

MAR 1 0 2006
APPROPRIATIONS CALENDAR

HOUSE FILE 2743
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HSB 765)

Passed House, Date 3-15-06 Passed Senate, Date 5-2-06
Vote: Ayes 95 Nays 0 Vote: Ayes 50 Nays 0

Repassed Hse
5-2-06 95-0
5-3-06 93-0

~~Approved~~ 6-1-06
~~Item Veto~~

A BILL FOR

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

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HF 2743

1 Section 1. HEALTHY IOWANS TOBACCO TRUST -- APPROPRIATIONS
2 TO DEPARTMENTS. There is appropriated from the healthy Iowans
3 tobacco trust created in section 12.65 to the following
4 departments for the fiscal year beginning July 1, 2006, and
5 ending June 30, 2007, the following amounts, or so much
6 thereof as is necessary, to be used for the purposes
7 designated:

8 1. To the department of human services:

9 a. To supplement the medical assistance program
10 appropriations for the fiscal year, including for
11 reimbursement of noninstitutional medical assistance providers
12 with the exception of anesthesia and dental providers and to
13 continue the resource-based relative value system of
14 reimbursement based upon the reimbursement rates established
15 for the fiscal year beginning July 1, 2005, and ending June
16 30, 2006, pursuant to 2005 Iowa Acts, chapter 175, section 29;
17 for reimbursement of dental services, hospitals, home health
18 care services, critical access hospitals, expansion of home
19 health care services and habilitative day care for children
20 with special needs, and expansion of respite care services
21 provided through home and community-based waivers based upon
22 the reimbursement rates established for the fiscal year
23 beginning July 1, 2005, and ending June 30, 2006, pursuant to
24 2005 Iowa Acts, chapter 175, section 29; and for provision of
25 coverage to women who require treatment for breast or cervical
26 cancer as provided in section 249A.3, subsection 2, paragraph
27 "b":

28 \$ 35,013,803

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

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

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

5 \$ 4,257,623

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

8 \$ 200,000

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

10 \$ 274,000

11 2. To the Iowa department of public health:

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

16 \$ 5,011,565

17 FTEs 7.00

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

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

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

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

1 beginning July 1, 2001, for community partnerships shall be
2 expended in the fiscal year beginning July 1, 2006, for that
3 purpose.

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

6 \$ 75,000

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

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

16 \$ 13,800,000

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

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

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

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

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

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

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

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

7	\$	2,509,960
8	FTEs	4.00

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

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

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

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

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

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

30 \$ 250,000

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

1 \$ 100,000

2 FTEs 1.00

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

5 \$ 26,000

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

8 \$ 800,000

9 (1) Of the funds appropriated in this paragraph "h",
10 \$400,000 shall be utilized to provide funding for
11 organizations that provide programming for children by
12 utilizing mentors. Programs approved for grants under this
13 subparagraph (1) shall be certified or will be certified
14 within six months of receiving the grant award by the Iowa
15 commission on volunteer services as utilizing the standards
16 for effective practice for mentoring programs.

17 (2) Of the funds appropriated in this paragraph "h",
18 \$400,000 shall be utilized to provide funding for
19 organizations that provide programming that includes out-of-
20 school youth development and opportunities for character
21 development, youth development, and leadership. The programs
22 shall also be recognized as being programs that are
23 scientifically-based with evidence of their effectiveness in
24 reducing substance abuse in children.

25 (3) The Iowa department of public health shall utilize a
26 request for proposals process to implement the program under
27 this paragraph "h".

28 (4) All grant recipients under this paragraph "h" shall
29 participate in a program evaluation as a requirement for
30 receiving grant funds.

31 i. For providing grants to individual patients who have
32 phenylketonuria (PKU) to assist with the costs of necessary
33 special foods:

34 \$ 60,000

35 j. For additional funding to leverage federal funding

1 through the federal Ryan White Care Act, Title II, AIDS drug
2 assistance program supplemental drug treatment grants:
3 \$ 275,000

4 3. To the department of corrections:
5 \$ 3,772,999

6 a. Of the funds appropriated in this subsection, \$164,741
7 is allocated to the first judicial district department of
8 correctional services. Of the funds allocated, \$100,000 shall
9 be used for community-based corrections, and \$64,741 shall be
10 used to replace expired federal funding for dual diagnosis
11 offenders.

12 b. Of the funds appropriated in this subsection, \$396,217
13 is allocated to the second judicial district department of
14 correctional services. Of the funds allocated, \$100,000 shall
15 be used for community-based corrections, \$296,217 shall be
16 used to replace expired federal funding for day programming
17 and to replace expired federal funding for the drug court
18 program, and of this amount \$40,000 shall be used for
19 substance abuse treatment.

20 c. Of the funds appropriated in this subsection, \$200,359
21 is allocated to the third judicial district department of
22 correctional services. Of the funds allocated, \$100,000 shall
23 be used for community-based corrections, and \$100,359 shall be
24 used to replace expired federal funding for the drug court
25 program.

26 d. Of the funds appropriated in this subsection, \$291,731
27 is allocated to the fourth judicial district department of
28 correctional services. Of the funds allocated, \$100,000 shall
29 be used for community-based corrections, and \$191,731 shall be
30 used for the drug court program.

31 e. Of the funds appropriated in this subsection, \$355,693
32 is allocated to the fifth judicial district department of
33 correctional services. Of the funds allocated, \$100,000 shall
34 be used for community-based corrections, and \$255,693 shall be
35 used to replace expired federal funding for the drug court

1 program.

2 f. Of the funds appropriated in this subsection, \$164,741
3 is allocated to the sixth judicial district department of
4 correctional services. Of the funds allocated, \$100,000 shall
5 be used for community-based corrections, and \$64,741 shall be
6 used to replace expired federal funding for dual diagnosis
7 offenders.

8 g. Of the funds appropriated in this subsection, \$232,232
9 is allocated to the seventh judicial district department of
10 correctional services. Of the funds allocated, \$100,000 shall
11 be used for community-based corrections, and \$132,232 shall be
12 used to replace expired federal funding for drug courts.

13 h. Of the funds appropriated in this subsection, \$100,000
14 is allocated to the eighth judicial district department of
15 correctional services for community-based corrections.

16 i. Of the funds appropriated in this subsection,
17 \$1,497,285 is allocated to the Fort Madison correctional
18 facility for the clinical care unit.

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

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

25 4. To the department for the blind:
26 \$ 130,000

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

31 Sec. 2. IOWA DEPARTMENT OF PUBLIC HEALTH. There is
32 appropriated from the healthy Iowans tobacco trust created in
33 section 12.65 to the Iowa department of public health for the
34 designated fiscal years, the following amounts, or so much
35 thereof as is necessary, to be used for the purposes

1 designated:

2 For a grant program that addresses alcohol, tobacco, and
3 other drugs in the school setting by utilizing evidence-based
4 curriculum programs in elementary schools and youth prevention
5 and peer education programs provided through community
6 partnerships in high schools:

- 7 1. FY 2006-2007..... \$ 1,550,375
- 8 2. FY 2007-2008..... \$ 1,500,000
- 9 3. FY 2008-2009..... \$ 1,400,000

10 The Iowa department of public health shall utilize a
11 request for proposals process to implement this section.

12 Sec. 3. PURCHASE OF SERVICE CONTRACT PROVIDERS --

13 REIMBURSEMENT INCREASE. There is appropriated from the
14 healthy Iowans tobacco trust created in section 12.65 to the
15 property tax relief fund created in section 426B.1 for the
16 fiscal year beginning July 1, 2006, and ending June 30, 2007,
17 the following amount, or so much thereof as is necessary, to
18 be used for the purposes designated:

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

- 27 \$ 146,750

28 Sec. 4. IOWA EMPOWERMENT FUND. There is appropriated from
29 the healthy Iowans tobacco trust created in section 12.65, to
30 the Iowa empowerment fund created in section 28.9 for the
31 fiscal year beginning July 1, 2006, and ending June 30, 2007,
32 for deposit in the school ready children grants account:

- 33 \$ 2,153,250

34 Sec. 5. IOWA COMMISSION ON VOLUNTEER SERVICES. There is
35 appropriated from the healthy Iowans tobacco trust created in

1 section 12.65 to the department of economic development for
2 the fiscal year beginning July 1, 2006, and ending June 30,
3 2007, the following amount, or so much thereof as is
4 necessary, to be used for the purpose designated:

5 For allocation to the Iowa commission on volunteer services
6 for the Iowa's promise and mentoring partnership program and
7 for not more than the following full-time equivalent position:

8	\$	125,000
9	FTEs	1.00

10 Sec. 6. DEPARTMENT OF EDUCATION. There is appropriated
11 from the healthy Iowans tobacco trust created in section
12 12.65, to the department of education for the fiscal year
13 beginning July 1, 2006, and ending June 30, 2007, the
14 following amount, or so much thereof as is necessary, to be
15 used for the purpose designated:

16 To leverage funding from other sources to establish a
17 competitive grants program to expand the availability of
18 before and after school programs:

19	\$	150,000
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20 All school districts shall be eligible to apply for a grant
21 from the program. Grant applications shall be assessed by the
22 department based on whether the application targets at-risk
23 children; demonstrates partnerships and collaboration with
24 not-for-profit community organizations; indicates that the
25 school district and organization have qualified staff and
26 training for the program; provides for a safe and engaging
27 environment; combines academic, enrichment, cultural, and
28 recreational activities in year-round, age-appropriate
29 activities; provides for no less than a 20 percent local
30 match; and demonstrates that the school district is able to
31 sustain the program after the grant is exhausted. The types
32 of activities supported by a school district applying for a
33 grant may include but are not limited to tutoring and
34 supplementing instruction in basic skills, such as reading,
35 math, and science; drug and violence prevention curricula and

1 counseling; youth leadership activities; volunteer and service
2 learning opportunities; career and vocational awareness
3 preparation; courses and enrichment in arts and culture;
4 computer instruction; character development and civic
5 participation; language instruction, including English as a
6 second language; mentoring; positive interaction with law
7 enforcement; supervised recreation programs; or health and
8 nutrition programs.

9 Sec. 7. ENDOWMENT FOR IOWA'S HEALTH ACCOUNT -- TRANSFER.

10 In addition to the amount transferred pursuant to section
11 12E.12, subsection 1, paragraph "b", subparagraph (2),
12 subparagraph subdivision (b), \$13,750,000 is transferred from
13 the endowment for Iowa's health account of the tobacco
14 settlement trust fund created in section 12E.12 to the healthy
15 Iowans tobacco trust created in section 12.65 for the fiscal
16 year beginning July 1, 2006, and ending June 30, 2007.

17 EXPLANATION

18 This bill relates to and makes appropriations from the
19 healthy Iowans tobacco trust to the following departments for
20 fiscal year 2006-2007:

21 To the department of human services:

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

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

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

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

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

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

12 To the Iowa department of public health:

13 1. For development of a healthy Iowans 2010 plan for the
14 following purposes: for core public health functions
15 including home health care and public health nursing services
16 contracted through a formula by local boards of health, to
17 enhance disease and injury prevention services; for the
18 implementation and support of a coordinated system of delivery
19 of trauma and emergency medical services; for the poison
20 control center; for development of scientific and medical
21 expertise in environmental epidemiology; and for the childhood
22 lead poisoning prevention program.

23 2. For the automated external defibrillator grant program.

24 3. For provision of access to automated external
25 defibrillators throughout the capitol complex.

26 4. For the center for congenital and inherited disorders.

27 5. For a grant program to provide substance abuse
28 prevention programming for children with specific criteria for
29 distribution of specified portions of the grant funds through
30 a request for proposals process.

31 6. For a grant program for individuals with
32 phenylketonuria (PKU).

33 7. For leveraging of federal funds under the federal Ryan
34 White Care Act.

35 To the department of corrections: for community-based

1 corrections, day programming, the drug court program, and for
2 the Fort Madison correctional facility for the clinical care
3 unit.

4 To the department for the blind: for a statewide program
5 to provide audio news and information services to blind or
6 visually impaired persons residing in the state.

7 The bill appropriates funds to the Iowa department of
8 public health for FY 2006-2007, FY 2007-2008, and FY 2008-2009
9 for a grant program that addresses alcohol, tobacco, and other
10 drugs in the school setting by utilizing evidence-based
11 curriculum programs in elementary schools and youth prevention
12 and peer education programs provided through community
13 partnerships in high schools.

14 The bill appropriates funds to the department of economic
15 development for FY 2006-2007 for allocation to the Iowa
16 commission on volunteer services for the Iowa's promise and
17 mentoring partnership program.

18 The bill appropriates funds for fiscal year 2006-2007 to
19 the department of education to leverage funding from other
20 sources to expand the availability of before and after school
21 programs, and provides criteria for the awarding of grants.

22 The bill appropriates funds for fiscal year 2006-2007 to
23 the property tax relief fund for the fiscal year beginning
24 July 1, 2006, and ending June 30, 2007, for assistance to
25 counties with limited county mental health, mental
26 retardation, and developmental disabilities services fund
27 balances to pay reimbursement increases in the same amount as
28 provided in the fiscal year beginning July 1, 2000, and ending
29 June 30, 2001.

30 The bill appropriates funds to the Iowa empowerment fund
31 for the fiscal year beginning July 1, 2006, and ending June
32 30, 2007, for deposit in the school ready children grants
33 account.

34 The bill provides for the transfer of additional funds from
35 the endowment for Iowa's health account to the healthy Iowans

1 tobacco trust for the fiscal year beginning July 1, 2006, and
2 ending June 30, 2007.

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HOUSE FILE 2743

H-8216

1 Amend House File 2743 as follows:

2 1. Page 2, by striking lines 13 and 14, and
3 inserting the following: "as provided in chapter
4 142A, for tobacco use prevention and control efforts
5 and enforcement at the state and local levels, and for
6 not more than the following full-time".

7 2. Page 2, line 30, by inserting after the word
8 "commerce" the following: ", and of the funds
9 appropriated in this paragraph "a", \$75,000 shall be
10 used to provide grants to any city, county, or board
11 of health that adopts an ordinance or rule regulating
12 smoking, notwithstanding any provision of law to the
13 contrary, for enforcement of the ordinance or rule".

By PETERSEN of Polk REICHERT of Muscatine
WISE of Lee GASKILL of Wapello
BUKTA of Clinton FOEGE of Linn

H-8216 FILED MARCH 13, 2006

HOUSE FILE 2743

H-8197

1 Amend House File 2743 as follows:

2 1. Page 10, by inserting after line 16 the
3 following:

4 "Sec. ____ . NEW SECTION. 147A.15 AUTOMATED
5 EXTERNAL DEFIBRILLATOR EQUIPMENT -- PENALTY.

6 Any person who damages, wrongfully takes or
7 withholds, or removes any component of automated
8 external defibrillator equipment located in a public
9 or privately owned location, including batteries
10 installed to operate the equipment, is guilty of a
11 serious misdemeanor."

12 2. Title page, line 2, by striking the word
13 "fund" and inserting the following: "fund, and by
14 providing a penalty".

By THOMAS of Clayton

H-8197 FILED MARCH 13, 2006

HOUSE FILE 2743

H-8200

1 Amend House File 2743 as follows:
2 1. Page 10, by inserting after line 16 the
3 following:
4 "Sec. ____ . NEW SECTION. 147A.15 AUTOMATED
5 EXTERNAL DEFIBRILLATOR EQUIPMENT -- PENALTY.
6 Any person who damages, wrongfully takes or
7 withholds, or removes any component of automated
8 external defibrillator equipment located in a public
9 or privately owned location, including batteries
10 installed to operate the equipment, is guilty of a
11 serious misdemeanor."
12 2. Title page, line 2, by striking the word
13 "fund" and inserting the following: "fund, and
14 providing a penalty".

By THOMAS of Clayton

H-8200 FILED MARCH 13, 2006

HOUSE FILE 2743

H-8204

1 Amend House File 2743 as follows:
2 1. Page 10, by inserting after line 16 the
3 following:
4 "Sec. ____ . DEPARTMENT OF EDUCATION.
5 Notwithstanding any provision to the contrary, there
6 is appropriated from the amount of interest or
7 earnings on moneys in the federal economic stimulus
8 and jobs holding fund created in the state treasury
9 pursuant to 2004 Iowa Acts, First Extraordinary
10 Session, chapter 1002, section 2, subsection 2, to the
11 department of education for the fiscal year beginning
12 July 1, 2006, and ending June 30, 2007, the following
13 amount, or so much thereof as is necessary, for the
14 purpose designated:
15 For before and after school programs:
16 \$ 4,100,000"
17 2. Title page, line 1, by inserting after the
18 word "from" the following: "various trust and holding
19 funds including the federal economic stimulus and jobs
20 holding fund,".

By FORD of Polk

H-8204 FILED MARCH 13, 2006

H-8265

1 Amend House File 2743 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "DIVISION I"

5 2. Page 10, by inserting after line 16 the
6 following:

7 "DIVISION II"

8 Sec. ____ . Section 12.65, subsection 1, Code 2005,
9 is amended to read as follows:

10 1. A healthy Iowans tobacco trust is created in
11 the office of the treasurer of state. Moneys
12 transferred to the healthy Iowans tobacco trust from
13 the endowment for Iowa's health account of the tobacco
14 settlement trust fund established in section 12E.12
15 and appropriated or transferred from any other source
16 shall be deposited in the healthy Iowans tobacco
17 trust. Additionally, proceeds derived from payment of
18 taxes pursuant to section 453A.6, subsection 1,
19 paragraph "a", subparagraph (2); section 453A.6,
20 subsection 1, paragraph "b", subparagraph (2); section
21 453A.43, subsection 1, paragraph "b"; and section
22 453A.43, subsection 2, paragraph "b", shall be
23 credited to the healthy Iowans tobacco trust.

24 Sec. ____ . Section 453A.6, subsection 1, Code 2005,
25 is amended to read as follows:

26 1. There is imposed, and shall be collected and
27 paid to the department, the following taxes on all
28 cigarettes used or otherwise disposed of in this state
29 for any purpose whatsoever:

30 a. CLASS A.

31 (1) On cigarettes weighing not more than three
32 pounds per thousand, ~~eighteen mills~~ one and
33 eight-tenths cents on each such cigarette.

34 (2) In addition to the tax imposed in subparagraph
35 (1), on cigarettes weighing not more than three pounds
36 per thousand, three and two-tenths cents on each
37 cigarette.

38 b. CLASS B.

39 (1) On cigarettes weighing more than three pounds
40 per thousand, ~~eighteen mills~~ one and eight-tenths
41 cents on each such cigarette.

42 (2) In addition to the tax imposed in subparagraph
43 (1), on cigarettes weighing more than three pounds per
44 thousand, three and two-tenths cents on each
45 cigarette.

46 Sec. ____ . Section 453A.35, Code 2005, is amended
47 to read as follows:

48 453A.35 TAX AND FEES PAID TO GENERAL FUND.

49 The proceeds derived from the sale of stamps and
50 the payment of taxes, fees and penalties provided for

H-8265

1 under this chapter, and the permit fees received from
 2 all permits issued by the department, with the
 3 exception of the proceeds derived from payment of
 4 taxes pursuant to section 453A.6, subsection 1,
 5 paragraph "a", subparagraph (2); section 453A.6,
 6 subsection 1, paragraph "b", subparagraph (2); section
 7 453A.43, subsection 1, paragraph "b"; and section
 8 453A.43, subsection 2, paragraph "b", which shall be
 9 credited to the healthy Iowans tobacco trust created
 10 in section 12.65, shall be credited to the general
 11 fund of the state. All permit fees provided for in
 12 this chapter and collected by cities in the issuance
 13 of permits granted by the cities shall be paid to the
 14 treasurer of the city where the permit is effective,
 15 or to another city officer as designated by the
 16 council, and credited to the general fund of the city.
 17 Permit fees so collected by counties shall be paid to
 18 the county treasurer.

19 Sec. ____ . Section 453A.40, subsection 1, Code
 20 2005, is amended to read as follows:

21 1. All of the following persons shall be subject
 22 to an inventory tax on the following items as provided
 23 in this section:

24 a. All persons required to be licensed obtain a
 25 permit under section 453A.13 as distributors or to be
 26 licensed under section 453A.44 as a distributor or
 27 subjobber, having in their possession and held for
 28 resale on the effective date of an increase in the tax
 29 rate cigarettes, ~~or~~ little cigars, or tobacco products
 30 upon which the tax under section 453A.6 or 453A.43 has
 31 been paid, unused cigarette tax stamps which have been
 32 paid for under section 453A.8, or unused metered
 33 imprints which have been paid for under section
 34 453A.12 shall be subject to an inventory tax on the
 35 items as provided in this section.

36 b. All consumers having for use or storage on the
 37 effective date of an increase in the tax rate, tobacco
 38 products upon which the tax under section 453A.43 has
 39 been paid.

40 c. All consumers subject to section 453A.46,
 41 subsection 6, who have acquired title to or possession
 42 of tobacco products for storage in this state, upon
 43 which tobacco products the tax imposed by section
 44 453A.43 has not been paid.

45 Sec. ____ . Section 453A.43, subsections 1 and 2,
 46 Code 2005, are amended to read as follows:

47 1. a. A tax is imposed upon all tobacco products
 48 in this state and upon any person engaged in business
 49 as a distributor of tobacco products, at the rate of
 50 twenty-two percent of the wholesale sales price of the

1 tobacco products, except little cigars as defined in
2 section 453A.42.

3 b. In addition to the tax imposed under paragraph
4 "a", a tax is imposed upon all tobacco products in
5 this state and upon any person engaged in business as
6 a distributor of tobacco products, at the rate of
7 thirty-three percent of the wholesale sales price of
8 the tobacco products, except little cigars as defined
9 in section 453A.42.

10 c. Little cigars shall be subject to the same rate
11 of tax imposed upon cigarettes in section 453A.6,
12 payable at the time and in the manner provided in
13 section 453A.6; and stamps shall be affixed as
14 provided in division I of this chapter.

15 d. The ~~tax~~ taxes on tobacco products, excluding
16 little cigars, shall be imposed at the time the
17 distributor does any of the following:

18 ~~a.~~ (1) Brings, or causes to be brought, into this
19 state from without the state tobacco products for
20 sale.

21 ~~b.~~ (2) Makes, manufactures, or fabricates tobacco
22 products in this state for sale in this state.

23 ~~e.~~ (3) Ships or transports tobacco products to
24 retailers in this state, to be sold by those
25 retailers.

26 2. a. A tax is imposed upon the use or storage by
27 consumers of tobacco products in this state, and upon
28 the consumers, at the rate of twenty-two percent of
29 the cost of the tobacco products.

30 b. In addition to the tax imposed in paragraph
31 "a", a tax is imposed upon the use or storage by
32 consumers of tobacco products in this state, and upon
33 the consumers, at a rate of thirty-three percent of
34 the cost of the tobacco products.

35 c. The ~~tax~~ taxes imposed by this subsection shall
36 not apply if the ~~tax~~ taxes imposed by subsection 1 on
37 the tobacco products ~~has~~ have been paid.

38 d. ~~This tax~~ The taxes imposed under this
39 subsection shall not apply to the use or storage of
40 tobacco products in quantities of:

41 ~~a.~~ (1) Less than 25 cigars.

42 ~~b.~~ (2) Less than 10 oz. snuff or snuff powder.

43 ~~e.~~ (3) Less than 1 lb. smoking or chewing tobacco
44 or other tobacco products not specifically mentioned
45 herein, in the possession of any one consumer.

46 Sec. ____ . EFFECTIVE DATE. The sections of this
47 division of this Act amending section 12.65; section
48 453A.6, subsection 1; section 453A.35; section
49 453A.40, subsection 1; and section 453A.43,
50 subsections 1 and 2, being deemed of immediate

H-8265

Page 4

1 importance, take effect on the first day of the month

2 that begins following enactment of this Act."

3 3. By renumbering as necessary.

By FOEGE of Linn

H-8265 FILED MARCH 14, 2006

HOUSE FILE 2743

H-8262

- 1 Amend House File 2743 as follows:
2 1. Page 1, by striking lines 15 and 16 and
3 inserting the following: "for the fiscal year
4 beginning July 1, 2006, and ending June 30, 2007,
5 pursuant to 2006 Iowa Acts, House File 2734, if
6 enacted;"
- 7 2. Page 1, by striking lines 23 and 24 and
8 inserting the following: "beginning July 1, 2006, and
9 ending June 30, 2007, pursuant to 2006 Iowa Acts,
10 House File 2734, if enacted; and for provision of".
- 11 3. Page 4, by inserting after line 3 the
12 following:
13 "(7) The department shall use the additional
14 \$2,000,000 in funds appropriated in this paragraph "c"
15 to fund existing substance abuse treatment programs."
16 4. Page 5, line 8, by striking the figure
17 "800,000" and inserting the following: "850,000".
18 5. Page 5, by inserting after line 30 the
19 following:
20 "(5) Of the funds appropriated in this paragraph
21 "h", \$50,000 shall be used to administer substance
22 abuse prevention program evaluations."
23 6. Page 6, line 5, by striking the figure
24 "3,772,999" and inserting the following: "3,782,999".
25 7. Page 6, line 12, by striking figure "396,217"
26 and inserting the following: "406,217".
27 8. Page 6, line 15, by striking the word
28 "corrections," and inserting the following:
29 "corrections and".
30 9. Page 6, by striking line 18 and inserting the
31 following: "program with \$50,000 of this amount being
32 used for".
33 10. Page 7, line 12, by striking the words "drug
34 courts" and inserting the following: "the drug court
35 program".
36 11. By renumbering as necessary.

By HEATON of Henry

H-8262 FILED MARCH 14, 2006

HOUSE FILE 2743
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HSB 765)

(As Amended and Passed by the House March 15, 2006)

Re-Passed House, Date 5-2-06 Passed Senate, Date 5-2-06
Vote: Ayes 95 Nays 0 Vote: Ayes 50 Nays 0
Approved _____

A BILL FOR

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

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House Amendments _____

1 Section 1. HEALTHY IOWANS TOBACCO TRUST -- APPROPRIATIONS
2 TO DEPARTMENTS. There is appropriated from the healthy Iowans
3 tobacco trust created in section 12.65 to the following
4 departments for the fiscal year beginning July 1, 2006, and
5 ending June 30, 2007, the following amounts, or so much
6 thereof as is necessary, to be used for the purposes
7 designated:

8 1. To the department of human services:

9 a. To supplement the medical assistance program
10 appropriations for the fiscal year, including for
11 reimbursement of noninstitutional medical assistance providers
12 with the exception of anesthesia and dental providers and to
13 continue the resource-based relative value system of
14 reimbursement based upon the reimbursement rates established
15 for the fiscal year beginning July 1, 2006, and ending June
16 30, 2007, pursuant to 2006 Iowa Acts, House File 2734, if
17 enacted; for reimbursement of dental services, hospitals, home
18 health care services, critical access hospitals, expansion of
19 home health care services and habilitative day care for
20 children with special needs, and expansion of respite care
21 services provided through home and community-based waivers
22 based upon the reimbursement rates established for the fiscal
23 year beginning July 1, 2006, and ending June 30, 2007,
24 pursuant to 2006 Iowa Acts, House File 2734, if enacted; and
25 for provision of coverage to women who require treatment for
26 breast or cervical cancer as provided in section 249A.3,
27 subsection 2, paragraph "b":

28 \$ 35,013,803

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

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

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

5 \$ 4,257,623

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

8 \$ 200,000

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

10 \$ 274,000

11 2. To the Iowa department of public health:

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

16 \$ 5,011,565

17 FTEs 7.00

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

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

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

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

1 beginning July 1, 2001, for community partnerships shall be
2 expended in the fiscal year beginning July 1, 2006, for that
3 purpose.

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

6 \$ 75,000

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

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

16 \$ 13,800,000

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

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

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

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

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

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

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

4 (7) The department shall use the additional \$2,000,000 in
5 funds appropriated in this paragraph "c" to fund existing
6 substance abuse treatment programs.

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

10	\$	2,509,960
11	FTEs	4.00

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

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

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

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

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

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

33	\$	250,000
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34 f. For implementation and maintenance of a public access
35 defibrillation plan to provide access to automatic external

1 defibrillators throughout the state capitol complex on a 24-
2 hour, 7 days per week basis and for not more than the
3 following full-time equivalent position:

4 \$ 100,000
5 FTEs 1.00

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

8 \$ 26,000

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

11 \$ 850,000

12 (1) Of the funds appropriated in this paragraph "h",
13 \$400,000 shall be utilized to provide funding for
14 organizations that provide programming for children by
15 utilizing mentors. Programs approved for grants under this
16 subparagraph (1) shall be certified or will be certified
17 within six months of receiving the grant award by the Iowa
18 commission on volunteer services as utilizing the standards
19 for effective practice for mentoring programs.

20 (2) Of the funds appropriated in this paragraph "h",
21 \$400,000 shall be utilized to provide funding for
22 organizations that provide programming that includes out-of-
23 school youth development and opportunities for character
24 development, youth development, and leadership. The programs
25 shall also be recognized as being programs that are
26 scientifically-based with evidence of their effectiveness in
27 reducing substance abuse in children.

28 (3) The Iowa department of public health shall utilize a
29 request for proposals process to implement the program under
30 this paragraph "h".

31 (4) All grant recipients under this paragraph "h" shall
32 participate in a program evaluation as a requirement for
33 receiving grant funds.

34 (5) Of the funds appropriated in this paragraph "h",
35 \$50,000 shall be used to administer substance abuse prevention

1 program evaluations.

2 i. For providing grants to individual patients who have
3 phenylketonuria (PKU) to assist with the costs of necessary
4 special foods:
5 \$ 60,000

6 j. For additional funding to leverage federal funding
7 through the federal Ryan White Care Act, Title II, AIDS drug
8 assistance program supplemental drug treatment grants:
9 \$ 275,000

10 3. To the department of corrections:
11 \$ 3,782,999

12 a. Of the funds appropriated in this subsection, \$164,741
13 is allocated to the first judicial district department of
14 correctional services. Of the funds allocated, \$100,000 shall
15 be used for community-based corrections, and \$64,741 shall be
16 used to replace expired federal funding for dual diagnosis
17 offenders.

18 b. Of the funds appropriated in this subsection, \$406,217
19 is allocated to the second judicial district department of
20 correctional services. Of the funds allocated, \$100,000 shall
21 be used for community-based corrections and \$296,217 shall be
22 used to replace expired federal funding for day programming
23 and to replace expired federal funding for the drug court
24 program with \$50,000 of this amount being used for substance
25 abuse treatment.

26 c. Of the funds appropriated in this subsection, \$200,359
27 is allocated to the third judicial district department of
28 correctional services. Of the funds allocated, \$100,000 shall
29 be used for community-based corrections, and \$100,359 shall be
30 used to replace expired federal funding for the drug court
31 program.

32 d. Of the funds appropriated in this subsection, \$291,731
33 is allocated to the fourth judicial district department of
34 correctional services. Of the funds allocated, \$100,000 shall
35 be used for community-based corrections, and \$191,731 shall be

1 used for the drug court program.

2 e. Of the funds appropriated in this subsection, \$355,693
3 is allocated to the fifth judicial district department of
4 correctional services. Of the funds allocated, \$100,000 shall
5 be used for community-based corrections, and \$255,693 shall be
6 used to replace expired federal funding for the drug court
7 program.

8 f. Of the funds appropriated in this subsection, \$164,741
9 is allocated to the sixth judicial district department of
10 correctional services. Of the funds allocated, \$100,000 shall
11 be used for community-based corrections, and \$64,741 shall be
12 used to replace expired federal funding for dual diagnosis
13 offenders.

14 g. Of the funds appropriated in this subsection, \$232,232
15 is allocated to the seventh judicial district department of
16 correctional services. Of the funds allocated, \$100,000 shall
17 be used for community-based corrections, and \$132,232 shall be
18 used to replace expired federal funding for the drug court
19 program.

20 h. Of the funds appropriated in this subsection, \$100,000
21 is allocated to the eighth judicial district department of
22 correctional services for community-based corrections.

23 i. Of the funds appropriated in this subsection,
24 \$1,497,285 is allocated to the Fort Madison correctional
25 facility for the clinical care unit.

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

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

32 4. To the department for the blind:

33 \$ 130,000

34 To plan, establish, administer, and promote a statewide
35 program to provide audio news and information services to

1 blind or visually impaired persons residing in this state as
2 provided pursuant to section 216B.3, subsection 18.

3 Sec. 2. IOWA DEPARTMENT OF PUBLIC HEALTH. There is
4 appropriated from the healthy Iowans tobacco trust created in
5 section 12.65 to the Iowa department of public health for the
6 designated fiscal years, the following amounts, or so much
7 thereof as is necessary, to be used for the purposes
8 designated:

9 For a grant program that addresses alcohol, tobacco, and
10 other drugs in the school setting by utilizing evidence-based
11 curriculum programs in elementary schools and youth prevention
12 and peer education programs provided through community
13 partnerships in high schools:

- 14 1. FY 2006-2007..... \$ 1,550,375
- 15 2. FY 2007-2008..... \$ 1,500,000
- 16 3. FY 2008-2009..... \$ 1,400,000

17 The Iowa department of public health shall utilize a
18 request for proposals process to implement this section.

19 Sec. 3. PURCHASE OF SERVICE CONTRACT PROVIDERS --
20 REIMBURSEMENT INCREASE. There is appropriated from the
21 healthy Iowans tobacco trust created in section 12.65 to the
22 property tax relief fund created in section 426B.1 for the
23 fiscal year beginning July 1, 2006, and ending June 30, 2007,
24 the following amount, or so much thereof as is necessary, to
25 be used for the purposes designated:

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

- 34 \$ 146,750

35 Sec. 4. IOWA EMPOWERMENT FUND. There is appropriated from

1 the healthy Iowans tobacco trust created in section 12.65, to
2 the Iowa empowerment fund created in section 28.9 for the
3 fiscal year beginning July 1, 2006, and ending June 30, 2007,
4 for deposit in the school ready children grants account:

5 \$ 2,153,250

6 Sec. 5. IOWA COMMISSION ON VOLUNTEER SERVICES. There is
7 appropriated from the healthy Iowans tobacco trust created in
8 section 12.65 to the department of economic development for
9 the fiscal year beginning July 1, 2006, and ending June 30,
10 2007, the following amount, or so much thereof as is
11 necessary, to be used for the purpose designated:

12 For allocation to the Iowa commission on volunteer services
13 for the Iowa's promise and mentoring partnership program and
14 for not more than the following full-time equivalent position:

15 \$ 125,000
16 FTEs 1.00

17 Sec. 6. DEPARTMENT OF EDUCATION. There is appropriated
18 from the healthy Iowans tobacco trust created in section
19 12.65, to the department of education for the fiscal year
20 beginning July 1, 2006, and ending June 30, 2007, the
21 following amount, or so much thereof as is necessary, to be
22 used for the purpose designated:

23 To leverage funding from other sources to establish a
24 competitive grants program to expand the availability of
25 before and after school programs:

26 \$ 150,000

27 All school districts shall be eligible to apply for a grant
28 from the program. Grant applications shall be assessed by the
29 department based on whether the application targets at-risk
30 children; demonstrates partnerships and collaboration with
31 not-for-profit community organizations; indicates that the
32 school district and organization have qualified staff and
33 training for the program; provides for a safe and engaging
34 environment; combines academic, enrichment, cultural, and
35 recreational activities in year-round, age-appropriate

1 activities; provides for no less than a 20 percent local
2 match; and demonstrates that the school district is able to
3 sustain the program after the grant is exhausted. The types
4 of activities supported by a school district applying for a
5 grant may include but are not limited to tutoring and
6 supplementing instruction in basic skills, such as reading,
7 math, and science; drug and violence prevention curricula and
8 counseling; youth leadership activities; volunteer and service
9 learning opportunities; career and vocational awareness
10 preparation; courses and enrichment in arts and culture;
11 computer instruction; character development and civic
12 participation; language instruction, including English as a
13 second language; mentoring; positive interaction with law
14 enforcement; supervised recreation programs; or health and
15 nutrition programs.

16 Sec. 7. ENDOWMENT FOR IOWA'S HEALTH ACCOUNT -- TRANSFER.
17 In addition to the amount transferred pursuant to section
18 12E.12, subsection 1, paragraph "b", subparagraph (2),
19 subparagraph subdivision (b), \$13,750,000 is transferred from
20 the endowment for Iowa's health account of the tobacco
21 settlement trust fund created in section 12E.12 to the healthy
22 Iowans tobacco trust created in section 12.65 for the fiscal
23 year beginning July 1, 2006, and ending June 30, 2007.

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HOUSE FILE 2743

S-5172

1 Amend House File 2743, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 2, by striking lines 13 and 14, and
4 inserting the following: "as provided in chapter
5 142A, for tobacco use prevention and control efforts
6 and enforcement at the state and local levels, and for
7 not more than the following full-time".

8 2. Page 2, line 30, by inserting after the word
9 "commerce" the following: ", and of the funds
10 appropriated in this paragraph "a", \$75,000 shall be
11 used to provide grants to any city, county, or board
12 of health that adopts an ordinance or rule regulating
13 smoking, notwithstanding any provision of law to the
14 contrary, for enforcement of the ordinance or rule".

By DAVE MULDER
ROBERT E. DVORSKY

S-5172 FILED APRIL 6, 2006

S-5219

1 Amend House File 2743, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 10, by inserting after line 15 the
4 following:

5 "Sec. _____. Section 12.65, subsection 1, Code 2005,
6 is amended to read as follows:

7 1. A healthy Iowans tobacco trust is created in
8 the office of the treasurer of state. Moneys
9 transferred to the healthy Iowans tobacco trust from
10 the endowment for Iowa's health account of the tobacco
11 settlement trust fund established in section 12E.12
12 and appropriated or transferred from any other source
13 shall be deposited in the healthy Iowans tobacco
14 trust. Additionally, proceeds derived from payment of
15 taxes pursuant to section 453A.6, subsection 1,
16 paragraph "a", subparagraph (2); section 453A.6,
17 subsection 1, paragraph "b", subparagraph (2); section
18 453A.43, subsection 1, paragraph "b"; and section
19 453A.43, subsection 2, paragraph "b", shall be
20 credited to the healthy Iowans tobacco trust.

21 Sec. _____. Section 453A.6, subsection 1, Code 2005,
22 is amended to read as follows:

23 1. There is imposed, and shall be collected and
24 paid to the department, the following taxes on all
25 cigarettes used or otherwise disposed of in this state
26 for any purpose whatsoever:

27 a. CLASS A.

28 (1) On cigarettes weighing not more than three
29 pounds per thousand, ~~eighteen mills one and~~
30 eight-tenths cents on each such cigarette.

31 (2) In addition to the tax imposed in subparagraph
32 (1), on cigarettes weighing not more than three pounds
33 per thousand, three and two-tenths cents on each
34 cigarette.

35 b. CLASS B.

36 (1) On cigarettes weighing more than three pounds
37 per thousand, ~~eighteen mills one and eight-tenths~~
38 cents on each such cigarette.

39 (2) In addition to the tax imposed in subparagraph
40 (1), on cigarettes weighing more than three pounds per
41 thousand, three and two-tenths cents on each
42 cigarette.

43 Sec. _____. Section 453A.35, Code 2005, is amended
44 to read as follows:

45 453A.35 TAX AND FEES PAID TO GENERAL FUND.

46 The proceeds derived from the sale of stamps and
47 the payment of taxes, fees and penalties provided for
48 under this chapter, and the permit fees received from
49 all permits issued by the department, with the
50 exception of the proceeds derived from payment of

S-5219

1 taxes pursuant to section 453A.6, subsection 1,
2 paragraph "a", subparagraph (2); section 453A.6,
3 subsection 1, paragraph "b", subparagraph (2); section
4 453A.43, subsection 1, paragraph "b"; and section
5 453A.43, subsection 2, paragraph "b", which shall be
6 credited to the healthy Iowans tobacco trust created
7 in section 12.65, shall be credited to the general
8 fund of the state. All permit fees provided for in
9 this chapter and collected by cities in the issuance
10 of permits granted by the cities shall be paid to the
11 treasurer of the city where the permit is effective,
12 or to another city officer as designated by the
13 council, and credited to the general fund of the city.
14 Permit fees so collected by counties shall be paid to
15 the county treasurer.

16 Sec. ____ . Section 453A.40, subsection 1, Code
17 2005, is amended to read as follows:

18 1. All of the following persons shall be subject
19 to an inventory tax on the following items as provided
20 in this section:

21 a. All persons required to be licensed obtain a
22 permit under section 453A.13 as distributors or to be
23 licensed under section 453A.44 as a distributor or
24 subjobber, having in their possession and held for
25 resale on the effective date of an increase in the tax
26 rate cigarettes, ~~or~~ little cigars, or tobacco products
27 upon which the tax under section 453A.6 or 453A.43 has
28 been paid, unused cigarette tax stamps which have been
29 paid for under section 453A.8, or unused metered
30 imprints which have been paid for under section
31 453A.12 shall be subject to an inventory tax on the
32 items as provided in this section.

33 b. All consumers having for use or storage on the
34 effective date of an increase in the tax rate, tobacco
35 products upon which the tax under section 453A.43 has
36 been paid.

37 c. All consumers subject to section 453A.46,
38 subsection 6, who have acquired title to or possession
39 of tobacco products for storage in this state, upon
40 which tobacco products the tax imposed by section
41 453A.43 has not been paid.

42 Sec. ____ . Section 453A.43, subsections 1 and 2,
43 Code 2005, are amended to read as follows:

44 1. a. A tax is imposed upon all tobacco products
45 in this state and upon any person engaged in business
46 as a distributor of tobacco products, at the rate of
47 twenty-two percent of the wholesale sales price of the
48 tobacco products, except little cigars as defined in
49 section 453A.42.

50 b. In addition to the tax imposed under paragraph

1 "a", a tax is imposed upon all tobacco products in
2 this state and upon any person engaged in business as
3 a distributor of tobacco products, at the rate of
4 thirty-three percent of the wholesale sales price of
5 the tobacco products, except little cigars as defined
6 in section 453A.42.

7 c. Little cigars shall be subject to the same rate
8 of tax imposed upon cigarettes in section 453A.6,
9 payable at the time and in the manner provided in
10 section 453A.6; and stamps shall be affixed as
11 provided in division I of this chapter.

12 d. The ~~tax~~ taxes on tobacco products, excluding
13 little cigars, shall be imposed at the time the
14 distributor does any of the following:

15 a- (1) Brings, or causes to be brought, into this
16 state from without the state tobacco products for
17 sale.

18 b- (2) Makes, manufactures, or fabricates tobacco
19 products in this state for sale in this state.

20 e- (3) Ships or transports tobacco products to
21 retailers in this state, to be sold by those
22 retailers.

23 2. a. A tax is imposed upon the use or storage by
24 consumers of tobacco products in this state, and upon
25 the consumers, at the rate of twenty-two percent of
26 the cost of the tobacco products.

27 b. In addition to the tax imposed in paragraph
28 "a", a tax is imposed upon the use or storage by
29 consumers of tobacco products in this state, and upon
30 the consumers, at a rate of thirty-three percent of
31 the cost of the tobacco products.

32 c. The ~~tax~~ taxes imposed by this subsection shall
33 not apply if the ~~tax~~ taxes imposed by subsection 1 on
34 the tobacco products ~~has~~ have been paid.

35 d. ~~This tax~~ The taxes imposed under this
36 subsection shall not apply to the use or storage of
37 tobacco products in quantities of:

38 a- (1) Less than 25 cigars.

39 b- (2) Less than 10 oz. snuff or snuff powder.

40 e- (3) Less than 1 lb. smoking or chewing tobacco
41 or other tobacco products not specifically mentioned
42 herein, in the possession of any one consumer."

43 2. Page 10, by inserting after line 23 the
44 following:

45 "Sec. ____ . EFFECTIVE DATE. The sections of this
46 Act amending section 12.65; section 453A.6, subsection
47 1; section 453A.35; section 453A.40, subsection 1; and
48 section 453A.43, subsections 1 and 2, being deemed of
49 immediate importance, take effect on the first day of
50 the month that begins following enactment of this

S-5219

Page 4

1 Act."

2 3. By renumbering as necessary.

By JACK HATCH

ROBERT E. DVORSKY

S-5219 FILED APRIL 24, 2006

S-5245

1 Amend House File 2743, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 29, by striking the figure
4 "50,000" and inserting the following: "250,000".
5 2. Page 2, line 16, by striking the figure
6 "5,011,565" and inserting the following: "5,928,465".
7 3. Page 4, lines 5 and 6, by striking the words
8 "existing substance abuse treatment programs." and
9 inserting the following: "the maintenance and
10 enhancement of substance abuse treatment programs
11 currently funded by the department."
12 4. Page 4, line 33, by striking the figure
13 "250,000" and inserting the following: "350,000".
14 5. By striking page 4, line 34, through page 5,
15 line 5.
16 6. Page 5, line 11, by striking the figure
17 "850,000" and inserting the following: "1,050,000".
18 7. Page 5, line 13, by striking the figure
19 "400,000" and inserting the following: "500,000".
20 8. Page 5, line 15, by inserting after the word
21 "mentors." the following: "Of the amount specified in
22 this subparagraph (1), \$25,000 shall be utilized to
23 provide grants to small community-based organizations
24 that meet the requirements of this subparagraph (1)."
25 9. Page 5, line 21, by striking the figure
26 "400,000" and inserting the following: "500,000".
27 10. Page 5, line 24, by inserting after the word
28 "leadership." the following: "Of the amount specified
29 in this subparagraph (2), \$25,000 shall be utilized to
30 provide grants to small community-based organizations
31 that meet the requirements of this subparagraph (2)."
32 11. Page 5, line 35, by inserting after the word
33 "prevention" the following: "grants and for".
34 12. Page 6, line 5, by striking the figure
35 "60,000" and inserting the following: "100,000".
36 13. Page 6, line 11, by striking the figure
37 "3,782,999" and inserting the following: "4,046,474".
38 14. Page 6, line 12, by striking the figure
39 "164,741" and inserting the following: "228,216".
40 15. Page 6, line 15, by striking the figure
41 "64,741" and inserting the following: "128,216".
42 16. Page 6, line 21, by striking the figure
43 "296,217" and inserting the following: "306,217".
44 17. Page 7, line 20, by striking the figure
45 "100,000" and inserting the following: "300,000".
46 18. Page 7, by striking line 22 and inserting the
47 following: "correctional services. Of the funds
48 allocated, \$100,000 shall be used for community-based
49 corrections, and \$200,000 shall be used to implement
50 an adult drug court program."

S-5245

1 19. Page 8, by striking lines 3 through 18.
 2 20. By striking page 9, line 17, through page 10,
 3 line 15, and inserting the following:
 4 "Sec. ____ DEPARTMENT OF EDUCATION. There is
 5 appropriated from the healthy Iowans tobacco trust
 6 created in section 12.65, to the department of
 7 education for the fiscal year beginning July 1, 2006,
 8 and ending June 30, 2007, the following amount, or so
 9 much thereof as is necessary, to be used for the
 10 purpose designated:

11 To establish a competitive grants program to expand
 12 the availability of before and after school programs:
 13 \$ 150,000

14 School districts and other public and private
 15 organizations shall be eligible to apply for a grant
 16 from the program. Grant applications shall be
 17 assessed by the department based on the targeted
 18 student population and whether the application
 19 demonstrates partnerships and collaboration with
 20 not-for-profit community organizations, if
 21 appropriate; indicates that the school district or
 22 organization has access to training for the program;
 23 provides for a safe and engaging environment; combines
 24 academic, enrichment, cultural, and recreational
 25 activities; provides for no less than a 20 percent
 26 match; and demonstrates that the school district or
 27 organization is able to sustain the program after the
 28 grant is exhausted. The types of activities supported
 29 by an applicant may include but are not limited to
 30 tutoring and supplementing instruction in basic
 31 skills, such as reading, math, and science; drug and
 32 violence prevention curricula and counseling; youth
 33 leadership activities; volunteer and service learning
 34 opportunities; career and vocational awareness
 35 preparation; courses and enrichment in arts and
 36 culture; computer instruction; character development
 37 and civic participation; language instruction,
 38 including English as a second language; mentoring;
 39 positive interaction with law enforcement; supervised
 40 recreation programs; or health and nutrition programs.
 41 The department shall make every attempt to leverage
 42 additional funding from other public and private
 43 sources to support the program provided under this
 44 section."

45 21. Page 10, by inserting after line 15 the
 46 following:
 47 "Sec. ____ FARMERS WITH DISABILITIES -- FEDERAL
 48 REPLACEMENT FUNDS. There is appropriated from the
 49 general fund of the state to the division of
 50 vocational rehabilitation services of the department

1 of education for the fiscal year beginning July 1,
2 2006, and ending June 30, 2007, the following amount,
3 or so much thereof as is necessary, to be used for the
4 purpose designated:

5 For a grant to a national nonprofit organization
6 with over 80 years of experience in assisting children
7 and adults with disabilities and special needs and
8 their families through services that include medical
9 rehabilitation, job training and employment services,
10 child care, adult day services, and camping and
11 recreation, in order to replace expired federal
12 funding for a nationally recognized program that has
13 been replicated in 30 other states but which is not
14 available through any other entity in this state that
15 provides assistance to farmers with disabilities in
16 all 99 counties to allow the farmers to remain in
17 their own homes and be gainfully engaged in farming
18 through provision of agricultural worksite and home
19 modification consultations, peer support services,
20 services to families, information and referral, and
21 equipment loan services:
22 \$ 130,000

23 Sec. ____ Section 135.26, Code Supplement 2005, is
24 amended to read as follows:

25 135.26 AUTOMATED EXTERNAL DEFIBRILLATOR GRANT
26 PROGRAM.

27 The department shall establish and implement an
28 automated external defibrillator grant program which
29 provides matching funds to local boards of health,
30 community organizations, or cities for the program
31 after standards and requirements for the utilization
32 of automated external defibrillator equipment, and
33 training on the use of such equipment, are developed
34 at the local level. The objective of the program
35 shall be to enhance the emergency response system in
36 rural areas of the state where access to health care
37 providers is often limited by providing increased
38 access to automated external defibrillator equipment
39 by rural emergency and community personnel. A local
40 board of health, community organization, or city may
41 submit an application to the department for review.
42 The department shall establish criteria for the review
43 and approval of grant applications by rule, and may
44 accept gifts, grants, bequests, and other private
45 contributions, as well as state or federal funds, for
46 purposes of the program. The amount of a grant shall
47 not exceed fifty percent of the cost of the automated
48 external defibrillator equipment to be distributed to
49 the applicant and the training program to be
50 administered by the applicant at the local level.

1 Each application shall include information
2 demonstrating that the applicant will provide matching
3 funds of fifty percent of the cost of the program.
4 Grant recipients shall submit an annual report to the
5 department indicating automated external defibrillator
6 equipment usage levels, patient outcomes, and number
7 of individuals trained. For the purposes of this
8 section, "rural" means a geographic area outside an
9 urban or suburban setting with a population of less
10 than fifty thousand persons.

11 Sec. _____. 2005 Iowa Acts, chapter 176, section 1,
12 subsection 1, paragraph a, unnumbered paragraph 2, is
13 amended to read as follows:

14 Of the amount appropriated in this paragraph,
15 ~~\$50,000~~ \$150,000 shall be used to continue the efforts
16 of the Iowa chronic care consortium pursuant to 2003
17 Iowa Acts, chapter 112, section 12, as amended by 2003
18 Iowa Acts, chapter 179, sections 166 and 167."

19 22. Page 10, line 19, by striking the figure
20 "13,750,000" and inserting the following:
21 "10,925,000".

22 23. Page 10, by inserting after line 23 the
23 following:

24 "Sec. _____. EFFECTIVE DATE. The section of this
25 Act amending 2005 Iowa Acts, chapter 176, section 1,
26 being deemed of immediate importance, takes effect
27 upon enactment."

28 24. Title page, line 2, by inserting after the
29 word "fund" the following: ", and providing an
30 effective date".

31 25. By renumbering as necessary.

By JAMES SEYMOUR

HOUSE FILE 2743

S-5253

1 Amend House File 2743, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 29, by striking the figure
4 "50,000" and inserting the following: "250,000".
5 2. Page 2, line 16, by striking the figure
6 "5,011,565" and inserting the following: "5,928,465".
7 3. Page 4, lines 5 and 6, by striking the words
8 "existing substance abuse treatment programs." and
9 inserting the following: "the maintenance and
10 enhancement of substance abuse treatment programs
11 currently funded by the department."
12 4. Page 4, line 33, by striking the figure
13 "250,000" and inserting the following: "350,000".
14 5. By striking page 4, line 34, through page 5,
15 line 5.
16 6. Page 5, line 11, by striking the figure
17 "850,000" and inserting the following: "1,050,000".
18 7. Page 5, line 13, by striking the figure
19 "400,000" and inserting the following: "500,000".
20 8. Page 5, line 15, by inserting after the word
21 "mentors." the following: "Of the amount specified in
22 this subparagraph (1), \$25,000 shall be utilized to
23 provide grants to small community-based organizations
24 that meet the requirements of this subparagraph (1)."
25 9. Page 5, line 21, by striking the figure
26 "400,000" and inserting the following: "500,000".
27 10. Page 5, line 24, by inserting after the word
28 "leadership." the following: "Of the amount specified
29 in this subparagraph (2), \$25,000 shall be utilized to
30 provide grants to small community-based organizations
31 that meet the requirements of this subparagraph (2)."
32 11. Page 5, line 35, by inserting after the word
33 "prevention" the following: "grants and for".
34 12. Page 6, line 5, by striking the figure
35 "60,000" and inserting the following: "100,000".
36 13. Page 6, line 11, by striking the figure
37 "3,782,999" and inserting the following: "4,046,474".
38 14. Page 6, line 12, by striking the figure
39 "164,741" and inserting the following: "228,216".
40 15. Page 6, line 15, by striking the figure
41 "64,741" and inserting the following: "128,216".
42 16. Page 6, line 21, by striking the figure
43 "296,217" and inserting the following: "306,217".
44 17. Page 7, line 20, by striking the figure
45 "100,000" and inserting the following: "300,000".
46 18. Page 7, by striking line 22 and inserting the
47 following: "correctional services. Of the funds
48 allocated, \$100,000 shall be used for community-based
49 corrections, and \$200,000 shall be used to implement
50 an adult drug court program."

S-5253

1 19. Page 8, by striking lines 3 through 18.
 2 20. By striking page 9, line 17, through page 10,
 3 line 15, and inserting the following:
 4 "Sec. _____. DEPARTMENT OF EDUCATION. There is
 5 appropriated from the healthy Iowans tobacco trust
 6 created in section 12.65, to the department of
 7 education for the fiscal year beginning July 1, 2006,
 8 and ending June 30, 2007, the following amount, or so
 9 much thereof as is necessary, to be used for the
 10 purpose designated:

11 To establish a competitive grants program to expand
 12 the availability of before and after school programs:
 13 \$ 150,000

14 School districts and other public and private
 15 organizations shall be eligible to apply for a grant
 16 from the program. Grant applications shall be
 17 assessed by the department based on the targeted
 18 student population and whether the application
 19 demonstrates partnerships and collaboration with
 20 not-for-profit community organizations, if
 21 appropriate; indicates that the school district or
 22 organization has access to training for the program;
 23 provides for a safe and engaging environment; combines
 24 academic, enrichment, cultural, and recreational
 25 activities; provides for no less than a 20 percent
 26 match; and demonstrates that the school district or
 27 organization is able to sustain the program after the
 28 grant is exhausted. The types of activities supported
 29 by an applicant may include but are not limited to
 30 tutoring and supplementing instruction in basic
 31 skills, such as reading, math, and science; drug and
 32 violence prevention curricula and counseling; youth
 33 leadership activities; volunteer and service learning
 34 opportunities; career and vocational awareness
 35 preparation; courses and enrichment in arts and
 36 culture; computer instruction; character development
 37 and civic participation; language instruction,
 38 including English as a second language; mentoring;
 39 positive interaction with law enforcement; supervised
 40 recreation programs; or health and nutrition programs.
 41 The department shall make every attempt to leverage
 42 additional funding from other public and private
 43 sources to support the program provided under this
 44 section."

45 21. Page 10, by inserting after line 15 the
 46 following:
 47 "Sec. _____. FARMERS WITH DISABILITIES -- FEDERAL
 48 REPLACEMENT FUNDS. There is appropriated from the
 49 general fund of the state to the division of
 50 vocational rehabilitation services of the department

1 of education for the fiscal year beginning July 1,
2 2006, and ending June 30, 2007, the following amount,
3 or so much thereof as is necessary, to be used for the
4 purpose designated:

5 For a grant to a national nonprofit organization
6 with over 80 years of experience in assisting children
7 and adults with disabilities and special needs and
8 their families through services that include medical
9 rehabilitation, job training and employment services,
10 child care, adult day services, and camping and
11 recreation, in order to replace expired federal
12 funding for a nationally recognized program that has
13 been replicated in 30 other states but which is not
14 available through any other entity in this state that
15 provides assistance to farmers with disabilities in
16 all 99 counties to allow the farmers to remain in
17 their own homes and be gainfully engaged in farming
18 through provision of agricultural worksite and home
19 modification consultations, peer support services,
20 services to families, information and referral, and
21 equipment loan services:

22 \$ 130,000

23 Sec. ____ . Section 135.26, Code Supplement 2005, is
24 amended to read as follows:

25 135.26 AUTOMATED EXTERNAL DEFIBRILLATOR GRANT
26 PROGRAM.

27 The department shall establish and implement an
28 automated external defibrillator grant program which
29 provides matching funds to local boards of health,
30 community organizations, or cities for the program
31 after standards and requirements for the utilization
32 of automated external defibrillator equipment, and
33 training on the use of such equipment, are developed
34 at the local level. The objective of the program
35 shall be to enhance the emergency response system in
36 rural areas of the state where access to health care
37 providers is often limited by providing increased
38 access to automated external defibrillator equipment
39 by rural emergency and community personnel. A local
40 board of health, community organization, or city may
41 submit an application to the department for review.
42 The department shall establish criteria for the review
43 and approval of grant applications by rule, and may
44 accept gifts, grants, bequests, and other private
45 contributions, as well as state or federal funds, for
46 purposes of the program. The amount of a grant shall
47 not exceed fifty percent of the cost of the automated
48 external defibrillator equipment to be distributed to
49 the applicant and the training program to be
50 administered by the applicant at the local level.

1 Each application shall include information
2 demonstrating that the applicant will provide matching
3 funds of fifty percent of the cost of the program.
4 Grant recipients shall submit an annual report to the
5 department indicating automated external defibrillator
6 equipment usage levels, patient outcomes, and number
7 of individuals trained. For the purposes of this
8 section, "rural" means a geographic area outside an
9 urban or suburban setting with a population of less
10 than fifty thousand persons.

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12 subsection 1, paragraph a, unnumbered paragraph 2, is
13 amended to read as follows:

14 Of the amount appropriated in this paragraph,
15 ~~\$50,000~~ \$150,000 shall be used to continue the efforts
16 of the Iowa chronic care consortium pursuant to 2003
17 Iowa Acts, chapter 112, section 12, as amended by 2003
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19 22. Page 10, line 19, by striking the figure
20 "13,750,000" and inserting the following:
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22 23. Page 10, by inserting after line 23 the
23 following:

24 "Sec. ____ . EFFECTIVE DATE. The section of this
25 Act amending 2005 Iowa Acts, chapter 176, section 1,
26 being deemed of immediate importance, takes effect
27 upon enactment."

28 24. Title page, line 2, by inserting after the
29 word "fund" the following: ", and providing an
30 effective date".

31 25. By renumbering as necessary.

By JAMES SEYMOUR
JOE BOLKCOM

**SENATE AMENDMENT TO
HOUSE FILE 2743**

H-8617

1 Amend House File 2743, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 29, by striking the figure
4 "50,000" and inserting the following: "250,000".
5 2. Page 2, line 16, by striking the figure
6 "5,011,565" and inserting the following: "5,928,465".
7 3. Page 4, lines 5 and 6, by striking the words
8 "existing substance abuse treatment programs." and
9 inserting the following: "the maintenance and
10 enhancement of substance abuse treatment programs
11 currently funded by the department."
12 4. Page 4, line 33, by striking the figure
13 "250,000" and inserting the following: "350,000".
14 5. By striking page 4, line 34, through page 5,
15 line 5.
16 6. Page 5, line 11, by striking the figure
17 "850,000" and inserting the following: "1,050,000".
18 7. Page 5, line 13, by striking the figure
19 "400,000" and inserting the following: "500,000".
20 8. Page 5, line 15, by inserting after the word
21 "mentors." the following: "Of the amount specified in
22 this subparagraph (1), \$25,000 shall be utilized to
23 provide grants to small community-based organizations
24 that meet the requirements of this subparagraph (1)."
25 9. Page 5, line 21, by striking the figure
26 "400,000" and inserting the following: "500,000".
27 10. Page 5, line 24, by inserting after the word
28 "leadership." the following: "Of the amount specified
29 in this subparagraph (2), \$25,000 shall be utilized to
30 provide grants to small community-based organizations
31 that meet the requirements of this subparagraph (2)."
32 11. Page 5, line 35, by inserting after the word
33 "prevention" the following: "grants and for".
34 12. Page 6, line 5, by striking the figure
35 "60,000" and inserting the following: "100,000".
36 13. Page 6, line 11, by striking the figure
37 "3,782,999" and inserting the following: "4,046,474".
38 14. Page 6, line 12, by striking the figure
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40 15. Page 6, line 15, by striking the figure
41 "64,741" and inserting the following: "128,216".
42 16. Page 6, line 21, by striking the figure
43 "296,217" and inserting the following: "306,217".
44 17. Page 7, line 20, by striking the figure
45 "100,000" and inserting the following: "300,000".
46 18. Page 7, by striking line 22 and inserting the
47 following: "correctional services. Of the funds
48 allocated, \$100,000 shall be used for community-based
49 corrections, and \$200,000 shall be used to implement
50 an adult drug court program."

H-8617

1 19. Page 8, by striking lines 3 through 18.
 2 20. By striking page 9, line 17, through page 10,
 3 line 15, and inserting the following:
 4 "Sec. ____ . DEPARTMENT OF EDUCATION. There is
 5 appropriated from the healthy Iowans tobacco trust
 6 created in section 12.65, to the department of
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 10 purpose designated:

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 12 the availability of before and after school programs:
 13 \$ 150,000

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 15 organizations shall be eligible to apply for a grant
 16 from the program. Grant applications shall be
 17 assessed by the department based on the targeted
 18 student population and whether the application
 19 demonstrates partnerships and collaboration with
 20 not-for-profit community organizations, if
 21 appropriate; indicates that the school district or
 22 organization has access to training for the program;
 23 provides for a safe and engaging environment; combines
 24 academic, enrichment, cultural, and recreational
 25 activities; provides for no less than a 20 percent
 26 match; and demonstrates that the school district or
 27 organization is able to sustain the program after the
 28 grant is exhausted. The types of activities supported
 29 by an applicant may include but are not limited to
 30 tutoring and supplementing instruction in basic
 31 skills, such as reading, math, and science; drug and
 32 violence prevention curricula and counseling; youth
 33 leadership activities; volunteer and service learning
 34 opportunities; career and vocational awareness
 35 preparation; courses and enrichment in arts and
 36 culture; computer instruction; character development
 37 and civic participation; language instruction,
 38 including English as a second language; mentoring;
 39 positive interaction with law enforcement; supervised
 40 recreation programs; or health and nutrition programs.
 41 The department shall make every attempt to leverage
 42 additional funding from other public and private
 43 sources to support the program provided under this
 44 section."

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 46 following:
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 48 REPLACEMENT FUNDS. There is appropriated from the
 49 general fund of the state to the division of
 50 vocational rehabilitation services of the department

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2 2006, and ending June 30, 2007, the following amount,
3 or so much thereof as is necessary, to be used for the
4 purpose designated:

5 For a grant to a national nonprofit organization
6 with over 80 years of experience in assisting children
7 and adults with disabilities and special needs and
8 their families through services that include medical
9 rehabilitation, job training and employment services,
10 child care, adult day services, and camping and
11 recreation, in order to replace expired federal
12 funding for a nationally recognized program that has
13 been replicated in 30 other states but which is not
14 available through any other entity in this state that
15 provides assistance to farmers with disabilities in
16 all 99 counties to allow the farmers to remain in
17 their own homes and be gainfully engaged in farming
18 through provision of agricultural worksite and home
19 modification consultations, peer support services,
20 services to families, information and referral, and
21 equipment loan services:

22 \$ 130,000

23 Sec. ____ Section 135.26, Code Supplement 2005, is
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26 PROGRAM.

27 The department shall establish and implement an
28 automated external defibrillator grant program which
29 provides matching funds to local boards of health,
30 community organizations, or cities for the program
31 after standards and requirements for the utilization
32 of automated external defibrillator equipment, and
33 training on the use of such equipment, are developed
34 at the local level. The objective of the program
35 shall be to enhance the emergency response system in
36 rural areas of the state where access to health care
37 providers is often limited by providing increased
38 access to automated external defibrillator equipment
39 by rural emergency and community personnel. A local
40 board of health, community organization, or city may
41 submit an application to the department for review.
42 The department shall establish criteria for the review
43 and approval of grant applications by rule, and may
44 accept gifts, grants, bequests, and other private
45 contributions, as well as state or federal funds, for
46 purposes of the program. The amount of a grant shall
47 not exceed fifty percent of the cost of the automated
48 external defibrillator equipment to be distributed to
49 the applicant and the training program to be
50 administered by the applicant at the local level.

1 Each application shall include information
2 demonstrating that the applicant will provide matching
3 funds of fifty percent of the cost of the program.
4 Grant recipients shall submit an annual report to the
5 department indicating automated external defibrillator
6 equipment usage levels, patient outcomes, and number
7 of individuals trained. For the purposes of this
8 section, "rural" means a geographic area outside an
9 urban or suburban setting with a population of less
10 than fifty thousand persons.

11 Sec. _____. 2005 Iowa Acts, chapter 176, section 1,
12 subsection 1, paragraph a, unnumbered paragraph 2, is
13 amended to read as follows:

14 Of the amount appropriated in this paragraph,
15 ~~\$50,000~~ \$150,000 shall be used to continue the efforts
16 of the Iowa chronic care consortium pursuant to 2003
17 Iowa Acts, chapter 112, section 12, as amended by 2003
18 Iowa Acts, chapter 179, sections 166 and 167."

19 22. Page 10, line 19, by striking the figure
20 "13,750,000" and inserting the following:
21 "10,925,000".

22 23. Page 10, by inserting after line 23 the
23 following:

24 "Sec. _____. EFFECTIVE DATE. The section of this
25 Act amending 2005 Iowa Acts, chapter 176, section 1,
26 being deemed of immediate importance, takes effect
27 upon enactment."

28 24. Title page, line 2, by inserting after the
29 word "fund" the following: ", and providing an
30 effective date".

31 25. By renumbering as necessary.

RECEIVED FROM THE SENATE

HOUSE FILE 2743

H-8628

1 Amend the Senate amendment, H-8617, to House File
2 2743, as amended, passed, and reprinted by the House,
3 as follows:

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

6 "____. Page 4, by striking line 32, and inserting
7 the following: "established pursuant to section
8 135.26 and for not more than the following full-time
9 equivalent position:""

10 2. Page 1, line 15, by inserting after the figure
11 "5" the following: "and inserting the following:
12 FTEs 1.00"

13 3. Page 2, by striking line 1, and inserting the
14 following:

15 "____. Page 8, by striking line 16."

16 4. Page 4, line 21, by striking the figure
17 "10,925,000" and inserting the following:
18 "13,975,375".

19 5. By renumbering as necessary.

By HEATON of Henry

H-8628 FILED MAY 2, 2006

ADOPTED

**HOUSE AMENDMENT TO SENATE AMENDMENT TO
HOUSE FILE 2743**

S-5262

1 Amend the Senate amendment, H-8617, to House File
2 2743, as amended, passed, and reprinted by the House,
3 as follows:

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

6 "____. Page 4, by striking line 32, and inserting
7 the following: "established pursuant to section
8 135.26 and for not more than the following full-time
9 equivalent position:""

10 2. Page 1, line 15, by inserting after the figure
11 "5" the following: "and inserting the following:

12 FTEs 1.00"

13 3. Page 2, by striking line 1, and inserting the
14 following:

15 "____. Page 8, by striking line 16."

16 4. Page 4, line 21, by striking the figure
17 "10,925,000" and inserting the following:

18 "13,975,375".

19 5. By renumbering as necessary.

RECEIVED FROM THE HOUSE

S-5262 FILED MAY 2, 2006

Heaton, Ch.
Robert's
Smith

Succeeded by
SF 02743

HSB 765
APPROPRIATIONS

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

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

A BILL FOR

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

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12
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22

1 Section 1. HEALTHY IOWANS TOBACCO TRUST -- APPROPRIATIONS
2 TO DEPARTMENTS. There is appropriated from the healthy Iowans
3 tobacco trust created in section 12.65 to the following
4 departments for the fiscal year beginning July 1, 2006, and
5 ending June 30, 2007, the following amounts, or so much
6 thereof as is necessary, to be used for the purposes
7 designated:

8 1. To the department of human services:

9 a. To supplement the medical assistance program

10 appropriations for the fiscal year, including for
11 reimbursement of noninstitutional medical assistance providers
12 with the exception of anesthesia and dental providers and to
13 continue the resource-based relative value system of
14 reimbursement based upon the reimbursement rates established
15 for the fiscal year beginning July 1, 2005, and ending June
16 30, 2006, pursuant to 2005 Iowa Acts, chapter 175, section 29;
17 for reimbursement of dental services, hospitals, home health
18 care services, critical access hospitals, expansion of home
19 health care services and habilitative day care for children
20 with special needs, and expansion of respite care services
21 provided through home and community-based waivers based upon
22 the reimbursement rates established for the fiscal year
23 beginning July 1, 2005, and ending June 30, 2006, pursuant to
24 2005 Iowa Acts, chapter 175, section 29; and for provision of
25 coverage to women who require treatment for breast or cervical
26 cancer as provided in section 249A.3, subsection 2, paragraph
27 "b":

28 \$ 35,013,803

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

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

765

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

5 \$ 4,257,623

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

8 \$ 200,000

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

10 \$ 274,000

11 2. To the Iowa department of public health:

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

16 \$ 5,011,565

17 FTEs 7.00

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

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

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

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

1 beginning July 1, 2001, for community partnerships shall be
2 expended in the fiscal year beginning July 1, 2006, for that
3 purpose.

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

6 \$ 75,000

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

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

16 \$ 13,800,000

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

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

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

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

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

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

765

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

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

7	\$	2,509,960
8	FTEs	4.00

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

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

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

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

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

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

30 \$ 250,000

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

1 \$ 100,000

2 FTEs 1.00

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

5 \$ 26,000

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

8 \$ 800,000

9 (1) Of the funds appropriated in this paragraph "h",
10 \$400,000 shall be utilized to provide funding for
11 organizations that provide programming for children by
12 utilizing mentors. A program approved for a grant under this
13 subparagraph shall be certified by the Iowa commission on
14 volunteer services as utilizing the standards for effective
15 practice for mentoring programs.

16 (2) The Iowa department of public health shall utilize a
17 request for proposals process to implement the program under
18 this paragraph "h".

19 (3) All grant recipients under this paragraph "h" shall
20 participate in a program evaluation as a requirement for
21 receiving grant funds.

22 i. For providing grants to individual patients who have
23 phenylketonuria (PKU) to assist with the costs of necessary
24 special foods:

25 \$ 60,000

26 j. For additional funding to leverage federal funding
27 through the federal Ryan White Care Act, Title II, AIDS drug
28 assistance program supplemental drug treatment grants:

29 \$ 275,000

30 3. To the department of corrections:

31 \$ 3,772,999

32 a. Of the funds appropriated in this subsection, \$164,741
33 is allocated to the first judicial district department of
34 correctional services. Of the funds allocated, \$100,000 shall
35 be used for community-based corrections, and \$64,741 shall be

765

1 used to replace expired federal funding for dual diagnosis
2 offenders.

3 b. Of the funds appropriated in this subsection, \$396,217
4 is allocated to the second judicial district department of
5 correctional services. Of the funds allocated, \$100,000 shall
6 be used for community-based corrections, \$296,217 shall be
7 used to replace expired federal funding for day programming
8 and to replace expired federal funding for the drug court
9 program, and of this amount \$40,000 shall be used for
10 substance abuse treatment.

11 c. Of the funds appropriated in this subsection, \$200,359
12 is allocated to the third judicial district department of
13 correctional services. Of the funds allocated, \$100,000 shall
14 be used for community-based corrections, and \$100,359 shall be
15 used to replace expired federal funding for the drug court
16 program.

17 d. Of the funds appropriated in this subsection, \$291,731
18 is allocated to the fourth judicial district department of
19 correctional services. Of the funds allocated, \$100,000 shall
20 be used for community-based corrections, and \$191,731 shall be
21 used for drug court program.

22 e. Of the funds appropriated in this subsection, \$355,693
23 is allocated to the fifth judicial district department of
24 correctional services. Of the funds allocated, \$100,000 shall
25 be used for community-based corrections, and \$255,693 shall be
26 used to replace expired federal funding for the drug court
27 program.

28 f. Of the funds appropriated in this subsection, \$164,741
29 is allocated to the sixth judicial district department of
30 correctional services. Of the funds allocated, \$100,000 shall
31 be used for community-based corrections, and \$64,741 shall be
32 used to replace expired federal funding for dual diagnosis
33 offenders.

34 g. Of the funds appropriated in this subsection, \$232,232
35 is allocated to the seventh judicial district department of

1 correctional services. Of the funds allocated, \$100,000 shall
2 be used for community-based corrections, and \$132,232 shall be
3 used to replace expired federal funding for drug courts.

4 h. Of the funds appropriated in this subsection, \$100,000
5 is allocated to the eighth judicial district department of
6 correctional services for community-based corrections.

7 i. Of the funds appropriated in this subsection,
8 \$1,497,285 is allocated to the Fort Madison correctional
9 facility for the clinical care unit.

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

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

16 4. To the department for the blind:

17 \$ 130,000

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

22 Sec. 2. IOWA DEPARTMENT OF PUBLIC HEALTH. There is
23 appropriated from the healthy Iowans tobacco trust created in
24 section 12.65 to the Iowa department of public health for the
25 designated fiscal years, the following amounts, or so much
26 thereof as is necessary, to be used for the purposes
27 designated:

28 For a grant program that addresses alcohol, tobacco, and
29 other drugs in the school setting by utilizing evidence-based
30 curriculum programs in elementary schools and youth prevention
31 and peer education programs provided through community
32 partnerships in high schools:

33	1.	FY 2006-2007.....	\$	1,550,375
34	2.	FY 2007-2008.....	\$	1,500,000
35	3.	FY 2008-2009.....	\$	1,400,000

765

1 The Iowa department of public health shall utilize a
2 request for proposals process to implement this section.

3 Sec. 3. PURCHASE OF SERVICE CONTRACT PROVIDERS --
4 REIMBURSEMENT INCREASE. There is appropriated from the
5 healthy Iowans tobacco trust created in section 12.65 to the
6 property tax relief fund created in section 426B.1 for the
7 fiscal year beginning July 1, 2006, and ending June 30, 2007,
8 the following amount, or so much thereof as is necessary, to
9 be used for the purposes designated:

10 For assistance to the counties with limited county mental
11 health, mental retardation, and developmental disabilities
12 services fund balances which were selected in accordance with
13 2000 Iowa Acts, chapter 1221, section 3, to receive such
14 assistance in the same amount provided during the fiscal year
15 beginning July 1, 2000, and ending June 30, 2001, to pay
16 reimbursement increases in accordance with 2000 Iowa Acts,
17 chapter 1221, section 3:

18 \$ 146,750

19 Sec. 4. IOWA EMPOWERMENT FUND. There is appropriated from
20 the healthy Iowans tobacco trust created in section 12.65, to
21 the Iowa empowerment fund created in section 28.9 for the
22 fiscal year beginning July 1, 2006, and ending June 30, 2007,
23 for deposit in the school ready children grants account:

24 \$ 2,153,250

25 Sec. 5. IOWA COMMISSION ON VOLUNTEER SERVICES. There is
26 appropriated from the healthy Iowans tobacco trust created in
27 section 12.65 to the department of economic development for
28 the fiscal year beginning July 1, 2006, and ending June 30,
29 2007, the following amount, or so much thereof as is
30 necessary, to be used for the purpose designated:

31 For allocation to the Iowa commission on volunteer services
32 for the Iowa's promise and mentoring partnership program:

33 \$ 125,000

34 Sec. 6. ENDOWMENT FOR IOWA'S HEALTH ACCOUNT -- TRANSFER.

35 In addition to the amount transferred pursuant to section

1 12E.12, subsection 1, paragraph "b", subparagraph (2),
2 subparagraph subdivision (b), \$13,600,000 is transferred from
3 the endowment for Iowa's health account of the tobacco
4 settlement trust fund created in section 12E.12 to the healthy
5 Iowans tobacco trust created in section 12.65 for the fiscal
6 year beginning July 1, 2006, and ending June 30, 2007.

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EXPLANATION

8 This bill relates to and makes appropriations from the
9 healthy Iowans tobacco trust to the following departments for
10 fiscal year 2006-2007:

11 To the department of human services:

12 1. To supplement the medical assistance appropriation
13 including reimbursement for all noninstitutional providers
14 with the exception of anesthesia and dental providers and for
15 continuation of the resource-based relative value system; for
16 reimbursement for dental services, hospitals, home health
17 agencies, critical access hospitals, the expansion of home
18 health care services and habilitative day care services, for
19 children with special needs, and expansion of respite care
20 services provided through home and community-based services
21 waivers; and for provision of coverage to women who require
22 treatment for breast or cervical cancer. A portion of the
23 funds are to be used to continue the chronic care consortium.

24 2. For child and family services and adoption subsidy
25 services including for reimbursement of rehabilitative
26 treatment and support services providers, adoption,
27 independent living, shelter care, and home studies services
28 providers, and other service providers under the purview of
29 the department of human services.

30 3. For supplementation of the appropriation for the
31 children's health insurance program.

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

33 The bill appropriates funds to the Iowa department of
34 public health for the tobacco use prevention and control
35 program for additional substance abuse treatment and for

765

1 smoking cessation and smoking-related disease products.
2 To the Iowa department of public health:
3 1. For development of a healthy Iowans 2010 plan for the
4 following purposes: for core public health functions
5 including home health care and public health nursing services
6 contracted through a formula by local boards of health, to
7 enhance disease and injury prevention services; for the
8 implementation and support of a coordinated system of delivery
9 of trauma and emergency medical services; for the poison
10 control center; for development of scientific and medical
11 expertise in environmental epidemiology; and for the childhood
12 lead poisoning prevention program.
13 2. For the automated external defibrillator grant program.
14 3. For provision of access to automated external
15 defibrillators throughout the capitol complex.
16 4. For the center for congenital and inherited disorders.
17 5. For a grant program to provide substance abuse
18 prevention programming for children with specific criteria
19 through a request for proposals process.
20 6. For a grant program for individuals with
21 phenylketonuria (PKU).
22 7. For leveraging of federal funds under the federal Ryan
23 White Care Act.
24 To the department of corrections: for community-based
25 corrections, day programming, the drug court program, and for
26 the Fort Madison correctional facility for the clinical care
27 unit.
28 To the department for the blind: for a statewide program
29 to provide audio news and information services to blind or
30 visually impaired persons residing in the state.
31 The bill appropriates funds to the Iowa department of
32 public health for FY 2006-2007, FY 2007-2008, and FY 2008-2009
33 for a grant program that addresses alcohol, tobacco, and other
34 drugs in the school setting by utilizing evidence-based
35 curriculum programs in elementary schools and youth prevention

1 and peer education programs provided through community
2 partnerships in high schools.

3 The bill appropriates funds to the department of economic
4 development for FY 2006-2007 for allocation to the Iowa
5 commission on volunteer services for the Iowa's promise and
6 mentoring partnership program.

7 The bill appropriates funds for fiscal year 2006-2007 to
8 the property tax relief fund for the fiscal year beginning
9 July 1, 2006, and ending June 30, 2007, for assistance to
10 counties with limited county mental health, mental
11 retardation, and developmental disabilities services fund
12 balances to pay reimbursement increases in the same amount as
13 provided in the fiscal year beginning July 1, 2000, and ending
14 June 30, 2001.

15 The bill appropriates funds to the Iowa empowerment fund
16 for the fiscal year beginning July 1, 2006, and ending June
17 30, 2007, for deposit in the school ready children grants
18 account.

19 The bill provides for the transfer of additional funds from
20 the endowment for Iowa's health account to the healthy Iowans
21 tobacco trust for the fiscal year beginning July 1, 2006, and
22 ending June 30, 2007.

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HOUSE FILE 2743

AN ACT

RELATING TO AND MAKING APPROPRIATIONS FROM THE HEALTHY IOWANS TOBACCO TRUST AND THE TOBACCO SETTLEMENT TRUST FUND, AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. HEALTHY IOWANS TOBACCO TRUST -- APPROPRIATIONS TO DEPARTMENTS. There is appropriated from the healthy Iowans tobacco trust created in section 12.65 to the following departments for the fiscal year beginning July 1, 2006, and ending June 30, 2007, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

- 1. To the department of human services:
 - a. To supplement the medical assistance program appropriations for the fiscal year, including for reimbursement of noninstitutional medical assistance providers with the exception of anesthesia and dental providers and to continue the resource-based relative value system of reimbursement based upon the reimbursement rates established for the fiscal year beginning July 1, 2006, and ending June 30, 2007, pursuant to 2006 Iowa Acts, House File 2734, if enacted; for reimbursement of dental services, hospitals, home health care services, critical access hospitals, expansion of home health care services and habilitative day care for children with special needs, and expansion of respite care services provided through home and community-based waivers based upon the reimbursement rates established for the fiscal year beginning July 1, 2006, and ending June 30, 2007, pursuant to 2006 Iowa Acts, House File 2734, if enacted; and

for provision of coverage to women who require treatment for breast or cervical cancer as provided in section 249A.3, subsection 2, paragraph "b":

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

Of the amount appropriated in this paragraph, \$250,000 shall be used to continue the efforts of the Iowa chronic care consortium pursuant to 2003 Iowa Acts, chapter 112, section 12, as amended by 2003 Iowa Acts, chapter 179, sections 166 and 167.

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

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

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

..... \$ 200,000

d. For general administration of health-related programs:

..... \$ 274,000

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

..... \$ 5,928,465

..... FTEs 7.00

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

(2) Of the full-time equivalent positions funded in this paragraph "a", two full-time equivalent positions shall be

utilized to provide for enforcement of tobacco laws, regulations, and ordinances under a chapter 28D agreement entered into between the Iowa department of public health and the alcoholic beverages division of the department of commerce.

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

(4) Of the funds appropriated in this paragraph "a", not less than 80 percent of the amount expended in the fiscal year beginning July 1, 2001, for community partnerships shall be expended in the fiscal year beginning July 1, 2006, for that purpose.

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

..... \$ 75,000

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

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

..... \$ 13,800,000

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

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

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

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

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

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

(7) The department shall use the additional \$2,000,000 in funds appropriated in this paragraph "c" to fund the maintenance and enhancement of substance abuse treatment programs currently funded by the department.

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

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

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

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

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

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

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

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

..... \$ 350,000

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

..... \$ 26,000

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

..... \$ 1,050,000

(1) Of the funds appropriated in this paragraph "g", \$500,000 shall be utilized to provide funding for organizations that provide programming for children by utilizing mentors. Of the amount specified in this subparagraph (1), \$25,000 shall be utilized to provide grants to small community-based organizations that meet the requirements of this subparagraph (1). Programs approved for grants under this subparagraph (1) shall be certified or will be certified within six months of receiving the grant award by the Iowa commission on volunteer services as utilizing the standards for effective practice for mentoring programs.

(2) Of the funds appropriated in this paragraph "g", \$500,000 shall be utilized to provide funding for organizations that provide programming that includes out-of-school youth development and opportunities for character development, youth development, and leadership. Of the amount specified in this subparagraph (2), \$25,000 shall be utilized to provide grants to small community-based organizations that meet the requirements of this subparagraph (2). The programs shall also be recognized as being programs that are scientifically-based with evidence of their effectiveness in reducing substance abuse in children.

(3) The Iowa department of public health shall utilize a request for proposals process to implement the program under this paragraph "g".

(4) All grant recipients under this paragraph "g" shall participate in a program evaluation as a requirement for receiving grant funds.

(5) Of the funds appropriated in this paragraph "g", \$50,000 shall be used to administer substance abuse prevention grants and for program evaluations.

h. For providing grants to individual patients who have phenylketonuria (PKU) to assist with the costs of necessary special foods:

..... \$ 100,000

i. For additional funding to leverage federal funding through the federal Ryan White Care Act, Title II, AIDS drug assistance program supplemental drug treatment grants:

..... \$ 275,000

3. To the department of corrections:

..... \$ 4,046,474

a. Of the funds appropriated in this subsection, \$228,216 is allocated to the first judicial district department of correctional services. Of the funds allocated, \$100,000 shall be used for community-based corrections, and \$128,216 shall be used to replace expired federal funding for dual diagnosis offenders.

b. Of the funds appropriated in this subsection, \$406,217 is allocated to the second judicial district department of correctional services. Of the funds allocated, \$100,000 shall be used for community-based corrections and \$306,217 shall be used to replace expired federal funding for day programming and to replace expired federal funding for the drug court program with \$50,000 of this amount being used for substance abuse treatment.

c. Of the funds appropriated in this subsection, \$200,359 is allocated to the third judicial district department of correctional services. Of the funds allocated, \$100,000 shall be used for community-based corrections, and \$100,359 shall be used to replace expired federal funding for the drug court program.

d. Of the funds appropriated in this subsection, \$291,731 is allocated to the fourth judicial district department of correctional services. Of the funds allocated, \$100,000 shall be used for community-based corrections, and \$191,731 shall be used for the drug court program.

e. Of the funds appropriated in this subsection, \$355,693 is allocated to the fifth judicial district department of correctional services. Of the funds allocated, \$100,000 shall be used for community-based corrections, and \$255,693 shall be used to replace expired federal funding for the drug court program.

f. Of the funds appropriated in this subsection, \$164,741 is allocated to the sixth judicial district department of correctional services. Of the funds allocated, \$100,000 shall be used for community-based corrections, and \$64,741 shall be used to replace expired federal funding for dual diagnosis offenders.

g. Of the funds appropriated in this subsection, \$232,232 is allocated to the seventh judicial district department of correctional services. Of the funds allocated, \$100,000 shall be used for community-based corrections, and \$132,232 shall be used to replace expired federal funding for the drug court program.

h. Of the funds appropriated in this subsection, \$300,000 is allocated to the eighth judicial district department of correctional services. Of the funds allocated, \$100,000 shall be used for community-based corrections, and \$200,000 shall be used to implement an adult drug court program.

i. Of the funds appropriated in this subsection, \$1,497,285 is allocated to the Fort Madison correctional facility for the clinical care unit.

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

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

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

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

Sec. 2. PURCHASE OF SERVICE CONTRACT PROVIDERS -- REIMBURSEMENT INCREASE. There is appropriated from the healthy Iowans tobacco trust created in section 12.65 to the property tax relief fund created in section 426B.1 for the fiscal year beginning July 1, 2006, and ending June 30, 2007, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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

..... \$ 146,750

Sec. 3. IOWA EMPOWERMENT FUND. There is appropriated from the healthy Iowans tobacco trust created in section 12.65, to the Iowa empowerment fund created in section 28.9 for the fiscal year beginning July 1, 2006, and ending June 30, 2007, for deposit in the school ready children grants account:

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

Sec. 4. IOWA COMMISSION ON VOLUNTEER SERVICES. There is appropriated from the healthy Iowans tobacco trust created in section 12.65 to the department of economic development for the fiscal year beginning July 1, 2006, and ending June 30, 2007, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For allocation to the Iowa commission on volunteer services for the Iowa's promise and mentoring partnership program and

for not more than the following full-time equivalent position:
 \$ 125,000
 FTEs 1.00

Sec. 5. DEPARTMENT OF EDUCATION. There is appropriated from the healthy Iowans tobacco trust created in section 12.65, to the department of education for the fiscal year beginning July 1, 2006, and ending June 30, 2007, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

To establish a competitive grants program to expand the availability of before and after school programs:
 \$ 150,000

School districts and other public and private organizations shall be eligible to apply for a grant from the program. Grant applications shall be assessed by the department based on the targeted student population and whether the application demonstrates partnerships and collaboration with not-for-profit community organizations, if appropriate; indicates that the school district or organization has access to training for the program; provides for a safe and engaging environment; combines academic, enrichment, cultural, and recreational activities; provides for no less than a 20 percent match; and demonstrates that the school district or organization is able to sustain the program after the grant is exhausted. The types of activities supported by an applicant may include but are not limited to tutoring and supplementing instruction in basic skills, such as reading, math, and science; drug and violence prevention curricula and counseling; youth leadership activities; volunteer and service learning opportunities; career and vocational awareness preparation; courses and enrichment in arts and culture; computer instruction; character development and civic participation; language instruction, including English as a second language; mentoring; positive interaction with law enforcement; supervised recreation programs; or health and nutrition programs. The department shall make every attempt

to leverage additional funding from other public and private sources to support the program provided under this section.

Sec. 6. FARMERS WITH DISABILITIES -- FEDERAL REPLACEMENT FUNDS. There is appropriated from the general fund of the state to the division of vocational rehabilitation services of the department of education for the fiscal year beginning July 1, 2006, and ending June 30, 2007, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For a grant to a national nonprofit organization with over 80 years of experience in assisting children and adults with disabilities and special needs and their families through services that include medical rehabilitation, job training and employment services, child care, adult day services, and camping and recreation, in order to replace expired federal funding for a nationally recognized program that has been replicated in 30 other states but which is not available through any other entity in this state that provides assistance to farmers with disabilities in all 99 counties to allow the farmers to remain in their own homes and be gainfully engaged in farming through provision of agricultural worksite and home modification consultations, peer support services, services to families, information and referral, and equipment loan services:

..... \$ 130,000

Sec. 7. Section 135.26, Code Supplement 2005, is amended to read as follows:

135.26 AUTOMATED EXTERNAL DEFIBRILLATOR GRANT PROGRAM.

The department shall establish and implement an automated external defibrillator grant program which provides matching funds to local boards of health, community organizations, or cities for the program after standards and requirements for the utilization of automated external defibrillator equipment, and training on the use of such equipment, are developed at the local level. The objective of the program shall be to enhance the emergency response system in rural areas of the

state where access to health care providers is often limited by providing increased access to automated external defibrillator equipment by rural emergency and community personnel. A local board of health, community organization, or city may submit an application to the department for review. The department shall establish criteria for the review and approval of grant applications by rule, and may accept gifts, grants, bequests, and other private contributions, as well as state or federal funds, for purposes of the program. The amount of a grant shall not exceed fifty percent of the cost of the automated external defibrillator equipment to be distributed to the applicant and the training program to be administered by the applicant at the local level. Each application shall include information demonstrating that the applicant will provide matching funds of fifty percent of the cost of the program. Grant recipients shall submit an annual report to the department indicating automated external defibrillator equipment usage levels, patient outcomes, and number of individuals trained. For the purposes of this section, "rural" means a geographic area outside an urban or suburban setting with a population of less than fifty thousand persons.

Sec. 8. 2005 Iowa Acts, chapter 176, section 1, subsection 1, paragraph a, unnumbered paragraph 2, is amended to read as follows:

Of the amount appropriated in this paragraph, ~~\$50,000~~ \$150,000 shall be used to continue the efforts of the Iowa chronic care consortium pursuant to 2003 Iowa Acts, chapter 112, section 12, as amended by 2003 Iowa Acts, chapter 179, sections 166 and 167.

Sec. 9. ENDOWMENT FOR IOWA'S HEALTH ACCOUNT -- TRANSFER. In addition to the amount transferred pursuant to section 12E.12, subsection 1, paragraph "b", subparagraph (2), subparagraph subdivision (b), \$10,925,000 is transferred from the endowment for Iowa's health account of the tobacco settlement trust fund created in section 12E.12 to the healthy

Iowans tobacco trust created in section 12.65 for the fiscal year beginning July 1, 2006, and ending June 30, 2007.

Sec. 10. EFFECTIVE DATE. The section of this Act amending 2005 Iowa Acts, chapter 176, section 1, being deemed of immediate importance, takes effect upon enactment.

CHRISTOPHER C. RANTS
Speaker of the House

JEFFREY M. LAMBERTI
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2743, Eighty-first General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved _____, 2006

THOMAS J. VILSACK
Governor