfunded actuarial liability of the judicial retirement system~~
~~37 19 within twenty years equal to the actuarially required~~
37 20 contribution rate determined by the actuary pursuant to
37 21 section 602.9116.
37 22 e. "State's required contribution" means an amount equal
37 23 to the basic salary of all judges covered under this article
37 24 multiplied by the following applicable percentage:
37 25 (1) For the fiscal year beginning July 1, ~~2006~~ 2008, and
37 26 for each subsequent fiscal year until the system attains fully
37 27 funded status, ~~twenty-three and seven-tenths~~ thirty and
37 28 six-tenths percent.
37 29 (2) Commencing with the first fiscal year in which the
37 30 system attains fully funded status, and for each subsequent
37 31 fiscal year, the percentage rate equal to ~~fifty~~ sixty percent
37 32 of the required contribution rate.
37 33 Sec. 54. Section 602.9116, subsection 1, Code Supplement
37 34 2007, is amended to read as follows:
37 35 1. The court administrator shall cause an actuarial



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38 1 valuation to be made of the assets and liabilities of the
38 2 judicial retirement fund at least once every four years
38 3 commencing with the fiscal year beginning July 1, 1981. For
38 4 each fiscal year in which an actuarial valuation is not
38 5 conducted, the court administrator shall cause an annual
38 6 actuarial update to be prepared for the purpose of determining
38 7 the adequacy of the contribution rates specified in section
38 8 602.9104. The court administrator shall adopt actuarial
38 9 methods and assumptions, mortality tables, and other necessary
38 10 factors for use in the actuarial calculations required for the
38 11 valuation upon the recommendation of the actuary. In
38 12 addition, effective with the fiscal year beginning July 1,
38 13 2008, the actuarial valuation or actuarial update required to
38 14 be conducted shall include information as required by section
38 15 97D.5. Following the actuarial valuation or annual actuarial
38 16 update, the court administrator shall determine the condition
38 17 of the system, determine the actuarially required contribution
38 18 rate for each fiscal year which is the rate required by the
38 19 system to discharge its liabilities, stated as a percentage of
38 20 the basic salary of all judges covered under this article, and
38 21 shall report any findings and recommendations to the general
38 22 assembly.

38 23 DIVISION V

38 24 MISCELLANEOUS PROVISIONS

38 25 Sec. 55. Section 8A.438, Code 2007, is amended by striking
38 26 the section and inserting in lieu thereof the following:

38 27 8A.438 TAX-SHELTERED INVESTMENT CONTRACTS.

38 28 1. The director may establish a tax-sheltered investment
38 29 program for eligible employees. The director may arrange for
38 30 the provision of investment vehicles authorized under section
38 31 403(b) of the Internal Revenue Code, as defined in section
38 32 422.3. The department may offer the tax-sheltered investment
38 33 program to eligible public employers in the state of Iowa.

38 34 2. a. A special, separate tax-sheltered investment
38 35 revolving trust fund is created in the state treasury under



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39 1 the control of the department. The fund shall consist of all
39 2 moneys deposited in the fund pursuant to this section, any
39 3 funds received from other entities in the state of Iowa, and
39 4 interest and earnings thereon. The director is the trustee of
39 5 the fund and shall administer the fund. Any loss to the fund
39 6 shall be charged against the fund and the director shall not
39 7 be personally liable for such loss.

39 8 b. Moneys in the fund are not subject to section 8.33.
39 9 Notwithstanding section 12C.7, subsection 2, interest or
39 10 earnings on moneys in the fund shall be credited to the fund.

39 11 Sec. 56. Section 55.1, unnumbered paragraph 1, Code 2007,
39 12 is amended to read as follows:

39 13 A person who is elected to a municipal, county, state, or
39 14 federal office shall, upon written application to the employer
39 15 of that person, be granted a leave of absence from regular
39 16 employment to serve in that office except where prohibited by
39 17 the federal law. The leave of absence may be granted without
39 18 pay and, except that if a salaried employee takes leave
39 19 without pay from regular employment for a portion of a pay
39 20 period, the employee's salaried compensation for that pay
39 21 period shall be reduced by the ratio of the number of days of
39 22 leave taken to the total number of days in the pay period.

39 23 The leave of absence shall be granted without loss of net
39 24 credited service and benefits earned. This section shall not
39 25 be construed to require an employer to pay pension, health or
39 26 other benefits during the leave of absence to an employee
39 27 taking a leave of absence under this section.

39 28 Sec. 57. Section 55.1, unnumbered paragraph 3, Code 2007,
39 29 is amended to read as follows:

39 30 An employee shall not be prohibited from returning to
39 31 regular employment before the period expires for which the
39 32 leave of absence was granted. This section applies only to
39 33 employers which employ twenty or more full-time persons. ~~The~~
~~39 34 leave of absence granted by this section need not exceed six~~
~~39 35 years.~~ The leave of absence granted by this section does not



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40 1 apply to an elective office held by the employee prior to the
40 2 election.

40 3 Sec. 58. Section 97C.21, Code 2007, is amended to read as
40 4 follows:

40 5 97C.21 VOLUNTARY COVERAGE OF ELECTED OFFICIALS.

40 6 Notwithstanding any provision of this chapter to the
40 7 contrary, an employer of elected officials otherwise excluded
40 8 from the definition of employee as provided in section 97C.2,
40 9 may, but is not required to, choose to provide benefits to
40 10 those elected officials as employees as provided by this
40 11 chapter. Alternatively, the governor may authorize a
40 12 statewide referendum of the appointed and elected officials of
40 13 the state and its political subdivisions on the question of
40 14 whether to include in or exclude from the definition of
40 15 employee all such positions. This choice shall be reflected

40 16 in the federal-state agreement described in section 97C.3,
40 17 and, if necessary, in this chapter. An employer who is
40 18 providing benefits to elected officials otherwise excluded
40 19 from the definition of employee prior to July 1, 2002, shall
40 20 not be deemed to be in an erroneous reporting situation, and
40 21 corrections for prior federal social security withholdings
40 22 shall not be required. The implementation of this section
40 23 shall be subject to the approval of the federal social
40 24 security administration.

40 25 Sec. 59. Section 97D.2, Code 2007, is amended to read as
40 26 follows:

40 27 97D.2 ANALYSIS OF COST OF PROPOSED CHANGES.

40 28 When the public retirement systems committee established by
40 29 section 97D.4 or a standing committee of the senate or house
40 30 of representatives recommends a proposal for a change in a
40 31 public retirement system within this state, the committee
40 32 shall require the development of actuarial information
40 33 concerning the costs of the proposed change. If the proposal
40 34 affects police and fire retirement under chapter 411, the
40 35 committee shall arrange for the services of an actuarial



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41 1 consultant or request actuarial information from the statewide
41 2 fire and police retirement system created in chapter 411 to
41 3 assist in developing the information. Actuarial information
41 4 developed as provided under this section concerning the cost
41 5 of a proposed change shall include information on the effect
41 6 of the proposed change on the normal cost rate for that public
41 7 retirement system using the entry age normal actuarial cost
41 8 method.

41 9 Sec. 60. NEW SECTION. 97D.5 PUBLIC RETIREMENT SYSTEMS ==
41 10 ANNUAL ACTUARIAL VALUATIONS == REQUIRED INFORMATION.

41 11 1. For purposes of this section, "public retirement
41 12 system" means the public safety peace officers' retirement
41 13 system created in chapter 97A, the Iowa public employees'
41 14 retirement system created in chapter 97B, the statewide fire
41 15 and police retirement system created in chapter 411, or the
41 16 judicial retirement system created in chapter 602.

41 17 2. Effective with the fiscal year beginning July 1, 2008,
41 18 a public retirement system shall include in each actuarial
41 19 valuation or actuarial update required to be conducted by that
41 20 public retirement system the following additional information,
41 21 all as determined by using the entry age normal actuarial cost
41 22 method:

41 23 a. The actuarially required contribution rate for the
41 24 public retirement system which is equal to the normal cost
41 25 rate plus the contribution rate necessary to amortize the
41 26 unfunded actuarial accrued liability on a level percent of
41 27 payroll basis over thirty years.

41 28 b. The normal cost rate for the public retirement system
41 29 which shall be determined for each individual member on a
41 30 level percentage of salary basis and then summed for all
41 31 members to obtain the total normal cost.

41 32 Sec. 61. Section 260C.14, subsection 9, Code 2007, is
41 33 amended by striking the subsection and inserting in lieu
41 34 thereof the following:

41 35 9. a. The board may establish a plan, in accordance with



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42 1 section 403(b) of the Internal Revenue Code, as defined in
42 2 section 422.3, for employees, which plan shall consist of one
42 3 or more investment contracts, on a group or individual basis,
42 4 acquired from a company, or a salesperson for that company,
42 5 that is authorized to do business in this state.
42 6 b. The selection of investment contracts to be included
42 7 within the plan established by the board shall be made either
42 8 pursuant to a competitive bidding process conducted by the
42 9 board, in coordination with employee organizations
42 10 representing employees eligible to participate in the plan, or
42 11 pursuant to an agreement with the department of administrative
42 12 services to make available investment contracts included in a
42 13 deferred compensation or similar plan established by the
42 14 department pursuant to section 8A.438, which plan meets the
42 15 requirements of this subsection. The determination of whether
42 16 to select investment contracts for the plan pursuant to a
42 17 competitive bidding process or by agreement with the
42 18 department of administrative services shall be made by
42 19 agreement between the board and the employee organizations
42 20 representing employees eligible to participate in the plan.
42 21 c. The board may make elective deferrals in accordance
42 22 with the plan as authorized by an eligible employee for the
42 23 purpose of making contributions to an investment contract in
42 24 the plan on behalf of the employee. The deferrals shall be
42 25 made in the manner which will qualify contributions to the
42 26 investment contract for the benefits under section 403(b) of
42 27 the Internal Revenue Code, as defined in section 422.3. In
42 28 addition, the board may make nonelective employer
42 29 contributions to the plan.
42 30 d. As used in this subsection, unless the context
42 31 otherwise requires, "investment contract" shall mean a
42 32 custodial account utilizing mutual funds or an annuity
42 33 contract which meets the requirements of section 403(b) of the
42 34 Internal Revenue Code, as defined in section 422.3.
42 35 Sec. 62. Section 273.3, subsection 14, Code 2007, is



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43 1 amended by striking the subsection and inserting in lieu
43 2 thereof the following:
43 3 14. a. The board may establish a plan, in accordance with
43 4 section 403(b) of the Internal Revenue Code, as defined in
43 5 section 422.3, for employees, which plan shall consist of one
43 6 or more investment contracts, on a group or individual basis,
43 7 acquired from a company, or a salesperson for that company,
43 8 that is authorized to do business in this state.
43 9 b. The selection of investment contracts to be included
43 10 within the plan established by the board shall be made either
43 11 pursuant to a competitive bidding process conducted by the
43 12 board, in coordination with employee organizations
43 13 representing employees eligible to participate in the plan, or
43 14 pursuant to an agreement with the department of administrative
43 15 services to make available investment contracts included in a
43 16 deferred compensation or similar plan established by the
43 17 department pursuant to section 8A.438, which plan meets the
43 18 requirements of this subsection. The determination of whether
43 19 to select investment contracts for the plan pursuant to a
43 20 competitive bidding process or by agreement with the
43 21 department of administrative services shall be made by
43 22 agreement between the board and the employee organizations
43 23 representing employees eligible to participate in the plan.
43 24 c. The board may make elective deferrals in accordance
43 25 with the plan as authorized by an eligible employee for the
43 26 purpose of making contributions to the investment contract on
43 27 behalf of the employee. The deferrals shall be made in the
43 28 manner which will qualify contributions to the investment
43 29 contract for the benefits under section 403(b) of the Internal
43 30 Revenue Code, as defined in section 422.3. In addition, the
43 31 board may make nonelective employer contributions to the plan.
43 32 d. As used in this subsection, unless the context
43 33 otherwise requires, "investment contract" shall mean a
43 34 custodial account utilizing mutual funds or an annuity
43 35 contract which meets the requirements of section 403(b) of the



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44 1 Internal Revenue Code, as defined in section 422.3.
44 2 Sec. 63. Section 294.16, Code 2007, is amended by striking
44 3 the section and inserting in lieu thereof the following:
44 4 294.16 INVESTMENT CONTRACTS.
44 5 1. The school district may establish a plan, in accordance
44 6 with section 403(b) of the Internal Revenue Code, as defined
44 7 in section 422.3, for employees, which plan shall consist of
44 8 one or more investment contracts, on a group or individual
44 9 basis, acquired from a company, or a salesperson for that
44 10 company, that is authorized to do business in this state.
44 11 2. The selection of investment contracts to be included
44 12 within the plan established by the school district shall be
44 13 made either pursuant to a competitive bidding process
44 14 conducted by the school district, in coordination with
44 15 employee organizations representing employees eligible to
44 16 participate in the plan, or pursuant to an agreement with the
44 17 department of administrative services to make available
44 18 investment contracts included in a deferred compensation or
44 19 similar plan established by the department pursuant to section
44 20 8A.438, which plan meets the requirements of this section.
44 21 The determination of whether to select investment contracts
44 22 for the plan pursuant to a competitive bidding process or by
44 23 agreement with the department of administrative services shall
44 24 be made by agreement between the school district and the
44 25 employee organizations representing employees eligible to
44 26 participate in the plan.
44 27 3. The school district may make elective deferrals in
44 28 accordance with the plan as authorized by an eligible employee
44 29 for the purpose of making contributions to the investment
44 30 contract on behalf of the employee. The deferrals shall be
44 31 made in the manner which will qualify contributions to the
44 32 investment contract for the benefits under section 403(b) of
44 33 the Internal Revenue Code, as defined in section 422.3. In
44 34 addition, the school district may make nonelective employer
44 35 contributions to the plan.



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45 1 4. As used in this section, unless the context otherwise
45 2 requires, "investment contract" shall mean a custodial account
45 3 utilizing mutual funds or an annuity contract which meets the
45 4 requirements of section 403(b) of the Internal Revenue Code,
45 5 as defined in section 422.3.
45 6 Sec. 64. TRANSITION PROVISIONS == INTERNAL REVENUE CODE
45 7 SECTION 403(b) PLANS. Notwithstanding any provision of law to
45 8 the contrary, the investment contracts to be included within a
45 9 plan established pursuant to section 260C.14, subsection 9,
45 10 section 273.3, subsection 14, or section 294.16, for the
45 11 period beginning January 1, 2009, and ending December 31,
45 12 2009, shall be investment contracts selected by the department
45 13 of administrative services from among the investment contracts
45 14 included in a deferred compensation or similar plan
45 15 established by the department of administrative services,
45 16 which plan meets the requirements of section 403(b) of the
45 17 Internal Revenue Code, as defined in section 422.3, or shall
45 18 be from no more than five companies authorized to issue
45 19 investment contracts as selected by the applicable employer
45 20 and from no more than three companies authorized to issue
45 21 investment contracts as selected by, and in the sole
45 22 discretion of, the employee organizations representing the
45 23 applicable employer's employees. Selection of companies and
45 24 investment contracts for a plan shall be made in the best
45 25 interests of employees eligible to participate in the plan.
45 26 The determination of whether to select investment contracts
45 27 for the plan for the period beginning January 1, 2009, and
45 28 ending December 31, 2009, that are included in a deferred
45 29 compensation or similar plan established by the department of
45 30 administrative services or that are selected by the applicable
45 31 employer and the employee organizations representing the
45 32 applicable employer's employees, shall be made by an agreement
45 33 entered into by August 15, 2008, between the applicable
45 34 employer and the employee organizations representing the
45 35 applicable employer's employees eligible to participate in the



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46 1 plan. Applicable employers shall have the authority to take
46 2 such action as deemed necessary to establish, effective
46 3 January 1, 2009, an eligible plan pursuant to section 260C.14,
46 4 subsection 9, section 273.3, subsection 14, or section 294.16.

46 5 Sec. 65. DEPARTMENT OF ADMINISTRATIVE SERVICES ==
46 6 SELECTION OF INVESTMENT CONTRACT PROVIDERS FOR INTERNAL
46 7 REVENUE CODE SECTION 403(b) PLANS.

46 8 1. The department of administrative services shall
46 9 establish, by January 1, 2010, a plan, as authorized pursuant
46 10 to section 8A.438 and in accordance with section 403(b) of the
46 11 Internal Revenue Code, as defined in section 422.3, for
46 12 employees, which plan shall consist of one or more investment
46 13 contracts, on a group or individual basis, acquired from a
46 14 company, or a salesperson for that company, that is authorized
46 15 to do business in this state, that is eligible to be utilized
46 16 as a vendor of investment contracts for plans established
46 17 pursuant to section 260C.14, subsection 9, section 273.3,
46 18 subsection 14, or section 294.16.

46 19 2. The department of administrative services shall
46 20 determine which vendors will be authorized to participate
46 21 under the tax-sheltered investment program established by the
46 22 department pursuant to section 8A.438. Employee organizations
46 23 representing employees and employers participating in the
46 24 programs authorized under sections 8A.433 and 8A.438 shall be
46 25 allowed to assist the department in this decision, specific
46 26 only to the initial competitive bid process that will
46 27 determine the vendors that will be in the program as of
46 28 January 1, 2010.

46 29 3. As used in this section, unless the context otherwise
46 30 requires, "investment contract" shall mean a custodial account
46 31 utilizing mutual funds or an annuity contract which meets the
46 32 requirements of section 403(b) of the Internal Revenue Code,
46 33 as defined in section 422.3.

46 34 Sec. 66. EFFECTIVE DATE.

46 35 1. The sections of this division of this Act amending



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47 1 section 260C.14, subsection 9, section 273.3, subsection 14,
47 2 and section 294.16, take effect January 1, 2009.

47 3 2. The section of this division of this Act, enacting
47 4 transition provisions relating to plans required to meet
47 5 requirements for Internal Revenue Code section 403(b) plans,
47 6 being deemed of immediate importance, takes effect upon
47 7 enactment.

47 8 EXPLANATION

47 9 This bill makes numerous changes to public retirement
47 10 systems, including the public safety peace officers'
47 11 retirement, accident, and disability system, the Iowa public
47 12 employees' retirement system, the statewide fire and police
47 13 retirement system, and the judicial retirement system, as well
47 14 as other employee benefit matters. The bill may include a
47 15 state mandate as defined in Code section 25B.3. The state
47 16 mandate funding requirement in Code section 25B.2, however,
47 17 does not apply to public employee retirement systems. The
47 18 changes to each public retirement system as well as other
47 19 employee benefit-related matters are as follows:

47 20 PEACE OFFICERS' RETIREMENT, ACCIDENT, AND DISABILITY SYSTEM
47 21 (PORS). The bill eliminates references in Code chapter 97A to
47 22 the pension accumulation fund, pension reserve fund, and the
47 23 expense fund as separate funds of PORS and provides that the
47 24 assets of PORS are in one retirement fund.

47 25 Code section 97A.5(8), concerning the medical board for the
47 26 system, is amended to provide that the board of trustees can
47 27 designate a single medical provider network as the medical
47 28 board of the system. The bill provides that disability
47 29 examinations shall be conducted by a physician from the
47 30 medical board specializing in occupational medicine and a
47 31 second physician selected by the occupational medicine
47 32 physician in an appropriate field of medicine. Current law
47 33 provides for a three-physician medical board.

47 34 Code section 97A.5(11) and (12), concerning the actuarial
47 35 investigation and valuation of the system, is amended to



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48 1 provide that the board of trustees shall select the actuarial
48 2 cost method to be used in conducting the annual actuarial
48 3 valuation of the system. A corresponding change in Code
48 4 section 97A.8 is made to eliminate the requirement that the
48 5 aggregate cost method be used.
48 6 Code section 97A.6(7), concerning the reexamination of
48 7 beneficiaries retired due to disability, is amended to provide
48 8 that a member's disability retirement shall cease if the
48 9 disabled member is under age 55 and becomes employed in
48 10 another public safety occupation.
48 11 Code section 97A.8(1)(b), concerning the determination of
48 12 the contribution rate paid by the state to the PORS retirement
48 13 fund, is amended. The bill provides that the determination of
48 14 the "normal contribution rate" paid by the state shall be
48 15 based upon the actuarial valuation of the system using the
48 16 actuarial cost method selected by the board of trustees and
48 17 eliminates the requirement that the actuarial valuation use
48 18 the aggregate cost actuarial method in calculating this rate.
48 19 The bill further provides that notwithstanding this
48 20 calculation, the state's normal contribution rate shall
48 21 increase from the current minimum 17 percent rate by 2
48 22 percentage points per fiscal year, beginning July 1, 2008,
48 23 until reaching a maximum of 27 percent in the fiscal year
48 24 beginning July 1, 2012. Beginning July 1, 2012, the state's
48 25 contribution rate for a fiscal year shall be the lesser of 27
48 26 percent or the normal contribution rate calculated pursuant to
48 27 the actuarial valuation of the system.
48 28 IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (IPERS). Code
48 29 section 97B.1A(20), concerning the definition of service, is
48 30 amended to provide that service includes a period of military
48 31 service from which the IPERS member does not return to IPERS
48 32 covered service due to injury or disease resulting in death.
48 33 Currently, a member must return to covered employment from
48 34 military service in order to receive service credit for the
48 35 period of military service.



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49 1 Code section 97B.1A(26), concerning the definition of
49 2 wages, is amended to exclude bonuses and allowances, except
49 3 allowances included as wages for members of the general
49 4 assembly, from the definition of wages.

49 5 Code section 97B.4(2), concerning the authority of the
49 6 system in administering IPERS, is amended to provide that
49 7 IPERS is not a participating agency for purposes of
49 8 information technology services under the department of
49 9 administrative services.

49 10 Code section 97B.7(3), concerning the payment of investment
49 11 management expenses from the retirement fund, is amended to
49 12 eliminate the cap on the amount authorized to be expended to
49 13 pay investment management expenses during a fiscal year. The
49 14 current cap is four-tenths of one percent of the market value
49 15 of the retirement fund.

49 16 Code section 97B.9 is amended to set the fee for late
49 17 contributions at the greater of \$20 per occurrence or interest
49 18 at the combined interest and dividend rate required under Code
49 19 section 97B.70. Currently, an employer is charged the greater
49 20 of \$10 per occurrence or interest at the combined interest and
49 21 dividend rate required under Code section 97B.70. The Code
49 22 section is also amended to make civil actions to collect
49 23 unpaid contributions from employers permissive.

49 24 Code section 97B.10, concerning the crediting of erroneous
49 25 contributions, is amended to eliminate a provision awarding
49 26 interest on a credit for contributions paid prior to an
49 27 individual's decision to elect out of IPERS coverage.

49 28 Code section 97B.11, concerning contributions to the system
49 29 by employers and employees, is amended. Beginning July 1,
49 30 2011, IPERS will determine a required contribution rate for
49 31 each membership group, including members in regular service,
49 32 which is the contribution rate the system actuarially
49 33 determines is the rate required by the system to discharge its
49 34 liabilities as to that membership group as a percentage of the
49 35 covered wages of members in that membership category.



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50 1 However, the bill provides that the required contribution rate
50 2 for each membership group in a fiscal year shall not vary by
50 3 more than one-half percentage point from the required
50 4 contribution rate for the previous year. The bill then
50 5 provides that, for members in regular service under IPERS, the
50 6 employers shall pay 60 percent of the rate and members shall
50 7 pay 40 percent of the rate. While current law provides for an
50 8 actuarial determination of the rates for members in each of
50 9 the special service categories, the contribution rate for
50 10 members in regular service is fixed. As a result of this
50 11 change, Code sections 97B.49B(3) and 97B.49C(3) are amended,
50 12 effective July 1, 2011, by repealing that portion of each Code
50 13 section that sets contribution rates for special service
50 14 members to reflect that the establishment of those rates is
50 15 done by the bill through amendment to Code section 97B.11 as
50 16 of July 1, 2011.

50 17 Code section 97B.14 is amended by eliminating an exception
50 18 that permitted small employers with total monthly
50 19 contributions of \$100 or less to pay those contributions
50 20 quarterly rather than monthly. The bill requires all
50 21 employers to pay contributions monthly, regardless of the
50 22 amount of the contributions.

50 23 Code section 97B.33, concerning payments made to an
50 24 individual arising out of a decision by the system or a court,
50 25 is amended to provide that the system may make the payment
50 26 without certifying to the director of the department of
50 27 administrative services that the person is entitled to the
50 28 payment.

50 29 Code section 97B.34A, concerning payment to minors, is
50 30 amended to provide that if the sum to be paid is less than the
50 31 greater of \$25,000 or the amount authorized in section 565B.7,
50 32 subsection 3 (currently \$25,000), the funds may be paid to an
50 33 adult as custodian for the minor. Payments in excess of this
50 34 amount are to be paid to a court-established conservator.
50 35 Current law sets the maximum amount that can be paid to an



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51 1 adult custodian at \$10,000.

51 2 Code section 97B.38, concerning fees for services, is
51 3 amended to allow the system to charge fees to anyone for the
51 4 costs incurred by the system in performing its duties.
51 5 Currently, members, beneficiaries, and the general public, but
51 6 not employers, may be charged fees.

51 7 Code section 97B.49B(1), concerning protection occupations,
51 8 is amended to add county jailers and detention officers, Iowa
51 9 national guard installation security officers, emergency
51 10 medical services providers, and county attorney investigators,
51 11 as members in a protection occupation for purposes of IPERS
51 12 benefits.

51 13 Code section 97B.49F, concerning the determination of the
51 14 cost of living dividend, is amended. Current law provides
51 15 that the dividend increases by a percentage that is the lesser
51 16 of 3 percent, the percentage increase in the consumer price
51 17 index, and the percentage certified by the system's actuary
51 18 that the system can absorb. The bill amends the determination
51 19 of the percentage calculated by the system's actuary to
51 20 provide that the determination be made by comparing the
51 21 actuarial required contribution rate for the system and the
51 22 statutory contribution rate. If the actuarial required rate
51 23 exceeds that statutory rate, the bill provides that the
51 24 percentage certified by the actuary shall be zero.

51 25 Code section 97B.49H, concerning active member supplemental
51 26 accounts, is amended to provide that no payments to the
51 27 accounts be made unless the system remains fully funded
51 28 following the payment to the supplemental accounts. Current
51 29 law allows payment only if the payment can be absorbed without
51 30 significantly impacting the funded status of the system.

51 31 Code section 97B.50, concerning early retirement due to
51 32 disability, is amended to provide that a member who qualifies
51 33 for IPERS regular disability benefits by becoming eligible for
51 34 federal disability benefits must demonstrate their continued
51 35 qualification for federal disability benefits to receive IPERS



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52 1 benefits. Current law does not require a determination that
52 2 the member remains eligible for federal disability benefits
52 3 once initial eligibility is established. The change does not
52 4 affect the ability of the member to qualify for retirement
52 5 benefits based on criteria other than disability.
52 6 Code section 97B.52, concerning payment of a lump sum death
52 7 benefit, is amended to eliminate a provision requiring a
52 8 determination of what the lump sum payment would have been if
52 9 the person had died on June 30, 1984, and a provision that the
52 10 method of payment to a beneficiary selected by a member does
52 11 not apply.
52 12 Code section 97B.53B, concerning rollovers of members'
52 13 accounts from IPERS to another eligible retirement plan, is
52 14 amended to reflect Internal Revenue Code changes. The bill
52 15 provides that nonspouse beneficiaries of a member that are
52 16 designated as beneficiaries pursuant to federal law are
52 17 allowed to elect to have IPERS pay all or a portion of an
52 18 eligible distribution to certain eligible retirement plans.
52 19 The bill also provides that, beginning January 1, 2008, Roth
52 20 individual retirement accounts and annuities are eligible
52 21 retirement plans for a member, a member's surviving spouse, or
52 22 a qualified payee under a qualified domestic relations order.
52 23 The provision of the bill amending Code section 97B.53B takes
52 24 effect upon enactment and is retroactively applicable to
52 25 January 1, 2007.
52 26 Code section 97B.65, concerning limitation on increases in
52 27 benefits, is amended to provide that an increase in benefits
52 28 shall not be implemented unless the system is fully funded and
52 29 the increase in benefits can be absorbed into existing
52 30 contribution rates for the membership group affected. Current
52 31 law only requires that the system be fully funded prior to
52 32 implementing the increase in benefits. This change also
52 33 provides that the increase in benefits can be implemented even
52 34 if the system is not fully funded or existing contribution
52 35 rates are insufficient if the statutory change providing for



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53 1 the increased benefit is accompanied by a change in the
53 2 required contribution rate necessary to support the increased
53 3 benefit. This provision takes effect July 1, 2011.
53 4 Code section 97B.73B, concerning the purchase of service
53 5 for patient advocates, is repealed by the bill.
53 6 Code section 97B.80C(1) and (2), concerning purchases of
53 7 permissive service credit, is amended. The bill provides that
53 8 any period of time when there was not performance of services
53 9 is considered nonqualified service eligible for a purchase of
53 10 service. The bill also provides that a member may convert
53 11 existing regular service credit to special service credit upon
53 12 paying the actuarial cost of that enhanced benefit. The bill
53 13 provides that if the existing service was nonqualified
53 14 service, then the purchase of special service credit for that
53 15 service shall be made pursuant to the requirements governing
53 16 the purchase of nonqualified service. Alternatively, if the
53 17 existing service was qualified service, then the purchase of
53 18 special service credit for that service shall be made pursuant
53 19 to the requirements governing the purchase of qualified
53 20 service.
53 21 Code section 97B.82, concerning the purchase of service
53 22 credit from a direct rollover of moneys from another
53 23 retirement plan to IPERS, is amended to reflect Internal
53 24 Revenue Code changes. The provisions of the bill amending
53 25 Code section 97B.82 take effect upon enactment and are
53 26 retroactively applicable to January 1, 2007.
53 27 The bill also provides that notwithstanding any provision
53 28 of Code section 97B.65 to the contrary, the provisions in this
53 29 division of the bill shall be implemented upon the effective
53 30 dates applicable for those provisions.
53 31 STATEWIDE FIRE AND POLICE RETIREMENT SYSTEM. Code sections
53 32 411.5 and 411.8, concerning the actuarial valuation and the
53 33 method of financing the retirement system, are amended to
53 34 provide that the board of trustees shall select the actuarial
53 35 cost method to be used in the annual actuarial valuation of



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54 1 the system and in calculating the cities' contribution rate to
54 2 the system. Current law provides that the system use the
54 3 aggregate cost actuarial method.

54 4 New Code section 411.10 permits current members of the
54 5 retirement system with at least five years of service to
54 6 purchase up to five years of service credit under the system
54 7 for military service. The bill provides that the member is
54 8 required to pay the full actuarial cost of the service
54 9 purchase and must make written application with the retirement
54 10 system for the purchase of service.

54 11 JUDICIAL RETIREMENT SYSTEM. Code section 602.9104,
54 12 concerning contributions to the judicial retirement system, is
54 13 amended. The bill provides that beginning July 1, 2008, the
54 14 judge's contribution percentage shall be 7.7 percent of salary
54 15 for FY 2008=2009, 8.7 percent for FY 2009=2010, and 9.35
54 16 percent for FY 2010=2011 and each fiscal year thereafter until
54 17 the system reaches fully funded status. In addition,
54 18 beginning July 1, 2008, and for each fiscal year thereafter
54 19 until the system reaches fully funded status, the state's
54 20 contribution shall be 30.6 percent of salary of all judges.
54 21 Once the fund reaches fully funded status, the bill provides
54 22 that the state shall pay 60 percent and judges shall pay 40
54 23 percent of the required contribution rate. Current law
54 24 provides that judges pay 6 percent and the state shall pay
54 25 23.7 percent until the system reaches fully funded status but
54 26 adjusts the judge's contribution based on the actual
54 27 percentage paid by the state. Current law then provides that
54 28 upon reaching fully funded status, the state and the judges
54 29 shall pay the required contribution rate to the system on a
54 30 50=50 basis.

54 31 Code section 602.9116, concerning the actuarial valuation
54 32 of the system, is amended to provide that the court
54 33 administrator determine the actuarial assumptions and methods
54 34 to be used by the actuary. A corresponding change is made in
54 35 Code section 602.9104 to eliminate the requirement that the



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55 1 projected unit actuarial cost method be used. The bill also
55 2 provides that the annual valuation include the actuarially
55 3 required contribution rate for the system.
55 4 MISCELLANEOUS PROVISIONS. Code section 8A.438, concerning
55 5 annuity contracts, is stricken and rewritten by the bill. The
55 6 bill authorizes the director of the department of
55 7 administrative services to establish a tax-sheltered
55 8 investment program in accordance with section 403(b) of the
55 9 Internal Revenue Code and to offer the program to eligible
55 10 public employers in the state. The bill establishes a trust
55 11 fund in the state treasury under the control of the department
55 12 for deposit of moneys received under the program.
55 13 Code section 55.1, concerning leaves of absence for service
55 14 in elective office, is amended by the bill. Current law
55 15 provides that a leave of absence granted to a person elected
55 16 to a municipal, county, state, or federal office need not
55 17 exceed six years. This provision of the bill removes the
55 18 six-year limitation. In addition, the bill provides that if a
55 19 salaried employee takes leave without pay to serve in elected
55 20 office the salaried compensation for the pay period shall be
55 21 reduced pro rata to the number of days taken.
55 22 Code section 97C.21, concerning voluntary federal social
55 23 security coverage for certain part-time elected officials, is
55 24 amended to permit the governor to authorize a statewide
55 25 referendum of these officials on whether they should be
55 26 included as an employee for purposes of social security
55 27 coverage.
55 28 Code section 97D.2, concerning the analysis of proposed
55 29 changes to retirement systems, is amended to require that
55 30 actuarial information on the cost of a proposed change include
55 31 information on the effect of the proposed change on the normal
55 32 cost rate for the system using the entry age normal actuarial
55 33 cost method.
55 34 New Code section 97D.5 requires that PORS, IPERS, the
55 35 statewide fire and police retirement system created in Code



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56 1 chapter 411, and the judicial retirement system created in
56 2 Code chapter 602, include additional actuarial information in
56 3 each system's actuarial valuation or update beginning with the
56 4 2008=2009 fiscal year. The new Code section requires each
56 5 public retirement system to determine, using the entry age
56 6 normal actuarial cost method, the actuarially required
56 7 contribution rate and normal cost rate for the public
56 8 retirement system and to include this information in the
56 9 system's actuarial valuation.
56 10 Code section 260C.14(9), Code section 273.3(14), and Code
56 11 section 294.16, concerning annuity contracts for community
56 12 college, area education agency (AEA), and school district
56 13 employees, are stricken and rewritten by the bill. These
56 14 provisions of the bill provide that a community college or AEA
56 15 board or school district may establish a plan in accordance
56 16 with section 403(b) of the Internal Revenue Code allowing
56 17 eligible employees to select one or more investment contracts.
56 18 "Investment contract" is defined as a custodial account
56 19 utilizing mutual funds or an annuity contract. The bill
56 20 provides that investment contracts in the plan shall either be
56 21 selected pursuant to a competitive bidding process conducted
56 22 by the employer in coordination with employees or by
56 23 participation in the tax-sheltered investment program
56 24 established by the department of administrative services. The
56 25 determination of whether to select investment contracts by
56 26 competitive bid or by participation in the department of
56 27 administrative services plan shall be by agreement between the
56 28 employer and employee organizations representing employees.
56 29 Current law provides that selection of an investment contract
56 30 is at the discretion of the employee. These provisions of the
56 31 bill take effect January 1, 2009.
56 32 The bill also establishes a transition provision, effective
56 33 upon enactment, that provides for the selection of investment
56 34 contracts in a 403(b) plan offered by a community college or
56 35 AEA board, or school district, for the period beginning



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57 1 January 1, 2009, through December 31, 2009. This section of
57 2 the bill provides that investment contracts in the plan for
57 3 that period shall either be investment contracts included in a
57 4 deferred compensation or similar plan offered by the
57 5 department of administrative services or no more than five
57 6 companies authorized to issue investment contracts as selected
57 7 by the applicable employer and no more than three companies
57 8 authorized to issue investment contracts as selected by the
57 9 employee organizations representing the employer's employees.
57 10 The determination of whether to select investment contracts by
57 11 determination of the applicable employer and employee
57 12 organizations or by utilizing investment contracts selected by
57 13 the department of administrative services shall be by
57 14 agreement between the employer and employee organizations
57 15 representing employees by August 15, 2008. The bill
57 16 authorizes the applicable employer to take all necessary steps
57 17 to establish a 403(b) plan meeting the requirements of this
57 18 bill by January 1, 2009.

57 19 The bill further provides that the department of
57 20 administrative services establish, by January 1, 2010, a
57 21 tax-sheltered investment program as authorized by rewritten
57 22 Code section 8A.438 in the bill. The bill provides that
57 23 selection of vendors authorized to participate in the program
57 24 shall be determined by the department and allows impacted
57 25 employee organizations and employers to assist the department
57 26 in the initial competitive bid process relative to selecting
57 27 the vendors.

57 28 LSB 6675HC 82
57 29 ec/sc/5



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House Study Bill 795

HOUSE FILE
BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
CHAIRPERSON OLDSON)

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

A BILL FOR

1 An Act relating to and making appropriations for health and human
2 services and including other related provisions and
3 appropriations, providing penalties, making penalties
4 applicable and providing effective, retroactive, and
5 applicability date provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 TLSB 5002HC 82
8 pf/jp/14



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PAG LIN

1 1 DIVISION I
 1 2 GENERAL FUND AND BLOCK GRANT APPROPRIATIONS
 1 3 ELDER AFFAIRS
 1 4 Section 1. DEPARTMENT OF ELDER AFFAIRS. There is
 1 5 appropriated from the general fund of the state to the
 1 6 department of elder affairs for the fiscal year beginning July
 1 7 1, 2008, and ending June 30, 2009, the following amount, or so
 1 8 much thereof as is necessary, to be used for the purposes
 1 9 designated:
 1 10 For aging programs for the department of elder affairs and
 1 11 area agencies on aging to provide citizens of Iowa who are 60
 1 12 years of age and older with case management for the frail
 1 13 elderly only if the monthly cost per client for case
 1 14 management for the frail elderly services provided does not
 1 15 exceed an average of \$70, resident advocate committee
 1 16 coordination, employment, and other services which may include
 1 17 but are not limited to adult day services, respite care, chore
 1 18 services, telephone reassurance, information and assistance,
 1 19 and home repair services, and for the construction of entrance
 1 20 ramps which make residences accessible to the physically
 1 21 handicapped, and for salaries, support, administration,
 1 22 maintenance, and miscellaneous purposes, and for not more than
 1 23 the following full-time equivalent positions:
 1 24 \$ 4,851,698
 1 25 FTEs 40.50
 1 26 1. Funds appropriated in this section may be used to
 1 27 supplement federal funds under federal regulations. To
 1 28 receive funds appropriated in this section, a local area
 1 29 agency on aging shall match the funds with moneys from other
 1 30 sources according to rules adopted by the department. Funds
 1 31 appropriated in this section may be used for elderly services
 1 32 not specifically enumerated in this section only if approved
 1 33 by an area agency on aging for provision of the service within
 1 34 the area.
 1 35 2. Of the funds appropriated in this section, \$2,788,223



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2 1 shall be used for case management for the frail elderly. Of
 2 2 the funds allocated in this subsection, \$1,385,015 shall be
 2 3 transferred to the department of human services in equal
 2 4 amounts on a quarterly basis for reimbursement of case
 2 5 management services provided under the medical assistance
 2 6 elderly waiver. The department of human services shall adopt
 2 7 rules for case management services provided under the medical
 2 8 assistance elderly waiver in consultation with the department
 2 9 of elder affairs. The monthly cost per client for case
 2 10 management for the frail elderly services provided shall not
 2 11 exceed an average of \$70.

2 12 3. Of the funds appropriated in this section, \$200,198
 2 13 shall be transferred to the department of economic development
 2 14 for the Iowa commission on volunteer services to be used for
 2 15 the retired and senior volunteer program.

2 16 4. Of the funds appropriated in this section, \$130,000
 2 17 shall be used to continue to fund additional long-term care
 2 18 resident's advocate positions.

2 19 5. Of the funds appropriated in this section, \$250,000
 2 20 shall be used for continuation of the substitute decision
 2 21 maker Act pursuant to chapter 231E.

HEALTH

2 23 Sec. 2. DEPARTMENT OF PUBLIC HEALTH. There is
 2 24 appropriated from the general fund of the state to the
 2 25 department of public health for the fiscal year beginning July
 2 26 1, 2008, and ending June 30, 2009, the following amounts, or
 2 27 so much thereof as is necessary, to be used for the purposes
 2 28 designated:

2 29 1. ADDICTIVE DISORDERS

2 30 For reducing the prevalence of use of tobacco, alcohol, and
 2 31 other drugs, and treating individuals affected by addictive
 2 32 behaviors, including gambling, and for not more than the
 2 33 following full-time equivalent positions:

2 34	\$	1,532,149
2 35	FTEs	6.00



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3 1 The requirement of section 123.53, subsection 3, is met by
 3 2 the appropriations made in this Act for purposes of addictive
 3 3 disorders for the fiscal year beginning July 1, 2008.

3 4 2. HEALTHY CHILDREN AND FAMILIES

3 5 For promoting the optimum health status for children,
 3 6 adolescents from birth through 21 years of age, and families,
 3 7 and for not more than the following full-time equivalent
 3 8 positions:

3 9	\$ 2,636,913
3 10	FTEs 16.00

3 11 a. Of the funds appropriated in this subsection, not more
 3 12 than \$645,917 shall be used for the healthy opportunities to
 3 13 experience success (HOPES)=healthy families Iowa (HFI) program
 3 14 established pursuant to section 135.106. The department shall
 3 15 transfer the funding allocated for the HOPES=HFI program to
 3 16 the Iowa empowerment board for distribution and shall assist
 3 17 the board in managing the contracting for the funding. The
 3 18 funding shall be distributed to renew the grants that were
 3 19 provided to the grantees that operated the program during the
 3 20 fiscal year ending June 30, 2008.

3 21 b. Of the funds appropriated in this subsection, \$325,000
 3 22 shall be used to continue to address the healthy mental
 3 23 development of children from birth through five years of age
 3 24 through local evidence-based strategies that engage both the
 3 25 public and private sectors in promoting healthy development,
 3 26 prevention, and treatment for children.

3 27 c. Of the funds appropriated in this subsection, \$100,000
 3 28 is allocated for distribution to the children's hospital of
 3 29 Iowa mother's milk bank.

3 30 d. Of the funds appropriated in this subsection, \$40,000
 3 31 shall be distributed to a statewide dental carrier to provide
 3 32 funds to continue the donated dental services program
 3 33 patterned after the projects developed by the national
 3 34 foundation of dentistry for the handicapped to provide dental
 3 35 services to indigent elderly and disabled individuals.



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4 1 e. Of the funds appropriated in this subsection, \$100,000
4 2 shall be used to provide direct care dental preventive
4 3 services to children who do not otherwise have private or
4 4 public dental care coverage and who are not eligible for the
4 5 medical assistance or hawk=i programs.

4 6 3. CHRONIC CONDITIONS

4 7 For serving individuals identified as having chronic
4 8 conditions or special health care needs, and for not more than
4 9 the following full=time equivalent positions:

4 10	\$ 2,242,840
4 11	FTEs 5.00

4 12 a. Of the funds appropriated in this subsection, \$100,000
4 13 shall be used for grants to individual patients who have
4 14 phenylketonuria (PKU) to assist with the costs of necessary
4 15 special foods.

4 16 b. Of the funds appropriated in this subsection, \$500,000
4 17 is allocated for continuation of the contracts for resource
4 18 facilitator services in accordance with section 135.22B,
4 19 subsection 10, and for brain injury training services and
4 20 recruiting of service providers to increase the capacity
4 21 within this state to address the needs of individuals with
4 22 brain injuries and such individuals' families.

4 23 4. COMMUNITY CAPACITY

4 24 For strengthening the health care delivery system at the
4 25 local level, and for not more than the following full=time
4 26 equivalent positions:

4 27	\$ 1,760,532
4 28	FTEs 12.00

4 29 a. Of the funds appropriated in this subsection, \$100,000
4 30 is allocated for a child vision screening program implemented
4 31 through the university of Iowa hospitals and clinics in
4 32 collaboration with community empowerment areas.

4 33 b. Of the funds appropriated in this subsection, \$159,700
4 34 is allocated for an initiative implemented at the university
4 35 of Iowa and \$140,300 is allocated for an initiative at the



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5 1 state mental health institute at Cherokee to expand and
 5 2 improve the workforce engaged in mental health treatment and
 5 3 services. The initiatives shall receive input from the
 5 4 university of Iowa, the department of human services, the
 5 5 department of public health, and the mental health, mental
 5 6 retardation, developmental disabilities, and brain injury
 5 7 commission to address the focus of the initiatives. The
 5 8 department of human services, the department of public health,
 5 9 and the commission shall receive regular updates concerning
 5 10 the status of the initiatives.

5 11 5. ELDERLY WELLNESS

5 12 For promotion of healthy aging and optimization of the
 5 13 health of older adults:
 5 14 \$ 9,233,985

5 15 6. ENVIRONMENTAL HAZARDS

5 16 For reducing the public's exposure to hazards in the
 5 17 environment, primarily chemical hazards, and for not more than
 5 18 the following full-time equivalent positions:
 5 19 \$ 747,960
 5 20 FTEs 2.00

5 21 a. Of the funds appropriated in this subsection, \$100,000
 5 22 shall be used to fund the position of a bureau chief for the
 5 23 center for acute disease epidemiology (CADE).

5 24 b. Of the funds appropriated in this subsection, \$121,000
 5 25 shall be used for childhood lead poisoning provisions pursuant
 5 26 to sections 135.102 and 135.103.

5 27 7. INFECTIOUS DISEASES

5 28 For reducing the incidence and prevalence of communicable
 5 29 diseases, and for not more than the following full-time
 5 30 equivalent positions:
 5 31 \$ 1,701,974
 5 32 FTEs 7.00

5 33 Of the funds appropriated in this subsection, an increase
 5 34 of \$43,688 is provided for the purchasing of vaccines for
 5 35 immunizations.



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6 1 8. PUBLIC PROTECTION

6 2 For protecting the health and safety of the public through

6 3 establishing standards and enforcing regulations, and for not

6 4 more than the following full-time equivalent positions:

6 5 \$ 2,798,513

6 6 FTEs 128.00

6 7 a. Of the funds appropriated in this subsection, \$643,500

6 8 shall be credited to the emergency medical services fund

6 9 created in section 135.25. Moneys in the emergency medical

6 10 services fund are appropriated to the department to be used

6 11 for the purposes of the fund.

6 12 b. Of the funds appropriated in this subsection, \$23,810

6 13 shall be used for the office of the state medical examiner.

6 14 c. Of the funds appropriated in this subsection, \$150,000

6 15 shall be used for management of the antiviral stockpile.

6 16 d. Of the funds appropriated in this subsection, \$100,000

6 17 shall be used for sexual violence prevention programming

6 18 through a statewide organization representing programs serving

6 19 victims of sexual violence through the department's sexual

6 20 violence prevention program. The amount allocated in this

6 21 paragraph "d" shall not be used to supplant funding

6 22 administered for other sexual violence prevention or victims

6 23 assistance programs.

6 24 e. The department may incur expenses for start-up costs to

6 25 implement licensing of plumbers and mechanical professionals

6 26 in accordance with 2007 Iowa Acts, chapter 198, provided the

6 27 amounts expended are covered by the close of the fiscal year

6 28 through the repayment receipts from license fees.

6 29 9. RESOURCE MANAGEMENT

6 30 For establishing and sustaining the overall ability of the

6 31 department to deliver services to the public, and for not more

6 32 than the following full-time equivalent positions:

6 33 \$ 1,205,933

6 34 FTEs 10.00

6 35 Of the funds appropriated in this subsection, \$150,150



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7 1 shall be used for administration of tobacco-related programs.
 7 2 The university of Iowa hospitals and clinics under the
 7 3 control of the state board of regents shall not receive
 7 4 indirect costs from the funds appropriated in this section.
 7 5 The university of Iowa hospitals and clinics billings to the
 7 6 department shall be on at least a quarterly basis.
 7 7 Sec. 3. GAMBLING TREATMENT FUND == APPROPRIATION.
 7 8 1. In lieu of the appropriation made in section 135.150,
 7 9 subsection 1, there is appropriated from funds available in
 7 10 the gambling treatment fund created in section 135.150 to the
 7 11 department of public health for the fiscal year beginning July
 7 12 1, 2008, and ending June 30, 2009, the following amount, or so
 7 13 much thereof as is necessary, to be used for the purposes
 7 14 designated:
 7 15 To be utilized for the benefit of persons with addictive
 7 16 disorders:
 7 17 \$ 4,678,000
 7 18 a. It is the intent of the general assembly that from the
 7 19 moneys appropriated in this subsection persons with a dual
 7 20 diagnosis of substance abuse and gambling addictions shall be
 7 21 given priority in treatment services. The amount appropriated
 7 22 in this subsection includes moneys credited to the fund in
 7 23 previous fiscal years.
 7 24 b. Of the funds appropriated in this subsection, \$613,000
 7 25 shall be used for tobacco use prevention, cessation, and
 7 26 treatment.
 7 27 2. The amount remaining in the gambling treatment fund
 7 28 after the appropriation made in subsection 1 is appropriated
 7 29 to the department to be used for funding of administrative
 7 30 costs and to provide programs which may include but are not
 7 31 limited to outpatient and follow-up treatment for persons
 7 32 affected by problem gambling, rehabilitation and residential
 7 33 treatment programs, information and referral services,
 7 34 education and preventive services, and financial management
 7 35 services. Of the amount appropriated in this subsection, up



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8 1 to \$100,000 may be used for the licensing of gambling
 8 2 treatment programs as provided in section 135.150.
 8 3 DEPARTMENT OF VETERANS AFFAIRS
 8 4 Sec. 4. DEPARTMENT OF VETERANS AFFAIRS. There is
 8 5 appropriated from the general fund of the state to the
 8 6 department of veterans affairs for the fiscal year beginning
 8 7 July 1, 2008, and ending June 30, 2009, the following amounts,
 8 8 or so much thereof as is necessary, to be used for the
 8 9 purposes designated:
 8 10 1. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION
 8 11 For salaries, support, maintenance, and miscellaneous
 8 12 purposes, including the war orphans educational assistance
 8 13 fund created in section 35.8, and for not more than the
 8 14 following full-time equivalent positions:
 8 15 \$ 1,163,457
 8 16 FTEs 17.20
 8 17 Of the amount appropriated in this subsection, \$50,000 is
 8 18 allocated for continuation of the veterans counseling program
 8 19 established pursuant to section 35.12.
 8 20 2. IOWA VETERANS HOME
 8 21 For salaries, support, maintenance, and miscellaneous
 8 22 purposes, and for not more than the following full-time
 8 23 equivalent positions:
 8 24 \$ 12,694,154
 8 25 FTEs 951.95
 8 26 The Iowa veterans home billings involving the department of
 8 27 human services shall be submitted to the department on at
 8 28 least a monthly basis.
 8 29 If there is a change in the employer of employees providing
 8 30 services at the Iowa veterans home under a collective
 8 31 bargaining agreement, such employees and the agreement shall
 8 32 be continued by the successor employer as though there had not
 8 33 been a change in employer.
 8 34 3. COUNTY GRANT PROGRAM FOR VETERANS
 8 35 For providing grants to counties to provide services to



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9 1 living veterans:
 9 2 \$ 600,000
 9 3 The department shall establish or continue a grant
 9 4 application process and shall require each county applying for
 9 5 a grant to submit a plan for utilizing the grant for providing
 9 6 services for living veterans. The maximum grant to be awarded
 9 7 to a county shall be \$10,000. Each county receiving a grant
 9 8 shall submit a report to the department identifying the impact
 9 9 of the grant on providing services to veterans as specified by
 9 10 the department. The department shall submit a report to the
 9 11 general assembly by October 1, 2008, concerning the impact of
 9 12 the grant program on services to veterans.
 9 13 Notwithstanding section 8.33, moneys appropriated in this
 9 14 subsection that remain unencumbered or unobligated at the
 9 15 close of the fiscal year shall not revert to the fund from
 9 16 which appropriated but shall be credited to the veterans trust
 9 17 fund.
 9 18 4. STATE EDUCATIONAL ASSISTANCE == CHILDREN OF DECEASED
 9 19 VETERANS
 9 20 For provision of educational assistance pursuant to section
 9 21 35.9:
 9 22 \$ 27,000
 9 23 HUMAN SERVICES
 9 24 Sec. 5. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK
 9 25 GRANT. There is appropriated from the fund created in section
 9 26 8.41 to the department of human services for the fiscal year
 9 27 beginning July 1, 2008, and ending June 30, 2009, from moneys
 9 28 received under the federal temporary assistance for needy
 9 29 families (TANF) block grant pursuant to the federal Personal
 9 30 Responsibility and Work Opportunity Reconciliation Act of
 9 31 1996, Pub. L. No. 104=193, and successor legislation, which
 9 32 are federally appropriated for the federal fiscal years
 9 33 beginning October 1, 2007, and ending September 30, 2008, and
 9 34 beginning October 1, 2008, and ending September 30, 2009, the
 9 35 following amounts, or so much thereof as is necessary, to be



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10 1 used for the purposes designated:

10 2 1. To be credited to the family investment program account

10 3 and used for assistance under the family investment program

10 4 under chapter 239B:

10 5 \$ 26,101,513

10 6 2. To be credited to the family investment program account

10 7 and used for the job opportunities and basic skills (JOBS)

10 8 program and implementing family investment agreements in

10 9 accordance with chapter 239B:

10 10 \$ 13,334,528

10 11 Notwithstanding section 8.33, not more than 5 percent of

10 12 the moneys designated in this subsection that are allocated by

10 13 the department for contracted services, other than family

10 14 self-sufficiency grant services allocated under this

10 15 subsection, that remain unencumbered or unobligated at the

10 16 close of the fiscal year shall not revert but shall remain

10 17 available for expenditure for the purposes designated until

10 18 the close of the succeeding fiscal year. However, unless such

10 19 moneys are encumbered or obligated on or before September 30,

10 20 2009, the moneys shall revert.

10 21 3. To be used for the family development and

10 22 self-sufficiency grant program in accordance with 2008 Iowa

10 23 Acts, House File 2328:

10 24 \$ 2,998,675

10 25 4. For field operations:

10 26 \$ 17,707,495

10 27 It is the intent of the general assembly that the

10 28 department work with Indian tribes providing services under

10 29 the federal Temporary Assistance for Needy Families block

10 30 grant to Indians who reside in Iowa but live outside the

10 31 reservation to establish a formula for providing match funding

10 32 for the expenditures made by the tribes for such services.

10 33 The department shall provide recommendations regarding

10 34 implementation of the formula beginning in FY 2009=2010 to the

10 35 governor and the persons designated by this Act to receive



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11 1 reports. For the purposes of this paragraph, "Indian",
 11 2 "reservation", and "Indian tribe" mean the same as defined in
 11 3 section 232B.3.

11 4 5. For general administration:
 11 5 \$ 3,744,000

11 6 6. For local administrative costs:
 11 7 \$ 2,189,830

11 8 7. For state child care assistance:
 11 9 \$ 27,886,177

11 10 a. Of the funds appropriated in this subsection,
 11 11 \$18,986,177 shall be transferred to the child care and
 11 12 development block grant appropriation made in 2008 Iowa Acts,
 11 13 Senate File 2286, if enacted, for the federal fiscal year
 11 14 beginning October 1, 2008, and ending September 30, 2009. Of
 11 15 this amount, \$200,000 shall be used for provision of
 11 16 educational opportunities to registered child care home
 11 17 providers in order to improve services and programs offered by
 11 18 this category of providers and to increase the number of
 11 19 providers. The department may contract with institutions of
 11 20 higher education or child care resource and referral centers
 11 21 to provide the educational opportunities. Allowable
 11 22 administrative costs under the contracts shall not exceed 5
 11 23 percent. The application for a grant shall not exceed two
 11 24 pages in length.

11 25 b. Any funds appropriated in this subsection remaining
 11 26 unallocated shall be used for state child care assistance
 11 27 payments for individuals enrolled in the family investment
 11 28 program who are employed.

11 29 8. For mental health and developmental disabilities
 11 30 community services:
 11 31 \$ 4,894,052

11 32 9. For child and family services:
 11 33 \$ 32,084,430

11 34 10. For child abuse prevention grants:
 11 35 \$ 250,000



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12 1 11. For pregnancy prevention grants on the condition that
 12 2 family planning services are funded:
 12 3 \$ 1,930,067
 12 4 Pregnancy prevention grants shall be awarded to programs in
 12 5 existence on or before July 1, 2008, if the programs are
 12 6 comprehensive in scope and have demonstrated positive
 12 7 outcomes. Grants shall be awarded to pregnancy prevention
 12 8 programs which are developed after July 1, 2008, if the
 12 9 programs are comprehensive in scope and are based on existing
 12 10 models that have demonstrated positive outcomes. Grants shall
 12 11 comply with the requirements provided in 1997 Iowa Acts,
 12 12 chapter 208, section 14, subsections 1 and 2, including the
 12 13 requirement that grant programs must emphasize sexual
 12 14 abstinence. Priority in the awarding of grants shall be given
 12 15 to programs that serve areas of the state which demonstrate
 12 16 the highest percentage of unplanned pregnancies of females of
 12 17 childbearing age within the geographic area to be served by
 12 18 the grant.
 12 19 12. For technology needs and other resources necessary to
 12 20 meet federal welfare reform reporting, tracking, and case
 12 21 management requirements:
 12 22 \$ 1,037,186
 12 23 13. For the healthy opportunities for parents to
 12 24 experience success (HOPES) program administered by the
 12 25 department of public health to target child abuse prevention:
 12 26 \$ 200,000
 12 27 14. To be credited to the state child care assistance
 12 28 appropriation made in this section to be used for funding of
 12 29 community-based early childhood programs targeted to children
 12 30 from birth through five years of age developed by community
 12 31 empowerment areas as provided in section 28.9:
 12 32 \$ 7,350,000
 12 33 The department shall transfer TANF block grant funding
 12 34 appropriated and allocated in this subsection to the child
 12 35 care and development block grant appropriation in accordance



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13 1 with federal law as necessary to comply with the provisions of
13 2 this subsection.
13 3 15. For a pilot program established in one or more
13 4 judicial districts, selected by the department and the
13 5 judicial council, to provide employment and support services
13 6 to delinquent child support obligors as an alternative to
13 7 commitment to jail as punishment for contempt of court:
13 8 \$ 200,000
13 9 Of the amounts appropriated in this section, \$12,962,008
13 10 for the fiscal year beginning July 1, 2008, shall be
13 11 transferred to the appropriation of the federal social
13 12 services block grant for that fiscal year.
13 13 The department may transfer funds allocated in this section
13 14 to the appropriations in this Act for general administration
13 15 and field operations for resources necessary to implement and
13 16 operate the services referred to in this section and those
13 17 funded in the appropriation made in this division of this Act
13 18 for the family investment program from the general fund of the
13 19 state.
13 20 Sec. 6. FAMILY INVESTMENT PROGRAM ACCOUNT.
13 21 1. Moneys credited to the family investment program (FIP)
13 22 account for the fiscal year beginning July 1, 2008, and ending
13 23 June 30, 2009, shall be used to provide assistance in
13 24 accordance with chapter 239B.
13 25 2. The department may use a portion of the moneys credited
13 26 to the FIP account under this section as necessary for
13 27 salaries, support, maintenance, and miscellaneous purposes.
13 28 3. The department may transfer funds allocated in this
13 29 section to the appropriations in this Act for general
13 30 administration and field operations for resources necessary to
13 31 implement and operate the services referred to in this section
13 32 and those funded in the appropriation made in this division of
13 33 this Act for the family investment program from the general
13 34 fund of the state.
13 35 4. Moneys appropriated in this division of this Act and



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14 1 credited to the FIP account for the fiscal year beginning July
 14 2 1, 2008, and ending June 30, 2009, are allocated as follows:
 14 3 a. To be retained by the department of human services to
 14 4 be used for coordinating with the department of human rights
 14 5 to more effectively serve participants in the FIP program and
 14 6 other shared clients and to meet federal reporting
 14 7 requirements under the federal temporary assistance for needy
 14 8 families block grant:
 14 9 \$ 20,000
 14 10 b. To the department of human rights for staffing,
 14 11 administration, and implementation of the family development
 14 12 and self=sufficiency grant program in accordance with 2008
 14 13 Iowa Acts, House File 2328:
 14 14 \$ 5,563,042
 14 15 (1) Of the funds allocated for the family development and
 14 16 self=sufficiency grant program in this lettered paragraph, not
 14 17 more than 5 percent of the funds shall be used for the
 14 18 administration of the grant program.
 14 19 (2) The department of human rights may continue to
 14 20 implement the family development and self=sufficiency grant
 14 21 program statewide during fiscal year 2008=2009.
 14 22 c. For the diversion subaccount of the FIP account:
 14 23 \$ 2,814,000
 14 24 (1) A portion of the moneys allocated for the subaccount
 14 25 may be used for field operations salaries, data management
 14 26 system development, and implementation costs and support
 14 27 deemed necessary by the director of human services in order to
 14 28 administer the FIP diversion program.
 14 29 (2) Of the funds allocated in this lettered paragraph, not
 14 30 more than \$250,000 shall be used to develop or continue
 14 31 community=level parental obligation pilot projects. The
 14 32 requirements established under 2001 Iowa Acts, chapter 191,
 14 33 section 3, subsection 5, paragraph "c", subparagraph (3),
 14 34 shall remain applicable to the parental obligation pilot
 14 35 projects for fiscal year 2008=2009. Notwithstanding 441 IAC



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15 1 100.8, providing for termination of rules relating to the
 15 2 pilot projects the earlier of October 1, 2006, or when
 15 3 legislative authority is discontinued, the rules relating to
 15 4 the pilot projects shall remain in effect until June 30, 2009.
 15 5 d. For the food stamp employment and training program:
 15 6 \$ 68,059
 15 7 e. For the JOBS program:
 15 8 \$ 22,310,116
 15 9 5. Of the child support collections assigned under FIP, an
 15 10 amount equal to the federal share of support collections shall
 15 11 be credited to the child support recovery appropriation. Of
 15 12 the remainder of the assigned child support collections
 15 13 received by the child support recovery unit, a portion shall
 15 14 be credited to the FIP account, a portion may be used to
 15 15 increase recoveries, and a portion may be used to sustain cash
 15 16 flow in the child support payments account. If as a result
 15 17 the appropriations allocated in this section are insufficient
 15 18 to sustain cash assistance payments and meet federal
 15 19 maintenance of effort requirements, the department shall seek
 15 20 supplemental funding. If child support collections assigned
 15 21 under FIP are greater than estimated or are otherwise
 15 22 determined not to be required for maintenance of effort, the
 15 23 state share of either amount may be transferred to or retained
 15 24 in the child support payment account.
 15 25 6. The department may adopt emergency rules for the family
 15 26 investment, JOBS, family development and self-sufficiency
 15 27 grant, food stamp, and medical assistance programs if
 15 28 necessary to comply with federal requirements.
 15 29 Sec. 7. FAMILY INVESTMENT PROGRAM GENERAL FUND. There is
 15 30 appropriated from the general fund of the state to the
 15 31 department of human services for the fiscal year beginning
 15 32 July 1, 2008, and ending June 30, 2009, the following amount,
 15 33 or so much thereof as is necessary, to be used for the purpose
 15 34 designated:
 15 35 To be credited to the family investment program (FIP)



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16 1 account and used for family investment program assistance
16 2 under chapter 239B:
16 3 \$ 42,675,127
16 4 1. Of the funds appropriated in this section, \$8,975,588
16 5 is allocated for the JOBS program.
16 6 2. Of the funds appropriated in this section, \$2,584,367
16 7 is allocated for the family development and self-sufficiency
16 8 grant program.
16 9 3. a. Of the funds appropriated in this section, \$250,000
16 10 shall be used for a grant to an Iowa-based nonprofit
16 11 organization with a history of providing tax preparation
16 12 assistance to low-income Iowans in order to expand the usage
16 13 of the earned income tax credit. The purpose of the grant is
16 14 to supply this assistance to underserved areas of the state.
16 15 The grant shall be provided to an organization that has
16 16 existing national foundation support for supplying such
16 17 assistance that can also secure local charitable match
16 18 funding.
16 19 b. The general assembly supports efforts by the
16 20 organization receiving funding under this subsection to create
16 21 a statewide earned income tax credit and asset-building
16 22 coalition to achieve both of the following purposes:
16 23 (1) Expanding the usage of the tax credit through new and
16 24 enhanced outreach and marketing strategies, as well as
16 25 identifying new local sites and human and financial resources.
16 26 (2) Assessing and recommending various strategies for
16 27 Iowans to develop assets through savings, individual
16 28 development accounts, financial literacy, antipredatory
16 29 lending initiatives, informed home ownership, use of various
16 30 forms of support for work, and microenterprise business
16 31 development targeted to persons who are self-employed or have
16 32 fewer than five employees.
16 33 4. Notwithstanding section 8.39, for the fiscal year
16 34 beginning July 1, 2008, if necessary to meet federal
16 35 maintenance of effort requirements or to transfer federal



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17 1 temporary assistance for needy families block grant funding to
 17 2 be used for purposes of the federal social services block
 17 3 grant or to meet cash flow needs resulting from delays in
 17 4 receiving federal funding or to implement, in accordance with
 17 5 this division of this Act, activities currently funded with
 17 6 juvenile court services, county, or community moneys and state
 17 7 moneys used in combination with such moneys, the department of
 17 8 human services may transfer funds within or between any of the
 17 9 appropriations made in this division of this Act and
 17 10 appropriations in law for the federal social services block
 17 11 grant to the department for the following purposes, provided
 17 12 that the combined amount of state and federal temporary
 17 13 assistance for needy families block grant funding for each
 17 14 appropriation remains the same before and after the transfer:

- 17 15 a. For the family investment program.
- 17 16 b. For child care assistance.
- 17 17 c. For child and family services.
- 17 18 d. For field operations.
- 17 19 e. For general administration.
- 17 20 f. MH/MR/DD/BI community services (local purchase).

17 21 This subsection shall not be construed to prohibit the use
 17 22 of existing state transfer authority for other purposes. The
 17 23 department shall report any transfers made pursuant to this
 17 24 subsection to the legislative services agency.

17 25 Sec. 8. CHILD SUPPORT RECOVERY. There is appropriated
 17 26 from the general fund of the state to the department of human
 17 27 services for the fiscal year beginning July 1, 2008, and
 17 28 ending June 30, 2009, the following amount, or so much thereof
 17 29 as is necessary, to be used for the purposes designated:

17 30 For child support recovery, including salaries, support,
 17 31 maintenance, and miscellaneous purposes, and for not more than
 17 32 the following full-time equivalent positions:

17 33	\$ 14,951,757
17 34	FTEs 515.00

17 35 1. The department shall expend up to \$31,000, including



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18 1 federal financial participation, for the fiscal year beginning
18 2 July 1, 2008, for a child support public awareness campaign.
18 3 The department and the office of the attorney general shall
18 4 cooperate in continuation of the campaign. The public
18 5 awareness campaign shall emphasize, through a variety of media
18 6 activities, the importance of maximum involvement of both
18 7 parents in the lives of their children as well as the
18 8 importance of payment of child support obligations.

18 9 2. Federal access and visitation grant moneys shall be
18 10 issued directly to private not-for-profit agencies that
18 11 provide services designed to increase compliance with the
18 12 child access provisions of court orders, including but not
18 13 limited to neutral visitation sites and mediation services.

18 14 3. The appropriation made to the department for child
18 15 support recovery may be used throughout the fiscal year in the
18 16 manner necessary for purposes of cash flow management, and for
18 17 cash flow management purposes the department may temporarily
18 18 draw more than the amount appropriated, provided the amount
18 19 appropriated is not exceeded at the close of the fiscal year.

18 20 Sec. 9. MEDICAL ASSISTANCE. There is appropriated from
18 21 the general fund of the state to the department of human
18 22 services for the fiscal year beginning July 1, 2008, and
18 23 ending June 30, 2009, the following amount, or so much thereof
18 24 as is necessary, to be used for the purpose designated:

18 25 For medical assistance reimbursement and associated costs
18 26 as specifically provided in the reimbursement methodologies in
18 27 effect on June 30, 2008, except as otherwise expressly
18 28 authorized by law, including reimbursement for abortion
18 29 services which shall be available under the medical assistance
18 30 program only for those abortions which are medically
18 31 necessary:

18 32 \$646,401,453

18 33 1. Medically necessary abortions are those performed under
18 34 any of the following conditions:

18 35 a. The attending physician certifies that continuing the



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19 1 pregnancy would endanger the life of the pregnant woman.
19 2 b. The attending physician certifies that the fetus is
19 3 physically deformed, mentally deficient, or afflicted with a
19 4 congenital illness.
19 5 c. The pregnancy is the result of a rape which is reported
19 6 within 45 days of the incident to a law enforcement agency or
19 7 public or private health agency which may include a family
19 8 physician.
19 9 d. The pregnancy is the result of incest which is reported
19 10 within 150 days of the incident to a law enforcement agency or
19 11 public or private health agency which may include a family
19 12 physician.
19 13 e. Any spontaneous abortion, commonly known as a
19 14 miscarriage, if not all of the products of conception are
19 15 expelled.
19 16 2. The department shall utilize not more than \$60,000 of
19 17 the funds appropriated in this section to continue the
19 18 AIDS/HIV health insurance premium payment program as
19 19 established in 1992 Iowa Acts, Second Extraordinary Session,
19 20 chapter 1001, section 409, subsection 6. Of the funds
19 21 allocated in this subsection, not more than \$5,000 may be
19 22 expended for administrative purposes.
19 23 3. Of the funds appropriated in this Act to the department
19 24 of public health for addictive disorders, \$950,000 for the
19 25 fiscal year beginning July 1, 2008, shall be transferred to
19 26 the department of human services for an integrated substance
19 27 abuse managed care system. The department shall not assume
19 28 management of the substance abuse system in place of the
19 29 managed care contractor unless such a change in approach is
19 30 specifically authorized in law. The departments of human
19 31 services and public health shall work together to maintain the
19 32 level of mental health and substance abuse services provided
19 33 by the managed care contractor through the Iowa plan for
19 34 behavioral health. Each department shall take the steps
19 35 necessary to continue the federal waivers as necessary to



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20 1 maintain the level of services.

20 2 4. a. The department shall aggressively pursue options
20 3 for providing medical assistance or other assistance to
20 4 individuals with special needs who become ineligible to
20 5 continue receiving services under the early and periodic
20 6 screening, diagnosis, and treatment program under the medical
20 7 assistance program due to becoming 21 years of age who have
20 8 been approved for additional assistance through the
20 9 department's exception to policy provisions, but who have
20 10 health care needs in excess of the funding available through
20 11 the exception to policy provisions.

20 12 b. Of the funds appropriated in this section, \$100,000
20 13 shall be used for participation in one or more pilot projects
20 14 operated by a private provider to allow the individual or
20 15 individuals to receive service in the community in accordance
20 16 with principles established in *Olmstead v. L.C.*, 527 U.S. 581
20 17 (1999), for the purpose of providing medical assistance or
20 18 other assistance to individuals with special needs who become
20 19 ineligible to continue receiving services under the early and
20 20 periodic screening, diagnosis, and treatment program under the
20 21 medical assistance program due to becoming 21 years of age who
20 22 have been approved for additional assistance through the
20 23 department's exception to policy provisions, but who have
20 24 health care needs in excess of the funding available through
20 25 the exception to the policy provisions.

20 26 5. Of the funds appropriated in this section, up to
20 27 \$3,050,082 may be transferred to the field operations or
20 28 general administration appropriations in this Act for
20 29 operational costs associated with Part D of the federal
20 30 Medicare Prescription Drug, Improvement, and Modernization Act
20 31 of 2003, Pub. L. No. 108=173.

20 32 6. In addition to any other funds appropriated in this
20 33 Act, of the funds appropriated in this section, \$250,000 shall
20 34 be used for the grant to the Iowa healthcare collaborative as
20 35 defined in section 135.40.



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21 1 7. Of the funds appropriated in this section, not more
21 2 than \$166,600 shall be used to enhance outreach efforts. The
21 3 department may transfer funds allocated in this subsection to
21 4 the appropriations in this division of this Act for general
21 5 administration, the state children's health insurance program,
21 6 or medical contracts, as necessary, to implement the outreach
21 7 efforts.

21 8 8. Of the funds appropriated in this section, up to
21 9 \$442,100 may be transferred to the appropriation in this Act
21 10 for medical contracts to be used for clinical assessment
21 11 services related to remedial services in accordance with
21 12 federal law.

21 13 9. Of the funds appropriated in this section, \$1,143,522
21 14 may be used for the demonstration to maintain independence and
21 15 employment (DMIE) if the waiver for DMIE is approved by the
21 16 centers for Medicare and Medicaid services of the United
21 17 States department of health and human services. Additionally,
21 18 if the waiver is approved, \$440,000 of the funds shall be
21 19 transferred to the department of corrections for DMIE
21 20 activities.

21 21 10. The drug utilization review commission shall monitor
21 22 the smoking cessation benefit provided under the medical
21 23 assistance program and shall provide a report of utilization,
21 24 client success, cost-effectiveness, and recommendations for
21 25 any changes in the benefit to the persons designated in this
21 26 Act to receive reports by January 15, 2009. If a prescriber
21 27 determines that all smoking cessation aids on the preferred
21 28 drug list are not effective or medically appropriate for a
21 29 patient, the prescriber may apply for an exception to policy
21 30 for another product approved by the United States food and
21 31 drug administration for smoking cessation pursuant to 441 IAC
21 32 1.8(1).

21 33 11. A portion of the funds appropriated in this section
21 34 may be transferred to the appropriations in this division of
21 35 this Act for general administration, medical contracts, the



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22 1 state children's health insurance program, or field operations
22 2 to be used for the state match cost to comply with the payment
22 3 error rate measurement (PERM) program for both the medical
22 4 assistance and state children's health insurance programs as
22 5 developed by the centers for Medicare and Medicaid services of
22 6 the United States department of health and human services to
22 7 comply with the federal Improper Payments Information Act of
22 8 2002, Pub. L. No. 107=300.

22 9 12. It is the intent of the general assembly that the
22 10 department implement the recommendations of the assuring
22 11 better child health and development initiative II (ABCDII)
22 12 clinical panel to the Iowa early and periodic screening,
22 13 diagnostic, and treatment services healthy mental development
22 14 collaborative board regarding changes to billing procedures,
22 15 codes, and eligible service providers.

22 16 13. Of the funds appropriated in this section, a
22 17 sufficient amount is allocated to supplement the incomes of
22 18 residents of nursing facilities, intermediate care facilities
22 19 for persons with mental illness, and intermediate care
22 20 facilities for persons with mental retardation, with incomes
22 21 of less than \$50 in the amount necessary for the residents to
22 22 receive a personal needs allowance of \$50 per month pursuant
22 23 to section 249A.30A.

22 24 14. Of the funds appropriated in this section, the
22 25 following amounts shall be transferred to appropriations made
22 26 in this division of this Act to the state mental health
22 27 institutes:

22 28	a. Cherokee mental health institute	\$ 5,933,659
22 29	b. Clarinda mental health institute	\$ 1,289,526
22 30	c. Independence mental health institute	\$ 5,899,400
22 31	d. Mount Pleasant mental health institute	\$ 3,751,626

22 32 15. a. Of the funds appropriated in this section,
22 33 \$2,753,055 is allocated for state match for disproportionate
22 34 share hospital payment of \$7,321,954 to hospitals that meet
22 35 both of the following conditions:



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23 1 (1) The hospital qualifies for disproportionate share and
23 2 graduate medical education payments.

23 3 (2) The hospital is an Iowa state-owned hospital with more
23 4 than 500 beds and eight or more distinct residency specialty
23 5 or subspecialty programs recognized by the American college of
23 6 graduate medical education.

23 7 b. Distribution of the disproportionate share payment
23 8 shall be made on a monthly basis. The total amount of
23 9 disproportionate share payments including graduate medical
23 10 education, enhanced disproportionate share, and Iowa
23 11 state-owned teaching hospital payments shall not exceed the
23 12 amount of the state's allotment under Pub. L. No. 102=234. In
23 13 addition, the total amount of all disproportionate share
23 14 payments shall not exceed the hospital-specific
23 15 disproportionate share limits under Pub. L. No. 103=66.

23 16 16. Of the funds appropriated in this section, \$4,568,899
23 17 is transferred to the IowaCare account created in section
23 18 249J.24.

23 19 17. Of the funds appropriated in this section, \$250,000
23 20 shall be used for the Iowa chronic care consortium pursuant to
23 21 2003 Iowa Acts, chapter 112, section 12, as amended by 2003
23 22 Iowa Acts, chapter 179, sections 166 and 167.

23 23 18. The department shall implement cost-saving initiatives
23 24 including implementing a surcharge for claims filed on paper
23 25 when electronic filing is available and collecting a
23 26 supplemental rebate for diabetic supplies.

23 27 19. One hundred percent of the nonfederal share of
23 28 payments to area education agencies that are medical
23 29 assistance providers for medical assistance-covered services
23 30 provided to medical assistance-covered children, shall be made
23 31 from the appropriation made in this section.

23 32 20. a. Beginning July 1, 2009, any new or renewed
23 33 contract entered into by the department with a third party to
23 34 administer behavioral health services under the medical
23 35 assistance program shall provide that any interest earned on



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24 1 payments from the state during the state fiscal year shall be
24 2 remitted to the department for deposit in a separate account
24 3 after the end of the fiscal year.
24 4 b. Beginning July 1, 2008, the department shall maintain a
24 5 separate account within the medical assistance budget for the
24 6 deposit of all funds remitted pursuant to a contract with a
24 7 third party to administer behavioral health services under the
24 8 medical assistance program. Notwithstanding section 8.33,
24 9 funds remaining in the account that remain unencumbered or
24 10 unobligated at the end of any fiscal year shall not revert but
24 11 shall remain available in succeeding fiscal years and shall be
24 12 used only in accordance with appropriations from the account
24 13 for health and human services-related purposes.
24 14 c. Of the state share of any funds remitted to the medical
24 15 assistance program pursuant to a contract with a third party
24 16 to administer behavioral health services under the medical
24 17 assistance program, the following amounts are appropriated to
24 18 the department for the fiscal year beginning July 1, 2008, and
24 19 ending June 30, 2009, to be used as follows:
24 20 (1) For implementation of the emergency mental health
24 21 crisis services system in accordance with section 225C.19, as
24 22 enacted by this Act, \$1,500,000.
24 23 (2) For implementation of the mental health services
24 24 system for children and youth in accordance with section
24 25 225C.52, as enacted by this Act, \$500,000.
24 26 (3) For the mental health, mental retardation, and
24 27 developmental disabilities risk pool created in the property
24 28 tax relief fund in section 426B.5, \$1,000,000.
24 29 (4) To reduce the waiting lists of the medical assistance
24 30 home and community-based services waivers, \$2,000,000.
24 31 (5) For child welfare and court-ordered services for
24 32 children who have been adjudicated as delinquent, \$750,000.
24 33 (6) For training for child welfare services providers,
24 34 \$250,000. The training shall be developed by the department
24 35 in collaboration with the coalition for children and family



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25 1 services in Iowa.

25 2 21. Of the funds appropriated in this section, at least
25 3 \$2,500,000 shall be used for existing and new home and
25 4 community-based waiver slots for persons with brain injury.

25 5 Sec. 10. HEALTH INSURANCE PREMIUM PAYMENT PROGRAM. There
25 6 is appropriated from the general fund of the state to the
25 7 department of human services for the fiscal year beginning
25 8 July 1, 2008, and ending June 30, 2009, the following amount,
25 9 or so much thereof as is necessary, to be used for the purpose
25 10 designated:

25 11 For administration of the health insurance premium payment
25 12 program, including salaries, support, maintenance, and
25 13 miscellaneous purposes, and for not more than the following
25 14 full-time equivalent positions:

25 15	\$	566,338
25 16	FTEs	21.00

25 17 Sec. 11. MEDICAL CONTRACTS. There is appropriated from
25 18 the general fund of the state to the department of human
25 19 services for the fiscal year beginning July 1, 2008, and
25 20 ending June 30, 2009, the following amount, or so much thereof
25 21 as is necessary, to be used for the purpose designated:

25 22 For medical contracts, including salaries, support,
25 23 maintenance, and miscellaneous purposes, and for not more than
25 24 the following full-time equivalent positions:

25 25	\$	14,165,550
25 26	FTEs	6.00

25 27 1. Of the funds appropriated in this section, \$50,000
25 28 shall be used for electronic cross-matching with state vital
25 29 records databases through the department of public health.

25 30 2. Of the funds appropriated in this section, \$250,000
25 31 shall be used for monitoring of home and community-based
25 32 services waivers.

25 33 Sec. 12. STATE SUPPLEMENTARY ASSISTANCE.

25 34 1. There is appropriated from the general fund of the
25 35 state to the department of human services for the fiscal year



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26 1 beginning July 1, 2008, and ending June 30, 2009, the
 26 2 following amount, or so much thereof as is necessary, to be
 26 3 used for the purpose designated:
 26 4 For the state supplementary assistance program:
 26 5 \$ 18,310,335
 26 6 2. The department shall increase the personal needs
 26 7 allowance for residents of residential care facilities by the
 26 8 same percentage and at the same time as federal supplemental
 26 9 security income and federal social security benefits are
 26 10 increased due to a recognized increase in the cost of living.
 26 11 The department may adopt emergency rules to implement this
 26 12 subsection.
 26 13 3. If during the fiscal year beginning July 1, 2008, the
 26 14 department projects that state supplementary assistance
 26 15 expenditures for a calendar year will not meet the federal
 26 16 pass-through requirement specified in Title XVI of the federal
 26 17 Social Security Act, section 1618, as codified in 42 U.S.C. }
 26 18 1382g, the department may take actions including but not
 26 19 limited to increasing the personal needs allowance for
 26 20 residential care facility residents and making programmatic
 26 21 adjustments or upward adjustments of the residential care
 26 22 facility or in-home health-related care reimbursement rates
 26 23 prescribed in this division of this Act to ensure that federal
 26 24 requirements are met. In addition, the department may make
 26 25 other programmatic and rate adjustments necessary to remain
 26 26 within the amount appropriated in this section while ensuring
 26 27 compliance with federal requirements. The department may
 26 28 adopt emergency rules to implement the provisions of this
 26 29 subsection.
 26 30 Sec. 13. STATE CHILDREN'S HEALTH INSURANCE PROGRAM.
 26 31 1. There is appropriated from the general fund of the
 26 32 state to the department of human services for the fiscal year
 26 33 beginning July 1, 2008, and ending June 30, 2009, the
 26 34 following amount, or so much thereof as is necessary, to be
 26 35 used for the purpose designated:



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27 1 For maintenance of the healthy and well kids in Iowa (hawk=
 27 2 i) program pursuant to chapter 514I for receipt of federal
 27 3 financial participation under Title XXI of the federal Social
 27 4 Security Act, which creates the state children's health
 27 5 insurance program:
 27 6 \$ 15,873,103
 27 7 2. If sufficient funding is available under this Act, and
 27 8 if federal reauthorization of the state children's health
 27 9 insurance program provides sufficient federal allocations to
 27 10 the state and authorization to cover the following populations
 27 11 as an option under the state children's health insurance
 27 12 program, the department may expand coverage under the state
 27 13 children's health insurance program as follows:
 27 14 a. By eliminating the categorical exclusion of state
 27 15 employees from receiving state children's health insurance
 27 16 program benefits.
 27 17 b. By providing coverage for legal immigrant children and
 27 18 pregnant women not eligible under current federal guidelines.
 27 19 c. By covering children up to age twenty=one, or up to age
 27 20 twenty=three if the child is attending school.
 27 21 3. If the United States Congress does not authorize
 27 22 additional federal funds necessary to address any shortfall
 27 23 for the state children's health insurance program for the
 27 24 federal fiscal year beginning October 1, 2008, and ending
 27 25 September 30, 2009, the department may use 100 percent of
 27 26 state funds from the appropriation made in this section for
 27 27 the period beginning July 1, 2008, and ending June 30, 2009,
 27 28 and may, after consultation with the governor and the general
 27 29 assembly, utilize funding from the appropriations made in this
 27 30 Act for medical assistance to maintain the state children's
 27 31 health insurance program. If deemed necessary, the department
 27 32 shall request a supplemental appropriation from the
 27 33 Eighty=third General Assembly, 2009 Session, to address any
 27 34 remaining shortfall for the fiscal year beginning July 1,
 27 35 2008.



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28 1 4. Of the funds appropriated in this section, \$134,050 is
28 2 allocated for continuation of the contract for advertising and
28 3 outreach with the department of public health and \$90,050 is
28 4 allocated for other advertising and outreach.

28 5 Sec. 14. CHILD CARE ASSISTANCE. There is appropriated
28 6 from the general fund of the state to the department of human
28 7 services for the fiscal year beginning July 1, 2008, and
28 8 ending June 30, 2009, the following amount, or so much thereof
28 9 as is necessary, to be used for the purpose designated:

28 10 For child care programs:
28 11 \$ 39,298,895

28 12 1. Of the funds appropriated in this section, \$36,043,083
28 13 shall be used for state child care assistance in accordance
28 14 with section 237A.13.

28 15 2. Nothing in this section shall be construed or is
28 16 intended as or shall imply a grant of entitlement for services
28 17 to persons who are eligible for assistance due to an income
28 18 level consistent with the waiting list requirements of section
28 19 237A.13. Any state obligation to provide services pursuant to
28 20 this section is limited to the extent of the funds
28 21 appropriated in this section.

28 22 3. Of the funds appropriated in this section, \$525,524 is
28 23 allocated for the statewide program for child care resource
28 24 and referral services under section 237A.26. A list of the
28 25 registered and licensed child care facilities operating in the
28 26 area served by a child care resource and referral service
28 27 shall be made available to the families receiving state child
28 28 care assistance in that area.

28 29 4. Of the funds appropriated in this section, \$1,180,288
28 30 is allocated for child care quality improvement initiatives
28 31 including but not limited to the voluntary quality rating
28 32 system in accordance with section 237A.30.

28 33 5. The department may use any of the funds appropriated in
28 34 this section as a match to obtain federal funds for use in
28 35 expanding child care assistance and related programs. For the



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29 1 purpose of expenditures of state and federal child care
29 2 funding, funds shall be considered obligated at the time
29 3 expenditures are projected or are allocated to the
29 4 department's service areas. Projections shall be based on
29 5 current and projected caseload growth, current and projected
29 6 provider rates, staffing requirements for eligibility
29 7 determination and management of program requirements including
29 8 data systems management, staffing requirements for
29 9 administration of the program, contractual and grant
29 10 obligations and any transfers to other state agencies, and
29 11 obligations for decategorization or innovation projects.

29 12 6. A portion of the state match for the federal child care
29 13 and development block grant shall be provided as necessary to
29 14 meet federal matching funds requirements through the state
29 15 general fund appropriation made for child development grants
29 16 and other programs for at-risk children in section 279.51.

29 17 7. Of the funds appropriated in this section, \$1,200,000
29 18 is transferred to the Iowa empowerment fund from which it is
29 19 appropriated to be used for professional development for the
29 20 system of early care, health, and education.

29 21 8. Of the funds appropriated in this section, \$350,000
29 22 shall be allocated to a county with a population of more than
29 23 300,000 to be used for a one-time grant to support child care
29 24 center services provided to children with mental, physical, or
29 25 emotional challenges in order for the children to remain in a
29 26 home or family setting.

29 27 9. Notwithstanding section 8.33, moneys appropriated in
29 28 this section or received from the federal appropriations made
29 29 for the purposes of this section that remain unencumbered or
29 30 unobligated at the close of the fiscal year shall not revert
29 31 to any fund but shall remain available for expenditure for the
29 32 purposes designated until the close of the succeeding fiscal
29 33 year.

29 34 Sec. 15. JUVENILE INSTITUTIONS. There is appropriated
29 35 from the general fund of the state to the department of human



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30 1 services for the fiscal year beginning July 1, 2008, and
 30 2 ending June 30, 2009, the following amounts, or so much
 30 3 thereof as is necessary, to be used for the purposes
 30 4 designated:

30 5 1. For operation of the Iowa juvenile home at Toledo and
 30 6 for salaries, support, and maintenance, and for not more than
 30 7 the following full-time equivalent positions:

30 8	\$ 7,579,484
30 9	FTEs 126.00

30 10 2. For operation of the state training school at Eldora
 30 11 and for salaries, support, and maintenance, and for not more
 30 12 than the following full-time equivalent positions:

30 13	\$ 11,948,327
30 14	FTEs 202.70

30 15 3. A portion of the moneys appropriated in this section
 30 16 shall be used by the state training school and by the Iowa
 30 17 juvenile home for grants for adolescent pregnancy prevention
 30 18 activities at the institutions in the fiscal year beginning
 30 19 July 1, 2008.

30 20 Sec. 16. CHILD AND FAMILY SERVICES.

30 21 1. There is appropriated from the general fund of the
 30 22 state to the department of human services for the fiscal year
 30 23 beginning July 1, 2008, and ending June 30, 2009, the
 30 24 following amount, or so much thereof as is necessary, to be
 30 25 used for the purpose designated:

30 26 For child and family services:

30 27	\$ 88,557,565
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30 28 2. In order to address a reduction of \$5,200,000 from the
 30 29 amount allocated under the appropriation made for the purposes
 30 30 of this section in prior years for purposes of juvenile
 30 31 delinquent graduated sanction services, up to \$5,200,000 of
 30 32 the amount of federal temporary assistance for needy families
 30 33 block grant funding appropriated in this division of this Act
 30 34 for child and family services shall be made available for
 30 35 purposes of juvenile delinquent graduated sanction services.



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31 1 3. The department may transfer funds appropriated in this
31 2 section as necessary to pay the nonfederal costs of services
31 3 reimbursed under the medical assistance program, state child
31 4 care assistance program, or the family investment program
31 5 which are provided to children who would otherwise receive
31 6 services paid under the appropriation in this section. The
31 7 department may transfer funds appropriated in this section to
31 8 the appropriations in this division of this Act for general
31 9 administration and for field operations for resources
31 10 necessary to implement and operate the services funded in this
31 11 section.

31 12 4. a. Of the funds appropriated in this section, up to
31 13 \$36,441,744 is allocated as the statewide expenditure target
31 14 under section 232.143 for group foster care maintenance and
31 15 services.

31 16 b. If at any time after September 30, 2008, annualization
31 17 of a service area's current expenditures indicates a service
31 18 area is at risk of exceeding its group foster care expenditure
31 19 target under section 232.143 by more than 5 percent, the
31 20 department and juvenile court services shall examine all group
31 21 foster care placements in that service area in order to
31 22 identify those which might be appropriate for termination. In
31 23 addition, any aftercare services believed to be needed for the
31 24 children whose placements may be terminated shall be
31 25 identified. The department and juvenile court services shall
31 26 initiate action to set dispositional review hearings for the
31 27 placements identified. In such a dispositional review
31 28 hearing, the juvenile court shall determine whether needed
31 29 aftercare services are available and whether termination of
31 30 the placement is in the best interest of the child and the
31 31 community.

31 32 5. In accordance with the provisions of section 232.188,
31 33 the department shall continue the child welfare and juvenile
31 34 justice funding initiative during fiscal year 2008=2009. Of
31 35 the moneys subject to the nonreversion clause provided in the



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32 1 amendment in this Act to 2006 Iowa Acts, chapter 1184, section
32 2 17, subsection 4, \$3,605,000 is allocated specifically for
32 3 expenditure for fiscal year 2008=2009 through the
32 4 decategorization service funding pools and governance boards
32 5 established pursuant to section 232.188.

32 6 6. A portion of the funds appropriated in this section may
32 7 be used for emergency family assistance to provide other
32 8 resources required for a family participating in a family
32 9 preservation or reunification project or successor project to
32 10 stay together or to be reunified.

32 11 7. Notwithstanding section 234.35 or any other provision
32 12 of law to the contrary, state funding for shelter care shall
32 13 be limited to \$7,072,215. The department shall work with the
32 14 coalition for children and family services in Iowa and other
32 15 representatives of shelter care providers to reduce the number
32 16 of guaranteed shelter beds and shift a portion of available
32 17 funding to develop new or expand existing child welfare
32 18 emergency services for children who might otherwise be served
32 19 in shelter care. The child welfare emergency services shall
32 20 be provided by shelter care agencies that currently have a
32 21 contract for shelter care services with the department and may
32 22 include mobile crisis response units for child and family
32 23 crises, in-home supervision services, emergency family foster
32 24 care homes, expanding capacity to provide emergency services
32 25 in other family foster care homes, or provide flexible funding
32 26 for child welfare emergency services based on evidence-based
32 27 practices. Notwithstanding chapter 8A, the department may
32 28 amend existing contracts with shelter care agencies as
32 29 necessary to include child welfare emergency services.

32 30 8. Federal funds received by the state during the fiscal
32 31 year beginning July 1, 2008, as the result of the expenditure
32 32 of state funds appropriated during a previous state fiscal
32 33 year for a service or activity funded under this section are
32 34 appropriated to the department to be used as additional
32 35 funding for services and purposes provided for under this



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33 1 section. Notwithstanding section 8.33, moneys received in
33 2 accordance with this subsection that remain unencumbered or
33 3 unobligated at the close of the fiscal year shall not revert
33 4 to any fund but shall remain available for the purposes
33 5 designated until the close of the succeeding fiscal year.
33 6 9. Of the funds appropriated in this section, \$3,696,285
33 7 shall be used for protective child care assistance.
33 8 10. a. Of the funds appropriated in this section, up to
33 9 \$2,268,963 is allocated for the payment of the expenses of
33 10 court=ordered services provided to juveniles who are under the
33 11 supervision of juvenile court services, which expenses are a
33 12 charge upon the state pursuant to section 232.141, subsection
33 13 4. Of the amount allocated in this lettered paragraph, up to
33 14 \$1,556,287 shall be made available to provide school-based
33 15 supervision of children adjudicated under chapter 232, of
33 16 which not more than \$15,000 may be used for the purpose of
33 17 training. A portion of the cost of each school-based liaison
33 18 officer shall be paid by the school district or other funding
33 19 source as approved by the chief juvenile court officer.
33 20 b. Of the funds appropriated in this section, up to
33 21 \$823,965 is allocated for the payment of the expenses of
33 22 court=ordered services provided to children who are under the
33 23 supervision of the department, which expenses are a charge
33 24 upon the state pursuant to section 232.141, subsection 4.
33 25 c. Notwithstanding section 232.141 or any other provision
33 26 of law to the contrary, the amounts allocated in this
33 27 subsection shall be distributed to the judicial districts as
33 28 determined by the state court administrator and to the
33 29 department's service areas as determined by the administrator
33 30 of the department's division of child and family services.
33 31 The state court administrator and the division administrator
33 32 shall make the determination of the distribution amounts on or
33 33 before June 15, 2008.
33 34 d. Notwithstanding chapter 232 or any other provision of
33 35 law to the contrary, a district or juvenile court shall not



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34 1 order any service which is a charge upon the state pursuant to
34 2 section 232.141 if there are insufficient court-ordered
34 3 services funds available in the district court or departmental
34 4 service area distribution amounts to pay for the service. The
34 5 chief juvenile court officer and the departmental service area
34 6 manager shall encourage use of the funds allocated in this
34 7 subsection such that there are sufficient funds to pay for all
34 8 court-related services during the entire year. The chief
34 9 juvenile court officers and departmental service area managers
34 10 shall attempt to anticipate potential surpluses and shortfalls
34 11 in the distribution amounts and shall cooperatively request
34 12 the state court administrator or division administrator to
34 13 transfer funds between the judicial districts' or departmental
34 14 service areas' distribution amounts as prudent.

34 15 e. Notwithstanding any provision of law to the contrary, a
34 16 district or juvenile court shall not order a county to pay for
34 17 any service provided to a juvenile pursuant to an order
34 18 entered under chapter 232 which is a charge upon the state
34 19 under section 232.141, subsection 4.

34 20 f. Of the funds allocated in this subsection, not more
34 21 than \$100,000 may be used by the judicial branch for
34 22 administration of the requirements under this subsection.

34 23 11. Of the funds appropriated in this section, \$1,030,000
34 24 shall be transferred to the department of public health to be
34 25 used for the child protection center grant program in
34 26 accordance with section 135.118.

34 27 12. If the department receives federal approval to
34 28 implement a waiver under Title IV-E of the federal Social
34 29 Security Act to enable providers to serve children who remain
34 30 in the children's families and communities, for purposes of
34 31 eligibility under the medical assistance program children who
34 32 participate in the waiver shall be considered to be placed in
34 33 foster care.

34 34 13. Of the funds appropriated in this section, \$2,862,164
34 35 is allocated for the preparation for adult living program



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35 1 pursuant to section 234.46.
 35 2 14. Of the funds appropriated in this section, \$1,030,000
 35 3 shall be used for juvenile drug courts. The amount allocated
 35 4 in this subsection shall be distributed as follows:
 35 5 a. To the judicial branch for salaries to assist with the
 35 6 operation of juvenile drug court programs operated in the
 35 7 following jurisdictions:
 35 8 (1) Marshall county:
 35 9 \$ 61,800
 35 10 (2) Woodbury county:
 35 11 \$ 123,862
 35 12 (3) Polk county:
 35 13 \$ 193,057
 35 14 (4) The third judicial district:
 35 15 \$ 66,950
 35 16 (5) The eighth judicial district:
 35 17 \$ 66,950
 35 18 b. For court-ordered services to support substance abuse
 35 19 services provided to the juveniles participating in the
 35 20 juvenile drug court programs listed in paragraph "a" and the
 35 21 juveniles' families:
 35 22 \$ 517,381
 35 23 The state court administrator shall allocate the funding
 35 24 designated in this paragraph among the programs.
 35 25 15. Of the funds appropriated in this section, \$203,000 is
 35 26 allocated for the multidimensional treatment level foster care
 35 27 program established pursuant to 2006 Iowa Acts, chapter 1123.
 35 28 16. Of the funds appropriated in this section, \$236,900
 35 29 shall be used for a grant to a nonprofit human services
 35 30 organization providing services to individuals and families in
 35 31 multiple locations in southwest Iowa and Nebraska for support
 35 32 of a project providing immediate, sensitive support and
 35 33 forensic interviews, medical exams, needs assessments, and
 35 34 referrals for victims of child abuse and their nonoffending
 35 35 family members.



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36 1 17. Of the funds appropriated in this section, \$131,000 is
36 2 allocated for the elevate approach of providing a support
36 3 network to children placed in foster care.

36 4 18. Of the funds appropriated in this section, \$300,000 is
36 5 allocated for sibling visitation provisions for children
36 6 subject to a court order for out-of-home placement in
36 7 accordance with section 232.108.

36 8 19. Of the funds appropriated in this section, \$200,000 is
36 9 allocated for use pursuant to section 235A.1 for the
36 10 initiative to address child sexual abuse implemented pursuant
36 11 to 2007 Iowa Acts, ch. 218, section 18, subsection 21.

36 12 20. Of the funds appropriated in this section, \$80,000 is
36 13 allocated for renewal of a grant to a county with a population
36 14 between 189,000 and 196,000 in the latest preceding certified
36 15 federal census for implementation of the county's runaway
36 16 treatment plan under section 232.195.

36 17 21. Of the funds appropriated in this section, \$418,000 is
36 18 allocated for the community partnership for child protection
36 19 sites.

36 20 22. Of the funds appropriated in this section, \$375,000 is
36 21 allocated for the department's minority youth and family
36 22 projects under the redesign of the child welfare system.

36 23 23. Of the funds appropriated in this section, \$300,000 is
36 24 allocated for funding of the state match for the federal
36 25 substance abuse and mental health services administration
36 26 (SAMHSA) system of care grant.

36 27 24. The department shall develop options for providing a
36 28 growth mechanism for reimbursement of the child and family
36 29 services traditionally funded under this appropriation. The
36 30 growth mechanism options may provide for a tie to allowable
36 31 growth for school aid, an inflationary adjustment reflective
36 32 of the cost increases for the services, or other reasonable
36 33 proxy for the cost increases affecting such service providers.

36 34 Sec. 17. ADOPTION SUBSIDY.

36 35 1. There is appropriated from the general fund of the



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37 1 state to the department of human services for the fiscal year
 37 2 beginning July 1, 2008, and ending June 30, 2009, the
 37 3 following amount, or so much thereof as is necessary, to be
 37 4 used for the purpose designated:
 37 5 For adoption subsidy payments and services:
 37 6 \$ 32,568,872
 37 7 2. The department may transfer funds appropriated in this
 37 8 section to the appropriation made in this Act for general
 37 9 administration for costs paid from the appropriation relating
 37 10 to adoption subsidy.
 37 11 3. Federal funds received by the state during the fiscal
 37 12 year beginning July 1, 2008, as the result of the expenditure
 37 13 of state funds during a previous state fiscal year for a
 37 14 service or activity funded under this section are appropriated
 37 15 to the department to be used as additional funding for the
 37 16 services and activities funded under this section.
 37 17 Notwithstanding section 8.33, moneys received in accordance
 37 18 with this subsection that remain unencumbered or unobligated
 37 19 at the close of the fiscal year shall not revert to any fund
 37 20 but shall remain available for expenditure for the purposes
 37 21 designated until the close of the succeeding fiscal year.
 37 22 Sec. 18. JUVENILE DETENTION HOME FUND. Moneys deposited
 37 23 in the juvenile detention home fund created in section 232.142
 37 24 during the fiscal year beginning July 1, 2008, and ending June
 37 25 30, 2009, are appropriated to the department of human services
 37 26 for the fiscal year beginning July 1, 2008, and ending June
 37 27 30, 2009, for distribution of an amount equal to a percentage
 37 28 of the costs of the establishment, improvement, operation, and
 37 29 maintenance of county or multicounty juvenile detention homes
 37 30 in the fiscal year beginning July 1, 2007. Moneys
 37 31 appropriated for distribution in accordance with this section
 37 32 shall be allocated among eligible detention homes, prorated on
 37 33 the basis of an eligible detention home's proportion of the
 37 34 costs of all eligible detention homes in the fiscal year
 37 35 beginning July 1, 2007. The percentage figure shall be



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38 1 determined by the department based on the amount available for
38 2 distribution for the fund. Notwithstanding section 232.142,
38 3 subsection 3, the financial aid payable by the state under
38 4 that provision for the fiscal year beginning July 1, 2008,
38 5 shall be limited to the amount appropriated for the purposes
38 6 of this section.

38 7 Sec. 19. FAMILY SUPPORT SUBSIDY PROGRAM.

38 8 1. There is appropriated from the general fund of the
38 9 state to the department of human services for the fiscal year
38 10 beginning July 1, 2008, and ending June 30, 2009, the
38 11 following amount, or so much thereof as is necessary, to be
38 12 used for the purpose designated:

38 13 For the family support subsidy program:

38 14 \$ 1,936,434

38 15 2. The department shall use at least \$433,212 of the
38 16 moneys appropriated in this section for the family support
38 17 center component of the comprehensive family support program
38 18 under section 225C.47. Not more than \$20,000 of the amount
38 19 allocated in this subsection shall be used for administrative
38 20 costs.

38 21 Sec. 20. CONNER DECREE. There is appropriated from the
38 22 general fund of the state to the department of human services
38 23 for the fiscal year beginning July 1, 2008, and ending June
38 24 30, 2009, the following amount, or so much thereof as is
38 25 necessary, to be used for the purpose designated:

38 26 For building community capacity through the coordination
38 27 and provision of training opportunities in accordance with the
38 28 consent decree of Conner v. Branstad, No. 4=86=CV=30871(S.D.
38 29 Iowa, July 14, 1994):

38 30 \$ 42,623

38 31 Sec. 21. MENTAL HEALTH INSTITUTES. There is appropriated
38 32 from the general fund of the state to the department of human
38 33 services for the fiscal year beginning July 1, 2008, and
38 34 ending June 30, 2009, the following amounts, or so much
38 35 thereof as is necessary, to be used for the purposes



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39 1 designated:

39 2 1. For the state mental health institute at Cherokee for

39 3 salaries, support, maintenance, and miscellaneous purposes,

39 4 and for not more than the following full-time equivalent

39 5 positions:

39 6	\$ 5,727,743
39 7	FTEs 210.00

39 8 2. For the state mental health institute at Clarinda for

39 9 salaries, support, maintenance, and miscellaneous purposes,

39 10 and for not more than the following full-time equivalent

39 11 positions:

39 12	\$ 7,023,073
39 13	FTEs 109.95

39 14 3. For the state mental health institute at Independence

39 15 for salaries, support, maintenance, and miscellaneous

39 16 purposes, and for not more than the following full-time

39 17 equivalent positions:

39 18	\$ 10,495,879
39 19	FTEs 287.66

39 20 4. For the state mental health institute at Mount Pleasant

39 21 for salaries, support, maintenance, and miscellaneous

39 22 purposes, and for not more than the following full-time

39 23 equivalent positions:

39 24	\$ 1,874,721
39 25	FTEs 116.44

39 26 Sec. 22. STATE RESOURCE CENTERS.

39 27 1. There is appropriated from the general fund of the

39 28 state to the department of human services for the fiscal year

39 29 beginning July 1, 2008, and ending June 30, 2009, the

39 30 following amounts, or so much thereof as is necessary, to be

39 31 used for the purposes designated:

39 32 a. For the state resource center at Glenwood for salaries,

39 33 support, maintenance, and miscellaneous purposes:

39 34	\$ 17,102,330
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39 35 b. For the state resource center at Woodward for salaries,



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40 1 support, maintenance, and miscellaneous purposes:
40 2 \$ 11,266,164
40 3 2. The department may continue to bill for state resource
40 4 center services utilizing a scope of services approach used
40 5 for private providers of ICFMR services, in a manner which
40 6 does not shift costs between the medical assistance program,
40 7 counties, or other sources of funding for the state resource
40 8 centers.
40 9 3. The state resource centers may expand the time-limited
40 10 assessment and respite services during the fiscal year.
40 11 4. If the department's administration and the department
40 12 of management concur with a finding by a state resource
40 13 center's superintendent that projected revenues can reasonably
40 14 be expected to pay the salary and support costs for a new
40 15 employee position, or that such costs for adding a particular
40 16 number of new positions for the fiscal year would be less than
40 17 the overtime costs if new positions would not be added, the
40 18 superintendent may add the new position or positions. If the
40 19 vacant positions available to a resource center do not include
40 20 the position classification desired to be filled, the state
40 21 resource center's superintendent may reclassify any vacant
40 22 position as necessary to fill the desired position. The
40 23 superintendents of the state resource centers may, by mutual
40 24 agreement, pool vacant positions and position classifications
40 25 during the course of the fiscal year in order to assist one
40 26 another in filling necessary positions.
40 27 5. If existing capacity limitations are reached in
40 28 operating units, a waiting list is in effect for a service or
40 29 a special need for which a payment source or other funding is
40 30 available for the service or to address the special need, and
40 31 facilities for the service or to address the special need can
40 32 be provided within the available payment source or other
40 33 funding, the superintendent of a state resource center may
40 34 authorize opening not more than two units or other facilities
40 35 and begin implementing the service or addressing the special



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41 1 need during fiscal year 2008=2009.
41 2 Sec. 23. MI/MR/DD STATE CASES.
41 3 1. There is appropriated from the general fund of the
41 4 state to the department of human services for the fiscal year
41 5 beginning July 1, 2008, and ending June 30, 2009, the
41 6 following amount, or so much thereof as is necessary, to be
41 7 used for the purpose designated:
41 8 For distribution to counties for state case services for
41 9 persons with mental illness, mental retardation, and
41 10 developmental disabilities in accordance with section 331.440:
41 11 \$ 13,067,178
41 12 2. For the fiscal year beginning July 1, 2008, and ending
41 13 June 30, 2009, \$200,000 is allocated for state case services
41 14 from the amounts appropriated from the fund created in section
41 15 8.41 to the department of human services from the funds
41 16 received from the federal government under 42 U.S.C., ch. 6A,
41 17 subch. XVII, relating to the community mental health center
41 18 block grant, for the federal fiscal years beginning October 1,
41 19 2006, and ending September 30, 2007, beginning October 1,
41 20 2007, and ending September 30, 2008, and beginning October 1,
41 21 2008, and ending September 30, 2009. The allocation made in
41 22 this subsection shall be made prior to any other distribution
41 23 allocation of the appropriated federal funds.
41 24 3. Notwithstanding section 8.33, moneys appropriated in
41 25 this section that remain unencumbered or unobligated at the
41 26 close of the fiscal year shall not revert but shall remain
41 27 available for expenditure for the purposes designated until
41 28 the close of the succeeding fiscal year.
41 29 Sec. 24. MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES ==
41 30 COMMUNITY SERVICES FUND. There is appropriated from the
41 31 general fund of the state to the mental health and
41 32 developmental disabilities community services fund created in
41 33 section 225C.7 for the fiscal year beginning July 1, 2008, and
41 34 ending June 30, 2009, the following amount, or so much thereof
41 35 as is necessary, to be used for the purpose designated:



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42 1 For mental health and developmental disabilities community
42 2 services in accordance with this division of this Act:
42 3 \$ 18,017,890
42 4 1. Of the funds appropriated in this section, \$17,727,890
42 5 shall be allocated to counties for funding of community-based
42 6 mental health and developmental disabilities services. The
42 7 moneys shall be allocated to a county as follows:
42 8 a. Fifty percent based upon the county's proportion of the
42 9 state's population of persons with an annual income which is
42 10 equal to or less than the poverty guideline established by the
42 11 federal office of management and budget.
42 12 b. Fifty percent based upon the county's proportion of the
42 13 state's general population.
42 14 2. a. A county shall utilize the funding the county
42 15 receives pursuant to subsection 1 for services provided to
42 16 persons with a disability, as defined in section 225C.2.
42 17 However, no more than 50 percent of the funding shall be used
42 18 for services provided to any one of the service populations.
42 19 b. A county shall use at least 50 percent of the funding
42 20 the county receives under subsection 1 for contemporary
42 21 services provided to persons with a disability, as described
42 22 in rules adopted by the department.
42 23 3. Of the funds appropriated in this section, \$30,000
42 24 shall be used to support the Iowa compass program providing
42 25 computerized information and referral services for Iowans with
42 26 disabilities and their families.
42 27 4. a. Funding appropriated for purposes of the federal
42 28 social services block grant is allocated for distribution to
42 29 counties for local purchase of services for persons with
42 30 mental illness or mental retardation or other developmental
42 31 disability.
42 32 b. The funds allocated in this subsection shall be
42 33 expended by counties in accordance with the county's approved
42 34 county management plan. A county without an approved county
42 35 management plan shall not receive allocated funds until the



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43 1 county's management plan is approved.

43 2 c. The funds provided by this subsection shall be
43 3 allocated to each county as follows:

43 4 (1) Fifty percent based upon the county's proportion of
43 5 the state's population of persons with an annual income which
43 6 is equal to or less than the poverty guideline established by
43 7 the federal office of management and budget.

43 8 (2) Fifty percent based upon the amount provided to the
43 9 county for local purchase of services in the preceding fiscal
43 10 year.

43 11 5. A county is eligible for funds under this section if
43 12 the county qualifies for a state payment as described in
43 13 section 331.439.

43 14 6. Of the funds appropriated in this section, \$260,000 is
43 15 allocated to the department for continuing the development of
43 16 an assessment process for use beginning in a subsequent fiscal
43 17 year as authorized specifically by a statute to be enacted in
43 18 a subsequent fiscal year, determining on a consistent basis
43 19 the needs and capacities of persons seeking or receiving
43 20 mental health, mental retardation, developmental disabilities,
43 21 or brain injury services that are paid for in whole or in part
43 22 by the state or a county. The assessment process shall be
43 23 developed with the involvement of counties and the mental
43 24 health, mental retardation, developmental disabilities, and
43 25 brain injury commission.

43 26 7. The most recent population estimates issued by the
43 27 United States bureau of the census shall be applied for the
43 28 population factors utilized in this section.

43 29 Sec. 25. SEXUALLY VIOLENT PREDATORS.

43 30 1. There is appropriated from the general fund of the
43 31 state to the department of human services for the fiscal year
43 32 beginning July 1, 2008, and ending June 30, 2009, the
43 33 following amount, or so much thereof as is necessary, to be
43 34 used for the purpose designated:

43 35 For costs associated with the commitment and treatment of



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44 1 sexually violent predators in the unit located at the state
 44 2 mental health institute at Cherokee, including costs of legal
 44 3 services and other associated costs, including salaries,
 44 4 support, maintenance, and miscellaneous purposes, and for not
 44 5 more than the following full-time equivalent positions:
 44 6 \$ 6,492,008
 44 7 FTEs 94.50

44 8 2. Unless specifically prohibited by law, if the amount
 44 9 charged provides for recoupment of at least the entire amount
 44 10 of direct and indirect costs, the department of human services
 44 11 may contract with other states to provide care and treatment
 44 12 of persons placed by the other states at the unit for sexually
 44 13 violent predators at Cherokee. The moneys received under such
 44 14 a contract shall be considered to be repayment receipts and
 44 15 used for the purposes of the appropriation made in this
 44 16 section.

44 17 Sec. 26. FIELD OPERATIONS. There is appropriated from the
 44 18 general fund of the state to the department of human services
 44 19 for the fiscal year beginning July 1, 2008, and ending June
 44 20 30, 2009, the following amount, or so much thereof as is
 44 21 necessary, to be used for the purposes designated:

44 22 For field operations, including salaries, support,
 44 23 maintenance, and miscellaneous purposes, and for not more than
 44 24 the following full-time equivalent positions:
 44 25 \$ 66,852,732
 44 26 FTEs 2,130.68

44 27 Priority in filling full-time equivalent positions shall be
 44 28 given to those positions related to child protection services
 44 29 and eligibility determination for low-income families.

44 30 Sec. 27. GENERAL ADMINISTRATION. There is appropriated
 44 31 from the general fund of the state to the department of human
 44 32 services for the fiscal year beginning July 1, 2008, and
 44 33 ending June 30, 2009, the following amount, or so much thereof
 44 34 as is necessary, to be used for the purpose designated:

44 35 For general administration, including salaries, support,



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45 1 maintenance, and miscellaneous purposes, and for not more than
 45 2 the following full-time equivalent positions:
 45 3 \$ 16,682,067
 45 4 FTEs 407.50
 45 5 1. Of the funds appropriated in this section, \$57,000 is
 45 6 allocated for the prevention of disabilities policy council
 45 7 established in section 225B.3.
 45 8 2. The department shall report at least monthly to the
 45 9 legislative services agency concerning the department's
 45 10 operational and program expenditures.
 45 11 Sec. 28. VOLUNTEERS. There is appropriated from the
 45 12 general fund of the state to the department of human services
 45 13 for the fiscal year beginning July 1, 2008, and ending June
 45 14 30, 2009, the following amount, or so much thereof as is
 45 15 necessary, to be used for the purpose designated:
 45 16 For development and coordination of volunteer services:
 45 17 \$ 109,568
 45 18 Sec. 29. FAMILY PLANNING SERVICES. There is appropriated
 45 19 from the general fund of the state to the department of human
 45 20 services for the fiscal year beginning July 1, 2008, and
 45 21 ending June 30, 2009, the following amount or so much thereof
 45 22 as is necessary, to be used for the purpose designated:
 45 23 For family planning services to individuals with incomes
 45 24 not to exceed two hundred percent of the federal poverty level
 45 25 as defined by the most recently revised income guidelines
 45 26 published by the United States department of health and human
 45 27 services, who are not currently receiving the specific benefit
 45 28 under the medical assistance program:
 45 29 \$ 750,000
 45 30 Moneys appropriated under this section shall not be used to
 45 31 provide abortions. The department shall work with appropriate
 45 32 stakeholders to implement and administer the program.
 45 33 Sec. 30. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY
 45 34 ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE
 45 35 DEPARTMENT OF HUMAN SERVICES.



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46 1 1. a. (1) For the fiscal year beginning July 1, 2008,
46 2 the total state funding amount for the nursing facility budget
46 3 shall not exceed \$183,367,323.

46 4 (2) The department, in cooperation with nursing facility
46 5 representatives, shall review projections for state funding
46 6 expenditures for reimbursement of nursing facilities on a
46 7 quarterly basis and the department shall determine if an
46 8 adjustment to the medical assistance reimbursement rate is
46 9 necessary in order to provide reimbursement within the state
46 10 funding amount. Any temporary enhanced federal financial
46 11 participation that may become available to the Iowa medical
46 12 assistance program during the fiscal year shall not be used in
46 13 projecting the nursing facility budget. Notwithstanding 2001
46 14 Iowa Acts, chapter 192, section 4, subsection 2, paragraph
46 15 "c", and subsection 3, paragraph "a", subparagraph (2), if the
46 16 state funding expenditures for the nursing facility budget for
46 17 the fiscal year beginning July 1, 2008, are projected to
46 18 exceed the amount specified in subparagraph (1), the
46 19 department shall adjust the reimbursement for nursing
46 20 facilities reimbursed under the case-mix reimbursement system
46 21 to maintain expenditures of the nursing facility budget within
46 22 the specified amount. The department shall revise such
46 23 reimbursement as necessary to adjust the annual accountability
46 24 measures payment in accordance with the amendment in this
46 25 division of this Act to 2001 Iowa Acts, chapter 192, section
46 26 4, subsection 4.

46 27 b. For the fiscal year beginning July 1, 2008, the
46 28 department shall reimburse pharmacy dispensing fees using a
46 29 single rate of \$4.52 per prescription or the pharmacy's usual
46 30 and customary fee, whichever is lower.

46 31 c. (1) For the fiscal year beginning July 1, 2008,
46 32 reimbursement rates for inpatient and outpatient hospital
46 33 services shall remain at the rates in effect on June 30, 2008.
46 34 The department shall continue the outpatient hospital
46 35 reimbursement system based upon ambulatory patient groups



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47 1 implemented pursuant to 1994 Iowa Acts, chapter 1186, section
47 2 25, subsection 1, paragraph "f", unless the department adopts
47 3 the Medicare ambulatory payment classification methodology
47 4 authorized in subparagraph (2).

47 5 (2) The department may implement the Medicare ambulatory
47 6 payment classification methodology for reimbursement of
47 7 outpatient hospital services. Any change in hospital
47 8 reimbursement shall be budget neutral.

47 9 (3) In order to ensure the efficient use of limited state
47 10 funds in procuring health care services for low-income Iowans,
47 11 funds appropriated in this Act for hospital services shall not
47 12 be used for activities which would be excluded from a
47 13 determination of reasonable costs under the federal Medicare
47 14 program pursuant to 42 U.S.C. } 1395X(v)(1)(N).

47 15 d. For the fiscal year beginning July 1, 2008,
47 16 reimbursement rates for rural health clinics, hospices,
47 17 independent laboratories, and acute mental hospitals shall be
47 18 increased in accordance with increases under the federal
47 19 Medicare program or as supported by their Medicare audited
47 20 costs.

47 21 e. (1) For the fiscal year beginning July 1, 2008,
47 22 reimbursement rates for home health agencies shall remain at
47 23 the rates in effect on June 30, 2008, not to exceed a home
47 24 health agency's actual allowable cost.

47 25 (2) The department shall establish a fixed fee
47 26 reimbursement schedule for home health agencies under the
47 27 medical assistance program beginning July 1, 2008.

47 28 f. For the fiscal year beginning July 1, 2008, federally
47 29 qualified health centers shall receive cost-based
47 30 reimbursement for 100 percent of the reasonable costs for the
47 31 provision of services to recipients of medical assistance.

47 32 g. For the fiscal year beginning July 1, 2008, the
47 33 reimbursement rates for dental services shall remain at the
47 34 rates in effect on June 30, 2008.

47 35 h. For the fiscal year beginning July 1, 2008, the maximum



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48 1 reimbursement rate for psychiatric medical institutions for
48 2 children shall be \$160.71 per day.
48 3 i. For the fiscal year beginning July 1, 2008, unless
48 4 otherwise specified in this Act, all noninstitutional medical
48 5 assistance provider reimbursement rates shall remain at the
48 6 rates in effect on June 30, 2008, except for area education
48 7 agencies, local education agencies, infant and toddler
48 8 services providers, and those providers whose rates are
48 9 required to be determined pursuant to section 249A.20.
48 10 j. Notwithstanding section 249A.20, for the fiscal year
48 11 beginning July 1, 2008, the average reimbursement rate for
48 12 health care providers eligible for use of the federal Medicare
48 13 resource-based relative value scale reimbursement methodology
48 14 under that section shall remain at the rate in effect on June
48 15 30, 2008; however, this rate shall not exceed the maximum
48 16 level authorized by the federal government.
48 17 k. For the fiscal year beginning July 1, 2008, the
48 18 reimbursement rate for residential care facilities shall not
48 19 be less than the minimum payment level as established by the
48 20 federal government to meet the federally mandated maintenance
48 21 of effort requirement. The flat reimbursement rate for
48 22 facilities electing not to file semiannual cost reports shall
48 23 not be less than the minimum payment level as established by
48 24 the federal government to meet the federally mandated
48 25 maintenance of effort requirement.
48 26 l. For the fiscal year beginning July 1, 2008, inpatient
48 27 mental health services provided at hospitals shall be
48 28 reimbursed at the cost of the services, subject to Medicaid
48 29 program upper payment limit rules; community mental health
48 30 centers and providers of mental health services to county
48 31 residents pursuant to a waiver approved under section 225C.7,
48 32 subsection 3, shall be reimbursed at 100 percent of the
48 33 reasonable costs for the provision of services to recipients
48 34 of medical assistance; and psychiatrists shall be reimbursed
48 35 at the medical assistance program fee for service rate.



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49 1 2. For the fiscal year beginning July 1, 2008, the
49 2 reimbursement rate for providers reimbursed under the in=
49 3 home-related care program shall not be less than the minimum
49 4 payment level as established by the federal government to meet
49 5 the federally mandated maintenance of effort requirement.

49 6 3. Unless otherwise directed in this section, when the
49 7 department's reimbursement methodology for any provider
49 8 reimbursed in accordance with this section includes an
49 9 inflation factor, this factor shall not exceed the amount by
49 10 which the consumer price index for all urban consumers
49 11 increased during the calendar year ending December 31, 2002.

49 12 4. For the fiscal year beginning July 1, 2008, the foster
49 13 family basic daily maintenance rate paid in accordance with
49 14 section 234.38, the maximum adoption subsidy rate, and the
49 15 maximum supervised apartment living foster care rate for
49 16 children ages 0 through 5 years shall be \$16.36, the rate for
49 17 children ages 6 through 11 years shall be \$17.01, the rate for
49 18 children ages 12 through 15 years shall be \$18.62, and the
49 19 rate for children ages 16 and older shall be \$18.87.

49 20 5. For the fiscal year beginning July 1, 2008, the maximum
49 21 reimbursement rates for social services providers reimbursed
49 22 under a purchase of social services contract shall remain at
49 23 the rates in effect on June 30, 2008, or the provider's actual
49 24 and allowable cost plus inflation for each service, whichever
49 25 is less. However, the rates may be adjusted under any of the
49 26 following circumstances:

49 27 a. If a new service was added after June 30, 2008, the
49 28 initial reimbursement rate for the service shall be based upon
49 29 actual and allowable costs.

49 30 b. If a social service provider loses a source of income
49 31 used to determine the reimbursement rate for the provider, the
49 32 provider's reimbursement rate may be adjusted to reflect the
49 33 loss of income, provided that the lost income was used to
49 34 support actual and allowable costs of a service purchased
49 35 under a purchase of service contract.



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50 1 6. For the fiscal year beginning July 1, 2008, the
50 2 reimbursement rates for family-centered service providers,
50 3 family foster care service providers, group foster care
50 4 service providers, and the resource family recruitment and
50 5 retention contractor shall remain at rates in effect on June
50 6 30, 2008.

50 7 7. The group foster care reimbursement rates paid for
50 8 placement of children out of state shall be calculated
50 9 according to the same rate-setting principles as those used
50 10 for in-state providers, unless the director of human services
50 11 or the director's designee determines that appropriate care
50 12 cannot be provided within the state. The payment of the daily
50 13 rate shall be based on the number of days in the calendar
50 14 month in which service is provided.

50 15 8. For the fiscal year beginning July 1, 2008, remedial
50 16 service providers shall receive cost-based reimbursement for
50 17 100 percent of the reasonable costs not to exceed the
50 18 established limit for the provision of services to recipients
50 19 of medical assistance.

50 20 9. a. For the fiscal year beginning July 1, 2008, the
50 21 combined service and maintenance components of the
50 22 reimbursement rate paid for shelter care services purchased
50 23 under a contract shall be based on the financial and
50 24 statistical report submitted to the department. The maximum
50 25 reimbursement rate shall be \$91.45 per day. The department
50 26 shall reimburse a shelter care provider at the provider's
50 27 actual and allowable unit cost, plus inflation, not to exceed
50 28 the maximum reimbursement rate.

50 29 b. Notwithstanding section 232.141, subsection 8, for the
50 30 fiscal year beginning July 1, 2008, the amount of the
50 31 statewide average of the actual and allowable rates for
50 32 reimbursement of juvenile shelter care homes that is utilized
50 33 for the limitation on recovery of unpaid costs shall remain at
50 34 the amount in effect for this purpose in the preceding fiscal
50 35 year.



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51 1 10. For the fiscal year beginning July 1, 2008, the
51 2 department shall calculate reimbursement rates for
51 3 intermediate care facilities for persons with mental
51 4 retardation at the 80th percentile.

51 5 11. For the fiscal year beginning July 1, 2008, for child
51 6 care providers reimbursed under the state child care
51 7 assistance program, the department shall set provider
51 8 reimbursement rates based on the rate reimbursement survey
51 9 completed in December 2004. The department shall set rates in
51 10 a manner so as to provide incentives for a nonregistered
51 11 provider to become registered.

51 12 12. For the fiscal year beginning July 1, 2008,
51 13 reimbursements for providers reimbursed by the department of
51 14 human services may be modified if appropriated funding is
51 15 allocated for that purpose from the senior living trust fund
51 16 created in section 249H.4, or as specified in appropriations
51 17 from the healthy Iowans tobacco trust created in section
51 18 12.65.

51 19 13. The department may adopt emergency rules to implement
51 20 this section.

51 21 Sec. 31. 2001 Iowa Acts, chapter 192, section 4,
51 22 subsection 4, is amended to read as follows:

51 23 4. ACCOUNTABILITY MEASUREMENTS == ANNUAL
51 24 ACCOUNTABILITY PAYMENTS.

51 25 a. It is the intent of the general assembly that the
51 26 department of human services initiate a system to measure a
51 27 variety of elements to determine a nursing facility's capacity
51 28 to provide quality of life and appropriate access to medical
51 29 assistance program beneficiaries in a cost-effective manner.
51 30 Beginning July 1, 2001, the department shall implement a
51 31 process to collect data for these measurements and shall
51 32 develop procedures to increase nursing facility reimbursements
51 33 based upon a nursing facility's achievement of multiple
51 34 favorable outcomes as determined by these measurements. Any
51 35 increased reimbursement shall not exceed 3 percent of the



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52 1 calculation of the modified price-based case-mix reimbursement
52 2 median. The increased reimbursement shall be included in the
52 3 calculation of nursing facility modified price-based payment
52 4 rates beginning July 1, 2002, with the exception of
52 5 Medicare-certified hospital-based nursing facilities,
52 6 state-operated nursing facilities, and special population
52 7 nursing facilities.

~~52 8 b. It is the intent of the general assembly that increases
52 9 in payments to nursing facilities under the case-mix adjusted
52 10 component shall be used for the provision of direct care with
52 11 an emphasis on compensation to direct care workers. The
52 12 department shall compile and provide a detailed analysis to
52 13 demonstrate growth of direct care costs, increased acuity, and
52 14 care needs of residents. The department shall also provide
52 15 analysis of cost reports submitted by providers and the
52 16 resulting desk review and field audit adjustments to
52 17 reclassify and amend provider cost and statistical data. The
52 18 results of these analyses shall be submitted to the general
52 19 assembly for evaluation to determine payment levels following
52 20 the transition funding period.~~

52 21 b. Beginning July 1, 2008, notwithstanding any law or rule
52 22 to the contrary, the increased nursing facility reimbursement
52 23 available pursuant to subparagraph (1) shall be based upon the
52 24 accountability measures and calculations existing on July 1,
52 25 2008, pursuant to 441 IAC 81.6(16)(g), as adjusted in
52 26 accordance with the following provisions, and the increased
52 27 reimbursement shall be disbursed to each qualifying nursing
52 28 facility as an accountability payment at the end of each
52 29 fiscal year:

52 30 (1) If a nursing facility receives a deficiency for
52 31 substandard quality of care as defined in 42 C.F.R. } 488.301,
52 32 the increased reimbursement calculated for payment under this
52 33 paragraph shall be reduced by 25 percent for each such
52 34 deficiency received during the year. Additionally, if the
52 35 nursing facility fails to correct any substandard quality of



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53 1 care deficiency within the time required by the department of
53 2 inspections and appeals, the entire increased reimbursement
53 3 calculated for payment under this subparagraph (2) shall be
53 4 forfeited and the nursing facility shall not receive any
53 5 accountability payment for the year.

53 6 (2) If a nursing facility receives a deficiency that is
53 7 classified pursuant to the Centers for Medicare and Medicaid
53 8 Services of the United States department of health and human
53 9 services federal certification guidelines at an H level scope
53 10 and severity or higher, the increased reimbursement calculated
53 11 for payment under this subparagraph (2) shall be forfeited and
53 12 the nursing facility shall not receive an accountability
53 13 payment for the year.

53 14 c. It is the intent of the general assembly that the
53 15 department of human services in consultation with long-term
53 16 care services stakeholders and advocates including but not
53 17 limited to representatives of the AARP Iowa chapter, direct
53 18 care workers, and long-term care provider entities, review and
53 19 make recommendations to the general assembly by December 15,
53 20 2008, about the continuation, modification, or implementation
53 21 of performance-based incentives to enhance quality outcomes in
53 22 nursing facilities.

53 23 Sec. 32. REVIEW == DRUG PRODUCT SELECTION. On or after
53 24 the effective date of this section, the chairpersons of the
53 25 joint appropriations subcommittee on health and human services
53 26 shall convene a group of representatives of appropriate
53 27 entities to review current law regarding drug product
53 28 selection. The representatives shall include but are not
53 29 limited to representatives of the Iowa pharmacy association,
53 30 the Iowa medical society, pharmacy industry representatives of
53 31 the Iowa retail federation, advocacy groups, the department of
53 32 human services, and the department of public health. The
53 33 legislative services agency shall provide administrative
53 34 support to the group. The group shall complete its
53 35 deliberations on or before December 15, 2008.



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54 1 Sec. 33. EMERGENCY RULES. If specifically authorized by a
54 2 provision of this division of this Act, the department of
54 3 human services or the mental health, mental retardation,
54 4 developmental disabilities, and brain injury commission may
54 5 adopt administrative rules under section 17A.4, subsection 2,
54 6 and section 17A.5, subsection 2, paragraph "b", to implement
54 7 the provisions and the rules shall become effective
54 8 immediately upon filing or on a later effective date specified
54 9 in the rules, unless the effective date is delayed by the
54 10 administrative rules review committee. Any rules adopted in
54 11 accordance with this section shall not take effect before the
54 12 rules are reviewed by the administrative rules review
54 13 committee. The delay authority provided to the administrative
54 14 rules review committee under section 17A.4, subsection 5, and
54 15 section 17A.8, subsection 9, shall be applicable to a delay
54 16 imposed under this section, notwithstanding a provision in
54 17 those sections making them inapplicable to section 17A.5,
54 18 subsection 2, paragraph "b". Any rules adopted in accordance
54 19 with the provisions of this section shall also be published as
54 20 notice of intended action as provided in section 17A.4.

54 21 Sec. 34. REPORTS. Any reports or information required to
54 22 be compiled and submitted under this Act shall be submitted to
54 23 the chairpersons and ranking members of the joint
54 24 appropriations subcommittee on health and human services, the
54 25 legislative services agency, and the legislative caucus staffs
54 26 on or before the dates specified for submission of the reports
54 27 or information.

54 28 Sec. 35. EFFECTIVE DATE. The following provisions of this
54 29 division of this Act, being deemed of immediate importance,
54 30 take effect upon enactment:

54 31 1. The provision under the appropriation for child and
54 32 family services, relating to requirements of section 232.143
54 33 for representatives of the department of human services and
54 34 juvenile court services to establish a plan for continuing
54 35 group foster care expenditures for the 2008=2009 fiscal year.



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56 1 Act and shall not use the amount distributed for any
 56 2 administrative purposes of either the department of elder
 56 3 affairs or the area agencies on aging.
 56 4 3. Of the funds appropriated in this section, \$60,000
 56 5 shall be used to provide dementia-specific education to direct
 56 6 care workers and other providers of long-term care to enhance
 56 7 existing or scheduled efforts through the Iowa caregivers
 56 8 association, the Alzheimer's association, and other
 56 9 organizations identified as appropriate by the department.
 56 10 Sec. 37. DEPARTMENT OF INSPECTIONS AND APPEALS. There is
 56 11 appropriated from the senior living trust fund created in
 56 12 section 249H.4 to the department of inspections and appeals
 56 13 for the fiscal year beginning July 1, 2008, and ending June
 56 14 30, 2009, the following amount, or so much thereof as is
 56 15 necessary, to be used for the purpose designated:
 56 16 For the inspection and certification of assisted living
 56 17 facilities and adult day care services, including program
 56 18 administration and costs associated with implementation:
 56 19 \$ 1,183,303
 56 20 Sec. 38. DEPARTMENT OF HUMAN SERVICES. There is
 56 21 appropriated from the senior living trust fund created in
 56 22 section 249H.4 to the department of human services for the
 56 23 fiscal year beginning July 1, 2008, and ending June 30, 2009,
 56 24 the following amount, or so much thereof as is necessary, to
 56 25 be used for the purpose designated:
 56 26 To supplement the medical assistance appropriations made in
 56 27 this Act, including program administration and costs
 56 28 associated with implementation:
 56 29 \$ 67,500,000
 56 30 In order to carry out the purposes of this section, the
 56 31 department may transfer funds appropriated in this section to
 56 32 supplement other appropriations made to the department of
 56 33 human services.
 56 34 Sec. 39. IOWA FINANCE AUTHORITY. There is appropriated
 56 35 from the senior living trust fund created in section 249H.4 to



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57 1 the Iowa finance authority for the fiscal year beginning July
57 2 1, 2008, and ending June 30, 2009, the following amount, or so
57 3 much thereof as is necessary, to be used for the purposes
57 4 designated:

57 5 To provide reimbursement for rent expenses to eligible
57 6 persons:
57 7 \$ 700,000

57 8 Participation in the rent subsidy program shall be limited
57 9 to only those persons who meet the requirements for the
57 10 nursing facility level of care for home and community-based
57 11 services waiver services as in effect on July 1, 2008, and to
57 12 those individuals who are eligible for the federal money
57 13 follows the person grant program under the medical assistance
57 14 program.

57 15 Sec. 40. PHARMACEUTICAL SETTLEMENT ACCOUNT. There is
57 16 appropriated from the pharmaceutical settlement account
57 17 created in section 249A.33 to the department of human services
57 18 for the fiscal year beginning July 1, 2008, and ending June
57 19 30, 2009, the following amount, or so much thereof as is
57 20 necessary, to be used for the purpose designated:

57 21 To supplement the appropriations made for medical contracts
57 22 under the medical assistance program:
57 23 \$ 1,323,833

57 24 Sec. 41. APPROPRIATIONS FROM IOWACARE ACCOUNT.

57 25 1. There is appropriated from the IowaCare account created
57 26 in section 249J.24 to the state board of regents for
57 27 distribution to the university of Iowa hospitals and clinics
57 28 for the fiscal year beginning July 1, 2008, and ending June
57 29 30, 2009, the following amount, or so much thereof as is
57 30 necessary, to be used for the purposes designated:

57 31 For salaries, support, maintenance, equipment, and
57 32 miscellaneous purposes, for the provision of medical and
57 33 surgical treatment of indigent patients, for provision of
57 34 services to members of the expansion population pursuant to
57 35 chapter 249J, and for medical education:



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58 1 \$ 27,284,584
58 2 a. Funds appropriated in this subsection shall not be used
58 3 to perform abortions except medically necessary abortions, and
58 4 shall not be used to operate the early termination of
58 5 pregnancy clinic except for the performance of medically
58 6 necessary abortions. For the purpose of this subsection, an
58 7 abortion is the purposeful interruption of pregnancy with the
58 8 intention other than to produce a live-born infant or to
58 9 remove a dead fetus, and a medically necessary abortion is one
58 10 performed under one of the following conditions:
58 11 (1) The attending physician certifies that continuing the
58 12 pregnancy would endanger the life of the pregnant woman.
58 13 (2) The attending physician certifies that the fetus is
58 14 physically deformed, mentally deficient, or afflicted with a
58 15 congenital illness.
58 16 (3) The pregnancy is the result of a rape which is
58 17 reported within 45 days of the incident to a law enforcement
58 18 agency or public or private health agency which may include a
58 19 family physician.
58 20 (4) The pregnancy is the result of incest which is
58 21 reported within 150 days of the incident to a law enforcement
58 22 agency or public or private health agency which may include a
58 23 family physician.
58 24 (5) The abortion is a spontaneous abortion, commonly known
58 25 as a miscarriage, wherein not all of the products of
58 26 conception are expelled.
58 27 b. Notwithstanding any provision of law to the contrary,
58 28 the amount appropriated in this subsection shall be allocated
58 29 in twelve equal monthly payments as provided in section
58 30 249J.24.
58 31 2. There is appropriated from the IowaCare account created
58 32 in section 249J.24 to the state board of regents for
58 33 distribution to the university of Iowa hospitals and clinics
58 34 for the fiscal year beginning July 1, 2008, and ending June
58 35 30, 2009, the following amount, or so much thereof as is



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59 1 necessary, to be used for the purposes designated:
 59 2 For salaries, support, maintenance, equipment, and
 59 3 miscellaneous purposes, for the provision of medical and
 59 4 surgical treatment of indigent patients, for provision of
 59 5 services to members of the expansion population pursuant to
 59 6 chapter 249J, and for medical education:
 59 7 \$ 35,969,365
 59 8 The amount appropriated in this subsection shall be
 59 9 distributed only if expansion population claims adjudicated
 59 10 and paid by the Iowa Medicaid enterprise exceed the
 59 11 appropriation to the state board of regents for distribution
 59 12 to the university of Iowa hospitals and clinics provided in
 59 13 subsection 1. The amount appropriated in this subsection
 59 14 shall be distributed monthly for expansion population claims
 59 15 adjudicated and approved for payment by the Iowa Medicaid
 59 16 enterprise using medical assistance program reimbursement
 59 17 rates.
 59 18 3. There is appropriated from the IowaCare account created
 59 19 in section 249J.24 to the department of human services for the
 59 20 fiscal year beginning July 1, 2008, and ending June 30, 2009,
 59 21 the following amount, or so much thereof as is necessary, to
 59 22 be used for the purposes designated:
 59 23 For distribution to a publicly owned acute care teaching
 59 24 hospital located in a county with a population over three
 59 25 hundred fifty thousand for the provision of medical and
 59 26 surgical treatment of indigent patients, for provision of
 59 27 services to members of the expansion population pursuant to
 59 28 chapter 249J, and for medical education:
 59 29 \$ 40,000,000
 59 30 Notwithstanding any provision of law to the contrary, the
 59 31 amount appropriated in this subsection shall be allocated in
 59 32 twelve equal monthly payments as provided in section 249J.24.
 59 33 Any amount appropriated in this subsection in excess of
 59 34 \$37,000,000 shall be allocated only if federal funds are
 59 35 available to match the amount allocated.



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60 1 4. There is appropriated from the IowaCare account created
60 2 in section 249J.24 to the department of human services for the
60 3 fiscal year beginning July 1, 2008, and ending June 30, 2009,
60 4 the following amounts, or so much thereof as is necessary, to
60 5 be used for the purposes designated:

60 6 a. For the state mental health institute at Cherokee, for
60 7 salaries, support, maintenance, and miscellaneous purposes,
60 8 including services to members of the expansion population
60 9 pursuant to chapter 249J:
60 10 \$ 3,164,766

60 11 b. For the state mental health institute at Clarinda, for
60 12 salaries, support, maintenance, and miscellaneous purposes,
60 13 including services to members of the expansion population
60 14 pursuant to chapter 249J:
60 15 \$ 687,779

60 16 c. For the state mental health institute at Independence,
60 17 for salaries, support, maintenance, and miscellaneous
60 18 purposes, including services to members of the expansion
60 19 population pursuant to chapter 249J:
60 20 \$ 3,146,494

60 21 d. For the state mental health institute at Mount
60 22 Pleasant, for salaries, support, maintenance, and
60 23 miscellaneous purposes, including services to members of the
60 24 expansion population pursuant to chapter 249J:
60 25 \$ 2,000,961

60 26 Sec. 42. APPROPRIATIONS FROM ACCOUNT FOR HEALTH CARE
60 27 TRANSFORMATION. Notwithstanding any provision to the
60 28 contrary, there is appropriated from the account for health
60 29 care transformation created in section 249J.23 to the
60 30 department of human services for the fiscal year beginning
60 31 July 1, 2008, and ending June 30, 2009, the following amounts,
60 32 or so much thereof as is necessary, to be used for the
60 33 purposes designated:

60 34 1. For the costs of medical examinations and development
60 35 of personal health improvement plans for the expansion



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61 1 population pursuant to section 249J.6:
61 2 \$ 556,800
61 3 2. For the provision of a medical information hotline for
61 4 the expansion population as provided in section 249J.6:
61 5 \$ 150,000
61 6 3. For other health promotion partnership activities
61 7 pursuant to section 249J.14:
61 8 \$ 900,000
61 9 4. For the costs related to audits, performance
61 10 evaluations, and studies required pursuant to chapter 249J:
61 11 \$ 400,000
61 12 5. For administrative costs associated with chapter 249J:
61 13 \$ 1,132,412
61 14 6. For planning and development, in cooperation with the
61 15 department of public health, of a phased-in program to provide
61 16 a dental home for children:
61 17 \$ 500,000
61 18 The department shall issue a request for proposals for a
61 19 performance-based contract to implement the dental home for
61 20 children and shall apply for any waivers from the centers for
61 21 Medicare and Medicaid services of the United States department
61 22 of health and human services as necessary to pursue a
61 23 phased-in approach. The department shall submit progress
61 24 reports regarding the planning and development of the dental
61 25 home for children to the medical assistance projections and
61 26 assessment council on a periodic basis.
61 27 7. For a mental health transformation pilot program:
61 28 \$ 250,000
61 29 8. For the tuition assistance for individuals serving
61 30 individuals with disabilities pilot program as enacted in this
61 31 Act:
61 32 \$ 1,050,000
61 33 9. For payment to the publicly owned acute care teaching
61 34 hospital located in a county with a population of over 350,000
61 35 that is a participating provider pursuant to chapter 249J:



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62 1 \$ 230,000
62 2 Disbursements under this subsection shall be made monthly.
62 3 The hospital shall submit a report following the close of the
62 4 fiscal year regarding use of the funds appropriated in this
62 5 subsection to the persons specified in this Act to receive
62 6 reports.
62 7 Notwithstanding section 8.39, subsection 1, without the
62 8 prior written consent and approval of the governor and the
62 9 director of the department of management, the director of
62 10 human services may transfer funds among the appropriations
62 11 made in this section as necessary to carry out the purposes of
62 12 the account for health care transformation. The department
62 13 shall report any transfers made pursuant to this section to
62 14 the legislative services agency.
62 15 Sec. 43. TRANSFER FROM ACCOUNT FOR HEALTH CARE
62 16 TRANSFORMATION. There is transferred from the account for
62 17 health care transformation created pursuant to section 249J.23
62 18 to the IowaCare account created in section 249J.24 a total of
62 19 \$3,000,000 for the fiscal year beginning July 1, 2008, and
62 20 ending June 30, 2009.
62 21 Sec. 44. IOWACARE PLAN REPORT. The department of human
62 22 services, in cooperation with the members of the expansion
62 23 population provider network as specified in chapter 249J and
62 24 other interested parties, shall review the current IowaCare
62 25 program and shall develop a plan for continuation, expansion,
62 26 or elimination of the IowaCare program beyond June 30, 2010.
62 27 The plan shall address the issue of establishing a procedure
62 28 to either transfer an expansion population member who seeks
62 29 medical care or treatment for a covered service from a
62 30 nonparticipating provider to a participating provider in the
62 31 expansion population provider network, or to compensate the
62 32 nonparticipating provider for medical care or treatment for a
62 33 covered service provided to an expansion population member, if
62 34 transfer is not medically possible or if the transfer is
62 35 refused and if no other third party is liable for



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63 1 reimbursement for the services provided. The review shall
 63 2 also address the issue of the future of the IowaCare program
 63 3 beyond June 30, 2010, including but not limited to expansion
 63 4 of the provider network beyond the initial network, expansion
 63 5 population member growth projections, member benefits,
 63 6 alternatives for providing health care coverage to the
 63 7 expansion population, and other issues pertinent to the
 63 8 continuation, expansion, or elimination of the program. The
 63 9 department shall report its findings and recommendations to
 63 10 the medical assistance projections and assessment council no
 63 11 later than December 15, 2008.

63 12 Sec. 45. PROPERTY TAX RELIEF FUND. There is appropriated
 63 13 from the property tax relief fund created in section 426B.1 to
 63 14 the department of human services for the fiscal year beginning
 63 15 July 1, 2008, and ending June 30, 2009, the following amount,
 63 16 or so much thereof as is necessary, to be used for the
 63 17 purposes designated:

63 18 For the medical assistance program in addition to the
 63 19 appropriation made in section 426B.1, subsection 3, and other
 63 20 appropriations made for purposes of the program:

63 21 \$ 624,000

63 22 The appropriation made in this section consists of the
 63 23 revenues credited to the property tax relief fund pursuant to
 63 24 sections 437A.8 and 437A.15 after November 1, 2007, and before
 63 25 April 1, 2008.

63 26 Sec. 46. Section 426B.2, subsection 3, Code 2007, is
 63 27 amended to read as follows:

63 28 3. a. The director of human services shall draw warrants
 63 29 on the property tax relief fund, payable to the county
 63 30 treasurer in the amount due to a county in accordance with
 63 31 subsection 1 and mail the warrants to the county auditors in
 63 32 July and January of each year.

63 33 b. Any replacement generation tax in the property tax
 63 34 relief fund as of ~~November~~ May 1 shall be paid to the county
 63 35 treasurers in July and January of the fiscal year beginning



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64 1 the following July 1. The department of management shall
 64 2 determine the amount each county will be paid pursuant to this
 64 3 lettered paragraph for the following fiscal year. The
 64 4 department shall reduce by the determined amount the amount of
 64 5 each county's certified budget to be raised by property tax
 64 6 for that fiscal year which is to be expended for mental
 64 7 health, mental retardation, and developmental disabilities
 64 8 services and shall revise the rate of taxation as necessary to
 64 9 raise the reduced amount. The department of management shall
 64 10 report the reduction in the certified budget and the revised
 64 11 rate of taxation to the county auditors by June 15.

64 12 Sec. 47. MEDICAL ASSISTANCE PROGRAM == REVERSION TO SENIOR
 64 13 LIVING TRUST FUND FOR FY 2008=2009. Notwithstanding section
 64 14 8.33, if moneys appropriated for purposes of the medical
 64 15 assistance program for the fiscal year beginning July 1, 2008,
 64 16 and ending June 30, 2009, from the general fund of the state,
 64 17 the senior living trust fund, the healthy Iowans tobacco trust
 64 18 fund, the health care trust fund, and the property tax relief
 64 19 fund are in excess of actual expenditures for the medical
 64 20 assistance program and remain unencumbered or unobligated at
 64 21 the close of the fiscal year, the excess moneys shall not
 64 22 revert but shall be transferred to the senior living trust
 64 23 fund created in section 249H.4.

64 24 DIVISION III
 64 25 MH/MR/DD/BI SERVICES
 64 26 ALLOWED GROWTH FUNDING ==
 64 27 FY 2008=2009

64 28 Sec. 48. Section 225C.5, subsection 1, Code 2007, is
 64 29 amended by adding the following new paragraph:

64 30 NEW PARAGRAPH. ii. One member shall be an active board
 64 31 member of an agency serving persons with a substance abuse
 64 32 problem selected from nominees submitted by the Iowa
 64 33 behavioral health association.

64 34 Sec. 49. NEW SECTION. 225C.19 EMERGENCY MENTAL HEALTH
 64 35 CRISIS SERVICES SYSTEM.



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65 1 1. For the purposes of this section:
65 2 a. "Emergency mental health crisis services provider"
65 3 means a provider accredited or approved by the department to
65 4 provide emergency mental health crisis services.
65 5 b. "Emergency mental health crisis services system" or
65 6 "services system" means a coordinated array of crisis services
65 7 for providing a response to assist an individual adult or
65 8 child who is experiencing a mental health crisis or who is in
65 9 a situation that is reasonably likely to cause the individual
65 10 to have a mental health crisis unless assistance is provided.
65 11 2. a. The division shall implement an emergency mental
65 12 health crisis services system in accordance with this section.
65 13 b. The purpose of the services system is to provide a
65 14 statewide array of time-limited intervention services to
65 15 reduce escalation of crisis situations, relieve the immediate
65 16 distress of individuals experiencing a crisis situation,
65 17 reduce the risk of individuals in a crisis situation doing
65 18 harm to themselves or others, and promote timely access to
65 19 appropriate services for those who require ongoing mental
65 20 health services.
65 21 c. The services system shall be available twenty-four
65 22 hours per day, seven days per week to any individual who is
65 23 determined by self or others to be in a crisis situation,
65 24 regardless of whether the individual has been diagnosed with a
65 25 mental illness or a co-occurring mental illness and substance
65 26 abuse disorder, and shall address all ages, income levels, and
65 27 health coverage statuses.
65 28 d. The goals of an intervention offered by a provider
65 29 under the services system shall include but are not limited to
65 30 symptom reduction, stabilization of the individual receiving
65 31 the intervention, and restoration of the individual to a
65 32 previous level of functioning.
65 33 e. The elements of the services system shall be specified
65 34 in administrative rules adopted by the commission.
65 35 3. The services system elements shall include but are not



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66 1 limited to all of the following:
66 2 a. Standards for accrediting or approving emergency mental
66 3 health crisis services providers. Such providers may include
66 4 but are not limited to a community mental health center, a
66 5 provider approved in a waiver adopted by the commission to
66 6 provide services to a county in lieu of a community mental
66 7 health center, a unit of the department or other state agency,
66 8 a county, or any other public or private provider who meets
66 9 the accreditation or approval standards for an emergency
66 10 mental health crisis services provider.
66 11 b. Identification by the division of geographic regions,
66 12 service areas, or other means of distributing and organizing
66 13 the emergency mental health crisis services system to ensure
66 14 statewide availability of the services.
66 15 c. Coordination of emergency mental health crisis services
66 16 with all of the following:
66 17 (1) The district and juvenile courts.
66 18 (2) Law enforcement.
66 19 (3) Judicial district departments of correctional
66 20 services.
66 21 (4) County central point of coordination processes.
66 22 (5) Other mental health, substance abuse, and co-occurring
66 23 mental illness and substance abuse services available through
66 24 the state and counties to serve both children and adults.
66 25 d. Identification of basic services to be provided through
66 26 each accredited or approved emergency mental health crisis
66 27 services provider which may include but are not limited to
66 28 face-to-face crisis intervention, stabilization, support,
66 29 counseling, preadmission screening for individuals who may
66 30 require psychiatric hospitalization, transportation, and
66 31 follow-up services.
66 32 e. Identification of operational requirements for
66 33 emergency mental health crisis services provider accreditation
66 34 or approval which may include providing a telephone hotline,
66 35 mobile crisis staff, collaboration protocols, follow-up with



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67 1 community services, information systems, and competency-based
67 2 training.
67 3 4. The division shall initially implement the program
67 4 through a competitive block grant process. The implementation
67 5 shall be limited to the extent of the appropriations provided
67 6 for the program.
67 7 Sec. 50. NEW SECTION. 225C.51 DEFINITIONS.
67 8 For the purposes of this division:
67 9 1. "Child" or "children" means a person or persons under
67 10 eighteen years of age.
67 11 2. "Children's system" or "mental health services system
67 12 for children and youth" means the mental health services
67 13 system for children and youth implemented pursuant to this
67 14 division.
67 15 3. "Functional impairment" means difficulties that
67 16 substantially interfere with or limit a person from achieving
67 17 or maintaining one or more developmentally appropriate social,
67 18 behavioral, cognitive, communicative, or adaptive skills and
67 19 that substantially interfere with or limit the person's role
67 20 or functioning in family, school, or community activities.
67 21 "Functional impairment" includes difficulties of episodic,
67 22 recurrent, and continuous duration. "Functional impairment"
67 23 does not include difficulties resulting from temporary and
67 24 expected responses to stressful events in a person's
67 25 environment.
67 26 4. "Other qualifying mental health disorder" means a
67 27 mental health crisis or any diagnosable mental health disorder
67 28 that is likely to lead to mental health crisis unless there is
67 29 an intervention.
67 30 5. "Serious emotional disturbance" means a diagnosable
67 31 mental, behavioral, or emotional disorder of sufficient
67 32 duration to meet diagnostic criteria specified within the most
67 33 current diagnostic and statistical manual of mental disorders
67 34 published by the American psychiatric association that results
67 35 in a functional impairment. "Serious emotional disturbance"



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68 1 does not include substance use and developmental disorders
68 2 unless such disorders co-occur with such a diagnosable mental,
68 3 behavioral, or emotional disorder.

68 4 6. "Youth" means a person eighteen years of age or older
68 5 but under twenty-two years of age who met the criteria for
68 6 having a serious emotional disturbance prior to the age of
68 7 eighteen.

68 8 Sec. 51. NEW SECTION. 225C.52 MENTAL HEALTH SERVICES
68 9 SYSTEM FOR CHILDREN AND YOUTH == PURPOSE.

68 10 1. Establishing a comprehensive community-based mental
68 11 health services system for children and youth is part of
68 12 fulfilling the requirements of the division and the commission
68 13 to facilitate a comprehensive, continuous, and integrated
68 14 state mental health services plan in accordance with sections
68 15 225C.4, 225C.6, and 225C.6A, and other provisions of this
68 16 chapter. The purpose of establishing the children's system is
68 17 to improve access for children and youth with serious
68 18 emotional disturbances and youth with other qualifying mental
68 19 health disorders to mental health treatment, services, and
68 20 other support in the least restrictive setting possible so the
68 21 children and youth can live with their families and remain in
68 22 their communities. The children's system is also intended to
68 23 meet the needs of children and youth who have mental health
68 24 disorders that co-occur with substance abuse, mental
68 25 retardation, developmental disabilities, or other
68 26 disabilities. The children's system shall emphasize
68 27 community-level collaborative efforts between children and
68 28 youth and the families and the state's systems of education,
68 29 child welfare, juvenile justice, health care, substance abuse,
68 30 and mental health.

68 31 2. The goals and outcomes desired for the children's
68 32 system shall include but are not limited to all of the
68 33 following:

68 34 a. Identifying the mental health needs of children and
68 35 youth.



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- 69 1 b. Performing comprehensive assessments of children and
69 2 youth that are designed to identify functional skills,
69 3 strengths, and services needed.
- 69 4 c. Providing timely access to available treatment,
69 5 services, and other support.
- 69 6 d. Offering information and referral services to families
69 7 to address service needs other than mental health.
- 69 8 e. Improving access to needed mental health services by
69 9 allowing children and youth to be served with their families
69 10 in the community.
- 69 11 f. Preventing or reducing utilization of more costly,
69 12 restrictive care by reducing the unnecessary involvement of
69 13 children and youth who have mental health needs and their
69 14 families with law enforcement, the corrections system, and
69 15 detention, juvenile justice, and other legal proceedings;
69 16 reducing the involvement of children and youth with child
69 17 welfare services or state custody; and reducing the placement
69 18 of children and youth in the state juvenile institutions,
69 19 state mental health institutes, or other public or private
69 20 residential psychiatric facilities.
- 69 21 g. Increasing the number of children and youth assessed
69 22 for functional skill levels.
- 69 23 h. Increasing the capacity to develop individualized,
69 24 strengths-based, and integrated treatment plans for children,
69 25 youth, and families.
- 69 26 i. Promoting communications with caregivers and others
69 27 about the needs of children, youth, and families engaged in
69 28 the children's system.
- 69 29 j. Developing the ability to aggregate data and
69 30 information, and to evaluate program, service, and system
69 31 efficacy for children, youth, and families being served on a
69 32 local and statewide basis.
- 69 33 k. Implementing and utilizing outcome measures that are
69 34 consistent with but not limited to the national outcomes
69 35 measures identified by the substance abuse and mental health



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70 1 services administration of the United States department of
70 2 health and human services.
70 3 1. Identifying children and youth whose mental health or
70 4 emotional condition, whether chronic or acute, represents a
70 5 danger to themselves, their families, school students or
70 6 staff, or the community.
70 7 Sec. 52. NEW SECTION. 225C.53 ROLE OF DEPARTMENT AND
70 8 DIVISION == TRANSITION TO ADULT SYSTEM.
70 9 1. The department is the lead agency responsible for the
70 10 development, implementation, oversight, and management of the
70 11 mental health services system for children and youth in
70 12 accordance with this chapter. The department's
70 13 responsibilities shall be fulfilled by the division.
70 14 2. The division's responsibilities relating to the
70 15 children's system include but are not limited to all of the
70 16 following:
70 17 a. Ensuring that the rules adopted for the children's
70 18 system provide that, within the limits of appropriations for
70 19 the children's system, children and youth shall not be
70 20 inappropriately denied necessary mental health services.
70 21 b. Establishing standards for the provision of home and
70 22 community-based mental health treatment, services, and other
70 23 support under the children's system.
70 24 c. Identifying and implementing eligibility criteria for
70 25 the treatment, services, and other support available under the
70 26 children's system.
70 27 d. Ongoing implementation of recommendations identified
70 28 through children's system improvement efforts.
70 29 3. An adult person who met the criteria for having a
70 30 serious emotional disturbance prior to the age of eighteen may
70 31 qualify to continue services through the adult mental health
70 32 system.
70 33 Sec. 53. NEW SECTION. 225C.54 MENTAL HEALTH SERVICES
70 34 SYSTEM FOR CHILDREN AND YOUTH == INITIAL IMPLEMENTATION.
70 35 1. The mental health services system for children and



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71 1 youth shall be initially implemented by the division
71 2 commencing with the fiscal year beginning July 1, 2008. The
71 3 division shall begin implementation by utilizing a competitive
71 4 bidding process to allocate state block grants to develop
71 5 services through existing community mental health centers,
71 6 providers approved in a waiver adopted by the commission to
71 7 provide services to a county in lieu of a community mental
71 8 health center, and other local service partners. The
71 9 implementation shall be limited to the extent of the
71 10 appropriations provided for the children's system.

71 11 2. In order to maximize federal financial participation in
71 12 the children's system, the division and the department's
71 13 Medicaid program staff shall analyze the feasibility of
71 14 leveraging existing Medicaid options, such as expanding the
71 15 home and community-based services waiver for children's mental
71 16 health services, reviewing the feasibility of implementing
71 17 other Medicaid options such as the federal Tax Equity and
71 18 Financial Responsibility Act of 1982 (TEFRA) option for
71 19 children with severe mental illness or emotional disturbance
71 20 and Medicaid administrative funding, and determining the need
71 21 for service enhancements through revisions to the Medicaid
71 22 state plan and the federal state children's health insurance
71 23 program and the healthy and well kids in Iowa program.

71 24 3. Initial block grants shall support a wide range of
71 25 children, youth, and family services and initiatives including
71 26 but not limited to school-based mental health projects, system
71 27 reviews providing service gap analysis, status studies of the
71 28 mental health needs of children and youth in representative
71 29 areas of the state, and mental health assessment capacity
71 30 development based in public and nonpublic schools and clinical
71 31 settings using standard functional assessment tools. The
71 32 purpose of developing the assessment capacity is to determine
71 33 children's and youths' degree of impairment in daily
71 34 functioning due to emotional, behavioral, psychological,
71 35 psychiatric, or substance use problems.



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72 1 4. The initial block grants may also support an array of
72 2 programs and services including but not limited to mobile
72 3 crisis intervention services, or other support intended to
72 4 prevent more intensive or in-patient interventions, skills
72 5 training, intensive care coordination, and
72 6 cognitive-behavioral and multisystemic family therapy. In
72 7 addition, support may be provided for prevention-oriented
72 8 services including mental health consultations regarding home
72 9 visits, child welfare, juvenile justice, and maternal and
72 10 child health services, and consultation for preschool
72 11 programs.

72 12 5. The division shall report regularly to the commission,
72 13 general assembly, and governor concerning the implementation
72 14 status of the children's system, including but not limited to
72 15 an annual report submitted each January. The report may
72 16 address funding requirements and statutory amendments
72 17 necessary to further develop the children's system.

72 18 Sec. 54. Section 331.439, subsection 1, paragraph a, Code
72 19 Supplement 2007, is amended to read as follows:

72 20 a. The county accurately reported by December 1 the
72 21 county's expenditures for mental health, mental retardation,
72 22 and developmental disabilities services and the information
72 23 required under section 225C.6A, subsection 2, paragraph "c",
72 24 for the previous fiscal year on forms prescribed by rules
72 25 adopted by the state commission. If the department determines
72 26 good cause exists, the department may extend a deadline
72 27 otherwise imposed under this chapter, chapter 225C, or chapter
72 28 426B for a county's reporting concerning mental health, mental
72 29 retardation, or developmental disabilities services or related
72 30 revenues and expenditures.

72 31 Sec. 55. 2007 Iowa Acts, chapter 215, section 1, is
72 32 amended to read as follows:

72 33 SECTION 1. COUNTY MENTAL HEALTH, MENTAL RETARDATION,
72 34 DEVELOPMENTAL DISABILITIES, AND BRAIN INJURY ALLOWED GROWTH
72 35 APPROPRIATION AND ALLOCATIONS == FISCAL YEAR 2008=2009.



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73 1 1. There is appropriated from the general fund of the
73 2 state to the department of human services for the fiscal year
73 3 beginning July 1, 2008, and ending June 30, 2009, the
73 4 following amount, or so much thereof as is necessary, to be
73 5 used for the purpose designated:

73 6 For distribution to counties of the county mental health,
73 7 mental retardation, and developmental disabilities allowed
73 8 growth factor adjustment for fiscal year 2008=2009, and for
73 9 the brain injury services program in the department of public
73 10 health:

73 11	\$ 64,600,002
73 12	54,081,310

~~73 13 2. The amount appropriated in this section shall be
73 14 allocated as provided in a later enactment of the general
73 15 assembly.~~

73 16 2. There is appropriated from the property tax relief fund
73 17 to the department of human services for the fiscal year
73 18 beginning July 1, 2008, and ending June 30, 2009, the
73 19 following amount, or so much thereof as is necessary, to be
73 20 used for the purposes designated:

73 21 For distribution to counties of the county mental health,
73 22 mental retardation, and developmental disabilities allowed
73 23 growth factor adjustment, as provided in this section in lieu
73 24 of the provisions of section 331.438, subsection 2, and
73 25 section 331.439, subsection 3, and chapter 426B:

<u>73 26</u>	<u>\$ 7,592,099</u>
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73 27 Sec. 56. 2007 Iowa Acts, chapter 215, section 1, as
73 28 amended by this division of this Act, is amended by adding the
73 29 following new subsections:

73 30 **NEW SUBSECTION.** 3. Of the amount appropriated in
73 31 subsection 1, \$12,000,000 shall be distributed as provided in
73 32 this subsection.

73 33 a. To be eligible to receive a distribution under this
73 34 subsection, a county must meet the following requirements:

73 35 (1) The county is levying for the maximum amount allowed



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74 1 for the county's mental health, mental retardation, and
74 2 developmental disabilities services fund under section
74 3 331.424A for taxes due and payable in the fiscal year
74 4 beginning July 1, 2008, or the county is levying for at least
74 5 90 percent of the maximum amount allowed for the county's
74 6 services fund and that levy rate is more than \$2 per \$1,000 of
74 7 the assessed value of all taxable property in the county.

74 8 (2) In the fiscal year beginning July 1, 2007, the
74 9 county's mental health, mental retardation, and developmental
74 10 disabilities services fund ending balance under generally
74 11 accepted accounting principles was equal to or less than 15
74 12 percent of the county's actual gross expenditures for that
74 13 fiscal year.

74 14 b. A county's allocation of the amount appropriated in
74 15 this subsection shall be determined based upon the county's
74 16 proportion of the general population of the counties eligible
74 17 to receive an allocation under this subsection. The most
74 18 recent population estimates issued by the United States bureau
74 19 of the census shall be applied in determining population for
74 20 the purposes of this paragraph.

74 21 c. The allocations made pursuant to this subsection are
74 22 subject to the distribution provisions and withholding
74 23 requirements established in this section for the county mental
74 24 health, mental retardation, and developmental disabilities
74 25 allowed growth factor adjustment for the fiscal year beginning
74 26 July 1, 2008.

74 27 NEW SUBSECTION. 4. The funding appropriated in this
74 28 section is the allowed growth factor adjustment for fiscal
74 29 year 2008=2009, and shall be credited to the allowed growth
74 30 funding pool created in the property tax relief fund and for
74 31 distribution in accordance with section 426B.5, subsection 1:
74 32 \$ 49,673,409

74 33 NEW SUBSECTION. 5. The following formula amounts shall be
74 34 utilized only to calculate preliminary distribution amounts
74 35 for fiscal year 2008=2009 under this section by applying the



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75 1 indicated formula provisions to the formula amounts and
 75 2 producing a preliminary distribution total for each county:
 75 3 a. For calculation of a distribution amount for eligible
 75 4 counties from the allowed growth funding pool created in the
 75 5 property tax relief fund in accordance with the requirements
 75 6 in section 426B.5, subsection 1:
 75 7 \$ 57,337,985
 75 8 b. For calculation of a distribution amount for counties
 75 9 from the mental health and developmental disabilities (MH/DD)
 75 10 community services fund in accordance with the formula
 75 11 provided in the appropriation made for the MH/DD community
 75 12 services fund for the fiscal year beginning July 1, 2008:
 75 13 \$ 17,727,890
 75 14 NEW SUBSECTION. 6. After applying the applicable
 75 15 statutory distribution formulas to the amounts indicated in
 75 16 subsection 5 for purposes of producing preliminary
 75 17 distribution totals, the department of human services shall
 75 18 apply a withholding factor to adjust an eligible individual
 75 19 county's preliminary distribution total. In order to be
 75 20 eligible for a distribution under this section, a county must
 75 21 be levying seventy percent or more of the maximum amount
 75 22 allowed for the county's mental health, mental retardation,
 75 23 and developmental disabilities services fund under section
 75 24 331.424A for taxes due and payable in the fiscal year for
 75 25 which the distribution is payable. An ending balance
 75 26 percentage for each county shall be determined by expressing
 75 27 the county's ending balance on a modified accrual basis under
 75 28 generally accepted accounting principles for the fiscal year
 75 29 beginning July 1, 2007, in the county's mental health, mental
 75 30 retardation, and developmental disabilities services fund
 75 31 created under section 331.424A, as a percentage of the
 75 32 county's gross expenditures from that fund for that fiscal
 75 33 year. If a county borrowed moneys for purposes of providing
 75 34 services from the county's services fund on or before July 1,
 75 35 2007, and the county's services fund ending balance for that



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76 1 fiscal year includes the loan proceeds or an amount designated
76 2 in the county budget to service the loan for the borrowed
76 3 moneys, those amounts shall not be considered to be part of
76 4 the county's ending balance for purposes of calculating an
76 5 ending balance percentage under this subsection. The
76 6 withholding factor for a county shall be the following
76 7 applicable percent:
76 8 a. For an ending balance percentage of less than 5
76 9 percent, a withholding factor of 0 percent. In addition, a
76 10 county that is subject to this lettered paragraph shall
76 11 receive an inflation adjustment equal to 3 percent of the
76 12 gross expenditures reported for the county's services fund for
76 13 the fiscal year.
76 14 b. For an ending balance percentage of 5 percent or more
76 15 but less than 10 percent, a withholding factor of 0 percent.
76 16 In addition, a county that is subject to this lettered
76 17 paragraph shall receive an inflation adjustment equal to 2
76 18 percent of the gross expenditures reported for the county's
76 19 services fund for the fiscal year.
76 20 c. For an ending balance percentage of 10 percent or more
76 21 but less than 25 percent, a withholding factor of 25 percent.
76 22 However, for counties with an ending balance percentage of 10
76 23 percent or more but less than 15 percent, the amount withheld
76 24 shall be limited to the amount by which the county's ending
76 25 balance was in excess of the ending balance percentage of 10
76 26 percent.
76 27 d. For an ending balance percentage of 25 percent or more,
76 28 a withholding percentage of 100 percent.
76 29 NEW SUBSECTION. 7. The total withholding amounts applied
76 30 pursuant to subsection 6 shall be equal to a withholding
76 31 target amount of \$7,664,576. If the department of human
76 32 services determines that the amount to be withheld in
76 33 accordance with subsection 6 is not equal to the target
76 34 withholding amount, the department shall adjust the
76 35 withholding factors listed in subsection 6 as necessary to



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77 1 achieve the target withholding amount. However, in making
77 2 such adjustments to the withholding factors, the department
77 3 shall strive to minimize changes to the withholding factors
77 4 for those ending balance percentage ranges that are lower than
77 5 others and shall not adjust the zero withholding factor or the
77 6 inflation adjustment percentage specified in subsection 6,
77 7 paragraph "a".

77 8 NEW SUBSECTION. 8. It is the intent of the general
77 9 assembly that for distribution of the moneys addressed in this
77 10 section to counties for the fiscal year beginning July 1,
77 11 2009, any factor utilizing services fund ending balances will
77 12 be based upon the fiscal year beginning July 1, 2007.

77 13 NEW SUBSECTION. 9. a. The department of human services
77 14 may implement a pilot project for a regional service network
77 15 established for mental health, mental retardation, and
77 16 developmental disabilities services paid from the services
77 17 funds under section 331.424A. The initial term of the pilot
77 18 project is limited to the two-year period beginning July 1,
77 19 2008, and ending June 30, 2010.

77 20 b. Under the pilot project, the department may enter into
77 21 an agreement with the counties participating in the pilot
77 22 project to administer a risk-based contract for the mental
77 23 health, mental retardation, and developmental disabilities
77 24 services provided by the participating counties. The pilot
77 25 project provisions may include but are not limited to all of
77 26 the following:

77 27 (1) Pooling of the participating counties services fund
77 28 moneys.

77 29 (2) Pooling of waiver slots for the participating
77 30 counties.

77 31 (3) To the extent allowed under federal requirements,
77 32 decategorizing the funding streams for mental health, mental
77 33 retardation, and developmental disabilities available to the
77 34 counties participating in the pilot project.

77 35 (4) If the department implements a new program,



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78 1 initiative, or service addressing the needs of the populations
78 2 receiving services paid for by a county services fund,
78 3 adapting any associated requirements to optimize
78 4 implementation within the pilot project counties.

78 5 c. For purposes of qualifying for the allowed growth and
78 6 MH/DD community services fund moneys distributed under this
78 7 section, the minimum levy and services fund ending balances of
78 8 the counties participating in the pilot project may be
78 9 combined and an average utilized to qualify for the moneys.

78 10 d. For the allowed growth and MH/DD community services
78 11 fund moneys distributed for the fiscal year beginning July 1,
78 12 2009, provided the counties participating in the pilot project
78 13 do not reduce levies below the required percentages, the
78 14 combined percentage of those moneys of such counties shall not
78 15 be less than the combined percentage of such moneys in the
78 16 preceding fiscal year.

78 17 e. A county's participation in the pilot project and the
78 18 provisions of the pilot project must be agreed upon by the
78 19 department and the board of supervisors of each of the
78 20 counties participating in the pilot project.

78 21 f. The department may specify a minimum population level
78 22 and other prerequisites for the consortium of counties
78 23 participating in the pilot project.

78 24 g. The pilot project counties shall provide periodic
78 25 performance and evaluation information to the department,
78 26 governor, and general assembly.

78 27 Sec. 57. COUNTY=STATE SHARED FUNDING FOR MENTAL HEALTH AND
78 28 DISABILITY SERVICES COVERED BY THE MEDICAID PROGRAM.

78 29 1. The legislative council is requested to authorize for
78 30 the 2008 legislative interim a task force to consider
78 31 county=state shared funding for mental health and disability
78 32 services covered by the Medicaid program. The membership of
78 33 the task force should include five legislators from each
78 34 chamber, one member of the mental health, mental retardation,
78 35 developmental disabilities, and brain injury (MH/MR/DD/BI)



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79 1 commission; three members of county boards of supervisors,
79 2 with one each from a large, medium, and small population
79 3 county; three staff members from the county central point of
79 4 coordination (CPC) office, with one each from a large, medium,
79 5 and small population county; two individuals representing
79 6 advocacy organizations, one of which shall be the governor's
79 7 developmental disabilities council; one current consumer of
79 8 county MH/MR/DD services; and one MH/MR/DD/BI service provider
79 9 representative from each of the state's five congressional
79 10 districts.

79 11 2. The task force should be charged to review and estimate
79 12 the shared impact for the state and for Iowa counties if
79 13 financial responsibility for the nonfederal share of the costs
79 14 of mental health and disability services covered under the
79 15 Medicaid program is shifted from counties to the state. The
79 16 task force should be charged to develop an eight-year
79 17 transition plan that reflects the shared responsibility of
79 18 costs and service delivery resulting from the shift in
79 19 responsibilities. It is the intent of the general assembly
79 20 that the task force will be formed by June 15, 2008, and meet
79 21 a minimum of four times in 2008.

79 22 3. In addition to legislative staff, representatives of
79 23 the department of management, the Iowa state association of
79 24 counties, the department of human services, association of
79 25 community providers, and Iowa substance abuse program
79 26 directors association shall comprise a team of resource
79 27 experts to the task force.

79 28 4. The task force's final report for consideration by the
79 29 2009 regular session of the general assembly and governor
79 30 shall include findings and recommendations and a service
79 31 delivery and funding transition plan.

79 32 Sec. 58. COMMUNITY MENTAL HEALTH CENTER LAW UPDATE.

79 33 1. The administrator of the division of mental health and
79 34 disability services of the department of human services shall
79 35 appoint a stakeholder advisory committee to develop a proposal



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80 1 for updating and revising Code chapter 230A, relating to
80 2 community mental health centers, and for revising the
80 3 accreditation standards in rule that would result from the
80 4 statutory revisions.

80 5 2. The membership of the advisory committee shall include
80 6 all of the following:

80 7 a. Five voting members representing the board of directors
80 8 and professional staff of community mental health centers and
80 9 division staff, selected by the administrator.

80 10 b. Five voting members, not more than two of whom shall be
80 11 employed by, providing services to, or otherwise affiliated
80 12 with a community mental health center, selected one each by
80 13 the following:

80 14 (1) The child welfare advisory committee established
80 15 pursuant to section 234.3.

80 16 (2) The coalition for family and children's services in
80 17 Iowa.

80 18 (3) The Iowa association of community providers.

80 19 (4) The Iowa chapter of the national association of social
80 20 workers.

80 21 (5) The Iowa psychological association jointly with the
80 22 Iowa psychiatric society.

80 23 c. Four ex officio, nonvoting members selected one each by
80 24 the following:

80 25 (1) A member of the senate selected by the majority leader
80 26 of the senate.

80 27 (2) A member of the senate selected by the minority leader
80 28 of the senate.

80 29 (3) A member of the house of representatives selected by
80 30 the speaker of the house of representatives.

80 31 (4) A member of the house of representatives selected by
80 32 the minority leader of the house of representatives.

80 33 Those selecting the voting members of the advisory
80 34 committee shall identify more than one option as necessary for
80 35 the membership to comply with the political affiliation and



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81 1 gender balance requirements of sections 69.16 and 69.16A.
81 2 3. The advisory committee recommendations shall include
81 3 but are not limited to addressing Code chapter 230A
81 4 requirements in the following areas: establishment and
81 5 support of community mental health centers, services offered,
81 6 consumer and family involvement, capability to address
81 7 co-occurring disorders, forms of organization, board of
81 8 directors, organization meetings, duties and powers of
81 9 directors, center organization as a nonprofit entity, annual
81 10 budget, financial support of centers through federal and state
81 11 block grants, comprehensive community mental health programs,
81 12 target populations to be served, emergency mental health
81 13 crisis services, quality improvement programs, use of
81 14 evidence-based practices, use of functional assessments and
81 15 outcomes measures, establishment of standards, and review and
81 16 evaluation processes.

81 17 4. The advisory committee shall submit its report with
81 18 findings and recommendations to the governor and general
81 19 assembly on or before December 1, 2008. Until the advisory
81 20 committee report has been considered and acted upon by the
81 21 general assembly, the division administrator may defer
81 22 consideration of requests for accreditation of a new community
81 23 mental health center or for approval of a provider to fill the
81 24 role of a community mental health center.

81 25 DIVISION IV

81 26 HEALTH CARE TRUST FUND APPROPRIATIONS ==

81 27 HEALTH CARE ACTIVITIES

81 28 Sec. 59. DEPARTMENT OF PUBLIC HEALTH. The allocations
81 29 made in this section may include amounts carried forward from
81 30 appropriations and allocations made for the same purposes in
81 31 the previous fiscal year. In addition to any other
81 32 appropriation made in this Act for the purposes designated,
81 33 there is appropriated from the health care trust fund created
81 34 in section 453A.35A to the department of public health for the
81 35 fiscal year beginning July 1, 2008, and ending June 30, 2009,



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82 1 the following amounts, or so much thereof as is necessary, for
 82 2 the purposes designated, and for not more than the following
 82 3 full-time equivalent positions:

82 4	1. ADDICTIVE DISORDERS	
82 5	\$ 2,955,164
82 6	FTEs 5.00

82 7 a. Of the funds appropriated in this subsection, \$450,000
 82 8 shall be used for culturally competent substance abuse
 82 9 treatment pilot projects.

82 10 (1) The department shall utilize the amount allocated in
 82 11 this lettered paragraph for at least three pilot projects to
 82 12 provide culturally competent substance abuse treatment in
 82 13 various areas of the state. Each pilot project shall target a
 82 14 particular ethnic minority population. The populations
 82 15 targeted shall include but are not limited to
 82 16 African-American, Asian, and Latino.

82 17 (2) The pilot project requirements shall provide for
 82 18 documentation or other means to ensure access to the cultural
 82 19 competence approach used by a pilot project so that such
 82 20 approach can be replicated and improved upon in successor
 82 21 programs.

82 22 b. Of the funds appropriated in this subsection,
 82 23 \$2,747,754 shall be used for tobacco use prevention,
 82 24 cessation, and treatment. The department shall utilize the
 82 25 funds to provide for a variety of activities related to
 82 26 tobacco use prevention, cessation, and treatment including to
 82 27 support Quitline Iowa, QuitNet cessation counseling and
 82 28 education, grants to school districts and community
 82 29 organizations to support Just Eliminate Lies youth chapters
 82 30 and youth tobacco prevention activities, the Just Eliminate
 82 31 Lies tobacco prevention media campaign, nicotine replacement
 82 32 therapy, and other prevention and cessation materials and
 82 33 media promotion. Of the funds allocated in this lettered
 82 34 paragraph, \$255,000 may be utilized by the department for
 82 35 administrative purposes.



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83 1 c. Of the funds appropriated in this subsection, \$682,000
 83 2 shall be used for substance abuse treatment activities.

83 3 2. HEALTHY CHILDREN AND FAMILIES

83 4	\$	667,700
83 5	FTEs	1.00

83 6 a. Of the funds appropriated in this subsection, \$200,000
 83 7 shall be used to address the healthy mental development of
 83 8 children from birth through five years of age through local
 83 9 evidence-based strategies that engage both the public and
 83 10 private sectors in promoting healthy development, prevention,
 83 11 and treatment for children.

83 12 b. Of the funds appropriated in this subsection, \$180,000
 83 13 shall be used for childhood obesity prevention.

83 14 c. Of the funds appropriated in this subsection, \$39,000
 83 15 shall be used for the dental screening of children program
 83 16 pursuant to 2007 Iowa Acts, chapter 146, section 1.

83 17 d. Of the funds appropriated in this subsection, \$10,000
 83 18 shall be used for public health education and awareness of the
 83 19 children's vision initiatives, including the InfantSee program
 83 20 and the student vision program, administered through a
 83 21 statewide association of optometric professionals for infants
 83 22 and preschool children.

83 23 e. Of the funds appropriated in this subsection, \$238,500
 83 24 shall be used to provide audiological services and hearing
 83 25 aids for children. The department may enter into a contract
 83 26 to administer this paragraph.

83 27 f. It is the intent of the general assembly that the
 83 28 department of public health shall implement the
 83 29 recommendations of the postnatal tissue and fluid bank task
 83 30 force created in 2007 Iowa Acts, chapter 147, based upon the
 83 31 report submitted to the general assembly in November 2007, as
 83 32 funding becomes available. The department shall notify the
 83 33 Iowa Code editor and the persons specified in this Act to
 83 34 receive reports when such funding becomes available.

83 35 3. CHRONIC CONDITIONS



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84 1 \$ 1,164,181
 84 2 FTEs 1.00
 84 3 a. Of the funds appropriated in this subsection, \$473,981
 84 4 shall be used for child health specialty clinics.
 84 5 b. Of the funds appropriated in this subsection, \$500,000
 84 6 shall be used for the comprehensive cancer control program to
 84 7 reduce the burden of cancer in Iowa through prevention, early
 84 8 detection, effective treatment, and ensuring quality of life.
 84 9 The department shall utilize one of the full-time equivalent
 84 10 positions authorized in this subsection for administration of
 84 11 the activities related to the comprehensive cancer control
 84 12 program.
 84 13 c. Of the funds appropriated in this subsection, \$5,000
 84 14 shall be used for the hemophilia advisory council pursuant to
 84 15 chapter 135N.
 84 16 d. Of the funds appropriated in this subsection, \$200,000
 84 17 shall be used for cervical and colon cancer screening.
 84 18 4. COMMUNITY CAPACITY
 84 19 \$ 2,790,000
 84 20 FTEs 6.00
 84 21 a. Of the funds appropriated in this subsection, \$75,000
 84 22 shall be used to further develop and implement at both the
 84 23 state and local level the Iowa public health standards
 84 24 approved by the department.
 84 25 b. Of the funds appropriated in this subsection, \$200,000
 84 26 shall be used for the mental health professional shortage area
 84 27 program implemented pursuant to section 135.80.
 84 28 c. Of the funds appropriated in this subsection, \$50,000
 84 29 shall be used for a grant to a statewide association of
 84 30 psychologists that is affiliated with the American
 84 31 psychological association to be used for continuation of a
 84 32 program to rotate intern psychologists in placements in urban
 84 33 and rural mental health professional shortage areas, as
 84 34 defined in section 135.80.
 84 35 d. Of the funds appropriated in this subsection, the



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85 1 following amounts shall be allocated to the Iowa collaborative
85 2 safety net provider network established pursuant to section
85 3 135.153 to be used for the purposes designated:
85 4 (1) For distribution to the Iowa=Nebraska primary care
85 5 association for statewide coordination of the Iowa
85 6 collaborative safety net provider network:
85 7 \$ 100,000
85 8 (2) For distribution to the Iowa family planning network
85 9 agencies for necessary infrastructure, statewide coordination,
85 10 provider recruitment, service delivery, and provision of
85 11 assistance to patients in determining an appropriate medical
85 12 home:
85 13 \$ 100,000
85 14 (3) For distribution to the local boards of health that
85 15 provide direct services for pilot programs in three counties
85 16 to assist patients in determining an appropriate medical home:
85 17 \$ 100,000
85 18 (4) For distribution to maternal and child health centers
85 19 for pilot programs in three counties to assist patients in
85 20 determining an appropriate medical home:
85 21 \$ 100,000
85 22 (5) For distribution to free clinics for necessary
85 23 infrastructure, statewide coordination, provider recruitment,
85 24 service delivery, and provision of assistance to patients in
85 25 determining an appropriate medical home:
85 26 \$ 250,000
85 27 (6) For distribution to rural health clinics for necessary
85 28 infrastructure, statewide coordination, provider recruitment,
85 29 service delivery, and provision of assistance to patients in
85 30 determining an appropriate medical home:
85 31 \$ 150,000
85 32 (7) For continuation of the safety net provider patient
85 33 access to specialty health care initiative as described in
85 34 2007 Iowa Acts, ch. 218, section 109:
85 35 \$ 400,000



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86 1 (8) For continuation of the pharmaceutical infrastructure
86 2 for safety net providers as described in 2007 Iowa Acts, ch.
86 3 218, section 108:
86 4 \$ 400,000
86 5 The Iowa collaborative safety net provider network may
86 6 continue to distribute funds allocated pursuant to this
86 7 paragraph "d" through existing contracts or renewal of
86 8 existing contracts.
86 9 e. Of the funds appropriated in this subsection, \$650,000
86 10 shall be used for the incubation grant program to community
86 11 health centers that receive a total score of 85 based on the
86 12 evaluation criteria of the health resources and services
86 13 administration of the United States department of health and
86 14 human services.
86 15 f. Of the funds appropriated in this subsection, \$75,000
86 16 shall be used for implementation of the recommendations of the
86 17 direct care worker task force established pursuant to 2005
86 18 Iowa Acts, chapter 88, based upon the report submitted to the
86 19 governor and the general assembly in December 2006.
86 20 g. Of the funds appropriated in this subsection, \$140,000
86 21 shall be used for allocation to an independent statewide
86 22 direct care worker association for education, outreach,
86 23 leadership development, mentoring, and other initiatives
86 24 intended to enhance the recruitment and retention of direct
86 25 care workers in health and long-term care.
86 26 h. The department shall utilize one of the full-time
86 27 equivalent positions authorized in this subsection for
86 28 administration of the activities related to the Iowa
86 29 collaborative safety net provider network.
86 30 i. The department shall utilize one of the full-time
86 31 equivalent positions authorized in this subsection for
86 32 administration of the voluntary health care provider program
86 33 pursuant to section 135.24.
86 34 Sec. 60. DEPARTMENT OF HUMAN SERVICES. In addition to any
86 35 other appropriation made in this Act for the purposes



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87 1 designated, there is appropriated from the health care trust
 87 2 fund created in section 453A.35A to the department of human
 87 3 services for the fiscal year beginning July 1, 2008, and
 87 4 ending June 30, 2009, the following amounts, or so much
 87 5 thereof as is necessary, for the purposes designated:

87 6 1. MEDICAL ASSISTANCE
 87 7 \$113,690,856
 87 8 Of the funds appropriated in this subsection, \$250,000
 87 9 shall be used for the grant to the Iowa healthcare
 87 10 collaborative as described in section 135.40.

87 11 2. MH/MR/DD ALLOWED GROWTH FACTOR
 87 12 \$ 7,592,099

87 13 The funds appropriated in this subsection shall be credited
 87 14 to the property tax relief fund created in section 426B.1.

87 15 Sec. 61. BEHAVIORAL HEALTH == DEVELOPING WORKFORCE
 87 16 COMPETENCIES.

87 17 1. The department of public health shall continue during
 87 18 the fiscal year beginning July 1, 2008, the collaborative work
 87 19 with the departments of corrections, education, elder affairs,
 87 20 and human services, and other state agencies, commenced
 87 21 pursuant to 2007 Iowa Acts, ch. 218, section 111, to enhance
 87 22 the workforce competencies of professional and direct care
 87 23 staff who provide behavioral health services, including but
 87 24 not limited to all of the following:

87 25 a. Treatment of persons with co-occurring mental health
 87 26 and substance use disorders.

87 27 b. Treatment of children with mental health or substance
 87 28 use disorders.

87 29 c. Treatment of persons with serious mental illness.

87 30 d. Treatment of veterans of United States or Iowa military
 87 31 service with mental health or substance use disorders.

87 32 e. Treatment of older adults with mental health or
 87 33 substance use disorders.

87 34 2. The department's collaborative effort shall utilize the
 87 35 findings of the substance abuse and mental health services



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88 1 administration of the United States department of health and
88 2 human services and materials developed by the Annapolis
88 3 coalition on the behavioral health workforce in planning and
88 4 implementing efforts to enhance the competency-based training
88 5 of the state's behavioral health workforce.

DIVISION V

APPROPRIATION=RELATED CHANGES == EFFECTIVE DATE

88 8 Sec. 62. Section 35D.18, subsection 5, Code 2007, is
88 9 amended to read as follows:

88 10 5. Notwithstanding section 8.33, ~~up to five hundred~~
~~88 11 thousand dollars of any balance in the Iowa veterans home~~
88 12 revenue annual appropriation or revenues that remain remains
88 13 unencumbered or unobligated at the close of the fiscal year
88 14 shall not revert but shall remain available for expenditure
88 15 for specified purposes of the Iowa veterans home until the
88 16 close of the succeeding fiscal year.

JUVENILE DETENTION HOME FUND

88 18 Sec. 63. HEALTHY IOWANS TOBACCO TRUST. There is
88 19 appropriated from the healthy Iowans tobacco trust created in
88 20 section 12.65, to the department of human services for the
88 21 fiscal year beginning July 1, 2007, and ending June 30, 2008,
88 22 for deposit in the juvenile detention home fund created in
88 23 section 232.142:

88 24 \$ 1,000,000

CHILD WELFARE DECATEGORIZATION

FY 2006=2007 NONREVERSION

88 27 Sec. 64. 2006 Iowa Acts, chapter 1184, section 17,
88 28 subsection 4, is amended by adding the following new
88 29 unnumbered paragraph:

88 30 NEW UNNUMBERED PARAGRAPH. Notwithstanding section 232.188,
88 31 subsection 5, moneys from the allocations made in this
88 32 subsection or made from any other source for the
88 33 decategorization of child welfare and juvenile justice funding
88 34 initiative under section 232.188, that are designated as
88 35 carryover funding and that remain unencumbered or unobligated



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89 1 at the close of the fiscal year beginning July 1, 2007, shall
89 2 not revert but shall remain available for expenditure until
89 3 the close of the succeeding fiscal year to be used for the
89 4 purposes of continuing the initiative in the succeeding fiscal
89 5 year.

89 6 VIETNAM CONFLICT VETERANS BONUS FUND

89 7 Sec. 65. 2007 Iowa Acts, chapter 176, section 3, is
89 8 amended by adding the following new unnumbered paragraph:
89 9 NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33,
89 10 moneys appropriated in this section that remain unencumbered
89 11 or unobligated at the close of the fiscal year shall not
89 12 revert but shall remain available for expenditure for the
89 13 purposes designated until the close of the succeeding fiscal
89 14 year.

89 15 INJURED VETERANS GRANT PROGRAM

89 16 Sec. 66. 2006 Iowa Acts, chapter 1184, section 5, as
89 17 enacted by 2007 Iowa Acts, chapter 203, section 1, subsection
89 18 4, unnumbered paragraph 2, is amended to read as follows:
89 19 Notwithstanding section 8.33, moneys appropriated in this
89 20 subsection that remain unencumbered or unobligated at the
89 21 close of the fiscal year shall not revert but shall remain
89 22 available for expenditure for the purposes designated until
89 23 the close of the ~~succeeding~~ fiscal year beginning July 1,
89 24 2008.

89 25 DEPARTMENT OF ELDER AFFAIRS == LIVABLE

89 26 COMMUNITY INITIATIVE

89 27 Sec. 67. 2007 Iowa Acts, chapter 215, section 32, is
89 28 amended by adding the following new subsection:
89 29 NEW SUBSECTION. 4. Notwithstanding section 8.33, moneys
89 30 appropriated in this section that remain unencumbered or
89 31 unobligated at the close of the fiscal year shall not revert
89 32 but shall remain available for expenditure for the purposes
89 33 designated until the close of the succeeding fiscal year.

89 34 CHRONIC CONDITIONS == PKU

89 35 Sec. 68. 2007 Iowa Acts, chapter 218, section 2,



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90 1 subsection 3, unnumbered paragraph 2, is amended to read as
90 2 follows:

90 3 Of the funds appropriated in this subsection, \$100,000
90 4 shall be used as additional funding to provide grants to
90 5 individual patients who have phenylketonuria (PKU) to assist
90 6 with the costs of necessary special foods. Notwithstanding
90 7 section 8.33, moneys appropriated in this subsection and
90 8 allocated in this paragraph that remain unencumbered or
90 9 unobligated at the close of the fiscal year shall not revert
90 10 but shall remain available for expenditure for the purposes
90 11 designated until the close of the succeeding fiscal year.

90 12 PUBLIC PROTECTION == ANTIVIRAL STOCKPILE

90 13 Sec. 69. 2007 Iowa Acts, chapter 218, section 2,
90 14 subsection 8, paragraph d, is amended to read as follows:

90 15 d. Of the funds appropriated in this subsection, \$150,000
90 16 shall be used for management of the antiviral stockpile.
90 17 Notwithstanding section 8.33, moneys appropriated in this
90 18 subsection and allocated in this paragraph that remain
90 19 unencumbered or unobligated at the close of the fiscal year
90 20 shall not revert but shall remain available for expenditure
90 21 for the purposes designated until the close of the succeeding
90 22 fiscal year.

90 23 DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION

90 24 Sec. 70. 2007 Iowa Acts, chapter 218, section 4,
90 25 subsection 1, is amended by adding the following new
90 26 unnumbered paragraph:

90 27 NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33, up
90 28 to \$100,000 of the moneys appropriated in this subsection that
90 29 remain unencumbered or unobligated at the close of the fiscal
90 30 year shall not revert but shall remain available for
90 31 expenditure for the purposes designated in this paragraph
90 32 until the close of the succeeding fiscal year. The purposes
90 33 shall include the sign for the veterans cemetery and other
90 34 necessary expenses.

90 35 COUNTY GRANT PROGRAM



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91 1 Sec. 71. 2007 Iowa Acts, chapter 218, section 4,
91 2 subsection 4, unnumbered paragraph 3, is amended to read as
91 3 follows:
91 4 Notwithstanding section 8.33, moneys appropriated in this
91 5 subsection that remain unencumbered or unobligated at the
91 6 close of the fiscal year shall not revert ~~to the fund from~~
~~91 7 which appropriated but shall be credited to the veterans trust~~
~~91 8 fund but shall remain available for expenditure for the~~
91 9 purposes designated until the close of the succeeding fiscal
91 10 year.

TEMPORARY ASSISTANCE FOR NEEDY FAMILIES
BLOCK GRANT == CHILD CARE

91 11 Sec. 72. 2007 Iowa Acts, chapter 218, section 7,
91 12 subsections 1 and 7, are amended to read as follows:
91 13 1. To be credited to the family investment program account
91 14 and used for assistance under the family investment program
91 15 under chapter 239B:

91 18	\$ 36,890,944
91 19	<u>28,390,944</u>
91 20 7. For state child care assistance:	
91 21	\$ 18,986,177
91 22	<u>27,486,177</u>

91 23 a. Of the funds appropriated in this subsection, up to
91 24 \$18,986,177 shall be transferred to the child care and
91 25 development block grant appropriation made for the federal
91 26 fiscal year beginning October 1, 2007, and ending September
91 27 30, 2008, in 2007 Iowa Acts, ch. 204, section 14. Of this
91 28 amount, \$200,000 shall be used for provision of educational
91 29 opportunities to registered child care home providers in order
91 30 to improve services and programs offered by this category of
91 31 providers and to increase the number of providers. The
91 32 department may contract with institutions of higher education
91 33 or child care resource and referral centers to provide the
91 34 educational opportunities. Allowable administrative costs
91 35 under the contracts shall not exceed 5 percent. The



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92 1 application for a grant shall not exceed two pages in length.
 92 2 b. ~~The Any funds appropriated in this subsection shall be~~
~~92 3 transferred to the child care and development block grant~~
~~92 4 appropriation that remain unallocated shall be used for state~~
 92 5 child care assistance payments for individuals enrolled in the
 92 6 family investment program who are employed.

92 7 FAMILY INVESTMENT PROGRAM == TRANSITIONAL BENEFITS

92 8 Sec. 73. 2007 Iowa Acts, chapter 218, section 8,
 92 9 subsection 4, paragraph d, is amended to read as follows:

92 10 ~~d. For developing and implementing a new program to~~
~~92 11 provide transitional benefits to families with members who are~~
~~92 12 employed at the time the family leaves the family investment~~
~~92 13 program in accordance with section 239B.11A, as enacted by~~
~~92 14 this Act:~~

92 15 \$ 2,000,000

92 16 ~~The department may adopt emergency rules to implement the~~
~~92 17 new program.~~

92 18 CHILDREN'S HEALTH INSURANCE PROGRAM

92 19 Sec. 74. 2007 Iowa Acts, chapter 218, section 15, is
 92 20 amended by adding the following new subsection:

92 21 NEW SUBSECTION. 4. Notwithstanding sections 8.33 and
 92 22 514I.11, up to \$441,000 of the moneys appropriated in this
 92 23 section that remain unencumbered or unobligated at the close
 92 24 of the fiscal year shall not revert to any other fund but
 92 25 shall instead be transferred to the appropriation made in
 92 26 section 16 of this Act for child care assistance to be used
 92 27 for the state child care assistance program until the close of
 92 28 the succeeding fiscal year.

92 29 CHILD AND FAMILY SERVICES

92 30 TRANSFER FOR CHILD CARE

92 31 Sec. 75. 2007 Iowa Acts, chapter 218, section 18,
 92 32 subsection 3, is amended to read as follows:

92 33 3. The department may transfer funds appropriated in this
 92 34 section as necessary to pay the nonfederal costs of services
 92 35 reimbursed under the medical assistance program, the state



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93 1 child care assistance program, or the family investment
93 2 program which are provided to children who would otherwise
93 3 receive services paid under the appropriation in this section.
93 4 The department may transfer funds appropriated in this section
93 5 to the appropriations in this division of this Act for general
93 6 administration and for field operations for resources
93 7 necessary to implement and operate the services funded in this
93 8 section.

93 9 CHILD AND FAMILY SERVICES FY 2007=2008

93 10 Sec. 76. 2007 Iowa Acts, chapter 218, section 18, is
93 11 amended by adding the following new subsection:

93 12 NEW SUBSECTION. 5A. Notwithstanding sections 8.33 and
93 13 232.188, up to \$6,600,000 of the funds appropriated in this
93 14 section that could otherwise be designated as carryover
93 15 funding under section 232.188 and that would remain
93 16 unencumbered or unobligated at the close of the fiscal year
93 17 shall instead be transferred to the appropriation made in
93 18 section 16 of this Act for child care assistance to be used
93 19 for the state child care assistance program until the close of
93 20 the succeeding fiscal year.

93 21 CHILD AND FAMILY SERVICES

93 22 NONREVERSION FOR CHILD CARE

93 23 Sec. 77. 2007 Iowa Acts, chapter 218, section 18, is
93 24 amended by adding the following new subsection:

93 25 NEW SUBSECTION. 22. Notwithstanding section 8.33, up to
93 26 \$3,700,000 of the moneys appropriated in this section that
93 27 remain unencumbered or unobligated at the close of the fiscal
93 28 year shall not revert but shall instead be transferred to the
93 29 appropriation made in section 16 of this Act for child care
93 30 assistance to be used for the state child care assistance
93 31 program until the close of the succeeding fiscal year.

93 32 JUVENILE DETENTION FUNDING

93 33 Sec. 78. 2007 Iowa Acts, chapter 218, section 20, is
93 34 amended to read as follows:

93 35 SEC. 20. JUVENILE DETENTION HOME FUND. Moneys deposited



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94 1 in the juvenile detention home fund created in section 232.142
 94 2 during the fiscal year beginning July 1, 2007, and ending June
 94 3 30, 2008, are appropriated to the department of human services
 94 4 for the fiscal year beginning July 1, 2007, and ending June
 94 5 30, 2008, for distribution as follows:

94 6 1. ~~An~~ The following amount which is equal to more than 10
 94 7 percent of the costs of the establishment, improvement,
 94 8 operation, and maintenance of county or multicounty juvenile
 94 9 detention homes in the fiscal year beginning July 1, 2006.
 94 10 Moneys appropriated for distribution in accordance with this
 94 11 subsection shall be allocated among eligible detention homes,
 94 12 prorated on the basis of an eligible detention home's
 94 13 proportion of the costs of all eligible detention homes in the
 94 14 fiscal year beginning July 1, 2006. ~~Notwithstanding section~~
 94 15 ~~232.142, subsection 3, the financial aid payable by the state~~
 94 16 ~~under that provision for the fiscal year beginning July 1,~~
 94 17 ~~2007, shall be limited to the amount appropriated for the~~
 94 18 ~~purposes of this subsection.:~~

94 19	\$ 3,764,041
94 20 2. For renewal of a grant to a county with a population	
94 21 between 189,000 and 196,000 in the latest preceding certified	
94 22 federal census for implementation of the county's runaway	
94 23 treatment plan under section 232.195:	
94 24	\$ 80,000
94 25 3. For continuation and expansion of the community	
94 26 partnership for child protection sites:	
94 27	\$ 418,000
94 28 4. For continuation of the department's minority youth and	
94 29 family projects under the redesign of the child welfare	
94 30 system:	
94 31	\$ 375,000
94 32 5. For funding of the state match for the federal	
94 33 substance abuse and mental health services administration	
94 34 (SAMHSA) system of care grant:	
94 35	\$ 400,000



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95 1 300,000
 95 2 ~~6. For transfer to the appropriation made in this Act for~~
~~95 3 child and family services to supplement the statewide~~
~~95 4 expenditure target amount under section 232.143 designated in~~
~~95 5 the appropriation made in this Act for child and family~~
~~95 6 services:~~
 95 7 \$ ~~1,324,000~~
 95 8 ~~7. For training of nonlicensed relatives caring for~~
~~95 9 children in the child welfare system:~~
 95 10 \$ ~~276,000~~
 95 11 ~~8. 6. The remainder for additional allocations to county~~
~~95 12 or multicounty juvenile detention homes, in accordance with~~
~~95 13 the distribution requirements of subsection 1 shall be~~
 95 14 credited to the appropriation made in section 18 of this Act
 95 15 for child and family services to supplement the statewide
 95 16 expenditure target amount under section 232.143 designated in
 95 17 that appropriation.
 95 18 SEXUALLY VIOLENT PREDATORS
 95 19 Sec. 79. 2007 Iowa Acts, chapter 218, section 27, is
 95 20 amended by adding the following new subsection:
 95 21 NEW SUBSECTION. 3. Notwithstanding section 8.33, moneys
 95 22 appropriated in this section that remain unencumbered or
 95 23 unobligated at the close of the fiscal year shall not revert
 95 24 but shall remain available for expenditure for the purposes
 95 25 designated until the close of the succeeding fiscal year.
 95 26 DEPARTMENT OF HUMAN SERVICES FIELD OPERATIONS
 95 27 Sec. 80. 2007 Iowa Acts, chapter 218, section 28, is
 95 28 amended by adding the following new subsection:
 95 29 NEW SUBSECTION. 4. Notwithstanding section 8.33, up to
 95 30 \$1,500,000 of the moneys appropriated in this section that
 95 31 remain unencumbered or unobligated at the close of the fiscal
 95 32 year shall not revert but shall remain available for
 95 33 expenditure for the purposes designated until the close of the
 95 34 succeeding fiscal year.
 95 35 DEPARTMENT OF HUMAN SERVICES GENERAL ADMINISTRATION



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96 1 Sec. 81. 2007 Iowa Acts, chapter 218, section 29, is
96 2 amended by adding the following new subsections:
96 3 NEW SUBSECTION. 4. Of the funds appropriated in this
96 4 section, \$1,000,000 is transferred to the juvenile detention
96 5 home fund created in section 232.142.
96 6 NEW SUBSECTION. 5. Notwithstanding section 8.33, up to
96 7 \$110,000 of the moneys appropriated in this section that
96 8 remain unencumbered or unobligated at the close of the fiscal
96 9 year shall not revert but shall remain available for
96 10 expenditure for the purposes designated until the close of the
96 11 succeeding fiscal year.

96 12 ADJUSTMENT OF PHARMACY DISPENSING FEE

96 13 Sec. 82. 2007 Iowa Acts, chapter 218, section 31,
96 14 subsection 1, paragraph b, is amended to read as follows:
96 15 b. (1) For the fiscal year beginning July 1, 2007, the
96 16 department shall reimburse pharmacy dispensing fees using a
96 17 single rate of \$4.52 per prescription, or the pharmacy's usual
96 18 and customary fee, whichever is lower.
96 19 ~~(2) Beginning July 1, 2007, the department of human~~
~~96 20 services shall adopt rules, pursuant to chapter 17A, to~~
~~96 21 provide for the adjustment of the pharmacy dispensing fee to~~
~~96 22 compensate for any reduction in the drug product cost~~
~~96 23 reimbursement resulting from implementation of the average~~
~~96 24 manufacturer price reimbursement standards for multisource~~
~~96 25 generic drug products imposed pursuant to the federal Deficit~~
~~96 26 Reduction Act of 2005, Pub. L. No. 109-171. In implementing~~
~~96 27 the reimbursement, the department may adjust the reimbursement~~
~~96 28 amount as necessary to provide reimbursement within the state~~
~~96 29 funding appropriated for the fiscal year beginning July 1,~~
~~96 30 2007, and ending June 30, 2008, for this purpose. The~~
~~96 31 department shall submit a medical assistance state plan~~
~~96 32 amendment to the centers for Medicare and Medicaid services of~~
~~96 33 the United States department of health and human services as~~
~~96 34 necessary to implement this subparagraph (2).~~

96 35 PHARMACEUTICAL SETTLEMENT ACCOUNT



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97 1 Sec. 83. 2007 Iowa Acts, chapter 218, section 72, is
 97 2 amended to read as follows:
 97 3 SEC. 72. PHARMACEUTICAL SETTLEMENT ACCOUNT. There is
 97 4 appropriated from the pharmaceutical settlement account
 97 5 created in section 249A.33 to the department of human services
 97 6 for the fiscal year beginning July 1, 2007, and ending June
 97 7 30, 2008, the following amount, or so much thereof as is
 97 8 necessary, to be used for the purpose designated:

97 9 To supplement the appropriations made for medical contracts
 97 10 under the medical assistance program:
 97 11 \$ ~~1,323,833~~
 97 12 1,349,833

97 13 Of the funds appropriated in this section, notwithstanding
 97 14 section 249A.33, \$26,000 is transferred to the appropriation
 97 15 made in this Act from the general fund of the state to the
 97 16 department of public health for chronic conditions to be used
 97 17 for the center for congenital and inherited disorders
 97 18 established pursuant to section 136A.3.

97 19 IOWACARE COSTS

97 20 Sec. 84. 2007 Iowa Acts, chapter 218, section 74, is
 97 21 amended by adding the following new subsection:
 97 22 NEW SUBSECTION. 8. For payment to the publicly owned
 97 23 acute care teaching hospital located in a county with a
 97 24 population of over 350,000 included in the expansion
 97 25 population provider network pursuant to chapter 249J:

97 26 \$ 230,000

97 27 Disbursements under this subsection shall be made monthly.
 97 28 The hospital shall submit a report following the close of the
 97 29 fiscal year regarding use of the funds appropriated in this
 97 30 subsection to the persons specified in this Act to receive
 97 31 reports.

97 32 TRANSFER OF BRAIN INJURY FUNDING TO MEDICAL ASSISTANCE

97 33 Sec. 85. 2006 Iowa Acts, chapter 1185, section 1,
 97 34 subsection 2, as amended by 2007 Iowa Acts, chapter 218,
 97 35 section 83, subsection 2, paragraph c, is amended by adding



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98 1 the following new unnumbered paragraph:
98 2 NEW UNNUMBERED PARAGRAPH. Notwithstanding any provision of
98 3 law to the contrary, moneys that were transferred to the
98 4 department of public health pursuant to this paragraph "c"
98 5 that remain unencumbered or unobligated at the close of the
98 6 fiscal year shall not revert but shall instead be transferred
98 7 to the department of human services to the appropriation made
98 8 for the medical assistance program in 2007 Iowa Acts, chapter
98 9 218, section 11. Notwithstanding section 8.33, the
98 10 transferred moneys shall not revert at the close of the fiscal
98 11 year but shall instead remain available to be used for the
98 12 medical assistance program in the succeeding fiscal year.
98 13 HEALTH CARE TRUST FUND
98 14 DEPARTMENT OF PUBLIC HEALTH == ADDICTIVE DISORDERS
98 15 Sec. 86. 2007 Iowa Acts, chapter 218, section 97,
98 16 subsection 1, is amended by adding the following new
98 17 paragraph:
98 18 NEW PARAGRAPH. d. Notwithstanding section 8.33, moneys
98 19 appropriated and allocated in this subsection that remain
98 20 unencumbered or unobligated at the close of the fiscal year
98 21 shall not revert but shall remain available for expenditure
98 22 for the purposes designated until the close of the succeeding
98 23 fiscal year.
98 24 HEALTH CARE TRUST FUND == DEPARTMENT OF
98 25 PUBLIC HEALTH == HEALTHY CHILDREN AND FAMILIES
98 26 Sec. 87. 2007 Iowa Acts, chapter 218, section 97,
98 27 subsection 2, is amended by adding the following new
98 28 paragraph:
98 29 NEW PARAGRAPH. g. Notwithstanding section 8.33, moneys
98 30 appropriated and allocated in this subsection that remain
98 31 unencumbered or unobligated at the close of the fiscal year
98 32 shall not revert but shall remain available for expenditure
98 33 for the purposes designated until the close of the succeeding
98 34 fiscal year.
98 35 HEALTH CARE TRUST FUND == DEPARTMENT OF



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99 1 PUBLIC HEALTH == CHRONIC CONDITIONS
99 2 Sec. 88. 2007 Iowa Acts, chapter 218, section 97,
99 3 subsection 3, is amended by adding the following new
99 4 paragraph:
99 5 NEW PARAGRAPH. dd. Notwithstanding section 8.33, moneys
99 6 appropriated and allocated in this subsection that remain
99 7 unencumbered or unobligated at the close of the fiscal year
99 8 shall not revert but shall remain available for expenditure
99 9 for the purposes designated until the close of the succeeding
99 10 fiscal year.
99 11 HEALTH CARE TRUST FUND == DEPARTMENT OF
99 12 HUMAN SERVICES == STATE CHILDREN'S
99 13 HEALTH INSURANCE PROGRAM
99 14 Sec. 89. 2007 Iowa Acts, chapter 218, section 98,
99 15 subsection 2, is amended by adding the following new
99 16 paragraph:
99 17 NEW PARAGRAPH. d. Notwithstanding section 8.33, moneys
99 18 appropriated in this subsection that are allocated for
99 19 outreach and remain unencumbered or unobligated at the close
99 20 of the fiscal year, shall not revert but shall remain
99 21 available for expenditure for the purposes designated until
99 22 the close of the succeeding fiscal year.
99 23 Sec. 90. Section 239B.11A, Code Supplement 2007, is
99 24 repealed.
99 25 Sec. 91. EFFECTIVE DATE. This division of this Act, being
99 26 deemed of immediate importance, takes effect upon enactment.
99 27 DIVISION VI
99 28 PRIOR YEAR APPROPRIATION CHANGES WITH
99 29 CONTINGENT APPLICABILITY DATE
99 30 Sec. 92. 2007 Iowa Acts, chapter 214, section 9,
99 31 subsection 2, paragraph b, is amended to read as follows:
99 32 b. Psychiatric hospital
99 33 For salaries, support, maintenance, equipment,
99 34 miscellaneous purposes, for the care, treatment, and
99 35 maintenance of committed and voluntary public patients, and



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100 1 for not more than the following full-time equivalent
 100 2 positions:
 100 3 \$ ~~7,043,056~~
 100 4 0
 100 5 FTEs 269.65
 100 6 Sec. 93. 2007 Iowa Acts, chapter 215, section 15,
 100 7 unnumbered paragraph 1, is amended to read as follows:
 100 8 There is appropriated from the general fund of the state to
 100 9 the salary adjustment fund for distribution by the department
 100 10 of management to the various state departments, boards,
 100 11 commissions, councils, and agencies, including the state board
 100 12 of regents except as otherwise provided, and the judicial
 100 13 branch, for the fiscal year beginning July 1, 2007, and ending
 100 14 June 30, 2008, the amount of ~~\$106,848,094~~ \$106,569,196, or so
 100 15 much thereof as may be necessary, to fully fund annual pay
 100 16 adjustments, expense reimbursements, and related benefits
 100 17 implemented pursuant to the following:
 100 18 Sec. 94. 2007 Iowa Acts, chapter 215, section 15, is
 100 19 amended by adding the following new subsection:
 100 20 NEW SUBSECTION. 16. The amount distributed to the state
 100 21 psychiatric hospital administered by the state board of
 100 22 regents from the appropriation in this section shall be
 100 23 reduced to zero.
 100 24 Sec. 95. 2007 Iowa Acts, chapter 218, section 11,
 100 25 unnumbered paragraph 2, is amended to read as follows:
 100 26 For medical assistance reimbursement and associated costs
 100 27 as specifically provided in the reimbursement methodologies in
 100 28 effect on June 30, 2007, except as otherwise expressly
 100 29 authorized by law, including reimbursement for abortion
 100 30 services, which shall be available under the medical
 100 31 assistance program only for those abortions which are
 100 32 medically necessary:
 100 33 ~~\$616,771,820~~
 100 34 631,593,774
 100 35 Sec. 96. 2007 Iowa Acts, chapter 218, section 11, is



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101 1 amended by adding the following new subsections:
101 2 NEW SUBSECTION. 17. a. Of the funds appropriated in this
101 3 section, \$2,797,719 is allocated for state match for
101 4 disproportionate share hospital payment of \$7,321,954 to
101 5 hospitals that meet both of the following conditions:
101 6 (1) The hospital qualifies for disproportionate share and
101 7 graduate medical education payments.
101 8 (2) The hospital is an Iowa state-owned hospital with more
101 9 than 500 beds and eight or more distinct residency specialty
101 10 or subspecialty programs recognized by the American college of
101 11 graduate medical education.
101 12 b. Distribution of the disproportionate share payment
101 13 shall be made on a monthly basis. The total amount of
101 14 disproportionate share payments including graduate medical
101 15 education, enhanced disproportionate share, and Iowa
101 16 state-owned teaching hospital payments shall not exceed the
101 17 amount of the state's allotment under Pub. L. No. 102=234. In
101 18 addition, the total amount of all disproportionate share
101 19 payments shall not exceed the hospital-specific
101 20 disproportionate share limits under Pub. L. No. 103=66.
101 21 NEW SUBSECTION. 18. Of the funds appropriated in this
101 22 section, \$4,524,235 is transferred to the IowaCare account
101 23 created in section 249J.24 for the fiscal year beginning July
101 24 1, 2007, and ending June 30, 2008.
101 25 NEW SUBSECTION. 19. The department shall immediately
101 26 notify the governor and the general assembly of any changes in
101 27 federal policies or application of policies that impact the
101 28 distribution of hospital disproportionate share payments.
101 29 Sec. 97. 2007 Iowa Acts, chapter 218, section 73,
101 30 subsection 2, is amended to read as follows:
101 31 2. There is appropriated from the IowaCare account created
101 32 in section 249J.24 to the state board of regents for
101 33 distribution to the university of Iowa hospitals and clinics
101 34 for the fiscal year beginning July 1, 2007, and ending June
101 35 30, 2008, the following amount, or so much thereof as is



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102 1 necessary, to be used for the purposes designated:
 102 2 For salaries, support, maintenance, equipment, and
 102 3 miscellaneous purposes, for the provision of medical and
 102 4 surgical treatment of indigent patients, for provision of
 102 5 services to members of the expansion population pursuant to
 102 6 chapter 249J, and for medical education:
 102 7 \$ 10,000,000
 102 8 25,684,211
 102 9 The amount appropriated in this subsection shall be
 102 10 distributed only if expansion population claims adjudicated
 102 11 and paid by the Iowa Medicaid enterprise exceed the
 102 12 appropriation to the state board of regents for distribution
 102 13 to the university of Iowa hospitals and clinics provided in
 102 14 subsection 1. The amount appropriated in this subsection
 102 15 shall be distributed monthly for expansion population claims
 102 16 adjudicated and approved for payment by the Iowa Medicaid
 102 17 enterprise using medical assistance program reimbursement
 102 18 rates.
 102 19 Notwithstanding section 8.33, moneys appropriated in this
 102 20 subsection that remain unencumbered or unobligated at the
 102 21 close of the fiscal year shall not revert but shall remain
 102 22 available for expenditure for the purposes designated until
 102 23 the close of the succeeding fiscal year.
 102 24 Sec. 98. EFFECTIVE DATE == CONTINGENT EFFECTIVE DATE ==
 102 25 RETROACTIVE APPLICABILITY. This division of this Act, being
 102 26 deemed of immediate importance, takes effect upon enactment
 102 27 and is retroactively applicable to December 21, 2007.
 102 28 However, the division is applicable only if the department of
 102 29 human services receives approval of a medical assistance state
 102 30 plan amendment from the centers for Medicare and Medicaid
 102 31 services of the United States department of health and human
 102 32 services to utilize the disproportionate share hospital
 102 33 payments as specified in this division. The department shall
 102 34 notify the governor, the persons designated by this Act to
 102 35 receive reports, and the Code editor concerning the center's



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103 1 approval or denial of the state plan amendment.
103 2 DIVISION VII
103 3 CODE CHANGES
103 4 Sec. 99. Section 28.9, subsection 5, Code 2007, is amended
103 5 to read as follows:
103 6 5. A ~~community empowerment gifts and grants~~ first years
103 7 first account is created in the Iowa empowerment fund under
103 8 the authority of the department of management. The account
103 9 shall consist of gift or grant moneys obtained from any
103 10 source, including but not limited to the federal government.
103 11 Moneys credited to the account are appropriated to the
103 12 department of management to be used for the community
103 13 empowerment-related purposes for which the moneys were
103 14 received.
103 15 Sec. 100. Section 135.22B, subsections 3 and 4, Code
103 16 Supplement 2007, are amended to read as follows:
103 17 3. PURPOSE. The purpose of the brain injury services
103 18 program is to provide services, service funding, or other
103 19 support for persons with a brain injury under ~~one of the~~
103 20 cost=share program component or other components established
103 21 pursuant to this section. Implementation of the cost=share
103 22 component or any other component of the program is subject to
103 23 the funding made available for the program.
103 24 4. ~~GENERAL REQUIREMENTS == WAIVER=ELICIBLE COMPONENT.~~
103 25 a. ~~The component of the brain injury services program for~~
103 26 ~~persons eligible for the brain injury services waiver is~~
103 27 ~~subject to the requirements provided in this subsection.~~
103 28 b. ~~If a person is eligible for the brain injury services~~
103 29 ~~waiver and is on the waiting list for the waiver but the~~
103 30 ~~appropriation for the medical assistance program does not have~~
103 31 ~~sufficient funding designated to pay the nonfederal share of~~
103 32 ~~the costs to remove the person from the waiting list, the~~
103 33 ~~brain injury services program may provide the funding for the~~
103 34 ~~nonfederal share of the costs in order for the person to be~~
103 35 ~~removed from the waiting list and receive services under the~~



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~~104 1 waiver.~~

~~104 2 e. A person who receives support under the waiver=eligible
104 3 component is not eligible to receive support under the
104 4 cost=share component of the program.~~

~~104 5 d. Provision of funding under the waiver=eligible
104 6 component is not an entitlement. Subject to the department of
104 7 human services requirements for the brain injury services
104 8 waiver waiting list, the program administrator shall make the
104 9 final determination whether funding will be authorized under
104 10 this component.~~

104 11 Sec. 101. Section 135.22B, subsection 5, unnumbered
104 12 paragraph 1, Code Supplement 2007, is amended to read as
104 13 follows:

104 14 The cost=share component of the brain injury services
104 15 program shall be directed to persons who have been determined
104 16 to be ineligible for the brain injury services waiver or
104 17 persons who are eligible for the waiver but funding was not
104 18 authorized or available to provide waiver eligibility for the
104 19 persons ~~under the waiver=eligible component~~. The cost=share
104 20 component is subject to general requirements which shall
104 21 include but are not limited to all of the following:

104 22 Sec. 102. Section 135.22B, subsection 8, paragraph a, Code
104 23 Supplement 2007, is amended to read as follows:

104 24 a. The application materials for services under ~~both~~ the
104 25 ~~waiver=eligible and cost=share components~~ component of the
104 26 brain injury services program shall use the application form
104 27 and other materials of the brain injury services waiver. In
104 28 order to apply for the brain injury services program, the
104 29 applicant must authorize the department of human services to
104 30 provide the applicant's waiver application materials to the
104 31 brain injury services program. The application materials
104 32 provided shall include but are not limited to the waiver
104 33 application and any denial letter, financial assessment, and
104 34 functional assessment regarding the person.

104 35 Sec. 103. NEW SECTION. 135.155 EARLY CHILDHOOD IOWA



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105 1 COUNCIL.

105 2 1. COUNCIL CREATED. An early childhood Iowa council is
105 3 created as an alliance of stakeholders in early care, health,
105 4 and education systems that affect children ages zero through
105 5 five in Iowa.

105 6 2. PURPOSE. The purpose of the early childhood Iowa
105 7 council is to oversee the development of an Iowa early
105 8 childhood system by integrating the early care, health, and
105 9 education systems addressing the needs of children ages zero
105 10 through five and their families. The council shall advise the
105 11 governor, general assembly, and public and private policy
105 12 bodies and service providers in addressing its purpose.

105 13 3. VISION STATEMENT. All system development activities
105 14 addressed by the early childhood Iowa council shall be aligned
105 15 around the following vision statement for the children of
105 16 Iowa: "Every child, beginning at birth, will be healthy and
105 17 successful."

105 18 4. MEMBERSHIP. The early childhood Iowa council
105 19 membership shall include a representative of any organization
105 20 that touches the lives of young children in the state ages
105 21 zero through five, has endorsed the purpose and vision
105 22 statement for the council, has endorsed the guiding principles
105 23 adopted by the council for the early childhood system, and has
105 24 formally asked to be a member and remains actively engaged in
105 25 council activities. The council shall designate additional
105 26 members to ensure there is geographic, cultural, and ethnic
105 27 diversity among the membership.

105 28 5. PROCEDURE. Except as otherwise provided by law, the
105 29 early childhood Iowa council shall determine its own rules of
105 30 procedure and operating provisions.

105 31 6. STEERING COMMITTEE. The early childhood Iowa council
105 32 shall operate with a steering committee to organize, manage,
105 33 and coordinate the activities of the council and its component
105 34 groups. The steering committee may act on behalf of the
105 35 council as necessary. The steering committee membership shall



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106 1 consist of the co-chairpersons of the council's component
106 2 groups, the chairperson of the state agency liaison team, the
106 3 community empowerment facilitator or the facilitator's
106 4 designee, and other leaders designated by the council.
106 5 7. COMPONENT GROUPS. The early childhood Iowa council
106 6 shall establish component groups to address the key components
106 7 of the Iowa early childhood system. Each component group
106 8 shall have one private and one public agency co-chairperson.
106 9 The council may change the component groups as deemed
106 10 necessary by the advisory council. Initially, there shall be
106 11 a component group for each of the following:
106 12 a. Governance planning and administration.
106 13 b. Professional development.
106 14 c. Public engagement.
106 15 d. Quality services and programs.
106 16 e. Resources and funding.
106 17 f. Results accountability.
106 18 8. STATE AGENCY LIAISON TEAM. A state agency liaison team
106 19 shall support the efforts of the early childhood Iowa council.
106 20 In addition to designees of the governor, the team shall
106 21 consist of the directors or chief administrators, or their
106 22 designees, from the following state agencies and programs:
106 23 a. Child health specialty clinics.
106 24 b. Office of community empowerment in the department of
106 25 management.
106 26 c. Department of education.
106 27 d. Division of libraries and information services of the
106 28 department of education.
106 29 e. Office of the governor.
106 30 f. Department of human rights.
106 31 g. Department of human services.
106 32 h. Iowa state university extension service.
106 33 i. Department of public health.
106 34 9. DUTIES. In addition to the advisory function specified
106 35 in subsection 2, the early childhood Iowa council's duties



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107 1 shall include but are not limited to all of the following
107 2 regarding the Iowa early childhood system:
107 3 a. Adopt and update a strategic plan for developing the
107 4 system.
107 5 b. Regularly assess progress in implementing the strategic
107 6 plan.
107 7 c. Review, design, and participate in cross-functional
107 8 proposals.
107 9 d. Develop a common understanding of all parts of the
107 10 system.
107 11 e. Assess, understand, and respond to internal and
107 12 external threats to the system.
107 13 f. Serve as a liaison to constituency groups.
107 14 g. Move the system toward seamless services to children
107 15 and families through braided funding streams.
107 16 h. Maximize resources and expertise across the system.
107 17 i. Agree on common language and terminology for the
107 18 system.
107 19 j. Develop a menu of best practices and rationales for
107 20 quality services.
107 21 k. Encourage personal relationships across disciplines.
107 22 l. Serve as an advocate for the system.
107 23 m. Identify guiding principles for the early childhood
107 24 system and the agencies providing services in the system.
107 25 n. Work with the Iowa empowerment board in developing
107 26 public-private partnerships to support the early childhood
107 27 system through the first years first account in the Iowa
107 28 empowerment fund and other efforts for expanding investment of
107 29 private funding in the early childhood system. As this and
107 30 similar efforts to expand and coordinate investments from all
107 31 public and private sources evolve and mature, make
107 32 recommendations for designation of or contracting with a
107 33 private nonprofit organization to serve as a fiscal agent for
107 34 the early childhood system or another approach for increasing
107 35 public and private investment in the system.



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108 1 o. Report annually by December 31 to the governor and
108 2 general assembly. The report content shall include but is not
108 3 limited to all of the following:

108 4 (1) The status and results of the council's efforts to
108 5 engage the public regarding the early care, health, and
108 6 education needs of children ages zero through five and the
108 7 efforts to develop and promote private sector involvement with
108 8 the early childhood system.

108 9 (2) The status of the efforts to improve the key
108 10 components of the early childhood system and the progress in
108 11 achieving the results identified for the key components.

108 12 (3) The status of the community empowerment initiative and
108 13 the overall early childhood system in achieving the following
108 14 initial set of desired results identified in section 28.2:

108 15 (a) Healthy children.

108 16 (b) Children ready to succeed in school.

108 17 (c) Safe and supportive communities.

108 18 (d) Secure and nurturing families.

108 19 (e) Secure and nurturing early care and education
108 20 environments.

108 21 Sec. 104. NEW SECTION. 135.156 LEAD AGENCY AND OTHER
108 22 STATE AGENCIES.

108 23 1. The lead agency for support of the early childhood Iowa
108 24 council for state agency efforts to develop an early childhood
108 25 system for Iowa shall be the department of public health.

108 26 2. The department shall work with the early childhood Iowa
108 27 council in integrating early care, health, and education
108 28 systems to develop an early childhood system for Iowa. The
108 29 department shall do all of the following in developing the
108 30 system:

108 31 a. Work with state agencies to enter into memorandums of
108 32 understanding outlining the agencies' responsibilities in the
108 33 system.

108 34 b. Work with private businesses, foundations, and
108 35 nonprofit organizations in implementing a public-private



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109 1 partnership to develop and provide funding for the system.
109 2 c. Maintain an internet site for distributing the
109 3 information provided through the council and its component
109 4 groups.
109 5 Sec. 105. Section 135B.34, Code 2007, is amended by
109 6 striking the section and inserting in lieu thereof the
109 7 following:
109 8 135B.34 HOSPITAL EMPLOYEES == CRIMINAL HISTORY AND ABUSE
109 9 RECORD CHECKS == PENALTY.
109 10 1. Prior to employment of a person in a hospital, the
109 11 hospital shall request that the department of public safety
109 12 perform a criminal history check and the department of human
109 13 services perform child and dependent adult abuse record checks
109 14 of the person in this state. A hospital shall inform all
109 15 persons prior to employment regarding the performance of the
109 16 records checks and shall obtain, from the persons, a signed
109 17 acknowledgment of the receipt of the information. A hospital
109 18 shall include the following inquiry in an application for
109 19 employment: "Do you have a record of founded child or
109 20 dependent adult abuse or have you ever been convicted of a
109 21 crime, in this state or any other state?"
109 22 2. a. If it is determined that a person being considered
109 23 for employment in a hospital has committed a crime, the
109 24 department of public safety shall notify the hospital that
109 25 upon the request of the hospital the department of human
109 26 services will perform an evaluation to determine whether the
109 27 crime warrants prohibition of the person's employment in the
109 28 hospital.
109 29 b. If a department of human services child or dependent
109 30 adult abuse record check shows that the person has a record of
109 31 founded child or dependent adult abuse, the department of
109 32 human services shall notify the hospital that upon the request
109 33 of the hospital the department of human services will perform
109 34 an evaluation to determine whether the founded child or
109 35 dependent adult abuse warrants prohibition of the person's



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110 1 employment in the hospital.

110 2 c. An evaluation performed under this subsection shall be
110 3 performed in accordance with procedures adopted for this
110 4 purpose by the department of human services.

110 5 d. (1) If a person owns or operates more than one
110 6 hospital, and an employee of one of such hospitals is
110 7 transferred to another such hospital without a lapse in
110 8 employment, the hospital is not required to request additional
110 9 criminal and child and dependent adult abuse records checks of
110 10 that employee.

110 11 (2) If the ownership of a hospital is transferred, at the
110 12 time of transfer the records checks required by this section
110 13 shall be performed for each employee for whom there is no
110 14 documentation that such records checks have been performed.

110 15 The hospital may continue to employ such employee pending the
110 16 performance of the records checks and any related evaluation.

110 17 3. In an evaluation, the department of human services
110 18 shall consider the nature and seriousness of the crime or
110 19 founded child or dependent adult abuse in relation to the
110 20 position sought or held, the time elapsed since the commission
110 21 of the crime or founded child or dependent adult abuse, the
110 22 circumstances under which the crime or founded child or
110 23 dependent adult abuse was committed, the degree of
110 24 rehabilitation, the likelihood that the person will commit the
110 25 crime or founded child or dependent adult abuse again, and the
110 26 number of crimes or founded child or dependent adult abuses
110 27 committed by the person involved. If the department of human
110 28 services performs an evaluation for the purposes of this
110 29 section, the department of human services has final authority
110 30 in determining whether prohibition of the person's employment
110 31 is warranted.

110 32 4. a. Except as provided in paragraph "b" and subsection
110 33 2, a person who has committed a crime or has a record of
110 34 founded child or dependent adult abuse shall not be employed
110 35 in a hospital licensed under this chapter unless an evaluation



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111 1 has been performed by the department of human services.
111 2 b. A person with a criminal or abuse record who is
111 3 employed by a hospital licensed under this chapter and is
111 4 hired by another licensee without a lapse in employment shall
111 5 be subject to the criminal history and abuse record checks
111 6 required pursuant to subsection 1. If an evaluation was
111 7 previously performed by the department of human services
111 8 concerning the person's criminal or abuse record and it was
111 9 determined that the record did not warrant prohibition of the
111 10 person's employment and the latest record checks do not
111 11 indicate a crime was committed or founded abuse record was
111 12 entered subsequent to that evaluation, the person may commence
111 13 employment with the other licensee while the department of
111 14 human services' evaluation of the latest record checks is
111 15 pending. Otherwise, the requirements of paragraph "a" remain
111 16 applicable to the person's employment.
111 17 5. a. If a person employed by a hospital that is subject
111 18 to this section is convicted of a crime or has a record of
111 19 founded child or dependent adult abuse entered in the abuse
111 20 registry after the person's employment application date, the
111 21 person shall inform the hospital of such information within
111 22 forty-eight hours of the criminal conviction or entry of the
111 23 record of founded child or dependent adult abuse. The
111 24 hospital shall act to verify the information within
111 25 forty-eight hours of notification. If the information is
111 26 verified, the requirements of subsections 2, 3, and 4
111 27 regarding employability and evaluations shall be applied by
111 28 the hospital to determine whether or not the person's
111 29 employment is continued. The hospital may continue to employ
111 30 the person pending the performance of an evaluation by the
111 31 department of human services to determine whether prohibition
111 32 of the person's employment is warranted. A person who is
111 33 required by this subsection to inform the person's employer of
111 34 a conviction or entry of an abuse record and fails to do so
111 35 within the required period commits a serious misdemeanor.



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112 1 b. If a hospital receives credible information, as
112 2 determined by the hospital, that a person employed by the
112 3 hospital has been convicted of a crime or a record of founded
112 4 child or dependent adult abuse has been entered in the abuse
112 5 registry after employment from a person other than the
112 6 employee and the employee has not informed the hospital of
112 7 such information within the period required under paragraph
112 8 "a", the hospital shall act to verify the credible information
112 9 within forty-eight hours of receipt of the credible
112 10 information. If the information is verified, the requirements
112 11 of subsections 2, 3, and 4 regarding employability and
112 12 evaluations shall be applied by the hospital to determine
112 13 whether or not the person's employment is continued.

112 14 c. The hospital may notify the county attorney for the
112 15 county where the hospital is located of any violation or
112 16 failure by an employee to notify the hospital of a criminal
112 17 conviction or entry of an abuse record within the period
112 18 required under paragraph "a".

112 19 6. A hospital licensed in this state may access the single
112 20 contact repository established by the department pursuant to
112 21 section 135C.33 as necessary for the hospital to perform
112 22 record checks of persons employed or being considered for
112 23 employment by the hospital.

112 24 Sec. 106. Section 135C.33, Code 2007, is amended to read
112 25 as follows:

112 26 135C.33 EMPLOYEES == CHILD OR DEPENDENT ADULT ABUSE
112 27 INFORMATION AND CRIMINAL RECORDS RECORD CHECKS == EVALUATIONS
112 28 == APPLICATION TO OTHER PROVIDERS == PENALTY.

112 29 1. ~~Beginning July 1, 1997, prior~~ Prior to employment of a
112 30 person in a facility, the facility shall request that the
112 31 department of public safety perform a criminal history check
112 32 and the department of human services perform a child and
112 33 dependent adult abuse record check checks of the person in
112 34 this state. ~~In addition, the facility may request that the~~
112 35 ~~department of human services perform a child abuse record~~



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~~113 1 check in this state. Beginning July 1, 1997, a A facility~~
~~113 2 shall inform all persons prior to employment regarding the~~
~~113 3 performance of the records checks and shall obtain, from the~~
~~113 4 persons, a signed acknowledgment of the receipt of the~~
~~113 5 information. Additionally, a A facility shall include the~~
~~113 6 following inquiry in an application for employment: "Do you~~
~~113 7 have a record of founded child or dependent adult abuse or~~
~~113 8 have you ever been convicted of a crime, in this state or any~~
~~113 9 other state?"~~

~~113 10 2. a. If the it is determined that a person being~~
~~113 11 considered for employment in a facility has been convicted of~~
~~113 12 a crime under a law of any state or has a record of founded~~
~~113 13 child or dependent adult abuse, the department of public~~
~~113 14 safety shall notify the licensee that upon the request of the~~
~~113 15 licensee the department of human services shall, upon the~~
~~113 16 facility's request, perform an evaluation will perform an~~
~~113 17 evaluation to determine whether the crime or founded child or~~
~~113 18 dependent adult abuse warrants prohibition of the person's~~
~~113 19 employment in the facility.~~

~~113 20 b. If a department of human services child or dependent~~
~~113 21 adult abuse record check shows that such person has a record~~
~~113 22 of founded child or dependent adult abuse, the department of~~
~~113 23 human services shall notify the licensee that upon the request~~
~~113 24 of the licensee the department of human services will perform~~
~~113 25 an evaluation to determine whether the founded child or~~
~~113 26 dependent adult abuse warrants prohibition of employment in~~
~~113 27 the facility.~~

~~113 28 c. The An evaluation performed under this subsection shall~~
~~113 29 be performed in accordance with procedures adopted for this~~
~~113 30 purpose by the department of human services.~~

~~113 31 d. (1) If a person owns or operates more than one~~
~~113 32 facility, and an employee of one of such facilities is~~
~~113 33 transferred to another such facility without a lapse in~~
~~113 34 employment, the facility is not required to request additional~~
~~113 35 criminal and child and dependent adult abuse record checks of~~



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114 1 that employee.

114 2 (2) If the ownership of a facility is transferred, at the
114 3 time of transfer the records checks required by this section
114 4 shall be performed for each employee for whom there is no
114 5 documentation that such records checks have been performed.
114 6 The facility may continue to employ such employee pending the
114 7 performance of the records checks and any related evaluation.

114 8 ~~2. If the department of public safety determines that a~~
114 9 ~~person has committed a crime and is to be employed in a~~
114 10 ~~facility licensed under this chapter, the department of public~~
114 11 ~~safety shall notify the licensee that an evaluation, if~~
114 12 ~~requested by the facility, will be conducted by the department~~
114 13 ~~of human services to determine whether prohibition of the~~
114 14 ~~person's employment is warranted. If a department of human~~
114 15 ~~services child or dependent adult abuse record check shows~~
114 16 ~~that the person has a record of founded child or dependent~~
114 17 ~~adult abuse, the department of human services shall inform the~~
114 18 ~~licensee that an evaluation, if requested by the facility,~~
114 19 ~~will be conducted to determine whether prohibition of the~~
114 20 ~~person's employment is warranted.~~

114 21 3. In an evaluation, the department of human services
114 22 shall consider the nature and seriousness of the crime or
114 23 founded child or dependent adult abuse in relation to the
114 24 position sought or held, the time elapsed since the commission
114 25 of the crime or founded child or dependent adult abuse, the
114 26 circumstances under which the crime or founded child or
114 27 dependent adult abuse was committed, the degree of
114 28 rehabilitation, the likelihood that the person will commit the
114 29 crime or founded child or dependent adult abuse again, and the
114 30 number of crimes or founded child or dependent adult abuses
114 31 committed by the person involved. ~~The~~ If the department of human
114 32 services performs an evaluation for the purposes of this
114 33 section, the department of human services has final authority
114 34 in determining whether prohibition of the person's employment
114 35 is warranted.



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115 1 4. a. Except as provided in paragraph "b" and subsection
115 2 2, a person who has committed a crime or has a record of
115 3 founded child or dependent adult abuse shall not be employed
115 4 in a facility licensed under this chapter unless an evaluation
115 5 has been performed by the department of human services. ~~If~~
115 6 ~~the department of human services determines from the~~
115 7 ~~evaluation that the person has committed a crime or has a~~
115 8 ~~record of founded child or dependent adult abuse which~~
115 9 ~~warrants prohibition of employment, the person shall not be~~
115 10 ~~employed in a facility licensed under this chapter.~~

115 11 b. A person with a criminal or abuse record who is
115 12 employed by a facility licensed under this chapter and is
115 13 hired by another licensee without a lapse in employment shall
115 14 be subject to the criminal history and abuse record checks
115 15 required pursuant to subsection 1. If an evaluation was
115 16 previously performed by the department of human services
115 17 concerning the person's criminal or abuse record and it was
115 18 determined that the record did not warrant prohibition of the
115 19 person's employment and the latest record checks do not
115 20 indicate a crime was committed or founded abuse record was
115 21 entered subsequent to that evaluation, the person may commence
115 22 employment with the other licensee while the department of
115 23 human services' evaluation of the latest record checks is
115 24 pending. Otherwise, the requirements of paragraph "a" remain
115 25 applicable to the person's employment.

115 26 5. a. ~~Beginning July 1, 1998, this~~ This section shall
115 27 also apply to prospective employees of all of the following,
115 28 if the provider is regulated by the state or receives any
115 29 state or federal funding:

115 30 ~~a.~~ (1) An employee of a homemaker, home=health aide,
115 31 home=care aide, adult day services, or other provider of
115 32 in=home services if the employee provides direct services to
115 33 consumers.

115 34 ~~b.~~ (2) An employee of a hospice, if the employee provides
115 35 direct services to consumers.



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116 1 ~~e.~~ (3) An employee who provides direct services to
116 2 consumers under a federal home and community-based services
116 3 waiver.
116 4 ~~d.~~ (4) An employee of an elder group home certified under
116 5 chapter 231B, if the employee provides direct services to
116 6 consumers.
116 7 ~~e.~~ (5) An employee of an assisted living program
116 8 certified under chapter 231C, if the employee provides direct
116 9 services to consumers.
116 10 b. In substantial conformance with the provisions of this
116 11 section, prior to the employment of such an employee, the
116 12 provider shall request the performance of the criminal and
116 13 child and dependent adult abuse record checks ~~and may request~~
116 14 ~~the performance of the child abuse record checks.~~ The
116 15 provider shall inform the prospective employee and obtain the
116 16 prospective employee's signed acknowledgment. The department
116 17 of human services shall perform the evaluation of any criminal
116 18 record or founded child or dependent adult abuse record and
116 19 shall make the determination of whether a prospective employee
116 20 of a provider shall not be employed by the provider.
116 21 6. a. The department of inspections and appeals, in
116 22 conjunction with other departments and agencies of state
116 23 government involved with criminal history and abuse registry
116 24 information, shall establish a single contact repository for
116 25 facilities and other providers to have electronic access to
116 26 data to perform background checks for purposes of employment,
116 27 as required of the facilities and other providers under this
116 28 section.
116 29 b. The department may access the single contact repository
116 30 for any of the following purposes:
116 31 (1) To verify data transferred from the department's nurse
116 32 aide registry to the repository.
116 33 (2) To conduct record checks of applicants for employment
116 34 with the department.
116 35 7. a. If a person employed by a facility, service, or



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117 1 program employer that is subject to this section is convicted
117 2 of a crime or has a record of founded child or dependent adult
117 3 abuse entered in the abuse registry after the person's
117 4 employment application date, the person shall inform the
117 5 employer of such information within forty-eight hours of the
117 6 criminal conviction or entry of the record of founded child or
117 7 dependent adult abuse. The employer shall act to verify the
117 8 information within forty-eight hours of notification. If the
117 9 information is verified, the requirements of subsections 2, 3,
117 10 and 4 regarding employability and evaluations shall be applied
117 11 by the employer to determine whether or not the person's
117 12 employment is continued. The employer may continue to employ
117 13 the person pending the performance of an evaluation by the
117 14 department of human services to determine whether prohibition
117 15 of the person's employment is warranted. A person who is
117 16 required by this subsection to inform the person's employer of
117 17 a conviction or entry of an abuse record and fails to do so
117 18 within the required period commits a serious misdemeanor.
117 19 b. If a facility, service, or program employer receives
117 20 credible information, as determined by the employer, that a
117 21 person employed by the employer has been convicted of a crime
117 22 or a record of founded child or dependent adult abuse has been
117 23 entered in the abuse registry after employment from a person
117 24 other than the employee and the employee has not informed the
117 25 employer of such information within the period required under
117 26 paragraph "a", the employer shall act to verify the credible
117 27 information within forty-eight hours of receipt of the
117 28 credible information. If the information is verified, the
117 29 requirements of subsections 2, 3, and 4 regarding
117 30 employability and evaluations shall be applied to determine
117 31 whether or not the person's employment is continued.
117 32 c. The employer may notify the county attorney for the
117 33 county where the employer is located of any violation or
117 34 failure by an employee to notify the employer of a criminal
117 35 conviction or entry of an abuse record within the period



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118 1 required under paragraph "a".

118 2 Sec. 107. Section 135H.3, Code 2007, is amended to read as
118 3 follows:

118 4 135H.3 NATURE OF CARE.

118 5 1. A psychiatric medical institution for children shall
118 6 utilize a team of professionals to direct an organized program
118 7 of diagnostic services, psychiatric services, nursing care,
118 8 and rehabilitative services to meet the needs of residents in
118 9 accordance with a medical care plan developed for each
118 10 resident. Social and rehabilitative services shall be
118 11 provided under the direction of a qualified mental health
118 12 professional.

118 13 2. A child who requires treatment for a biologically based
118 14 mental illness as defined in section 514C.22, and meets the
118 15 medical assistance program criteria for admission to a
118 16 psychiatric medical institution for children shall be deemed
118 17 to meet the acuity criteria for inpatient benefits under a
118 18 group policy, contract, or plan providing for third-party
118 19 payment or prepayment of health, medical, and surgical
118 20 coverage benefits issued by a carrier, as defined in section
118 21 513B.2, or by an organized delivery system authorized under
118 22 1993 Iowa Acts, chapter 158, that is subject to section
118 23 514C.22.

118 24 Sec. 108. Section 217.19, Code 2007, is amended by adding
118 25 the following new unnumbered paragraph:

118 26 NEW UNNUMBERED PARAGRAPH. The department of administrative
118 27 services shall work with the department of human services to
118 28 develop and implement an expense policy applicable to the
118 29 members of a board, commission, committee, or other body under
118 30 the auspices of the department of human services who meet the
118 31 income requirements for payment of per diem in accordance with
118 32 section 7E.6, subsection 2. The policy shall allow for the
118 33 payment of the member's expenses to be addressed through use
118 34 of direct billings, travel purchase card, prepaid expenses, or
118 35 other alternative means of addressing the expenses in lieu of



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119 1 reimbursement of the member.
119 2 Sec. 109. Section 225C.40, Code 2007, is amended by adding
119 3 the following new subsection:
119 4 NEW SUBSECTION. 4. If a family appeals the termination of
119 5 a family member who has attained the age of eighteen years,
119 6 family support subsidy payments for that family member shall
119 7 be withheld pending resolution of the appeal.
119 8 Sec. 110. NEW SECTION. 234.47 STATE CHILD CARE
119 9 ASSISTANCE AND ADOPTION SUBSIDY PROGRAMS == EXPENDITURE
119 10 PROJECTIONS. The department of human services, the department
119 11 of management, and the legislative services agency shall
119 12 utilize a joint process to arrive at consensus projections for
119 13 expenditures for the state child care assistance program under
119 14 section 237A.13 and adoption subsidy and other assistance
119 15 provided under section 600.17.
119 16 Sec. 111. Section 235B.6, subsection 2, Code Supplement
119 17 2007, is amended by adding the following new paragraph:
119 18 NEW PARAGRAPH. f. To a person who submits written
119 19 authorization from an individual allowing the person access to
119 20 information on the determination only on whether or not the
119 21 individual who authorized the access is named in a founded
119 22 dependent adult abuse report as having abused a dependent
119 23 adult.
119 24 Sec. 112. Section 237A.3, Code 2007, is amended by adding
119 25 the following new subsection:
119 26 NEW SUBSECTION. 3. The location at which the child care
119 27 is provided shall be a single-family residence that is owned,
119 28 rented, or leased by the person or program providing the child
119 29 care. For purposes of this subsection, a "single-family
119 30 residence" includes an apartment, condominium, townhouse, or
119 31 other individual unit within a multiple unit residential
119 32 dwelling, but does not include a commercial or industrial
119 33 building that is primarily used for purposes other than a
119 34 residence.
119 35 Sec. 113. Section 237A.3A, subsection 3, Code 2007, is



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120 1 amended by adding the following new paragraph:

120 2 NEW PARAGRAPH. d. The rules shall require a child
120 3 development home to be located in a single-family residence
120 4 that is owned, rented, or leased by the person or, for dual
120 5 registrations, at least one of the persons who is named on the
120 6 child development home's certificate of registration. For
120 7 purposes of this paragraph, a "single-family residence"
120 8 includes an apartment, condominium, townhouse, or other
120 9 individual unit within a multiple unit residential dwelling,
120 10 but does not include a commercial or industrial building that
120 11 is primarily used for purposes other than a residence.

120 12 Sec. 114. Section 237A.5, subsection 2, Code 2007, is
120 13 amended by adding the following new paragraph:

120 14 NEW PARAGRAPH. cc. If a record check performed in
120 15 accordance with paragraph "b" or "c" identifies that an
120 16 individual is a person subject to an evaluation, the
120 17 department shall perform the evaluation in accordance with
120 18 this subsection, even if the application which made the person
120 19 subject to the record check is withdrawn or the circumstances
120 20 which made the person subject to the record check are no
120 21 longer applicable. If the department's evaluation determines
120 22 that prohibition of the person's involvement with child care
120 23 is warranted, the provisions of this subsection regarding such
120 24 a prohibition shall apply.

120 25 Sec. 115. Section 237A.13, subsection 8, Code Supplement
120 26 2007, is amended by striking the subsection.

120 27 Sec. 116. NEW SECTION. 249A.15A LICENSED MARITAL AND
120 28 FAMILY THERAPISTS AND LICENSED MASTER SOCIAL WORKERS.

120 29 1. The department shall adopt rules pursuant to chapter
120 30 17A entitling marital and family therapists who are licensed
120 31 pursuant to chapter 154D to payment for behavioral health
120 32 services provided to recipients of medical assistance, subject
120 33 to limitations and exclusions the department finds necessary
120 34 on the basis of federal laws and regulations.

120 35 2. The department shall adopt rules pursuant to chapter



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121 1 17A entitling master social workers who hold a master's degree
121 2 approved by the board of social work, are licensed as a master
121 3 social worker pursuant to section 154C.3, subsection 1,
121 4 paragraph "b", and provide treatment services under the
121 5 supervision of an independent social worker licensed pursuant
121 6 to section 154C.3, subsection 1, paragraph "c", to payment for
121 7 behavioral health services provided to recipients of medial
121 8 assistance, subject to limitations and exclusions the
121 9 department finds necessary on the basis of federal laws and
121 10 regulations.

121 11 Sec. 117. Section 249J.20, subsections 2 and 4, Code 2007,
121 12 are amended to read as follows:

121 13 2. The council shall meet as often as deemed necessary,
121 14 but shall meet at least ~~quarterly~~ annually. The council may
121 15 use sources of information deemed appropriate, and the
121 16 department and other agencies of state government shall
121 17 provide information to the council as requested. The
121 18 legislative services agency shall provide staff support to the
121 19 council.

121 20 4. The council shall do all of the following:

121 21 a. Make ~~quarterly~~ cost projections for the medical
121 22 assistance program and the expansion population.

121 23 b. Review ~~quarterly~~ reports on all initiatives under this
121 24 chapter, including those provisions in the design,
121 25 development, and implementation phases, and make additional
121 26 recommendations for medical assistance program and expansion
121 27 population reform on an annual basis.

121 28 c. Review annual audited financial statements relating to
121 29 the expansion population submitted by the providers included
121 30 in the expansion population provider network.

121 31 d. Review ~~quarterly~~ reports on the success of the Iowa
121 32 Medicaid enterprise based upon the contractual performance
121 33 measures for each Iowa Medicaid enterprise partner.

121 34 e. Assure that the expansion population is managed at all
121 35 times within funding limitations. In assuring such



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122 1 compliance, the council shall assume that supplemental funding
122 2 will not be available for coverage of services provided to the
122 3 expansion population.

122 4 Sec. 118. NEW SECTION. 256.35A IOWA AUTISM COUNCIL.

122 5 1. An Iowa autism council is created to act in an advisory
122 6 capacity to the state in developing and implementing a
122 7 comprehensive, coordinated system to provide appropriate
122 8 diagnostic, intervention, and support services for children
122 9 with autism and to meet the unique needs of adults with
122 10 autism.

122 11 2. a. The council shall consist of thirteen voting
122 12 members appointed by the governor and confirmed by the senate.
122 13 The majority of the voting members shall be individuals with
122 14 autism or members of their families. Additionally, each of
122 15 the following shall be represented among the voting members:

122 16 (1) Autism diagnostic and research specialists.

122 17 (2) Individuals with recognized expertise in utilizing
122 18 best practices for diagnosis, intervention, education, and
122 19 support services for individuals with autism.

122 20 (3) Individuals providing residential services for
122 21 individuals with autism.

122 22 (4) Mental health professionals with background or
122 23 expertise in a pertinent mental health field such as
122 24 psychiatry, psychology, or behavioral health.

122 25 (5) Private insurers.

122 26 (6) Teachers and representatives of area education
122 27 agencies.

122 28 b. In addition, representatives of the department of
122 29 education, the division of vocational rehabilitation of the
122 30 department of education, the department of public health, the
122 31 department of human services, the governor's developmental
122 32 disabilities council, the division of insurance of the
122 33 department of commerce, and the state board of regents shall
122 34 serve as ex officio members of the advisory council. Ex
122 35 officio members shall work together in a collaborative manner



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123 1 to serve as a resource to the advisory council. The council
123 2 may also form workgroups as necessary to address specific
123 3 issues within the technical purview of individual members.
123 4 c. Voting members shall serve three-year terms beginning
123 5 and ending as provided in section 69.19, and appointments
123 6 shall comply with sections 69.16 and 69.16A. Vacancies on the
123 7 council shall be filled in the same manner as the original
123 8 appointment. A person appointed to fill a vacancy shall serve
123 9 only for the unexpired portion of the term. Public members
123 10 shall receive reimbursement for actual expenses incurred while
123 11 serving in their official capacity and may also be eligible to
123 12 receive compensation as provided in section 7E.6.
123 13 d. The council shall elect a chairperson from its voting
123 14 members annually. A majority of the voting members of the
123 15 council shall constitute a quorum.
123 16 e. The department shall convene and provide administrative
123 17 support to the council.
123 18 3. The council shall focus its efforts on addressing the
123 19 unmet needs of individuals with autism at various levels of
123 20 severity and their families. The council shall address all of
123 21 the following:
123 22 a. Early identification by medical professionals of
123 23 autism, including education and training of health care and
123 24 mental health care professionals and the use of best practice
123 25 guidelines.
123 26 b. Appropriate early and intensive early intervention
123 27 services with access to models of training.
123 28 c. Integration and coordination of the medical community,
123 29 community educators, childhood educators, health care
123 30 providers, and community-based services into a seamless
123 31 support system for individuals and their families.
123 32 d. General and special education support services.
123 33 e. In-home support services for families requiring
123 34 behavioral and other supports.
123 35 f. Training for educators, parents, siblings, and other



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124 1 family members.

124 2 g. Enhancing of community agency responsiveness to the
124 3 living, learning, and employment needs of adults with autism
124 4 and provision of services including but not limited to respite
124 5 services, crisis intervention, employment assistance, case
124 6 management, and long-term care options.

124 7 h. Financing options including but not limited to medical
124 8 assistance waivers and private health insurance coverage.

124 9 i. Data collection.

124 10 4. The council shall meet quarterly. The council shall
124 11 submit a report to the governor and the general assembly,
124 12 annually by December 15, identifying the needs and making
124 13 recommendations for improving and enhancing the lives of
124 14 individuals with autism and their families.

124 15 5. For the purposes of this section, "autism" means a
124 16 spectrum disorder that includes at various levels of severity,
124 17 autism, Asperger's disorder, pervasive developmental disorder
124 18 not otherwise specified, Rett's syndrome, and childhood
124 19 disintegrative disorder.

124 20 Sec. 119. Section 514I.6, Code 2007, is amended by adding
124 21 the following new subsection:

124 22 NEW SUBSECTION. 7. Provide qualified child health plans
124 23 to eligible children. A participating insurer shall not
124 24 require participation by a provider in other health insurance
124 25 products of the participating insurer as a condition of
124 26 participation in the qualified child health plan.

124 27 Sec. 120. Section 642.2, subsection 4, Code 2007, is
124 28 amended to read as follows:

124 29 4. Notwithstanding subsections 2, 3, and 6, and 7, any
124 30 moneys owed to the child support obligor by the state, with
124 31 the exception of unclaimed property held by the treasurer of
124 32 state pursuant to chapter 556, and payments owed to the child
124 33 support obligor through the Iowa public employees' retirement
124 34 system are subject to garnishment, attachment, execution, or
124 35 assignment by the child support recovery unit if the child



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125 1 support recovery unit is providing enforcement services
125 2 pursuant to chapter 252B. Any moneys that are determined
125 3 payable by the treasurer pursuant to section 556.20,
125 4 subsection 2, to the child support obligor shall be subject to
125 5 setoff pursuant to section 8A.504, notwithstanding any
125 6 administrative rule pertaining to the child support recovery
125 7 unit limiting the amount of the offset.

125 8 Sec. 121. 2005 Iowa Acts, chapter 167, section 61, is
125 9 amended by striking the section and inserting in lieu thereof
125 10 the following:

125 11 SEC. 61. INMATES, STUDENTS, PATIENTS, AND FORMER INMATES
125 12 OF STATE INSTITUTIONS == REVIEW.

125 13 1. The president of the state board of regents shall
125 14 convene a workgroup comprised of the president or the
125 15 president's designee, the director of the department of
125 16 corrections or the director's designee, the director of the
125 17 department of human services or the director's designee, and a
125 18 representative of the university of Iowa hospitals and clinics
125 19 to review the provision of treatment and care to the inmates,
125 20 students, patients, and former inmates specified in sections
125 21 263.21 and 263.22. The review shall determine all of the
125 22 following:

125 23 a. The actual cost to the university of Iowa hospitals and
125 24 clinics to provide care and treatment to the inmates,
125 25 students, patients, and former inmates on an annual basis.
125 26 The actual cost shall be determined utilizing Medicare cost
125 27 accounting principles.

125 28 b. The number of inmates, students, patients, and former
125 29 inmates provided treatment at the university of Iowa hospitals
125 30 and clinics, annually.

125 31 c. The specific types of treatment and care provided to
125 32 the inmates, students, patients, and former inmates.

125 33 d. The existing sources of revenue that may be available
125 34 to pay for the costs of providing care and treatment to the
125 35 inmates, students, patients, and former inmates.



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126 1 e. The cost to the department of human services, the Iowa
126 2 department of corrections, and the state board of regents to
126 3 provide transportation and staffing relative to provision of
126 4 care and treatment to the inmates, students, patients, and
126 5 former inmates at the university of Iowa hospitals and
126 6 clinics.

126 7 f. The effect of any proposed alternatives for provision
126 8 of care and treatment for inmates, students, patients, or
126 9 former inmates, including the proposed completion of the
126 10 hospital unit at the Iowa state penitentiary at Fort Madison.

126 11 2. The workgroup shall submit a report of its findings to
126 12 the governor and the general assembly no later than December
126 13 31, 2008. The report shall also include any recommendations
126 14 for improvement in the provision of care and treatment to
126 15 inmates, students, patients, and former inmates, under the
126 16 control of the department of human services, the Iowa
126 17 department of corrections, and the state board of regents.

126 18 Sec. 122. MEDICAID STATE PLAN == MARITAL AND FAMILY
126 19 THERAPISTS AND LICENSED MASTER SOCIAL WORKERS.

126 20 1. The department of human services shall amend the
126 21 medical assistance state plan to allow marital and family
126 22 therapists licensed in the state to be participating
126 23 behavioral health providers under the medical assistance
126 24 program.

126 25 2. The department of human services shall amend the
126 26 medical assistance state plan to allow master social workers
126 27 who hold a master's degree approved by the board of social
126 28 work, are licensed as a master social worker pursuant to
126 29 section 154C.3, subsection 1, paragraph "b", and provide
126 30 treatment services under the supervision of an independent
126 31 social worker licensed pursuant to section 154C.3, subsection
126 32 1, paragraph "c", to be participating behavioral health
126 33 services providers under the medical assistance program.

126 34 DIVISION VIII
126 35 INDIVIDUAL DEVELOPMENT ACCOUNTS



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127 1 Sec. 123. Section 422.7, subsection 28, paragraph b, Code
127 2 Supplement 2007, is amended to read as follows:
127 3 b. The amount of any savings refund or state match
127 4 payments authorized under section 541A.3, subsection 1.
127 5 Sec. 124. Section 541A.1, subsection 2, Code 2007, is
127 6 amended to read as follows:
127 7 2. "Administrator" means the division of community action
127 8 agencies of the department of human ~~services~~ rights.
127 9 Sec. 125. Section 541A.1, Code 2007, is amended by adding
127 10 the following new subsection:
127 11 NEW SUBSECTION. 5A. "Household income" means the annual
127 12 household income of an account holder or prospective account
127 13 holder, as determined in accordance with rules adopted by the
127 14 administrator.
127 15 Sec. 126. Section 541A.2, subsection 4, paragraph a, Code
127 16 2007, is amended by adding the following new subparagraphs:
127 17 NEW SUBPARAGRAPH. (7) A purpose approved in accordance
127 18 with rule for a refugee individual development account.
127 19 NEW SUBPARAGRAPH. (8) Purchase of an automobile.
127 20 NEW SUBPARAGRAPH. (9) Purchase of assistive technology,
127 21 home or vehicle modification, or other device or physical
127 22 improvement to assist an account holder or family member with
127 23 a disability.
127 24 NEW SUBPARAGRAPH. (10) Other purpose approved in
127 25 accordance with rule that is intended to move the account
127 26 holder or a family member toward a higher degree of
127 27 self-sufficiency.
127 28 Sec. 127. Section 541A.2, subsection 10, Code 2007, is
127 29 amended to read as follows:
127 30 10. The total amount of sources of principal which may be
127 31 in an individual development account shall be limited to ~~fifty~~
127 32 thirty thousand dollars.
127 33 Sec. 128. Section 541A.3, Code 2007, is amended to read as
127 34 follows:
127 35 541A.3 INDIVIDUAL DEVELOPMENT ACCOUNTS == ~~REFUND~~ STATE



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128 1 MATCH AND TAX PROVISIONS.

128 2 All of the following state match and tax provisions shall
128 3 apply to an individual development account:

128 4 1. a. Payment by the state of a state savings refund
128 5 match on amounts of up to two thousand dollars ~~per calendar~~
~~128 6 year~~ that an account holder deposits in the account holder's
128 7 account. To be eligible to receive a state match an account
128 8 holder must have a household income that is equal to or less
128 9 than two hundred percent of the federal poverty level.

128 10 b. Moneys transferred to an individual development account
128 11 from another individual development account and a ~~savings~~
~~128 12 refund~~ state match received by the account holder in
128 13 accordance with this section shall not be considered an
128 14 account holder deposit for purposes of determining a ~~savings~~
~~128 15 refund~~ state match.

128 16 c. Payment of a ~~savings refund~~ state match either shall be
128 17 made directly to the account holder or to an operating
128 18 organization's central reserve account for later distribution
128 19 to the account holder in the most appropriate manner as
128 20 determined by the administrator.

128 21 d. The Subject to the limitation in paragraph "a", the
128 22 state savings refund match shall be the indicated percentage
~~128 23 of equal to one hundred percent of the amount deposited+ by~~
128 24 the account holder. However, the administrator may limit,
128 25 reduce, delay, or otherwise revise state match payment
128 26 provisions as necessary to restrict the payments to the
128 27 funding available.

128 28 a. ~~For an account holder with a household income, as~~
128 29 ~~defined in section 425.17, subsection 6, which is one hundred~~
128 30 ~~fifty percent or less of the federal poverty level,~~
128 31 ~~twenty-five percent.~~

128 32 b. ~~For an account holder with a household income which is~~
128 33 ~~more than one hundred fifty percent but less than one hundred~~
128 34 ~~seventy-five percent of the federal poverty level, twenty~~
128 35 ~~percent.~~



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129 1 ~~e. For an account holder with a household income which is~~
129 2 ~~one hundred seventy-five percent or more but not more than two~~
129 3 ~~hundred percent of the federal poverty level, fifteen percent.~~

129 4 ~~d. For an account holder with a household income which is~~
129 5 ~~more than two hundred percent of the federal poverty level,~~
129 6 ~~zero percent.~~

129 7 2. Income earned by an individual development account is
129 8 not subject to state tax, in accordance with the provisions of
129 9 section 422.7, subsection 28.

129 10 3. Amounts transferred between individual development
129 11 accounts are not subject to state tax.

129 12 ~~4. The administrator shall work with the United States~~
129 13 ~~secretary of the treasury and the state's congressional~~
129 14 ~~delegation as necessary to secure an exemption from federal~~
129 15 ~~taxation for individual development accounts and the earnings~~
129 16 ~~on those accounts. The administrator shall report annually to~~
129 17 ~~the governor and the general assembly concerning the status of~~
129 18 ~~federal approval.~~

129 19 ~~5.~~ 4. The administrator shall coordinate the filing of
129 20 claims for a state savings refunds match authorized under
129 21 subsection 1, between account holders, and operating
129 22 organizations, ~~and the department of administrative services.~~
129 23 Claims approved by the administrator may be paid ~~by the~~
129 24 ~~department of administrative services~~ to each account holder,
129 25 for an aggregate amount for distribution to the holders of the
129 26 accounts in a particular financial institution, or to an
129 27 operating organization's central reserve account for later
129 28 distribution to the account holders depending on the
129 29 efficiency for issuing the refunds state match payments.
129 30 Claims shall be initially filed with the administrator on or
129 31 before a date established by the administrator. Claims
129 32 approved by the administrator shall be paid from the ~~general~~
129 33 ~~fund of the state in the manner specified in section 422.74~~
129 34 individual development account state match fund.

129 35 Sec. 129. Section 541A.5, Code 2007, is amended to read as



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130 1 follows:

130 2 541A.5 RULES.

130 3 1. The ~~administrator~~ commission on community action
130 4 agencies created in section 216A.92A, in consultation with the
130 5 department of administrative services, shall adopt
130 6 administrative rules to administer this chapter.

130 7 2. a. The rules adopted by the ~~administrator~~ commission
130 8 shall include but are not limited to provision for transfer of
130 9 an individual development account to a different financial
130 10 institution than originally approved by the administrator, if
130 11 the different financial institution has an agreement with the
130 12 account's operating organization.

130 13 b. The rules for determining household income may provide
130 14 categorical eligibility for prospective account holders who
130 15 are enrolled in programs with income eligibility restrictions
130 16 that are equal to or less than the maximum household income
130 17 allowed for payment of a state match under section 541A.3.

130 18 c. Subject to the availability of funding, the commission
130 19 may adopt rules implementing an individual development account
130 20 program for refugees. Rules shall identify purposes approved
130 21 for withdrawals to meet the special needs of refugee families.

130 22 3. The administrator shall utilize a request for proposals
130 23 process for selection of operating organizations and approval
130 24 of financial institutions.

130 25 Sec. 130. Section 541A.6, Code 2007, is amended to read as
130 26 follows:

130 27 541A.6 COMPLIANCE WITH FEDERAL REQUIREMENTS.

130 28 The ~~administrator~~ commission on community action agencies
130 29 shall adopt rules for compliance with federal individual
130 30 development account requirements under the federal Personal
130 31 Responsibility and Work Opportunity Reconciliation Act of
130 32 1996, } 103, as codified in 42 U.S.C. } 604(h), under the
130 33 federal Assets for Independence Act, Pub. L. No. 105=285,
130 34 Title IV, or with any other federal individual development
130 35 account program requirements, ~~as necessary for the state to~~



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~~131 1 qualify to use federal temporary assistance for needy families
131 2 block grant funding or other available for drawing federal
131 3 funding for allocation to operating organizations. Any rules
131 4 adopted under this section shall not apply the federal
131 5 individual development account program requirements to an
131 6 operating organization which does not utilize federal funding
131 7 for the accounts with which it is connected or to an account
131 8 holder who does not receive temporary assistance for needy
131 9 families block grant or other federal funding.~~

131 10 Sec. 131. NEW SECTION. 541A.7 INDIVIDUAL DEVELOPMENT
131 11 ACCOUNT STATE MATCH FUND.

131 12 1. An individual development account state match fund is
131 13 created in the state treasury under the authority of the
131 14 administrator. Notwithstanding section 8.33, moneys
131 15 appropriated to the fund shall not revert to any other fund.
131 16 Notwithstanding section 12C.7, subsection 2, interest or
131 17 earnings on moneys deposited in the fund shall be credited to
131 18 the fund.

131 19 2. Moneys available in the fund for a fiscal year are
131 20 appropriated to the administrator to be used to provide the
131 21 state match for account holder deposits in accordance with
131 22 section 541A.3. At least eighty-five percent of the amount
131 23 appropriated shall be used for state match payments and the
131 24 remainder may be used for administrative costs.

131 25 Sec. 132. INDIVIDUAL DEVELOPMENT ACCOUNT RULES ==
131 26 TRANSITION, EFFECTIVE DATE, AND APPLICABILITY.

131 27 1. The division of community action agencies of the
131 28 department of human rights shall administer individual
131 29 development accounts in accordance with the administrative
131 30 rules pertaining to the accounts in 441 IAC ch. 10, in place
131 31 of the department of human services until replacement
131 32 administrative rules are adopted. The commission on community
131 33 action agencies may adopt emergency rules under section 17A.4,
131 34 subsection 2, and section 17A.5, subsection 2, paragraph "b",
131 35 to implement the provisions of this Act and the rules shall be



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132 1 effective immediately upon filing unless a later date is
132 2 specified in the rules. Any rules adopted in accordance with
132 3 this subsection shall also be published as a notice of
132 4 intended action as provided in section 17A.4.

132 5 2. This division of this Act, being deemed of immediate
132 6 importance, takes effect upon enactment.

132 7 3. The change from "savings refund" to "state match" as
132 8 authorized in section 422.7, subsection 28, and section
132 9 541A.3, as amended by this Act, is retroactively applicable to
132 10 January 1, 2008, for the tax year commencing on January 1,
132 11 2008.

DIVISION IX
DOMESTIC VIOLENCE

132 12 Sec. 133. Section 236.3, subsection 6, Code 2007, is
132 13 amended to read as follows:

132 14 6. Name and age of each child under eighteen whose welfare
132 15 may be affected by the controversy. The petition may also
132 16 specify and identify each animal owned, possessed, leased,
132 17 kept, or held by the petitioner, respondent, or minor child of
132 18 the petitioner or respondent whose welfare may be affected by
132 19 the controversy.

132 20 Sec. 134. Section 236.4, subsection 2, Code 2007, is
132 21 amended to read as follows:

132 22 2. a. The court may enter any temporary order it deems
132 23 necessary to protect the plaintiff from domestic abuse prior
132 24 to the hearing, upon good cause shown in an ex parte
132 25 proceeding. Present danger of domestic abuse to the plaintiff
132 26 constitutes good cause for purposes of this subsection.

132 27 b. The court may include in the temporary order issued
132 28 pursuant to this subsection a grant to the petitioner of the
132 29 exclusive care, possession, or control of any animal specified
132 30 and identified in the petition that is owned, possessed,
132 31 leased, kept, or held by the petitioner, respondent, or minor
132 32 child of the petitioner or respondent. The court may order
132 33 the respondent to stay away from the animal and forbid the
132 34 respondent to contact the animal.



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133 1 respondent from taking, transferring, encumbering, concealing,
133 2 molesting, attacking, striking, threatening, harming, or
133 3 otherwise disposing of the animal.

133 4 Sec. 135. Section 236.5, subsection 2, Code 2007, is
133 5 amended by adding the following new paragraph:

133 6 NEW PARAGRAPH. f. The court may include in an order
133 7 issued pursuant to this section a grant to the petitioner of
133 8 the exclusive care, possession, or control of any animal
133 9 specified and identified in the petition that is owned,
133 10 possessed, leased, kept, or held by the petitioner,
133 11 respondent, or minor child of the petitioner or respondent.
133 12 The court may order the respondent to stay away from the
133 13 animal and forbid the respondent from taking, transferring,
133 14 encumbering, concealing, molesting, attacking, striking,
133 15 threatening, harming, or otherwise disposing of the animal.

133 16

DIVISION X

133 17

ALZHEIMER'S DISEASE

133 18 Sec. 136. NEW SECTION. 135.154 ALZHEIMER'S DISEASE
133 19 SERVICE NEEDS.

133 20 1. The department shall regularly analyze Iowa's
133 21 population by county and age to determine the existing service
133 22 utilization and future service needs of persons with
133 23 Alzheimer's disease and similar forms of irreversible
133 24 dementia. The analysis shall also address the availability of
133 25 existing caregiver services for such needs and the appropriate
133 26 service level for the future.

133 27 2. The department shall modify its community needs
133 28 assessment activities to include questions to identify and
133 29 quantify the numbers of persons with Alzheimer's disease and
133 30 similar forms of irreversible dementia at the community level.

133 31 3. The department shall collect data on the numbers of
133 32 persons demonstrating combative behavior related to
133 33 Alzheimer's disease and similar forms of irreversible
133 34 dementia. The department shall also collect data on the
133 35 number of physicians and geropsychiatric units available in



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134 1 the state to provide treatment and services to such persons.
134 2 Health care facilities that serve such persons shall provide
134 3 information to the department for the purposes of the data
134 4 collection required by this subsection.
134 5 4. The department's implementation of the requirements of
134 6 this section shall be limited to the extent of the funding
134 7 appropriated or otherwise made available for the requirements.
134 8 Sec. 137. NEW SECTION. 231.62 ALZHEIMER'S DISEASE
134 9 SERVICES AND TRAINING.
134 10 1. The department shall regularly review trends and
134 11 initiatives to address the long-term living needs of Iowans to
134 12 determine how the needs of persons with Alzheimer's disease
134 13 and similar forms of irreversible dementia can be
134 14 appropriately met.
134 15 2. The department shall act within the funding available
134 16 to the department to expand and improve training and education
134 17 of persons who regularly deal with persons with Alzheimer's
134 18 disease and similar forms of irreversible dementia. Such
134 19 persons shall include but are not limited to law enforcement
134 20 personnel, long-term care resident's advocates, state
134 21 employees with responsibilities for oversight or monitoring of
134 22 agencies providing long-term care services, and workers and
134 23 managers in services providing direct care to such persons,
134 24 such as nursing facilities and other long-term care settings,
134 25 assisted living programs, elder group homes, residential care
134 26 facilities, adult day facilities, and home health care
134 27 services. The actions shall include but are not limited to
134 28 adopting rules.
134 29 3. The department shall adopt rules in consultation with
134 30 the direct care worker task force established pursuant to 2005
134 31 Iowa Acts, chapter 88, and in coordination with the
134 32 recommendations made by the task force, to implement all of
134 33 the following training and education provisions:
134 34 a. Standards for initial hours of training for direct care
134 35 staff, which shall require at least eight hours of classroom



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135 1 instruction and at least eight hours of supervised interactive
135 2 experiences.

135 3 b. Standards for continuing and in-service education for
135 4 direct care staff, which shall require at least eight hours
135 5 annually.

135 6 c. Standards which provide for assessing the competency of
135 7 those who have received training.

135 8 d. A standard curriculum model for the training and
135 9 education. The curriculum model shall include but is not
135 10 limited to the diagnosis process; progression of the disease;
135 11 skills for communicating with persons with the disease, family
135 12 members and friends, and caregivers; daily life skills;
135 13 caregiver stress; the importance of building relationships and
135 14 understanding personal histories; expected challenging
135 15 behaviors; nonpharmacologic interventions; and medication
135 16 management.

135 17 e. A certification process which shall be implemented for
135 18 the trainers and educators who use the standard curriculum
135 19 model.

135 20 4. The department shall conduct a statewide campaign to
135 21 educate health care providers regarding tools and techniques
135 22 for early detection of Alzheimer's disease and similar forms
135 23 of irreversible dementia so that patients and their families
135 24 will better understand the progression of such disease.

135 25 5. Within the funding available, the department shall
135 26 provide funding for public awareness efforts and educational
135 27 efforts for agencies providing long-term care services, direct
135 28 care workers, caregivers, and state employees with
135 29 responsibilities for providing oversight or monitoring of
135 30 agencies providing long-term care services. The department
135 31 shall work with local Alzheimer's disease association chapters
135 32 and other stakeholders in providing the funding.

135 33 Sec. 138. IMPLEMENTATION. The department of elder affairs
135 34 shall implement on or before July 1, 2010, the initial
135 35 provisions for expanding and improving training and education



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136 1 of those who regularly deal with persons with Alzheimer's
136 2 disease and similar forms of irreversible dementia and for
136 3 providing funding for public awareness efforts and educational
136 4 efforts in accordance with section 231.62, as enacted by this
136 5 division of this Act.

136 6

DIVISION XI

136 7

TUITION ASSISTANCE == HEALTH CARE

136 8

FACILITY EMPLOYEES

136 9

Sec. 139. TUITION ASSISTANCE FOR INDIVIDUALS SERVING
136 10 INDIVIDUALS WITH DISABILITIES == PILOT PROGRAM.

136 11

1. If the general assembly appropriates moneys for the
136 12 establishment of a tuition assistance pilot program for
136 13 employees of health care facilities serving adults with mental
136 14 illness or mental retardation, the department of education, in
136 15 consultation with the department of human services and the
136 16 north Iowa area community college, shall establish such a
136 17 pilot program to provide a grant to a community college for
136 18 purposes of awarding tuition assistance to individuals
136 19 employed by health care facilities who provide services to
136 20 adults with mental illness or mental retardation.

136 21

2. Within the limits set by the appropriation for this
136 22 purpose, the departments of education and human services shall
136 23 work collaboratively to develop a system for determining the
136 24 number of hours a student shall work in a health care facility
136 25 in return for a percentage reduction in the student's tuition
136 26 costs.

136 27

3. A participating community college shall enter into an
136 28 agreement with one or more participating health care
136 29 facilities, and may also enter into an agreement with one or
136 30 more local nonprofit public agencies, to match state funds
136 31 provided on a dollar=for=dollar basis for tuition assistance
136 32 for an eligible student who is employed by a participating
136 33 health care facility to provide services to adults with mental
136 34 illness or mental retardation. A participating health care
136 35 facility shall agree to provide the community college with the



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137 1 number of hours the student has accrued in order that the
137 2 community college may determine the percentage reduction in
137 3 the student's tuition costs.
137 4 4. The grant recipient shall compile and submit
137 5 information regarding the program's implementation and level
137 6 of local participation in the program in the manner prescribed
137 7 by the department. The department shall summarize the
137 8 information and shall submit the information and its findings
137 9 and recommendations in a report to the general assembly by
137 10 January 15 of the fiscal year following the completion of the
137 11 pilot program.
137 12 5. For purposes of this section, unless the context
137 13 otherwise requires:
137 14 a. "Eligible student" means an individual who is a
137 15 resident of Iowa, enrolled in a community college, and
137 16 employed by a participating health care facility to serve
137 17 adults with mental illness or mental retardation.
137 18 b. "Health care facility" means as defined in section
137 19 135C.1.
137 20 c. "Participating health care facility" means a health
137 21 care facility that has entered into an agreement with a
137 22 community college in accordance with this section and which
137 23 employs an eligible student.

137 24 EXPLANATION

137 25 This bill relates to and makes appropriations for health
137 26 and human services for FY 2008=2009 to the department of
137 27 veterans affairs, the Iowa veterans home, the department of
137 28 elder affairs, the department of public health, Iowa finance
137 29 authority, state board of regents, department of inspections
137 30 and appeals, and the department of human services.
137 31 GENERAL FUND AND BLOCK GRANT APPROPRIATIONS. This division
137 32 appropriates funding from the general fund of the state for
137 33 the department of elder affairs, the department of public
137 34 health, and the department of veterans affairs.
137 35 The division appropriates funds from the gambling treatment



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138 1 fund in lieu of the standing appropriation in Code section
138 2 135.150 for addictive disorders and provides for use of the
138 3 funds remaining in the fund.
138 4 The division appropriates funding from the general fund of
138 5 the state and the federal temporary assistance for needy
138 6 families block grant to the department of human services. The
138 7 allocation for the family development and self-sufficiency
138 8 grant program is made directly to the department of human
138 9 rights.
138 10 As part of the Medicaid appropriation, DHS is required to
138 11 maintain a separate account for deposit of funds remitted from
138 12 a third-party contract for behavioral health services and
138 13 appropriations of the state share of such funds remitted for
138 14 FY 2008=2009 are made for various purposes.
138 15 The reimbursement section addresses reimbursement for
138 16 providers reimbursed by the department of human services.
138 17 This division also changes the method under 2001 Iowa Acts,
138 18 chapter 192, by which increased reimbursement to certain
138 19 nursing facilities is provided based upon accountability
138 20 measures.
138 21 The chairpersons of the joint appropriations subcommittee
138 22 on health and human services are required to convene a group
138 23 of various interests to review drug product selection. This
138 24 provision takes effect upon enactment.
138 25 SENIOR LIVING TRUST FUND, PHARMACEUTICAL SETTLEMENT
138 26 ACCOUNT, IOWACARE ACCOUNT, HEALTH CARE TRANSFORMATION ACCOUNT,
138 27 AND PROPERTY TAX RELIEF FUND. This division makes
138 28 appropriations for FY 2008=2009 from the senior living trust
138 29 fund to the department of elder affairs, the department of
138 30 human services, the department of inspections and appeals, and
138 31 the Iowa finance authority.
138 32 The division makes an appropriation from the pharmaceutical
138 33 settlement account to the department of human services to
138 34 supplement the medical contracts appropriation.
138 35 The division makes appropriations from the IowaCare account



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139 1 to the state board of regents for distribution to the
139 2 university of Iowa hospitals and clinics, and to the
139 3 department of human services for distribution to a publicly
139 4 owned acute care teaching hospital in a county with a
139 5 population over 350,000, and to the state mental health
139 6 institutes for purposes related to the IowaCare program and
139 7 indigent care. The division makes an appropriation to the
139 8 department of human services from the health care
139 9 transformation account for various health care reform
139 10 initiatives. The division includes a transfer from the
139 11 account for health care transformation to the IowaCare
139 12 account.

139 13 DHS is required to work with various interests in
139 14 developing a plan for the IowaCare program beyond June 30,
139 15 2010.

139 16 An appropriation is made from the property tax relief fund
139 17 for the medical assistance program in lieu of distribution of
139 18 certain revenues received from utility replacement generation
139 19 tax revenues received as of April 1, 2008.

139 20 Code section 426B.2, relating to distribution of
139 21 replacement generation tax revenues from the property tax
139 22 relief fund to counties, is amended to change a date and to
139 23 authorize the department of management to revise budgets to
139 24 reflect the amount of such revenues to be distributed.

139 25 If the total amount appropriated from all sources for the
139 26 medical assistance program for FY 2008=2009 exceeds the amount
139 27 needed, the excess reverts to the senior living trust fund.

139 28 MH/MR/DD/BI SERVICES ALLOWED GROWTH FUNDING == FY
139 29 2008=2009. This division codifies a new emerging mental
139 30 health crisis services system and a new mental health services
139 31 system for children and provides for distribution of the
139 32 services funding previously appropriated for FY 2008=2009.

139 33 Code section 225C.5 is amended to provide for
139 34 representation on the commission for agencies serving persons
139 35 with a substance abuse problem.



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140 1 New Code section 225C.19 provides for establishment of an
140 2 emergency mental health crisis services system through the
140 3 division of mental health and disability services of the
140 4 department of human services. The purpose of the system is to
140 5 provide a statewide array of time-limited services to reduce
140 6 escalation of mental health crisis situations, relieve the
140 7 immediate distress of individuals experiencing a crisis
140 8 situation, reduce the risk of individuals in a crisis
140 9 situation doing harm to themselves or others, and promote
140 10 timely access to appropriate services for those who require
140 11 ongoing mental health services.

140 12 The system's general requirements are outlined in new Code
140 13 section 225C.19, including definitions, purpose, statewide
140 14 availability, goals, required elements, and initial
140 15 implementation through competitive block grants.

140 16 New Code section 225C.51 provides definitions of the terms
140 17 "child" or "children", "children's system" or "mental health
140 18 services system for children and youth", "functional
140 19 impairment", "other qualifying mental health disorder",
140 20 "serious emotional disturbance", and "youth". "Youth" is
140 21 defined to mean a person age 18 or older but less than age 22
140 22 who met the criteria for having a serious emotional
140 23 disturbance prior to age 18.

140 24 New Code section 225C.52 states the purpose and the goals
140 25 and outcomes desired for the children's system. The purpose
140 26 is to improve access for children and youth with serious
140 27 emotional disturbances and youth with other qualifying mental
140 28 health disorders to mental health treatment, services, and
140 29 other support in the least restrictive setting possible so the
140 30 children and youth can live with their families and remain in
140 31 their communities.

140 32 New Code section 225C.53 outlines the role of the
140 33 department of human services as the lead agency for the
140 34 children's system and designates the division of mental health
140 35 and disability services to fulfill various responsibilities



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141 1 relating to the system.

141 2 New Code section 225C.54 outlines requirements for the
141 3 initial implementation of the system in FY 2008=2009 using
141 4 competitive block grants through existing community mental
141 5 health centers, providers approved to provide services in
141 6 place of a community mental health center, and other local
141 7 service providers, requiring the department to analyze options
141 8 for leveraging additional Medicaid options, and engaging local
141 9 school, child welfare, juvenile justice, mental health, and
141 10 health care professionals. Certain services, such as
141 11 school-based mental health services and the development of
141 12 mental health assessment capacity based in public and
141 13 nonpublic schools and clinical settings, are required to be
141 14 supported through the block grants. The services supported
141 15 may also include other services such as mobile crisis
141 16 intervention services and prevention-oriented services.

141 17 Code section 331.439, relating to county mental health,
141 18 mental retardation, and developmental disabilities services
141 19 plans, is amended to allow the department of human services to
141 20 extend for good cause the county deadlines for reporting
141 21 associated with the services.

141 22 The department is required to regularly report on the
141 23 status of the implementation to the mental health, mental
141 24 retardation, developmental disabilities, and brain injury
141 25 commission, governor, and general assembly, including an
141 26 annual report each January. The previously made appropriation
141 27 in 2007 Iowa Acts, chapter 215, is revised and the brain
141 28 injury services program distribution through the department of
141 29 public health is eliminated.

141 30 DHS is authorized to implement a pilot project for a
141 31 regional services network for services paid from a county
141 32 MH/MR/DD services fund, limited to the two-year period of July
141 33 1, 2008, through June 30, 2010. Various cooperative actions
141 34 are authorized for the counties electing to participate in the
141 35 pilot project, including pooling of services funds and waiver



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142 1 slots.

142 2 The legislative council is requested to create a task force
142 3 to consider county=state shared funding for the mental health
142 4 and disability services covered by the Medicaid program.
142 5 Additionally, the department of human services, division of
142 6 mental health and disability services, is directed to appoint
142 7 a stakeholder committee to work on updating Iowa law and rules
142 8 pertaining to community mental health centers.

142 9 HEALTH CARE TRUST FUND. This division includes provisions
142 10 relating to health care and makes appropriations from the
142 11 health care trust fund.

142 12 Appropriations are made from the health care trust fund to
142 13 the department of public health for addictive disorders,
142 14 healthy children and families, chronic conditions, and
142 15 community capacity.

142 16 Funds are appropriated from the health care trust fund to
142 17 the department of human services for medical assistance and
142 18 mental health, mental retardation, and developmental
142 19 disability (MH/MR/DD) services allowed growth. Under the
142 20 appropriation for the medical assistance program, funding is
142 21 specifically allocated for a grant to the Iowa healthcare
142 22 collaborative. The appropriation for MH/MR/DD allowed growth
142 23 is to be credited to the property tax relief fund from which
142 24 it is appropriated in another part of the bill.

142 25 APPROPRIATION=RELATED CHANGES. This division provides
142 26 appropriation=related changes and takes effect upon enactment.

142 27 Code section 35D.18, requiring the Iowa veterans home to
142 28 operate with a net general fund appropriation, is amended to
142 29 remove a \$500,000 restriction on the amount of excess funding
142 30 that may be carried forward at the close of a fiscal year.

142 31 A supplemental appropriation is made for FY 2007=2008 from
142 32 the healthy Iowans tobacco trust to be credited to the
142 33 juvenile detention home fund.

142 34 An allocation made in 2006 Iowa Acts, chapter 1184, for
142 35 purposes of the decategorization of child welfare and juvenile



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143 1 justice funding initiative under Code section 232.188 is
143 2 amended to provide that the allocation and any other funding
143 3 designated as carryover funding under the initiative that is
143 4 unencumbered or unobligated at the close of fiscal year
143 5 2007=2008 will not revert as provided in Code section 232.188
143 6 but instead will remain to be used for the initiative in FY
143 7 2008=2009.

143 8 The appropriation made in 2007 Iowa Acts, chapter 176, for
143 9 the Vietnam Conflict veterans bonus fund is amended to provide
143 10 that the appropriation does not revert at the close of FY
143 11 2007=2008 but remains available through the succeeding fiscal
143 12 year.

143 13 The appropriation made in 2007 Iowa Acts, chapter 203, for
143 14 the injured veterans grant program is amended to provide that
143 15 the appropriation does not revert at the close of FY 2007=2008
143 16 but remains available through the succeeding fiscal year.

143 17 The general fund appropriation to the department of elder
143 18 affairs for the livable community initiative in 2007 Iowa
143 19 Acts, chapter 215, is amended to provide the appropriation
143 20 does not revert at the close of FY 2007=2008 but remains
143 21 available to be used for the same purpose in the succeeding
143 22 fiscal year.

143 23 Allocations made in appropriations to the department of
143 24 public health in 2007 Iowa Acts, chapter 218, section 2, for
143 25 patients who have phenylketonuria (PKU) and for management of
143 26 the antiviral stockpile that remain at the close of the fiscal
143 27 year are carried forward to be used for the same purposes in
143 28 the succeeding fiscal year.

143 29 The general fund appropriation made to the department of
143 30 veterans affairs in 2007 Iowa Acts, chapter 218, section 4,
143 31 subsection 1, for departmental administration is amended to
143 32 provide that the appropriation does not revert at the close of
143 33 FY 2007=2008 but remains available through the succeeding
143 34 fiscal year to be used for the veterans cemetery sign and
143 35 other necessary expenses.



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144 1 The general fund appropriation made for purposes of the
144 2 county grant program for veterans in 2007 Iowa Acts, chapter
144 3 218, section 4, subsection 4, will remain available to be used
144 4 for the program in the succeeding fiscal year rather than be
144 5 credited to the veterans trust fund.

144 6 A portion of the appropriation of federal temporary
144 7 assistance for needy families (TANF) block grant made in 2007
144 8 Iowa Acts, chapter 218, section 7, to the department of human
144 9 services for the family investment program is shifted to the
144 10 appropriation from the block grant for state child care
144 11 assistance and a portion is then transferred to the federal
144 12 child care and development block grant.

144 13 An allocation made in 2007 Iowa Acts, chapter 218, section
144 14 8, of combined general fund and federal TANF block grant funds
144 15 made for a transitional benefits program for employed persons
144 16 family investment program, is repealed.

144 17 Of the funds appropriated from the general fund to the
144 18 department of human services for fiscal year 2007=2008 in 2007
144 19 Iowa Acts, chapter 218, section 15, for the state children's
144 20 health insurance program, up to \$441,000 that remains
144 21 available at the close of the fiscal year is to be transferred
144 22 to the appropriation from child care assistance until the
144 23 close of the succeeding fiscal year.

144 24 Existing authority for DHS to transfer funds appropriated
144 25 in 2007 Iowa Acts, chapter 218, section 18, for child and
144 26 family services that would have otherwise been paid under
144 27 another appropriation is expanded to include services that
144 28 would have otherwise been reimbursed under the appropriation
144 29 for child care assistance.

144 30 Of the general fund moneys that can be designated as
144 31 carryover funding allocated for the decategorization of child
144 32 welfare funding for fiscal year 2007=2008 in 2007 Iowa Acts,
144 33 chapter 218, section 18, that if unexpended at the close of
144 34 the fiscal year would otherwise be available for the
144 35 succeeding fiscal year, up to \$6.6 million is transferred to



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145 1 the appropriation made for the child care assistance to be
145 2 used for the state child care assistance program for the
145 3 succeeding fiscal year and any remainder may be designated as
145 4 carryover funding.

145 5 Of the fiscal year 2007=2008 general fund appropriation to
145 6 DHS in 2007 Iowa Acts, chapter 218, section 18, for child and
145 7 family services remaining unexpended at the close of the
145 8 fiscal year, up to \$3.7 million is transferred to the
145 9 appropriation for child care assistance to be used for the
145 10 state child care assistance program until the close of the
145 11 succeeding fiscal year.

145 12 The requirements for distribution of the moneys
145 13 appropriated to DHS from the juvenile detention home fund in
145 14 2007 Iowa Acts, chapter 218, section 20, are revised to
145 15 increase the amount distributed to such homes and to decrease
145 16 and eliminate other allocations. Any remainder is required to
145 17 be transferred to the appropriation for child and family
145 18 services.

145 19 Moneys remaining unexpended at the close of the fiscal year
145 20 from the appropriation made to DHS for the sexually violent
145 21 predator program in 2007 Iowa Acts, chapter 218, section 27,
145 22 may be carried forward for expenditure in the succeeding
145 23 fiscal year.

145 24 Of the general fund appropriation made to the department of
145 25 human services for field operations for fiscal year 2007=2008
145 26 in 2007 Iowa Acts, chapter 218, section 28, up to \$1.5 million
145 27 of the amount remaining unexpended at the close of the fiscal
145 28 year may be carried forward to be used in the succeeding
145 29 fiscal year.

145 30 Of the general fund appropriation made to the department of
145 31 human services for general administration for fiscal year
145 32 2007=2008 in 2007 Iowa Acts, chapter 218, section 29, \$1
145 33 million is transferred to the juvenile detention home fund and
145 34 up to \$110,000 of any amount remaining unexpended at the close
145 35 of the fiscal year may be carried forward to be used in the



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146 1 succeeding fiscal year.

146 2 This division eliminates a provision in 2007 Iowa Acts,
146 3 chapter 218, section 31, allowing for adjustment of the
146 4 pharmacy dispensing fee to compensate for any reduction in
146 5 drug product cost reimbursement resulting from federal
146 6 legislation.

146 7 The appropriation made from the pharmaceutical settlement
146 8 account in 2007 Iowa Acts, chapter 218, section 72, is
146 9 increased by \$26,000 and that amount is transferred to the
146 10 department of public health to be used for the center for
146 11 congenital and inherited disorders.

146 12 The appropriations made from the IowaCare account in 2007
146 13 Iowa Acts, chapter 218, section 74, are amended to provide a
146 14 new appropriation payment to the publicly owned acute care
146 15 teaching hospital located in a county with a population over
146 16 350,000.

146 17 Moneys appropriated from the property tax relief fund in
146 18 2007 Iowa Acts, chapter 218, section 83, and transferred to
146 19 DPH for the brain injury program that remain unexpended at the
146 20 close of fiscal year 2007=2008 are to be transferred to the
146 21 appropriation for the Medicaid program to be used for the
146 22 program until the close of the succeeding fiscal year.

146 23 Appropriations made from the health care trust fund to the
146 24 department of public health for fiscal year 2007=2008 in 2007
146 25 Iowa Acts, chapter 218, section 97, for addictive disorders,
146 26 healthy children and families, and chronic conditions, and to
146 27 DHS for the state children's health insurance program in
146 28 section 98, remaining unexpended at the close of the fiscal
146 29 year may be carried forward to be used in the succeeding
146 30 fiscal year.

146 31 Code section 239A.11A, providing a transitional benefits
146 32 program for employed persons in the family investment program,
146 33 is repealed.

146 34 The division takes effect upon enactment.

146 35 PRIOR YEAR APPROPRIATION CHANGES WITH CONTINGENT



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147 1 APPLICABILITY DATE. This division changes prior year
147 2 appropriations and is retroactively applicable to December 21,
147 3 2007, but is contingent upon federal approval of a Medicaid
147 4 state plan amendment.

147 5 The appropriation made from the general fund of the state
147 6 in 2007 Iowa Acts, chapter 214, for the state psychiatric
147 7 hospital is reduced to zero and is replaced by increasing the
147 8 appropriation made from the general fund of the state for the
147 9 medical assistance program in 2007 Iowa Acts, chapter 218, and
147 10 making an allocation for the psychiatric hospital. The
147 11 medical assistance appropriation is also amended to transfer
147 12 approximately \$4.5 million to the IowaCare account. In
147 13 addition, the appropriation made in 2007 Iowa Acts, chapter
147 14 215, for the salary adjustment fund is amended to reduce the
147 15 appropriation and to reflect that the distribution of salary
147 16 adjustment moneys for the state psychiatric hospital are
147 17 reduced to zero.

147 18 The bill also increases the amount appropriated to the
147 19 state board of regents for the IowaCare program for FY
147 20 2007=2008, and makes distribution of the amount contingent
147 21 upon claims adjudicated and approved for payment.

147 22 CODE CHANGES. This division provides miscellaneous Code
147 23 changes.

147 24 Code section 28.9, relating to the community empowerment
147 25 fund, is amended to change the name of the community
147 26 empowerment gifts and grants account within the fund to the
147 27 first years first account.

147 28 Code section 135.22B, relating to the brain injury services
147 29 program in DPH, is amended to eliminate the component relating
147 30 to persons eligible for the Medicaid home and community-based
147 31 services waiver for persons with brain injury.

147 32 New Code section 135.155 creates the early childhood Iowa
147 33 council, and includes a purpose and vision statement, provides
147 34 that the council membership is open to a representative of any
147 35 organization that touches the lives of young children in the



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148 1 state ages zero through five, authorizes the council to adopt
148 2 its own procedures, provides for creation of component groups
148 3 and for a steering committee consisting of the co-chairpersons
148 4 of the component groups and others, provides for a state
148 5 agency team to support the activities of the council, and
148 6 outlines the duties of the council.

148 7 New Code section 135.156 designates the department of
148 8 public health as the lead agency for the support of the
148 9 development and integration of an early childhood system for
148 10 Iowa. The lead agency's duties include working with state
148 11 agencies to enter into memorandums of understanding outlining
148 12 the agencies' responsibilities in the system; working with
148 13 private businesses, foundations, and nonprofit organizations
148 14 in implementing a public-private partnership to develop and
148 15 provide funding for the system; and maintaining an internet
148 16 site for the early childhood Iowa council and its component
148 17 groups.

148 18 The bill addresses criminal and abuse records of
148 19 prospective and current employees of licensed hospitals (Code
148 20 section 135.34) and health care facilities (Code section
148 21 135C.33) and certain health-related programs and services and
148 22 provides penalties.

148 23 Under current law, Code section 135B.34 authorizes
148 24 hospitals licensed in this state to access the single contact
148 25 repository established by the department of inspections and
148 26 appeals in order for the hospital to perform record checks of
148 27 persons employed by or being considered for employment by the
148 28 hospital. The bill retains this authorization and requires
148 29 criminal history and child and dependent adult abuse record
148 30 checks to be made in Iowa. Under current law, performing the
148 31 checks and prohibition of employment are optional for
148 32 hospitals but required for facilities, services, and programs
148 33 under Code section 135C.33.

148 34 The bill amends Code section 135C.33, relating to required
148 35 criminal history and child and dependent adult abuse record



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149 1 checks relating to employment by licensed health care
149 2 facilities (a residential care facility, a nursing facility,
149 3 an intermediate care facility for persons with mental illness,
149 4 or an intermediate care facility for persons with mental
149 5 retardation) and various other listed programs providing
149 6 health-related services or programs that are accredited by the
149 7 state or paid for with public funds.

149 8 The bill applies the same requirements for hospitals under
149 9 Code section 135B.34 and for the health care facilities and
149 10 other services and programs that are subject to Code section
149 11 135C.33. This explanation describes the requirements
149 12 applicable under both Code sections, noting where changes are
149 13 made to current law.

149 14 In addition to criminal history and dependent adult abuse
149 15 record checks, child abuse record checks are required by the
149 16 bill. Under current law, child abuse record checks are
149 17 optional under Code section 135C.33.

149 18 The bill provides a new contingent requirement in the event
149 19 the ownership of a licensee is transferred. The records
149 20 checks are required at the time of the ownership transfer for
149 21 any employee for whom there is no documentation that the
149 22 records checks have been performed. The employee may continue
149 23 to be employed pending the performance of the records checks
149 24 and any related evaluation.

149 25 Current law in Code section 135C.33 allows an evaluation to
149 26 be performed by the department of human services for any crime
149 27 or type of abuse to determine whether prohibition of a
149 28 person's employment is warranted. The bill requires the
149 29 department of public safety to notify employees concerning a
149 30 prospective employee's criminal record and the department of
149 31 human services to notify employers concerning a prospective
149 32 employee's child or dependent adult abuse record, and of the
149 33 employer's option to request the evaluation to be performed.

149 34 Once a person is employed, if after the employment
149 35 application date the employee is convicted of a crime or a



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150 1 founded abuse record is entered, the employee is required to
150 2 inform the employer within 48 hours. The employer is required
150 3 to verify the information, and if verified, the bill's
150 4 employment prohibitions and evaluation requirements are
150 5 applicable. An employee may continue to be employed while the
150 6 evaluation is being performed. An employee who fails to
150 7 inform the employer within the required 48-hour period commits
150 8 a serious misdemeanor. A serious misdemeanor is punishable by
150 9 confinement for no more than one year and a fine of at least
150 10 \$315 but not more than \$1,875.

150 11 If the employer is provided credible information, as
150 12 determined by the employer, by someone other than the employee
150 13 that the employee has committed a crime or has a record of
150 14 founded abuse and the employee had not informed the employer
150 15 within the 48-hour period, the employer must verify the
150 16 information within 48 hours of being informed. If verified,
150 17 the bill's employment prohibitions and evaluation requirements
150 18 are applicable. An employee may continue to be employed while
150 19 the evaluation is being performed. The employer may notify
150 20 the county attorney concerning an employee who fails to notify
150 21 an employer within the 48-hour period.

150 22 Code section 135H.3, relating to the nature of care
150 23 provided in a psychiatric medical institution for children, is
150 24 amended to provide that children requiring treatment for a
150 25 biologically based mental illness and meeting other criteria
150 26 are deemed to meet the acuity criteria for inpatient treatment
150 27 under various health care coverage provisions.

150 28 Code section 217.19, relating to DHS expenses, is amended
150 29 to require the department of administrative services to work
150 30 with DHS in order to develop and implement an expense policy
150 31 for members of boards, commissions, and other bodies so that a
150 32 person with an income below 150 percent of the federal poverty
150 33 level may have expenses paid in lieu of reimbursement.

150 34 Code section 225C.40, relating to family support subsidy
150 35 program payment and appeal requirements, is amended. The



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151 1 family support subsidy program is administered by DHS to
151 2 assist families with a family member who is younger than 18
151 3 and has an educational disability or special health care needs
151 4 or otherwise meets the federal developmental disability
151 5 definition. The bill provides that if a family appeals the
151 6 termination of a family member who attains age 18, family
151 7 support subsidy payments are withheld while resolution of the
151 8 appeal is pending.

151 9 Code section 235B.6, relating to access to dependent adult
151 10 abuse information, is amended to provide that a person who
151 11 submits written authorization from an individual allowing the
151 12 person access to dependent adult abuse information on the
151 13 determination only on whether or not the individual who
151 14 authorized the access is named in a founded dependent adult
151 15 abuse report as having abused a dependent adult has access to
151 16 such dependent adult abuse information.

151 17 Code chapter 237A requirements are amended to require child
151 18 care homes and child development homes to be located in a
151 19 single-family residence and to revise record check
151 20 requirements.

151 21 Under Code chapter 237A, a "child care home" provides child
151 22 care to five or fewer children at any one time and is not
151 23 registered with the department of human services. A "child
151 24 development home" is registered with the department and may
151 25 provide child care to six or more children at any one time.

151 26 Code section 237A.3 is amended to require child care homes
151 27 to be located in a single-family residence that is owned,
151 28 rented, or leased by the person providing the child care. A
151 29 single-family residence includes an apartment, condominium,
151 30 townhouse, or other individual unit within a multiple unit
151 31 residential dwelling. A single-family residence does not
151 32 include a commercial or industrial building that is primarily
151 33 used for purposes other than a residence.

151 34 Code section 237A.3A is amended to require child
151 35 development homes to be located in a single-family residence



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152 1 that is owned, rented, or leased by the person or, for dual
152 2 registrations, at least one of the persons named on the child
152 3 development home's certificate of registration. The
152 4 clarifications concerning the inclusion of units within
152 5 multiple unit residential dwellings and the commercial or
152 6 industrial building restriction applied to child care homes
152 7 are also applied to child development homes.
152 8 Current law under Code section 237A.5, relating to
152 9 personnel providing child care or living in a child care home
152 10 or facility, requires criminal and child abuse registry checks
152 11 to be conducted by DHS for a "person who is subject to a
152 12 record check". This term means the person is being considered
152 13 for licensure or registration or is registered or licensed
152 14 under Code chapter 237A, the person is being considered by a
152 15 child care facility (defined to mean a licensed child care
152 16 center or registered child development home) for employment
152 17 involving direct responsibility for a child or with access to
152 18 a child when the child is alone or is employed with such
152 19 responsibilities, the person will reside or resides in a child
152 20 care facility, the person has applied for or receives public
152 21 funding for providing child care, or the person will reside or
152 22 resides in a child care home that is not registered under the
152 23 Code chapter but that receives public funding for providing
152 24 child care.
152 25 If a record check is performed under Code section 237A.5
152 26 and the record indicates that the person has committed a
152 27 transgression, the department is required to perform an
152 28 evaluation to determine if prohibition of the person's
152 29 involvement with child care is warranted. "Transgression"
152 30 means the record indicates the person has been convicted of a
152 31 crime, has a record of having committed founded child or
152 32 dependent adult abuse, is listed in the sex offender registry,
152 33 has a record of having committed a public or civil offense, or
152 34 DHS has revoked a child care facility registration or license
152 35 due to the person's continued or repeated failure to operate



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153 1 the child care facility in compliance with law and rules
153 2 adopted pursuant to the Code chapter.
153 3 The bill provides that an evaluation is required even if
153 4 the application which made the person subject to the record
153 5 check is withdrawn or the circumstances which made the person
153 6 subject to the record check are no longer applicable. If the
153 7 evaluation determines that prohibition of the person's
153 8 involvement with child care is warranted, the law regarding
153 9 such prohibition is applicable. A person who provides child
153 10 care in violation of the prohibition is subject to criminal
153 11 penalty or injunction.
153 12 Reference to certain child care funding for wrap-around
153 13 services provided through DHS in Code section 237A.13,
153 14 relating to the state child care assistance program is
153 15 eliminated. The stricken subsection provides that a licensed
153 16 child care center or registered child development home is
153 17 deemed to be eligible for child care wrap-around funding if
153 18 the center or home previously received the funding, meets
153 19 requirements to be a shared vision program except that a
153 20 shared vision program is not operated in the county where the
153 21 center or home is located, and is providing child care
153 22 wrap-around service that is included in the plan for the
153 23 community empowerment area in which the center or home is
153 24 located. The shared visions program is administered through
153 25 the department of education to provide quality child
153 26 development programs to preschool children.
153 27 New Code section 234.47 requires DHS, the department of
153 28 management, and the legislative services agency to jointly
153 29 arrive at consensus projections for state child care
153 30 assistance and adoption subsidy program expenditures.
153 31 New Code section 249A.15A requires DHS to adopt rules to
153 32 provide that licensed marital and family therapists are
153 33 entitled to reimbursement from the Medicaid program for
153 34 behavioral health services and licensed master social workers
153 35 may provide treatment under the program under certain



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154 1 conditions. Another section requires DHS to amend the
154 2 Medicaid state plan accordingly.
154 3 Code Section 249J.20, relating to the medical assistance
154 4 projections and assessment council, is amended to provide for
154 5 meeting at least annually rather than quarterly.
154 6 New Code section 256.35A creates the Iowa autism council in
154 7 the department of education to advise the state in developing
154 8 and implementing a system for services to children with autism
154 9 and to meet the needs of adults with autism.
154 10 Code section 514I.6 is amended to provide that a
154 11 participating insurer under the hawk=i program is prohibited
154 12 from requiring participation by a provider in other health
154 13 insurance products of the participating insurer as a condition
154 14 of participation in the qualified child health plan.
154 15 The responsibility for convening a workgroup concerning the
154 16 care and treatment provided by the university of Iowa
154 17 hospitals and clinics to inmates, students, and former inmates
154 18 of state institutions in 2005 Iowa Acts, chapter 167, is
154 19 shifted from the department of human services to the state
154 20 board of regents.
154 21 INDIVIDUAL DEVELOPMENT ACCOUNTS. This division relates to
154 22 individual development accounts authorized for certain
154 23 individuals with low income.
154 24 Under current law in Code chapter 541A, the department of
154 25 human services administers the accounts through operating
154 26 organizations who certify the accounts. Account holder
154 27 deposits may be matched by operating organizations, federal
154 28 individual development account funding, and state savings
154 29 refunds providing a state match for the deposits of account
154 30 holders with family incomes of 200 percent or less of the
154 31 federal poverty level. The state savings refund amount ranges
154 32 from 15=25 percent of account holder deposits, depending on
154 33 income. Interest and earnings on the accounts and the
154 34 deposits made to an account by others is exempt from state
154 35 income tax. Withdrawals from an account must be approved by



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155 1 the operating organization for one of the following approved
155 2 purposes: higher education costs, training programs, purchase
155 3 of a primary residence or improvements to such residence,
155 4 capitalization of a small business start-up, or certain
155 5 emergency medical costs.

155 6 The bill makes a number of changes to the requirements for
155 7 individual development accounts. New approved purposes for
155 8 using the accounts are provided authorizing purchase of an
155 9 automobile, purchase of assistive technology to assist an
155 10 account holder or family member with a disability, or for
155 11 other purposes approved in rule. The maximum amount of
155 12 deposits of principal to an account is reduced from \$50,000 to
155 13 \$30,000. Administration of the program is moved from the
155 14 department of human services to the division of community
155 15 action agencies of the department of human rights.
155 16 Requirements for household income determinations and other
155 17 procedures for the accounts are required to be adopted in rule
155 18 by the commission on community action agencies. The division
155 19 of community action agencies is required to utilize a request
155 20 for proposals process for selection of operating organizations
155 21 and approval of financial institutions.

155 22 The division includes a temporary authorization for
155 23 operation of the accounts in accordance with the rules adopted
155 24 by the department of human services until replacement rules
155 25 are adopted. The commission may adopt the replacement rules
155 26 using emergency procedures which forego public comment and
155 27 review by the administrative rules review committee.

155 28 The state savings refund is changed to a state match and is
155 29 increased to 100 percent of account holder deposits. The
155 30 current state match limit of a percentage of account holder
155 31 deposits of up to \$2,000 per calendar year is charged with an
155 32 overall limit of \$2,000. If funding is available the
155 33 commission may authorize implementing refugee accounts with
155 34 withdrawals approved for the special needs of refugee
155 35 families. Code section 422.7, providing for adjustments to



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156 1 income for purposes of determining net income under the state
156 2 income tax, is amended to include a reference to state match
156 3 payments in the exemption provision relating to individual
156 4 development accounts. The provisions of the bill referencing
156 5 the state match payment are retroactively applicable to
156 6 January 1, 2008, for the tax year beginning on that date.

156 7 An individual development account state match fund is
156 8 created in new Code section 541A.7 with a standing
156 9 appropriation of any moneys available in the fund to the
156 10 division for payments of state matches. The division of
156 11 community action agencies is authorized to revise the match
156 12 payment provisions as necessary to restrict payments to the
156 13 funding available. A requirement for the program
156 14 administrator to work with the federal government and the
156 15 state's congressional delegation to secure federal tax
156 16 exemption for the accounts and account earnings and to report
156 17 annually is repealed. A portion of any appropriations from
156 18 the fund may be used for administrative costs.

156 19 This division takes effect upon enactment.

156 20 DOMESTIC VIOLENCE. This division relates to domestic abuse
156 21 protective orders and animals owned or held by a petitioner,
156 22 respondent, or minor child of the petitioner or respondent in
156 23 domestic abuse cases.

156 24 Code section 236.3 is amended to provide that a person who
156 25 files a petition for relief from domestic abuse may specify
156 26 and identify any animal owned, possessed, leased, kept, or
156 27 held by the petitioner, respondent, or minor child of the
156 28 petitioner or respondent whose welfare may be affected by
156 29 domestic abuse.

156 30 Code sections 236.4 and 236.5 are amended to provide that
156 31 the court may include in both temporary and permanent orders
156 32 issued a grant to the petitioner of the exclusive care,
156 33 possession, or control of any animal specified and identified
156 34 in the petition. The court may order the respondent to stay
156 35 away from the animal and forbid the respondent from taking,



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157 1 transferring, encumbering, concealing, molesting, attacking,
157 2 striking, threatening, harming, or otherwise disposing of the
157 3 animal.

157 4 ALZHEIMER'S DISEASE. The bill addresses Alzheimer's
157 5 disease and similar forms of irreversible dementia.

157 6 New Code section 135.154 requires the department of public
157 7 health to determine the existing service utilization and
157 8 future service needs of persons with Alzheimer's disease and
157 9 similar forms of irreversible dementia. The analysis is also
157 10 required to address the availability of existing caregiver
157 11 services for such needs and the appropriate service level for
157 12 the future. The department is required to modify its
157 13 community needs assessment activities to include questions to
157 14 identify and quantify the numbers of such persons. The
157 15 department is also required to collect data regarding the
157 16 numbers of such persons exhibiting combative behavior and the
157 17 numbers of treatment providers. Health care facilities are
157 18 required to provide information for the data collection. The
157 19 department's implementation is limited to the extent of the
157 20 funding available.

157 21 New Code section 231.62 directs the department of elder
157 22 affairs to perform various actions regarding the needs of such
157 23 persons, including regularly reviewing trends and initiatives,
157 24 expanding and improving the training and education of those
157 25 who address the needs of such persons and caregivers, and
157 26 providing funding for building public awareness. The
157 27 department is directed to adopt rules concerning a list of
157 28 education and training requirements. The department is
157 29 required to consult with the direct care worker task force
157 30 created in 2005 Iowa Acts in adopting the rules and in
157 31 coordination with the task force's recommendations. An
157 32 implementation section requires the department to initially
157 33 implement the training and public awareness provisions on or
157 34 before July 1, 2010.

157 35 TUITION ASSISTANCE == HEALTH CARE FACILITY EMPLOYEES. This



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158 1 division provides that if the general assembly appropriates
158 2 moneys for the purpose of the establishment by the department
158 3 of education, in consultation with the department of human
158 4 services and the north Iowa area community college, of a
158 5 tuition assistance pilot program to provide a grant to a
158 6 community college for purposes of awarding tuition assistance
158 7 to residents of Iowa who are students enrolled in the
158 8 community college and who are employed by a health care
158 9 facility to provide services to adults with mental illness or
158 10 mental retardation, the department of education shall
158 11 establish such a pilot. An appropriation is provided in the
158 12 bill from the health care transformation account.

158 13 The departments of education and human services are
158 14 directed to work collaboratively to develop a system for
158 15 determining the number of hours a student shall work in a
158 16 health care facility in return for a percentage reduction in
158 17 the student's tuition costs within the limits set by the
158 18 appropriation for this purpose.

158 19 A participating community college must enter into an
158 20 agreement with one or more participating health care
158 21 facilities, and may also enter into an agreement with one or
158 22 more local nonprofit public agencies, to match state funds
158 23 provided on a \$1-for-\$1 basis for tuition assistance for
158 24 eligible students. A participating health care facility must
158 25 agree to provide the community college with the number of
158 26 hours the student has accrued in order that the community
158 27 college may determine the percentage reduction in the
158 28 student's tuition costs.

158 29 The grant recipient must compile and submit information
158 30 regarding the program's implementation and level of local
158 31 participation in the program in the manner prescribed by the
158 32 department. The department must summarize the information and
158 33 shall submit the information and its findings and
158 34 recommendations in a report to the general assembly by January
158 35 15 of the fiscal year following the completion of the pilot



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House Study Bill 795 continued

159 1 program.
159 2 LSB 5002HC 82
159 3 pf/jp/14



Iowa General Assembly
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April 17, 2008

Senate Amendment 5366

PAG LIN

1 1 Amend the Senate amendment, H=8403, to House File
1 2 2628, as amended, passed, and reprinted by the House,
1 3 as follows:
1 4 #1. Page 1, by inserting after line 2 the
1 5 following:
1 6 <#____. Page 1, line 8, by inserting after the word
1 7 <designed> the following: < except a bow and arrow
1 8 when possessed and used for hunting or any other
1 9 lawful purpose>.
1 10 #2. By renumbering as necessary.
1 11 HF 2628.H
1 12 rh/jg/25
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**Iowa General Assembly
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Senate Amendment 5367

PAG LIN

1 1 Amend Senate File 2425 as follows:

1 2 #1. Page 45, by striking lines 18 through 32 and

1 3 inserting the following:

1 4 <Sec. _____. POSITIVE ALTERNATIVES PROGRAM.

1 5 1. The department of human services shall

1 6 establish a positive alternatives program to provide

1 7 core services consisting of information, education,

1 8 counseling, and support services to women who

1 9 experience unplanned pregnancies by promoting

1 10 childbirth over abortion, assisting pregnant women in

1 11 remaining healthy and maintaining a healthy pregnancy

1 12 while deciding whether to keep the child or place the

1 13 child for adoption, and assisting the woman after the

1 14 birth of the child. The services provided may include

1 15 but are not limited to: counseling and mentoring;

1 16 pregnancy, childbirth, parenting, and abstinence

1 17 classes; fostering of a statewide pregnancy and

1 18 parenting support system; assistance with physical and

1 19 mental well-being of a woman during pregnancy and

1 20 post-delivery; assistance with the physical well-being

1 21 of the fetus and newborn; assistance with food,

1 22 shelter, clothing, health care, childcare, and

1 23 employment; and other supportive programs and

1 24 services. The department shall award grants to

1 25 service providers that do not provide abortions and

1 26 have been in existence for at least one year prior to

1 27 the awarding of the grant and that are experienced and

1 28 qualified in providing core pregnancy support services

1 29 that promote childbirth over abortion and parenting

1 30 support services, including but not limited to

1 31 pregnancy support organizations, maternity homes,

1 32 social service agencies, and adoption agencies.

1 33 2. There is appropriated from the general fund of

1 34 the state to the department of human services for the

1 35 fiscal year beginning July 1, 2008, and ending June

1 36 30, 2009, the following amount, or so much thereof as

1 37 is necessary, to be used for the purpose designated:

1 38 For the positive alternatives program in accordance

1 39 with this section:

1 40 \$ 750,000

1 41 Priority in the awarding of grants shall be given

1 42 to programs that serve areas of the state which

1 43 demonstrate the highest percentage of unplanned

1 44 pregnancies of females of childbearing age within the

1 45 geographic area to be served by the grant.>

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1 49 DAVID JOHNSON

1 50 SF 2425.701 82



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
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Senate Amendment 5367 continued

2 1 pf/ml/12



Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 17, 2008

Senate Amendment 5368

PAG LIN

1 1 Amend Senate File 2425 as follows:
1 2 #1. Page 8, by striking lines 29 through 33.
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1 6 LARRY MCKIBBEN
1 7 SF 2425.201 82
1 8 pf/ml/12
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**Iowa General Assembly
Daily Bills, Amendments & Study Bills
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Senate Amendment 5369

PAG LIN

1 1 Amend Senate File 2425 as follows:
 1 2 #1. Page 62, by inserting after line 6 the
 1 3 following:
 1 4 <10. For pregnancy counseling and support services
 1 5 as specified in this subsection:
 1 6 \$ 200,000
 1 7 The department of human services shall establish a
 1 8 pregnancy counseling and support services program to
 1 9 provide core services consisting of information,
 1 10 education, counseling, and support services to women
 1 11 who experience unplanned pregnancies. Funds
 1 12 appropriated in this subsection shall be used by the
 1 13 department to award grants to service providers that
 1 14 have been in existence for at least one year prior to
 1 15 the awarding of the grant and that are experienced and
 1 16 qualified in providing core pregnancy and parenting
 1 17 support services, including but not limited to
 1 18 pregnancy support organizations, maternity homes,
 1 19 social service agencies, and adoption agencies.
 1 20 Priority in the awarding of grants shall be given to
 1 21 programs that serve areas of the state which
 1 22 demonstrate the highest percentage of unplanned
 1 23 pregnancies of females of childbearing age within the
 1 24 geographic area to be served by the grant.>
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 1 27
 1 28 JACK HATCH
 1 29 SF 2425.503 82
 1 30 pf/ml/12
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Iowa General Assembly
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Senate Amendment 5370

PAG LIN

1 1 Amend the House amendment, S=5362, to Senate File
1 2 2417, as passed by the Senate, as follows:
1 3 #1. Page 1, by inserting after line 13 the
1 4 following:
1 5 <#____. Page 13, line 17, by striking the word
1 6 <REVERSION> and inserting the following: <TRANSFER ==
1 7 REVERSION>.
1 8 #____. Page 13, by inserting before line 18, the
1 9 following:
1 10 1. Notwithstanding any provision of law to the
1 11 contrary, up to \$600,000 of the moneys from
1 12 appropriations that remain unencumbered or unobligated
1 13 at the close of the fiscal year beginning July 1,
1 14 2007, that would otherwise be required by law to
1 15 revert to, be deposited in, or to be credited to the
1 16 healthy Iowans tobacco trust or the endowment for
1 17 Iowa's health account shall instead be transferred to
1 18 the appropriation made in this Act to the department
1 19 of public health to be used for the tobacco use
1 20 prevention and control initiative for the fiscal year
1 21 beginning July 1, 2008. Additionally, notwithstanding
1 22 any provision of law to the contrary, if the transfer
1 23 of moneys from such appropriations that remain
1 24 unencumbered or unobligated at the close of the fiscal
1 25 year beginning July 1, 2007, as provided in this
1 26 subsection do not total \$600,000, if sufficient
1 27 funding from all other appropriations made in this Act
1 28 for the fiscal year beginning July 1, 2008, is
1 29 available, the remaining amount up to a total of
1 30 \$600,000 of the moneys deposited in the healthy Iowans
1 31 tobacco trust during the fiscal year beginning July 1,
1 32 2008, shall be transferred to the appropriation made
1 33 in this Act to the department of public health to be
1 34 used for the tobacco use prevention and control
1 35 initiative for the fiscal year beginning July 1,
1 36 2008.>
1 37 #____. Page 13, by inserting after line 32 the
1 38 following:
1 39 <Sec. _____. EFFECTIVE DATE. The provision in this
1 40 division of this Act transferring up to \$600,000 of
1 41 specified moneys to the appropriation made in this Act
1 42 to the department of public health to be used for the
1 43 tobacco use prevention and control initiative for the
1 44 fiscal year beginning July 1, 2008, being deemed of
1 45 immediate importance, takes effect upon enactment.>>
1 46 #2. By renumbering as necessary.
1 47
1 48
1 49
1 50 JACK HATCH



**Iowa General Assembly
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Senate Amendment 5370 continued

2 1 SF 2417.703 82
2 2 pf/jp/11617



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Senate Amendment 5371

PAG LIN

1 1 Amend House File 2669, as passed by the House, as
1 2 follows:
1 3 #1. Page 5, by striking lines 12 through 33 and
1 4 inserting the following:
1 5 <8. The goal of the collection and recycling
1 6 efforts under this section is to collect and recycle
1 7 as many mercury-added thermostats as reasonably
1 8 practicable. By January 1, 2009, the department shall
1 9 determine collection goals for the program in
1 10 consultation with interested persons, including the
1 11 national electrical manufacturers association and
1 12 representatives of thermostat manufacturers,
1 13 thermostat wholesalers, thermostat retailers,
1 14 contractors, environmental groups, and local
1 15 government. If collection efforts fail to meet the
1 16 collection goals described in this subsection, the
1 17 department shall, in consultation with the national
1 18 electrical manufacturers association and other
1 19 interested persons, consider modifications to
1 20 collection programs in an attempt to improve
1 21 collection rates in accordance with these goals.>
1 22 #2. By renumbering as necessary.
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1 26 JOE BOLKCOM
1 27 HF 2669.201 82
1 28 tw/nh/21282
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Senate Amendment 5372

PAG LIN

1 1 Amend Senate File 2424 as follows:
 1 2 #1. Page 33, by inserting after line 15 the
 1 3 following:
 1 4 <Sec. _____. Section 411.3, subsection 3, paragraph
 1 5 b, Code 2007, is amended to read as follows:
 1 6 b. If a person is reemployed, the person shall not
 1 7 become an active member of the system upon
 1 8 reemployment, and the person so reemployed and the
 1 9 participating city shall not make contributions to the
 1 10 system based upon the person's compensation for
 1 11 reemployment. A person who is so reemployed shall ~~not~~
 1 12 ~~be eligible~~ continue to receive a service retirement
 1 13 allowance for the period of reemployment. The service
 1 14 retirement allowance shall ~~be reinstated~~ continue upon
 1 15 termination of the reemployment, but the service
 1 16 retirement allowance shall not be recalculated based
 1 17 upon the person's reemployment. Notwithstanding
 1 18 section 97B.1A or any other provision of law to the
 1 19 contrary, a person reemployed as provided in this
 1 20 subsection shall be exempt from chapter 97B.>
 1 21 #2. By renumbering as necessary.
 1 22
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 1 25 LARRY NOBLE
 1 26 SF 2424.301 82
 1 27 ec/sc/12538

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Senate Amendment 5373

PAG LIN

1 1 Amend Senate File 2424 as follows:
1 2 #1. Page 18, by striking lines 13 through 16 and
1 3 inserting the following: <investment income of the
1 4 retirement fund. However, the amount appropriated for
1 5 a fiscal year under this paragraph shall not exceed
1 6 ~~four-tenths~~ five-tenths of one percent of the market
1 7 value of the retirement fund.>
1 8
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1 11 MARK ZIEMAN
1 12 SF 2424.701 82
1 13 ec/ml/12
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Iowa General Assembly
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Senate Amendment 5374

PAG LIN

1 1 Amend Senate File 2424 as follows:
1 2 #1. Page 21, line 20, by striking the word <vary>
1 3 and inserting the following: <increase>.
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1 6
1 7 MARK ZIEMAN
1 8 SF 2424.202 82
1 9 ec/ml/12
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Senate Amendment 5375

PAG LIN

1 1 Amend Senate File 2424 as follows:
1 2 #1. Page 19, by striking line 27 and inserting the
1 3 following:
1 4 <2. For purposes of this>.
1 5 #2. Page 19, line 28, by inserting after the word
1 6 <requires> the following: <for members in regular
1 7 service>.
1 8 #3. By striking page 19, line 35, through page 20,
1 9 line 10, and inserting the following:
1 10 <c. "Total additional percentage" means as
1 11 follows:
1 12 (1) For the fiscal period beginning July 1, 2007,
1 13 through June 30, 2011, the total additional percentage
1 14 for a fiscal year shall be the total additional
1 15 percentage for the prior fiscal year plus, only if the
1 16 total comparison percentage is greater than the total
1 17 of the applicable employee percentage and the
1 18 applicable employer percentage for the prior fiscal
1 19 year, one-half percentage point.
1 20 (2) For each fiscal year beginning on or after
1 21 July 1, 2011, the total additional percentage shall be
1 22 the total additional percentage for the prior fiscal
1 23 year.>
1 24 #4. Page 20, by striking lines 18 through 24.
1 25 #5. Page 21, line 7, by striking the words
1 26 <members in regular service,>.
1 27 #6. Page 32, lines 26 and 27, by striking the
1 28 words <members in regular service,>.
1 29 #7. By renumbering, redesignating, and correcting
1 30 internal references as necessary.
1 31
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1 33
1 34 STEVE KETTERING
1 35 SF 2424.501 82
1 36 ec/ml/12

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Iowa General Assembly
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Senate Amendment 5376

PAG LIN

1 1 Amend Senate File 2425 as follows:
1 2 #1. Page 45, by striking lines 18 through 32.
1 3 #2. By renumbering as necessary.
1 4
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1 7 DAVID L. HARTSUCH
1 8 SF 2425.302 82
1 9 pf/jp/11623
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Senate Amendment 5377

PAG LIN

1 1 Amend the amendment, S=5369, to Senate File 2425 as
1 2 follows:
1 3 #1. Page 1, by striking line 4, and inserting the
1 4 following:
1 5 <10. For the positive alternatives program>.
1 6 #2. Page 1, by striking lines 7 through 24, and
1 7 inserting the following:
1 8 <The department of human services shall establish a
1 9 positive alternatives program to provide core services
1 10 consisting of information, education, counseling, and
1 11 support services to women who experience unplanned
1 12 pregnancies by promoting childbirth over abortion,
1 13 assisting pregnant women in remaining healthy and
1 14 maintaining a healthy pregnancy while deciding whether
1 15 to keep the child or place the child for adoption, and
1 16 assisting the woman after the birth of the child. The
1 17 services provided may include but are not limited to:
1 18 counseling and mentoring; pregnancy, childbirth,
1 19 parenting, and abstinence classes; fostering of a
1 20 statewide pregnancy and parenting support system;
1 21 assistance with physical and mental well-being of a
1 22 woman during pregnancy and post-delivery; assistance
1 23 with the physical well-being of the fetus and newborn;
1 24 assistance with food, shelter, clothing, health care,
1 25 childcare, and employment; and other supportive
1 26 programs and services. Funds appropriated in this
1 27 subsection shall be used by the department to award
1 28 grants to service providers that do not provide
1 29 abortions and have been in existence for at least one
1 30 year prior to the awarding of the grant and that are
1 31 experienced and qualified in providing core pregnancy
1 32 support services that promote childbirth over abortion
1 33 and parenting support services, including but not
1 34 limited to pregnancy support organizations, maternity
1 35 homes, social service agencies, and adoption agencies.
1 36 Priority in the awarding of grants shall be given to
1 37 programs that serve areas of the state which
1 38 demonstrate the highest percentage of unplanned
1 39 pregnancies of females of childbearing age within the
1 40 geographic area to be served by the grant.>
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1 44 DAVID JOHNSON
1 45 SF 2425.505 82
1 46 pf/jp/11622
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Iowa General Assembly
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Senate Amendment 5378

PAG LIN

1 1 Amend Senate File 2425 as follows:
1 2 #1. Page 18, line 32, by striking the figure
1 3 <646,401,453> and inserting the following:
1 4 <653,046,206>.
1 5 #2. Page 46, line 3, by striking the figure
1 6 <183,367,323> and inserting the following:
1 7 <185,163,167>.
1 8 #3. Page 46, line 29, by striking the figure
1 9 <4.52> and inserting the following: <4.57>.
1 10 #4. Page 46, line 33, by striking the words
1 11 <remain at> and inserting the following: <be
1 12 increased by 1 percent over>.
1 13 #5. Page 47, line 22, by striking the words
1 14 <remain at> and inserting the following: <be
1 15 increased by 1 percent over>.
1 16 #6. Page 47, line 33, by striking the words
1 17 <remain at> and inserting the following: <be
1 18 increased by 1 percent over>.
1 19 #7. Page 48, line 2, by striking the figure
1 20 <160.71> and inserting the following: <162.32>.
1 21 #8. Page 48, line 5, by striking the words <remain
1 22 at> and inserting the following: <be increased by 1
1 23 percent over>.
1 24 #9. Page 48, line 14, by striking the words
1 25 <remain at> and inserting the following: <be
1 26 increased by 1 percent over>.
1 27 #10. Page 48, by inserting after line 35 the
1 28 following:
1 29 <m. For the fiscal year beginning July 1, 2008,
1 30 the reimbursement rate for anesthesiologists shall be
1 31 increased by 1 percent over the Medicare rate for
1 32 anesthesiologists in effect on January 1, 2008.>
1 33 #11. Page 49, line 22, by striking the words
1 34 <remain at> and inserting the following: <be
1 35 increased by 1 percent over>.
1 36 #12. Page 50, line 5, by striking the words
1 37 <remain at> and inserting the following: <be
1 38 increased by 1 percent over>.
1 39 #13. Page 50, by striking lines 15 through 19 and
1 40 inserting the following:
1 41 <8. For the fiscal year beginning July 1, 2008,
1 42 the reimbursement rates for remedial service providers
1 43 shall be increased by 1 percent over the rates in
1 44 effect for June 30, 2008.>
1 45 #14. Page 50, line 25, by striking the figure
1 46 <91.45> and inserting the following: <92.36>.
1 47 #15. Page 50, line 33, by striking the words
1 48 <remain at> and inserting the following: <be
1 49 increased by \$0.91 over>.
1 50 #16. Page 78, by inserting after line 26 the



Iowa General Assembly
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Senate Amendment 5378 continued

2 1 following:
2 2 <NEW SUBSECTION. 10. The amount appropriated in
2 3 this section represents a three percent increase over
2 4 the previous year's appropriation in order for
2 5 counties to provide a commensurate increase in the
2 6 reimbursement rates paid to service providers paid
2 7 from the county services funds.>
2 8
2 9
2 10
2 11 JAMES SEYMOUR
2 12 SF 2425.202 82
2 13 pf/ml/12



**Iowa General Assembly
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Senate Amendment 5379

PAG LIN

1 1 Amend Senate File 2425 as follows:
 1 2 #1. Page 122, by inserting after line 3 the
 1 3 following:
 1 4 <Sec. __. Section 252B.7A, Code 2007, is amended by
 1 5 adding the following new subsection:
 1 6 NEW SUBSECTION. 1A. The disability income
 1 7 received by a veteran from the United States
 1 8 department of veterans affairs for service-related
 1 9 injuries shall not be considered income for the
 1 10 purposes of determining a parent's income.>
 1 11 #2. Page 124, by inserting after line 26 the
 1 12 following:
 1 13 <Sec. __. Section 598.21B, subsection 2,
 1 14 paragraph b, Code Supplement 2007, is amended by
 1 15 adding the following new subparagraph:
 1 16 NEW SUBPARAGRAPH. (4) For purposes of calculating
 1 17 a support obligation under this section, the
 1 18 disability income received by a veteran from the
 1 19 United States department of veterans affairs for
 1 20 service-related injuries shall not be considered
 1 21 income.>
 1 22 #3. By renumbering as necessary.
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 1 25
 1 26 MARK ZIEMAN
 1 27 SF 2425.704 82
 1 28 pf/ml/12

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Iowa General Assembly
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Senate Amendment 5380

PAG LIN

1 1 Amend Senate File 2425 as follows:
1 2 #1. By striking page 132, line 14, through page
1 3 133, line 15, and inserting the following:
1 4 <Sec. _____. Section 236.2, Code 2007, is amended by
1 5 adding the following new subsection:
1 6 NEW SUBSECTION. 4A. "Household pet" means pet as
1 7 defined in section 198.3.
1 8 Sec. _____. Section 236.3, subsection 6, Code 2007,
1 9 is amended to read as follows:
1 10 6. Name and age of each child under eighteen whose
1 11 welfare may be affected by the controversy. The
1 12 petition may also specify household pets which may be
1 13 affected by the controversy.
1 14 Sec. _____. Section 236.4, subsection 2, Code 2007,
1 15 is amended to read as follows:
1 16 2. The court may enter any temporary order it
1 17 deems necessary to protect the plaintiff from domestic
1 18 abuse prior to the hearing, including temporary
1 19 custody or visitation orders or temporary orders
1 20 relating to household pets, upon good cause shown in
1 21 an ex parte proceeding. Present danger of domestic
1 22 abuse to the plaintiff constitutes good cause for
1 23 purposes of this subsection.
1 24 a. The court may award temporary custody of or
1 25 establish temporary visitation rights with regard to
1 26 children under eighteen years of age. In awarding
1 27 temporary custody or temporary visitation rights, the
1 28 court shall give primary consideration to the safety
1 29 of the alleged victim and the children. Prior to the
1 30 entry of any temporary order pursuant to this
1 31 subsection related to a child-custody determination as
1 32 defined in section 598B.102, the plaintiff shall
1 33 comply with the provisions of section 598B.209. If
1 34 the court finds that the safety of the alleged victim
1 35 will be jeopardized by unsupervised or unrestricted
1 36 visitation, the court shall set conditions or restrict
1 37 visitation as to time, place, duration, or
1 38 supervision, or deny visitation entirely, as needed to
1 39 guard the safety of the victim and the children. The
1 40 court shall also determine whether any other existing
1 41 orders awarding custody or visitation should be
1 42 modified.
1 43 b. The court may issue a temporary order granting
1 44 the petitioner the exclusive care, possession, or
1 45 control of a household pet specified in the petition
1 46 which may be affected by the controversy. In granting
1 47 temporary care, possession, or control of a household
1 48 pet, the court shall give primary consideration to the
1 49 safety of the alleged victim and the children.
1 50 Sec. _____. Section 236.5, subsection 2, Code 2007,



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Senate Amendment 5380 continued

2 1 is amended by adding the following new paragraph:
2 2 NEW PARAGRAPH. bb. That the plaintiff or
2 3 defendant have exclusive care, possession, or control
2 4 of a household pet affected by the controversy.>
2 5 #2. By renumbering as necessary.
2 6
2 7
2 8
2 9 JACK HATCH
2 10 SF 2425.506 82
2 11 pf/jp/11624



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Senate Amendment 5381

PAG LIN

1 1 Amend the amendment, S=5378, to Senate File 2425 as
1 2 follows:
1 3 #1. Page 1, line 31, by striking the word
1 4 <Medicare> and inserting the following: <medical
1 5 assistance>.
1 6 #2. Page 1, line 32, by striking the word and
1 7 figures <January 1, 2008> and inserting the following:
1 8 <July 1, 2007>.
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1 12 JAMES A. SEYMOUR
1 13 SF 2425.507 82
1 14 pf/jp/11625
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Senate Amendment 5382

PAG LIN

1 1 Amend Senate File 2425 as follows:
1 2 #1. Page 4, by striking lines 1 through 5 and
1 3 inserting the following:
1 4 <e. Of the funds appropriated in this subsection,
1 5 \$100,000 shall be transferred to the university of
1 6 Iowa college of dentistry for provision of primary
1 7 dental services to children. State funds shall be
1 8 matched on a dollar-for-dollar basis. The university
1 9 of Iowa college of dentistry shall coordinate efforts
1 10 with the department of public health bureau of oral
1 11 health to provide dental care to underserved
1 12 populations throughout the state.>
1 13 #2. Page 4, by inserting after line 5 the
1 14 following:
1 15 <f. The department shall consult with other
1 16 agencies involved with provision of health-related
1 17 services to children and with legislators, providers,
1 18 advocates, and other stakeholders in performing a
1 19 study of services and other support promoting healthy
1 20 kids.>
1 21 #3. Page 5, by striking lines 21 through 23.
1 22 #4. Page 5, line 24, by striking the word <b.>
1 23 #5. Page 5, line 33, by striking the word <Of> and
1 24 inserting the following:
1 25 <a. Of>.
1 26 #6. Page 5, by inserting after line 35 the
1 27 following:
1 28 <b. Of the funds appropriated in this subsection,
1 29 \$100,000 shall be used to fund the position of bureau
1 30 chief for the center for acute disease epidemiology
1 31 (CADE).>
1 32 #7. Page 14, by inserting after line 21 the
1 33 following:
1 34 <(3) Notwithstanding section 8.33, moneys
1 35 allocated in this lettered paragraph that remain
1 36 unencumbered or unobligated at the close of the fiscal
1 37 year shall not revert but shall remain available for
1 38 expenditure for the purposes designated until the
1 39 close of the succeeding fiscal year.>
1 40 #8. Page 24, line 30, by inserting after the
1 41 figure <\$2,000,000.> the following: <The department
1 42 shall distribute the funding allocated under this
1 43 subparagraph proportionately among all home and
1 44 community-based services waivers.>
1 45 #9. Page 25, by inserting after line 1 the
1 46 following:
1 47 <d. The department shall provide the results of
1 48 the audits of the third party administering behavioral
1 49 health services under the medical assistance program
1 50 for the fiscal years beginning July 1, 2006, and July



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Senate Amendment 5382 continued

2 1 1, 2007, to the legislative services agency for
2 2 review.>

2 3 #10. Page 33, line 6, by inserting after the word
2 4 <section,> the following: <at least>.

2 5 #11. Page 35, by striking lines 25 through 27 and
2 6 inserting the following:

2 7 <15. Of the funds appropriated in this section,
2 8 \$203,000 is allocated for continuation of the
2 9 contracts for the multidimensional treatment level
2 10 foster care program established pursuant to 2006 Iowa
2 11 Acts, chapter 1123, for a third year.>

2 12 #12. Page 46, by inserting after line 3 the
2 13 following:

2 14 (2) For the state fiscal year beginning July 1,
2 15 2008, the patient=day weighted medians used in rate
2 16 setting for nursing facilities shall be recalculated
2 17 and the rates adjusted to provide an increase in
2 18 nursing facility rates by applying the skilled nursing
2 19 facility market basket inflation factor from the
2 20 mid=point of the cost report to July 1, 2007.>

2 21 #13. Page 46, line 4, by striking the figure <(2)>
2 22 and inserting the following: <(3)>.

2 23 #14. By striking page 52, line 21, through page
2 24 53, line 22, and inserting the following:

2 25 <b. Beginning July 1, 2008, notwithstanding any
2 26 law or rule to the contrary, the increased nursing
2 27 facility reimbursement available pursuant to paragraph
2 28 "a" shall be based upon the accountability measures
2 29 and calculations existing on July 1, 2008, pursuant to
2 30 441 IAC 81.6(16)(g), as adjusted in accordance with
2 31 the following provisions, and the increased
2 32 reimbursement shall be disbursed to each qualifying
2 33 nursing facility as an accountability payment at the
2 34 end of each fiscal year. The department of human
2 35 services shall request any medical assistance state
2 36 plan amendment necessary to implement the modified
2 37 accountability payment methodology. If the department
2 38 does not receive approval of the state plan amendment,
2 39 the funds designated for the purposes of providing the
2 40 accountability measures payment shall instead be
2 41 disbursed through the case=mix reimbursement system:

2 42 (1) If a nursing facility receives a citation
2 43 resulting in actual harm pursuant to the federal
2 44 certification guidelines at a G level scope and
2 45 severity or higher, the increased reimbursement
2 46 calculated for payment under this paragraph "b" shall
2 47 be reduced by 25 percent for each such citation during
2 48 the year. Additionally, if a nursing facility fails
2 49 to cure any deficiency cited within the time required
2 50 by the department of inspections and appeals, the



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Senate Amendment 5382 continued

3 1 increased reimbursement calculated for payment under
3 2 this paragraph shall be forfeited and the nursing
3 3 facility shall not receive any accountability measure
3 4 payment for the year.
3 5 (2) If a nursing facility receives a deficiency
3 6 resulting in actual harm or immediate jeopardy,
3 7 pursuant to the federal certification guidelines at an
3 8 H level scope and severity or higher, regardless of
3 9 the amount of any fines assessed, the increased
3 10 reimbursement calculated for payment under this
3 11 paragraph "b" shall be forfeited and the nursing
3 12 facility shall not receive any accountability measure
3 13 payment for the year.
3 14 (3) Beginning July 1, 2008, accountability measure
3 15 payments to providers shall be reduced by 20 percent
3 16 of the calculated amount. The percentage reduction
3 17 shall continue until June 30, 2009, or until such time
3 18 as the general assembly adopts a modification of the
3 19 accountability measures system.
3 20 c. It is the intent of the general assembly that
3 21 the department of human services assemble a workgroup
3 22 to develop recommendations to redesign the
3 23 accountability measures for implementation in the
3 24 fiscal year beginning July 1, 2009. The workgroup
3 25 shall include long-term care services stakeholders and
3 26 advocates including but not limited to representatives
3 27 of the AARP Iowa chapter, direct care workers,
3 28 long-term care provider entities, the long-term care
3 29 resident's advocate, the consumer members of the
3 30 senior living coordinating unit, the department of
3 31 elder affairs, the department of inspections and
3 32 appeals, and the chairpersons and ranking members of
3 33 the joint appropriations subcommittee on health and
3 34 human services. The workgroup shall submit its
3 35 recommendations for the redesigned accountability
3 36 measures which shall meet all of the following
3 37 specifications:
3 38 (1) Acknowledge and establish higher benchmarks
3 39 for performance-based reimbursement to those nursing
3 40 facilities meeting the identified and weighted
3 41 components recommended by the workgroup.
3 42 (2) Reinforce the expectation that the
3 43 performance-based payments will be used to support
3 44 direct care and support care staff through increased
3 45 wages, enhanced benefits, and expanded training
3 46 opportunities and provide a system for determining
3 47 compliance with this expectation.
3 48 (3) Identify the best practices that are used in
3 49 facilities receiving a performance-based payment and
3 50 create a system to assist other facilities in the



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4 1 implementation of those best practices.>
4 2 #15. Page 53, line 32, by inserting after the word
4 3 <services,> the following: <the board of pharmacy,>.
4 4 #16. Page 61, line 32, by striking the figure
4 5 <1,050,000> and inserting the following: <500,000>.
4 6 #17. Page 62, by inserting after line 6 the
4 7 following:
4 8 <____. For transfer to the department of elder
4 9 affairs to expand the elder abuse initiative program
4 10 established pursuant to section 231.56A to additional
4 11 counties:
4 12 \$ 200,000>
4 13 #18. Page 84, by striking lines 21 through 24 and
4 14 inserting the following:
4 15 <____. Of the funds appropriated in this
4 16 subsection, \$75,000 shall be used to further develop
4 17 and implement at the state level, and pilot at the
4 18 local level, the Iowa public health standards approved
4 19 by the department.>
4 20 #19. Page 92, by inserting after line 6 the
4 21 following:
4 22 <FAMILY INVESTMENT PROGRAM ACCOUNT
4 23 FAMILY DEVELOPMENT AND SELF-SUFFICIENCY GRANT PROGRAM
4 24 Sec. _____. 2007 Iowa Acts, chapter 218, section 8,
4 25 subsection 4, paragraph b, is amended by adding the
4 26 following new subparagraph:
4 27 NEW SUBPARAGRAPH. (7) Notwithstanding section
4 28 8.33, moneys allocated in this lettered paragraph that
4 29 remain unencumbered or unobligated at the close of the
4 30 fiscal year shall not revert but shall remain
4 31 available for expenditure for the purposes designated
4 32 until the close of the succeeding fiscal year.>
4 33 #20. Page 93, by striking lines 21 through 31 and
4 34 inserting the following:
4 35 <CHILD AND FAMILY SERVICES
4 36 PROTECTIVE CHILD CARE
4 37 Sec. _____. 2007 Iowa Acts, chapter 218, section 18,
4 38 subsection 9, is amended to read as follows:
4 39 9. Of the funds appropriated in this section, at
4 40 least \$3,696,285 shall be used for protective child
4 41 care assistance.>
4 42 #21. Page 95, line 17, by inserting after the word
4 43 <appropriation.> the following: <Notwithstanding
4 44 section 8.33, moneys credited pursuant to this
4 45 subsection that remain unencumbered or unobligated at
4 46 the close of the fiscal year shall not revert but
4 47 shall remain available for expenditure for caseload
4 48 growth in the preparation for adult living program
4 49 pursuant to section 234.46 until the close of the
4 50 succeeding fiscal year.>



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5 1 #22. Page 99, lines 28 and 29, by striking the
5 2 words: <WITH CONTINGENT APPLICABILITY DATE>.
5 3 #23. Page 102, line 24, by striking the words
5 4 <CONTINGENT EFFECTIVE DATE ==>.
5 5 #24. By striking page 102, line 28, through page
5 6 103, line 1.
5 7 #25. Page 105, by striking line 12 and inserting
5 8 the following: <and service providers in coordinating
5 9 activities throughout the state to fulfill its
5 10 purpose.>
5 11 #26. Page 105, by striking lines 25 through 27 and
5 12 inserting the following: <council activities. The
5 13 council shall work to ensure there is geographic,
5 14 cultural, and ethnic diversity among the membership.>
5 15 #27. Page 106, line 6, by striking the word
5 16 <establish> and inserting the following: <maintain>.
5 17 #28. Page 106, line 19, by striking the word
5 18 <support> and inserting the following: <provide input
5 19 into>.
5 20 #29. Page 106, by striking line 32 and inserting
5 21 the following:
5 22 <g. Postsecondary education institutions,
5 23 including but not limited to institutions of higher
5 24 learning under the control of the state board of
5 25 regents and Iowa community colleges.>
5 26 #30. Page 107, by striking lines 3 through 24 and
5 27 inserting the following:
5 28 <a. Coordinate the development and implementation
5 29 of a strategic plan.
5 30 b. Assist in the development of responsibilities
5 31 across agencies and other entities to achieve
5 32 strategic goals.>
5 33 #31. Page 108, by striking lines 9 through 11.
5 34 #32. By striking page 126, line 34, through page
5 35 132, line 11.
5 36 #33. By striking page 133, line 16, through page
5 37 136, line 5.
5 38 #34. Page 136, by striking lines 16 through 20 and
5 39 inserting the following: <community colleges, shall
5 40 establish a statewide pilot program to provide grants
5 41 to community colleges for the purpose of awarding
5 42 tuition assistance to individuals pursuing a course of
5 43 study leading to a degree applicable to the health
5 44 care workforce and employment by health care
5 45 facilities that provide services to adults with mental
5 46 illness or mental retardation.>
5 47 #35. Page 137, line 15, by inserting after the
5 48 word <college> the following: <pursuing a course of
5 49 study leading to a degree applicable to the health
5 50 care workforce>.



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7 1 the county medical examiner shall conduct a
7 2 preliminary investigation of the death as provided in
7 3 section 331.802. The cost of the preliminary
7 4 investigation shall be paid by the department of human
7 5 services.

7 6 Sec. _____. Section 222.12, Code 2007, is amended to
7 7 read as follows:

7 8 222.12 DEATHS INVESTIGATED.

7 9 1. In the event of a sudden or mysterious Upon the
7 10 death of a patient of a resource center or the special
7 11 unit ~~or any private institution for persons with~~
~~7 12 mental retardation, an, a preliminary investigation of~~
7 13 the death shall be held conducted as required by
7 14 section 218.64 by the county medical examiner as
7 15 provided in section 331.802. Such a preliminary
7 16 investigation shall also be conducted in the event of
7 17 a sudden or mysterious death of a patient in a private
7 18 institution for persons with mental retardation. The
7 19 ~~superintendent of a resource center or a special unit~~
~~7 20 or~~ chief administrative officer of any private
7 21 institution may request an investigation of the death
7 22 of any patient by the county medical examiner.

7 23 2. Notice of the death of the patient, and the
7 24 cause thereof of death, shall be sent to the county
7 25 board of supervisors and to the judge of the court
7 26 having that had jurisdiction over a committed patient.
7 27 The fact of death with the time, place, and alleged
7 28 cause shall be entered upon the docket of the court.

7 29 3. The parent, guardian, or other person
7 30 responsible for the admission of a patient to such
~~7 31 institutions~~ a private institution for persons with
7 32 mental retardation may also request an such a
7 33 preliminary investigation by the county medical
7 34 examiner in the event of the death of the patient that
7 35 is not sudden or mysterious. The person or persons
7 36 making the request shall be are liable for the expense
7 37 of such preliminary investigation and payment therefor
7 38 for the expense may be required in advance. The
~~7 39 expense of a county medical examiner's investigation~~
~~7 40 when requested by the superintendent of a state~~
~~7 41 resource center or a special unit shall be paid from~~
~~7 42 support funds of that institution.~~

7 43 Sec. _____. Section 226.34, Code 2007, is amended to
7 44 read as follows:

7 45 226.34 INVESTIGATION OF DEATH == NOTICE.

7 46 1. An Upon the death of a patient, the county
7 47 medical examiner shall conduct a preliminary
7 48 investigation by the county medical examiner shall be
~~7 49 held in those cases where a death shall occur suddenly~~
~~7 50 and without apparent cause, or a patient die and the~~



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~~8 1 patient's relatives so request, but in the latter case~~
~~8 2 the relatives making the request shall be liable for~~
~~8 3 the expense of the same, and payment therefor may be~~
~~8 4 required in advance as required by section 218.64, in~~
~~8 5 accordance with section 331.802.~~

8 6 2. ~~When~~ If a patient in ~~any~~ a mental health
8 7 institute ~~shall die~~ dies from any cause, the
8 8 superintendent of ~~said~~ the institute shall within
8 9 three days of the date of death, send by certified
8 10 mail a written notice of death to all of the
8 11 following:

- 8 12 ~~1.~~ a. The decedent's nearest relative.
8 13 ~~2.~~ b. The clerk of the district court of the
8 14 county from which the patient was committed, ~~and~~
8 15 ~~3.~~ c. The sheriff of the county from which the
8 16 patient was committed.

8 17 Sec. _____. Section 331.802, subsection 2, Code
8 18 2007, is amended to read as follows:

8 19 2. a. If a person's death affects the public
8 20 interest, the county medical examiner shall conduct a
8 21 preliminary investigation of the cause and manner of
8 22 death, prepare a written report of the findings,
8 23 promptly submit the full report to the state medical
8 24 examiner on forms prescribed for that purpose, and
8 25 submit a copy of the report to the county attorney.
8 26 b. ~~For~~ Except as provided in section 218.64 or as
8 27 otherwise provided by law, for each preliminary

8 28 investigation and the preparation and submission of
8 29 the required reports, the county medical examiner
8 30 shall receive from the county of appointment a fee
8 31 determined by the board plus the examiner's actual
8 32 expenses. The fee and expenses paid by the county of
8 33 appointment shall be reimbursed to the county of
8 34 appointment by the county of the person's residence.
8 35 However, if the person's death is caused by a
8 36 defendant for whom a judgment of conviction and
8 37 sentence is rendered under section 707.2, 707.3,
8 38 707.4, 707.5, or 707.6A, the county of the person's
8 39 residence may recover from the defendant the fee and
8 40 expenses.

8 41 c. The fee and expenses of the county medical
8 42 examiner who performs an autopsy or conducts an
8 43 investigation of a person who dies after being brought
8 44 into this state for emergency medical treatment by or
8 45 at the direction of an out-of-state law enforcement
8 46 officer or public authority shall be paid by the
8 47 state. A claim for payment shall be filed with the
8 48 Iowa department of public health. If moneys are not
8 49 appropriated to the Iowa department of public health
8 50 for the payment of autopsies under this ~~subsection~~



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9 1 paragraph, claims for payment shall be forwarded to
9 2 the state appeal board and, if authorized by the
9 3 board, shall be paid out of moneys in the general fund
9 4 of the state not otherwise appropriated.
9 5 Sec. _____. Section 331.802, subsection 3, Code
9 6 2007, is amended by adding the following new
9 7 paragraph:
9 8 NEW PARAGRAPH. k. Death of a person committed or
9 9 admitted to a state mental health institute, a state
9 10 resource center, the state training school, or the
9 11 Iowa juvenile home.>
9 12
9 13
9 14
9 15 JACK HATCH
9 16 SF 2425.501 82
9 17 pf/ml/12



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Senate Amendment 5383

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1 1 Amend Senate File 2425 as follows:
1 2 #1. Page 45, line 32, by inserting after the word
1 3 <program.> the following: <The department of human
1 4 services, in cooperation with the department of public
1 5 health, shall develop procedures to ensure that
1 6 entities providing family planning services under this
1 7 section report information regarding child abuse,
1 8 statutory rape, and incest, and whether the services
1 9 provided to female minors were authorized by the
1 10 minor's parent, guardian, or physician in accordance
1 11 with the protocols developed pursuant to 2008 Iowa
1 12 Acts, House File 2310, if enacted.>
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1 16 PAUL McKINLEY
1 17 SF 2425.705 82
1 18 jp/pf/11917
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Senate Amendment 5384

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1 1 Amend Senate File 2134, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. By striking everything after the enacting
1 4 clause and inserting the following:
1 5 <Section 1. Section 35A.5, subsection 9, Code
1 6 Supplement 2007, is amended to read as follows:
1 7 9. After consultation with the commission, provide
1 8 certification training to executive directors and
1 9 administrators of county commissions of veteran
1 10 affairs pursuant to section 35B.6. Training provided
1 11 under this subsection shall include accreditation by
1 12 the national association of county veteran service
1 13 officers. Training provided by the department shall
1 14 be certified by the national association of county
1 15 veteran service officers and, in addition, shall
1 16 ensure that each executive director and administrator
1 17 is proficient in the use of electronic mail, general
1 18 computer use, and use of the internet to access
1 19 information regarding facilities, benefits, and
1 20 services available to veterans and their families.
1 21 The department may adopt rules in accordance with
1 22 chapter 17A to provide for training of county veteran
1 23 affairs executive directors and administrators.
1 24 Sec. 2. NEW SECTION. 35A.16 COUNTY COMMISSIONS
1 25 OF VETERAN AFFAIRS FUND == APPROPRIATION.
1 26 1. a. A county commissions of veteran affairs
1 27 fund is created within the state treasury under the
1 28 control of the department. The fund shall consist of
1 29 appropriations made to the fund and any other moneys
1 30 available to and obtained or accepted by the
1 31 department from the federal government or private
1 32 sources for deposit in the fund.
1 33 b. There is appropriated from the general fund of
1 34 the state to the department, for the fiscal year
1 35 beginning July 1, 2009, and for each subsequent fiscal
1 36 year, the sum of one million dollars to be credited to
1 37 the county commissions of veteran affairs fund.
1 38 2. Notwithstanding section 12C.7, interest or
1 39 earnings on moneys in the county commissions of
1 40 veteran affairs fund shall be credited to the county
1 41 commissions of veteran affairs fund. Notwithstanding
1 42 section 8.33, moneys remaining in the county
1 43 commissions of veteran affairs fund at the end of a
1 44 fiscal year shall not revert to the general fund of
1 45 the state.
1 46 3. If sufficient moneys are available, the
1 47 department shall annually allocate ten thousand
1 48 dollars to each county commission of veteran affairs,
1 49 or to each county sharing the services of an executive
1 50 director or administrator pursuant to chapter 28E, to



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2 1 be used for the employment of an executive director or
2 2 administrator pursuant to section 35B.6.
2 3 4. A county commission of veteran affairs training
2 4 program account shall be established within the county
2 5 commissions of veteran affairs fund. Any moneys
2 6 remaining in the fund after the allocations under
2 7 subsection 3 shall be credited to the account and used
2 8 by the department to fund the county commission of
2 9 veteran affairs training program under section 35A.17.
2 10 Sec. 3. NEW SECTION. 35A.17 COUNTY COMMISSION OF
2 11 VETERAN AFFAIRS TRAINING PROGRAM.
2 12 1. A county commission of veteran affairs training
2 13 program is created under the control of the department
2 14 for the purpose of providing training, certification,
2 15 and accreditation opportunities for county commissions
2 16 of veteran affairs executive directors,
2 17 administrators, and employees.
2 18 2. The department may receive and accept
2 19 donations, grants, gifts, and contributions from any
2 20 public or private source for the purpose of providing
2 21 training opportunities under this section. All funds
2 22 received by the department shall be deposited in the
2 23 county commission of veteran affairs training program
2 24 account established in section 35A.16, subsection 4.
2 25 3. a. The department shall use funds deposited in
2 26 the county commission of veteran affairs training
2 27 program account to organize statewide or regional
2 28 training conferences and provide training,
2 29 certification, and accreditation opportunities for
2 30 county commissions of veteran affairs executive
2 31 directors, administrators, and employees, consistent
2 32 with the requirements of section 35A.5, subsection 9.
2 33 b. During the fiscal year beginning July 1, 2009,
2 34 the department shall use account funds to arrange for
2 35 an accreditation course by the national association of
2 36 county veteran service officers to take place within
2 37 the state.
2 38 c. The department may use account funds to hire an
2 39 agency, organization, or other entity to provide
2 40 training or educational programming, reimburse county
2 41 executive directors, administrators, and employees for
2 42 transportation costs related to a conference or
2 43 program, or both.
2 44 4. The department shall adopt rules, pursuant to
2 45 chapter 17A, deemed necessary for the administration
2 46 of the county commission of veteran affairs training
2 47 program.
2 48 Sec. 4. Section 35B.6, subsection 1, Code 2007, is
2 49 amended to read as follows:
2 50 1. a. The members of the commission shall qualify



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3 1 by taking the usual oath of office, and give bond in
3 2 the sum of five hundred dollars each, conditioned for
3 3 the faithful discharge of their duties with sureties
3 4 to be approved by the county auditor. The commission
3 5 shall organize by the selection of one of their
3 6 members as chairperson, and one as secretary. The
3 7 commission, subject to the approval of the board of
3 8 supervisors, shall ~~have power to~~ employ an executive
3 9 director or administrator and shall have the power to
3 10 employ other necessary employees when needed,
3 11 including administrative or clerical assistants when
~~3 12 needed, the.~~ The compensation of such employees ~~to~~
3 13 shall be fixed by the board of supervisors, but no
3 14 member of the commission shall be so employed. The
3 15 executive director must possess the same
3 16 qualifications as provided in section 35B.3 for
3 17 commission members. However, this qualification
3 18 requirement shall not apply to a person employed as an
3 19 executive director prior to July 1, 1989.
3 20 b. The commission may employ an administrator in
3 21 lieu of an executive director. Administrators shall
3 22 not be required to meet all the qualifications
3 23 provided in section 35B.3 for commissioners. An
3 24 administrator may hold another position within the
3 25 county or other government entity while serving as an
3 26 administrator only if such position does not adversely
3 27 affect the administrator's duties under this chapter.
3 28 ~~b.~~ c. Upon the employment of an executive
3 29 director or administrator, the executive director or
3 30 administrator shall complete a course of initial
3 31 certification training provided by the department of
3 32 veterans affairs pursuant to section 35A.5. If an
3 33 executive director or administrator fails to obtain
3 34 certification within one year of being employed, the
3 35 executive director or administrator shall be removed
3 36 from office. If an executive director is not
~~3 37 appointed, a A commissioner or a clerical assistant~~
~~3 38 shall other commission employee may also complete the~~
3 39 course of certification training. The department
3 40 shall issue the executive director, administrator,
3 41 commissioner, or clerical assistant employee a
3 42 certificate of training after completion of the
3 43 initial certification training course. To maintain
3 44 annual certification, the executive director,
3 45 administrator, commissioner, or clerical assistant
3 46 employee shall attend one department training course
~~3 47 each year satisfy the continuing education~~
3 48 requirements established by the national association
3 49 of county veteran service officers. Failure of an
3 50 executive director or administrator to maintain



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4 1 certification ~~may~~ shall be cause for removal from
4 2 office. The expenses of training the executive
4 3 director or administrator shall be paid from the
4 4 appropriation authorized in section 35B.14.
4 5 d. The duties of the executive director,
4 6 administrator, and employees shall include all of the
4 7 following:
4 8 (1) Inform members of the armed forces, veterans,
4 9 and their dependents of all federal, state, and local
4 10 laws enacted for their benefit.
4 11 (2) Assist all residents of the state who served
4 12 in the armed forces of the United States and their
4 13 relatives, beneficiaries, and dependents in receiving
4 14 from the United States and this state any and all
4 15 compensation, pensions, hospitalization, insurance,
4 16 education, employment pay and gratuities, loan
4 17 guarantees, or any other aid or benefit to which they
4 18 may be entitled under any law.
4 19 e. The department of veterans affairs or county
4 20 veteran affairs offices shall not charge for any
4 21 service provided to any individual.
4 22 Sec. 5. Section 35B.6, subsection 2, Code 2007, is
4 23 amended to read as follows:
4 24 2. Two or more boards of supervisors may agree,
4 25 pursuant to chapter 28E, to share the services of an
4 26 executive director or administrator. The agreement
4 27 shall provide for the establishment of a commission of
4 28 veteran affairs office in each of the counties
4 29 participating in the agreement.
4 30 Sec. 6. Section 35B.6, subsection 4, Code 2007, is
4 31 amended by striking the subsection and inserting in
4 32 lieu thereof the following:
4 33 4. a. Each county commission of veteran affairs
4 34 shall maintain an office in a building owned,
4 35 operated, or leased by the county.
4 36 b. An executive director or administrator employed
4 37 pursuant to subsection 1 shall provide veterans
4 38 services for the following minimum number of hours
4 39 each week:
4 40 (1) For a county with a population of thirty
4 41 thousand or less, no fewer than twenty hours per week.
4 42 (2) For a county with a population of more than
4 43 thirty thousand and less than sixty thousand, no fewer
4 44 than thirty hours per week.
4 45 (3) For a county with a population of sixty
4 46 thousand or more, no fewer than forty hours per week.
4 47 c. Counties sharing the services of an executive
4 48 director or administrator shall consider the aggregate
4 49 population of such counties when determining the
4 50 number of hours of service required under paragraph



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5 1 "b". The number of hours shall be allocated between
5 2 the counties in the proportion that the population of
5 3 each county bears to the aggregate population.

5 4 d. The hours that the office established under
5 5 paragraph "a", is open shall be posted in a prominent
5 6 position outside the office.

5 7 Sec. 7. Section 35B.14, Code 2007, is amended to
5 8 read as follows:

5 9 35B.14 COUNTY APPROPRIATION.

5 10 1. The board of supervisors of each county may
5 11 appropriate moneys for training an executive director
5 12 or administrator as provided for in section 35B.6, the

5 13 food, clothing, shelter, utilities, medical benefits,
5 14 and funeral expenses of indigent veterans, as defined
5 15 in section 35.1, and their indigent spouses, surviving
5 16 spouses, and minor children not over eighteen years of
5 17 age, having a legal residence in the county.

5 18 2. The appropriation shall be expended by the
5 19 joint action and control of the board of supervisors
5 20 and the county commission of veteran affairs.

5 21 Sec. 8. Section 321.34, subsection 24, Code
5 22 Supplement 2007, is amended to read as follows:

5 23 24. GOLD STAR PLATES. An owner referred to in
5 24 subsection 12 who is the surviving spouse, parent,
5 25 child, or sibling of a deceased member of the United
5 26 States armed forces who died while serving on active
5 27 duty during a time of military conflict or who died as
5 28 a result of such service may order special

5 29 registration plates bearing a gold star emblem upon
5 30 written application to the department accompanied by
5 31 satisfactory supporting documentation as determined by
5 32 the department. The gold star emblem shall be
5 33 designed by the department in cooperation with the
5 34 commission of veterans affairs. The special plate
5 35 fees collected by the director under subsection 12,
5 36 paragraph "a", from the issuance and annual validation
5 37 of letter=number designated and personalized gold star
5 38 plates shall be paid monthly to the treasurer of state
5 39 and credited to the road use tax fund.

5 40 Notwithstanding section 423.43, and prior to the
5 41 crediting of revenues to the road use tax fund under
5 42 section 423.43, subsection 1, paragraph "b", the
5 43 treasurer of state shall transfer monthly from those
5 44 revenues to the veterans license fee fund created in
5 45 section 35A.11 the amount of the special fees
5 46 collected in the previous month for gold star plates.

5 47 Sec. 9. STATE MANDATE FUNDING SPECIFIED. In
5 48 accordance with section 25B.2, subsection 3, the state
5 49 cost of requiring compliance with any state mandate
5 50 included in this Act shall be moneys appropriated in



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6 1 this Act and shall be deemed to meet all the state
6 2 funding-related requirements of section 25B.2,
6 3 subsection 3, and no specific state funding shall be
6 4 necessary for the full implementation of this Act by
6 5 and enforcement of this Act against all affected
6 6 political subdivisions.
6 7 Sec. 10. EFFECTIVE DATE. This Act takes effect on
6 8 July 1, 2009, except for section 8 of this Act,
6 9 amending section 321.34, which shall take effect on
6 10 July 1, 2008.>
6 11 #2. Title page, by striking lines 1 through 3 and
6 12 inserting the following:
6 13 <An Act relating to veterans affairs by modifying
6 14 training requirements, requiring executive directors
6 15 and administrators to provide minimum hours of service
6 16 in each county, specifying executive director,
6 17 administrator, and employee duties, creating a county
6 18 commission of veteran affairs training program,
6 19 creating a county commissions of veteran affairs fund,
6 20 providing an appropriation, concerning eligibility
6 21 criteria for special gold star motor vehicle
6 22 registration plates and providing an effective date.>
6 23 SF 2134.H
6 24 md/jg/25



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Senate Study Bill 3301

SENATE FILE
 BY (PROPOSED COMMITTEE ON
 APPROPRIATIONS BILL BY
 CHAIRPERSON DVORSKY)

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

A BILL FOR

1 An Act relating to economic development by creating a community
 2 microenterprise development organization grant program, a
 3 microenterprise development advisory committee, and a river
 4 enhancement community attraction and tourism fund, and by
 5 making changes to the requirements for individual development
 6 accounts and making appropriations, and including effective
 7 and retroactive applicability provisions.
 8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 9 TL5B 6623XC 82
 10 tw/rj/8



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1 1 DIVISION I
1 2 MICROENTERPRISE DEVELOPMENT
1 3 Section 1. Section 15.102, Code Supplement 2007, is
1 4 amended by adding the following new subsections:
1 5 NEW SUBSECTION. 1A. "Community microenterprise
1 6 development organization" means a community development,
1 7 economic development, social service, or nonprofit
1 8 organization that provides training, access to financing, and
1 9 technical assistance to microenterprises.
1 10 NEW SUBSECTION. 3A. "Microenterprise" means any business
1 11 with five or fewer employees which generally lacks collateral
1 12 and has difficulty securing financing from conventional
1 13 business lending sources. "Microenterprise" includes
1 14 start-up, home-based, and self-employed businesses.
1 15 Sec. 2. Section 15.108, subsection 7, unnumbered paragraph
1 16 1, Code Supplement 2007, is amended to read as follows:
1 17 To provide assistance to small business, targeted small
1 18 business, microenterprises, and entrepreneurs creating small
1 19 businesses to ensure continued viability and growth. To carry
1 20 out this responsibility, the department shall:
1 21 Sec. 3. NEW SECTION. 15.114 COMMUNITY MICROENTERPRISE
1 22 DEVELOPMENT ORGANIZATION GRANTS.
1 23 1. The department shall award grants to community
1 24 microenterprise development organizations. A grant shall not
1 25 be awarded to a community microenterprise development
1 26 organization unless the community microenterprise development
1 27 organization can match at least twenty percent of the funds to
1 28 be awarded. The matching funds may be from private
1 29 foundations, federal or local government funds, financial
1 30 institutions, or individuals.
1 31 2. In awarding grants to community microenterprise
1 32 development organizations, the department shall consider all
1 33 of the following:
1 34 a. The overall geographic diversity of the applicants for
1 35 grants, including both urban and rural communities.



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2 1 b. The ability of a community microenterprise development
2 2 organization to provide services to low-income individuals and
2 3 underserved communities. In determining the ability to
2 4 provide services, all of the following shall be considered:
2 5 (1) The ability to identify potential microentrepreneurs
2 6 within a community.
2 7 (2) The capacity to perform client assessment and
2 8 screening.
2 9 (3) The ability to provide business training and technical
2 10 assistance, including information about access to markets,
2 11 business management, and financial literacy.
2 12 (4) The capacity to provide assistance in securing
2 13 financing.
2 14 c. The scope of services offered and the efficient
2 15 delivery of such services, especially to low-income and
2 16 minority individuals.
2 17 d. The ability to monitor the progress of clients and to
2 18 identify those clients in need of additional technical and
2 19 financial assistance.
2 20 e. The ability to build relationships and coordinate
2 21 resources with other entities supporting microentrepreneurs.
2 22 These entities may include but are not limited to community
2 23 colleges, cooperative extension services, small business
2 24 development centers, chambers of commerce, community economic
2 25 development organizations, workforce centers, and community
2 26 nonprofit service providers that serve low-income individuals.
2 27 f. The ability to coordinate activities with any targeted
2 28 small business advocate services operating in the community.
2 29 g. The amount and sufficiency of operating funds
2 30 available.
2 31 h. Any other criteria the department deems reasonable.
2 32 Sec. 4. NEW SECTION. 15.240 MICROENTERPRISE DEVELOPMENT
2 33 ADVISORY COMMITTEE.
2 34 1. The department shall establish, administer, and
2 35 regularly convene a microenterprise development advisory



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3 1 committee.

3 2 2. The committee shall include at least ten but not more
3 3 than fifteen members representing government agencies,
3 4 nonprofit organizations, and private sector entities that have
3 5 expertise and a demonstrated interest in the development of
3 6 microenterprises.

3 7 3. The committee shall study and make recommendations to
3 8 the department and the general assembly on the design and
3 9 implementation of a competitive grant program in support of
3 10 community efforts to develop microenterprises within
3 11 communities with low-income and moderate-income residents.

3 12 a. The committee shall make recommendations for improving
3 13 the mechanisms for connecting community grantees with
3 14 available microenterprise and entrepreneurship resources. The
3 15 recommendations shall include standardized applications for
3 16 participation in the community microenterprise development
3 17 organization grant program and standardized applications for
3 18 obtaining funding from various state and federal
3 19 microenterprise and entrepreneurship development programs.

3 20 b. The committee shall make recommendations to grantees
3 21 regarding the development of an entrepreneurship and business
3 22 education program. The program shall be designed to enhance
3 23 entrepreneurial skills, develop business acumen, increase
3 24 marketing skills, and improve financial literacy.

3 25 c. In making its recommendations, the committee shall
3 26 focus on creating a strong network of programs and shall
3 27 ensure that the needs of both rural and urban communities are
3 28 being met.

3 29 4. The committee shall by January 31 of each year report
3 30 to the department and the general assembly on the progress of
3 31 microenterprise development in Iowa and on its recommendations
3 32 for the community microenterprise development organizations
3 33 grants program.

3 34

3 35

DIVISION II
RIVER ENHANCEMENT COMMUNITY



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5 1 (9) For the fiscal year beginning July 1, 2012, and ending
5 2 June 30, 2013, the sum of five million dollars.

5 3 b. There is appropriated from the franchise tax revenues
5 4 deposited in the general fund of the state to the community
5 5 attraction and tourism fund, the following amounts:

5 6 (1) For the fiscal year beginning July 1, 2005, and ending
5 7 June 30, 2006, the sum of seven million dollars.

5 8 (2) For the fiscal year beginning July 1, 2006, and ending
5 9 June 30, 2007, the sum of seven million dollars.

5 10 (3) For the fiscal year beginning July 1, 2007, and ending
5 11 June 30, 2008, the sum of seven million dollars.

5 12 (4) For the fiscal year beginning July 1, 2008, and ending
5 13 June 30, 2009, the sum of seven million dollars.

5 14 (5) For the fiscal year beginning July 1, 2009, and ending
5 15 June 30, 2010, the sum of seven million dollars.

5 16 (6) For the fiscal year beginning July 1, 2010, and ending
5 17 June 30, 2011, the sum of seven million dollars.

5 18 (7) For the fiscal year beginning July 1, 2011, and ending
5 19 June 30, 2012, the sum of seven million dollars.

5 20 (8) For the fiscal year beginning July 1, 2012, and ending
5 21 June 30, 2013, the sum of seven million dollars.

5 22 Sec. 7. NEW SECTION. 15F.205 RIVER ENHANCEMENT COMMUNITY
5 23 ATTRACTION AND TOURISM FUND.

5 24 1. A river enhancement community attraction and tourism
5 25 fund is created as a separate fund in the state treasury under
5 26 the control of the board, consisting of any moneys
5 27 appropriated by the general assembly and any other moneys
5 28 available to and obtained or accepted by the board for
5 29 placement in the fund.

5 30 2. Payments of interest, repayments of moneys loaned
5 31 pursuant to this subchapter, and recaptures of grants or loans
5 32 shall be deposited in the fund.

5 33 3. The fund shall be used to provide assistance only from
5 34 funds, rights, and assets legally available to the board, and
5 35 the assistance shall be in the form of grants, loans,



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6 1 forgivable loans, and credit enhancements and financing
6 2 instruments as described in the community attraction and
6 3 tourism program established in section 15F.202.
6 4 4. An applicant for financial assistance for a river
6 5 enhancement project under the community attraction and tourism
6 6 program shall receive financial assistance from the fund in an
6 7 amount not to exceed one third of the total cost of the
6 8 project.

6 9 5. Moneys in the fund are not subject to section 8.33.
6 10 Notwithstanding section 12C.7, subsection 2, interest or
6 11 earnings on moneys in the fund shall be credited to the fund.

6 12 6. At the beginning of each fiscal year, the board shall
6 13 allocate moneys in the fund for financial assistance to
6 14 projects that promote and enhance recreational opportunities
6 15 on and near rivers within cities across the state. Such
6 16 recreational opportunities shall be closely connected to a
6 17 river and may include pedestrian trails and walkways,
6 18 amphitheaters, bike trails, water trails or whitewater courses
6 19 for watercraft, and any modifications necessary for the safe
6 20 mitigation of dams.

6 21 7. The board may make a multiyear commitment to an
6 22 applicant or may award assistance for multiple projects to the
6 23 same applicant provided the fund contains sufficient moneys.
6 24 Any moneys remaining in the fund at the end of a fiscal year
6 25 may be carried over to a subsequent fiscal year, or may be
6 26 obligated in advance for a subsequent fiscal year.

6 27 8. The board is not required to award financial assistance
6 28 pursuant to this section unless moneys are appropriated to and
6 29 available from the fund.

6 30 DIVISION III

6 31 INDIVIDUAL DEVELOPMENT ACCOUNTS

6 32 Sec. 8. Section 422.7, subsection 28, paragraph b, Code
6 33 Supplement 2007, is amended to read as follows:

6 34 b. The amount of any savings refund or state match
6 35 payments authorized under section 541A.3, subsection 1.



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7 1 Sec. 9. Section 541A.1, subsection 2, Code 2007, is
7 2 amended to read as follows:

7 3 2. "Administrator" means the division of community action
7 4 agencies of the department of human ~~services~~ rights.

7 5 Sec. 10. Section 541A.1, Code 2007, is amended by adding
7 6 the following new subsection:

7 7 NEW SUBSECTION. 5A. "Household income" means the annual
7 8 household income of an account holder or prospective account
7 9 holder, as determined in accordance with rules adopted by the
7 10 administrator.

7 11 Sec. 11. Section 541A.2, subsection 4, paragraph a, Code
7 12 2007, is amended by adding the following new subparagraphs:

7 13 NEW SUBPARAGRAPH. (7) A purpose approved in accordance
7 14 with rule for a refugee individual development account.

7 15 NEW SUBPARAGRAPH. (8) Purchase of an automobile.

7 16 NEW SUBPARAGRAPH. (9) Purchase of assistive technology,
7 17 home or vehicle modification, or other device or physical
7 18 improvement to assist an account holder or family member with
7 19 a disability.

7 20 NEW SUBPARAGRAPH. (10) Other purpose approved in
7 21 accordance with rule that is intended to move the account
7 22 holder or a family member toward a higher degree of
7 23 self-sufficiency.

7 24 Sec. 12. Section 541A.2, subsection 10, Code 2007, is
7 25 amended to read as follows:

7 26 10. The total amount of sources of principal which may be
7 27 in an individual development account shall be limited to ~~fifty~~
7 28 thirty thousand dollars.

7 29 Sec. 13. Section 541A.3, Code 2007, is amended to read as
7 30 follows:

7 31 541A.3 INDIVIDUAL DEVELOPMENT ACCOUNTS == ~~REFUND~~ STATE
7 32 MATCH AND TAX PROVISIONS.

7 33 All of the following state match and tax provisions shall
7 34 apply to an individual development account:

7 35 1. a. Payment by the state of a state savings ~~refund~~



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8 1 match on amounts of up to two thousand dollars ~~per calendar~~
~~8 2 year~~ that an account holder deposits in the account holder's
8 3 account. To be eligible to receive a state match an account
8 4 holder must have a household income that is equal to or less
8 5 than two hundred percent of the federal poverty level.
8 6 b. Moneys transferred to an individual development account
8 7 from another individual development account and a ~~savings~~
~~8 8 refund~~ state match received by the account holder in
8 9 accordance with this section shall not be considered an
8 10 account holder deposit for purposes of determining a ~~savings~~
~~8 11 refund~~ state match.
8 12 c. Payment of a ~~savings refund~~ state match either shall be
8 13 made directly to the account holder or to an operating
8 14 organization's central reserve account for later distribution
8 15 to the account holder in the most appropriate manner as
8 16 determined by the administrator.
8 17 d. ~~The Subject to the limitation in paragraph "a", the~~
8 18 state ~~savings refund~~ match shall be ~~the indicated percentage~~
~~8 19 of equal to one hundred percent of the amount deposited+ by~~
8 20 the account holder. However, the administrator may limit,
8 21 reduce, delay, or otherwise revise state match payment
8 22 provisions as necessary to restrict the payments to the
8 23 funding available.
8 24 a. ~~For an account holder with a household income, as~~
~~8 25 defined in section 425.17, subsection 6, which is one hundred~~
~~8 26 fifty percent or less of the federal poverty level,~~
~~8 27 twenty-five percent.~~
8 28 b. ~~For an account holder with a household income which is~~
~~8 29 more than one hundred fifty percent but less than one hundred~~
~~8 30 seventy-five percent of the federal poverty level, twenty~~
~~8 31 percent.~~
8 32 e. ~~For an account holder with a household income which is~~
~~8 33 one hundred seventy-five percent or more but not more than two~~
~~8 34 hundred percent of the federal poverty level, fifteen percent.~~
8 35 d. ~~For an account holder with a household income which is~~



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~~9 1 more than two hundred percent of the federal poverty level,
9 2 zero percent.~~

9 3 2. Income earned by an individual development account is
9 4 not subject to state tax, in accordance with the provisions of
9 5 section 422.7, subsection 28.

9 6 3. Amounts transferred between individual development
9 7 accounts are not subject to state tax.

~~9 8 4. The administrator shall work with the United States
9 9 secretary of the treasury and the state's congressional
9 10 delegation as necessary to secure an exemption from federal
9 11 taxation for individual development accounts and the earnings
9 12 on those accounts. The administrator shall report annually to
9 13 the governor and the general assembly concerning the status of
9 14 federal approval.~~

9 15 5. 4. The administrator shall coordinate the filing of
9 16 claims for a state savings ~~refunds~~ match authorized under
9 17 subsection 1, between account holders, ~~and operating~~
9 18 organizations, ~~and the department of administrative services.~~
9 19 Claims approved by the administrator may be paid ~~by the~~
~~9 20 department of administrative services~~ to each account holder,
9 21 for an aggregate amount for distribution to the holders of the
9 22 accounts in a particular financial institution, or to an
9 23 operating organization's central reserve account for later
9 24 distribution to the account holders depending on the
9 25 efficiency for issuing the ~~refunds~~ state match payments.
9 26 Claims shall be initially filed with the administrator on or
9 27 before a date established by the administrator. Claims
9 28 approved by the administrator shall be paid from the ~~general~~
~~9 29 fund of the state in the manner specified in section 422.74~~
9 30 individual development account state match fund.

9 31 Sec. 14. Section 541A.5, Code 2007, is amended to read as
9 32 follows:

9 33 541A.5 RULES.

9 34 1. The administrator commission on community action
9 35 agencies created in section 216A.92A, in consultation with the



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10 1 department of administrative services, shall adopt
10 2 administrative rules to administer this chapter.
10 3 2. a. The rules adopted by the ~~administrator~~ commission
10 4 shall include but are not limited to provision for transfer of
10 5 an individual development account to a different financial
10 6 institution than originally approved by the administrator, if
10 7 the different financial institution has an agreement with the
10 8 account's operating organization.

10 9 b. The rules for determining household income may provide
10 10 categorical eligibility for prospective account holders who
10 11 are enrolled in programs with income eligibility restrictions
10 12 that are equal to or less than the maximum household income
10 13 allowed for payment of a state match under section 541A.3.

10 14 c. Subject to the availability of funding, the commission
10 15 may adopt rules implementing an individual development account
10 16 program for refugees. Rules shall identify purposes approved
10 17 for withdrawals to meet the special needs of refugee families.

10 18 3. The administrator shall utilize a request for proposals
10 19 process for selection of operating organizations and approval
10 20 of financial institutions.

10 21 Sec. 15. Section 541A.6, Code 2007, is amended to read as
10 22 follows:

10 23 541A.6 COMPLIANCE WITH FEDERAL REQUIREMENTS.

10 24 The ~~administrator~~ commission on community action agencies
10 25 shall adopt rules for compliance with federal individual
10 26 development account requirements under the federal Personal
10 27 Responsibility and Work Opportunity Reconciliation Act of
10 28 1996, } 103, as codified in 42 U.S.C. } 604(h), under the
10 29 federal Assets for Independence Act, Pub. L. No. 105=285,
10 30 Title IV, or with any other federal individual development
10 31 account program requirements, ~~as necessary for the state to~~
10 32 ~~qualify to use federal temporary assistance for needy families~~
10 33 ~~block grant funding or other available for drawing federal~~
10 34 ~~funding for allocation to operating organizations.~~ Any rules
10 35 adopted under this section shall not apply the federal



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11 1 individual development account program requirements to an
11 2 operating organization which does not utilize federal funding
11 3 for the accounts with which it is connected or to an account
11 4 holder who does not receive temporary assistance for needy
11 5 families block grant or other federal funding.

11 6 Sec. 16. NEW SECTION. 541A.7 INDIVIDUAL DEVELOPMENT
11 7 ACCOUNT STATE MATCH FUND.

11 8 1. An individual development account state match fund is
11 9 created in the state treasury under the authority of the
11 10 administrator. Notwithstanding section 8.33, moneys
11 11 appropriated to the fund shall not revert to any other fund.
11 12 Notwithstanding section 12C.7, subsection 2, interest or
11 13 earnings on moneys deposited in the fund shall be credited to
11 14 the fund.

11 15 2. Moneys available in the fund for a fiscal year are
11 16 appropriated to the administrator to be used to provide the
11 17 state match for account holder deposits in accordance with
11 18 section 541A.3. At least eighty-five percent of the amount
11 19 appropriated shall be used for state match payments and the
11 20 remainder may be used for the administrative costs of the
11 21 operating organization. Administrative costs include but are
11 22 not limited to accounting services, curriculum costs for
11 23 financial education or asset-specific training, and costs for
11 24 technical assistance contractors.

11 25 Sec. 17. INDIVIDUAL DEVELOPMENT ACCOUNT RULES ==
11 26 TRANSITION, EFFECTIVE DATE, AND APPLICABILITY.

11 27 1. The division of community action agencies of the
11 28 department of human rights shall administer individual
11 29 development accounts in accordance with the administrative
11 30 rules pertaining to the accounts in 441 IAC ch. 10, in place
11 31 of the department of human services until replacement
11 32 administrative rules are adopted. The commission on community
11 33 action agencies may adopt emergency rules under section 17A.4,
11 34 subsection 2, and section 17A.5, subsection 2, paragraph "b",
11 35 to implement the provisions of this Act and the rules shall be



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12 1 effective immediately upon filing unless a later date is
12 2 specified in the rules. Any rules adopted in accordance with
12 3 this subsection shall also be published as a notice of
12 4 intended action as provided in section 17A.4.

12 5 2. This division of this Act, being deemed of immediate
12 6 importance, takes effect upon enactment.

12 7 3. The change from "savings refund" to "state match" as
12 8 authorized in section 422.7, subsection 28, and section
12 9 541A.3, as amended by this Act, is retroactively applicable to
12 10 January 1, 2008, for the tax year commencing on January 1,
12 11 2008.

DIVISION IV
APPROPRIATIONS

12 12 Sec. 18. COMMUNITY MICROENTERPRISE DEVELOPMENT
12 13 ORGANIZATION GRANTS == APPROPRIATION.

12 14 1. There is appropriated from any interest or earnings on
12 15 moneys in the grow Iowa values fund to the department of
12 16 economic development for the fiscal year beginning July 1,
12 17 2008, and ending June 30, 2009, the following amount, or so
12 18 much thereof as is necessary, to be used for the purposes
12 19 designated:
12 20
12 21

12 22 For competitive grants to community microenterprise
12 23 development organizations, including salaries, support,
12 24 maintenance, miscellaneous purposes, and for not more than the
12 25 following full-time equivalent positions:

12 26	\$	475,000
12 27	FTEs	1.00

12 28 2. Of the moneys appropriated in subsection 1, not more
12 29 than \$80,000 shall be expended on any one community
12 30 microenterprise development organization.

12 31 3. From the moneys appropriated in subsection 1, the
12 32 department shall award grants to at least three community
12 33 microenterprise development organizations in rural areas of
12 34 the state that show an economic growth rate lower than the
12 35 average economic growth rate of the state.



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13 1 4. From the moneys appropriated in subsection 1, the
13 2 department shall award grants to at least two community
13 3 microenterprise development organizations in neighborhoods in
13 4 urban areas of the state that show high rates of poverty and
13 5 signs of economic distress.

13 6 5. Of the moneys appropriated in subsection 1, not more
13 7 than \$80,000 may be used for a full-time equivalent staff
13 8 person to administer the community microenterprise development
13 9 organization grants.

13 10 6. Of the moneys appropriated in subsection 1, not more
13 11 than \$20,000 may be used to contract with an expert in
13 12 microenterprise development for consultation, technical
13 13 assistance, and recommendations regarding best practices and
13 14 industry standards for the development of community
13 15 microenterprises.

13 16 Sec. 19. WATER TRAILS AND LOW HEAD DAM PUBLIC HAZARD
13 17 STATEWIDE PLAN == APPROPRIATION. There is appropriated from
13 18 any interest or earnings on moneys in the grow Iowa values
13 19 fund to the department of natural resources for the fiscal
13 20 year beginning July 1, 2008, and ending June 30, 2009, the
13 21 following amount, or so much thereof as is necessary, to be
13 22 used for the purposes designated:

13 23 For the establishment and administration of a water trails
13 24 and low head dam public hazard statewide plan, including
13 25 salaries, support, maintenance, and miscellaneous purposes:
13 26 \$ 250,000

13 27 Sec. 20. RIVER ENHANCEMENT COMMUNITY ATTRACTION AND
13 28 TOURISM FUND == APPROPRIATION. There is appropriated from any
13 29 interest or earnings on moneys in the grow Iowa values fund
13 30 for deposit in the river enhancement community attraction and
13 31 tourism fund created in section 15F.205 for the fiscal year
13 32 beginning July 1, 2008, and ending June 30, 2009, the
13 33 following amount, or so much thereof as is necessary, to be
13 34 used for the purpose designated:

13 35 For financial assistance to applicants under section



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14 1 15F.205:
14 2 \$ 2,000,000
14 3 Sec. 21. INDIVIDUAL DEVELOPMENT ACCOUNTS == STATE MATCH
14 4 FUND APPROPRIATION. There is appropriated from the general
14 5 fund of the state to the department of human rights for the
14 6 fiscal year beginning July 1, 2008, and ending June 30, 2009,
14 7 the following amount, or so much thereof as is necessary, to
14 8 be used for the purposes designated:

14 9 To be credited to the individual development account state
14 10 match fund created in this Act:
14 11 \$ 150,000
14 12 FTEs .50

14 13 Of the funds appropriated in this section, \$50,000 may be
14 14 used by the department to administer an individual development
14 15 account program and to contract with the Iowa community action
14 16 association for the implementation, outreach, and technical
14 17 assistance to local community organizations engaged in efforts
14 18 to encourage savings by, and increase the financial literacy
14 19 of, Iowa families. Any remaining funds shall be utilized to
14 20 implement the individual development account program as
14 21 described in section 541A.7.

EXPLANATION

14 23 This bill relates to economic development by creating a
14 24 community microenterprise development organization grant
14 25 program, a microenterprise development advisory committee, and
14 26 a river enhancement community attraction and tourism fund.
14 27 The bill directs the department of economic development to
14 28 award grants to community microenterprise development
14 29 organizations. Microenterprises are businesses with five or
14 30 fewer employees that lack collateral for loans and have
14 31 difficulty securing financing. The bill requires the
14 32 department to consider the following criteria in awarding
14 33 grants: the overall geographic diversity of the applicants,
14 34 the ability of a community microenterprise development
14 35 organization to provide services to low-income individuals and



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15 1 underserved communities, the scope and efficient delivery of
15 2 the services offered, the ability to monitor the progress of
15 3 clients, the ability to build relationships and coordinate
15 4 resources with other entities, the ability to coordinate
15 5 activities with targeted small business advocate services, the
15 6 amount and sufficiency of available operating funds, and any
15 7 other criteria the department deems reasonable.

15 8 The bill establishes a microenterprise development advisory
15 9 committee within the department of economic development and
15 10 directs the committee to study and make recommendations to the
15 11 department regarding the development of microenterprises.

15 12 The bill extends the community attraction and tourism
15 13 program at its current funding levels through the fiscal year
15 14 ending June 30, 2013. The program is currently funded each
15 15 year by a \$5 million appropriation from the rebuild Iowa
15 16 infrastructure fund and a \$7 million appropriation from the
15 17 franchise tax revenues deposited in the general fund of the
15 18 state.

15 19 The bill also expands the scope of the community attraction
15 20 and tourism program by creating a river enhancement community
15 21 attraction and tourism fund and directing the vision Iowa
15 22 board to expend any moneys appropriated to the fund for the
15 23 enhancement of recreational opportunities on and near rivers
15 24 in cities across the state.

15 25 The bill relates to individual development accounts
15 26 authorized for certain individuals with low income. Under
15 27 current law in Code chapter 541A, the department of human
15 28 services administers the accounts through operating
15 29 organizations who certify the accounts. Account holder
15 30 deposits may be matched by operating organizations, federal
15 31 individual development account funding, and state savings
15 32 refunds providing a state match for the deposits of account
15 33 holders with family incomes of 200 percent or less of the
15 34 federal poverty level. The state savings refund amount ranges
15 35 from 15=25 percent of account holder deposits, depending on



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16 1 income. Interest and earnings on the accounts and the
16 2 deposits made to an account by others is exempt from state
16 3 income tax. Withdrawals from an account must be approved by
16 4 the operating organization for one of the following approved
16 5 purposes: higher education costs, training programs, purchase
16 6 of a primary residence or improvements to such residence,
16 7 capitalization of a small business start-up, or certain
16 8 emergency medical costs.

16 9 The bill makes a number of changes to the requirements for
16 10 individual development accounts. New approved purposes for
16 11 using the accounts are provided authorizing purchase of an
16 12 automobile, purchase of assistive technology to assist an
16 13 account holder or family member with a disability, or for
16 14 other purposes approved in rule. The maximum amount of
16 15 deposits of principal to an account is reduced from \$50,000 to
16 16 \$30,000. Administration of the program is moved from the
16 17 department of human services to the division of community
16 18 action agencies of the department of human rights.
16 19 Requirements for household income determinations and other
16 20 procedures for the accounts are required to be adopted in rule
16 21 by the commission on community action agencies. The division
16 22 of community action agencies is required to utilize a request
16 23 for proposals process for selection of operating organizations
16 24 and approval of financial institutions.

16 25 The bill includes a temporary authorization for operation
16 26 of the accounts in accordance with the rules adopted by the
16 27 department of human services until replacement rules are
16 28 adopted. The commission may adopt the replacement rules using
16 29 emergency procedures which forego public comment and review by
16 30 the administrative rules review committee.

16 31 The state savings refund is changed to a state match and is
16 32 increased to 100 percent of account holder deposits. The
16 33 current state match limit of a percentage of account holder
16 34 deposits of up to \$2,000 per calendar year is charged with an
16 35 overall limit of \$2,000. If funding is available the



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17 1 commission may authorize implementing refugee accounts with
17 2 withdrawals approved for the special needs of refugee
17 3 families. Code section 422.7, providing for adjustments to
17 4 income for purposes of determining net income under the state
17 5 income tax, is amended to include a reference to state match
17 6 payments in the exemption provision relating to individual
17 7 development accounts. The provisions of the bill referencing
17 8 the state match payment are retroactively applicable to
17 9 January 1, 2008, for the tax year beginning on that date.

17 10 An individual development account state match fund is
17 11 created in new Code section 541A.7 with a standing
17 12 appropriation of any moneys available in the fund to the
17 13 division for payments of state matches. The division of
17 14 community action agencies is authorized to revise the match
17 15 payment provisions as necessary to restrict payments to the
17 16 funding available. A requirement for the program
17 17 administrator to work with the federal government and the
17 18 state's congressional delegation to secure federal tax
17 19 exemption for the accounts and account earnings and to report
17 20 annually is repealed. A portion of any appropriations from
17 21 the fund may be used for administrative costs.

17 22 This division of the bill relating to individual
17 23 development accounts takes effect upon enactment.

17 24 The bill appropriates a total of \$2,875,000 from interest
17 25 earned on the moneys in the grow Iowa values fund to a number
17 26 of different programs and funds. First, the bill appropriates
17 27 \$475,000 for the administration and awarding of grants to
17 28 community microenterprise development organizations. Second,
17 29 the bill appropriates \$250,000 to the department of natural
17 30 resources for the administration of a water trails and low
17 31 head dam statewide plan. Third, the bill appropriates
17 32 \$2,000,000 to the river enhancement community attraction and
17 33 tourism fund. Fourth, the bill appropriates \$150,000 to the
17 34 individual development account state match fund.

17 35 LSB 6623XC 82



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18 1 tw/rj/8.4