

2002 Second Extraordinary Session
of the
Seventy-Ninth General Assembly
of the
State of Iowa

HELD AT DES MOINES, THE CAPITAL OF THE STATE

SECOND EXTRAORDINARY SESSION HELD ON THE TWENTY-EIGHTH DAY OF MAY, A.D. 2002
IN THE ONE HUNDRED FIFTY-SIXTH YEAR OF THE STATE

CHAPTER 1001

MISCELLANEOUS APPROPRIATIONS, REDUCTIONS, TRANSFERS,
AND OTHER PROVISIONS — FISCAL YEAR 2001-2002

H.F. 2625

AN ACT addressing public funding provisions and properly related matters by making, reducing, and transferring appropriations, adjusting other expenditures for the fiscal year beginning July 1, 2001, and including other appropriations, cooperative tax credits, and effective and retroactive applicability date provisions.

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

DIVISION I
GENERAL FUND TRANSFERS

Section 1. 2002 Iowa Acts, Senate File 2304,¹ section 15, is amended to read as follows:

SEC. 15. ENVIRONMENT FIRST FUND. Notwithstanding section 8.57A, subsection 3, there is transferred from the environment first fund created in section 8.57A to the general fund of the state for the fiscal year beginning July 1, 2001, and ending June 30, 2002, the following amount:

..... \$ 3,000,000
..... 4,700,000

Sec. 2. IOWA ECONOMIC EMERGENCY FUND.

1. There is appropriated from the Iowa economic emergency fund created in section 8.55 to the general fund of the state for the fiscal year beginning July 1, 2001, and ending June 30, 2002, the following amount, or so much thereof as is necessary:

..... \$ 105,000,000

¹ 2002 Iowa Acts, Regular Session, chapter 1166 herein

2. The appropriation made in this section is declared to be made for emergency expenditures as required in section 8.55, subsection 3, paragraph "a".

Sec. 3. CASH RESERVE FUND.

1. Notwithstanding section 8.56, subsection 4, paragraph "a", there is appropriated from the cash reserve fund to the general fund of the state for the fiscal year beginning July 1, 2001, and ending June 30, 2002, the following amount, or so much thereof as is necessary:

..... \$ 90,000,000

2. The appropriation made in this section is declared to be made for nonrecurring emergency expenditures as required in section 8.56, subsections 3 and 4.

Sec. 4. TERMINAL LIABILITY HEALTH INSURANCE FUND. Notwithstanding section 421.46, there is transferred from the terminal liability health insurance fund created in section 421.46 to the general fund of the state for the fiscal year beginning July 1, 2001, and ending June 30, 2002, the following amount:

..... \$ 133,000

Sec. 5. REGENTS INFRASTRUCTURE. Of the moneys appropriated to the state board of regents in 1997 Iowa Acts, chapter 215, section 23, subsection 1, and allocated for phase II construction of the engineering teaching and research complex at Iowa state university of science and technology, there is transferred to the general fund of the state for the fiscal year beginning July 1, 2001, and ending June 30, 2002, the following amount:

..... \$ 7,000,000

Sec. 6. STATE BOARD OF REGENTS — ENGINEERING COMPLEX — BONDING.

There is appropriated from the rebuild Iowa infrastructure fund to the state board of regents for the fiscal year beginning July 1, 2003, and ending June 30, 2004, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For repayment of the bonding for the phase II construction of the engineering teaching and research complex at Iowa state university of science and technology, as authorized in this section:

..... \$ 7,000,000

Moneys appropriated in this section are not subject to transfer.

1. The state board of regents is authorized to issue bonds as provided in chapter 262A in an amount not exceeding \$7 million, except as provided in subsection 2, to undertake and carry out completion of the engineering teaching and research phase II construction at Iowa state university of science and technology and to finance the remaining cost of the project.

2. Notwithstanding the limitation established in subsection 1, the amount of bonds issued as authorized in subsection 1 may be exceeded by the amount the state board of regents determines to be necessary to capitalize interest, bond reserves, and issuance costs.

Sec. 7. CONTINGENT APPROPRIATION.

1. For purposes of determining the balance of the Iowa economic emergency fund available for making an appropriation to the general fund pursuant to section 8.55, subsection 3, paragraph "c", an amount equal to the \$25,000,000 appropriation in 2002 Iowa Acts, Senate File 2315,² section 5, subsection 2, shall be considered to be obligated. For the fiscal year beginning July 1, 2001, and ending June 30, 2002, in addition to an appropriation made pursuant to section 8.55, subsection 3, paragraph "c", there is appropriated from the cash reserve fund an amount equal to the difference between \$50 million and the amount appropriated from the Iowa economic emergency fund as authorized by section 8.55, subsection 3, paragraph "c".

2. Notwithstanding section 8.55, subsection 3, paragraph "d", an appropriation shall not be made from the general fund of the state to the Iowa economic emergency fund for the following fiscal year due to an appropriation being made pursuant to section 8.55, subsection 3, paragraph "c", or subsection 1 of this section.

² 2002 Iowa Acts, Regular Session, chapter 1167 herein

Sec. 8. CASH RESERVE APPROPRIATION FOR FY 2002-2003. For the fiscal year beginning July 1, 2002, and ending June 30, 2003, the appropriation to the cash reserve fund provided in section 8.57, subsection 1, paragraph "a", shall not be made. However, any surplus in the general fund of the state for the fiscal year beginning July 1, 2002, and ending June 30, 2003, shall be transferred to the cash reserve fund.

Sec. 9. LEGISLATIVE PER DIEM PAYMENT. Notwithstanding section 2.10, subsection 6, for the special session that convenes May 28, 2002, the members of the general assembly are not entitled to and shall not receive the sum of eighty-six dollars per day for each day the general assembly is actually in special session, but shall receive the same travel allowances and expenses as authorized by section 2.10. This section is retroactively applicable to May 28, 2002.

DIVISION II
MEDICAL ASSISTANCE PROGRAM TRANSFERS

Sec. 10. SPECIAL CONSERVATION FUND — SNOWMOBILE FEES. Notwithstanding section 321G.7, there is transferred from snowmobile fees credited to the special conservation fund created in section 321G.7 to the department of human services for the fiscal year beginning July 1, 2001, and ending June 30, 2002, the following amount to be used for the purpose designated:

For medical assistance reimbursement and associated costs in accordance with law:
..... \$ 950,000

Sec. 11. SPECIAL CONSERVATION FUND — ALL-TERRAIN VEHICLE FEES. Notwithstanding section 321G.7, there is transferred from all-terrain vehicle fees credited to the special conservation fund created in section 321G.7 to the department of human services for the fiscal year beginning July 1, 2001, and ending June 30, 2002, the following amount to be used for the purpose designated:

For medical assistance reimbursement and associated costs in accordance with law:
..... \$ 775,000

Sec. 12. ENVIRONMENT FIRST FUND. Notwithstanding section 8.57A, subsection 3, there is transferred from the environment first fund created in section 8.57A to the department of human services for the fiscal year beginning July 1, 2001, and ending June 30, 2002, the following amount to be used for the purpose designated:

For medical assistance reimbursement and associated costs in accordance with law:
..... \$ 1,000,000

Sec. 13. STRATEGIC INVESTMENT FUND. Notwithstanding section 15.313, subsection 2, there is transferred from the strategic investment fund created in section 15.313 to the department of human services for the fiscal year beginning July 1, 2001, and ending June 30, 2002, the following amount to be used for the purpose designated:

For medical assistance reimbursement and associated costs in accordance with law:
..... \$ 2,000,000

Sec. 14. PHYSICAL INFRASTRUCTURE ASSISTANCE FUND. Notwithstanding section 15E.175, subsection 2, there is transferred from the physical infrastructure assistance fund created in section 15E.175 to the department of human services for the fiscal year beginning July 1, 2001, and ending June 30, 2002, the following amount to be used for the purpose designated:

For medical assistance reimbursement and associated costs in accordance with law:
..... \$ 2,500,000

Sec. 15. ALTERNATIVE DRAINAGE SYSTEM ASSISTANCE FUND. Notwithstanding section 159.29A, subsection 3, there is transferred from the alternative drainage system assistance fund created in section 159.29A to the department of human services for the fiscal year beginning July 1, 2001, and ending June 30, 2002, the following amount to be used for the purpose designated:

For medical assistance reimbursement and associated costs in accordance with law:
 \$ 1,100,000

Sec. 16. TERMINAL LIABILITY HEALTH INSURANCE FUND. Notwithstanding section 421.46, there is transferred from the terminal liability health insurance fund created in section 421.46 to the department of human services for the fiscal year beginning July 1, 2001, and ending June 30, 2002, the following amount to be used for the purpose designated:

For medical assistance reimbursement and associated costs in accordance with law:
 \$ 325,000

Sec. 17. AIRPORT ENGINEERING STUDIES AND IMPROVEMENT PROJECTS. There is transferred from the appropriation to the state department of transportation for airport engineering studies and improvement projects in 2001 Iowa Acts, chapter 180, section 1, subsection 1, to the department of human services for the fiscal year beginning July 1, 2001, and ending June 30, 2002, the following amount to be used for the purpose designated:

For medical assistance reimbursement and associated costs in accordance with law:
 \$ 347,000

DIVISION III
 TRANSFERS FOR OTHER PURPOSES

Sec. 18. TERMINAL LIABILITY HEALTH INSURANCE FUND — INDIGENT DEFENSE. Notwithstanding section 421.46, there is transferred from the terminal liability health insurance fund created in section 421.46 to the office of the state public defender of the department of inspections and appeals for the fiscal year beginning July 1, 2001, and ending June 30, 2002, the following amount to be used for the purpose designated:

For indigent defense costs:
 \$ 2,740,000

Sec. 19. ENVIRONMENT FIRST FUND — STATE APPEAL BOARD CLAIMS. Notwithstanding section 8.57A, subsection 3, there is transferred from the environment first fund created in section 8.57A, to the state appeal board for the fiscal year beginning July 1, 2001, and ending June 30, 2002, the following amount to be used for the purpose designated:

For state appeal board claims under sections 25.2 and 669.11:
 \$ 1,500,000

Sec. 20. VICTIM COMPENSATION FUND — UNEMPLOYMENT COMPENSATION. Notwithstanding section 915.94, there is transferred from the victim compensation fund created in section 915.94 to the unemployment compensation account under the control of the department of revenue and finance for the fiscal year beginning July 1, 2001, and ending June 30, 2002, the following amount to be used for the purpose designated:

For payment of state employee unemployment compensation claims:
 \$ 1,000,000

Sec. 21. ENVIRONMENT FIRST FUND — PERFORMANCE OF DUTY. Notwithstanding section 8.57A, subsection 3, there is transferred from the environment first fund created in section 8.57A to the executive council for the fiscal year beginning July 1, 2001, and ending June 30, 2002, the following amount to be used for the purpose designated:

For performance of duty under section 7D.29, section 18.12, and section 29C.20:
 \$ 100,000

Sec. 22. TERMINAL LIABILITY HEALTH INSURANCE FUND — PERFORMANCE OF DUTY. Notwithstanding section 421.46, subsection 3, there is transferred from the terminal liability health insurance fund created in section 421.46 to the executive council for the fiscal year beginning July 1, 2001, and ending June 30, 2002, the following amount to be used for the purpose designated:

For performance of duty under section 7D.29, section 18.12, and section 29C.20:
 \$ 300,000

Sec. 23. VALUE-ADDED AGRICULTURAL PRODUCTS — ELDERLY AND DISABLED PROPERTY TAX CREDIT. Notwithstanding section 15E.112, subsection 1, there is transferred from the value-added agricultural products and processes financial assistance fund created in section 15E.112 to the elderly and disabled property tax credit and reimbursement fund created in section 425.39 for the fiscal year beginning July 1, 2001, and ending June 30, 2002, the following amount to be used for the purpose designated:

For payment of renters' claims for the fiscal year beginning July 1, 2001, under the elderly and disabled credit and reimbursement portion of the extraordinary property tax and reimbursement division of chapter 425:
 \$ 250,000

Sec. 24. TERMINAL LIABILITY HEALTH INSURANCE FUND — ELDERLY AND DISABLED PROPERTY TAX CREDIT. Notwithstanding section 421.46, subsection 3, there is transferred from the terminal liability health insurance fund created in section 421.46 to the elderly and disabled property tax credit and reimbursement fund created in section 425.39 for the fiscal year beginning July 1, 2001, and ending June 30, 2002, the following amount to be used for the purpose designated:

For payment of renters' claims for the fiscal year beginning July 1, 2001, under the elderly and disabled credit and reimbursement portion of the extraordinary property tax and reimbursement division of chapter 425:
 \$ 180,000

DIVISION IV
 RESERVE FUNDS

Sec. 25. Section 8.55, subsection 2, paragraph a, as enacted by 2002 Iowa Acts, House File 2075,³ section 1, is amended to read as follows:

a. The maximum balance of the fund is the amount equal to ~~five~~ two and one-half percent of the adjusted revenue estimate for the fiscal year. If the amount of moneys in the Iowa economic emergency fund is equal to the maximum balance, moneys in excess of this amount shall be transferred to the general fund.

Sec. 26. Section 8.55, subsection 2, paragraphs c and d, as enacted by 2002 Iowa Acts, House File 2075,⁴ section 1, are amended to read as follows:

c. Notwithstanding paragraph "a", any moneys in excess of the maximum balance in the economic emergency fund after the distribution of the surplus in the general fund of the state at the conclusion of each fiscal year and after the appropriate amount has been transferred pursuant to paragraph "b", shall not be transferred to the general fund of the state but shall be transferred to the senior living trust fund. The total amount transferred, in the aggregate, under this paragraph for all fiscal years shall not exceed ~~thirty-five~~ fifty-one million five hundred thousand dollars.

d. Notwithstanding paragraph "a", any moneys in excess of the maximum balance in the economic emergency fund after the distribution of the surplus in the general fund of the state at the conclusion of each fiscal year and after the appropriate amount have been transferred pursuant to paragraphs "b" and "c" shall not be transferred to the general fund of the state but shall be transferred to the endowment for Iowa's health account of the tobacco settlement trust

³ 2002 Iowa Acts, Regular Session, chapter 1169 herein

⁴ 2002 Iowa Acts, Regular Session, chapter 1169 herein

fund. The total amount transferred, in the aggregate, under this paragraph for all fiscal years shall not exceed the difference between ~~fifty-one~~ sixty million five hundred thousand dollars and the amounts transferred to the endowment for Iowa's health account to repay the amounts transferred or appropriated from the endowment for Iowa's health account in 2002 Iowa Acts, House File 2245,⁵ 2002 Iowa Acts, Senate File 2304,⁶ and 2002 Iowa Acts, Senate File 2315,⁷ and 2002 Iowa Acts, Second Extraordinary Session, House File 2627.⁸

Sec. 27. Section 8.56, subsection 4, paragraph b, Code Supplement 2001, is amended to read as follows:

b. In addition to the requirements of paragraph "a", an appropriation shall not be made from the cash reserve fund which would cause the fund's balance to be less than three ~~and three-fourths~~ percent of the adjusted revenue estimate for the year for which the appropriation is made unless the bill or joint resolution is approved by vote of at least three-fifths of the members of both chambers of the general assembly and is signed by the governor.

Sec. 28. Section 8.57, subsection 1, paragraph a, Code Supplement 2001, is amended to read as follows:

a. The "cash reserve goal percentage" for fiscal years beginning on or after July 1, ~~1995~~ 2003, is ~~five~~ seven and one-half percent of the adjusted revenue estimate. For each fiscal year beginning on or after July 1, ~~1995~~ 2003, in which the appropriation of the surplus existing in the general fund of the state at the conclusion of the prior fiscal year pursuant to paragraph "b" was not sufficient for the cash reserve fund to reach the cash reserve goal percentage for the current fiscal year, there is appropriated from the general fund of the state an amount to be determined as follows:

(1) If the balance of the cash reserve fund in the current fiscal year is not more than ~~four~~ six and one-half percent of the adjusted revenue estimate for the current fiscal year, the amount of the appropriation under this lettered paragraph is one percent of the adjusted revenue estimate for the current fiscal year.

(2) If the balance of the cash reserve fund in the current fiscal year is more than ~~four~~ six and one-half percent but less than ~~five~~ seven and one-half percent of the adjusted revenue estimate for that fiscal year, the amount of the appropriation under this lettered paragraph is the amount necessary for the cash reserve fund to reach ~~five~~ seven and one-half percent of the adjusted revenue estimate for the current fiscal year.

(3) The moneys appropriated under this lettered paragraph shall be credited in equal and proportionate amounts in each quarter of the current fiscal year.

Sec. 29. Section 8.57, subsection 5, paragraph b, Code Supplement 2001, is amended to read as follows:

b. Moneys in the infrastructure fund are not subject to section 8.33. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the infrastructure fund shall be credited to the infrastructure fund. Moneys in the infrastructure fund may be used for cash flow purposes during a fiscal year provided that any moneys so allocated are returned to the infrastructure fund by the end of that fiscal year.

Sec. 30. Section 249H.4, subsection 4, Code 2001, as amended by 2002 Iowa Acts, Senate File 2201,⁹ section 26, is amended to read as follows:

4. The trust fund shall be operated in accordance with the guidelines of the centers for Medicare and Medicaid services of the United States department of health and human services. The trust fund shall be separate from the general fund of the state and shall not be considered part of the general fund of the state. The moneys in the trust fund shall not be considered revenue of the state, but rather shall be funds of the senior living program. The moneys deposited in the trust fund are not subject to section 8.33 and shall not be transferred,

⁵ 2002 Iowa Acts, Regular Session, chapter 1165 herein

⁶ 2002 Iowa Acts, Regular Session, chapter 1166 herein

⁷ 2002 Iowa Acts, Regular Session, chapter 1167 herein

⁸ Chapter 1003 herein

⁹ 2002 Iowa Acts, Regular Session, chapter 1050 herein

used, obligated, appropriated, or otherwise encumbered, except to provide for the purposes of this chapter. Moneys in the trust fund may be used for cash flow purposes during a fiscal year provided that any moneys so allocated are returned to the trust fund by the end of that fiscal year. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the trust fund shall be credited to the trust fund.

Sec. 31. NEW SECTION. 249H.4A PENDING SENIOR LIVING TRUST FUND.

A pending senior living trust fund is created in the state treasury under the authority of the department of human services. Moneys received through intergovernmental agreements for the senior living program but not yet available for appropriation are to be deposited into this fund. When the moneys are determined to be available for appropriation, they shall be transferred to the senior living trust fund established in section 249H.4. Moneys in the fund may be used for cash flow purposes during the fiscal year provided that any moneys so allocated are returned to the fund by the end of that fiscal year.

Sec. 32. USE OF REVERSIONS. Notwithstanding section 8.62, if on June 30 of fiscal year 2001-2002 or fiscal year 2002-2003, a balance of an operational appropriation, as defined in section 8.62, remains unexpended or unencumbered, the balance shall revert to the general fund of the state as provided in section 8.33.

Sec. 33. EFFECTIVE DATE — APPLICABILITY. The amendments to the following designated Code provisions in this division of this Act take effect July 1, 2003:

1. Section 8.55, subsection 2, paragraph “a”.
2. Section 8.56, subsection 4, paragraph “b”.
3. Section 8.57, subsection 1, paragraph “a”.

DIVISION V
OTHER MEDICAL ASSISTANCE PROGRAM PROVISIONS

*Sec. 34. NEW SECTION. 249A.9 REPORTING REQUIREMENTS — PHARMACEUTICAL COPAYMENT.

1. *The department shall require applicants for or recipients of medical assistance to report, on a monthly basis, changes in income or resources that affect eligibility.*
2. *The department shall require recipients of medical assistance to pay the following copayment on each covered drug prescription, including each refill as follows:*
 - a. *A copayment of one dollar for each covered generic drug prescription.*
 - b. *A copayment of one dollar for each covered brand-name drug prescription for which the cost to the state is less than twenty-five dollars.*
 - c. *A copayment of two dollars for each covered brand-name drug prescription for which the cost to the state is between twenty-five dollars and fifty dollars.*
 - d. *A copayment of three dollars for each covered brand-name drug prescription for which the cost to the state is over fifty dollars.**

DIVISION VI
OTHER PROVISIONS

Sec. 35. Section 12E.12, subsection 8, if enacted by 2002 Iowa Acts, Second Extraordinary Session, House File 2627,¹⁰ section 229, is amended to read as follows:

8. With respect to the payment of certain debt service, the debt service to be paid shall be those installments of debt service on bonds selected by the treasurer of state and identified in the authority’s tax certificate delivered at the time of the issuance of the bonds issued pursuant to this chapter, or as otherwise selected by the treasurer of state. Once the bonds and the installments of debt service thereon are so selected, that debt service and bonds shall not be paid, or provided to be paid, from any other source including the state or any of its departments or

* Item veto; see message at end of the Act

¹⁰ Chapter 1003 herein

agencies. Provided, however, that if funds are not appropriated to pay debt service on such bonds when due, the issuing agency shall pay such debt service from any available source as provided in the bond covenants for such bonds.

Sec. 36. NEW SECTION. 249A.21 INTERMEDIATE CARE FACILITIES FOR PERSONS WITH MENTAL RETARDATION — ASSESSMENT.

1. The department may assess intermediate care facilities for persons with mental retardation, as defined in section 135C.1, that are not operated by the state, a fee in an amount not to exceed six percent of the total annual revenue of the facility for the preceding fiscal year.

2. The assessment shall be paid to the department in equal monthly amounts on or before the fifteenth day of each month. The department may deduct the monthly amount from medical assistance payments to a facility described in subsection 1. The amount deducted from payments shall not exceed the total amount of the assessments due.

3. Revenue from the assessments shall be credited to the state medical assistance appropriation. This revenue may be used only for services for which federal financial participation under the medical assistance program is available to match state funds.

4. If federal financial participation to match the assessments made under subsection 1 becomes unavailable under federal law, the department shall terminate the imposing of the assessments beginning on the date that the federal statutory, regulatory, or interpretive change takes effect.

5. The department of human services may procure a sole source contract to implement the provisions of this section.

**Sec. 37. Section 257.8, subsection 1, Code Supplement 2001, as amended by 2002 Iowa Acts, Senate File 2315, section 1, and 2002 Iowa Acts, Senate File 2328, section 1, is amended to read as follows:*

1. *STATE PERCENT OF GROWTH. The state percent of growth for the budget year beginning July 1, 2002, is one percent. The state percent of growth for the budget year beginning July 1, 2003, is two percent. The state percent of growth for each subsequent budget year shall be established by statute which shall be enacted ~~within thirty days of the submission~~ in the year preceding the base year of the governor's budget under section 8.21. The establishment of the state percent of growth for a budget year shall be the only subject matter of the bill which enacts the state percent of growth for a budget year.**

Sec. 38. 2001 Iowa Acts, chapter 188, section 13, is amended to read as follows:

SEC. 13. TOURISM OPERATIONS. There is appropriated from the community attraction and tourism fund created in section 15F.204 to the department of economic development for the fiscal year beginning July 1, 2001, and ending June 30, 2002, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For tourism operations, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 1,200,000

Moneys appropriated in this section shall not be appropriated from those moneys in the community attraction and tourism fund that originate from the tax-exempt bond proceeds restricted capital funds account of the tobacco settlement trust fund.

Sec. 39. UNITED STATES MARSHAL'S SERVICE. For the fiscal year beginning July 1, 2002, regular per diem reimbursement costs billed by the department of corrections to the United States marshal's service for holding detainees shall be deposited entirely into the general fund of the state. However, for the fiscal year beginning July 1, 2002, extraordinary costs, including but not limited to medical costs, billed over the regular daily per diem rate shall be used by the department of corrections to offset the actual costs incurred.

* Item veto; see message at end of the Act

Sec. 40. DUPLICATIVE POSITIONS — VACANT POSITIONS — EDUCATIONAL ASSISTANCE.

*1. *It is the intent of the general assembly that in implementing the provisions of 2002 Iowa Acts, Second Extraordinary Session, House File 2627, section 13, subsection 2, if enacted, the department of personnel shall focus on duplicative job functions in the agencies of the executive branch of state government other than those institutions under the control of the state board of regents. For the institutions under the state board of regents, the state board of regents shall perform the duties required of the department of personnel and shall report to the oversight committee of the legislative council in accordance with 2002 Iowa Acts, Second Extraordinary Session, House File 2627, section 13, subsection 2.**

2. In implementing the requirements of 2002 Iowa Acts, Second Extraordinary Session, House File 2627,¹¹ section 214, if enacted, relating to vacant positions, the department of management shall address table of organization changes other than those relating to the institutions under the control of the state board of regents. Table of organization changes relating to the institutions under the control of the state board of regents shall be implemented by the state board of regents.

*3. *In implementing the requirements of 2002 Iowa Acts, Second Extraordinary Session, House File 2627, section 215, if enacted, relating to educational assistance, the department of management shall ensure compliance for executive branch agencies other than those involving the institutions under the control of the state board of regents. Implementation of a restriction on subsidy or reimbursement for a class or other course of study leading to an advanced degree for an employee of an institution under the control of the state board of regents shall be as determined by the state board of regents.**

Sec. 41. PROGRAM ELIMINATION COMMISSION. 2002 Iowa Acts, Second Extraordinary Session, House File 2627,¹² section 217, subsection 2, paragraph a, if enacted, is amended by striking the paragraph and inserting in lieu thereof the following:

- a. A voting member appointed by the legislative council.

*Sec. 42. STATE LIBRARY REDUCTION — STATE MEDICAL LIBRARY CONTINUATION TASK FORCE.

1. *Funds appropriated to the department of education for purposes of the state library pursuant to 2002 Iowa Acts, Senate File 2326, section 79, subsection 5, paragraph "a", as reduced by House File 2627, section 87, are further reduced by the amount of \$108,000. The state library shall apply the reduction to the state medical library.*

2. *It is the intent of the general assembly to eliminate, or remove from the authority of the state library, the state medical library. A state medical library continuation task force is established to determine whether the citizens of this state will continue to benefit from the state medical library, and if so, where the state medical library should be relocated. If the task force recommends relocation of the state medical library, it is the intent of the general assembly that the state medical library continue to be available for free use by the residents of Iowa, give no preference to any school of medicine, and secure books, periodicals, pamphlets, and electronic textbooks, including but not limited to computer software, applications using computer-assisted instruction, interactive videodisc, and other computer courseware and magnetic media for every legally recognized school of medicine without discrimination. If the task force finds and recommends elimination of the state medical library, the task force shall propose a plan for distribution of the assets of the state medical library. The task force shall consist of the state librarian or the state librarian's designee, and a representative of the state board of regents, the Iowa medical society, the Iowa hospital association, and the osteopathic medical association. The state librarian shall serve as chairperson. Meetings shall be held at the call of the chairperson or a majority of the members of the task force. At any meeting of the task force, a majority of the members shall constitute a quorum. The task force shall submit its recommendation for continuation or elimination of the state medical library, and any plan for distribution of state medical library assets, in a report to the chairpersons and ranking members*

* Item veto; see message at end of the Act

¹¹ Chapter 1003 herein

¹² Chapter 1003 herein

*of the senate and house standing committees on education and the joint appropriations subcommittee on education by December 1, 2002. **

Sec. 43. 2002 Iowa Acts, Second Extraordinary Session, House File 2627,¹³ section 221, if enacted, is amended to read as follows:

SEC. 221. IMPLEMENTATION OF FURLOUGHS. ~~Furloughs~~ It is the intent of the general assembly that furloughs implemented pursuant to this division shall not be implemented in a manner which results in more than 25 percent of the workforce within an agency division being on furlough at the same time. However, if implementation of this section would conflict with existing law or a collective bargaining agreement, the agency shall take every step possible to minimize the impact on the agency's customers and the public. The agency shall work with representatives of affected businesses to develop a plan for meeting the businesses' needs during a furlough period and when other funding reductions are implemented.

Sec. 44. 2002 Iowa Acts, House File 2614,¹⁴ section 2, unnumbered paragraph 2, as amended by 2002 Iowa Acts, Second Extraordinary Session, House File 2627,¹⁵ section 226, if enacted, is amended to read as follows:

For allocation by the state board of regents to the state university of Iowa, the Iowa state university of science and technology, and the university of northern Iowa to reimburse the institutions for deficiencies in their operating funds resulting from the pledging of tuitions, student fees and charges, and institutional income to finance the cost of providing academic and administrative buildings and facilities and utility services at the institutions, notwithstanding section 12E.12, subsection 1, paragraph "b", subparagraph (1):

.....	\$	9,127,635
		<u>10,503,733</u>

Sec. 45. MEDICAL ASSISTANCE REDUCTION. The appropriation made in 2002 Iowa Acts, Second Extraordinary Session, House File 2627,¹⁶ from the general fund of the state for medical assistance reimbursement and associated costs for the fiscal year beginning July 1, 2002, and ending June 30, 2003, is reduced by the following amount:

.....	\$	3,700,000
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Sec. 46. EFFECTIVE DATE. This division of this Act takes effect July 1, 2002, except for the provision of this division amending 2001 Iowa Acts, chapter 188, section 13, relating to tourism operations, which, being deemed of immediate importance, takes effect upon enactment.

DIVISION VII
COOPERATIVE TAX CREDITS

Sec. 47. Section 15.333, subsections 1 and 2, Code Supplement 2001, as amended by 2002 Iowa Acts, Senate File 2275,¹⁷ section 5, are amended to read as follows:

1. An eligible business may claim a corporate tax credit up to a maximum of ten percent of the new investment which is directly related to new jobs created by the location or expansion of an eligible business under the program. Any credit in excess of the tax liability for the tax year may be credited to the tax liability for the following seven years or until depleted, whichever occurs earlier. Subject to prior approval by the department of economic development in consultation with the department of revenue and finance, an eligible business whose project primarily involves the production of value-added agricultural products may elect to receive a refund of all or a portion of an unused tax credit. For purposes of this section, an eligible business includes a cooperative described in section 521 of the Internal Revenue Code which is not required to file an Iowa corporate income tax return, and whose project primarily involves the

* Item veto; see message at end of the Act

¹³ Chapter 1003 herein

¹⁴ 2002 Iowa Acts, Regular Session, chapter 1173 herein

¹⁵ Chapter 1003 herein

¹⁶ Chapter 1003 herein

¹⁷ 2002 Iowa Acts, Regular Session, chapter 1119 herein

production of ethanol. The refund may be used against a tax liability imposed under chapter 422, division II, III, or V. If the business is a partnership, S corporation, limited liability company, cooperative organized under chapter 501 and filing as a partnership for federal tax purposes, or estate or trust electing to have the income taxed directly to the individual, an individual may claim the tax credit allowed. The amount claimed by the individual shall be based upon the pro rata share of the individual's earnings of the partnership, S corporation, limited liability company, cooperative organized under chapter 501 and filing as a partnership for federal tax purposes, or estate or trust.

PARAGRAPH DIVIDED. For purposes of this section, "new investment directly related to new jobs created by the location or expansion of an eligible business under the program" means the cost of machinery and equipment, as defined in section 427A.1, subsection 1, paragraphs "e" and "j", purchased for use in the operation of the eligible business, the purchase price of which has been depreciated in accordance with generally accepted accounting principles, and the cost of improvements made to real property which is used in the operation of the eligible business.

2. An eligible business whose project primarily involves the production of value-added agricultural products, that elects to receive a refund of all or a portion of an unused tax credit, shall apply to the department of economic development for tax credit certificates. An eligible business whose project primarily involves the production of value-added agricultural products shall not claim a tax credit under this section unless a tax credit certificate issued by the department of economic development is attached to the taxpayer's tax return for the tax year for which the tax credit is claimed. For purposes of this section, an eligible business includes a cooperative described in section 521 of the Internal Revenue Code which is not required to file an Iowa corporate income tax return, and whose project primarily involves the production of ethanol. For purposes of this section, an eligible business also includes a cooperative described in section 521 of the Internal Revenue Code which is required to file an Iowa corporate income tax return and whose project primarily involves the production of ethanol. Such cooperative may elect to transfer all or a portion of its tax credit to its members. The amount of tax credit transferred and claimed by a member shall be based upon the pro rata share of the member's earnings of the cooperative.

PARAGRAPH DIVIDED. A tax credit certificate shall not be valid until the tax year following the date of the project completion. A tax credit certificate shall contain the taxpayer's name, address, tax identification number, the date of project completion, the amount of the tax credit, and other information required by the department of revenue and finance. The department of economic development shall not issue tax credit certificates which total more than four million dollars during a fiscal year. If the department receives applications for tax credit certificates in excess of four million dollars, the applicants shall receive certificates for a prorated amount. The tax credit certificates shall not be transferred except as provided in this subsection for a cooperative described in section 521 of the Internal Revenue Code which is required to file an Iowa corporate income tax return and whose project primarily involves the production of ethanol. For a cooperative described in section 521 of the Internal Revenue Code ~~that is not required to file an Iowa corporate income tax return~~, the department of economic development shall require that the cooperative submit a list of its members and the share of each member's interest in the cooperative. The department shall issue a tax credit certificate to each member contained on the submitted list.

Sec. 48. Section 15E.193C, subsection 7, paragraph a, Code Supplement 2001, is amended to read as follows:

a. An eligible development business may claim a tax credit up to a maximum of ten percent of the new investment that is directly related to the construction, expansion, or rehabilitation of building space to be used for manufacturing, processing, cold storage, distribution, or office facilities. For purposes of this section, "new investment" includes the purchase price of land and the cost of improvements made to real property. The tax credit may be claimed by an eligible development business for the tax year in which the construction, expansion, or reha-

bilitation is completed. The tax credit may be used to reduce the tax liability imposed under chapter 422, division II, III, or V, or chapter 432. Any credit in excess of the tax liability for the tax year may be credited to the tax liability for the following seven years or until depleted, whichever occurs earlier. If the business is a partnership, S corporation, limited liability company, cooperative organized under chapter 501 and filing as a partnership for federal tax purposes, or estate or trust electing to have the income taxed directly to the individual, an individual may claim the tax credit allowed. The amount claimed by the individual shall be based upon the pro rata share of the individual's earnings of the partnership, S corporation, limited liability company, cooperative organized under chapter 501 and filing as a partnership for federal tax purposes, or estate or trust.

Sec. 49. APPLICABILITY DATE. This division of this Act applies retroactively to January 1, 2002, for tax years beginning on or after that date.

DIVISION VIII
SICK LEAVE AND VACATION INCENTIVE PROGRAM EXTENSION

Sec. 50. SICK LEAVE AND VACATION INCENTIVE PROGRAM — FISCAL YEAR 2002-2003.

1. As used in this section, unless the context provides otherwise:
 - a. "Credited service" means service under the Iowa public employees' retirement system, as service is defined in section 97B.1A, and membership service under the public safety peace officers' retirement, accident, and disability system, as defined in section 97A.1.
 - b. "Eligible employee" means an employee for which, but for participation in the program, the sum of the number of years of credited service and the employee's age in years as of December 31, 2003, equals or exceeds seventy-five.
 - c. "Employee" means an employee of the executive branch of the state who is not covered by a collective bargaining agreement, including an employee of a judicial district department of correctional services if the district elects to participate in the program, an employee of the state board of regents if the board elects to participate in the program, an employee of the judicial branch if the judicial branch elects to participate in the program, and an employee of the department of justice. However, "employee" does not mean an elected official.
 - d. "Participant" means a person who timely submits an election to participate, and does participate, in the sick leave and vacation incentive program established under this section.
 - e. "Program" means the sick leave and vacation incentive program established under this section.
 - f. "Regular annual salary" means an amount equal to the eligible employee's regular bi-weekly rate of pay as of the date of separation from employment multiplied by twenty-six.
 - g. "Sick leave and vacation incentive benefit" means an amount equal to the entire value of an eligible employee's accumulated but unused vacation plus the lesser of the entire value of the eligible employee's accumulated and unused sick leave or the employee's regular annual salary.
2. To become a participant in the program, an eligible employee shall do all of the following:
 - a. Submit by August 14, 2002, a written application, on forms prescribed by the department of personnel, seeking participation in the program.
 - b. Agree to waive any and all rights to receive payments of sick leave balances under section 70A.23 and accrued vacation balances in a form other than as provided in this section.
 - c. Agree to waive all rights to file suit against the state of Iowa, including all of its departments, agencies, and other subdivisions, based on state or federal claims arising out of the employment relationship.
 - d. Acknowledge, in writing, that participation in the program waives any right to accept permanent part-time or permanent full-time employment with the state other than as an elected official on or after August 15, 2002.
 - e. Agree to separate from employment with the state by August 15, 2002.

3. Upon acceptance to participate in the program and separation from employment with the state by August 15, 2002, a participant shall receive a sick leave and vacation incentive benefit. The state shall pay to the participant a portion of the sick leave and vacation incentive benefit each fiscal year for a period of five years commencing with the fiscal year ending June 30, 2003.

4. The department of personnel shall administer the program, including the determination of eligibility for participation in the program, and shall adopt administrative rules to administer the program. The department may adopt rules on an emergency basis under section 17A.4, subsection 2, and section 17A.5, subsection 2, paragraph "b", to implement this section and the rules shall be effective immediately upon filing unless a later date is specified in the rules.

5. The legislative council shall provide an incentive program for employees of the legislative branch consistent with the program provided in this section for executive branch employees. The legislative council shall collaborate with the department of personnel to establish the program as required under this subsection. The program provided pursuant to this subsection shall establish the same time guidelines and benefit calculations as provided under the program for executive branch employees.

Sec. 51. EARLY TERMINATION PROGRAMS — MISCELLANEOUS PROVISIONS.

1. DEFINITIONS. For purposes of this section, unless the context otherwise requires:

a. "Early termination participant" means an eligible state employee who participates in an early termination program.

b. "Early termination program" means a sick leave and vacation incentive program as established or required in this Act and the similar early termination program established for state employees as established pursuant to a collective bargaining agreement entered into pursuant to chapter 20.

2. GROUP INSURANCE ELIGIBILITY. An early termination participant shall be eligible to continue participation in the group plan or under the group contract at the early termination participant's own expense in the same manner as a retired employee pursuant to section 509A.13. In addition, an early termination participant shall be deemed an eligible retired state employee for purposes of eligibility for continuation of group insurance covering spouses as provided in section 509A.13A.

3. RELEASE OF RECORDS. Notwithstanding any provision of chapter 22 or section 97B.17 to the contrary, records of the department of personnel maintained for the operation of the Iowa public employees' retirement system may be released to the directors, agents, and employees of the legislative fiscal bureau, the department of revenue and finance, the department of management, and the department of personnel, for the purposes of administering and monitoring an early termination program. A person receiving a record pursuant to this subsection shall maintain the confidentiality of any information otherwise required to be kept confidential and shall be subject to the same penalties as the custodian of the records for the public dissemination of such information. The authority to request a record as provided pursuant to this subsection shall cease June 30, 2003.

4. REPORTING REQUIREMENTS. The department of personnel, in collaboration with the department of management, shall present a report by October 1, 2002, concerning the operation of early termination programs as provided in this Act. The reports shall be submitted in conjunction with the reports required to be submitted by the department of personnel pursuant to 2001 Iowa Acts, Second Extraordinary Session, chapter 5, section 4. The department shall also submit an annual update concerning early termination programs as provided in this Act by October 1 of each year for four years, commencing October 1, 2003. The reports shall include information concerning the number of early termination program participants, the cost of the early termination program including any payments made to participants, the number of state employment positions eliminated pursuant to an early termination program, the number of positions vacated by an early termination program participant that have been re-filled, and the savings to the state based upon the early termination program.

5. SAVINGS. a. For an executive branch position vacated by an early termination participant pursuant to an early termination program, the savings from that termination, as deter-

mined by the department of management, shall offset amounts that would otherwise be reduced from the appropriation to the executive branch department or establishment that employed the participant due to the implementation of a furlough program. The moneys saved by the department or establishment due to the termination would then be used by the department or establishment to reduce or end the furlough program as it would otherwise apply to the employees of that department or establishment, to the extent of the savings. If savings in excess of the amounts reduced by the department of management for the applicable executive branch department or establishment are received, and the furlough program for that department or establishment ceases, those moneys shall not revert to the general fund but shall be transferred to the applicable executive branch department or establishment for personnel costs which shall not be expended for personnel costs without prior approval of the department of management.

b. For a judicial or legislative branch position vacated by an early termination participant pursuant to an early termination program, the savings from that termination, as determined by the judicial or legislative branch as applicable, shall offset amounts that would otherwise be reduced from the appropriation to the legislative or judicial branch that employed the participant due to the implementation of a furlough program. The moneys saved by the legislative or judicial branch due to the termination would then be used by the branch to reduce or end the furlough program as it would otherwise apply to the employees of that branch, to the extent of the savings.

6. ACROSS-THE-BOARD WAGE INCREASE DELAY. If an employee organization representing state employees agrees to an across-the-board wage increase delay as provided in this subsection and to participate in an early termination program as provided in this Act, then any across-the-board wage increases for employees of the same state employer, who are not covered by a collective bargaining agreement, which would otherwise take effect at the beginning of the pay period in which July 1, 2002, falls, shall be delayed until the pay period in which November 1, 2002, falls.

DIVISION IX
EFFECTIVE DATE

Sec. 52. EFFECTIVE DATE. Unless otherwise provided, this Act, being deemed of immediate importance, takes effect upon enactment.

Approved June 4, 2002, with exceptions noted.

THOMAS J. VILSACK, *Governor*

Dear Secretary Culver:

I hereby transmit House File 2625, an Act addressing public funding provisions and properly related matters by making, reducing, and transferring appropriations, adjusting other expenditures for the fiscal year beginning July 1, 2001, and including other appropriations, cooperative tax credits, and effective and retroactive applicability date provisions.

With the Revenue Estimating Conference's recent action to decrease general fund resources available to the State by \$205.5 million in fiscal year 2002, I took responsible action in calling a special session to take the necessary steps to balance the budget. House File 2625 is the result of a plan that I worked with legislators in developing to solve the budget shortfall for the current year. The plan included a series of funding transfers that allow us to continue to provide the priority services of Iowans.

However, the bill has several provisions which I cannot support. I oppose the Republicans' continuous assault on our senior citizens by attempting to raise prescription drug costs on Iowans in need. I have vetoed their attempt to double the copayments on prescription drugs

in the past, and I will do so again. I also cannot support the Republicans' plan to add an unnecessary, burdensome layer of bureaucracy and cost to the delivery of medical assistance. The burdens created for some Iowa families and seniors are simply unacceptable.

House File 2625 is, therefore, signed on this date with the following exceptions, which I hereby disapprove.

I am unable to approve Division V, Section 34 in its entirety. This provision would increase the cost of prescription drugs for Iowans most in need. This, in effect, is a tax on a group — aged, blind, disabled, children, caretakers with very little or no income. Additionally, if the individuals do not have the funds, the pharmacist is required to dispense the drug anyway. This requires pharmacists to subsidize the costs and creates an additional reluctance on the part of pharmacists to handle Medicaid patients.

Section 34 would also require additional bureaucracy and associated costs by calling for monthly reporting requirements for those who experience a change in income, mailing address, household composition, or health insurance. In doing so, the Legislature would be creating an additional layer of bureaucracy, and an additional layer of cost to process the monthly reports. This new bureaucratic requirement is particularly unnecessary, considering the Department of Human Services already requires Iowans in need who receive medical assistance to report changes in such factors.

I am unable to approve Section 37. This section removes the requirement that the Legislature establish the state percent of allowable growth in funding for our local school districts within the first 30 days of a legislative session. This provision was developed to ensure the State's commitment to education was made up front and did not get bogged down in last minute budget negotiations and to provide adequate planning time for school districts. Now, more than ever, when education is our state's top priority, we must maintain that commitment to our local schools.

I am unable to approve Section 40, subsection 1. This section requires the departments of personnel to identify duplicative job responsibilities throughout state government and report these positions to the Oversight Committee. These determinations on an enterprise-wide basis are already being done.

I am unable to approve Section 40, subsection 3. This Administration has made every attempt to provide quality educational opportunities for all Iowans. This section denies the opportunity for state workers to access educational assistance. With a shrinking state workforce, it is more important than ever to make sure the remaining professionals have the training and education they need to effectively serve Iowans. I believe this option should be maintained.

I am unable to approve Section 42. This section eliminates state funding to the State Medical Library. The Legislature had intended to shift this funding from the Medical Library to the Department of Cultural Affairs for cultural grants, but the bill failed to complete the transfer. While the Republican Legislature eliminates the Medical Library funding, they also establish a task force charged with determining whether to continue the State Medical Library; and if so, where it should be located. The Medical Library provides essential educational materials and diagnostic and research searches for health professionals and students. Closing this valuable resource for many Iowans is shortsighted and unnecessary.

For the above reasons, I respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 2625 are hereby approved as of this date.

Sincerely,
THOMAS J. VILSACK, *Governor*

CHAPTER 1002

APPROPRIATIONS — TRANSPORTATION

H.F. 2626

AN ACT relating to and making transportation and other infrastructure-related appropriations to the state department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund, and providing for the nonreversion of certain moneys and providing effective dates.

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

Section 1. There is appropriated from the road use tax fund to the state department of transportation for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amounts, or so much thereof as is necessary, for the purposes designated:

1. For the payment of costs associated with the production of driver's licenses, as defined in section 321.1, subsection 20A:	\$ 3,997,000
.....	
Notwithstanding section 8.33, unencumbered or unobligated funds remaining on June 30, 2003, from the appropriation made in this subsection, shall not revert, but shall remain available for subsequent fiscal years for the purposes specified in this subsection.	
2. For salaries, support, maintenance, and miscellaneous purposes:	
a. Operations and finance:	\$ 4,987,919
b. Administrative services:	\$ 515,899
c. Planning:	\$ 461,698
d. Motor vehicles:	\$ 26,841,204
3. For payments to the department of personnel for expenses incurred in administering the merit system on behalf of the state department of transportation, as required by chapter 19A:	\$ 37,500
4. Unemployment compensation:	\$ 17,000
5. For payments to the department of personnel for paying workers' compensation claims under chapter 85 on behalf of employees of the state department of transportation:	\$ 77,000
6. For payment to the general fund of the state for indirect cost recoveries:	\$ 102,000
7. For reimbursement to the auditor of state for audit expenses as provided in section 11.5B:	\$ 54,314
8. For costs associated with the county issuance of driver's licenses:	\$ 30,000
9. For transfer to the department of public safety for operating a system providing toll-free telephone road and weather conditions information:	\$ 100,000
10. For membership in the North America's superhighway corridor coalition:	\$ 50,000
11. For costs associated with the rewrite of the vehicle registration system:	\$ 5,000,000
12. For costs associated with the participation in the Mississippi river parkway commission:	\$ 40,000

Sec. 2. There is appropriated from the primary road fund to the state department of transportation for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For salaries, support, maintenance, and miscellaneous purposes and for not more than the following full-time equivalent positions:

a. Operations and finance:		
.....	\$	30,831,081
.....	FTEs	267.00
b. Administrative services:		
.....	\$	3,169,101
.....	FTEs	37.00
c. Planning:		
.....	\$	8,772,302
.....	FTEs	146.00
d. Highways:		
.....	\$	166,244,000
.....	FTEs	2,482.00
e. Motor vehicles:		
.....	\$	1,098,796
.....	FTEs	526.00
2. For payments to the department of personnel for expenses incurred in administering the merit system on behalf of the state department of transportation, as required by chapter 19A:	\$	712,500
3. Unemployment compensation:	\$	328,000
4. For payments to the department of personnel for paying workers' compensation claims under chapter 85 on behalf of the employees of the state department of transportation:	\$	1,883,000
5. For disposal of hazardous wastes from field locations and the central complex:	\$	800,000
6. For payment to the general fund for indirect cost recoveries:	\$	748,000
7. For reimbursement to the auditor of state for audit expenses as provided in section 11.5B:	\$	336,036
8. For costs associated with producing transportation maps:	\$	275,000
9. For replacement of roofs according to the department's priority list at field facilities throughout the state:	\$	400,000
10. For the federal Americans With Disabilities Act accessibility improvements to department facilities throughout the state:	\$	200,000
11. For renovation of the state department of transportation administration building at the Ames complex:	\$	2,000,000
12. For utility improvements at field garage facilities throughout the state:	\$	200,000
13. For replacement of the heating systems in field garage facilities throughout the state:	\$	200,000
14. For deferred maintenance projects at field facilities:	\$	351,500

Notwithstanding section 8.33, moneys appropriated in subsections 9 through 14 that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that begins July 1, 2005.

Sec. 3. Section 312.2, subsection 14, Code Supplement 2001, is amended to read as follows:

14. The treasurer of state, before making the allotments provided for in this section, shall credit monthly from the road use tax fund to the ~~general fund of the state~~ department of transportation from revenue credited to the road use tax fund under section 423.24, subsection 1, paragraph "b", an amount equal to one-twentieth of eighty percent of the revenue from the operation of section 423.7~~1~~₂.

~~There is appropriated from the general fund of the state for each fiscal year to the state department of transportation the amount of revenues credited to the general fund of the state during the fiscal year under this subsection to be used for purposes of public transit assistance under chapter 324A.~~

Sec. 4. EFFECTIVE DATES.

1. Except as otherwise provided in subsection 2, this Act, being deemed of immediate importance, takes effect July 1, 2002.

2. The section of this Act amending section 312.2, subsection 14, takes effect July 1, 2004.

Approved June 4, 2002

CHAPTER 1003

MISCELLANEOUS APPROPRIATIONS, REDUCTIONS, TRANSFERS,
AND OTHER PROVISIONS — 2002-2003 AND PRIOR FISCAL YEARS

H.F. 2627

AN ACT making, reducing, and transferring appropriations, and providing for other properly related matters, providing penalties, and including effective and applicability date provisions.

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

DIVISION I
ADMINISTRATION AND REGULATION

Section 1. AUDITOR OF STATE. There is appropriated from the general fund of the state to the office of the auditor of state for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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

.....	\$	1,078,972
.....	FTEs	105.47

The auditor of state may retain additional full-time equivalent positions as is reasonable and necessary to perform governmental subdivision audits which are reimbursable pursuant to section 11.20 or 11.21, to perform audits which are requested by and reimbursable from the federal government, and to perform work requested by and reimbursable from departments or agencies pursuant to section 11.5A or 11.5B. The auditor of state shall notify the department of management, the legislative fiscal committee, and the legislative fiscal bureau of the additional full-time equivalent positions retained.

Sec. 2. IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD. There is appropriated from the general fund of the state to the Iowa ethics and campaign disclosure board for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, or so much thereof as is necessary, for the purposes designated:

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

.....	\$	410,760
.....	FTEs	6.00

Sec. 3. DEPARTMENT OF COMMERCE. There is appropriated from the general fund of the state to the department of commerce for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amounts, or so much thereof as is necessary, for the purposes designated:

1. ALCOHOLIC BEVERAGES DIVISION

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

.....	\$	1,803,044
.....	FTEs	33.00

2. BANKING DIVISION

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

.....	\$	6,036,125
.....	FTEs	72.00

3. CREDIT UNION DIVISION

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

.....	\$	1,282,995
.....	FTEs	19.00

4. INSURANCE DIVISION

a. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	3,770,164
.....	FTEs	93.50

b. The insurance division may reallocate authorized full-time equivalent positions as necessary to respond to accreditation recommendations or requirements. The insurance division expenditures for examination purposes may exceed the projected receipts, refunds, and reimbursements, estimated pursuant to section 505.7, subsection 7, including the expenditures for retention of additional personnel, if the expenditures are fully reimbursable and the division first does both of the following:

(1) Notifies the department of management, the legislative fiscal bureau, and the legislative fiscal committee of the need for the expenditures.

(2) Files with each of the entities named in subparagraph (1) the legislative and regulatory justification for the expenditures, along with an estimate of the expenditures.

5. PROFESSIONAL LICENSING AND REGULATION DIVISION

a. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	748,342
.....	FTEs	11.00

b. Notwithstanding the provisions of section 543B.14 to the contrary, all fees and charges collected by the real estate commission under chapter 543B shall be paid into the general fund of the state, except that for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the equivalent of thirty dollars per year of the fees for each real estate salesperson's license, plus the equivalent of thirty dollars per year of the fees for each broker's license shall be paid into the Iowa real estate education fund created in section 543B.54.

6. UTILITIES DIVISION

a. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	6,104,810
.....	FTEs	79.00

b. The utilities division may expend additional funds, including funds for additional personnel, if those additional expenditures are actual expenses which exceed the funds budgeted for utility regulation and the expenditures are fully reimbursable. Before the division expends or encumbers an amount in excess of the funds budgeted for regulation, the division shall first do both of the following:

- (1) Notify the department of management, the legislative fiscal bureau, and the legislative fiscal committee of the need for the expenditures.
- (2) File with each of the entities named in subparagraph (1) the legislative and regulatory justification for the expenditures, along with an estimate of the expenditures.

The utilities division shall assess the office of consumer advocate within the department of justice a pro rata share of the operating expenses of the utilities division. Each division and the office of consumer advocate shall include in its charges assessed or revenues generated, an amount sufficient to cover the amount stated in its appropriation, any state-assessed indirect costs determined by the department of revenue and finance. It is the intent of the general assembly that the director of the department of commerce shall review on a quarterly basis all out-of-state travel for the previous quarter for officers and employees of each division of the department if the travel is not already authorized by the executive council.

*7. ACCOUNTABLE GOVERNMENT REPORT

*Each division of the department of commerce shall submit a report to the cochairpersons and ranking members of the joint appropriations subcommittee on administration and regulation on or before January 13, 2003, which encompasses the reporting requirements provided in Code chapter 8E, including development of an agency strategic plan, performance measures, performance targets based on performance data, performance data, and data sources used to evaluate the agency performance, and explanations of the plan's provisions.**

Sec. 4. DEPARTMENT OF COMMERCE — PROFESSIONAL LICENSING AND REGULATION. There is appropriated from the housing improvement fund of the Iowa department of economic development to the division of professional licensing and regulation of the department of commerce for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes:

.....	\$	62,317
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Sec. 5. DEPARTMENT OF GENERAL SERVICES. There is appropriated from the general fund of the state to the department of general services for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADMINISTRATION AND PROPERTY MANAGEMENT

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

.....	\$	5,271,304
.....	FTEs	152.60

2. TERRACE HILL OPERATIONS

For salaries, support, maintenance, and miscellaneous purposes necessary for the operation of Terrace Hill and for not more than the following full-time equivalent positions:

.....	\$	236,037
.....	FTEs	5.00

* Item veto; see message at end of the Act

3. RENTAL SPACE

For payment of lease or rental costs of buildings and office space as provided in section 18.12, subsection 9, notwithstanding section 18.16:

..... \$ 846,770

The department shall prepare a summary of lease and rental agreements entered into by the department with information concerning the location of leased property, the funding source for each lease, and the cost of the lease. The summary shall be submitted to the general assembly by January 13, 2003.

4. UTILITY COSTS

For payment of utility costs and for not more than the following full-time equivalent position:

..... \$ 1,817,095

..... FTEs 1.00

Notwithstanding sections 8.33 and 18.12, subsection 11, any excess funds appropriated for utility costs in this subsection shall not revert to the general fund of the state at the end of the fiscal year but shall remain available for expenditure for the purposes of this subsection during the fiscal year beginning July 1, 2003.

5. The department of general services shall identify all positions throughout state government that have job responsibilities that are duplicative of the same or similar job functions that are performed by similar positions in the department of general services. The positions throughout state government that are duplicative of positions in the department of general services shall be identified by department, position title, and position pay grade. The department of general services shall also determine if the department can perform the functions of the duplicated position. The department shall submit a report, with findings, conclusions, and supporting data, to the oversight committee of the general assembly by September 1, 2002.

Sec. 6. REVOLVING FUNDS. There is appropriated from the designated revolving funds to the department of general services for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. CENTRALIZED PURCHASING

From the centralized purchasing permanent revolving fund established by section 18.9 for salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 1,118,960

..... FTEs 17.95

2. CENTRALIZED PURCHASING — REMAINDER

The remainder of the centralized purchasing permanent revolving fund is appropriated for the payment of expenses incurred through purchases by various state departments and for contingencies arising during the fiscal year beginning July 1, 2002, and ending June 30, 2003, which are legally payable from this fund.

3. STATE FLEET ADMINISTRATOR

a. From the state fleet administrator revolving fund established by section 18.119 for salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 881,501

..... FTEs 16.75

b. The state fleet administrator shall conduct a study concerning the utilization of state-owned vehicles by state government that are under the control of the administrator pursuant to section 18.114. As part of the study, the state fleet administrator shall investigate the cost and benefits of entering into an agreement with an entity that leases or rents vehicles for the purpose of providing vehicles from that source for use by state government. The study shall also examine what revenue may be generated as a result of the sale of state-owned vehicles. The state fleet administrator shall submit a report to the general assembly by January 13, 2003, concerning the progress of the administrator in meeting the goal of reducing the number of

* Item veto; see message at end of the Act

state-owned vehicles. The report shall include all relevant data concerning the study, any actions taken to reduce the number of state-owned vehicles, and any proposed legislative changes needed to implement the goal of reducing the number of state-owned vehicles.

4. STATE FLEET ADMINISTRATOR — REMAINDER

The remainder of the state fleet administrator revolving fund is appropriated for the purchase of ethanol blended fuels and other fuels specified in section 18.115, subsection 5, oil, tires, repairs, and all other maintenance expenses incurred in the operation of state-owned motor vehicles and for contingencies arising during the fiscal year beginning July 1, 2002, and ending June 30, 2003, which are legally payable from this fund.

5. CENTRALIZED PRINTING

From the centralized printing permanent revolving fund established by section 18.57 for salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,328,025
.....	FTEs	29.55

6. CENTRALIZED PRINTING — REMAINDER

The remainder of the centralized printing permanent revolving fund is appropriated for the expense incurred in supplying paper stock, offset printing, copy preparation, binding, distribution costs, original payment of printing and binding claims and contingencies arising during the fiscal year beginning July 1, 2002, and ending June 30, 2003, which are legally payable from this fund.

Sec. 7. GOVERNOR AND LIEUTENANT GOVERNOR. There is appropriated from the general fund of the state to the offices of the governor and the lieutenant governor for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. GENERAL OFFICE

For salaries, support, maintenance, and miscellaneous purposes for the general office of the governor and the general office of the lieutenant governor, and for not more than the following full-time equivalent positions:

.....	\$	1,270,595
.....	FTEs	17.25

2. TERRACE HILL QUARTERS

For salaries, support, maintenance, and miscellaneous purposes for the governor's quarters at Terrace Hill, and for not more than the following full-time equivalent positions:

.....	\$	100,519
.....	FTEs	3.00

3. ADMINISTRATIVE RULES COORDINATOR

For salaries, support, maintenance, and miscellaneous purposes for the office of administrative rules coordinator, and for not more than the following full-time equivalent positions:

.....	\$	132,113
.....	FTEs	3.00

4. NATIONAL GOVERNORS ASSOCIATION

For payment of Iowa's membership in the national governors association:

.....	\$	64,393
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5. STATE-FEDERAL RELATIONS

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

.....	\$	106,802
.....	FTEs	2.00

Sec. 8. DEPARTMENT OF INSPECTIONS AND APPEALS. There is appropriated from the general fund of the state to the department of inspections and appeals for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amounts, or so much thereof as is necessary, for the purposes designated:

1. Administration division	
For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:	
.....	\$ 714,101
.....	FTEs 24.00
2. Administrative hearings division	
For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:	
.....	\$ 472,240
.....	FTEs 30.00
3. Investigations division	
For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:	
.....	\$ 1,376,587
.....	FTEs 46.00
4. Health facilities division	
For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:	
.....	\$ 2,276,504
.....	FTEs 108.00
5. Inspections division	
For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:	
.....	\$ 759,066
.....	FTEs 13.00
6. Employment appeal board	
For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:	
.....	\$ 34,172
.....	FTEs 15.00
The employment appeal board shall be reimbursed by the labor services division of the department of workforce development for all costs associated with hearings conducted under chapter 91C, related to contractor registration. The board may expend, in addition to the amount appropriated under this subsection, additional amounts as are directly billable to the labor services division under this subsection and to retain the additional full-time equivalent positions as needed to conduct hearings required pursuant to chapter 91C.	
7. Child advocacy board	
For foster care review and the court appointed special advocate program, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:	
.....	\$ 1,711,033
.....	FTEs 44.00
a. The department of human services, in coordination with the child advocacy board, and the department of inspections and appeals, shall submit an application for funding available pursuant to Title IV-E of the federal Social Security Act for claims for child advocacy board, administrative review costs.	
b. It is the intent of the general assembly that the court appointed special advocate program investigate and develop opportunities for expanding fund-raising for the program.	
c. The child advocacy board shall report to the chairpersons and ranking members of the joint appropriations subcommittee on administration and regulation and the legislative fiscal bureau by August 31, 2002, providing a budget for the appropriation made in this subsection. The budget shall delineate the expenditures planned for foster care review, the court appointed special advocate program, joint expenditures, and other pertinent information. The board shall submit to the same entities a report of the actual expenditures at the close of the fiscal year.	

d. Administrative costs charged by the department of inspections and appeals for items funded under this subsection shall not exceed 4 percent of the amount appropriated in this subsection.

Sec. 9. RACING AND GAMING COMMISSION.

1. RACETRACK REGULATION

There is appropriated from the general fund of the state to the racing and gaming commission of the department of inspections and appeals for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes for the regulation of pari-mutuel racetracks, and for not more than the following full-time equivalent positions:

.....	\$	2,083,762
.....	FTEs	24.78

Of the funds appropriated in this subsection, \$85,576 shall be used to conduct an extended harness racing season.

2. EXCURSION BOAT REGULATION

There is appropriated from the general fund of the state to the racing and gaming commission of the department of inspections and appeals for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes for administration and enforcement of the excursion boat gambling laws, and for not more than the following full-time equivalent positions:

.....	\$	1,602,611
.....	FTEs	30.97

*3. ACCOUNTABLE GOVERNMENT REPORT

*The racing and gaming commission shall submit a report to the cochairpersons and ranking members of the joint appropriations subcommittee on administration and regulation on or before January 13, 2003, which encompasses the reporting requirements provided in Code chapter 8E, including development of an agency strategic plan, performance measures, performance targets based on performance data, performance data, and data sources used to evaluate the agency performance, and explanations of the plan's provisions.**

Sec. 10. USE TAX APPROPRIATION. There is appropriated from the use tax receipts collected pursuant to sections 423.7 and 423.7A prior to their deposit in the road use tax fund pursuant to section 423.24, to the appeals and fair hearings division of the department of inspections and appeals for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, or so much thereof as is necessary, for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes:

.....	\$	1,197,552
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Sec. 11. DEPARTMENT OF MANAGEMENT. There is appropriated from the general fund of the state to the department of management for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. GENERAL OFFICE — STATEWIDE PROPERTY TAX ADMINISTRATION

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

.....	\$	2,100,036
.....	FTEs	33.00

2. ENTERPRISE RESOURCE PLANNING

If funding is provided for the redesign of the enterprise resource planning budget system for the fiscal year beginning July 1, 2002, then there is appropriated from the general fund of the

* Item veto; see message at end of the Act

state to the department of management for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For salaries, support, maintenance, and miscellaneous purposes for administration of the enterprise resource planning system, and for not more than the following full-time equivalent position:

.....	\$	58,680
.....	FTEs	1.00

3. STATE GOVERNMENT ADMINISTRATIVE SERVICES REORGANIZATION

The department of management, in consultation with other administrative departments, shall continue to study and pursue the goal of providing for the reorganization of state government in order to facilitate the efficient and effective delivery of state government services. The reorganization study shall concentrate on establishing a new state organization that will increase the efficiency of managing the major resources of state government, including personnel, financial, physical, and information assets, in order to provide better service at less cost to all departments of state government and the citizens of Iowa. As part of this study, the department shall identify and examine areas where duplicative services are performed by state government which may be more efficiently accomplished by a reorganization and redesign of state government. In addition, as part of this reorganization study, support services provided to state agencies should be reoriented to continuously improve service and lower costs through a strong customer focus and entrepreneurial management. The department of management shall submit a report, including its findings, conclusions, and specific recommendations for legislative change, to the general assembly by December 2, 2002.

Sec. 12. ROAD USE TAX APPROPRIATION. There is appropriated from the road use tax fund to the department of management for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes:

.....	\$	56,000
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Sec. 13. DEPARTMENT OF PERSONNEL. There is appropriated from the general fund of the state to the department of personnel for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amounts, or so much thereof as is necessary, to be used for the purposes designated, including the filing of quarterly reports as required in this section:

1. For salaries, support, maintenance, and miscellaneous purposes for the director's staff, research, communications and workforce planning services, data processing, financial services, customer information and support services, employment law and labor relations, training and benefit programs, and for not more than the following full-time equivalent positions:

.....	\$	3,723,868
.....	FTEs	86.00

Any funds received by the department for workers' compensation purposes shall be used only for the payment of workers' compensation claims and administrative costs.

It is the intent of the general assembly that members of the general assembly serving as members of the deferred compensation advisory board shall be entitled to receive per diem and necessary travel and actual expenses pursuant to section 2.10, subsection 5, while carrying out their official duties as members of the board.

2. The department of personnel shall identify all positions throughout state government that have job responsibilities that are duplicative of the same or similar job functions that are performed by similar positions in the department of personnel. The positions throughout state government that are duplicative of positions in the department of personnel shall be identified by department, position title, and position pay grade. The department of personnel shall also determine if the department can perform the functions of the duplicated position. The department shall submit a report, with findings, conclusions, and supporting data, to the oversight committee of the general assembly by September 1, 2002.

* Item veto; see message at end of the Act

Sec. 14. **READY TO WORK PROGRAM COORDINATOR.** There is appropriated from the surplus funds in the long-term disability reserve fund and the workers' compensation trust fund to the department of personnel for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For the salary, support, and miscellaneous expenses for the ready to work program and coordinator:

..... \$ 89,416

The moneys appropriated pursuant to this section shall be taken in equal proportions from the long-term disability reserve fund and the workers' compensation trust fund.

Sec. 15. **IPERS.** There is appropriated from the Iowa public employees' retirement system fund to the department of personnel for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

1. **GENERAL OFFICE**

For salaries, support, maintenance, and other operational purposes to pay the costs of the Iowa public employees' retirement system division and for not more than the following full-time positions:¹

..... \$ 8,062,203
 FTEs 90.04

2. **INVESTMENT PROGRAM STAFFING**

It is the intent of the general assembly that the Iowa public employees' retirement system division employ sufficient staff within the appropriation provided in this section to meet the developing requirements of the investment program.

Sec. 16. **IPERS — DEFERRED RETIREMENT OPTION PROGRAM AND TERMINATED VESTED MEMBER STUDIES.** There is appropriated from the Iowa public employees' retirement system fund to the Iowa public employees' retirement system division for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For expenses related to the study of the implementation of a cost-neutral deferred retirement option plan as directed in 2002 Iowa Acts, House File 2532:²

..... \$ 95,000

2. For expenses related to the study of the implementation of a new option for terminated vested members as directed in 2002 Iowa Acts, House File 2532:³

..... \$ 40,000

Sec. 17. **PRIMARY ROAD FUND APPROPRIATION.** There is appropriated from the primary road fund to the department of personnel for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes to provide personnel services for the state department of transportation:

..... \$ 423,539

Sec. 18. **ROAD USE TAX FUND APPROPRIATION.** There is appropriated from the road use tax fund to the department of personnel for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes to provide personnel services for the state department of transportation:

..... \$ 69,237

¹ The phrase "full-time equivalent positions" probably intended

² 2002 Iowa Acts, Regular Session, chapter 1135 herein

³ 2002 Iowa Acts, Regular Session, chapter 1135 herein

Sec. 19. STATE WORKERS' COMPENSATION CLAIMS. The premiums collected by the department of personnel shall be segregated into a separate workers' compensation fund in the state treasury to be used for payment of state employees' workers' compensation claims. Notwithstanding section 8.33, unencumbered or unobligated moneys remaining in this workers' compensation fund at the end of the fiscal year shall not revert but shall be available for expenditure for purposes of the fund for subsequent fiscal years.

Any funds received by the department of personnel for workers' compensation purposes other than funds appropriated in this section shall be used for the payment of workers' compensation claims and administrative costs.

Sec. 20. DEPARTMENT OF REVENUE AND FINANCE. There is appropriated from the general fund of the state to the department of revenue and finance for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amounts, or so much thereof as is necessary, to be used for the purposes designated, and for not more than the following full-time equivalent positions used for the purposes designated in subsection 1:

.....	FTEs	443.01
1. COMPLIANCE — INTERNAL RESOURCES MANAGEMENT — STATE FINANCIAL MANAGEMENT — STATEWIDE PROPERTY TAX ADMINISTRATION		
For salaries, support, maintenance, and miscellaneous purposes:		
.....	\$	24,781,012

Of the funds appropriated pursuant to this subsection, \$400,000 shall be used to pay the direct costs of compliance related to the collection and distribution of local sales and services taxes imposed pursuant to chapters 422B and 422E.

The director of revenue and finance shall prepare and issue a state appraisal manual and the revisions to the state appraisal manual as provided in section 421.17, subsection 18, without cost to a city or county.

2. COLLECTION COSTS AND FEES		
For payment of collection costs and fees pursuant to section 422.26:		
.....	\$	28,166

Sec. 21. LOTTERY.

1. APPROPRIATION. There is appropriated from the lottery fund to the department of revenue and finance for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes for the administration and operation of lottery games, and for not more than the following full-time equivalent positions:		
.....	\$	8,688,714
.....	FTEs	117.00

The lottery shall deduct \$500,000 from its calculated retained earnings before making lottery proceeds transfers to the general fund of the state during the fiscal year beginning July 1, 2002.

*2. ACCOUNTABLE GOVERNMENT REPORT. *The lottery shall submit a report to the chairpersons and ranking members of the joint appropriations subcommittee on administration and regulation on or before January 13, 2003, which encompasses the reporting requirements provided in Code chapter 8E, including development of an agency strategic plan, performance measures, performance targets based on performance data, performance data, and data sources used to evaluate the agency performance, and explanations of the plan's provisions. In submitting the report required by this subsection, the lottery is not required to disclose any proprietary or otherwise confidential information which is considered a confidential record pursuant to section 22.7.**

3. VIDEO LOTTERY. It is the intent of the general assembly that the lottery should investigate whether the deployment of vending machines with video screens would enhance the lottery's ability to perform its statutory duties and if, in the business judgment of the lottery commissioner and the lottery board, it would do so, that the lottery is authorized to establish a plan

* Item veto; see message at end of the Act

to implement the deployment of pull-tab vending machines with video monitors consistent with the requirements of this subsection. At a minimum, the deployment plan shall include provisions for restricting access to these machines by minors, including but not limited to requirements relating to the location of these machines. Prior to implementing the deployment plan as described in this subsection, the lottery shall notify the legislative oversight committee and shall submit a report to the committee describing the deployment plan, including measures the lottery will implement to restrict access to the machines by minors.

Sec. 22. MOTOR VEHICLE FUEL TAX APPROPRIATION. There is appropriated from the motor fuel tax fund created by section 452A.77 to the department of revenue and finance for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes for administration and enforcement of the provisions of chapter 452A and the motor vehicle use tax program:
 \$ 1,084,112

Sec. 23. SECRETARY OF STATE. There is appropriated from the general fund of the state to the office of the secretary of state for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADMINISTRATION AND ELECTIONS

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

..... \$ 680,716
 FTEs 10.00

It is the intent of the general assembly that the state department or state agency which provides data processing services to support voter registration file maintenance and storage shall provide those services without charge.

2. BUSINESS SERVICES

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

..... \$ 1,433,235
 FTEs 32.00

Sec. 24. SECRETARY OF STATE FILING FEES REFUND. Notwithstanding the obligation to collect fees pursuant to the provisions of section 490.122, subsection 1, paragraphs "a" and "s", and section 504A.85, subsections 1 and 9, for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the secretary of state may refund these fees to the filer pursuant to rules established by the secretary of state. The decision of the secretary of state not to issue a refund under rules established by the secretary of state is final and not subject to review pursuant to the provisions of the Iowa administrative procedure Act.

Sec. 25. TREASURER. There is appropriated from the general fund of the state to the office of treasurer of state for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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

..... \$ 785,550
 FTEs 25.80

The office of treasurer of state shall supply clerical and secretarial support for the executive council.

The treasurer of state is authorized not more than the following additional full-time equivalent position for the purposes provided for in 2002 Iowa Acts, House File 681,⁴ relating to the pledging of collateral in relation to the deposit of uninsured public funds:

..... FTEs 1.00

⁴ 2002 Iowa Acts, Regular Session, chapter 1096 herein

The treasurer of state may expend additional funds for the purposes of 2002 Iowa Acts, House File 681,⁵ if those additional expenditures are actual expenses as provided in 2002 Iowa Acts, House File 681,⁶ and the expenses are fully reimbursable.

Sec. 26. INFORMATION TECHNOLOGY DEPARTMENT. There is appropriated from the general fund of the state to the information technology department for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the purpose of providing information technology services to state agencies and for the following full-time equivalent positions:

.....	\$	2,982,748
.....	FTEs	125.00

1. The information technology department shall not increase any fees or charges to other state agencies for services provided to such state agencies by the department, unless such increase in fees or charges is first reported to the department of management. The department of management shall submit a report notifying the legislative fiscal bureau regarding any fee increase as the increase occurs.

2. The department of information technology shall identify all positions throughout state government that have job responsibilities that are duplicative of the same or similar job functions that are performed by similar positions in the department of information technology. The positions throughout state government that are duplicative of positions in the department of information technology shall be identified by department, position title, and position pay grade. The department of information technology shall also determine if the department can perform the functions of the duplicated position. The department shall submit a report, with findings, conclusions, and supporting data, to the oversight committee of the general assembly by September 1, 2002.

3. The information technology department shall submit a report to the general assembly by January 13, 2003, providing information concerning the funding of the operation of the department, to include information concerning the receipt and use of fees and other revenues by the department, the method of determining fees to be charged, and information comparing fees charged by the department with comparable private sector rates.

4. It is the intent of the general assembly that all agencies comply with the requirements established in section 304.13A relating to utilization of the electronic repository developed for the purpose of providing public access to agency publications. To ensure compliance with the requirements, the department of management, the information technology department, and the state librarian shall coordinate the development of a process to maximize and monitor the extent to which the number of printed copies of agency publications is reduced, and to realize monetary savings through the reduction. The process shall include a policy for distribution of written copies of publications to members of the general assembly on a request-only basis and weekly notification of a new publication posting on the repository by the state librarian to the secretary of state, secretary of the senate, and chief clerk of the house of representatives, who in turn shall notify members of the general assembly of publication availability. The process shall also include the electronic submission of a report by November 1, annually, to the legislative fiscal bureau and legislative fiscal committee detailing the number of written copies of agency publications produced in the preceding two fiscal years, and indicating the extent to which a reduction may be observed.

Sec. 27. FUNDING FOR IOWACCESS.

1. Notwithstanding section 321A.3, subsection 1, for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the first \$1,000,000 collected and transferred by the department of transportation to the treasurer of state with respect to the fees for transactions involving the furnishing of a certified abstract of a vehicle operating record under section 321A.3, subsection 1, shall be transferred to the IowaAccess revolving fund created in section 14B.206 and administered by the information technology department for the purposes of developing, imple-

⁵ 2002 Iowa Acts, Regular Session, chapter 1096 herein
⁶ 2002 Iowa Acts, Regular Session, chapter 1096 herein
* Item veto; see message at end of the Act

menting, maintaining, and expanding electronic access to government records in accordance with the requirements set forth in chapter 14B.

2. It is the intent of the general assembly that all fees collected with respect to transactions involving IowaAccess shall be deposited in the IowaAccess revolving fund created in section 14B.206 and shall be used only for the support of IowaAccess projects.

Sec. 28. DUPLICATION AND REORGANIZATION REVIEWS. In implementing the requirements of this division I of this Act, involving the department of general services, department of management, department of personnel, and information technology department identifying duplicative positions or studying the reorganization of state government, those departments shall consult with the departments that may be affected, consider previously conducted studies or reviews, and identify the projected impacts of recommended changes upon the general fund of the state, road use tax fund, and any other affected funding source.

Sec. 29. Section 7D.33, subsection 2, Code 2001, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. The method of promoting the suggestion program in the broadest possible manner to state employees.

Sec. 30. Section 7D.33, subsection 3, paragraph a, Code 2001, is amended to read as follows:

a. When a suggestion is implemented and results in a direct cost reduction within state government, the suggester shall be awarded ten percent of the first year's net savings, not exceeding ~~*two thousand five hundred~~ twenty-five thousand* dollars ~~or, and~~ a certificate. A cash award shall not be awarded for a suggestion which saves less than one hundred dollars during the first year of implementation. The department head shall approve all awards and determine the amount to be awarded. Appeals of award amounts shall be submitted to the director of the department of management whose decision is final.

Sec. 31. Section 476.53, Code Supplement 2001, is amended by adding the following new subsection:

NEW SUBSECTION. 4. The utilities board and the consumer advocate may employ additional temporary staff, or may contract for professional services with persons who are not state employees, as the board and the consumer advocate deem necessary to perform required functions as provided in this section, including but not limited to, review of power purchase contracts, review of emission plans and budgets, and review of ratemaking principles proposed for construction or lease of a new generating facility. Beginning July 1, 2002, there is appropriated out of any funds in the state treasury not otherwise appropriated, such sums as may be necessary to enable the board and the consumer advocate to hire additional staff and contract for services under this section. The costs of the additional staff and services shall be assessed to the utilities pursuant to the procedure in section 476.10 and section 475A.6.

Sec. 32. Section 505.7, subsection 4, Code 2001, is amended by striking the subsection and inserting in lieu thereof the following:

4. Except as otherwise provided in subsection 6, the insurance division may expend additional funds if those additional expenditures are actual expenses which exceed the funds budgeted for statutory duties of the division and directly result from the statutory duties of the division. The amounts necessary to fund the excess division expenses shall be collected from additional fees and other moneys collected by the division. The division shall notify in writing the legislative fiscal bureau and the department of management when hiring additional personnel. The written notification shall include documentation that any additional expenditure related to such hiring will be totally reimbursed to the general fund, and shall also include the division's justification for hiring such personnel. The division must obtain the approval of the department of management only if the number of additional personnel to be hired exceeds the number of full-time equivalent positions authorized by the general assembly.

* Item veto; see message at end of the Act

Sec. 33. Section 546.10, subsection 3, Code Supplement 2001, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding subsection 5, eighty-five percent of the funds received annually resulting from an increase in licensing fees implemented on or after April 1, 2002, by a licensing board or commission listed in subsection 1, is appropriated to the professional licensing and regulation division to be allocated to the board or commission for the fiscal year beginning July 1, 2002, and succeeding fiscal years, for purposes related to the duties of the board or commission, including but not limited to additional full-time equivalent positions. The director of revenue and finance shall draw warrants upon the treasurer of state from the funds appropriated as provided in this section and shall make the funds available to the professional licensing division on a monthly basis during each fiscal year.

Sec. 34. 2001 Iowa Acts, First Extraordinary Session, chapter 5, section 1, is repealed.

Sec. 35. EFFECTIVE DATE. This division of this Act takes effect July 1, 2002.

DIVISION II
AGRICULTURE AND NATURAL RESOURCES
DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

Sec. 36. GENERAL DEPARTMENT APPROPRIATION. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting the department, including its divisions, for administration, regulations, and programs, for salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	16,469,640
.....	FTEs	440.13

DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP
SPECIAL APPROPRIATIONS

Sec. 37. RIVER AUTHORITIES. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting the department for membership in the state interagency Missouri river authority, created in 2002 Iowa Acts, Senate File 2051,⁷ in the Missouri river basin association:

.....	\$	9,780
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Sec. 38. FEED GRAIN PROJECT. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of administering a pilot process verification program for feed grains. The program shall be administered in conjunction with the Iowa corn growers association:

.....	\$	19,560
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Sec. 39. HORSE AND DOG RACING. There is appropriated from the moneys available under section 99D.13 to the administrative division of the department of agriculture and land stewardship for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

⁷ 2002 Iowa Acts, Regular Session, chapter 1009 herein

For salaries, support, maintenance, and miscellaneous purposes for the administration of section 99D.22:

..... \$ 293,441

Sec. 40. REGULATORY DIVISION DAIRY PRODUCTS CONTROL BUREAU. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting the operations of the dairy products control bureau within the department's regulatory division, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 664,646

DEPARTMENT OF NATURAL RESOURCES
GENERAL APPROPRIATIONS

Sec. 41. GENERAL DEPARTMENT APPROPRIATION.

1. There is appropriated from the general fund of the state to the department of natural resources for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting the department, including its divisions, for administration, regulations, and programs, for salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 15,555,316
..... FTEs 1,075.12

2. Of the amount appropriated in subsection 1, the air quality bureau may expend up to \$5,000 for purposes of supporting public education programs for controlled burning of demolition sites and the proper disposal of waste materials from demolition sites.

3. Of the amount appropriated in subsection 1, \$5,949,760 shall be used by the parks and preserves division for salaries, support, maintenance, and miscellaneous purposes.

4. Of the amount appropriated in subsection 1, \$1,250,000 shall be used for salaries, support, maintenance, and miscellaneous purposes for activities regarding animal agriculture.

Sec. 42. STATE FISH AND GAME PROTECTION FUND — APPROPRIATION TO THE DIVISION OF FISH AND WILDLIFE.

1. a. There is appropriated from the state fish and game protection fund to the department of natural resources for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For use by the division of fish and wildlife for administrative support, and for salaries, support, maintenance, equipment, and miscellaneous purposes:

..... \$ 28,044,786

b. The department may use moneys appropriated in paragraph "a", as is necessary to provide compensation to conservation peace officers employed in a protection occupation who retire, pursuant to section 97B.49B.

2. The department shall not expend more moneys from the fish and game protection fund than provided in this section, unless the expenditure derives from contributions made by a private entity, or a grant or moneys received from the federal government, and is approved by the natural resource commission. The department of natural resources shall promptly notify the legislative fiscal bureau and the chairpersons and ranking members of the joint appropriations subcommittee on agriculture and natural resources concerning the commission's approval.

DEPARTMENT OF NATURAL RESOURCES
RELATED TRANSFERS AND APPROPRIATIONS

Sec. 43. SNOWMOBILE FEES — TRANSFER FOR ENFORCEMENT PURPOSES. There is transferred on July 1, 2002, from the fees deposited under section 321G.7 to the fish and game protection fund and appropriated to the department of natural resources for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For enforcing snowmobile laws as part of the state snowmobile program administered by the department of natural resources:

..... \$ 100,000

Sec. 44. VESSEL FEES — TRANSFER FOR ENFORCEMENT PURPOSES. There is transferred on July 1, 2002, from the fees deposited under section 462A.52 to the fish and game protection fund and appropriated to the natural resource commission for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the administration and enforcement of navigation laws and water safety:

..... \$ 1,400,000

Notwithstanding section 8.33, moneys transferred and appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert to the credit of the fish and game protection fund but shall be credited to the special conservation fund established by section 462A.52 to be used as provided in that section.

DEPARTMENT OF NATURAL RESOURCES
SPECIAL APPROPRIATIONS

Sec. 45. REVENUE ADMINISTERED BY THE IOWA COMPREHENSIVE UNDERGROUND STORAGE TANK FUND BOARD. There is appropriated from the unassigned revenue fund administered by the Iowa comprehensive underground storage tank fund board, to the department of natural resources for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For administration expenses of the underground storage tank section of the department of natural resources:

..... \$ 75,000

Sec. 46. FLOODPLAIN PERMIT BACKLOG. Notwithstanding any contrary provision of state law, for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the department of natural resources may use additional funds available to the department from stormwater discharge permit fees for the staffing of the following additional full-time staff members to reduce the department's floodplain permit backlog:

..... FTEs 2.00

Sec. 47. IMPLEMENTATION OF THE FEDERAL TOTAL MAXIMUM DAILY LOAD PROGRAM. Notwithstanding any contrary provision of state law, for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the department of natural resources may use additional funds available to the department from stormwater discharge permit fees for the staffing of the following additional full-time equivalent positions for implementation of the federal total maximum daily load program:

..... FTEs 2.00

Sec. 48. EFFECTIVE DATE. This division of this Act takes effect July 1, 2002.

DIVISION III
ECONOMIC DEVELOPMENT

Sec. 49. GOALS AND ACCOUNTABILITY.

1. The goals for the department of economic development shall be to expand and stimulate the state economy, increase the wealth of Iowans, and increase the population of the state.

2. To achieve the goals in subsection 1, the department of economic development shall do all of the following:

a. Concentrate its efforts on programs and activities that result in commercially viable products and services.

b. Adopt practices and services consistent with free market, private sector philosophies.

c. Ensure economic growth and development throughout the state.

*3. *The department of economic development shall demonstrate accountability by using performance measures appropriate to show the attainment of the goals in subsection 1 for the state and by measuring the effectiveness and results of the department's programs and activities. The performance measures and associated benchmarks shall be developed or identified in cooperation with the legislative fiscal bureau and approved by the joint appropriations subcommittee on economic development. The data demonstrating accountability collected by the department shall be made readily available and maintained in computer-readable format.**

Sec. 50. DEPARTMENT OF ECONOMIC DEVELOPMENT. There is appropriated from the general fund of the state to the department of economic development for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADMINISTRATIVE SERVICES DIVISION

a. General administration

For salaries, support, maintenance, miscellaneous purposes, programs, for the transfer to the Iowa state commission grant program, and for not more than the following full-time equivalent positions:

.....	\$	1,509,134
.....	FTEs	28.75

b. The department shall work with businesses and communities to continually improve the economic development climate along with the economic well-being and quality of life for Iowans. The administrative services division shall coordinate with other state agencies ensuring that all state departments are attentive to the needs of an entrepreneurial culture.

2. BUSINESS DEVELOPMENT DIVISION

a. Business development operations

For business development operations and programs, international trade, export assistance, workforce recruitment, the partner state program, for transfer to the strategic investment fund, for transfer to the value-added agricultural products and processes financial assistance fund, salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	10,311,286
.....	FTEs	60.00

b. The department shall establish a strong and aggressive marketing image to showcase Iowa's workforce, existing industry, and potential. A priority shall be placed on recruiting new businesses, business expansion, and retaining existing Iowa businesses. Emphasis shall also be placed on entrepreneurial development through helping to secure capital for entrepreneurs, and developing networks and a business climate conducive to entrepreneurs and small business.

c. Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

* Item veto; see message at end of the Act

3. COMMUNITY AND RURAL DEVELOPMENT DIVISION

a. Community development programs

For salaries, support, maintenance, miscellaneous purposes, community economic development programs, tourism operations, community assistance, the film office, the mainstreet and rural mainstreet programs, the school-to-career program, the community development block grant, and housing and shelter-related programs and for not more than the following full-time equivalent positions:

.....	\$	4,591,404
.....	FTEs	65.00

b. The department shall encourage development of communities and quality of life to foster economic growth. The department shall prepare communities for future growth and development through development, expansion, and modernization of infrastructure.

c. The department shall develop public-private partnerships with Iowa businesses in the tourism industry, Iowa tour groups, Iowa tourism organizations, and political subdivisions in this state to assist in the development of advertising efforts. The department shall, to the fullest extent possible, develop cooperative efforts for advertising with contributions from other sources.

d. Notwithstanding section 8.33, moneys that remain unexpended at the end of the fiscal year shall not revert to any fund but shall remain available for expenditure for the designated purposes during the succeeding fiscal year.

4. For allocating moneys for the world food prize:

.....	\$	285,000
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Sec. 51. VISION IOWA PROGRAM — FTE AUTHORIZATION. For purposes of administrative duties associated with the vision Iowa program, the department of economic development is authorized an additional 3.00 full-time equivalent positions above those otherwise authorized in this division of this Act.

Sec. 52. RURAL COMMUNITY 2000 PROGRAM. There is appropriated from loan repayments on loans under the former rural community 2000 program, sections 15.281 through 15.288, Code 2001, to the department of economic development for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For providing financial assistance to Iowa's councils of governments that provide technical and planning assistance to local governments:

.....	\$	150,000
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2. For the rural development program for the purposes of the program including the rural enterprise fund and collaborative skills development training:

.....	\$	370,000
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Sec. 53. INSURANCE ECONOMIC DEVELOPMENT. There is appropriated from moneys collected by the division of insurance in excess of the anticipated gross revenues under section 505.7, subsection 3, to the department of economic development for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, or so much thereof as is necessary, for insurance economic development and international insurance economic development:

.....	\$	100,000
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Sec. 54. TOURISM OPERATIONS. There is appropriated from the community attraction and tourism fund created in section 15F.204 to the department of economic development for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For tourism operations, including salaries, support, maintenance, and miscellaneous purposes:

.....	\$	1,200,000
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Moneys appropriated pursuant to this section shall not be appropriated from moneys in the community attraction and tourism fund which are moneys originating from the tax-exempt bond proceeds restricted capital funds account of the tobacco settlement trust fund.

Sec. 55. COMMUNITY DEVELOPMENT LOAN FUND. Notwithstanding section 15E.120, subsections 5 and 6, there is appropriated from the Iowa community development loan fund all the moneys available during the fiscal year beginning July 1, 2002, and ending June 30, 2003, to the department of economic development for the community development program to be used by the department for the purposes of the program.

Sec. 56. WORKFORCE DEVELOPMENT FUND. There is appropriated from the workforce development fund account created in section 15.342A, to the workforce development fund created in section 15.343, for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, for the purposes of the workforce development fund, and for not more than the following full-time equivalent positions:

.....	\$	4,000,000
.....	FTEs	4.00

Sec. 57. WORKFORCE DEVELOPMENT ADMINISTRATION. From funds appropriated or transferred to or receipts credited to the workforce development fund created in section 15.343, up to \$400,000 for the fiscal year beginning July 1, 2002, and ending June 30, 2003, may be used for the administration of workforce development activities including salaries, support, maintenance, and miscellaneous purposes and for not more than 4.00 full-time equivalent positions.

Sec. 58. JOB TRAINING FUND. Notwithstanding section 15.251, all remaining moneys in the job training fund on July 1, 2002, and any moneys appropriated or credited to the fund during the fiscal year beginning July 1, 2002, shall be transferred to the workforce development fund established pursuant to section 15.343.

Sec. 59. IOWA STATE UNIVERSITY.

1. There is appropriated from the general fund of the state to the Iowa state university of science and technology for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, or so much thereof as is necessary, to be used for small business development centers, the science and technology research park, the institute for physical research, and for not more than the following full-time equivalent positions:

.....	\$	2,384,063
.....	FTEs	56.53

2. Iowa state university of science and technology shall do all of the following:

a. Direct expenditures for research toward projects that will provide economic stimulus for Iowa.

b. Emphasize that a business and an individual that creates a business and receives benefits from a program funded, in part, through moneys appropriated in this section have a commercially viable product or service.

c. Provide emphasis to providing services to Iowa-based companies.

3. It is the intent of the general assembly that the industrial incentive program focus on Iowa industrial sectors and seek contributions and in-kind donations from businesses, industrial foundations, and trade associations and that moneys for the institute for physical research and technology industrial incentive program shall only be allocated for projects which are matched by private sector moneys for directed contract research or for nondirected research. The match required of small businesses as defined in section 15.102, subsection 4, for directed contract research or for nondirected research shall be \$1 for each \$3 of state funds. The match required for other businesses for directed contract research or for nondirected research shall be \$1 for each \$1 of state funds. The match required of industrial foundations or trade associations shall be \$1 for each \$1 of state funds.

* Item veto; see message at end of the Act

Iowa state university of science and technology shall report annually to the joint appropriations subcommittee on economic development and the legislative fiscal bureau the total amount of private contributions, the proportion of contributions from small businesses and other businesses, and the proportion for directed contract research and nondirected research of benefit to Iowa businesses and industrial sectors.

Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 60. UNIVERSITY OF IOWA.

1. There is appropriated from the general fund of the state to the state university of Iowa for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, or so much thereof as is necessary, to be used for the university of Iowa research park and for the advanced drug development program at the Oakdale research park, including salaries, support, maintenance, equipment, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	245,463
.....	FTEs	6.00

2. The university of Iowa shall do all of the following:

a. Direct expenditures for research toward projects that will provide economic stimulus for Iowa.

b. Emphasize that a business and an individual that creates a business and receives benefits from a program funded, in part, through moneys appropriated in this section have a commercially viable product or service.

c. Provide emphasis to providing services to Iowa-based companies.

3. The board of regents shall submit a report on the progress of regents institutions in meeting the strategic plan for technology transfer and economic development to the secretary of the senate, the chief clerk of the house of representatives, and the legislative fiscal bureau by January 15, 2003.

4. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 61. UNIVERSITY OF NORTHERN IOWA.

1. There is appropriated from the general fund of the state to the university of northern Iowa for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, or so much thereof as is necessary, to be used for the metal casting institute, and for the institute of decision making, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	352,889
.....	FTEs	11.15

2. The university of northern Iowa shall do all of the following:

a. Direct expenditures for research toward projects that will provide economic stimulus for Iowa.

b. Emphasize that a business and an individual that creates a business and receives benefits from a program funded, in part, through moneys appropriated in this section have a commercially viable product or service.

c. Provide emphasis to providing services to Iowa-based companies.

3. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 62. DEPARTMENT OF WORKFORCE DEVELOPMENT.

1. There is appropriated from the general fund of the state, to the department of workforce

* Item veto; see message at end of the Act

development for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, or so much thereof as is necessary, for the division of labor services, the division of workers' compensation, the workforce development state and regional boards, the new employment opportunity fund, salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	4,878,316
.....	FTEs	113.30

2. From the contractor registration fees, the division of labor services shall reimburse the department of inspections and appeals for all costs associated with hearings under chapter 91C, relating to contractor registration.

3. The division of workers' compensation shall continue charging a \$65 filing fee for workers' compensation cases. The filing fee shall be paid by the petitioner of a claim. However, the fee can be taxed as a cost and paid by the losing party, except in cases where it would impose an undue hardship or be unjust under the circumstances.

4. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 63. ADMINISTRATIVE CONTRIBUTION SURCHARGE FUND. Notwithstanding section 96.7, subsection 12, paragraph "c", there is appropriated from the administrative contribution surcharge fund of the state to the department of workforce development for the fiscal year beginning July 1, 2002, and ending June 30, 2003, any moneys remaining in the administrative contribution surcharge fund on June 30, 2002, and the entire amount collected during the fiscal year beginning July 1, 2002, and ending June 30, 2003, or so much thereof as is necessary, for salaries, support, maintenance, conducting labor market surveys, miscellaneous purposes, and for workforce development regional advisory board member expenses.

Sec. 64. EMPLOYMENT SECURITY CONTINGENCY FUND. There is appropriated from the special employment security contingency fund to the department of workforce development for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amounts, or so much thereof as is necessary, for the purposes designated:

1. DIVISION OF WORKERS' COMPENSATION

For salaries, support, maintenance, and miscellaneous purposes:

.....	\$	471,000
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2. IMMIGRATION SERVICE CENTERS

For salaries, support, maintenance, and miscellaneous purposes for the pilot immigration service centers:

.....	\$	160,000
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The department of workforce development shall maintain pilot immigration service centers that offer one-stop services to deal with the multiple issues related to immigration and employment. The pilot centers shall be designed to support workers, businesses, and communities with information, referrals, job placement assistance, translation, language training, resettlement, as well as technical and legal assistance on such issues as forms and documentation. Through the coordination of local, state, and federal service providers, and through the development of partnerships with public, private, and nonprofit entities with established records of international service, these pilot centers shall seek to provide a seamless service delivery system for new Iowans.

*3. LABOR MARKET INFORMATION

For salaries, support, maintenance, miscellaneous purposes for collection of labor market information, and for not more than the following full-time equivalent position:

.....	\$	67,078
.....	FTEs	1.00

Any additional penalty and interest revenue may be used to accomplish the mission of the department upon notification of the use to the chairpersons and ranking members of the joint

* Item veto; see message at end of the Act

*appropriations subcommittee on economic development, the department of management, and the legislative fiscal bureau. However, the department shall not allocate any additional penalty and interest revenue prior to January 30, 2003.**

Sec. 65. PUBLIC EMPLOYMENT RELATIONS BOARD. There is appropriated from the general fund of the state to the public employment relations board for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, or so much thereof as is necessary, for the purposes designated:

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

.....	\$	815,857
.....	FTEs	12.00

Sec. 66. Section 15E.112, subsection 5, Code 2001, is amended by striking the subsection.

Sec. 67. Section 159A.7, subsection 6, Code 2001, is amended by striking the subsection.

Sec. 68. 2000 Iowa Acts, chapter 1230, section 11, unnumbered paragraph 3, as amended by 2001 Iowa Acts, chapter 188, section 19, is amended to read as follows:

In addition to moneys appropriated by this section, notwithstanding section 96.7, subsection 12, paragraph "c", for the fiscal year beginning July 1, 2000, there is appropriated from the administrative contribution surcharge fund of the state to the department of workforce development \$700,000, or so much thereof as is necessary, for matching funds for welfare-to-work grants authorized through the United States department of labor. Notwithstanding section 8.33, moneys appropriated in this unnumbered paragraph that remain unencumbered or unobligated on June 30, 2001, shall not revert but shall remain available for expenditure for the purposes designated for the fiscal year years beginning July 1, 2001, and July 1, 2002.

Sec. 69. VALUE-ADDED AGRICULTURAL PRODUCTS AND PROCESSES FINANCIAL ASSISTANCE FUND MONEYS. The office of renewable fuels and coproducts may apply to the department of economic development for moneys in value-added agricultural products and processes financial assistance fund for deposit in the renewable fuels and coproducts fund created in section 159A.7.

Sec. 70. IOWA FINANCE AUTHORITY AUDIT. The auditor of state is requested to review the audit of the Iowa finance authority performed by the auditor hired by the authority. The auditor of state is also requested to conduct a performance audit of the authority to determine the effectiveness of the authority and the programs of the authority.

Sec. 71. APPLICATION FOR DEPARTMENT OF ECONOMIC DEVELOPMENT MONEYS. For the fiscal year beginning July 1, 2002, any entity that was specifically identified in 2001 Iowa Acts, chapter 188, to receive funding from the department of economic development, excluding any entity identified to receive a direct appropriation beginning July 1, 2002, may apply to the department for assistance through the appropriate program. The department shall provide application criteria necessary to implement this section.

Sec. 72. EXPENDITURE AND ALLOCATION REPORTS. The department of economic development, the department of workforce development, and the regents institutions receiving an appropriation pursuant to this division of this Act shall file a written report on a quarterly basis with the chairpersons and ranking members of the joint appropriations subcommittee on economic development and the legislative fiscal bureau regarding all expenditures of moneys appropriated pursuant to this division of this Act during the quarter, allocations of moneys appropriated pursuant to this division of this Act during the quarter, and full-time equivalent positions allocated during the quarter.

* Item veto; see message at end of the Act

Sec. 73. EMPLOYER'S CONTRIBUTION AND PAYROLL REPORT FORM. Notwithstanding Iowa administrative code 871, chapter 22, an entity filing the employer's contribution and payroll report form and any other unemployment insurance forms on behalf of multiple accounts shall be allowed to submit one check for these accounts. A listing of applicable account numbers shall be submitted with the payment.

Sec. 74. SHELTER ASSISTANCE FUND. In providing moneys from the shelter assistance fund to homeless shelter programs in the fiscal year beginning July 1, 2002, and ending June 30, 2003, the department of economic development shall explore the potential of allocating moneys to homeless shelter programs based in part on their ability to move their clients toward self-sufficiency.

Sec. 75. ISCC REPORT. By December 31, 2002, the department of economic development shall submit a written report to the chairpersons and the ranking members of the joint appropriations subcommittee on economic development and the legislative fiscal bureau. The report shall identify any moneys received from the ISCC liquidation corporation.

Sec. 76. FEDERAL GRANTS. All federal grants to and the federal receipts of agencies appropriated funds under this division of this Act, not otherwise appropriated, are appropriated for the purposes set forth in the federal grants or receipts unless otherwise provided by the general assembly.

Sec. 77. UNEMPLOYMENT COMPENSATION PROGRAM. Notwithstanding section 96.9, subsection 4, paragraph "a", moneys credited to the state by the secretary of the treasury of the United States pursuant to section 903 of the Social Security Act shall be appropriated to the department of workforce development and shall be used by the department for the administration of the unemployment compensation program only. This appropriation shall not apply to any fiscal year beginning after December 31, 2002.

Sec. 78. PAYROLL EXPENDITURE REFUNDS. In lieu of the appropriation made in section 15.365, subsection 3, there is appropriated for the fiscal year beginning July 1, 2002, and ending June 30, 2003, \$28,498, or so much thereof as is necessary, from the general fund of the state to the department of economic development to pay refunds as provided under section 15.365.

Sec. 79. EFFECTIVE DATE. This division of this Act takes effect July 1, 2002.

DIVISION IV
EDUCATION

Sec. 80. 2002 Iowa Acts, Senate File 2326,⁸ section 76, subsection 3, paragraph a, is amended by striking the paragraph.

Sec. 81. 2002 Iowa Acts, Senate File 2326,⁹ section 76, subsection 5, is amended by striking the subsection.

Sec. 82. 2002 Iowa Acts, Senate File 2326,¹⁰ section 78, subsection 1, unnumbered paragraph 1, is amended to read as follows:

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

.....	\$	231,707
.....		<u>215,488</u>
.....	FTEs	4.30

* Item veto; see message at end of the Act

⁸ 2002 Iowa Acts, Regular Session, chapter 1171 herein

⁹ 2002 Iowa Acts, Regular Session, chapter 1171 herein

¹⁰ 2002 Iowa Acts, Regular Session, chapter 1171 herein

Sec. 83. 2002 Iowa Acts, Senate File 2326,¹¹ section 78, subsections 2, 3, and 5, are amended to read as follows:

2. COMMUNITY CULTURAL GRANTS

For planning and programming for the community cultural grants program established under section 303.3, and for not more than the following full-time equivalent position:

.....	\$	598,450
		<u>300,000</u>
.....	FTEs	0.70

3. HISTORICAL DIVISION

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

.....	\$	3,025,891
		<u>2,814,079</u>
.....	FTEs	66.70

5. ARTS DIVISION

For salaries, support, maintenance, miscellaneous purposes, including funds to match federal grants and for not more than the following full-time equivalent positions:

.....	\$	1,254,679
		<u>1,166,851</u>
.....	FTEs	11.00

Sec. 84. 2002 Iowa Acts, Senate File 2326,¹² section 79, subsections 1 through 3, are amended to read as follows:

1. GENERAL ADMINISTRATION

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

.....	\$	5,165,531
		<u>5,051,889</u>
.....	FTEs	104.45

The director of the department of education shall ensure that all school districts are aware of the state education resources available on the state website for listing teacher job openings and shall make every reasonable effort to enable qualified practitioners to post their resumes on the state website. The department shall administer the posting of job vacancies for school districts, accredited nonpublic schools, and area education agencies on the state website. The department may coordinate this activity with the Iowa school board association or other interested education associations in the state.

2. VOCATIONAL EDUCATION ADMINISTRATION

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

.....	\$	500,111
		<u>489,109</u>
.....	FTEs	15.60

3. BOARD OF EDUCATIONAL EXAMINERS

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

.....	\$	43,695
		<u>42,734</u>
.....	FTEs	9.00

Sec. 85. 2002 Iowa Acts, Senate File 2326,¹³ section 79, subsection 4, paragraph a, unnumbered paragraph 1, is amended to read as follows:

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

.....	\$	4,386,854
		<u>4,290,343</u>
.....	FTEs	290.50

¹¹ 2002 Iowa Acts, Regular Session, chapter 1171 herein
¹² 2002 Iowa Acts, Regular Session, chapter 1171 herein
¹³ 2002 Iowa Acts, Regular Session, chapter 1171 herein

Sec. 86. 2002 Iowa Acts, Senate File 2326,¹⁴ section 79, subsection 4, paragraph b, unnumbered paragraph 1, is amended to read as follows:

For matching funds for programs to enable persons with severe physical or mental disabilities to function more independently, including salaries and support, and for not more than the following full-time equivalent position:

.....	\$	57,158
		<u>55,901</u>
.....	FTEs	1.00

Sec. 87. 2002 Iowa Acts, Senate File 2326,¹⁵ section 79, subsection 5, paragraph a, is amended to read as follows:

a. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,500,000
		<u>1,250,000</u>
.....	FTEs	20.00

Sec. 88. 2002 Iowa Acts, Senate File 2326,¹⁶ section 79, subsection 5, paragraph b, unnumbered paragraph 1, is amended to read as follows:

For the enrich Iowa program:

.....	\$	1,781,168
		<u>1,741,982</u>

Sec. 89. 2002 Iowa Acts, Senate File 2326,¹⁷ section 79, subsections 6 and 7, are amended to read as follows:

6. LIBRARY SERVICE AREA SYSTEM

For state aid:

.....	\$	1,443,613
		<u>1,411,854</u>

7. PUBLIC BROADCASTING DIVISION

For salaries, support, maintenance, capital expenditures, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	6,856,407
		<u>6,356,407</u>
.....	FTEs	89.00

Sec. 90. 2002 Iowa Acts, Senate File 2326,¹⁸ section 79, subsection 11, unnumbered paragraph 1, is amended to read as follows:

For deposit in the school ready children grants account of the Iowa empowerment fund created in section 28.9:

.....	\$	14,033,448
		<u>13,724,712</u>

Sec. 91. 2002 Iowa Acts, Senate File 2326,¹⁹ section 79, subsections 13 through 16, are amended by striking the subsections.

Sec. 92. Section 256.9, subsection 48, Code Supplement 2001, is amended to read as follows:

48. Develop and administer, with the cooperation of the commission of veterans affairs, a program which shall be known as "operation recognition". The purpose of the program is to award high school diplomas to ~~World War II~~ veterans of World War I, World War II, and the Korean and Vietnam conflicts who left high school prior to graduation to enter United States

¹⁴ 2002 Iowa Acts, Regular Session, chapter 1171 herein

¹⁵ 2002 Iowa Acts, Regular Session, chapter 1171 herein

¹⁶ 2002 Iowa Acts, Regular Session, chapter 1171 herein

¹⁷ 2002 Iowa Acts, Regular Session, chapter 1171 herein

¹⁸ 2002 Iowa Acts, Regular Session, chapter 1171 herein

¹⁹ 2002 Iowa Acts, Regular Session, chapter 1171 herein

military service. The department and the commission shall jointly develop an application procedure, distribute applications, and publicize the program to school districts, accredited non-public schools, county commissions of veteran affairs, veterans organizations, and state, regional, and local media. All honorably discharged ~~World War II~~ veterans who are residents or former residents of the state, who served at any time between April 6, 1917, and November 11, 1918, at any time between September 16, 1940, and December 31, 1946, at any time between June 25, 1950, and January 31, 1955, or at any time between February 28, 1961, and May 5, 1975, all dates inclusive; and who did not return to school and complete their education after the war or conflict shall be eligible to receive a diploma. Diplomas may be issued posthumously. Upon approval of an application, the department shall issue an honorary high school diploma for an eligible veteran. The diploma shall indicate the veteran's school of attendance. The department and the commission shall work together to provide school districts, schools, communities, and county commissions of veteran affairs with information about hosting a diploma ceremony on or around Veterans Day. The diploma shall be mailed to the veteran or, if the veteran is deceased, to the veteran's family.

Sec. 93. Section 261.25, subsection 1, Code 2001, as amended by 2002 Iowa Acts, Senate File 2326,²⁰ section 85, is amended to read as follows:

1. There is appropriated from the general fund of the state to the commission for each fiscal year the sum of ~~forty-seven~~ forty-six million one hundred ~~fifty-five~~ seventeen thousand ~~three~~ nine hundred ~~eighty-two~~ sixty-four dollars for tuition grants.

Sec. 94. Chapter 260A, Code 2001 and Code Supplement 2001, is repealed.

Sec. 95. EFFECTIVE DATE.

1. Except as otherwise provided in subsection 2, this division of this Act takes effect July 1, 2002.

2. The section of this division of this Act amending section 256.9, being deemed of immediate importance, takes effect upon enactment.

DIVISION V
HEALTH AND HUMAN RIGHTS

Sec. 96. DEPARTMENT FOR THE BLIND. There is appropriated from the general fund of the state to the department for the blind for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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

.....	\$	1,529,780
.....	FTEs	106.50

Sec. 97. CIVIL RIGHTS COMMISSION. There is appropriated from the general fund of the state to the Iowa state civil rights commission for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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

.....	\$	908,253
.....	FTEs	35.75

If the anticipated amount of federal funding from the federal equal employment opportunity commission and the federal department of housing and urban development exceeds \$1,144,875 during the fiscal year beginning July 1, 2002, the Iowa state civil rights commission may exceed the staffing level authorized in this section to hire additional staff to process or to support the processing of employment and housing complaints during that fiscal year.

²⁰ 2002 Iowa Acts, Regular Session, chapter 1171 herein

Sec. 98. DEPARTMENT OF ELDER AFFAIRS. There is appropriated from the general fund of the state to the department of elder affairs for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

1. For aging programs for the department of elder affairs and area agencies on aging to provide citizens of Iowa who are 60 years of age and older with case management for the frail elderly, Alzheimer's support, the retired and senior volunteer program, resident advocate committee coordination, employment, and other services which may include, but are not limited to, adult day services, respite care, chore services, telephone reassurance, information and assistance, and home repair services, including the winterizing of homes, and for the construction of entrance ramps which make residences accessible to the physically handicapped, and for salaries, support, administration, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions with the department of elder affairs:

.....	\$	3,928,156
.....	FTEs	28.00

a. Funds appropriated in this subsection may be used to supplement federal funds under federal regulations. To receive funds appropriated in this subsection, a local area agency on aging shall match the funds with moneys from other sources according to rules adopted by the department. Funds appropriated in this subsection may be used for elderly services not specifically enumerated in this subsection only if approved by an area agency on aging for provision of the service within the area.

b. It is the intent of the general assembly that the Iowa chapters of the Alzheimer's association and the case management program for the frail elderly shall collaborate and cooperate fully to assist families in maintaining family members with Alzheimer's disease in the community for the longest period of time possible.

c. The department shall maintain policies and procedures regarding Alzheimer's support and the retired and senior volunteer program.

2. The department may grant an exception for a limited period of time, determined by the department to be reasonable, to allow for compliance by persons regulated by the department or applicants for assisted living certification with any part of chapter 104A relative to buildings in existence on July 1, 1998. The determination of the period of time allowed for compliance shall be commensurate with the anticipated magnitude of expenditure, disruption of services, and the degree of hazard presented. The department shall also be authorized to modify the accessibility requirements otherwise applicable to such applicants for buildings in existence on July 1, 1998, if the department determines that compliance with the requirements would be unreasonable, but only if it is determined that noncompliance with the requirements would not present an unreasonable degree of danger.

Sec. 99. GOVERNOR'S OFFICE OF DRUG CONTROL POLICY.

1. There is appropriated from the general fund of the state to the governor's office of drug control policy for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes including statewide coordination of the drug abuse resistance education (D.A.R.E.) programs or similar programs, and for not more than the following full-time equivalent positions:

.....	\$	261,504
.....	FTEs	11.00

2. The governor's office of drug control policy, in consultation with the Iowa department of public health, and after discussion and collaboration with all interested agencies, shall coordinate substance abuse treatment and prevention efforts in order to avoid duplication of services.

Sec. 100. DEPARTMENT OF PUBLIC HEALTH. There is appropriated from the general fund of the state to the Iowa department of public health for the fiscal year beginning July 1,

2002, and ending June 30, 2003, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADDICTIVE DISORDERS

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

.....	\$	1,182,980
.....	FTEs	15.51

a. The department shall continue to coordinate with substance abuse treatment and prevention providers regardless of funding source to assure the delivery of substance abuse treatment and prevention programs.

b. The commission on substance abuse, in conjunction with the department, shall continue to coordinate the delivery of substance abuse services involving prevention, social and medical detoxification, and other treatment by medical and nonmedical providers to uninsured and court-ordered substance abuse patients in all counties of the state.

c. The department and any grantee or subgrantee of the department shall not discriminate against a nongovernmental organization that provides substance abuse treatment and prevention services or applies for funding to provide those services on the basis that the organization has a religious character. The department shall report to the governor and the general assembly on or before February 1, 2003, regarding the number of religious or other nongovernmental organizations that applied for funds in the preceding fiscal year, the amounts awarded to those organizations, and the basis for any refusal by the department or grantee or subgrantee of the department to award funds to any of those organizations that applied.

2. ADULT WELLNESS

For maintaining or improving the health status of adults, with target populations between the ages of 18 through 60, and for not more than the following full-time equivalent positions:

.....	\$	497,647
.....	FTEs	24.27

3. CHILD AND ADOLESCENT WELLNESS

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

.....	\$	1,092,689
.....	FTEs	47.07

4. CHRONIC CONDITIONS

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

.....	\$	1,171,453
.....	FTEs	10.30

5. COMMUNITY CAPACITY

For strengthening the health care delivery system at the local level, and for not more than the following full-time equivalent positions:

.....	\$	1,225,717
.....	FTEs	26.12

6. ELDERLY WELLNESS

For optimizing the health of persons 60 years of age and older, and for not more than the following full-time equivalent positions:

.....	\$	9,455,265
.....	FTEs	4.05

7. ENVIRONMENTAL HAZARDS

For reducing the public's exposure to hazards in the environment, primarily chemical hazards, and for not more than the following full-time equivalent positions:

.....	\$	158,258
.....	FTEs	9.20

8. INFECTIOUS DISEASES

For reducing the incidence and prevalence of communicable diseases, and for not more than the following full-time equivalent positions:

.....	\$	1,095,419
.....	FTEs	36.40

9. INJURIES

For providing support and protection to victims of abuse or injury, or programs that are designed to prevent abuse or injury, and for not more than the following full-time equivalent positions:

.....	\$	1,467,105
.....	FTEs	8.55

Of the funds appropriated in this subsection, \$660,000 shall be credited to the emergency medical services fund created in section 135.25.

10. PUBLIC PROTECTION

For protecting the health and safety of the public through establishing standards and enforcing regulations, and for not more than the following full-time equivalent positions:

.....	\$	6,269,235
.....	FTEs	129.77

a. The department may expend funds received from licensing fees in addition to amounts appropriated in this subsection, if those additional expenditures are directly the result of a scope of practice review committee unanticipated litigation costs arising from the discharge of an examining board's regulatory duties. Before the department expends or encumbers funds for a scope of practice review committee or for an amount in excess of the funds budgeted for an examining board, the director of the department of management shall approve the expenditure or encumbrance. The amounts necessary to fund any unanticipated litigation or scope of practice review committee expense in the fiscal year beginning July 1, 2002, shall not exceed 5 percent of the average annual fees generated by the boards for the previous two fiscal years.

b. For the fiscal year beginning July 1, 2002, the department shall retain fees collected from the certification of lead inspectors and lead abaters pursuant to section 135.105A to support the certification program; and shall retain fees collected from the licensing, registration, authorization, accreditation, and inspection of x-ray machines used for mammographically guided breast biopsy, screening, and diagnostic mammography, pursuant to section 136C.10 to support the administration of the chapter. The department may also retain fees collected pursuant to section 136C.10 on all shippers of radioactive material waste containers transported across Iowa if the department does not obtain funding to support the oversight and regulation of this activity, and for x-ray radiology examination fees collected by the department and reimbursed to a private organization conducting the examination.

c. The department may retain and expend not more than \$279,056 for lease and maintenance expenses from fees collected pursuant to section 147.80 by the board of dental examiners, the board of pharmacy examiners, the board of medical examiners, and the board of nursing in the fiscal year beginning July 1, 2002, and ending June 30, 2003. Fees retained by the department pursuant to this lettered paragraph are appropriated to the department for the purposes described in this lettered paragraph.

d. The department may retain and expend not more than \$100,000 for reduction of the number of days necessary to process medical license requests and for reduction of the number of days needed for consideration of malpractice cases from fees collected pursuant to section 147.80 by the board of medical examiners in the fiscal year beginning July 1, 2002, and ending June 30, 2003. Fees retained by the department pursuant to this lettered paragraph are appropriated to the department for the purposes described in this lettered paragraph.

e. If a person in the course of responding to an emergency renders aid to an injured person and becomes exposed to bodily fluids of the injured person, that emergency responder shall be entitled to hepatitis testing and immunization in accordance with the latest available

medical technology to determine if infection with hepatitis has occurred. The person shall be entitled to reimbursement from the funds appropriated in this subsection only if the reimbursement is not available through any employer or third-party payor.

f. The board of dental examiners may retain and expend not more than \$148,060 from revenues generated pursuant to section 147.80. Fees retained by the board pursuant to this lettered paragraph are appropriated to the department to be used for the purposes of regulating dental assistants.

g. The board of medical examiners, the board of pharmacy examiners, the board of dental examiners, and the board of nursing shall prepare estimates of projected receipts to be generated by the licensing, certification, and examination fees of each board as well as a projection of the fairly apportioned administrative costs and rental expenses attributable to each board. Each board shall annually review and adjust its schedule of fees so that, as nearly as possible, projected receipts equal projected costs.

h. The board of medical examiners, the board of pharmacy examiners, the board of dental examiners, and the board of nursing shall retain their individual executive officers, but are strongly encouraged to share administrative, clerical, and investigative staffs to the greatest extent possible.

i. The licensing boards funded under this section shall submit a report by February 1, 2003, to the chairpersons and ranking members of the joint appropriations subcommittee on health and human rights providing management to staff ratios of all funded positions as of January 13, 2003.

11. RESOURCE MANAGEMENT

For establishing and sustaining the overall ability of the department to deliver services to the public, and for not more than the following full-time equivalent positions:

.....	\$	1,101,021
.....	FTEs	53.76

12. The state university of Iowa hospitals and clinics under the control of the state board of regents shall not receive indirect costs from the funds appropriated in this section.

13. A local health care provider or nonprofit health care organization seeking grant moneys administered by the Iowa department of public health shall provide documentation that the provider or organization has coordinated its services with other local entities providing similar services.

14. a. The department shall apply for available federal funds for sexual abstinence education programs.

b. It is the intent of the general assembly to comply with the United States Congress' intent to provide education that promotes abstinence from sexual activity outside of marriage and reduces pregnancies, by focusing efforts on those persons most likely to father and bear children out of wedlock.

c. Any sexual abstinence education program awarded moneys under the grant program shall meet the definition of abstinence education in the federal law. Grantees shall be evaluated based upon the extent to which the abstinence program successfully communicates the goals set forth in the federal law.

d. It is the intent of the general assembly that the Iowa department of public health and the department of human services shall discuss the feasibility of combining adolescent pregnancy prevention programs under one department and shall submit a written report regarding such discussions to the chairpersons and ranking members of the joint appropriations subcommittee on health and human rights by November 1, 2002.

Sec. 101. DEPARTMENT OF HUMAN RIGHTS. There is appropriated from the general fund of the state to the department of human rights for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. CENTRAL ADMINISTRATION DIVISION

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

.....	\$	255,624
.....	FTEs	7.00

2. DEAF SERVICES DIVISION

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

.....	\$	313,828
.....	FTEs	7.00

The fees collected by the division for provision of interpretation services by the division to obligated agencies shall be disbursed pursuant to the provisions of section 8.32, and shall be dedicated and used by the division for continued and expanded interpretation services.

3. PERSONS WITH DISABILITIES DIVISION

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

.....	\$	173,136
.....	FTEs	3.50

4. LATINO AFFAIRS DIVISION

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

.....	\$	155,124
.....	FTEs	3.00

5. STATUS OF WOMEN DIVISION

For salaries, support, maintenance, miscellaneous purposes, including the Iowans in transition program, and the domestic violence and sexual assault-related grants, and for not more than the following full-time equivalent positions:

.....	\$	333,415
.....	FTEs	3.00

6. STATUS OF AFRICAN-AMERICANS DIVISION

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

.....	\$	124,373
.....	FTEs	2.00

The appropriation in this subsection is contingent upon the appointment of an administrator of the division on the status of African-Americans and the appointment of all nine members to the commission on the status of African-Americans.

7. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION

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

.....	\$	368,604
.....	FTEs	9.15

The criminal and juvenile justice planning advisory council and the juvenile justice advisory council shall coordinate their efforts in carrying out their respective duties relative to juvenile justice.

8. SHARED STAFF. The divisions of the department of human rights shall retain their individual administrators, but shall share staff to the greatest extent possible.

Sec. 102. COMMISSION OF VETERANS AFFAIRS. There is appropriated from the general fund of the state to the commission of veterans affairs for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. COMMISSION OF VETERANS AFFAIRS ADMINISTRATION

For salaries, support, maintenance, miscellaneous purposes, including the war orphan educational fund established pursuant to chapter 35, and for not more than the following full-time equivalent positions:

.....	\$	192,792
.....	FTEs	3.00

The commission of veterans affairs may use the gifts accepted by the chairperson of the commission of veterans affairs, or designee, and other resources available to the commission for use at its Camp Dodge office. The commission shall report annually to the governor and the general assembly on monetary gifts received by the commission for the Camp Dodge office.

2. IOWA VETERANS HOME

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

.....	\$	14,445,694
.....	FTEs	843.00

a. The Iowa veterans home may use the gifts accepted by the chairperson of the commission of veterans affairs and other resources available to the commission for use at the Iowa veterans home.

b. Any Iowa veterans home successor contractor shall not consider employees of a state institution or facility to be new employees for purposes of employee wages, health insurance, or retirement benefits.

c. The chairpersons and ranking members of the joint appropriations subcommittee on health and human rights shall be notified by January 15 of any calendar year during which a request for proposals is anticipated to be issued regarding any Iowa veterans home contract involving employment, for purposes of providing legislative review and oversight.

d. The Iowa veterans home shall operate with a net state general fund appropriation. The amount appropriated in this subsection is the net amount of state moneys projected to be needed for the Iowa veterans home. The purposes of operating with a net state general fund appropriation are to encourage the Iowa veterans home to operate with increased self-sufficiency, to improve quality and efficiency, and to support collaborative efforts among all funders of services available from the Iowa veterans home. Moneys appropriated in this subsection may be used throughout the fiscal year in the manner necessary for purposes of cash flow management, and for purposes of cash flow management the Iowa veterans home may temporarily draw more than the amount appropriated, provided the amount appropriated is not exceeded at the close of the fiscal year. **Beginning September 1, 2002, the Iowa veterans home shall submit a report every other month to the chairpersons and ranking members of the joint appropriations subcommittee on health and human rights and to the legislative fiscal committee providing a financial analysis of revenues and expenses.**

e. Revenues attributable to the Iowa veterans home for the fiscal year beginning July 1, 2002, shall be deposited into the Iowa veterans home account and shall be treated as repayment receipts, including but not limited to all of the following:

- (1) Federal veterans administration payments.
- (2) Medical assistance revenue received under chapter 249A.
- (3) Federal Medicare program payments.
- (4) Moneys received from client financial participation.
- (5) Other revenues generated from current, new, or expanded services which the Iowa veterans home is authorized to provide.

f. For the purposes of allocating the salary adjustment fund moneys appropriated in another Act, the Iowa veterans home shall be considered to be funded entirely with state moneys.

g. Notwithstanding section 8.33, up to \$500,000 of the Iowa veterans home revenues that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available to be used in the succeeding fiscal year.

* Item veto; see message at end of the Act

Sec. 103. GAMBLING TREATMENT FUND — APPROPRIATION.

1. There is appropriated from funds available in the gambling treatment fund established in the office of the treasurer of state pursuant to section 99E.10 to the Iowa department of public health for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

a. Addictive disorders

To be utilized for the benefit of persons with addictions:

..... \$ 1,690,000

b. It is the intent of the general assembly that from the moneys appropriated in this section, persons with a dual diagnosis of substance abuse and gambling addictions shall be given priority in treatment services.

c. Gambling treatment program

The funds remaining in the gambling treatment fund after the appropriation in paragraph “a” is made shall be used for funding of administrative costs and to provide programs which may include, but are not limited to, outpatient and follow-up treatment for persons affected by problem gambling, rehabilitation and residential treatment programs, information and referral services, education and preventive services, and financial management services.

2. For the fiscal year beginning July 1, 2002, and ending June 30, 2003, from the tax revenue received by the state racing and gaming commission pursuant to section 99D.15, subsections 1, 3, and 4, an amount equal to three-tenths of one percent of the gross sum wagered by the pari-mutuel method is to be deposited into the gambling treatment fund.

Sec. 104. VITAL RECORDS. The vital records modernization project as enacted in 1993 Iowa Acts, chapter 55, section 1, as amended by 1994 Iowa Acts, chapter 1068, section 8, as amended by 1997 Iowa Acts, chapter 203, section 9, 1998 Iowa Acts, chapter 1221, section 9, and 1999 Iowa Acts, chapter 201, section 17, and as continued by 2000 Iowa Acts, chapter 1222, section 10, and 2001 Iowa Acts, chapter 182, section 13, shall be extended until June 30, 2003, and the increased fees to be collected pursuant to that project shall continue to be collected and are appropriated to the Iowa department of public health until June 30, 2003.

Sec. 105. SPAN OF CONTROL REPORTING. The department for the blind, the Iowa state civil rights commission, the department of elder affairs, the Iowa department of public health, the department of human rights, the governor’s office of drug control policy, and the commission of veterans affairs shall submit a report by February 1, 2003, to the chairpersons and ranking members of the joint appropriations subcommittee on health and human rights providing all management to staff ratios of all funded positions as of January 13, 2003.

Sec. 106. PROGRAM PERFORMANCE BUDGETS. It is the intent of the general assembly that the department for the blind, the Iowa state civil rights commission, the department of elder affairs, the Iowa department of public health, the department of human rights, the governor’s office of drug control policy, and the commission of veterans affairs develop program performance budget measures to include, but not be limited to, the development and tracking of demand, workload, productivity, and effectiveness performance indicators for each program. The program performance measures shall include minority programs and grants received by minority programs. The program performance measures shall also include gender-based programs. The purpose of the program performance budget initiative is to emphasize the programs the agencies provide based upon citizen needs, the agencies’ responses to those needs, and the resources the agencies require to respond to those needs. The agencies shall submit a report on the status of achieving the program performance measures to the chairpersons and ranking members of the joint appropriations subcommittee on health and human rights by December 16, 2002.

Sec. 107. SCOPE OF PRACTICE REVIEW PROJECT. The scope of practice review committee pilot project as enacted in 1997 Iowa Acts, chapter 203, section 6, shall be extended until

* Item veto; see message at end of the Act

July 1, 2003. The Iowa department of public health shall submit an annual progress report to the governor and the general assembly by January 15 and shall include any recommendations for legislative action as a result of review committee activities. The department may contract with a school or college of public health in Iowa to assist in implementing the project.

Sec. 108. Section 232.190, Code 2001, is repealed.

Sec. 109. EFFECTIVE DATE. This division of this Act takes effect July 1, 2002.

DIVISION VI
HUMAN SERVICES

Sec. 110. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT. There is appropriated from the fund created in section 8.41 to the department of human services for the fiscal year beginning July 1, 2002, and ending June 30, 2003, from moneys received under the federal temporary assistance for needy families block grant pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193 and successor legislation, which are federally appropriated for the federal fiscal years beginning October 1, 2001, and ending September 30, 2002, and beginning October 1, 2002, and ending September 30, 2003, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

If the federal government appropriation received for Iowa's portion of the federal temporary assistance for needy families block grant for the federal fiscal year beginning October 1, 2002, and ending September 30, 2003, is less than \$131,524,959, it is the intent of the general assembly to act expeditiously during the 2003 legislative session to adjust appropriations or take other actions to address the reduced amount. Moneys appropriated in this section shall be used in accordance with the federal law making the funds available, applicable Iowa law, appropriations made from the general fund of the state in this Act for the purpose designated, and administrative rules adopted to implement the federal and Iowa law:

1. To be credited to the family investment program account and used for assistance under the family investment program under chapter 239B:

..... \$ 46,508,982

2. To be credited to the family investment program account and used for the job opportunities and basic skills (JOBS) program, and implementing family investment agreements, in accordance with chapter 239B:

..... \$ 13,412,794

3. For field operations:

..... \$ 12,885,790

4. For general administration:

..... \$ 3,238,614

5. For local administrative costs:

..... \$ 2,122,982

6. For state child care assistance:

..... \$ 28,638,329

a. Of the funds appropriated in this subsection, \$200,000 shall be used for provision of educational opportunities to registered child care home providers in order to improve services and programs offered by this category of providers and to increase the number of providers. The department may contract with institutions of higher education or child care resource and referral centers to provide the educational opportunities. Allowable administrative costs under the contracts shall not exceed 5 percent. The application for a grant shall not exceed two pages in length.

b. Of the funds appropriated in this subsection, the maximum amount allowed under Pub. L. No. 104-193 shall be transferred to the child care and development block grant appropriation. Funds appropriated in this subsection that remain following the transfer shall be used

* Item veto; see message at end of the Act

to provide direct spending for the child care needs of working parents in families eligible for the family investment program.

- 7. For emergency assistance:
 - \$ 1,000,000
- 8. For mental health and developmental disabilities community services:
 - \$ 4,349,266
- 9. For child and family services:
 - \$ 22,896,571
- 10. For child abuse prevention grants:
 - \$ 250,000
- 11. For pregnancy prevention grants on the condition that family planning services are funded:
 - \$ 2,514,413
 - a. Pregnancy prevention grants shall be awarded to programs in existence on or before July 1, 2002, if the programs are comprehensive in scope and have demonstrated positive outcomes. Grants shall be awarded to pregnancy prevention programs which are developed after July 1, 2002, if the programs are comprehensive in scope and are based on existing models that have demonstrated positive outcomes. Grants shall comply with the requirements provided in 1997 Iowa Acts, chapter 208, section 14, subsections 1 and 2, including the requirement that grant programs must emphasize sexual abstinence. Priority in the awarding of grants shall be given to programs that serve areas of the state which demonstrate the highest percentage of unplanned pregnancies of females age 13 or older but younger than age 18 within the geographic area to be served by the grant.
 - b. In addition to the full-time equivalent positions funded in this division of this Act, the department may use a portion of the funds appropriated in this subsection to employ an employee in up to 1.00 full-time equivalent position for the administration of programs specified in this subsection.
- 12. For technology needs and other resources necessary to meet federal welfare reform reporting, tracking, and case management requirements:
 - \$ 565,088
- 13. For volunteers:
 - \$ 42,663
- 14. For individual development accounts under chapter 541A:
 - \$ 150,000
- 15. For the healthy opportunities for parents to experience success (HOPES) program administered by the Iowa department of public health to target child abuse prevention:
 - \$ 200,000
- 16. To be credited to the state child care assistance appropriation made in this section to be used for funding of community-based early childhood programs targeted to children from birth through five years of age, developed by community empowerment areas as provided in this subsection:
 - \$ 6,350,000
 - a. The department may transfer federal temporary assistance for needy families block grant funding appropriated and allocated in this subsection to the child care and development block grant appropriation in accordance with federal law as necessary to comply with the provisions of this subsection. The funding shall then be provided to community empowerment areas for the fiscal year beginning July 1, 2002, in accordance with all of the following:
 - (1) The area must be approved as a designated community empowerment area by the Iowa empowerment board.
 - (2) The maximum funding amount a community empowerment area is eligible to receive shall be determined by applying the area's percentage of the state's average monthly family investment program population in the preceding fiscal year to the total amount appropriated for fiscal year 2002-2003 from the TANF block grant to fund community-based programs targeted to children from birth through five years of age developed by community empowerment areas.

(3) A community empowerment area receiving funding shall comply with any federal reporting requirements associated with the use of that funding and other results and reporting requirements established by the Iowa empowerment board. The department shall provide technical assistance in identifying and meeting the federal requirements.

(4) The availability of funding provided under this subsection is subject to changes in federal requirements and amendments to Iowa law.

b. The moneys distributed in accordance with this subsection shall be used by communities for the purposes of enhancing quality child care capacity in support of parent capability to obtain or retain employment. The moneys shall be used with a primary emphasis on low-income families and children from birth to five years of age. Moneys shall be provided in a flexible manner to communities, and shall be used to implement strategies identified by the communities to achieve such purposes. In addition to the full-time equivalent positions funded in this division of this Act, 1.00 full-time equivalent position is authorized and the department may use funding appropriated in this subsection for provision of technical assistance and other support to communities developing and implementing strategies with moneys distributed in accordance with this subsection.

c. Moneys that are subject to this subsection which are not distributed to a community empowerment area or otherwise remain unobligated or unexpended at the end of the fiscal year shall revert to the fund created in section 8.41 to be available for appropriation by the general assembly in a subsequent fiscal year.

Of the amounts appropriated in this section, \$11,612,112 for the fiscal year beginning July 1, 2002, shall be transferred to the appropriation of the federal social services block grant for that fiscal year.

Eligible funding available under the federal temporary assistance for needy families block grant that is not appropriated or not otherwise expended shall be considered reserved for economic downturns and welfare reform purposes and is subject to further state appropriation to support families in their movement toward self-sufficiency.

Federal funding received that is designated for activities supporting marriage or two-parent families is appropriated to the Iowa marriage initiative grant fund created in section 234.45.

Sec. 111. FAMILY INVESTMENT PROGRAM ACCOUNT.

1. Moneys credited to the family investment program (FIP) account for the fiscal year beginning July 1, 2002, and ending June 30, 2003, shall be used in accordance with the following requirements:

- a. The department shall provide assistance in accordance with chapter 239B.
- b. The department shall continue the special needs program under the family investment program.
- c. The department shall continue to comply with federal welfare reform data requirements pursuant to the appropriations made for that purpose.
- d. (1) The department shall continue expansion of the electronic benefit transfer program as necessary to comply with federal food stamp benefit requirements. The target date for statewide implementation of the program is October 1, 2003.

(2) Notwithstanding section 234.12A, subsection 1, for the fiscal year beginning July 1, 2002, a retailer providing electronic equipment shall not be reimbursed a transaction fee.

2. The department may use a portion of the moneys credited to the family investment account under this section, as necessary for salaries, support, maintenance, and miscellaneous purposes for not more than the following full-time equivalent positions which are in addition to any other full-time equivalent positions authorized by this Act:

..... FTEs 6.00

3. The department may transfer funds in accordance with section 8.39, either federal or state, to or from the child care appropriations made for the fiscal year beginning July 1, 2002, if the department deems this would be a more effective method of paying for JOBS program child care, to maximize federal funding, or to meet federal maintenance of effort requirements.

4. Moneys appropriated in this division of this Act and credited to the family investment program account for the fiscal year beginning July 1, 2002, and ending June 30, 2003, are allocated as follows:

a. For the family development and self-sufficiency grant program as provided under section 217.12:

..... \$ 5,133,042

(1) Of the funds allocated for the family development and self-sufficiency grant program in this lettered paragraph, not more than 5 percent of the funds shall be used for the administration of the grant program.

(2) Based upon the annual evaluation report concerning each grantee funded by previously appropriated funds and through the solicitation of additional grant proposals, the family development and self-sufficiency council may use the allocated funds to renew or expand existing grants or award new grants. In utilizing the funding allocated in this lettered paragraph, the council shall give consideration, in addition to other criteria established by the council, to a grantee's intended use of local funds with a grant and to whether approval of a grant proposal would expand the availability of the program's services.

(3) The department may continue to implement the family development and self-sufficiency grant program statewide during FY 2002-2003.

b. For the diversion subaccount of the family investment program account:

..... \$ 1,814,000

(1) Moneys allocated to the diversion subaccount shall be used to continue the pilot initiative of providing incentives to assist families who meet income eligibility requirements for the family investment program in obtaining or retaining employment, to assist participant families in overcoming barriers to obtaining employment, and to assist families in stabilizing employment and in reducing the likelihood of the family returning to the family investment program. The requirements established and position authorized under 2001 Iowa Acts, chapter 191, section 3, subsection 5, paragraph "c", subparagraph (1), shall remain applicable to the initiative for fiscal year 2002-2003.

(2) Of the moneys allocated to the diversion subaccount, not more than \$250,000 shall be used to develop or continue community-level parental obligation pilot projects. The requirements established under 2001 Iowa Acts, chapter 191, section 3, subsection 5, paragraph "c", subparagraph (3), shall remain applicable to the parental obligation pilot projects for fiscal year 2002-2003.

c. For the food stamp employment and training program:

..... \$ 63,000

5. Of the child support collections assigned under the family investment program, an amount equal to the federal share of support collections shall be credited to the child support recovery appropriation. Of the remainder of the assigned child support collections received by the child support recovery unit, a portion shall be credited to the family investment program account and a portion may be used to increase recoveries.

6. The department may adopt emergency administrative rules for the family investment, food stamp, and medical assistance programs, if necessary, to comply with federal requirements. **Prior to adoption of the rules, the department shall consult with the welfare reform council and the chairpersons and ranking members of the joint appropriations subcommittee on human services.**

7. The department may continue the initiative to streamline and simplify the employer verification process for applicants, participants, and employers in the administration of the department's programs. The department may contract with companies collecting data from employers when the information is needed in the administration of these programs. The department may limit the availability of the initiative on the basis of geographic area or number of individuals.

Sec. 112. FAMILY INVESTMENT PROGRAM GENERAL FUND. There is appropriated from the general fund of the state to the department of human services for the fiscal year

* Item veto; see message at end of the Act

beginning July 1, 2002, and ending June 30, 2003, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

To be credited to the family investment program account and used for family investment program assistance under chapter 239B:

..... \$ 35,288,782

1. The department of workforce development, in consultation with the department of human services, shall continue to utilize recruitment and employment practices to include former and current family investment program recipients.

2. The department of human services shall continue to work with the department of workforce development and local community collaborative efforts to provide support services for family investment program participants. The support services shall be directed to those participant families who would benefit from the support services and are likely to have success in achieving economic independence.

3. Of the funds appropriated in this section, \$9,274,143 is allocated for the JOBS program.

4. The department shall continue to work with religious organizations and other charitable institutions to increase the availability of host homes, referred to as second chance homes or other living arrangements under the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, § 103. The purpose of the homes or arrangements is to provide a supportive and supervised living arrangement for minor parents receiving assistance under the family investment program who, under chapter 239B, may receive assistance while living in an alternative setting other than with their parent or legal guardian.

Sec. 113. EMERGENCY ASSISTANCE.

1. The emergency assistance funds received in accordance with this section and federal moneys appropriated for this purpose in this division of this Act shall be available beginning October 1, 2002, and shall be provided only if all other publicly funded resources have been exhausted. Specifically, emergency assistance is the program of last resort and shall not supplant assistance provided by the low-income home energy assistance program (LIHEAP), county general relief, and veterans affairs programs. The department shall establish a \$500 maximum payment, per family, in a 12-month period. The emergency assistance includes, but is not limited to, assisting people who face eviction, potential eviction, or foreclosure, utility shutoff or fuel shortage, loss of heating energy supply or equipment, homelessness, utility or rental deposits, or other specified crisis which threatens family or living arrangements. The emergency assistance shall be available to migrant families who would otherwise meet eligibility criteria. The department may contract for the administration and delivery of the program. The program shall be terminated when funds are exhausted.

2. a. For the fiscal year beginning July 1, 2002, the department shall continue the process for the state to receive refunds of utility and rent deposits, including any accrued interest, for emergency assistance recipients which were paid by persons other than the state. The department shall also receive refunds, including any accrued interest, of assistance paid with funding available under this program. The refunds received by the department under this subsection shall be deposited with the moneys of the appropriation made in this Act and are appropriated to be used as additional funds for the emergency assistance program.

b. Notwithstanding section 8.33, moneys received by the department under this subsection which remain after the emergency assistance program is terminated and state or federal moneys in the emergency assistance account which remain unobligated or unexpended at the close of the fiscal year beginning July 1, 2002, shall not revert but shall remain available for expenditure when the program resumes operation on October 1 in the succeeding fiscal year.

Sec. 114. CHILD SUPPORT RECOVERY. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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

.....	\$	5,895,189
.....	FTEs	406.40

1. The director of human services, within the limitations of the moneys appropriated in this section, or moneys transferred from the family investment program account for this purpose, shall establish new positions and add employees to the child support recovery unit if the director determines that both the current and additional employees together can reasonably be expected to maintain or increase net state revenue at or beyond the budgeted level.

2. Nonpublic assistance application fees and other user fees received by the child support recovery unit are appropriated and shall be used for the purposes of the child support recovery program. The director of human services may add positions within the limitations of the amount appropriated for salaries and support for the positions.

3. The director of human services, in consultation with the department of management and the legislative fiscal committee, is authorized to receive and deposit state child support incentive earnings in the manner specified under applicable federal requirements.

4. a. The director of human services may establish new positions and add state employees to the child support recovery unit or contract for delivery of services if the director determines the employees are necessary to replace county-funded positions eliminated due to termination, reduction, or nonrenewal of a chapter 28E contract. However, the director must also determine that the resulting increase in the state share of child support recovery incentives exceeds the cost of the positions or contract, the positions or contract are necessary to ensure continued federal funding of the program, or the new positions or contract can reasonably be expected to recover at least twice the amount of money necessary to pay the salaries and support for the new positions or the contract will generate at least 200 percent of the cost of the contract.

b. Employees in full-time positions that transition from county government to state government employment under this subsection are exempt from testing, selection, and appointment provisions of chapter 19A and from the provisions of collective bargaining agreements relating to the filling of vacant positions.

5. Surcharges paid by obligors and received by the unit as a result of the referral of support delinquency by the child support recovery unit to any private collection agency are appropriated to the department and shall be used to pay the costs of any contracts with the collection agencies.

6. The department shall expend up to \$51,000, including federal financial participation, for the fiscal year beginning July 1, 2002, for a child support public awareness campaign. The department and the office of the attorney general shall cooperate in continuation of the campaign. The public awareness campaign shall emphasize, through a variety of media activities, the importance of maximum involvement of both parents in the lives of their children as well as the importance of payment of child support obligations.

7. Federal access and visitation grant moneys shall be issued directly to private not-for-profit agencies that provide services designed to increase compliance with the child access provisions of court orders, including but not limited to neutral visitation site and mediation services.

Sec. 115. MEDICAL ASSISTANCE. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For medical assistance reimbursement and associated costs as specifically provided in the reimbursement methodologies in effect on June 30, 2002, except as otherwise expressly authorized by law, including reimbursement for abortion services, which shall be available under the medical assistance program only for those abortions which are medically necessary:

.....	\$	380,907,073
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1. Medically necessary abortions are those performed under any of the following conditions:

a. The attending physician certifies that continuing the pregnancy would endanger the life of the pregnant woman.

b. The attending physician certifies that the fetus is physically deformed, mentally deficient, or afflicted with a congenital illness.

c. The pregnancy is the result of a rape which is reported within 45 days of the incident to a law enforcement agency or public or private health agency which may include a family physician.

d. The pregnancy is the result of incest which is reported within 150 days of the incident to a law enforcement agency or public or private health agency which may include a family physician.

e. Any spontaneous abortion, commonly known as a miscarriage, if not all of the products of conception are expelled.

2. Notwithstanding section 8.39, the department may transfer funds appropriated in this section to a separate account established in the department's case management unit for expenditures required to provide case management services for mental health, mental retardation, and developmental disabilities services under medical assistance which are jointly funded by the state and county, pending final settlement of the expenditures. Funds received by the case management unit in settlement of the expenditures shall be used to replace the transferred funds and are available for the purposes for which the funds were appropriated in this section.

3. a. The county of legal settlement shall be billed for 50 percent of the nonfederal share of the cost of case management provided for adults, day treatment, and partial hospitalization in accordance with sections 249A.26 and 249A.27, and 100 percent of the nonfederal share of the cost of care for adults which is reimbursed under a federally approved home and community-based waiver that would otherwise be approved for provision in an intermediate care facility for persons with mental retardation, provided under the medical assistance program. The state shall have responsibility for the remaining 50 percent of the nonfederal share of the cost of case management provided for adults, day treatment, and partial hospitalization. For persons without a county of legal settlement, the state shall have responsibility for 100 percent of the nonfederal share of the costs of case management provided for adults, day treatment, partial hospitalization, and the home and community-based waiver services. The case management services specified in this subsection shall be billed to a county only if the services are provided outside of a managed care contract.

b. The state shall pay the entire nonfederal share of the costs for case management services provided to persons 17 years of age and younger who are served in a medical assistance home and community-based waiver program for persons with mental retardation.

c. Medical assistance funding for case management services for eligible persons 17 years of age and younger shall also be provided to persons residing in counties with child welfare decategorization projects implemented in accordance with section 232.188, provided these projects have included these persons in their service plan and the decategorization project county is willing to provide the nonfederal share of costs.

d. When paying the necessary and legal expenses of intermediate care facilities for persons with mental retardation (ICFMR), the cost payment requirements of section 222.60 shall be considered fulfilled when payment is made in accordance with the medical assistance payment rates established for ICFMRs by the department and the state or a county of legal settlement is not obligated for any amount in excess of the rates.

e. Unless a county has paid or is paying for the nonfederal share of the cost of a person's home and community-based waiver services or ICFMR placement under the county's mental health, mental retardation, and developmental disabilities services fund, or unless a county of legal settlement would become liable for the costs of services at the ICFMR level of care for a person due to the person reaching the age of majority, the state shall pay the nonfederal share of the costs of an eligible person's services under the home and community-based waiver for persons with brain injury.

4. The department shall utilize not more than \$60,000 of the funds appropriated in this section to continue the AIDS/HIV health insurance premium payment program as established in 1992 Iowa Acts, Second Extraordinary Session, chapter 1001, section 409, subsection 6. Of the funds allocated in this subsection, not more than \$5,000 may be expended for administrative purposes.

5. Of the funds appropriated to the Iowa department of public health for substance abuse grants, \$950,000 for the fiscal year beginning July 1, 2002, shall be transferred to the department of human services for an integrated substance abuse managed care system.

6. In administering the medical assistance home and community-based waivers, the total number of openings for persons with physical disabilities served at any one time shall be limited to the number approved for a waiver by the secretary of the United States department of health and human services. The openings shall be available on a first-come, first-served basis.

7. The department of human services, in consultation with the Iowa department of public health and the department of education, shall continue the program to utilize the early and periodic screening, diagnosis, and treatment (EPSDT) funding under medical assistance, to the extent possible, to implement the screening component of the EPSDT program through the school system. The department may enter into contracts to utilize maternal and child health centers, the public health nursing program, or school nurses in implementing this provision.

8. The department shall continue the medical assistance home and community-based services waiver to allow children with mental retardation, who would otherwise require ICF/MR care, to be served in out-of-home settings of up to eight beds which meet standards established by the department. Up to \$1,487,314 of the funds appropriated in this section may be used for the costs of the waiver.

9. The department shall continue working with county representatives in aggressively implementing the rehabilitation option for services to persons with chronic mental illness under the medical assistance program, and county funding shall be used to provide the match for the federal funding, except for individuals with state case status, for whom state funding shall provide the match.

10. If the federal centers for Medicare and Medicaid services approves a waiver request from the department, the department shall provide a period of 24 months of guaranteed eligibility for medical assistance family planning services, regardless of the change in circumstances of a woman who was a medical assistance recipient when a pregnancy ended.

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

12. Of the funds appropriated in this section, \$150,000 shall be used as state matching funds, in combination with federal and private funds for participation in a federal home telecare pilot program intended to manage health care needs of subpopulations of Iowans and specifically including subpopulations of Iowans who require high utilization of health care services and represent a disproportionate share of consumption of health care services. The program shall be administered by the Iowa telecare consortium, which is a collaboration of public, private, academic, and governmental participants coordinated by Des Moines university — osteopathic medical center. The program may direct telecare services to persons with diagnoses of specific nonacute chronic illnesses, which may include, but are not limited to, chronic obstructive pulmonary disease, congestive heart disease, diabetes, and asthma. Des Moines university — osteopathic medical center shall submit a report to the general assembly by January 15, 2003, regarding the status of the pilot program. The program guidelines shall be consistent with those specified under 2001 Iowa Acts, chapter 191, section 7, subsection 15.

13. The drug utilization review board shall submit copies of the board's annual review, including facts and findings, of the drugs on the department's prior authorization list to the department and to the members of the joint appropriations subcommittee on human services.

* Item veto; see message at end of the Act

14. The department shall expend the anticipated savings for operation of the state maximum allowable cost program for pharmaceuticals as additional funding for the medical assistance program.

Sec. 116. HEALTH INSURANCE PREMIUM PAYMENT PROGRAM. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

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

.....	\$	580,044
.....	FTEs	22.00

Sec. 117. MEDICAL CONTRACTS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For medical contracts:

.....	\$	8,729,141
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*1. *The department shall receive input and recommendations from the chairpersons and ranking members of the joint appropriations subcommittee on human services prior to entering into or extending any managed care contract for mental health or substance abuse services.**

2. In any managed care contract for mental health or substance abuse services entered into or extended by the department on or after July 1, 2002, the request for proposals shall provide for coverage of dual diagnosis mental health and substance abuse treatment provided at the state mental health institute at Mount Pleasant. To the extent possible, the department shall also amend any such contract existing on July 1, 2002, to provide for such coverage.

Sec. 118. STATE SUPPLEMENTARY ASSISTANCE. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For state supplementary assistance and the medical assistance home and community-based services waiver rent subsidy program:

.....	\$	19,500,000
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1. The department shall increase the personal needs allowance for residents of residential care facilities by the same percentage and at the same time as federal supplemental security income and federal social security benefits are increased due to a recognized increase in the cost of living. The department may adopt emergency rules to implement this subsection.

2. If during the fiscal year beginning July 1, 2002, the department projects that state supplementary assistance expenditures for a calendar year will not meet the federal pass-along requirement specified in Title XVI of the federal Social Security Act, section 1618, as codified in 42 U.S.C. § 1382g, the department may take actions including but not limited to increasing the personal needs allowance for residential care facility residents and making programmatic adjustments or upward adjustments of the residential care facility or in-home health-related care reimbursement rates prescribed in this division of this Act to ensure that federal requirements are met. The department may adopt emergency rules to implement the provisions of this subsection.

3. The department may use up to \$25,000 of the funds appropriated in this section for a rent subsidy program for adult persons. The requirements under 2001 Iowa Acts, chapter 191, section 11, subsection 3, shall apply to the program and the participants in the program.

Sec. 119. CHILD CARE ASSISTANCE. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2002, and ending

* Item veto; see message at end of the Act

June 30, 2003, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For child care programs:

..... \$ 4,939,635

1. a. Of the funds appropriated in this section, \$4,414,111 shall be used for state child care assistance in accordance with section 237A.13.

b. During the 2002-2003 fiscal year, the moneys deposited in the child care credit fund created in section 237A.28 are appropriated to the department to be used for state child care assistance in accordance with section 237A.13, in addition to the moneys allocated for that purpose in paragraph "a".

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

3. Of the funds appropriated in this section, \$525,524 is allocated for the statewide program for child care resource and referral services under section 237A.26.

4. The department may use any of the funds appropriated in this section as a match to obtain federal funds for use in expanding child care assistance and related programs. For the purpose of expenditures of state and federal child care funding, funds shall be considered obligated at the time expenditures are projected or are allocated to the department's regions. Projections shall be based on current and projected caseload growth, current and projected provider rates, staffing requirements for eligibility determination and management of program requirements including data systems management, staffing requirements for administration of the program, contractual and grant obligations and any transfers to other state agencies, and obligations for decategorization or innovation projects.

5. If the federal government appropriates additional funding under the federal child care and development block grant than was anticipated would be received for the state fiscal year beginning July 1, 2002, in addition to the notification requirements for expenditure requirements for additional federal funds under 2002 Iowa Acts, House File 2582, the department shall consult with the chairpersons and ranking members of the joint appropriations subcommittee on human services at least thirty days in advance of committing to expenditure of the additional funding.

Sec. 120. JUVENILE INSTITUTIONS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

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

..... \$ 6,273,663

..... FTEs 134.54

It is the intent of the general assembly that beginning in the fiscal year commencing on July 1, 2003, the Iowa juvenile home at Toledo will serve only females.

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

..... \$ 10,434,719

..... FTEs 218.53

3. During the fiscal year beginning July 1, 2002, the population levels at the state juvenile institutions shall not exceed the population guidelines established under 1990 Iowa Acts, chapter 1239, section 21, as adjusted for additional beds developed at the institutions.

4. A portion of the moneys appropriated in this section shall be used by the state training school and by the Iowa juvenile home for grants for adolescent pregnancy prevention activities at the institutions in the fiscal year beginning July 1, 2002.

* Item veto; see message at end of the Act

5. Within the amounts appropriated in this section, the department may transfer funds as necessary to best fulfill the needs of the institutions provided for in the appropriation.

Sec. 121. CHILD AND FAMILY SERVICES. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For child and family services:

..... \$ 98,144,163

1. The department may transfer funds appropriated in this section as necessary to pay the nonfederal costs of services reimbursed under medical assistance or the family investment program which are provided to children who would otherwise receive services paid under the appropriation in this section. The department may transfer funds appropriated in this section to the appropriations in this division of this Act for general administration and for field operations for resources necessary to implement and operate the services funded in this section.

2. a. Of the funds appropriated in this section, up to \$28,665,950 is allocated as the state-wide expenditure target under section 232.143 for group foster care maintenance and services.

b. If at any time after September 30, 2002, annualization of a service area's current expenditures indicates a service area is at risk of exceeding its group foster care expenditure target under section 232.143 by more than five percent, the department and juvenile court services shall examine all group foster care placements in that service area in order to identify those which might be appropriate for termination. In addition, any aftercare services believed to be needed for the children whose placements may be terminated shall be identified. The department and juvenile court services shall initiate action to set dispositional review hearings for the placements identified. In such a dispositional review hearing, the juvenile court shall determine whether needed aftercare services are available and whether termination of the placement is in the best interest of the child and the community.

c. (1) Of the funds appropriated in this section, not more than \$6,585,993 is allocated as the state match funding for psychiatric medical institutions for children.

(2) The department may transfer all or a portion of the amount allocated in this lettered paragraph for psychiatric medical institutions for children (PMICs) to the appropriation in this division of this Act for medical assistance.

d. Of the funds allocated in this subsection, \$1,370,127 is allocated as the state match funding for 50 highly structured juvenile program beds. If the number of beds provided for in this lettered paragraph is not utilized, the remaining funds allocated may be used for group foster care.

e. For the fiscal year beginning July 1, 2002, the requirements of section 232.143 applicable to the juvenile court and to representatives of the juvenile court shall be applicable instead to juvenile court services and to representatives of juvenile court services. The representatives appointed by the department of human services and by juvenile court services to establish the plan to contain expenditures for children placed in group foster care ordered by the court within the budget target allocated to the service area shall establish the plan in a manner so as to ensure the moneys allocated to the service area under section 232.143 shall last the entire fiscal year. Funds for a child placed in group foster care shall be considered encumbered for the duration of the child's projected or actual length of stay, whichever is applicable.

3. The department shall continue the goal that not more than 15 percent of the children placed in foster care funded under the federal Social Security Act, Title IV-E, may be placed in foster care for a period of more than 24 months.

4. In accordance with the provisions of section 232.188, the department shall continue the program to decategorize child welfare services funding in additional counties or clusters of counties.

5. A portion of the funding appropriated in this section may be used for emergency family assistance to provide other resources required for a family participating in a family preservation or reunification project to stay together or to be reunified.

6. Notwithstanding section 234.35, subsection 1, for the fiscal year beginning July 1, 2002, state funding for shelter care paid pursuant to section 234.35, subsection 1, paragraph "h", shall be limited to \$7,120,382.

7. The department shall continue to make adoption presubsidy and adoption subsidy payments to adoptive parents at the beginning of the month for the current month.

8. Federal funds received by the state during the fiscal year beginning July 1, 2002, as the result of the expenditure of state funds appropriated during a previous state fiscal year for a service or activity funded under this section, shall be used as additional funding for services provided under this section.

9. The department and juvenile court services shall continue to develop criteria for the department service area administrator and chief juvenile court officer to grant exceptions to extend eligibility, within the funds allocated, for intensive tracking and supervision and for supervised community treatment to delinquent youth beyond age 18 who are subject to release from the state training school, a highly structured juvenile program, or group foster care.

10. Of the moneys appropriated in this section, not more than \$415,135 is allocated to provide clinical assessment services as necessary to continue funding of children's rehabilitation services under medical assistance in accordance with federal law and requirements. The funding allocated is the amount projected to be necessary for providing the clinical assessment services.

11. Of the funding appropriated in this section, \$3,696,285 shall be used for protective child care assistance.

12. Of the moneys appropriated in this section, up to \$2,924,183 is allocated for the payment of the expenses of court-ordered services provided to juveniles which are a charge upon the state pursuant to section 232.141, subsection 4.

a. Notwithstanding section 232.141 or any other provision of law, the amount allocated in this subsection shall be distributed to the judicial districts as determined by the state court administrator. The state court administrator shall make the determination of the distribution amounts on or before June 15, 2002.

b. Notwithstanding chapter 232 or any other provision of law, a district or juvenile court shall not order any service which is a charge upon the state pursuant to section 232.141 if there are insufficient court-ordered services funds available in the district court distribution amount to pay for the service. The chief juvenile court officer shall encourage use of the funds allocated in this subsection such that there are sufficient funds to pay for all court-related services during the entire year. The chief juvenile court officers shall attempt to anticipate potential surpluses and shortfalls in the distribution amounts and shall cooperatively request the state court administrator to transfer funds between the districts' distribution amounts as prudent.

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

d. Of the funding allocated in this subsection, not more than \$100,000 may be used by the judicial branch for administration of the requirements under this subsection and for travel associated with court-ordered placements which are a charge upon the state pursuant to section 232.141, subsection 4.

13. a. Of the funding appropriated in this section, \$2,927,602 is allocated to provide school-based supervision of children adjudicated under chapter 232, including not more than \$1,463,801 from the allocation in this section for court-ordered services. Not more than \$15,000 of the funding allocated in this subsection may be used for the purpose of training.

b. A portion of the cost of each school-based liaison officer shall be paid by the school district or other funding source as approved by the chief juvenile court officer.

14. The department shall maximize the capacity to draw federal funding under Title IV-E of the federal Social Security Act.

15. Any unanticipated federal funding that is received during the fiscal year due to improvements in the hours counted by the judicial branch under the claiming process for federal Title

* Item veto; see message at end of the Act

IV-E funding are appropriated to the department to be used for additional or expanded services and support for court-ordered services pursuant to section 232.141. Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

16. Notwithstanding section 234.39, subsection 5, and 2000 Iowa Acts, chapter 1228, section 43, the department may operate a subsidized guardianship program if the United States department of health and human services approves a waiver under Title IV-E of the federal Social Security Act and the subsidized guardianship program can be operated without loss of Title IV-E funds.

17. It is the intent of the general assembly that the department continue its practice of providing strong support for Iowa's nationally recognized initiative of decategorization of child welfare funding.

*18. *It is the intent of the general assembly that administration of the foster care and adoption programs be privatized.**

Sec. 122. JUVENILE DETENTION HOME FUND. Moneys deposited in the juvenile detention home fund created in section 232.142 during the fiscal year beginning July 1, 2002, and ending June 30, 2003, are appropriated to the department of human services for the fiscal year beginning July 1, 2002, and ending June 30, 2003, for distribution as follows:

1. An amount equal to ten percent of the costs of the establishment, improvement, operation, and maintenance of county or multicounty juvenile detention homes in the fiscal year beginning July 1, 2001. Moneys appropriated for distribution in accordance with this paragraph shall be allocated among eligible detention homes, prorated on the basis of an eligible detention home's proportion of the costs of all eligible detention homes in the fiscal year beginning July 1, 2001. Notwithstanding section 232.142, subsection 3, the financial aid payable by the state under that provision for the fiscal year beginning July 1, 2002, shall be limited to the amount appropriated for the purposes of this subsection.

2. For renewal of a grant to a county with a population between 168,000 and 175,000 for implementation of the county's runaway treatment plan under section 232.195:

..... \$ 80,000

3. For grants to counties implementing a runaway treatment plan under section 232.195.

4. The remainder for additional allocations to county or multicounty juvenile detention homes, in accordance with the distribution requirements of subsection 1.

Sec. 123. FAMILY SUPPORT SUBSIDY PROGRAM. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the family support subsidy program:

..... \$ 1,936,434

1. The department may use up to \$333,312 of the moneys appropriated in this section to continue the children-at-home program in current counties, of which not more than \$20,000 shall be used for administrative costs.

2. Notwithstanding section 225C.38, subsection 1, the monthly family support payment amount for the fiscal year beginning July 1, 2002, shall remain the same as the payment amount in effect on June 30, 2002.

Sec. 124. CONNER DECREE. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For building community capacity through the coordination and provision of training oppor-

* Item veto; see message at end of the Act

tunities in accordance with the consent decree of Conner v. Branstad, No. 4-86-CV-30871 (S.D. Iowa, July 14, 1994):

..... \$ 42,623

Sec. 125. MENTAL HEALTH INSTITUTES. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the state mental health institute at Cherokee for salaries, support, maintenance, and miscellaneous purposes and for not more than the following full-time equivalent positions:

..... \$ 12,747,990
 FTEs 227.65

2. For the state mental health institute at Clarinda for salaries, support, maintenance, and miscellaneous purposes and for not more than the following full-time equivalent positions:

..... \$ 7,244,131
 FTEs 126.15

3. For the state mental health institute at Independence for salaries, support, maintenance, and miscellaneous purposes and for not more than the following full-time equivalent positions:

..... \$ 16,552,128
 FTEs 333.80

The state mental health institute at Independence shall continue the 30 psychiatric medical institution for children (PMIC) beds authorized in section 135H.6, in a manner which results in no net state expenditure amount in excess of the amount appropriated in this subsection. Counties are not responsible for the costs of PMIC services described in this subsection. Subject to the approval of the department, with the exception of revenues required under section 249A.11 to be credited to the appropriation in this division of this Act for medical assistance, revenues attributable to the PMIC beds described in this subsection for the fiscal year beginning July 1, 2002, and ending June 30, 2003, shall be deposited in the institute's account, including but not limited to any of the following revenues:

- a. The federal share of medical assistance revenue received under chapter 249A.
- b. Moneys received through client participation.
- c. Any other revenues directly attributable to the PMIC beds.

4. For the state mental health institute at Mount Pleasant for salaries, support, maintenance, and miscellaneous purposes and for not more than the following full-time equivalent positions:

..... \$ 5,343,829
 FTEs 100.07

a. Funding is provided in this subsection for the state mental health institute at Mount Pleasant to continue the dual diagnosis mental health and substance abuse program on a net budgeting basis in which 50 percent of the actual per diem and ancillary services costs are chargeable to the patient's county of legal settlement or as a state case, as appropriate. Subject to the approval of the department, revenues attributable to the dual diagnosis program for the fiscal year beginning July 1, 2002, and ending June 30, 2003, shall be deposited in the institute's account, including but not limited to all of the following revenues:

- (1) Moneys received by the state from billings to counties under section 230.20.
- (2) Moneys received from billings to the Medicare program.
- (3) Moneys received from a managed care contractor providing services under contract with the department or any private third-party payor.
- (4) Moneys received through client participation.
- (5) Any other revenues directly attributable to the dual diagnosis program.

b. The following additional provisions are applicable in regard to the dual diagnosis program:

- (1) A county may split the charges between the county's mental health, mental retardation,

and developmental disabilities services fund and the county's budget for substance abuse expenditures.

(2) If an individual is committed to the custody of the department of corrections at the time the individual is referred for dual diagnosis treatment, the department of corrections shall be charged for the costs of treatment.

(3) Prior to an individual's admission for dual diagnosis treatment, the individual shall have been screened through a county's single entry point process to determine the appropriateness of the treatment.

(4) A county shall not be chargeable for the costs of treatment for an individual enrolled in and authorized by or decertified by a managed behavioral care plan under the medical assistance program.

(5) Notwithstanding section 8.33, state mental health institute revenues related to the dual diagnosis program that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available up to the amount which would allow the state mental health institute to meet credit obligations owed to counties as a result of year-end per diem adjustments for the dual diagnosis program.

5. Within the funds appropriated in this section, the department may transfer funds as necessary to best fulfill the needs of the institutes provided for in the appropriation.

6. As part of the discharge planning process at the state mental health institutes, the department shall provide assistance in obtaining eligibility for federal supplemental security income (SSI) to those individuals whose care at a state mental health institute is the financial responsibility of the state or a county.

Sec. 126. STATE RESOURCE CENTERS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the state resource center at Glenwood for salaries, support, maintenance, and miscellaneous purposes:

..... \$ 2,170,150

2. For the state resource center at Woodward for salaries, support, maintenance, and miscellaneous purposes:

..... \$ 1,463,073

3. a. The department shall continue operating the state resource centers at Glenwood and Woodward with a net general fund appropriation. The amounts allocated in this section are the net amounts of state moneys projected to be needed for the state resource centers. The purposes of operating with a net general fund appropriation are to encourage the state resource centers to operate with increased self-sufficiency, to improve quality and efficiency, and to support collaborative efforts between the state resource centers and counties and other funders of services available from the state resource centers. The state resource centers shall not be operated under the net appropriation in a manner which results in a cost increase to the state or cost shifting between the state, the medical assistance program, counties, or other sources of funding for the state resource centers. Moneys appropriated in this section may be used throughout the fiscal year in the manner necessary for purposes of cash flow management, and for purposes of cash flow management the state resource centers may temporarily draw more than the amounts appropriated, provided the amounts appropriated are not exceeded at the close of the fiscal year.

b. Subject to the approval of the department, except for revenues under section 249A.11, revenues attributable to the state resource centers for the fiscal year beginning July 1, 2002, shall be deposited into each state resource center's account, including but not limited to all of the following:

- (1) Moneys received by the state from billings to counties under section 222.73.
- (2) The federal share of medical assistance revenue received under chapter 249A.
- (3) Federal Medicare program payments.

- (4) Moneys received from client financial participation.
- (5) Other revenues generated from current, new, or expanded services which the state resource center is authorized to provide.
 - c. For the purposes of allocating the salary adjustment fund moneys appropriated in another Act, the state resource centers shall be considered to be funded entirely with state moneys.
 - d. Notwithstanding section 8.33, up to \$500,000 of a state resource center's revenues that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available to be used in the succeeding fiscal year.
- 4. Within the funds appropriated in this section, the department may transfer funds as necessary to best fulfill the needs of the institutions provided for in the appropriation.
- 5. The department may continue to bill for state resource center services utilizing a scope of services approach used for private providers of ICFMR services, in a manner which does not shift costs between the medical assistance program, counties, or other sources of funding for the state resource centers.
- 6. The state resource centers may expand the time limited assessment and respite services during the fiscal year.
- 7. If the department's administration and the department of management concur with a finding by a state resource center's superintendent that projected revenues can reasonably be expected to pay the salary and support costs for a new employee position, or that such costs for adding a particular number of new positions for the fiscal year would be less than the overtime costs if new positions would not be added, the superintendent may add the new position or positions. If the vacant positions available to a resource center do not include the position classification desired to be filled, the state resource center's superintendent may reclassify any vacant position as necessary to fill the desired position. The superintendents of the state resource centers may, by mutual agreement, pool vacant positions and position classifications during the course of the fiscal year in order to assist one another in filling necessary positions.
- 8. If existing capacity limitations are reached in operating units, a waiting list is in effect for a service or a special need for which a payment source or other funding is available for the service or to address the special need, and facilities for the service or to address the special need can be provided within the available payment source or other funding, the superintendent of a state resource center may authorize opening not more than two units or other facilities and to begin implementing the service or addressing the special need during fiscal year 2002-2003.

Sec. 127. SPECIAL NEEDS GRANTS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

To provide special needs grants to families with a family member at home who has a developmental disability or to a person with a developmental disability:

..... \$ 47,827

Grants must be used by a family to defray special costs of caring for the family member to prevent out-of-home placement of the family member or to provide for independent living costs. The grants may be administered by a private nonprofit agency which serves people statewide provided that no administrative costs are received by the agency.

Sec. 128. MI/MR/DD STATE CASES. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For purchase of local services for persons with mental illness, mental retardation, and developmental disabilities where the client has no established county of legal settlement:

..... \$ 11,414,619

The general assembly encourages the department to continue discussions with the Iowa state association of counties and administrators of county central point of coordination offices regarding proposals for moving state cases to county budgets.

Sec. 129. MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES — COMMUNITY SERVICES FUND. There is appropriated from the general fund of the state to the mental health and developmental disabilities community services fund created in section 225C.7 for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For mental health and developmental disabilities community services in accordance with this division of this Act:

..... \$ 17,757,890

1. Of the funds appropriated in this section, \$17,727,890 shall be allocated to counties for funding of community-based mental health and developmental disabilities services. The monies shall be allocated to a county as follows:

a. Fifty percent based upon the county's proportion of the state's population of persons with an annual income which is equal to or less than the poverty guideline established by the federal office of management and budget.

b. Fifty percent based upon the county's proportion of the state's general population.

2. a. A county shall utilize the funding the county receives pursuant to subsection 1 for services provided to persons with a disability, as defined in section 225C.2. However, no more than 50 percent of the funding shall be used for services provided to any one of the service populations.

b. A county shall use at least 50 percent of the funding the county receives under subsection 1 for contemporary services provided to persons with a disability, as described in rules adopted by the department.

3. Of the funds appropriated in this section, \$30,000 shall be used to support the Iowa compass program providing computerized information and referral services for Iowans with disabilities and their families.

4. a. Funding appropriated for purposes of the federal social services block grant is allocated for distribution to counties for local purchase of services for persons with mental illness or mental retardation or other developmental disability.

b. The funds allocated in this subsection shall be expended by counties in accordance with the county's approved county management plan. A county without an approved county management plan shall not receive allocated funds until the county's management plan is approved.

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

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

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

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

Sec. 130. PERSONAL ASSISTANCE. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For continuation of a pilot project for the personal assistance services program in accordance with this section:

..... \$ 157,921

1. The funds appropriated in this section shall be used to continue the pilot project for the personal assistance services program under section 225C.46 in an urban and a rural area. Not more than 10 percent of the amount appropriated shall be used for administrative costs. The pilot project shall not be implemented in a manner which would require additional county or state costs for assistance provided to an individual served under the pilot project.

2. In accordance with 2001 Iowa Acts, chapter 191, section 25, subsection 2, new applicants

shall not be accepted into the pilot project. An individual receiving services under the pilot project as of June 30, 2002, shall continue receiving services until the individual voluntarily leaves the project or until another program with similar services exists.

Sec. 131. SEXUALLY VIOLENT PREDATORS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For costs associated with the commitment and treatment of sexually violent predators in the unit located at the state mental health institute at Cherokee, including costs of legal services and other associated costs, including salaries, support, maintenance, and miscellaneous purposes and for not more than the following full-time equivalent positions:

.....	\$	3,459,855
.....	FTEs	44.00

In implementing the relocation of the unit for commitment of sexually violent predators from Oakdale to the state mental health institute at Cherokee in the fiscal year beginning July 1, 2002, it is the intent of the general assembly that the department of human services complete the renovation of space at the institute and the relocation of the unit as expeditiously as possible. If requested by the department of human services as necessary to complete the renovation of space and relocation as expeditiously as possible, notwithstanding any provision of law or rule to the contrary, the department of general services shall grant a waiver for purposes of the renovation project from those requirements in administrative rule and policy that would otherwise govern the length of time the renovation project components are noticed.

Sec. 132. FIELD OPERATIONS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

1. For field operations, including salaries, support, maintenance, and miscellaneous purposes and for not more than the following full-time equivalent positions:

.....	\$	51,204,264
.....	FTEs	1,920.00

Priority in filling full-time equivalent positions shall be given to those positions related to child protection services.

2. In implementing the transition from a regional system to the service area system established pursuant to 2001 Iowa Acts, Second Extraordinary Session, chapter 4, for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the department shall utilize the service areas and service area administrators in lieu of regions and regional administrators, notwithstanding the references to department regions or regional administrators in sections 232.2, 232.52, 232.68, 232.72, 232.102, 232.117, 232.127, 232.143, 232.188, and 234.35, or other provision in law. **The department shall submit proposed legislation under section 2.16 for consideration by the Eightieth General Assembly, 2003 Session, to correct the references in the necessary Code sections.**

Sec. 133. ADDITIONAL FEDERAL FUNDING — FISCAL YEAR 2002-2003.

1. The provisions of this section are applicable for the fiscal year beginning July 1, 2002.

2. It is the intent of the general assembly that the director of human services work to secure federal financial participation through Titles IV-E and XIX of the federal Social Security Act for services and activities that are currently funded with state, county, or community moneys. It is further intended that the director initially focus on securing targeted case management funding under medical assistance for state child protection staff and for services and activities currently funded with juvenile court services, county, or community moneys and state moneys used in combination with such moneys.

3. Additional federal financial participation secured for the fiscal year beginning July 1,

* Item veto; see message at end of the Act

2002, and ending June 30, 2003, is appropriated to the department of human services for use as provided in this section. All of the following are applicable to the additional federal financial participation and efforts made to secure the federal financial participation:

a. The department may pursue federal approval of a state plan amendment to use medical assistance funding for targeted case management services. The population to be served through targeted case management services is children who are at risk of maltreatment or who are in need of protective services. The funding shall be based on the federal and state moneys available under the medical assistance program. For the additional federal financial participation received under the reimbursement methodology established for the services, a distribution plan shall attribute revenue to the cost sources upon which the reimbursement rates are based. In addition, of the additional federal funds received, a 5 percent set-aside shall be used for funding the revenue enhancement activities and for service delivery and results improvement efforts.

b. The director may use part or all of the additional federal financial participation received from medical assistance claims for child protection staff for full-time equivalent state child protection staff positions, including child abuse assessment positions, social workers, and support positions performing related functions. Positions added in accordance with this paragraph "b" are in addition to those authorized in the appropriation made in this Act for field operations.

c. The director may also use a portion of the additional federal financial participation received from medical assistance claims for child protection staff for providing grants to communities to support the community partnership approach to child protection. Potential grantees may include child welfare funding decategorization projects, community empowerment area boards, or other community-based entities who, in partnership with the local departmental administrators, agree to implement the four community partnership components.

4. The department may adopt emergency rules to implement the provisions of this section.

Sec. 134. ADDITIONAL FEDERAL FINANCIAL PARTICIPATION — FISCAL 2001-2002 AND FISCAL 2002-2003. The first \$10 million of federal financial participation received under the section of this division of this Act providing for the department of human services' efforts to secure additional federal funding for FY 2002-2003 through Titles IV-E and XIX of the federal Social Security Act or from other efforts by the department of human services to draw additional federal financial participation associated with funds appropriated for child and family services in fiscal years 2001-2002 and 2002-2003 shall be used in those two fiscal years to offset reductions in federal financial participation for child welfare services due to changes in federal regulations or interpretations of federal regulations, changes in federal cost allocations or federal match provisions, or federal sanctions. The department may adopt emergency rules to implement the provisions of this section.

Sec. 135. GENERAL ADMINISTRATION. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For general administration, including salaries, support, maintenance, and miscellaneous purposes and for not more than the following full-time equivalent positions:

.....	\$	11,587,936
.....	FTEs	356.00

1. Of the funds appropriated in this section, \$57,000 is allocated for the prevention of disabilities policy council established in section 225B.3.

*2. *The department shall report to the governor, the general assembly, the legislative fiscal bureau, and the legislative service bureau, within thirty days of notice from the source of payment of the future receipt of any bonus, incentive, or other payments received from the federal government, court settlement payments, and any other payments received by the state that may be used to supplement state funds appropriated to the department.*

* Item veto; see message at end of the Act

3. *If the department proposes an amendment to a state plan for a program that is subject to federal approval and the amendment would have an effect on state appropriations, unless the amendment is adopted as a rule that has been reviewed and approved by the administrative rules review committee, the amendment shall not be submitted to the federal government for consideration unless the fiscal committee of the legislative council has adopted a motion recommending implementation of the amendment.**

Sec. 136. VOLUNTEERS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For development and coordination of volunteer services:
 \$ 109,568

Sec. 137. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE DEPARTMENT OF HUMAN SERVICES.

1. a. For the fiscal year beginning July 1, 2002, nursing facilities shall be reimbursed as provided in 2002 Iowa Acts, House File 2613.²¹ Nursing facilities reimbursed under the medical assistance program shall submit annual cost reports and additional documentation as required by rules adopted by the department.

b. (1) For the fiscal year beginning July 1, 2002, the department shall reimburse pharmacy dispensing fees using a single rate of \$5.17 per prescription or the pharmacy's usual and customary fee, whichever is lower.

(2) The department shall implement a series of prospective drug utilization review edits on targeted drugs to facilitate the cost effective use of these drugs. The edits shall be implemented in a manner that does not change the therapy or the therapeutic outcome for the patient.

**(3) The department of human services shall require recipients of medical assistance to pay the following copayment on each covered drug prescription, including each refill as follows:*

- (a) A copayment of \$1 for each covered generic drug prescription.*
- (b) A copayment of \$1 for each covered brand-name drug prescription for which the cost to the state is less than \$25.*
- (c) A copayment of \$2 for each covered brand-name drug prescription for which the cost to the state is between \$25 and \$50.*
- (d) A copayment of \$3 for each covered brand-name drug prescription for which the cost to the state is over \$50.**

c. For the fiscal year beginning July 1, 2002, reimbursement rates for inpatient and outpatient hospital services shall remain at the rates in effect on June 30, 2002. The department shall continue the outpatient hospital reimbursement system based upon ambulatory patient groups implemented pursuant to 1994 Iowa Acts, chapter 1186, section 25, subsection 1, paragraph "F". In addition, the department shall continue the revised medical assistance payment policy implemented pursuant to that paragraph to provide reimbursement for costs of screening and treatment provided in the hospital emergency room if made pursuant to the prospective payment methodology developed by the department for the payment of outpatient services provided under the medical assistance program. Any rebasing of hospital inpatient²² or outpatient rates shall not increase total payments for inpatient and outpatient services.

d. For the fiscal year beginning July 1, 2002, reimbursement rates for rural health clinics, hospices, independent laboratories, and acute mental hospitals shall be increased in accordance with increases under the federal Medicare program or as supported by their Medicare audited costs.

e. For the fiscal year beginning July 1, 2002, reimbursement rates for home health agencies shall remain at the rates in effect on June 30, 2002.

f. For the fiscal year beginning July 1, 2002, federally qualified health centers shall receive

* Item veto; see message at end of the Act

²¹ 2002 Iowa Acts, Regular Session, chapter 1172 herein

²² According to enrolled Act

cost-based reimbursement for 100 percent of the reasonable costs for the provision of services to recipients of medical assistance.

g. Beginning July 1, 2002, the reimbursement rates for dental services shall remain at the rates in effect on June 30, 2002.

h. Beginning July 1, 2002, the reimbursement rates for community mental health centers shall remain at the rates in effect on June 30, 2002.

i. For the fiscal year beginning July 1, 2002, the maximum reimbursement rate for psychiatric medical institutions for children shall remain at the rate in effect on June 30, 2002, based on per day rates for actual costs.

j. For the fiscal year beginning July 1, 2002, unless otherwise specified in this division of this Act, all noninstitutional medical assistance provider reimbursement rates shall remain at the rates in effect on June 30, 2002, except for area education agencies, local education agencies, infant and toddler services providers, and those providers whose rates are required to be determined pursuant to section 249A.20.

k. Notwithstanding section 249A.20, the average reimbursement rates for health care providers eligible for use of the reimbursement methodology under that section shall remain at the rate in effect on June 30, 2002.

l. In addition to other dental services provided to adults under the medical assistance program in accordance with 2002 Iowa Acts, House File 2245,²³ section 7, subsection 2, for the fiscal year beginning July 1, 2002, the following services shall be provided:

(1) Root canal treatments on permanent anterior teeth.

(2) General anesthesia and intravenous sedation if necessitated by the physical or mental disability of the patient.

2. For the fiscal year beginning July 1, 2002, the maximum cost reimbursement rate for residential care facilities reimbursed by the department shall not be less than \$25.92 per day for the time period of July 1, 2002, through December 31, 2002, and shall not be less than \$26.20 per day for the time period of January 1, 2003, through June 30, 2003. The flat reimbursement rate for facilities electing not to file semiannual cost reports shall not be less than \$18.52 per day for the time period of July 1, 2002, through December 31, 2002, and shall not be less than \$18.72 per day for the time period of January 1, 2003, through June 30, 2003.

3. For the fiscal year beginning July 1, 2002, the maximum reimbursement rate for providers reimbursed under the in-home health-related care program shall not be less than \$498.29 per month for the time period of July 1, 2002, through December 31, 2002, and shall not be less than \$503.67 per month for the time period of January 1, 2003, through June 30, 2003.

4. Unless otherwise directed in this section, when the department's reimbursement methodology for any provider reimbursed in accordance with this section includes an inflation factor, this factor shall not exceed the amount by which the consumer price index for all urban consumers increased during the calendar year ending December 31, 2001.

5. Notwithstanding section 234.38, in the fiscal year beginning July 1, 2002, the foster family basic daily maintenance rate and the maximum adoption subsidy rate for children ages 0 through 5 years shall be \$14.28, the rate for children ages 6 through 11 years shall be \$15.07, the rate for children ages 12 through 15 years shall be \$16.83, and the rate for children ages 16 and older shall be \$16.83.

6. For the fiscal year beginning July 1, 2002, the maximum reimbursement rates for social service providers shall remain at the rates in effect on June 30, 2002. However, the rates may be adjusted under any of the following circumstances:

a. If a new service was added after June 30, 2002, the initial reimbursement rate for the service shall be based upon actual and allowable costs.

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

7. The group foster care reimbursement rates paid for placement of children out-of-state shall be calculated according to the same rate-setting principles as those used for in-state

²³ 2002 Iowa Acts, Regular Session, chapter 1165 herein

providers unless the director or the director's designee determines that appropriate care cannot be provided within the state. The payment of the daily rate shall be based on the number of days in the calendar month in which service is provided.

8. For the fiscal year beginning July 1, 2002, the reimbursement rates for rehabilitative treatment and support services providers shall remain at the rates in effect on June 30, 2002.

9. For the fiscal year beginning July 1, 2002, the combined service and maintenance components of the reimbursement rate paid to a shelter care provider shall be based on the cost report submitted to the department. The maximum reimbursement rate shall be \$83.69 per day. The department shall reimburse a shelter care provider at the provider's actual and allowable unit cost, plus inflation, not to exceed the maximum reimbursement rate.

10. For the fiscal year beginning July 1, 2002, the department shall calculate reimbursement rates for intermediate care facilities for persons with mental retardation at the 80th percentile.

11. For the fiscal year beginning July 1, 2002, for child care providers, the department shall set provider reimbursement rates based on the rate reimbursement survey completed in December 1998. The department shall set rates in a manner so as to provide incentives for a non-registered provider to become registered.

12. For the fiscal year beginning July 1, 2002, reimbursements for providers reimbursed by the department of human services may be modified if appropriated funding is allocated for that purpose from the senior living trust fund created in section 249H.4, or as specified in appropriations from the healthy Iowans tobacco trust created in section 12.65.

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

Sec. 138. HEALTH CARE FACILITY — EXCEPTION. Notwithstanding any provision of chapter 135, division VI, to the contrary and notwithstanding current applicable life safety code and physical plant requirements, a health care facility located in Dows, Iowa, that was operating prior to May 1, 2002, and that terminated operation prior to May 31, 2002, that previously completed the certificate of need process and that was previously licensed by the state, shall not be subject to a subsequent certificate of need process and shall not be subject to current life safety code requirements or current physical plant requirements in order to be issued a conditional license, if the successor health care facility becomes operational on or before July 1, 2004.

Sec. 139. TRANSFER AUTHORITY. Subject to the provisions of section 8.39, for the fiscal year beginning July 1, 2002, if necessary to meet federal maintenance of effort requirements or to transfer federal temporary assistance for needy families block grant funding to be used for purposes of the federal social services block grant or to meet cash flow needs resulting from delays in receiving federal funding or to implement, in accordance with this division of this Act, targeted case management for child protection and for activities currently funded with juvenile court services, county, or community moneys and state moneys used in combination with such moneys, the department of human services may transfer within or between any of the appropriations made in this division of this Act and appropriations in law for the federal social services block grant to the department for the following purposes, provided that the combined amount of state and federal temporary assistance for needy families block grant funding for each appropriation remains the same before and after the transfer:

1. For the family investment program.
2. For emergency assistance.
3. For child care assistance.
4. For child and family services.
5. For field operations.
6. For general administration.
7. MH/MR/DD/BI community services (local purchase).

This section shall not be construed to prohibit existing state transfer authority for other purposes.

* Item veto; see message at end of the Act

Sec. 140. FRAUD AND RECOUPMENT ACTIVITIES. During the fiscal year beginning July 1, 2002, notwithstanding the restrictions in section 239B.14, recovered moneys generated through fraud and recoupment activities are appropriated to the department of human services to be used for additional fraud and recoupment activities performed by the department of human services or the department of inspections and appeals, and the department of human services may add not more than five full-time equivalent positions, in addition to those funded in this division of this Act, subject to both of the following conditions:

1. The director of human services determines that the investment can reasonably be expected to increase recovery of assistance paid in error, due to fraudulent or nonfraudulent actions, in excess of the amount recovered in the fiscal year beginning July 1, 1997.
2. The amount expended for the additional fraud and recoupment activities shall not exceed the amount of the projected increase in assistance recovered.

Sec. 141. TARGETED CASE MANAGEMENT SERVICES FOR CHILDREN — FY 2001-2002. It is the intent of the general assembly that the department evaluate the documentation provisions implemented in fiscal year 2001-2002 for medical assistance claiming of targeted case management services for children who are at risk of maltreatment or who are in need of protective services. The purpose of the evaluation is for the department to ease the administrative burden on department staff by limiting the documentation requirement to those children known to be eligible or implementing other appropriate measures.

**Sec. 142. NEW SECTION. 249A.20A NURSING FACILITIES — DUAL CERTIFICATION REQUIRED.*

*Beginning October 1, 2002, all licensed nursing facilities shall be certified under both the federal Medicare program and the medical assistance program as a condition for participation in the medical assistance program. The department shall, in consultation with nursing facility provider organizations, adopt rules to establish criteria for individual exceptions to the dual certification requirement under this section.**

Sec. 143. Section 252B.4, subsection 1, Code 2001, is amended to read as follows:

1. The director shall require an application fee of ~~five~~ twenty-five dollars.

Sec. 144. 2001 Iowa Acts, chapter 176, section 1, is amended to read as follows:

SECTION 1. COUNTY MENTAL HEALTH, MENTAL RETARDATION, AND DEVELOPMENTAL DISABILITIES ALLOWED GROWTH FACTOR ADJUSTMENT AND ALLOCATIONS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

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

.....	\$ 14,874,702
	<u>14,181,000</u>

The funding appropriated in this section is the allowed growth factor adjustment for fiscal year 2002-2003, and is allocated for distribution as provided by law.

Sec. 145. COUNTY MENTAL HEALTH, MENTAL RETARDATION, AND DEVELOPMENTAL DISABILITIES (MH/MR/DD) ALLOWED GROWTH FACTOR ADJUSTMENT AND ALLOCATIONS — DISTRIBUTION FOR FY 2002-2003.

1. For the fiscal year beginning July 1, 2002, the moneys appropriated in 2001 Acts, chapter 176, section 1, as amended by this division of this Act, for distribution to counties of the county mental health, mental retardation, and developmental disabilities allowed growth factor adjustment, shall be distributed as provided in this section in lieu of the provisions of section 331.438, subsection 2, and section 331.439, subsection 3, and chapter 426B, as follows:

* Item veto; see message at end of the Act

a. The first \$500,000 shall be credited to the risk pool created in the property tax relief fund and shall be distributed pursuant to section 426B.5, subsection 2.

b. The remaining \$13,681,000 shall be distributed as provided in this section.

2. The following formula amounts shall be utilized only to calculate preliminary distribution amounts for fiscal year 2002-2003 under this section by applying the indicated formula provisions to the formula amounts and producing a preliminary distribution total for each county:

a. For calculation of an allowed growth factor adjustment amount for each county in accordance with the formula in section 331.438, subsection 2, paragraph "b":

..... \$ 12,000,000

b. For calculation of a distribution amount for eligible counties from the per capita expenditure target pool created in the property tax relief fund in accordance with the requirements in section 426B.5, subsection 1:

..... \$ 14,492,712

c. For calculation of a distribution amount for counties from the mental health and developmental disabilities (MH/DD) community services fund in accordance with the formula provided in this division of this Act:

..... \$ 17,727,890

3. Notwithstanding any contrary provisions of sections 225C.7, 331.438, subsection 2, 331.439, subsection 3, and 426B.5, the moneys allocated for distribution in subsection 1, paragraph "b", and in any other Act of the Seventy-ninth General Assembly, 2002 Session, for distribution to counties in the fiscal year beginning July 1, 2002, for purposes of the mental health and developmental disabilities (MH/DD) community services fund under section 225C.7, and for the allowed growth factor adjustment for services paid under a county's section 331.424A mental health, mental retardation, and developmental disabilities services fund and as calculated under subsection 2 to produce preliminary distribution amounts for counties shall be subject to withholding as provided in this section.

4. After applying the applicable statutory distribution formulas to the amounts indicated in subsection 2 for purposes of formula calculations to produce preliminary distribution totals, the department of human services shall apply a withholding factor to adjust an eligible individual county's preliminary distribution total. An ending balance percentage for each county shall be determined by expressing the county's ending balance on a modified accrual basis under generally accepted accounting principles for the fiscal year beginning July 1, 2001, in the county's mental health, mental retardation, and developmental disabilities services fund created under section 331.424A, as a percentage of the county's gross expenditures from that fund for that fiscal year. The withholding factor for a county shall be the following applicable percent:

a. For an ending balance percentage of less than 10 percent, a withholding factor of 0 percent.

b. For an ending balance percentage of 10 through 24 percent, a withholding factor of 48.1 percent.

c. For an ending balance percentage of 25 through 34 percent, a withholding factor of 60 percent.

d. For an ending balance percentage of 35 through 44 percent, a withholding factor of 85 percent.

e. For an ending balance percentage of 45 percent or more, a withholding factor of 100 percent.

5. The total withholding amounts applied pursuant to subsection 4 shall be equal to a withholding target amount of \$12,811,712 and the appropriation made in this division of this Act for the MH/DD community services fund and the appropriation made in 2001 Iowa Acts, chapter 176, section 1, as amended by this division of this Act shall be reduced by the amount necessary to attain the withholding target amount. If the department of human services determines that the amount to be withheld in accordance with subsection 4 is not equal to the target withholding amount, the department shall adjust the withholding factors listed in subsection 4 as necessary to achieve the withholding target amount. However, in making such adjustments

to the withholding factors, the department shall strive to minimize changes to the withholding factors for those ending balance percentage ranges that are lower than others and shall not adjust the zero withholding factor specified in subsection 4, paragraph "a".

6. In order to be eligible for a funding distribution under this section, a county must levy at least 70 percent of the maximum allowed for the county's services fund under section 331.424A for taxes due and payable in the fiscal year beginning July 1, 2002, and comply with the December 1, 2002, filing deadline for the county annual financial report in accordance with section 331.403. The amount that would otherwise be available for distribution to a county that fails to so comply shall be proportionately distributed among the eligible counties.

7. The department of human services shall authorize the issuance of warrants payable to the county treasurer for the distribution amounts due the counties eligible under this section and notwithstanding prior practice for the MH/DD community services fund, the warrants shall be issued in January 2003.

Sec. 146. EMERGENCY RULES. If specifically authorized by a provision of this division of this Act, the department of human services or the mental health and developmental disabilities commission may adopt administrative rules under section 17A.4, subsection 2, and section 17A.5, subsection 2, paragraph "b", to implement the provisions and the rules shall become effective immediately upon filing or on a later effective date specified in the rules, unless the effective date is delayed by the administrative rules review committee. Any rules adopted in accordance with this section shall not take effect before the rules are reviewed by the administrative rules review committee. The delay authority provided to the administrative rules review committee under section 17A.4, subsection 5, and section 17A.8, subsection 9, shall be applicable to a delay imposed under this section, notwithstanding a provision in those sections making them inapplicable to section 17A.5, subsection 2, paragraph "b". Any rules adopted in accordance with the provisions of this section shall also be published as notice of intended action as provided in section 17A.4.

Sec. 147. REPORTS.

1. Any reports or information required to be compiled and submitted under this division of this Act shall be submitted to the chairpersons and ranking members of the joint appropriations subcommittee on human services, the legislative fiscal bureau, the legislative service bureau, and to the legislative caucus staffs on or before the dates specified for submission of the reports or information.

2. In order to reduce mailing and paper processing costs, the department shall provide, to the extent feasible, reports, notices, minutes, and other documents by electronic means to those persons who have the capacity to access the documents in that manner.

Sec. 148. LAW INAPPLICABLE FOR FISCAL YEAR 2002-2003.

1. The following provisions in Code or rule shall be suspended for the period beginning July 1, 2002, and ending June 30, 2003:

a. The requirements of section 239B.2A, relating to school attendance by children participating in the family investment program.

b. For a case permanency plan, as defined in section 232.2, the requirement for a six-month case permanency plan review for an intact family. In addition, the department of human services may implement a shortened case permanency plan format tailored to meet compliance issues.

c. The requirements of section 225C.42, relating to an annual evaluation of the family support subsidy program.

2. The department may adopt emergency rules to implement the provisions of this section.

Sec. 149. MEDICAL ASSISTANCE PROGRAM — REPAYMENT OF SENIOR LIVING TRUST FUND FOR FY 2001-2002. If moneys appropriated for the medical assistance program for the fiscal year beginning July 1, 2001, and ending June 30, 2002, from the general fund of

the state, the tobacco settlement trust fund, the healthy Iowans tobacco trust fund, the senior living trust fund, and the hospital trust fund are in excess of actual expenditures for the medical assistance program and remain available at the close of the fiscal year, the excess moneys in an amount not to exceed the amount appropriated from the senior living trust fund for the medical assistance program for the fiscal year beginning July 1, 2001, which have not otherwise been repaid, shall be transferred to the senior living trust fund created in section 249H.4.

Sec. 150. MEDICAL ASSISTANCE PROGRAM — REPAYMENT OF SENIOR LIVING TRUST FUND FOR FY 2002-2003. If moneys appropriated for the medical assistance program for the fiscal year beginning July 1, 2002, and ending June 30, 2003, from the general fund of the state, the tobacco settlement trust fund, the healthy Iowans tobacco trust fund, the senior living trust fund, and the hospital trust fund are in excess of actual expenditures for the medical assistance program and remain available at the close of the fiscal year, the excess moneys, not to exceed the amount appropriated from the senior living trust fund for the medical assistance program for the fiscal years beginning July 1, 2001, and July 1, 2002, which have not otherwise been repaid, shall be transferred to the senior living trust fund created in section 249H.4.

Sec. 151. EFFECTIVE DATES.

1. Except as otherwise provided in subsection 2, this division of this Act takes effect July 1, 2002.

2. The following provisions of this division of this Act, being deemed of immediate importance, take effect upon enactment:

a. The provision under the appropriation for child and family services, relating to requirements of section 232.143 for representatives of the department of human services and juvenile court services to establish a plan for continuing group foster care expenditures for the 2002-2003 fiscal year.

b. The provision under the appropriation for child and family services, relating to the state court administrator determining allocation of court-ordered services funding by June 15, 2002.

c. The provision relating to the evaluation of documentation for targeted case management services for children in fiscal year 2001-2002.

d. The provision relating to obtaining additional federal financial participation for fiscal year 2001-2002 and fiscal year 2002-2003.

e. The provision relating to repayment of the senior living trust fund for fiscal year 2001-2002.

f. The provision enacting new section 249A.20A relating to dual certification of nursing facilities.

DIVISION VII
JUSTICE SYSTEM

Sec. 152. DEPARTMENT OF JUSTICE. There is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the general office of attorney general for salaries, support, maintenance, miscellaneous purposes including prosecuting attorney training program, victim assistance grants, office of drug control policy (ODCP) prosecuting attorney program, legal services for persons in poverty grants as provided in section 13.34, odometer fraud enforcement, and for not more than the following full-time equivalent positions:

.....	\$	7,340,260
.....	FTEs	210.48

2. In addition to the funds appropriated in subsection 1, there is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 2002, and

* Item veto; see message at end of the Act

ending June 30, 2003, an amount not exceeding \$200,000 to be used for the enforcement of the Iowa competition law. The funds appropriated in this subsection are contingent upon receipt by the general fund of the state of an amount at least equal to the expenditure amount from either damages awarded to the state or a political subdivision of the state by a civil judgment under chapter 553, if the judgment authorizes the use of the award for enforcement purposes or costs or attorneys fees awarded the state in state or federal antitrust actions. However, if the amounts received as a result of these judgments are in excess of \$200,000, the excess amounts shall not be appropriated to the department of justice pursuant to this subsection.

3. In addition to the funds appropriated in subsection 1, there is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 2002, and ending June 30, 2003, an amount not exceeding \$1,125,000 to be used for public education relating to consumer fraud and for enforcement of section 714.16, and an amount not exceeding \$75,000 for investigation, prosecution, and consumer education relating to consumer and criminal fraud against older Iowans. The funds appropriated in this subsection are contingent upon receipt by the general fund of the state of an amount at least equal to the expenditure amount from damages awarded to the state or a political subdivision of the state by a civil consumer fraud judgment or settlement, if the judgment or settlement authorizes the use of the award for public education on consumer fraud. However, if the funds received as a result of these judgments and settlements are in excess of \$1,200,000, the excess funds shall not be appropriated to the department of justice pursuant to this subsection.

4. a. The funds used for victim assistance grants shall be used to provide grants to care providers providing services to crime victims of domestic abuse or to crime victims of rape and sexual assault.

b. The balance of the victim compensation fund established in section 915.94 may be used to provide salary and support of not more than 22.0 FTEs and to provide maintenance for the victim compensation functions of the department of justice.

5. The department of justice shall submit monthly financial statements to the legislative fiscal bureau and the department of management containing all appropriated accounts in the same manner as provided in the monthly financial status reports and personal services usage reports of the department of revenue and finance. The monthly financial statements shall include comparisons of the moneys and percentage spent of budgeted to actual revenues and expenditures on a cumulative basis for full-time equivalent positions and available moneys.

6. a. The department of justice, in submitting budget estimates for the fiscal year commencing July 1, 2003, pursuant to section 8.23, shall include a report of funding from sources other than amounts appropriated directly from the general fund of the state to the department of justice or to the office of consumer advocate. These funding sources shall include, but are not limited to, reimbursements from other state agencies, commissions, boards, or similar entities, and reimbursements from special funds or internal accounts within the department of justice. The department of justice shall report actual reimbursements for the fiscal year commencing July 1, 2001, and actual and expected reimbursements for the fiscal year commencing July 1, 2002.

b. The department of justice shall include the report required under paragraph "a", as well as information regarding any revisions occurring as a result of reimbursements actually received or expected at a later date, in a report to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system and the legislative fiscal bureau. The department of justice shall submit the report on or before January 15, 2003.

7. As a condition for accepting a grant for legal services for persons in poverty funded pursuant to section 13.34, an organization receiving a grant shall submit a report to the general assembly by January 1, 2003, concerning the use of any grants received during the previous fiscal year and efforts made by the organization to find alternative sources of revenue to replace any reductions in federal funding for the organization.

Sec. 153. DEPARTMENT OF JUSTICE — ENVIRONMENTAL CRIMES INVESTIGATION AND PROSECUTION — FUNDING. There is appropriated from the environmental crime

fund of the department of justice, consisting of court-ordered fines and penalties awarded to the department arising out of the prosecution of environmental crimes, to the department of justice for the fiscal year beginning July 1, 2002, and ending June 30, 2003, an amount not exceeding \$20,000 to be used by the department, at the discretion of the attorney general, for the investigation and prosecution of environmental crimes, including the reimbursement of expenses incurred by county, municipal, and other local governmental agencies cooperating with the department in the investigation and prosecution of environmental crimes.

The funds appropriated in this section are contingent upon receipt by the environmental crime fund of the department of justice of an amount at least equal to the appropriations made in this section and received from contributions, court-ordered restitution as part of judgments in criminal cases, and consent decrees entered into as part of civil or regulatory enforcement actions. However, if the funds received during the fiscal year are in excess of \$20,000, the excess funds shall be deposited in the general fund of the state.

Notwithstanding section 8.33, moneys appropriated in this section that remain unexpended or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purpose designated until the close of the succeeding fiscal year.

Sec. 154. OFFICE OF CONSUMER ADVOCATE. There is appropriated from the general fund of the state to the office of consumer advocate of the department of justice for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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

.....	\$	2,443,903
.....	FTEs	33.00

Sec. 155. DEPARTMENT OF CORRECTIONS — FACILITIES. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the operation of adult correctional institutions, reimbursement of counties for certain confinement costs, and federal prison reimbursement, to be allocated as follows:

a. For the operation of the Fort Madison correctional facility, including salaries, support, maintenance, employment of correctional officers, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	32,168,605
.....	FTEs	543.69

It is the intent of the general assembly to operate a special needs unit at the Fort Madison correctional facility at a capacity of 200 beds when funding constraints are eliminated.

b. For the operation of the Anamosa correctional facility, including salaries, support, maintenance, employment of correctional officers and a part-time chaplain to provide religious counseling to inmates of a minority race, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	23,786,629
.....	FTEs	379.75

Moneys are provided within this appropriation for one full-time substance abuse counselor for the Luster Heights facility, for the purpose of certification of a substance abuse program at that facility.

c. For the operation of the Oakdale correctional facility, including salaries, support, maintenance, employment of correctional officers, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	21,497,363
.....	FTEs	328.50

d. For the operation of the Newton correctional facility, including salaries, support, maintenance, employment of correctional officers, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	22,538,275
.....	FTEs	371.25

e. For the operation of the Mt. Pleasant correctional facility, including salaries, support, maintenance, employment of correctional officers and a full-time chaplain to provide religious counseling at the Oakdale and Mt. Pleasant correctional facilities, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	21,161,133
.....	FTEs	330.56

f. For the operation of the Rockwell City correctional facility, including salaries, support, maintenance, employment of correctional officers, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	7,268,049
.....	FTEs	110.00

g. For the operation of the Clarinda correctional facility, including salaries, support, maintenance, employment of correctional officers, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	18,326,306
.....	FTEs	291.76

Moneys received by the department of corrections as reimbursement for services provided to the Clarinda youth corporation are appropriated to the department and shall be used for the purpose of operating the Clarinda correctional facility.

h. For the operation of the Mitchellville correctional facility, including salaries, support, maintenance, employment of correctional officers, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	12,024,416
.....	FTEs	215.50

i. For the operation of the Fort Dodge correctional facility, including salaries, support, maintenance, employment of correctional officers, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	24,379,674
.....	FTEs	395.00

j. For reimbursement of counties for temporary confinement of work release and parole violators, as provided in sections 901.7, 904.908, and 906.17 and for offenders confined pursuant to section 904.513:

.....	\$	674,954
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k. For federal prison reimbursement, reimbursements for out-of-state placements, and miscellaneous contracts:

.....	\$	241,293
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The department of corrections shall use funds appropriated in this subsection to continue to contract for the services of a Muslim imam.

2. a. If the inmate tort claim fund for inmate claims of less than \$100 is exhausted during the fiscal year, sufficient funds shall be transferred from the institutional budgets to pay approved tort claims for the balance of the fiscal year. The warden or superintendent of each institution or correctional facility shall designate an employee to receive, investigate, and recommend whether to pay any properly filed inmate tort claim for less than the above amount. The designee's recommendation shall be approved or denied by the warden or superintendent and forwarded to the department of corrections for final approval and payment. The amounts appropriated to this fund pursuant to 1987 Iowa Acts, chapter 234, section 304, subsection 2, are not subject to reversion under section 8.33.

b. Tort claims denied at the institution shall be forwarded to the state appeal board for their consideration as if originally filed with that body. This procedure shall be used in lieu of chapter 669 for inmate tort claims of less than \$100.

3. It is the intent of the general assembly that the department of corrections shall timely fill correctional positions authorized for correctional facilities pursuant to this section.

Sec. 156. DEPARTMENT OF CORRECTIONS — ADMINISTRATION. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For general administration, including salaries, support, maintenance, employment of an education director and clerk to administer a centralized education program for the correctional system, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	2,666,224
.....	FTEs	42.18

Notwithstanding section 904.108, for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the correctional training center need not be maintained at the Mount Pleasant correctional facility.

a. The department shall monitor the use of the classification model by the judicial district departments of correctional services and has the authority to override a district department's decision regarding classification of community-based clients. The department shall notify a district department of the reasons for the override.

b. It is the intent of the general assembly that as a condition of receiving the appropriation provided in this subsection, the department of corrections shall not, except as otherwise provided in paragraph "c", enter into a new contract, unless the contract is a renewal of an existing contract, for the expenditure of moneys in excess of \$100,000 during the fiscal year beginning July 1, 2002, for the privatization of services performed by the department using state employees as of July 1, 2002, or for the privatization of new services by the department, without prior consultation with any applicable state employee organization affected by the proposed new contract and prior notification of the cochairpersons and ranking members of the joint appropriations subcommittee on the justice system.

c. It is the intent of the general assembly that each lease negotiated by the department of corrections with a private corporation for the purpose of providing private industry employment of inmates in a correctional institution shall prohibit the private corporation from utilizing inmate labor for partisan political purposes for any person seeking election to public office in this state and that a violation of this requirement shall result in a termination of the lease agreement.

d. It is the intent of the general assembly that as a condition of receiving the appropriation provided in this subsection, the department of corrections shall not enter into a lease or contractual agreement pursuant to section 904.809 with a private corporation for the use of building space for the purpose of providing inmate employment without providing that the terms of the lease or contract establish safeguards to restrict, to the greatest extent feasible, access by inmates working for the private corporation to personal identifying information of citizens.

e. It is the intent of the general assembly that as a condition of receiving the appropriation provided in this subsection, the department of corrections shall not enter into any new agreement with a private for-profit agency or corporation for the purpose of transferring inmates under the custody of the department to a jail or correctional facility or institution in this state which is established, maintained, or operated by a private for-profit agency or corporation without prior approval by the general assembly.

2. For educational programs for inmates at state penal institutions:

.....	\$	100,000
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It is the intent of the general assembly that moneys appropriated in this subsection shall be used solely for the purpose indicated and that the moneys shall not be transferred for any other purpose. In addition, it is the intent of the general assembly that the department shall consult with the community colleges in the areas in which the institutions are located to utilize moneys appropriated in this subsection to fund the high school completion, high school equivalency

diploma, adult literacy, and adult basic education programs in a manner so as to maintain these programs at the institutions.

To maximize the funding for educational programs, the department shall establish guidelines and procedures to prioritize the availability of educational and vocational training for inmates based upon the goal of facilitating an inmate's successful release from the correctional institution.

The director of the department of corrections may transfer moneys from Iowa prison industries for use in educational programs for inmates.

Notwithstanding section 8.33, moneys appropriated in this subsection that remain unobligated or unexpended at the close of the fiscal year shall not revert but shall remain available for expenditure only for the purpose designated in this subsection until the close of the succeeding fiscal year.

3. For the development of the Iowa corrections offender network (ICON) data system:

..... \$ 427,700

4. The department of corrections shall submit a report to the cochairpersons and ranking members of the joint appropriations subcommittee on the justice system and the legislative fiscal bureau, on or before January 15, 2003, concerning the development and implementation of the Iowa corrections offender network (ICON) data system. The report shall include a description of the system and functions, a plan for implementation of the system, including a timeline, resource and staffing requirements for the system, and a current status and progress report concerning the implementation of the system. In addition, the report shall specifically address the ability of the system to receive and transmit data between prisons, community-based corrections district departments, the judicial branch, board of parole, the criminal and juvenile justice planning division of the department of human rights, the department of public safety, and other applicable governmental agencies. The report should include a detailed discussion of the cooperation with other state agencies and the judicial branch in the development and implementation of the system.

5. It is the intent of the general assembly that the department of corrections shall continue to operate the correctional farms under the control of the department at the same or greater level of participation and involvement as existed as of January 1, 2002, shall not enter into any rental agreement or contract concerning any farmland under the control of the department that is not subject to a rental agreement or contract as of January 1, 2002, without prior legislative approval, and shall further attempt to provide job opportunities at the farms for inmates. The department shall attempt to provide job opportunities at the farms for inmates by encouraging labor-intensive farming or gardening where appropriate, using inmates to grow produce and meat for institutional consumption, researching the possibility of instituting food canning and cook-and-chill operations, and exploring opportunities for organic farming and gardening, livestock ventures, horticulture, and specialized crops.

6. The department of corrections shall submit a report to the general assembly by January 1, 2003, concerning moneys recouped from inmate earnings for the reimbursement of operational expenses of the applicable facility during the fiscal year beginning July 1, 2001, for each correctional institution and judicial district department of correctional services. In addition, each correctional institution and judicial district department of correctional services shall continue to submit a report to the legislative fiscal bureau on a monthly basis concerning moneys recouped from inmate earnings pursuant to sections 904.702, 904.809, and 905.14.

Sec. 157. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL SERVICES.

1. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amounts, or so much thereof as is necessary, to be allocated as follows:

a. For the first judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, the following amount, or so much thereof as is necessary:

..... \$ 8,953,795

b. For the second judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, the following amount, or so much thereof as is necessary:

..... \$ 6,992,061

c. For the third judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, the following amount, or so much thereof as is necessary:

..... \$ 4,073,638

d. For the fourth judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, the following amount, or so much thereof as is necessary:

..... \$ 3,854,236

e. For the fifth judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, the following amount, or so much thereof as is necessary:

..... \$ 11,702,787

f. For the sixth judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, the following amount, or so much thereof as is necessary:

..... \$ 8,965,564

g. For the seventh judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, the following amount, or so much thereof as is necessary:

..... \$ 5,125,593

h. For the eighth judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, the following amount, or so much thereof as is necessary:

..... \$ 5,097,521

2. Each judicial district department of correctional services shall continue programs and plans established within that district to provide for intensive supervision, sex offender treatment, diversion of low-risk offenders to the least restrictive sanction available, job development, and expanded use of intermediate criminal sanctions.

3. The department of corrections shall continue to contract with a judicial district department of correctional services to provide for the rental of electronic monitoring equipment which shall be available statewide.

4. Each judicial district department of correctional services and the department of corrections shall continue the treatment alternatives to street crime programs established in 1989 Iowa Acts, chapter 225, section 9.

5. The governor's office of drug control policy shall consider federal grants made to the department of corrections for the benefit of each of the eight judicial district departments of correctional services as local government grants, as defined pursuant to federal regulations.

6. The department of corrections and the eight judicial district departments of correctional services shall submit a combined comprehensive report on the violator program and the violator aftercare program to the cochairpersons and ranking members of the joint appropriations subcommittee on the justice system and to the legislative fiscal bureau by December 1, 2002.

7. In addition to the requirements of section 8.39, the department of corrections shall not make an intradepartmental transfer of moneys appropriated to the department, unless notice

of the intradepartmental transfer is given prior to its effective date to the legislative fiscal bureau. The notice shall include information on the department's rationale for making the transfer and details concerning the work load and performance measures upon which the transfers are based.

8. The department of corrections and the eight judicial district departments of correctional services shall submit a combined comprehensive report on the use of intermediate criminal sanctions program pursuant to chapter 901B to the cochairpersons and ranking members of the joint appropriations subcommittee on the justice system, and to the legislative fiscal bureau by January 15, 2003. The report shall include a description of the program at each intermediate sanction level or sublevel of the corrections continuum within each district plan, and the number of offenders placed at each intermediate sanction level or sublevel in each district for the previous fiscal year, and the current fiscal year as of March 1. The report shall also include the personal characteristics of each offender, including the offender's race, gender, and age, and the offender's placement on the corrections continuum. The number of FTEs working in positions related to the corrections continuum shall also be included in the report.

9. The department of corrections in cooperation with the second, third, fourth, and fifth judicial district departments of correctional services, shall implement procedures to provide continuing evaluation of the drug courts. The evaluation shall include a description of the two models currently being used by the judicial districts, a description of the program, criteria for admission, program capacity, number of offenders in the program by offense class, program expenditures, and quantitative outcome measures including successful completion and recidivism rates.

Sec. 158. CORRECTIONAL INSTITUTIONS — VOCATIONAL TRAINING.

1. The state prison industries board and the department of corrections shall continue the implementation of a plan to enhance vocational training opportunities within the correctional institutions listed in section 904.102, as provided in 1993 Iowa Acts, chapter 171, section 12. The plan shall provide for increased vocational training opportunities within the correctional institutions, including the possibility of approving community college credit for inmates working in prison industries. The department of corrections shall provide a report concerning the implementation of the plan to the cochairpersons and ranking members of the joint appropriations subcommittee on the justice system and the legislative fiscal bureau, on or before January 15, 2003.

2. It is the intent of the general assembly that each correctional facility make all reasonable efforts to maintain vocational education programs for inmates and to identify available funding sources to continue these programs. The department of corrections shall submit a report to the general assembly by January 1, 2003, concerning the efforts made by each correctional facility in maintaining vocational education programs for inmates.

3. The department of corrections shall submit a report on inmate labor to the general assembly, the cochairpersons, and the ranking members of the joint appropriations subcommittee on the justice system, and to the legislative fiscal bureau by January 15, 2003. The report shall specifically address the progress the department has made in implementing the requirements of section 904.701, inmate labor on capital improvement projects, community work crews, and private-sector employment.

4. Each month the department shall provide a status report regarding private-sector employment to the legislative fiscal bureau beginning on July 1, 2002. The report shall include the number of offenders employed in the private sector, the combined number of hours worked by the offenders, and the total amount of allowances, and the distribution of allowances pursuant to section 904.702, including any moneys deposited in the general fund of the state.

Sec. 159. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.

1. As used in this section, unless the context otherwise requires, "state agency" means the government of the state of Iowa, including but not limited to all executive branch departments,

agencies, boards, bureaus, and commissions, the judicial branch, the general assembly and all legislative agencies, institutions within the purview of the state board of regents, and any corporation whose primary function is to act as an instrumentality of the state.

2. State agencies are hereby encouraged to purchase products from Iowa state industries, as defined in section 904.802, when purchases are required and the products are available from Iowa state industries.

3. State agencies shall submit to the legislative fiscal bureau by January 15, 2003, a report of the dollar value of products and services purchased from Iowa state industries by the state agency during the fiscal year beginning July 1, 2001, and ending June 30, 2002.

Sec. 160. STATE PUBLIC DEFENDER. There is appropriated from the general fund of the state to the office of the state public defender of the department of inspections and appeals for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, or so much thereof as is necessary, for the purposes designated:

..... \$ 33,908,325

The funds appropriated and full-time equivalent positions authorized in this section are allocated as follows:

1. For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 15,770,739
 FTEs 202.00

2. For the fees of court-appointed attorneys for indigent adults and juveniles, in accordance with section 232.141 and chapter 815:

..... \$ 18,137,586

Sec. 161. IOWA LAW ENFORCEMENT ACADEMY. There is appropriated from the general fund of the state to the Iowa law enforcement academy for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

1. For salaries, support, maintenance, miscellaneous purposes, including jailer training and technical assistance, and for not more than the following full-time equivalent positions:

..... \$ 1,000,000
 FTEs 29.05

It is the intent of the general assembly that the Iowa law enforcement academy may provide training of state and local law enforcement personnel concerning the recognition of and response to persons with Alzheimer's disease.

2. The Iowa law enforcement academy may select at least five automobiles of the department of public safety, division of the Iowa state patrol, prior to turning over the automobiles to the state fleet administrator to be disposed of by public auction and the Iowa law enforcement academy may exchange any automobile owned by the academy for each automobile selected if the selected automobile is used in training law enforcement officers at the academy. However, any automobile exchanged by the academy shall be substituted for the selected vehicle of the department of public safety and sold by public auction with the receipts being deposited in the depreciation fund to the credit of the department of public safety, division of the Iowa state patrol.

Sec. 162. BOARD OF PAROLE. There is appropriated from the general fund of the state to the board of parole for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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

..... \$ 986,636
 FTEs 16.00

Sec. 163. DEPARTMENT OF PUBLIC DEFENSE. There is appropriated from the general fund of the state to the department of public defense for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. MILITARY DIVISION

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

.....	\$	5,115,428
.....	FTEs	285.89

If there is a surplus in the general fund of the state for the fiscal year ending June 30, 2003, within 60 days after the close of the fiscal year, the military division may incur up to an additional \$500,000 in expenditures from the surplus prior to transfer of the surplus pursuant to section 8.57.

2. EMERGENCY MANAGEMENT DIVISION

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

.....	\$	1,077,354
.....	FTEs	25.25

Sec. 164. IOWA COMMUNICATIONS NETWORK OPERATIONS.

1. There is appropriated from the general fund of the state to the Iowa telecommunications and technology commission for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, or so much thereof as is necessary, to be used for the purposes designated in this subsection:

For operations of the network consistent with chapter 8D and for the following full-time equivalent positions:

.....	\$	1,027,503
.....	FTEs	105.00

2. Notwithstanding section 8.33 or 8.39, moneys appropriated in this section which remain unobligated or unexpended at the close of the fiscal year shall not revert but shall remain available for the purposes designated in the succeeding fiscal year, and shall not be transferred to any other program.

3. It is the intent of the general assembly that the Iowa telecommunications and technology commission annually review the hourly rates established, as provided in section 8D.3, subsection 3, paragraph "i". Such rates shall be established in a manner to minimize any subsidy provided through state general fund appropriations.

Sec. 165. DEPARTMENT OF PUBLIC SAFETY. There is appropriated from the general fund of the state to the department of public safety for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the department's administrative functions, including the criminal justice information system, and for not more than the following full-time equivalent positions:

.....	\$	2,379,176
.....	FTEs	38.50

2. For the division of criminal investigation and bureau of identification including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of 17 percent of the salaries for which the funds are appropriated, to meet federal fund matching requirements, and for not more than the following full-time equivalent positions:

.....	\$	12,050,565
.....	FTEs	231.50

*Riverboat enforcement costs shall be billed in accordance with section 99F.10, subsection 4, and section 99F.10A. The costs shall be not more than the department's estimated expendi-

* Item veto; see message at end of the Act

tures, including salary adjustment, for riverboat enforcement for the fiscal year. The costs billed to the riverboats shall not be more than \$1,280,000 in excess of the amount billed to the riverboats in the fiscal year beginning July 1, 2001. Racetrack enforcement costs shall be billed in accordance with section 99D.14, subsection 7, and section 99D.14A. The costs shall be not more than the department's estimated expenditures, including salary adjustment, for race-track enforcement for the fiscal year. The costs billed to the racetracks shall not be more than \$420,000 in excess of the amount billed to the racetracks in the fiscal year beginning July 1, 2001.*

The department of public safety, with the approval of the department of management, may employ no more than two special agents and four gaming enforcement officers for each additional riverboat regulated after July 1, 2002, and one special agent for each racing facility which becomes operational during the fiscal year which begins July 1, 2002. One additional gaming enforcement officer, up to a total of four per boat, may be employed for each riverboat that has extended operations to 24 hours and has not previously operated with a 24-hour schedule. Positions authorized in this paragraph are in addition to the full-time equivalent positions otherwise authorized in this subsection.

3. a. For the division of narcotics enforcement, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of 17 percent of the salaries for which the funds are appropriated, to meet federal fund matching requirements, and for not more than the following full-time equivalent positions:

.....	\$	3,392,889
.....	FTEs	58.00

b. For the division of narcotics enforcement for undercover purchases:

.....	\$	123,343
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4. a. For the state fire marshal's office, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of 17 percent of the salaries for which the funds are appropriated, and for not more than the following full-time equivalent positions:

.....	\$	1,777,630
.....	FTEs	38.80

b. For the state fire marshal's office, for fire protection services as provided through the state fire service and emergency response council as created in the department, and for not more than the following full-time equivalent positions:

.....	\$	572,150
.....	FTEs	12.00

5. a. For the division of the Iowa state patrol of the department of public safety, for salaries, support, maintenance, workers' compensation costs, and miscellaneous purposes, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of 17 percent of the salaries for which the funds are appropriated, and for not more than the following full-time equivalent positions:

.....	\$	37,019,624
.....	FTEs	545.00

b. District 16, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of 17 percent of the salaries for which the funds are appropriated and for not more than the following full-time equivalent positions:

.....	\$	1,240,381
.....	FTEs	26.00

6. For deposit in the public safety law enforcement sick leave benefits fund established under section 80.42, for all departmental employees eligible to receive benefits for accrued sick leave under the collective bargaining agreement:

.....	\$	272,421
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7. An employee of the department of public safety who retires after July 1, 2002, but prior

* Item veto; see message at end of the Act

to June 30, 2003, is eligible for payment of life or health insurance premiums as provided for in the collective bargaining agreement covering the public safety bargaining unit at the time of retirement if that employee previously served in a position which would have been covered by the agreement. The employee shall be given credit for the service in that prior position as though it were covered by that agreement. The provisions of this subsection shall not operate to reduce any retirement benefits an employee may have earned under other collective bargaining agreements or retirement programs.

8. For costs associated with the training and equipment needs of volunteer fire fighters and for not more than the following full-time equivalent position:

.....	\$	544,826
.....	FTEs	1.00

Notwithstanding section 8.33, moneys appropriated in this subsection that remain unobligated or unexpended at the close of the fiscal year shall not revert but shall remain available for expenditure only for the purpose designated in this subsection until the close of the succeeding fiscal year.

Sec. 166. POSTING OF REPORTS IN ELECTRONIC FORMAT — LEGISLATIVE FISCAL BUREAU. All reports or copies of reports required to be provided to the legislative fiscal bureau in this division for the fiscal year beginning July 1, 2002, shall be provided in an electronic format. The legislative fiscal bureau shall post the reports on its internet site and shall notify by electronic means all the members of the joint appropriations subcommittee on the justice system when a report is posted. Upon request, copies of the reports may be mailed to members of the joint appropriations subcommittee on the justice system.

Sec. 167. NEW SECTION. 99D.14A PAYMENT OF THE DIVISION OF CRIMINAL INVESTIGATION COSTS.

A licensee shall pay a fee in an amount representing twenty percent of the salary costs of the division of criminal investigation of the department of public safety plus any amount over thirty thousand dollars in direct and indirect support costs, in addition to that assessed under section 99D.14, subsection 7, for enforcement of this chapter. The fees assessed in this section shall be deposited in the general fund of the state.

Sec. 168. Section 99F.4A, subsection 8, Code 2001, is amended to read as follows:

8. A licensee shall pay a fee in an amount representing eighty one hundred percent of the salary and other related costs of the division of criminal investigation of the department of public safety for enforcement of this chapter.

Sec. 169. NEW SECTION. 99F.10A PAYMENT OF THE DIVISION OF CRIMINAL INVESTIGATION COSTS.

A licensee shall pay twenty percent of the division's salary costs for special agents and twenty percent of the division's salary costs for gaming enforcement plus any amount over one hundred twenty-five thousand dollars in direct and indirect support costs, in addition to that assessed under section 99F.10, subsection 4. The costs assessed in this section shall be deposited in the general fund of the state.

Sec. 170. 1998 Iowa Acts, chapter 1101, section 15, subsection 2, as amended by 1999 Iowa Acts, chapter 202, section 25, as amended by 2000 Iowa Acts, chapter 1229, section 25, and as amended by 2001 Iowa Acts, chapter 186, section 21, is amended to read as follows:

2. a. There is appropriated from surcharge moneys received by the E911 administrator and deposited into the wireless E911 emergency communications fund, for each fiscal year in the fiscal period beginning July 1, 1998, and ending June 30, ~~2002~~ 2003, an amount not to exceed two hundred thousand dollars to be used for the implementation, support, and maintenance of the functions of the E911 administrator. The amount appropriated in this paragraph includes any amounts necessary to reimburse the division of emergency management of the department of public defense pursuant to paragraph "b".

b. Notwithstanding the distribution formula in section 34A.7A, as enacted in this Act, and prior to any such distribution, of the initial surcharge moneys received by the E911 administrator and deposited into the wireless E911 emergency communications fund, for each fiscal year in the fiscal period beginning July 1, 1998, and ending June 30, ~~2002~~ 2003, an amount is appropriated to the division of emergency management of the department of public defense as necessary to reimburse the division for amounts expended for the implementation, support, and maintenance of the E911 administrator, including the E911 administrator's salary.

Sec. 171. 2001 Iowa Acts, chapter 186, section 6, subsection 6, is amended by striking the subsection.

Sec. 172. EFFECTIVE DATES.

1. Except as otherwise provided by this section, this division of this Act takes effect July 1, 2002.
2. The section of this division of this Act striking 2001 Iowa Acts, chapter 186, section 6, subsection 6, being deemed of immediate importance, takes effect upon enactment.
3. The section of this Act amending 1998 Iowa Acts, chapter 1101, section 15, as amended, being deemed of immediate importance, takes effect upon enactment.

DIVISION VIII
JUDICIAL BRANCH

Sec. 173. JUDICIAL BRANCH. There is appropriated from the general fund of the state to the judicial branch for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries of supreme court justices, appellate court judges, district court judges, district associate judges, judicial magistrates and staff, state court administrator, clerk of the supreme court, district court administrators, clerks of the district court, juvenile court officers, board of law examiners and board of examiners of shorthand reporters and judicial qualifications commission, receipt and disbursement of child support payments, reimbursement of the auditor of state for expenses incurred in completing audits of the offices of the clerks of the district court during the fiscal year beginning July 1, 2002, and maintenance, equipment, and miscellaneous purposes:

..... \$ 111,356,002

1. The judicial branch, except for purposes of internal processing, shall use the current state budget system, the state payroll system, and the Iowa finance and accounting system in administration of programs and payments for services, and shall not duplicate the state payroll, accounting, and budgeting systems.
2. The judicial branch shall submit monthly financial statements to the legislative fiscal bureau and the department of management containing all appropriated accounts in the same manner as provided in the monthly financial status reports and personal services usage reports of the department of revenue and finance. The monthly financial statements shall include a comparison of the dollars and percentage spent of budgeted versus actual revenues and expenditures on a cumulative basis for full-time equivalent positions and dollars.
3. The judicial branch shall continue to assist in the development and implementation of a justice data warehouse which shall include in the Iowa court information system, starting with appointments of counsel made on or after July 1, 1999, the means to identify any case where the court has determined indigence, and whether the case is handled by a public defender or other court-appointed counsel.
4. Of the funds appropriated in this section, not more than \$1,897,728 may be transferred into the revolving fund established pursuant to section 602.1302, subsection 3, to be used for the payment of jury and witness fees and mileage.
5. The judicial branch shall focus efforts upon the collection of delinquent fines, penalties, court costs, fees, surcharges, or similar amounts.

6. It is the intent of the general assembly that the offices of the clerks of the district court operate in all ninety-nine counties and be accessible to the public as much as is reasonably possible in order to address the relative needs of the citizens of each county.

7. In addition to the requirements for transfers under section 8.39, the judicial branch shall not change the appropriations from the amounts appropriated to the branch in this Act, unless notice of the revisions is given prior to their effective date to the legislative fiscal bureau. The notice shall include information on the branch's rationale for making the changes and details concerning the work load and performance measures upon which the changes are based.

8. The judicial branch shall provide to the legislative fiscal bureau by January 15, 2003, an annual report concerning the operation and use of the Iowa court information system and any recommendations to improve the utilization of the system. The annual report shall include information specifying the amounts of fines, surcharges, and court costs collected using the system and how the system is used to improve the collection process. In addition, the judicial branch shall submit a semiannual update to the legislative fiscal bureau specifying the amounts of fines, surcharges, and court costs collected using the Iowa court information system since the last report. The judicial branch shall continue to facilitate the sharing of vital sentencing and other information with other state departments and governmental agencies involved in the criminal justice system through the Iowa court information system.

9. The judicial branch shall provide a report to the general assembly by January 1, 2003, concerning the amounts received and expended from the enhanced court collections fund created in section 602.1304 and the court technology and modernization fund created in section 602.8108, subsection 5, during the fiscal year beginning July 1, 2001, and ending June 30, 2002, and the plans for expenditures from each fund during the fiscal year beginning July 1, 2002, and ending June 30, 2003. A copy of the report shall be provided to the legislative fiscal bureau.

10. The judicial branch shall continue to provide criminal justice data to the department of corrections for use by the Iowa corrections offender network (ICON) data system.

Sec. 174. JUDICIAL RETIREMENT FUND. There is appropriated from the general fund of the state to the judicial retirement fund for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

Notwithstanding section 602.9104, for the state's contribution to the judicial retirement fund in the amount of 9.9 percent of the basic salaries of the judges covered under chapter 602, article 9:

..... \$ 2,039,664

Sec. 175. POSTING OF REPORTS IN ELECTRONIC FORMAT — LEGISLATIVE FISCAL BUREAU. All reports or copies of reports required to be provided by the judicial branch for fiscal year 2002-2003 to the legislative fiscal bureau shall be provided in an electronic format. The legislative fiscal bureau shall post the reports on its internet site and shall notify by electronic means all the members of the joint appropriations subcommittee on the justice system when a report is posted. Upon request, copies of the reports may be mailed to members of the joint appropriations subcommittee on the justice system.

Sec. 176. CLERK OF COURT — STUDY COMMITTEE. The supreme court shall establish a study committee for the purpose of providing findings and recommendations to the court in order for the court to submit a report to the general assembly by December 15, 2002, regarding the efficient operation and management of the clerks of courts offices in every county of the state. The study committee shall include representatives of key court stakeholder groups including but not limited to, members of the general public, legislators, county and city officials, court employees, clerks of court, judges, and attorneys representing both urban and rural areas of the state. The court shall include interested associations and public agencies who request the opportunity to have input into the work of the study committee. The committee shall issue a report to the court which includes the committee's findings and recommendations of

how to improve the operation and management of clerk of court offices under the present statutory framework of one clerk of court office per county. The supreme court shall submit its report to the general assembly after consideration of the study committee's findings and recommendations.

Sec. 177. APPOINTMENT OF CLERK OF COURT. Up until such time the supreme court submits its clerk of court study committee report to the general assembly and notwithstanding section 602.1215, the appointment of a clerk of the district court shall not occur unless the state court administrator approves the appointment.

Sec. 178. EFFECTIVE DATE. This division of this Act takes effect July 1, 2002.

DIVISION IX
STANDING APPROPRIATIONS — REDUCTIONS

Sec. 179. 2002 Iowa Acts, Senate File 2326,²⁴ section 168, is amended to read as follows:

SEC. 168. GENERAL ASSEMBLY. The appropriations made pursuant to section 2.12 for the expenses of the general assembly and legislative agencies for the fiscal year beginning July 1, 2002, and ending June 30, 2003, are reduced by the following amount:

.....	\$	744,947
		<u>1,828,845</u>

Sec. 180. 2002 Iowa Acts, Senate File 2326,²⁵ section 169, is amended to read as follows:

SEC. 169. STATE APPEAL BOARD CLAIMS. Notwithstanding the standing appropriations in section 25.2, subsection 3, the amount appropriated from the general fund of the state under section 25.2, subsection 3, to the state appeal board to pay claims against the state for the fiscal year beginning July 1, 2002, and ending June 30, 2003, is reduced by the following amount:

.....	\$	2,500,000
		<u>3,000,000</u>

STANDING APPROPRIATIONS — LIMITATIONS

Sec. 181. 2002 Iowa Acts, Senate File 2326,²⁶ section 175, subsections 6, 7, 9, 10, and 11, are amended to read as follows:

6. For the personal property tax replacement program under section 405A.8:

.....	\$	52,251,176
		<u>51,101,650</u>

7. For the payment of franchise tax allocations to cities and counties under section 405A.10:

.....	\$	8,168,952
		<u>7,989,235</u>

9. For payment of livestock production credit refunds under section 422.121:

.....	\$	1,856,580
		<u>1,815,735</u>

10. For reimbursement for the homestead property tax credit under section 425.1:

.....	\$	107,960,127
		<u>105,585,004</u>

11. For reimbursement for the agricultural land and family farm tax credits under section 426.1:

.....	\$	36,296,139
		<u>35,497,624</u>

Sec. 182. 2002 Iowa Acts, Senate File 2326,²⁷ section 176, is amended to read as follows:

SEC. 176. ELDERLY AND DISABLED CREDIT. Notwithstanding the standing appropria-

²⁴ 2002 Iowa Acts, Regular Session, chapter 1171 herein

²⁵ 2002 Iowa Acts, Regular Session, chapter 1171 herein

²⁶ 2002 Iowa Acts, Regular Session, chapter 1171 herein

²⁷ 2002 Iowa Acts, Regular Session, chapter 1171 herein

tion in section 425.39, the amount appropriated from the general fund of the state under section 425.39, for the fiscal year beginning July 1, 2002, and ending June 30, 2003, for purposes of implementing the elderly and disabled credit and reimbursement portion of the extraordinary property tax and reimbursement division of chapter 425, shall not exceed \$16,152,246 15,796,897. The director shall pay, in full, all claims to be paid during the fiscal year beginning July 1, 2002, for reimbursement of rent constituting property taxes paid. If the amount of claims for credit for property taxes due to be paid during the fiscal year beginning July 1, 2002, exceeds the amount remaining after payment to renters, the director of revenue and finance shall prorate the payments to the counties for the property tax credit. In order for the director to carry out the requirements of this section, notwithstanding any provision to the contrary in sections 425.16 through 425.39, claims for reimbursement for rent constituting property taxes paid filed before May 1, 2003, shall be eligible to be paid in full during the fiscal year ending June 30, 2003, and those claims filed on or after May 1, 2003, shall be eligible to be paid during the fiscal year beginning July 1, 2003, and the director is not required to make payments to counties for the property tax credit before June 15, 2003.

Sec. 183. PUBLIC TRANSIT ASSISTANCE APPROPRIATION. 2002 Iowa Acts, Senate File 2326,²⁸ section 175, subsection 14, is amended by striking the subsection.

Sec. 184. PUBLIC TRANSIT ASSISTANCE APPROPRIATION. Notwithstanding section 312.2, subsection 14, the amount appropriated from the general fund of the state under section 312.2, subsection 14, to the state department of transportation for public transit assistance under chapter 324A for the fiscal year beginning July 1, 2002, and ending June 30, 2003, is reduced by the following amount:

..... \$ 1,298,675

REVENUE ADJUSTMENTS — TRANSFERS

Sec. 185. DEPRECIATION FUND. Notwithstanding section 18.120, there is transferred from the depreciation fund created in section 18.120 for the purchase of replacement motor vehicles and additions to the fleet, to the general fund of the state for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount:

..... \$ 2,200,000

Sec. 186. GROUNDWATER PROTECTION FUND — AGRICULTURE MANAGEMENT ACCOUNT. Notwithstanding section 455E.11, subsection 2, paragraph “b”, there is transferred from the agriculture management account of the groundwater protection fund created pursuant to section 455E.11, subsection 2, paragraph “b”, to the general fund of the state during the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount from those moneys appropriated for the Leopold center for sustainable agriculture:

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

Sec. 187. JURY AND WITNESS FEES FUND. Notwithstanding section 602.1302, there is transferred from the revolving fund created in section 602.1302, for the purpose of paying jury and witness fees and mileage by the judicial branch, to the general fund of the state for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount:

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

Sec. 188. REBUILD IOWA INFRASTRUCTURE FUND. Notwithstanding section 8.57, subsection 5, paragraph “e”, there is transferred from wagering tax revenues, in excess of the moneys to be deposited in the general fund of the state, the vision Iowa fund, and the school infrastructure fund as provided in section 8.57, subsection 5, paragraph “e”, to the general fund of the state for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount:

..... \$ 15,496,600

²⁸ 2002 Iowa Acts, Regular Session, chapter 1171 herein

Sec. 189. ENVIRONMENT FIRST FUND. Notwithstanding section 8.57A, subsection 3, there is transferred from the environment first fund created in section 8.57A to the general fund of the state for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount:

..... \$ 18,445,000

Sec. 190. ENDOWMENT FOR IOWA'S HEALTH ACCOUNT. Notwithstanding 2001 Iowa Acts, chapter 174, section 1, there is transferred from the endowment for Iowa's health account of the tobacco settlement trust fund created in section 12E.12 to the general fund of the state for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount:

..... \$ 9,000,000

Sec. 191. 2002 Iowa Acts, House File 2613,²⁹ section 2, subsection 1, is amended to read as follows:

1. To supplement the medical assistance appropriation and to provide reimbursement for health care services and rent expenses to eligible persons through the home and community-based services waiver and the state supplementary assistance program, including program administration and data system costs associated with implementation, salaries, support, maintenance, and miscellaneous purposes and for not more than the following full-time equivalent positions:

..... \$ 21,733,406

37,733,406

..... FTEs 5.00

Sec. 192. EFFECTIVE DATE. This division of this Act takes effect July 1, 2002.

DIVISION X
CAPITALS AND INFRASTRUCTURE
SCHOOL INFRASTRUCTURE FUND — SALES AND SERVICES TAX FUND

Sec. 193. SCHOOL INFRASTRUCTURE FUND.

1. Notwithstanding section 12.82, subsection 1, and section 292.2, there is appropriated from the school infrastructure fund created in section 12.82 to the director of revenue and finance for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount to be used for the purpose designated:

For deposit by the director into the school district accounts in the local sales and services tax fund, as created in section 422B.10, subsection 1, of those counties that have imposed a local sales and services tax for school infrastructure purposes under chapter 422E:

..... \$ 22,000,000

2. The portion of the amount appropriated in subsection 1 that shall be deposited into each school district account equals the ratio that the amount of local sales and services tax for school infrastructure purposes revenue deposited into that account during the fiscal year beginning July 1, 2001, and ending June 30, 2002, bears to the total amount of local sales and services tax for school infrastructure purposes revenue deposited into all accounts during the fiscal year beginning July 1, 2001, and ending June 30, 2002.

Sec. 194. COUNTY SALES AND SERVICES TAX FUND.

1. Notwithstanding section 422E.1, there is transferred to the general fund of the state from the school district accounts in the county sales and services tax fund, as created in section 422B.10, subsection 1, of those counties that have imposed a local sales and services tax for school infrastructure purposes under chapter 422E, for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount:

..... \$ 22,000,000

2. The portion of the amount transferred in subsection 1 that shall be transferred from each school district account equals the ratio that the amount of local sales and services tax for

²⁹ 2002 Iowa Acts, Regular Session, chapter 1172 herein

school infrastructure purposes revenue deposited into that account during the fiscal year beginning July 1, 2001, and ending June 30, 2002, bears to the total amount of local sales and services tax for school infrastructure purposes revenue deposited in all accounts during the fiscal year beginning July 1, 2001, and ending June 30, 2002.

REBUILD IOWA INFRASTRUCTURE FUND

Sec. 195. 2002 Iowa Acts, House File 2614,³⁰ section 10, subsection 1, unnumbered paragraph 1, is amended to read as follows:

For allocation to the university of northern Iowa for developing a 21st century learning initiative, notwithstanding section 8.57, subsection 5, paragraph "c":

..... \$ 800,000
0

Sec. 196. 2002 Iowa Acts, House File 2614,³¹ section 10, subsection 3, paragraph a, unnumbered paragraph 1, is amended to read as follows:

For historical site preservation grants, to be used for the restoration, preservation, and development of historical sites:

..... \$ 800,000
0

Sec. 197. 2002 Iowa Acts, House File 2614,³² section 10, subsection 3, paragraph b, is amended to read as follows:

b. For continuation of the project recommended by the Iowa battle flag advisory committee to stabilize the condition of the battle flag collection, notwithstanding section 8.57, subsection 5, paragraph "c":

..... \$ 150,000
100,000

Sec. 198. 2002 Iowa Acts, House File 2614,³³ section 10, subsection 4, paragraphs a and b, are amended to read as follows:

a. For deposit in the local housing assistance program fund created in section 15.354, notwithstanding section 8.57, subsection 5, paragraph "c":

..... \$ 800,000
0

b. For deposit in the rural enterprise fund to be used for the dry fire hydrant and rural water supply education and demonstration project, notwithstanding section 8.57, subsection 5, paragraph "c":

..... \$ 100,000
0

*Sec. 199. 2002 Iowa Acts, House File 2614, section 10, subsection 5, paragraphs a and b, are amended to read as follows:

a. To provide resources for structural and technological improvements to local libraries, notwithstanding section 8.57, subsection 5, paragraph "c":

..... \$ 600,000
0*

b. For the community college vocational-technical technology improvement program authorized in chapter 260A, notwithstanding section 8.57, subsection 5, paragraph "c":

..... \$ 3,000,000
0

³⁰ 2002 Iowa Acts, Regular Session, chapter 1173 herein

³¹ 2002 Iowa Acts, Regular Session, chapter 1173 herein

³² 2002 Iowa Acts, Regular Session, chapter 1173 herein

³³ 2002 Iowa Acts, Regular Session, chapter 1173 herein

* Item veto; see message at end of the Act

Sec. 200. 2002 Iowa Acts, House File 2614,³⁴ section 10, subsection 5, paragraph c, unnumbered paragraph 1, is amended to read as follows:

For school improvement technology block grants, notwithstanding section 8.57, subsection 5, paragraph “c”, and notwithstanding section 256D.5, subsection 2, Code 2001:

..... \$ 5,770,600
0

Sec. 201. 2002 Iowa Acts, House File 2614,³⁵ section 10, subsection 5, paragraph d, is amended to read as follows:

d. For completion of the electronic data interchange project known as project EASIER, notwithstanding section 8.57, subsection 5, paragraph “c”:

..... \$ 150,000
0

Sec. 202. 2002 Iowa Acts, House File 2614,³⁶ section 10, subsection 6, paragraph a, unnumbered paragraph 1, is amended to read as follows:

For routine maintenance of state buildings and facilities under the purview of the department, notwithstanding section 8.57, subsection 5, paragraph “c”:

..... \$ 2,000,000
0

Sec. 203. 2002 Iowa Acts, House File 2614,³⁷ section 10, subsection 7, unnumbered paragraph 1, is amended to read as follows:

For automation of child abuse intake reports, notwithstanding section 8.57, subsection 5, paragraph “c”:

..... \$ 154,267
0

Sec. 204. 2002 Iowa Acts, House File 2614,³⁸ section 10, subsection 9, paragraph a, unnumbered paragraph 1, is amended to read as follows:

For data warehouse projects, notwithstanding section 8.57, subsection 5, paragraph “c”:

..... \$ 1,000,000
624,000

Sec. 205. 2002 Iowa Acts, House File 2614,³⁹ section 10, subsection 9, paragraph b, unnumbered paragraph 1, is amended to read as follows:

For additional technology projects, as determined by the department, notwithstanding section 8.57, subsection 5, paragraph “c”:

..... \$ 545,733
0

Sec. 206. 2002 Iowa Acts, House File 2614,⁴⁰ section 10, subsection 11, unnumbered paragraph 1, is amended to read as follows:

To replace the voter registration system, notwithstanding section 8.57, subsection 5, paragraph “c”:

..... \$ 350,000
0

³⁴ 2002 Iowa Acts, Regular Session, chapter 1173 herein

³⁵ 2002 Iowa Acts, Regular Session, chapter 1173 herein

³⁶ 2002 Iowa Acts, Regular Session, chapter 1173 herein

³⁷ 2002 Iowa Acts, Regular Session, chapter 1173 herein

³⁸ 2002 Iowa Acts, Regular Session, chapter 1173 herein

³⁹ 2002 Iowa Acts, Regular Session, chapter 1173 herein

⁴⁰ 2002 Iowa Acts, Regular Session, chapter 1173 herein

ENVIRONMENT FIRST FUND

Sec. 207. 2002 Iowa Acts, House File 2614,⁴¹ section 20, subsection 1, paragraphs c and d, are amended to read as follows:

c. For continuation of a statewide voluntary farm management demonstration program to demonstrate the effectiveness and adaptability of emerging practices in agronomy that protect water resources and provide other environmental benefits emphasizing nitrogen, phosphorus, and manure management:

..... \$ 850,000
500,000

d. For deposit in the alternative drainage system assistance fund created in section 159.29A to be used for purposes of supporting the alternative drainage system assistance program as provided in section 159.29B:

..... \$ 1,500,000
0

Sec. 208. 2002 Iowa Acts, House File 2614,⁴² section 20, subsection 1, paragraph e, unnumbered paragraph 1, is amended to read as follows:

To provide financial assistance for the establishment of permanent soil and water conservation practices:

..... \$ 7,500,000
3,500,000

Sec. 209. 2002 Iowa Acts, House File 2614,⁴³ section 20, subsection 1, paragraphs f, g, and h, are amended to read as follows:

f. To encourage and assist farmers in enrolling in the continuous sign-up federal conservation reserve program and work with them to enhance their revegetation efforts to improve water quality and habitat:

..... \$ 1,500,000
0

g. For deposit in the loess hills development and conservation fund created in section 161D.2:

..... \$ 750,000
0

~~Of the amount appropriated to the loess hills development and conservation fund in this paragraph "g", \$650,000 shall be allocated to the hungry canyons account, and \$100,000 shall be allocated to the loess hills alliance account.~~

h. For allocation to the southern Iowa development and conservation authority for protection of road structures:

..... \$ 250,000
0

Sec. 210. 2002 Iowa Acts, House File 2614,⁴⁴ section 20, subsection 2, unnumbered paragraph 1, is amended to read as follows:

For deposit in the brownfield redevelopment fund created in section 15.293 to provide assistance under the brownfield redevelopment program:

..... \$ 1,000,000
0

⁴¹ 2002 Iowa Acts, Regular Session, chapter 1173 herein

⁴² 2002 Iowa Acts, Regular Session, chapter 1173 herein

⁴³ 2002 Iowa Acts, Regular Session, chapter 1173 herein

⁴⁴ 2002 Iowa Acts, Regular Session, chapter 1173 herein

Sec. 211. 2002 Iowa Acts, House File 2614,⁴⁵ section 20, subsection 3, paragraphs a and d, are amended to read as follows:

a. To provide local watershed managers with geographic information system data for their use in developing, monitoring, and displaying results of their watershed work:

..... \$ 195,000
0

d. For the dredging of lakes, including necessary preparation for dredging, in accordance with the department's classification of Iowa lakes restoration report:

..... \$ 1,250,000
350,000

It is the intent of the general assembly that the department shall consider the following criteria for funding lake dredging projects as provided in this paragraph "d", and shall prioritize projects based on the following:

(1) Documented efforts to address watershed protection, considering testing, conservation efforts, and amount of time devoted to watershed protection.

(2) Protection of a natural resource and natural habitat.

(3) Percentage of public access and undeveloped lakefront property.

(4) Continuation of current projects partially funded by state resources to achieve department recommendations.

Sec. 212. 2002 Iowa Acts, House File 2614,⁴⁶ section 21, is amended to read as follows:

SEC. 21. Notwithstanding the amount of the standing appropriation from the general fund of the state under section 455A.18, subsection 3, there is appropriated from the environment first fund to the Iowa resources enhancement and protection fund, in lieu of the appropriation made in section 455A.18, for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following amount, to be ~~allocated as provided in~~ used for the purposes designated, notwithstanding section 455A.19:

For reimbursement of political subdivisions of the state for property tax dollars lost to open space acquisitions based on the reimbursement formula provided in section 465A.4, for contractual obligations for capital projects relating to natural resource areas, and for maintenance of state lands owned by the department of natural resources:

..... \$ 10,000,000
2,000,000

~~The funds allocated to the land management and open spaces accounts form the appropriation in this section may be used for park operation purposes.~~

Sec. 213. EFFECTIVE DATES.

1. Except as otherwise provided in subsection 2, this division of this Act takes effect July 1, 2002.

2. The sections of this division of this Act appropriating moneys from the school infrastructure fund and transferring moneys from the county sales and services tax fund shall take effect on July 31, 2002, only if the treasurer of state determines that the appropriation from the school infrastructure fund of this division of this Act will not adversely affect the tax-exempt status of any outstanding bonds issued for purposes of the school infrastructure program established in section 292.2. The treasurer of state shall notify the Code editor of the treasurer's determination under this subsection by July 31, 2002.

DIVISION XI
STATE EMPLOYEES — PRINTED DOCUMENTS AND PROGRAM
ELIMINATION — FURLOUGHS — MISCELLANEOUS

Sec. 214. VACANT POSITIONS. Effective July 1, 2002, any full-time equivalent position that is authorized in an executive branch table of organization and has been vacant for 12 months or more shall be eliminated from the table of organization.⁴⁷

⁴⁵ 2002 Iowa Acts, Regular Session, chapter 1173 herein

⁴⁶ 2002 Iowa Acts, Regular Session, chapter 1173 herein

⁴⁷ See chapter 1001, §40, 46 herein

Sec. 215. EDUCATIONAL ASSISTANCE. For the fiscal year beginning July 1, 2002, and ending June 30, 2003, unless specifically authorized by a collective bargaining agreement, an executive or judicial branch agency shall not provide an employee with a subsidy or reimbursement for a class or other course of study leading to an advanced degree.

Sec. 216. PRINTED DOCUMENTS. Notwithstanding any provision of law or rule to the contrary, as a cost savings measure, for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the requirements in law or rule for the executive and judicial branches to issue reports, minutes, and other documents of an informational nature in printed form shall be suspended. **Such documents shall be provided in printed form only in response to an individual request and, to the extent possible, shall be made available by internet posting, electronic mail, or other electronic means in lieu of availability in printed form.**

Sec. 217. PROGRAM ELIMINATION COMMISSION.

1. A program elimination commission is established to review all programs and other functions funded in whole or part with state or local government revenues, including but not limited to general taxes and fees and special revenues such as gaming and road use tax revenues. The commission shall operate with the goal of identifying a 2 percent savings for the general fund of the state. The commission's duties shall include the following:

- a. Review of state and local government programs and other functions.
 - b. Consideration of sale of public assets or providing for performance of public functions on behalf of government by nongovernmental entities. The assets and functions considered shall include the state nursery, department of general services vehicle fleet, state medical library, prison farms, and alcoholic beverage warehouse.
 - c. Identification of programs or functions recommended for elimination or for performance by a nongovernmental entity.
 - d. Identification of public assets for sale.
 - e. Other duties assigned by the legislative council.
2. The program elimination commission shall consist of the following members:
- a. The auditor of state as a voting member.⁴⁸
 - b. Four voting members who have expertise with profit or nonprofit enterprise in evaluating projects and determining which projects should be continued or eliminated. Each of the following shall appoint one of the four voting members: the majority leader of the senate, the minority leader of the senate, the speaker of the house of representatives, and the minority leader of the house of representatives.
 - c. One nonvoting member representing the executive branch appointed by the governor.
 - d. One nonvoting member representing the judicial branch appointed by the chief justice of the supreme court.
 - e. One nonvoting member representing the legislative branch appointed by the legislative council.

3. Staff support to the commission shall be provided by the research staffs of the senate and house of representatives, the legislative fiscal bureau, and the legislative service bureau. In addition, the commission may utilize other staff support made available to the commission.

4. The program elimination commission shall issue a report on or before December 31, 2002, to the governor, supreme court, and general assembly containing findings and recommendations fulfilling the commission's duties. The recommendations made by the commission shall be prepared in the form of a bill by the legislative service bureau. It is the intent of this section that the bill be referred to the committees on state government of the senate and the house of representatives. It is further the intent of this section that the general assembly shall bring the bill to a vote under a procedure or rule permitting no amendments except those of a purely corrective nature recommended by a committee on state government.

5. Unless otherwise continued by the legislative council or by law, the program elimination commission shall be dissolved on December 31, 2002.

* Item veto; see message at end of the Act

⁴⁸ See chapter 1001, §41, 46 herein

Sec. 218. JUDICIAL BRANCH — FURLOUGHS.

1. The appropriations from the general fund of the state to the judicial branch for operational costs for the fiscal year beginning July 1, 2002, and ending June 30, 2003, are reduced by the following amount:

..... \$ 2,201,399

2. In order to implement the reduction made in subsection 1, the judicial branch shall implement furloughs of judicial branch employees other than justices, judges, and magistrates or other cost reductions in a manner so as to produce cost savings equivalent to a furlough of one-half day per employee per calendar month.

3. As part of implementing the reduction made in subsection 1, notwithstanding the annual salary rates authorized for justices, judges, and magistrates in 2001 Iowa Acts, chapter 190, section 1, and 2002 Iowa Acts, House File 2623,⁴⁹ section 4, for the fiscal year beginning July 1, 2002, those salary rates shall be reduced by applying a 2.5 percent reduction to the portion of annual salary attributable to the period beginning on June 21, 2002, through June 19, 2003. Subsection 2 does not apply to justices, judges, and magistrates subject to this subsection.

4. Notwithstanding the uses listed in section 602.1304, subsection 2, paragraph “c”, the judicial branch may use not more than \$1,000,000 of the moneys available to the judicial branch in the enhanced court collections fund for the fiscal year beginning July 1, 2002, to supplant the reduction made in subsection 1 and thereby decrease the application of subsections 2 and 3. Any such decrease involving employee furloughs and salary reductions shall be applied proportionately between subsections 2 and 3.

LEGISLATIVE BRANCH — FURLOUGHS

Sec. 219. APPROPRIATIONS REDUCTION.

1. The appropriations made from the general fund of the state in section 2.12 to the general assembly for operational costs for the fiscal year beginning July 1, 2002, and ending June 30, 2003, shall be reduced by \$392,858. The reduction in this subsection shall be in addition to the reduction made in 2002 Iowa Acts, Senate File 2326,⁵⁰ section 168, as amended in division IX of this Act.

2. In order to implement the reduction made in subsection 1, the legislative branch shall implement furloughs of legislative branch employees other than members of the general assembly or other cost reductions in a manner so as to produce cost savings equivalent to a furlough of one-half day per employee per calendar month.

3. As part of implementing the reduction made in subsection 1, notwithstanding the annual salary rates authorized for members of the general assembly in section 2.10, the salary rates for such members shall be reduced by applying a 2.5 percent reduction to the portion of annual salary attributable to the period beginning June 21, 2002, through June 19, 2003, as if the members were all paid a salary under section 2.10, subsection 4, paragraph “a”. Subsection 2 does not apply to members of the general assembly.

4. As part of the reduction made in subsection 1, it is the intent of the general assembly to suspend the issuance of documents of an informational nature in printed form and the provision of a subsidy or reimbursement to an employee for a class or other course of study leading to an advanced degree.

EXECUTIVE BRANCH — FURLOUGHS

Sec. 220. EXECUTIVE BRANCH. The appropriations made from the general fund of the state to the departments and establishments of the executive branch, as defined in section 8.2, including but not limited to the appropriations to the state board of regents, for operational costs for the fiscal year beginning July 1, 2002, and ending June 30, 2003, are reduced by the following amount:

..... \$ 30,862,939

1. The department of management shall apply the reduction made in accordance with this

⁴⁹ 2002 Iowa Acts, Regular Session, chapter 1175 herein

⁵⁰ 2002 Iowa Acts, Regular Session, chapter 1171 herein

section in a manner so that the portion of an appropriation for operational costs is reduced in proportion to the amount that such costs in that appropriation bear to the total amount of all such costs in all appropriations from the general fund of the state to executive branch departments and establishments.

2. In order to implement the reduction made in this section, the departments and establishments shall implement furloughs for those employees whose compensation is paid from the general fund of the state or other cost reductions, in a manner to produce cost savings equivalent to a furlough of one-half day per employee per calendar month.

3. Notwithstanding the annual salary rates authorized for elective executive branch officials in 2000 Iowa Acts, chapter 1219, section 3, as part of implementing the reduction made in this section, for the fiscal year beginning July 1, 2002, the salary rates for such officials shall be reduced by applying a 2.5 percent reduction to the portion of annual salary attributable to the period beginning June 21, 2002, through June 19, 2003. Subsection 2 does not apply to elective executive branch officials subject to this subsection.

4. Notwithstanding the annual salaries established under 2001 Iowa Acts, chapter 190, section 3, as part of implementing the reduction made in this section, for the fiscal year beginning July 1, 2002, each of those salaries shall be reduced by applying a 2.5 percent reduction to the portion of the salary attributable to the period beginning June 21, 2002, through June 19, 2003. Subsection 2 does not apply to appointed executive branch officers subject to this subsection.

Sec. 221. IMPLEMENTATION OF FURLOUGHS. Furloughs implemented pursuant to this division shall not be implemented in a manner which results in more than 25 percent of the workforce within an agency division being on furlough at the same time.⁵¹

Sec. 222. 2001 Iowa Acts, chapter 176, section 20, unnumbered paragraph 2, is amended to read as follows:

For allocation by the state board of regents to the state university of Iowa, the Iowa state university of science and technology, and the university of northern Iowa to finance or pay debt service to pay debt to finance the cost of providing academic and administrative buildings and facilities at the institutions:

.....	\$	600,330
		<u>600,860</u>

Sec. 223. 2001 Iowa Acts, chapter 176, section 21, unnumbered paragraph 2, is amended to read as follows:

For debt service for the Iowa communications network:

.....	\$	9,939,165
		<u>9,940,000</u>

Sec. 224. 2001 Iowa Acts, chapter 176, section 22, unnumbered paragraph 2, is amended to read as follows:

For debt service for the Iowa communications network:

.....	\$	1,465,835
		<u>1,465,443</u>

Sec. 225. 2001 Iowa Acts, chapter 176, section 24, unnumbered paragraph 2, is amended to read as follows:

For repayment of prison infrastructure bonds under section 16.177:

.....	\$	5,182,272
		<u>5,182,089</u>

Sec. 226. 2002 Iowa Acts, House File 2614,⁵² section 2, unnumbered paragraph 2, is amended to read as follows:

For allocation by the state board of regents to the state university of Iowa, the Iowa state

⁵¹ See chapter 1001, §43, 46 herein

⁵² 2002 Iowa Acts, Regular Session, chapter 1173 herein

university of science and technology, and the university of northern Iowa to reimburse the institutions for deficiencies in their operating funds resulting from the pledging of tuitions, student fees and charges, and institutional income to finance the cost of providing academic and administrative buildings and facilities and utility services at the institutions, notwithstanding section 12E.12, subsection 1, paragraph "b", subparagraph (1):

..... \$ 9,151,609
9,127,635⁵³

Sec. 227. 2002 Iowa Acts, House File 2614,⁵⁴ section 3, unnumbered paragraph 2, is amended to read as follows:

For debt service for the Iowa communications network, notwithstanding section 12E.12, subsection 1, paragraph "b", subparagraph (1):

..... \$ 12,855,000
13,044,784

Sec. 228. 2002 Iowa Acts, House File 2614,⁵⁵ section 4, unnumbered paragraph 2, is amended to read as follows:

For repayment of prison infrastructure bonds under section 16.177, notwithstanding section 12E.12, subsection 1, paragraph "b", subparagraph (1):

..... \$ 5,185,576
5,417,250

Sec. 229. Section 12E.12, Code Supplement 2001, is amended by adding the following new subsection:

NEW SUBSECTION. 8. With respect to the payment of certain debt service, the debt service to be paid shall be those installments of debt service on bonds selected by the treasurer of state and identified in the authority's tax certificate delivered at the time of the issuance of the bonds issued pursuant to this chapter, or as otherwise selected by the treasurer of state. Once the bonds and the installments of debt service thereon are so selected, that debt service and bonds shall not be paid, or provided to be paid, from any other source including the state or any of its departments or agencies.⁵⁶

*Sec. 230. Section 260G.4B, subsection 1, Code Supplement 2001, as amended by 2002 Iowa Acts, House File 2623, section 30, is amended to read as follows:

1. The total amount of program job credits from all employers which shall be allocated for all accelerated career education programs in the state in any one fiscal year shall not exceed the sum of three million dollars in the fiscal year beginning July 1, 2000, three million dollars in the fiscal year beginning July 1, 2001, ~~three~~ four million two hundred thousand dollars in the fiscal year beginning July 1, 2002, and six million dollars in the fiscal year beginning July 1, 2003, and every fiscal year thereafter. Any increase in program job credits above the six-million-dollar limitation per fiscal year shall be developed, based on recommendations in a study which shall be conducted by the department of economic development of the needs and performance of approved programs in the fiscal years beginning July 1, 2000, and July 1, 2001. The study's findings and recommendations shall be submitted to the general assembly by the department by December 31, 2002. The study shall include but not be limited to an examination of the quality of the programs, the number of program participant placements, the wages and benefits in program jobs, the level of employer contributions, the size of participating employers, and employer locations. A community college shall file a copy of each agreement with the department of economic development. The department shall maintain an annual record of the proposed program job credits under each agreement for each fiscal year. Upon receiving a copy of an agreement, the department shall allocate any available amount of program job credits to the community college according to the agreement sufficient for the fiscal year and for the

⁵³ See chapter 1001, §44, 46 herein

⁵⁴ 2002 Iowa Acts, Regular Session, chapter 1173 herein

⁵⁵ 2002 Iowa Acts, Regular Session, chapter 1173 herein

⁵⁶ See chapter 1001, §35, 46 herein

* Item veto; see message at end of the Act

*term of the agreement. When the total available program job credits are allocated for a fiscal year, the department shall notify all community colleges that the maximum amount has been allocated and that further program job credits will not be available for the remainder of the fiscal year. Once program job credits have been allocated to a community college, the full allocation shall be received by the community college throughout the fiscal year and for the term of the agreement even if the statewide program job credit maximum amount is subsequently allocated and used.**

**Sec. 231. Section 422.11A, Code 2001, is amended by adding the following new unnumbered paragraph:*

*NEW UNNUMBERED PARAGRAPH. The new jobs tax credit authorized in this section shall only apply to an agreement authorized under chapter 260E which was finalized prior to July 1, 2002.**

**Sec. 232. Section 422.33, subsection 6, Code Supplement 2001, is amended by adding the following new unnumbered paragraph:*

*NEW UNNUMBERED PARAGRAPH. The new jobs tax credit authorized in this subsection shall only apply to an agreement authorized under chapter 260E which was finalized prior to July 1, 2002.**

Sec. 233. EFFECTIVE DATE.

1. Except as provided in subsection 2, this division of this Act takes effect July 1, 2002.
2. a. The sections of this division of this Act providing for salary reductions in appropriations to the judicial, legislative, and executive branches take effect June 21, 2002.
- b. The sections of this division of this Act amending 2001 Iowa Acts, chapter 176, being deemed of immediate importance, take effect upon enactment.

DIVISION XII
CORRECTIVE AMENDMENTS
GENERAL PROVISIONS

Sec. 234. Section 16.131, subsection 1, Code 2001, is amended to read as follows:

1. The authority shall cooperate with the department of natural resources in the creation, administration, and financing of the Iowa ~~sewage treatment~~ water pollution control and drinking water facilities financing program established in sections 455B.291 through 455B.299.

Sec. 235. Section 16.132, subsection 1, paragraph d, Code 2001, is amended to read as follows:

- d. The amounts payable to the department by ~~municipalities or water systems~~ eligible entities pursuant to loan agreements with ~~municipalities or water systems~~ eligible entities.

Sec. 236. Section 124.401A, Code 2001, as amended by 2002 Iowa Acts, House File 2623,⁵⁷ section 25, is affirmed and reenacted.

Sec. 237. Section 124.409, Code 2001, as amended by 2002 Iowa Acts, House File 2623,⁵⁸ section 26, is affirmed and reenacted.

Sec. 238. Section 225C.5, subsection 1, paragraph d, Code 2001, as amended by 2002 Iowa Acts, House File 2430,⁵⁹ section 1, is amended to read as follows:

- d. One member shall be ~~either~~ an active board member of an agency serving persons with a developmental disability selected from nominees submitted by the Iowa association of community providers.

* Item veto; see message at end of the Act

⁵⁷ 2002 Iowa Acts, Regular Session, chapter 1175 herein

⁵⁸ 2002 Iowa Acts, Regular Session, chapter 1175 herein

⁵⁹ 2002 Iowa Acts, Regular Session, chapter 1146 herein

Sec. 239. Section 237.16, subsection 3, Code 2001, is amended to read as follows:

3. An employee of the department or of the department of inspections and appeals, an employee of a child-placing agency, an employee of an agency with which the department contracts for services for children under foster care, a foster parent providing foster care, or an employee of the district court is not eligible to serve on the state board. However, the judicial branch employee or judicial officer appointed from nominees submitted by the judicial branch in accordance with subsection 1 shall be eligible to serve on the state board.

Sec. 240. Section 321J.22, subsection 2, paragraph d, Code 2001, as amended by 2002 Iowa Acts, House File 2515,⁶⁰ section 37, is amended to read as follows:

d. The department of education shall establish reasonable fees to defray the expense of obtaining classroom space, instructor salaries, and class materials for courses offered both by community colleges and by substance abuse treatment programs licensed under chapter 125, and for administrative expenses incurred by the department of education in implementing subsection 5.

Sec. 241. Section 455B.133, subsection 10, as enacted by 2002 Iowa Acts, Senate File 2325⁶¹, section 45, is amended to read as follows:

10. Adopt rules allowing a city to conduct a controlled burn of a demolished building subject to the same restrictions as are in effect for fire fighting training fires. The rules shall include a provision that a city may undertake no more than three controlled burns in every overlapping six-tenths-of-a-mile-radius circle every three years. The rules shall prohibit a controlled burn of a demolished building in Cedar Rapids, Marion, Hiawatha, Council Bluffs, Carter Lake, Des Moines, West Des Moines, Clive, Windsor Heights, Urbandale, Pleasant Hill, Buffalo, Davenport, Mason City or any other area where area-specific state implementation plans require the control of particulate matter.

Sec. 242. Section 456A.17, unnumbered paragraph 7, Code 2001, is amended to read as follows:

The department may apply for a loan for the construction of facilities for the collection and treatment of waste water under the state ~~sewage treatment works~~ water pollution control and drinking water facilities financing program as established in sections 455B.291 through 455B.299. In order to provide for the repayment of a loan granted under the financing program, the commission may impose a lien on not more than ten percent of the annual revenues from user fees and related revenue derived from park and recreation areas under chapter 461A which are deposited in the state conservation fund. If a lien is established as provided in this paragraph, repayment of the loan is the first priority on the revenues received and dedicated for the loan repayment each year.

Sec. 243. Section 724.26, Code 2001, as amended by 2002 Iowa Acts, House File 2363,⁶² section 4, and as amended by 2002 Iowa Acts, House File 2623,⁶³ section 94, is affirmed and reenacted.

Sec. 244. 2002 Iowa Acts, House File 2615,⁶⁴ section 4, unnumbered paragraph 3, is amended to read as follows:

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

Sec. 245. 2002 Iowa Acts, House File 2623,⁶⁵ section 72, is amended to read as follows:

SEC. 72. EFFECTIVE DATE. The provision of this division of this Act amending 2001 Iowa

⁶⁰ 2002 Iowa Acts, Regular Session, chapter 1140 herein

⁶¹ 2002 Iowa Acts, Regular Session, chapter 1162 herein

⁶² 2002 Iowa Acts, Regular Session, chapter 1055 herein

⁶³ 2002 Iowa Acts, Regular Session, chapter 1175 herein

⁶⁴ 2002 Iowa Acts, Regular Session, chapter 1174 herein

⁶⁵ 2002 Iowa Acts, Regular Session, chapter 1175 herein

Acts, chapter 191, section 14, relating to the department of human services exceeding its budget target for group foster care by up to twenty percent in fiscal year 2001-2002, being deemed of immediate importance, takes effect upon enactment.

Sec. 246. 2002 Iowa Acts, Senate File 2275,⁶⁶ sections 13 and 182, are repealed.

ANIMAL FEEDING OPERATIONS

Sec. 247. Section 455B.127, subsection 3, as enacted by 2002 Iowa Acts, Senate File 2293,⁶⁷ section 6, subsection 3, is amended to read as follows:

3. Moneys in the compliance fund are appropriated to the department exclusively to pay the expenses of the department in administering and enforcing the provisions of division II, part 2, and division III, part 1, subpart A B, as necessary to ensure that animal feeding operations comply with all applicable requirements of those provisions, including rules adopted or orders issued by the department pursuant to those provisions. The moneys shall not be transferred, used, obligated, appropriated, or otherwise encumbered except as provided in this subsection. The department shall not transfer moneys from the compliance fund's assessment account to another fund or account, including but not limited to the fund's general account.

Sec. 248. Section 455B.161, subsection 22, Code 2001, is amended by striking the subsection.

Sec. 249. Section 455B.171, subsection 13, Code 2001, is amended by striking the subsection.

Sec. 250. Section 455B.200, subsection 3, as enacted by 2002 Iowa Acts, Senate File 2293,⁶⁸ section 27, is amended to read as follows:

3. The department and the attorney general shall enforce the provisions of this chapter in the same manner as provided in division I, unless otherwise provided in this ~~section~~ chapter.

Sec. 251. Section 455B.200A, subsection 1, unnumbered paragraph 1, as enacted by 2002 Iowa Acts, Senate File 2293,⁶⁹ section 28, is amended to read as follows:

The department shall approve or disapprove applications for permits for the construction, including the expansion, of confinement feeding operation structures, as provided by rules adopted pursuant to this chapter. The department's decision to approve or disapprove a permit for the construction of a confinement feeding operation structure shall be based on whether the application is submitted according to procedures required by the department and the application meets standards established by the department. A person shall not begin construction of a confinement feeding operation structure requiring a permit under this section, unless the department first approves the person's application and issues to the person a construction permit. The department shall provide conditions for requiring when a person must obtain a construction permit.

Sec. 252. Section 455B.200B, subsection 5, paragraph a, as enacted by 2002 Iowa Acts, Senate File 2293,⁷⁰ section 32, is amended to read as follows:

a. The department shall designate by rule each one hundred year floodplain in this state according to the location of the one hundred year floodplain. A person shall not be prohibited from constructing a confinement feeding operation structure on a one hundred year floodplain unless the one hundred year floodplain is designated by rule in accordance with this subsection.

Sec. 253. Section 455B.200B, subsection 5, paragraph b, subparagraphs (2) and (3), as enacted by 2002 Iowa Acts, Senate File 2293,⁷¹ section 32, are amended to read as follows:

(2) The department shall provide in its declaratory order or its approval or disapproval of

⁶⁶ 2002 Iowa Acts, Regular Session, chapter 1119 herein

⁶⁷ 2002 Iowa Acts, Regular Session, chapter 1137 herein

⁶⁸ 2002 Iowa Acts, Regular Session, chapter 1137 herein

⁶⁹ 2002 Iowa Acts, Regular Session, chapter 1137 herein

⁷⁰ 2002 Iowa Acts, Regular Session, chapter 1137 herein

⁷¹ 2002 Iowa Acts, Regular Session, chapter 1137 herein

a construction permit application a determination regarding whether the confinement feeding operation structure is to be located on a one hundred year floodplain, whether the confinement feeding operation structure may be constructed at the location, and any conditions for the construction.

(3) This paragraph “b” is repealed on the effective date that rules are adopted by the department pursuant to paragraph “a”. The department shall provide a caption on the adopted rule as published in the Iowa administrative bulletin as provided in section 17A.4, stating that this paragraph is repealed as provided in this subparagraph ~~subdivision~~. The director of the department shall deliver a copy of the adopted rule to the Iowa Code editor.

Sec. 254. Section 455B.200C, subsection 2, paragraph c, as enacted by 2002 Iowa Acts, Senate File 2293,⁷² section 33, is amended to read as follows:

c. If a construction permit is required pursuant to section 455B.200A for the construction of three or more confinement feeding operation structures that include a formed manure storage structure, the ~~contractor~~ person responsible for constructing the formed manure storage structure must provide that the construction of the formed manure storage structure will not impede drainage through established drainage tile lines which cross property boundary lines unless measures are taken to reestablish the drainage prior to completion of construction.

Sec. 255. Section 455B.200E, subsection 3, paragraph b, as enacted by 2002 Iowa Acts, Senate File 2293,⁷³ section 35, is amended to read as follows:

b. The board must conduct an evaluation of the application using the master matrix as provided in section 455B.200F. The board’s recommendation may be based on the master matrix as provided or may be based on comments under this section regardless of the results of the master matrix.

Sec. 256. Section 455B.203, subsection 2B, paragraph b, as enacted by 2002 Iowa Acts, Senate File 2293,⁷⁴ section 38, is amended to read as follows:

b. The department shall not file a construction design statement as provided in section 455B.200C, unless the owner of the confinement feeding operation structure submits an original manure management plan together with the construction design statement. The construction design statement and manure management plan may be submitted as part of an application for a construction permit as provided in section 455B.200A.

Sec. 257. Section 455B.203, subsection 3, paragraph a, subparagraph (2), unnumbered paragraph 1, as enacted by 2002 Iowa Acts, Senate File 2293,⁷⁵ section 39, is amended to read as follows:

Subparagraph subdivisions (b) through (e) and this paragraph are repealed on the date that any person who has submitted an original manure management plan prior to April 1, 2002, is required to submit a manure management plan update which includes a phosphorus index as provided in subparagraph subdivision ~~(e)~~ (e), subparagraph subdivision part (i). The department shall publish a notice in the Iowa administrative bulletin published immediately prior to that date, and the director of the department shall deliver a copy of the notice to the Iowa Code editor.

Sec. 258. 2002 Iowa Acts, Senate File 2293,⁷⁶ section 66, is amended to read as follows:

SEC. 66. INTERIM COUNTY PARTICIPATION AND CONTESTED DECISIONS REPEAL. The section of this Act providing for interim county participation in the approval of applications for construction permits for confinement feeding operation structures is repealed March 1, 2003, and including provisions relating to the rights of applicants’ applicants and boards of supervisors to contest departmental decisions. However, the provisions of the section shall continue to apply to applications received by a county board of supervisors prior to March 1, 2003.

⁷² 2002 Iowa Acts, Regular Session, chapter 1137 herein

⁷³ 2002 Iowa Acts, Regular Session, chapter 1137 herein

⁷⁴ 2002 Iowa Acts, Regular Session, chapter 1137 herein

⁷⁵ 2002 Iowa Acts, Regular Session, chapter 1137 herein

⁷⁶ 2002 Iowa Acts, Regular Session, chapter 1137 herein

Sec. 259. 2002 Iowa Acts, Senate File 2293,⁷⁷ section 68, subsection 1, paragraph c, is amended to read as follows:

c. Chapter 455B, division III, part 1, subpart A B, as enacted in this Act, with the exception of section 455B.200, as amended by this Act, and section 455B.207, as enacted by this Act, shall be transferred to new chapter 456D, as subchapter 3.

Sec. 260. 2002 Iowa Acts, Senate File 2293,⁷⁸ section 68, is amended by adding the following new subsections:

NEW SUBSECTION. 3. The Code editor shall transfer Code chapter 460A to be part of Code chapter 455A or to be a new Code chapter.

NEW SUBSECTION. 4. When transferring and consolidating provisions as provided in this section, the Code editor may reorganize the provisions provided in this section in a manner other than that provided in this section in order to enhance their readability. The Code editor shall publish in the 2003 Code the provisions of 2002 Iowa Acts, Senate File 2293,⁷⁹ designated for codification, regardless of the effective date of the provisions.

Sec. 261. 2002 Iowa Acts, Senate File 2293,⁸⁰ section 70, subsection 1, paragraph b, is amended to read as follows:

b. The department has not received evidence that an applicant or person submitting or required to submit a manure management plan as provided in paragraph "a" of this subsection 2, has incurred commitments based on a reliance of the law as the law existed on March 31, 2002. The commitments must constitute a legal obligation for performance by the person to construct a confinement feeding operation structure. The applicant or other person required to submit the evidence to the department must submit such evidence not later than twenty-one days after the ~~effective date~~ enactment of this Act.

Sec. 262. EFFECTIVE DATES.

1. Except as otherwise provided in subsection 2, this division of this Act takes effect July 1, 2002.

2. a. The section of this division of this Act amending 2002 Iowa Acts, House File 2623,⁸¹ section 72, being deemed of immediate importance, takes effect upon enactment.

b. The sections of this division of this Act amending sections 455B.127, 455B.161, 455B.171, 455B.200, 455B.200A, 455B.200B, and 455B.203, as enacted by 2002 Iowa Acts, Senate File 2293,⁸² and amending 2002 Iowa Acts, Senate File 2293,⁸³ being deemed of immediate importance, take effect upon enactment.

c. The sections of this division of this Act amending sections 455B.200C and 455B.200E, as enacted by 2002 Iowa Acts, Senate File 2293,⁸⁴ take effect on March 1, 2003.

DIVISION XIII DRUG UTILIZATION REVIEW COMMISSION

Sec. 263. NEW SECTION. 249A.32 IOWA MEDICAL ASSISTANCE DRUG UTILIZATION REVIEW COMMISSION — CREATED.

1. An Iowa medical assistance drug utilization review commission is created within the department. The commission membership, duties, and related provisions shall comply with 42 C.F.R. pt. 456, subpt. K.

2. In addition to any other duties prescribed, the commission shall make recommendations to the council on human services regarding strategies to reduce state expenditures for prescription drugs under the medical assistance program excluding provider reimbursement rates. The commission shall make initial recommendations to the council by October 1, 2002.

⁷⁷ 2002 Iowa Acts, Regular Session, chapter 1137 herein

⁷⁸ 2002 Iowa Acts, Regular Session, chapter 1137 herein

⁷⁹ 2002 Iowa Acts, Regular Session, chapter 1137 herein

⁸⁰ 2002 Iowa Acts, Regular Session, chapter 1137 herein

⁸¹ 2002 Iowa Acts, Regular Session, chapter 1175 herein

⁸² 2002 Iowa Acts, Regular Session, chapter 1137 herein

⁸³ 2002 Iowa Acts, Regular Session, chapter 1137 herein

⁸⁴ 2002 Iowa Acts, Regular Session, chapter 1137 herein

Following approval of any recommendation by the council on human services, the department shall include the approved recommendation in a notice of intended action under chapter 17A and shall comply with chapter 17A in adopting any rules to implement the recommendation. The department shall seek any federal waiver necessary to implement any approved recommendation. The strategies to be considered for recommendation by the commission shall include at a minimum all of the following:

- a. Development of a preferred drug formulary pursuant to 42 U.S.C. § 1396r-8.
- b. Negotiation of supplemental rebates from manufacturers that are in addition to those required by Title XIX of the federal Social Security Act. For the purposes of this paragraph, "supplemental rebates" may include, at the department's discretion, cash rebates and other program benefits that offset a medical assistance expenditure. Pharmaceutical manufacturers agreeing to provide a supplemental rebate as provided in this paragraph shall have an opportunity to present evidence supporting inclusion of a product on any preferred drug formulary developed.
- c. Disease management programs.
- d. Drug product donation programs.
- e. Drug utilization control programs.
- f. Prescriber and beneficiary counseling and education.
- g. Fraud and abuse initiatives.
- h. Pharmaceutical case management.
- i. Services or administrative investments with guaranteed savings to the medical assistance program.
- j. Expansion of prior authorization for prescription drugs and pharmaceutical case management under the medical assistance program.
- k. Any other strategy that has been approved by the United States department of health and human services regarding prescription drugs under the medical assistance program.

Sec. 264. EMERGENCY RULES. The department of human services may adopt administrative rules under section 17A.4, subsection 2, and section 17A.5, subsection 2, paragraph "b", to implement section 249A.32 as created in this division of this Act, and the rules shall become effective immediately upon filing or on a later effective date specified in the rules, unless the effective date is delayed by the administrative rules review committee. Any rules adopted in accordance with this section shall not take effect before the rules are reviewed by the administrative rules review committee. The delay authority provided to the administrative rules review committee under section 17A.4, subsection 5, and section 17A.8, subsection 9, shall be applicable to a delay imposed under this section, notwithstanding a provision in those sections making them inapplicable to section 17A.5, subsection 2, paragraph "b". Any rules adopted in accordance with this section shall also be published as notice of intended action as provided in section 17A.4.

Sec. 265. TRANSITION PROVISIONS. The department of human services shall continue to contract with the peer review organization, with which the department held a contract to carry out the duties of the Iowa Medicaid drug utilization review commission prior to the effective date of this division of this Act in order to carry out the duties of the commission after that date.

The Iowa Medicaid drug utilization review commission existing on the effective date of this division of this Act shall act as the Iowa medical assistance drug utilization review commission as created in this division of this Act.

Sec. 266. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Approved June 12, 2002, with exceptions noted.

THOMAS J. VILSACK, Governor

Dear Secretary Culver:

I hereby transmit House File 2627, an Act addressing public funding provisions and properly related matters by making, reducing, and transferring appropriations, adjusting other expenditures for the fiscal year beginning July 1, 2002, and including other appropriations, cooperative tax credits, and effective and retroactive applicability date provisions.

With the Revenue Estimating Conference's recent action to decrease general fund resources available to the State by \$212.5 million in fiscal year 2003, I took responsible action in calling a special session to take the necessary steps to balance the budget. I had offered a reasonable alternative plan that would have protected more of the services provided to Iowans. However, the legislative leaders in the majority party rejected my plan. This left me with two options — sign the bill as passed by the Legislature or have no budget in place for the new fiscal year that starts in just a few weeks. Clearly, it would be irresponsible to shut down state government. Therefore, I have no alternative but to sign this legislation.

Despite the extraordinary challenge of a national recession, I am pleased that we were successful in our administration's fight to preserve some key priorities of Iowa families, including improving learning by reducing class sizes and increasing teacher quality, and preserving access to health care for our children and senior citizens. I am also pleased to restore \$600,000 to the Enrich Iowa Libraries program. A reduction in funding to this important initiative would stifle the progress this administration has made in improving educational opportunities for Iowa's children.

However, this bill has several provisions which I cannot support. I oppose the Republicans' continuous assault on our senior citizens by attempting to raise prescription drug costs on Iowans in need. I have vetoed their attempt to double the copayments on prescription drugs in the past, and I will do so again. The burdens created for some Iowa families and seniors are simply unacceptable.

House File 2627 is, therefore, signed on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the items designated as Section 3, subsection 7 in its entirety, Section 9, subsection 3 in its entirety, and Section 21, subsection 2 in its entirety. These sections require Commerce, Racing and Gaming and the Lottery to report Accountable Government Act activities by January 13, 2003. With the reduction of State employees, this would create an unnecessary requirement. Such reports should be completed per the implementation procedures as set forth in Iowa Code chapter 8E.

I am unable to approve the items designated as Section 5, subsection 5 in its entirety, Section 13, subsection 2 in its entirety, Section 26, subsection 2 in its entirety, and Section 28 in its entirety. These sections require the Departments of General Services, Personnel and Information Technology to identify duplicative situations within State Government and report by September 1, 2002. Such activities should be conducted on an enterprise wide basis as set forth in Section 11, subsection 3 of the bill.

I am unable to approve the item designated as Section 26, subsection 1 in its entirety. This item requires the Information Technology Department to notify the Department of Management prior to any fee increases. The Department of Management is then to notify the Legislative Fiscal Bureau. The two departments will work cooperatively to examine such fee or rate increases, without the necessity of this legislative mandate.

I am unable to approve the item designated as a portion of Section 30. This would increase the maximum possible award to an employee for a cost saving idea from \$2,500 to \$25,000. While employee suggestions are encouraged and indeed welcomed, the State's current financial situation precludes such an increase.

I am unable to approve the item designated as Section 49, subsection 3. Last year the Legislature approved and I signed into law the Accountable Government Act. This legislation established a comprehensive, enterprise-wide process for setting program goals and establishing results measurements. This Section would create redundancies in goals and results measurements for the Department of Economic Development.

I am unable to approve the items designated as Section 59, subsection 2, paragraph b, Section 60, subsection 2, paragraph b and Section 61, subsection 2, paragraph b. These sections would require any business or individual receiving benefits from specified Regent programs to have a commercially viable service or product. Many of the proposals and ideas brought to these programs have not been developed to a stage of commercialization. To apply this criteria at such an early stage of development would be contradictory to the very services these programs are designed to provide.

I am unable to approve the item designated as Section 64, subsection 3. The Department of Workforce Development has identified federal funds that can be used to collect labor market information. Monies from the penalty and interest account can and have been used to support services in the workers' compensation and labor divisions of the Department. The budget cuts sustained by these divisions could have an adverse impact to the safety of Iowa's citizens and its workforce. The director of the Department of Workforce Development currently has the authority to reassign unused penalty and interest funds. We must maintain that flexibility to reallocate dollars when needed to ensure the safety of Iowans.

I am unable to approve the item designated as Section 72. Expenditure information for the executive branch agencies of state government is currently available to the economic development appropriation subcommittee and the Legislative Fiscal Bureau on a daily basis through the Iowa Financial and Accounting System. The Legislative Fiscal Bureau also has the authority to request expenditure information from Regent universities. The reporting requirement in this section would duplicate existing data and place an unneeded requirement on limited staff resources.

I am unable to approve the item designated as Section 73. The Department of Workforce Development has begun a multi-phased project to upgrade the electronic unemployment insurance processing system. This upgrade will address the reporting and transmitting problems identified in this section of the bill. I concur that this problem must be addressed; however, the complexity and magnitude of the needed upgrade cannot be accomplished and implemented by July 1, 2002.

I am unable to approve the item designated as a portion of Section 102, subsection 2, paragraph d. This language requires new reporting every other month to legislators on net budgeting. This section would require additional staff resources at a time when funding for staff has been severely reduced.

I am unable to approve the item designated as Section 106 in its entirety. Last year the Legislature approved and I signed into law the Accountable Government Act. This legislation established a comprehensive, enterprise-wide process for setting program goals and establishing results measurements. This Section would create redundancies in goals and results measurements for these departments.

I am unable to approve the item designated as Section 108 in its entirety. This section would repeal the enabling language for the Community Grant Fund and end the program. Although no money is appropriated for the Community Grant Fund in the coming fiscal year, we should maintain the possibility of funding for this program when more resources are available.

I am unable to approve the item designated as a portion of Section 111, subsection 6. This language requires the Department of Human Services to consult with the Welfare Reform Council and legislative members prior to implementing rules related to the Family Investment Program as required by the federal government. This mandated consultation process may unduly delay the rules where federally required.

I am unable to approve the item designated as Section 115, subsection 8 in its entirety. This language continues language from prior years related to the number of beds allowed in a community setting for persons with mental retardation. With the implementation of home and community based waivers, this language is no longer needed.

I am unable to approve the item designated as Section 117, subsection 1 in its entirety. This subsection would require the Department of Human Services to seek input and recommendations from legislative members prior to entering into or extending a managed care contract for mental health and substance abuse services. The process for securing contracts provides that vendors will be evaluated on a specific set of criteria to assure fairness and eliminate potential conflicts of interest. This process includes a period of securing comments without giving the appearance of conflict of interest. Therefore, this section is not necessary.

I am unable to approve the item designated as Section 119, subsection 5 in its entirety. This language requires additional notice to legislators if additional federal child care funds are received. This section would require additional staff resources when funding for staff has been severely reduced.

I am unable to approve the item designated as Section 120, subsection 1, unnumbered paragraph 2. This item requires the Department of Human Services to submit a plan for relocating males currently at the Toledo juvenile home, a female-only institution. This language has been included in the appropriation bill for the past three years; however, the Legislature has failed to fund the proposal. My recommendation in a previous year had included funding for this change, however the Legislature chose to use that funding instead for other programs.

I am unable to approve the item designated as Section 121, subsection 9 in its entirety. This language requires the Department of Human Services and juvenile court officers to develop criteria for intensive tracking and supervision of delinquent youth. These criteria were developed two years ago in response to this language; thus, this language is no longer needed.

I am unable to approve the item designated as Section 121, subsection 18. This directs the Department of Human Services to privatize the administration of foster care and adoption programs. Given the fact that no additional funds were provided for this purpose and staffing has been severely reduced, implementation of this section is not feasible.

I am unable to approve the item designated as a portion of Section 132, subsection 2. This item requires the Department of Human Services to submit proposed legislation to correct Code references related to service areas. This appears to be the realm of the Legislative Fiscal Bureau or Code Editor rather than the Department of Human Services, especially at a time when the Department's resources have been severely reduced.

I am unable to approve the items designated as Section 135, subsections 2 and 3 in their entirety. This language provides legislative intent for items already in progress or that appear to infringe on executive branch management duties. It is preferable that the Department of Human Services be allowed to have flexibility in this area.

I am unable to approve the item designated as Section 137, subsection 1, paragraph b, subparagraph (3) in its entirety. The provision would increase the cost of prescription drugs for Iowans most in need. This is an additional financial burden on a group with very little or no income. Additionally, if the individuals do not have the funds, the pharmacist is required to dispense the drug anyway. This could create an additional reluctance on the part of pharmacists to handle Medicaid patients.

I am unable to approve the items designated as Section 138 in their entirety. This section would exempt a currently closed nursing facility in Dows from the Certificate of Need approval process and from meeting current life safety code and physical plant requirements, if the facility reopens by July 1, 2004. Allowing this section would put the state at risk for liability in the

event of any physical plant or clinical operation problems. Excluding a facility from these requirements could place vulnerable residents at health and safety risks and would set a dangerous precedent.

I am unable to approve the items designated as Section 141 and Section 151, subsection 2, paragraph c in their entirety. This language directs the department to reduce administrative requirements for the targeted case management waiver. These requirements are needed to obtain federal approval and support documentation for claims for federal funds under the waiver.

I am unable to approve the items designated as Section 142 and Section 151, subsection 2, paragraph f in their entirety. This provision would require nursing facilities to be certified for Medicaid and Medicare — even if the facility does not take Medicare patients. I have previously directed the Department of Human Services to prepare administrative rules to address dual certification for all applicable nursing facilities, thus requiring certification of a nursing facility for both Medicare and Medicaid when they are, in fact, providing services for clients of each program. This directive avoids unnecessary additional administrative cost for dual certification that would be borne by the state, over 62 nursing facilities, and Iowans who receive nursing home services.

I am unable to approve the language in Section 165, subsection 2, unnumbered paragraph 2. This section would limit the amount of reimbursement in relation to State costs from riverboat and racetrack enforcement costs. Sections 167, 168, and 169 clearly change the reimbursement rate from riverboats and racetracks enforcement costs to 100% of the related expenses.

I am unable to approve Section 199, paragraph a. This section would de-appropriate \$600,000 from the FY 2003 Rebuild Iowa Infrastructure fund appropriation for the Enrich Iowa Libraries program. Quality libraries are a key component of the educational infrastructure for Iowa's children. A reduction in funding would stifle the progress this administration has made in improving educational opportunities for Iowa's children.

I am unable to approve Section 215. The Administration has made every attempt to provide quality educational opportunities for all Iowans. This section denies state employees the opportunity to access educational assistance. I believe this option should be maintained to further enhance the knowledge and skills of our workforce.

I am unable to approve the designated portion of Section 216. While I understand the need to reduce paper within state government, I feel that there are times when making state information available to the public in paper format is appropriate. An example would be making Iowa tourism brochures available at welcome centers, tourism booths, and other appropriate venues.

I am unable to approve Section 230. This section would increase the available yearly allocation of tax credits for the Accelerated Career Education program (ACE). I recognize that ACE programs allow education and business entities to provide students with valuable educational curriculum designed to meet the needs of specific industry sectors. I support the expansion of these programs; however, it should not be accomplished through the elimination of other vital economic development tools. I look forward to working with the Legislature to identify opportunities to increase funding for ACE programs in the next legislative session.

I am unable to approve Sections 231 and 232. These sections are designed to eliminate the New Jobs Tax Credit for businesses to raise the cap for tax credits for the Accelerated Career Education programs at Community Colleges. Sections 231 and 232 would eliminate a valuable tool used by communities and developers to encourage business growth and expansion. The elimination of the New Jobs Tax Credit would adversely affect the economic development packages of many communities.

For the above reasons, I respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 2627 are hereby approved as of this date.

Sincerely,
THOMAS J. VILSACK, *Governor*

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