

Reprinted 5/78

APR 24 1978
Budget Calendar

HOUSE FILE 2440
BY COMMITTEE ON BUDGET
(Formerly Study Bill 485)

Passed House, Date 5-5-78 (p. 2279) Passed Senate, Date _____
Vote: Ayes 76 Nays 20 Vote: Ayes _____ Nays _____
Approved 6-13-78 Item Veto - See letter

A BILL FOR

1 An Act relating to and appropriating funds for designated
2 health programs including substance abuse, mental health,
3 continuing education for health practitioners and funds
4 for autopsies of suspected victims of sudden infant death
5 syndrome.

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

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1 Section 1. There is appropriated from the general fund
2 of the state except as provided in section seven (7) of this
3 Act to the Iowa department of substance abuse for the fiscal
4 year commencing July 1, 1978 and ending June 30, 1979 the
5 following amounts or so much thereof as may be necessary to
6 be used for the purposes designated:

	1978-1979
	<u>Fiscal Year</u>
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9 1. For alcoholism treatment	
10 grants	\$900,000
11 2. For drug abuse treatment	
12 grants	\$362,258
13 3. For substance abuse programming	
14 for the elderly at the mental	
15 health institute at Independence,	
16 Iowa	\$ 18,000

17 It is the intent of the general assembly that the Iowa
18 department of substance abuse shall encourage the development
19 of educational programs designed to prevent substance abuse.
20 Not less than one hundred forty thousand (140,000) dollars
21 of the total funds appropriated by subsections one (1) and
22 two (2) of this section shall be used to carry out this intent,
23 forty thousand (40,000) dollars of which shall be used to
24 fund continued development and implementation of substance
25 abuse education programs in the department of public
26 instruction.

27 Sec. 2. Before making any allocation of funds to a local
28 substance abuse program, the commission on substance abuse
29 shall require the following to be submitted for each program:

30 1. A detailed line item budget clearly indicating the
31 funds received from each revenue source for the fiscal year
32 commencing July 1, 1978 and ending June 30, 1979 on forms
33 provided by the department of substance abuse.

34 2. A certified statement from the auditor of each county
35 participating in the program as to the amount of county

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1 resources committed to the program for the fiscal year
 2 commencing July 1, 1978 and ending June 30, 1979.
 3 3. A certified statement from the auditor of each county
 4 that the total county commitment to the program does not
 5 exceed the total amount that the county expended for substance
 6 abuse programs during the fiscal year commencing July 1, 1977
 7 and ending June 30, 1978. Upon approval of a budget for a
 8 program by the commission on substance abuse, the local
 9 substance abuse program shall cause the auditors of all
 10 counties committing funds to the program to recertify the
 11 program budget. Nothing in this section shall prohibit a
 12 county from providing funds for a substance abuse program
 13 for the fiscal year commencing July 1, 1978 and ending June
 14 30, 1979 in an amount that is less than the amount provided
 15 for the substance abuse program in the fiscal year commencing
 16 July 1, 1977 and ending June 30, 1978.

17 Sec. 3. If a county desires to provide funds for a
 18 substance abuse program for the fiscal year commencing July
 19 1, 1978 and ending June 30, 1979 in an amount that is greater
 20 than the amount of funds expended by the county for the
 21 substance abuse program for the fiscal year commencing July
 22 1, 1977 and ending June 30, 1978, the program shall apply
 23 to the commission on substance abuse for approval of the
 24 expenditure. The application shall be certified by the
 25 auditors of all other counties participating in the program:
 26 Upon approval of the budget for the program by the commission,
 27 the local substance abuse program shall cause the auditors
 28 of all counties committing funds to the program to recertify
 29 the budget for the program.

30 Sec. 4. There is appropriated from the general fund of
 31 the state, except as provided in section seven (7) of this
 32 Act, to the Iowa department of substance abuse for the fiscal
 33 year commencing July 1, 1978 and ending June 30, 1979 the
 34 sum of three hundred thousand (300,000) dollars or so much
 35 thereof as may be necessary to be used by the commission on

1 substance abuse to maintain local programs that are adversely
2 affected by the merger of alcohol and drug abuse programs
3 at the local level or that experience significant cost
4 increases. Funds appropriated by this section shall not be
5 allocated to any program that receives funds from a county
6 for the fiscal year commencing July 1, 1978 and ending June
7 30, 1979 in an amount that is less than the funds provided
8 by the county for the program in the fiscal year commencing
9 July 1, 1977 and ending June 30, 1978.

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10 Sec. 5. There is appropriated from the general fund of
11 the state to the following agencies for the fiscal year
12 commencing July 1, 1978 and ending June 30, 1979 the following
13 amounts to be used for the puposes designated:

	1978-1979
	<u>Fiscal Year</u>
16 1. IOWA MENTAL HEALTH	
17 AUTHORITY	
18 For salaries, support,	
19 maintenance and miscellaneous	
20 purposes	\$108,659
21 2. BOARD OF NURSE	
22 EXAMINERS	
23 For continuing education	\$ 15,000
24 3. BOARD OF MEDICAL	
25 EXAMINERS	
26 For continuing education	\$ 11,761

27 Sec. 6. There is appropriated from the general fund of
28 the state to the state department of health for the fiscal
29 year commencing July 1, 1978 and ending June 30, 1979, the
30 sum of thirty thousand (30,000) dollars, or so much thereof
31 as may be necessary, to be used to reimburse counties for
32 expenses resulting from autopsies of suspected victims of
33 sudden infant death syndrome in accordance with procedures
34 specified in House File 33 as enacted by the Sixty-seventh
35 General Assembly, 1978 Session.

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1 Sec. 7. Acts of the Sixty-seventh General Assembly, 1977
2 Session, chapter seventy-four (74), section fifty (50), is
3 amended to read as follows:

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4 SEC. 50. The governor may by executive order delay the
5 implementation of sections thirty-six (36) through forty-three
6 (43) of this Act until July 1, ~~1978~~ 1979 if the governor finds
7 that delayed implementation of sections thirty-six (36) through
8 forty-three (43) of this Act would allow the state and local
9 substance abuse programs the opportunity to solve any
10 administrative and fiscal problems which may occur as the
11 result of implementation of the funding formula for substance
12 abuse programs contained in sections thirty-six (36) through
13 forty-three (43) of this Act. If the implementation of
14 sections thirty-six (36) through forty-three (43) of this
15 Act is delayed pursuant to this section, the provisions of
16 sections one hundred twenty-five point twenty-six (125.26)
17 through one hundred twenty-five point thirty-four (125.34)
18 of the Code shall continue to be in force as they existed
19 prior to January 1, 1978 until sections thirty-six (36) through
20 forty-three (43) of this Act are implemented by the governor
21 on July 1, ~~1978~~ 1979.

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22 Sec. 8. If any Act of the 1978 Session of the Sixty-seventh
23 General Assembly, except House File 187 as enacted by the
24 Sixty-seventh General Assembly, 1978 Session, that provides
25 funds for the purpose for which funds are appropriated in
26 sections one (1) and four (4) of this Act becomes law, the
27 amount of funds provided by that Act shall be subtracted from
28 funds appropriated in sections one (1) and four (4) of this
29 Act and be deposited in the general fund of the state.

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30 Sec. 9. All federal grants to and the federal receipts
31 of the agencies appropriated funds under this Act are
32 appropriated for the purposes set forth in the federal grants
33 or receipts.

34 EXPLANATION

35 This bill appropriates funds to the department of substance

1 abuse for drug abuse and alcoholism treatment programs, and
2 provides requirements to be met before such funds are allocated
3 to programs. A minimum funding level is established for
4 education election programs. An appropriation is also made
5 to the department of substance abuse to maintain local programs
6 adversely affected by the merge of alcohol and drug abuse
7 programs at the local level. However, if any bill providing
8 funds for the same purposes becomes law, funds available under
9 the other bill shall be subtracted from funds appropriated
10 by this Act and the balance is appropriated to the department.
11 The appropriation to the national health authority is the
12 same as the current state funding level.

13 An appropriation is made for continuing education for the
14 Board of Medical Examiners and the Board of Nurse Examiners.
15 The rest of the operating funds for these boards were
16 appropriated in House File 2243.

17 This bill also delays implementation of provisions of House
18 File 594 enacted in 1977 relating to funding of substance
19 abuse programs until July 1, 1979 at the option of the
20 governor.

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HOUSE FILE 2440

H-6541

- 1 Amend H-6539 to House File 2440 as follows:
- 2 1. Page 1, by striking lines 11 through 30.

H-6541 FILED, LOST (p. 2277) BY JUNKER of Woodbury
MAY 5, 1978

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H-6521

1 Amend House File 2440 as follows:

2 1. Page 3, by inserting after line 35 the follow-
3 ing sections:

4 "Sec. _____. Section two hundred thirty A point
5 nine (230A.9), subsection three (3), Code 1977, is
6 amended to read as follows:

7 3. At intervals specified by the county board
8 of supervisors, not less often than once each ninety
9 days, the county treasurer of each county served by
10 the center shall notify the ~~chairman~~ chairperson of
11 the center's board of trustees of all amounts due
12 the center from the county which have not previously
13 been paid over to the treasurer of the center. The
14 ~~chairman~~ chairperson shall then file a claim for
15 payment as specified in sections 331.20, 333.2 and
16 334.1 to 334.7. The provisions of section three
17 hundred thirty-one point twenty-one (331.21)
18 notwithstanding, no such claims shall include
19 information which in any manner identifies an
20 individual who is receiving or has received treatment
21 at the center.

22 Sec. _____. Section two hundred thirty A point
23 thirteen (230A.13), Code 1977, is amended by adding
24 the following new unnumbered paragraph:

25 NEW UNNUMBERED PARAGRAPH. Release of information
26 which would identify an individual who is receiving
27 or has received treatment at a community mental health
28 center shall not be made a condition of support of
29 that center by any county under this section. The
30 provisions of section three hundred thirty-one point
31 twenty-one (331.21) notwithstanding, a community
32 mental health center shall not be required to file
33 a claim which would in any manner identify such an
34 individual, if the center's budget has been approved
35 by the county board under this section and the center
36 is in compliance with section two hundred thirty A
37 point sixteen (230A.16), subsection three (3), of
38 the Code."

39 2. Renumber as necessary.

H-6521 FILED *Revised* BY HUSAK of Tama
MAY 4, 1978 *5/5 (p. 2265)* CUSACK of Scott
Revised suspended Adopted 5/5 GENTLEMAN of Polk
(p. 2265)

HOUSE FILE 2440

H-6535

1 Amend the amendment, H-6379, to House File 2440
2 as follows:

3 1. Page 1, by striking lines 2 through 13 and
4 inserting in lieu thereof the following:

5 "1. Page 1, by inserting before line 1 the follow-
6 ing:"

7 2. Page 1, by striking line 32.

8 3. Page 1, line 33, by striking the word "fund"
9 and inserting in lieu thereof the words "the general
10 fund of the state".

11 4. Page 2, by striking lines 1 and 2 and inserting
12 in lieu thereof the words "deposited in the general
13 fund of the state."

14 5. Page 2, by striking lines 3 through 50.

15 6. Page 3, by striking lines 1 through 50.

16 7. Page 4, by striking lines 1 through 31.

H-6535 FILED *Out of order* BY HUSAK of Tama
MAY 4, 1978 *5/5 (p. 2264)*

HOUSE FILE 2440

H-6522

- 1 Amend the amendment, H-6379, to House File 2440
- 2 as follows:
- 3 1. Page 1, by striking lines 2 and 3 and insert-
- 4 ing in lieu thereof the following:
- 5 "1. Page 1, by striking lines 27 through 35.
- 6 2. Page 2, by striking lines 1 through 29.
- 7 3. Page 4, by inserting after line 33 the follow-
- 8 ing sections:".
- 9 2. Page 1, line 4, by striking the word and numeral
- 10 "Section 1." and inserting in lieu thereof the word
- 11 and numeral "Sec. 10."
- 12 3. Page 1, lines 11 and 12, by striking the words
- 13 and numerals "two (2) and three (3)" and inserting
- 14 in lieu thereof the words and numerals "eleven (11)
- 15 and twelve (12)".
- 16 4. Page 1, line 13 by inserting after the word
- 17 "fund." the words "Moneys deposited in the fund shall
- 18 be appropriated by the general assembly for substance
- 19 abuse programs and services."
- 20 5. Page 1, line 14, by striking the numeral "2"
- 21 and inserting in lieu thereof the numeral "11".
- 22 6. Page 1, line 37, by striking the numeral "3"
- 23 and inserting in lieu thereof the numeral "12".
- 24 7. Page 2, by striking lines 3 through 50.
- 25 8. Page 3, by striking lines 1 through 14.
- 26 9. Page 3, line 15, by striking the numeral "6"
- 27 and inserting in lieu thereof the numeral "13".
- 28 10. Page 3, by striking lines 41 through 50.
- 29 11. Page 4, by striking lines 1 through 31.

H-6522 FILED *Out of order* BY BENNETT of Ida
MAY 4, 1978 *5/5 (2264)*

HOUSE FILE 2440

H-6523

- 1 Amend the amendment, H-6379, to House File 2440
- 2 as follows:
- 3 1. Page 3, lines 46 and 47, by striking the words
- 4 and figure "seven hundred thirty thousand (730,000)"
- 5 and inserting in lieu thereof the words and figure
- 6 "one million five hundred sixty-two thousand two
- 7 hundred fifty-eight (1,562,258)".
- 8 2. Page 4, by inserting after line 19 the follow-
- 9 ing section:
- 10 "Sec. _____. Funds distributed to the Iowa depart-
- 11 ment of substance abuse pursuant to subsection one
- 12 (1) of section four (4) of this Act during the fiscal
- 13 period beginning January 1, 1979 and ending June 30,
- 14 1979 shall not exceed one million five hundred sixty-
- 15 two thousand two hundred fifty-eight (1,562,258)
- 16 dollars. Funds available for distribution during
- 17 that fiscal period in excess of one million five
- 18 hundred sixty-two thousand two hundred fifty-eight
- 19 (1,562,258) dollars shall be deposited in the general
- 20 fund of the state."

H-6523 FILED *Out of order* BY HUSAK of Tama
MAY 4, 1978 *5/5 (2264)*

HOUSE CLIP SHEET

MONDAY, MAY 8, 1978

HOUSE FILE 2440

H-6539

1 Amend House File 2440 as follows:

2 1. By striking page 1, line 1 through page 3,
3 line 9 and inserting in lieu thereof the following:

4 "Section 1. There is appropriated from the general
5 fund of the state to the Iowa department of substance
6 abuse for the fiscal period commencing July 1, 1978
7 and ending December 31, 1978 the sum of six hundred
8 seventy-two thousand (672,000) dollars or so much
9 thereof as may be necessary to fund substance abuse
10 treatment grants.

11 Sec. 2. There is appropriated from the general
12 fund of the state to the Iowa department of substance
13 abuse for the fiscal year commencing July 1, 1978
14 and ending June 30, 1979 the following amounts or
15 so much thereof as may be necessary to be used for
16 the purposes designated:

17 1. For substance abuse programming
18 for the elderly at the mental health insti-
19 tute at Independence, Iowa.....\$18,000

20 2. For the development of educa-
21 tional programs designed to prevent sub-
22 stance abuse.....\$40,000

23 It is the intent of the general assembly that the
24 Iowa department of substance abuse shall encourage
25 the development of educational programs designed to
26 prevent substance abuse and the forty thousand (40,000)
27 dollars appropriated in subsection two (2) of this
28 section shall be used to fund continued development
29 and implementation of substance abuse education
30 programs in the department of public instruction.

31 Sec. 3. NEW SECTION. SUBSTANCE ABUSE
32 REHABILITATION AND PREVENTION FUND CREATED. There
33 is established in the office of the treasurer of state
34 a fund to be known as the substance abuse
35 rehabilitation and prevention fund. The substance
36 abuse rehabilitation and prevention fund shall consist
37 of revenues derived from substance abuse rehabilitation
38 and prevention taxes imposed by sections four (4)
39 and five (5) of this Act and any other moneys
40 appropriated to the fund.

41 Sec. 4. NEW SECTION. BARREL TAX ON BEER. There
42 shall be levied and collected from class "A" beer
43 permittees a substance abuse rehabilitation and
44 prevention tax on all beer manufactured for sale and
45 sold in the state at wholesale and on all imported
46 beer sold at wholesale in this state at the rate of
47 one dollar for every barrel containing thirty-one
48 gallons, and at the same rate for any other quantity
49 or for the fractional part of a barrel. A tax shall
50 not be levied or collected on beer shipped outside

1 this state by a class "A" permittee or sold by one
2 class "A" permittee to another class "A" permittee.
3 All of the provisions of chapter one hundred twenty-
4 three (123) of the Code relating to the administration
5 of the barrel tax on beer shall apply to the tax
6 imposed by this section, except that the taxes
7 collected pursuant to this section shall be remitted
8 to the treasurer of state and shall be deposited in
9 the substance abuse rehabilitation and prevention
10 fund, and except that the barrel tax rebate shall
11 not apply to the substance abuse rehabilitation and
12 prevention tax. The tax imposed by this section shall
13 be in addition to any other taxes imposed by law.

14 Sec. 5. NEW SECTION. LIQUOR TAX.

15 1. There is imposed upon the purchase of alcoholic
16 beverages in this state a tax at the rate of two
17 percent of the purchase price of such alcoholic
18 beverages. The tax shall be collected from persons
19 purchasing alcoholic beverages at the time of purchase
20 of alcoholic beverages from the state. The tax imposed
21 by this section shall be in addition to any other
22 taxes imposed by law.

23 2. Notwithstanding any provision of chapter one
24 hundred twenty-three (123) of the Code, all revenues
25 derived from the tax imposed by this section shall
26 be remitted monthly by the Iowa beer and liquor control
27 department to the treasurer of state and shall be
28 deposited in the substance abuse rehabilitation and
29 prevention fund.

30 Sec. 6. NEW SECTION. ALLOCATION OF REVENUE.

31 1. The treasurer of state shall distribute
32 quarterly one-half of the revenues derived pursuant
33 to sections four (4) and five (5) of this Act to the
34 Iowa department of substance abuse.

35 2. a. The treasurer of state shall allocate one-
36 half of the revenues derived pursuant to sections
37 four (4) and five (5) of this Act to each county
38 treasurer in an amount determined by dividing the
39 total population of each county by the total population
40 of the state according to the latest certified census.

41 b. The board of supervisors of each county shall
42 certify to the treasurer of state a claim for that
43 county's allocated funds. The claim shall be based
44 upon actual payments for substance abuse care,
45 maintenance, and treatment made by the county to any
46 facility as defined in section one hundred twenty-
47 five point two (125.2) of the Code.

48 c. If at the end of the third quarter of each
49 fiscal year a county does not spend all of its
50 allocation, the balance of that allocation shall be

1 reallocated by the treasurer of state in accordance
2 with paragraph a of this subsection.

3 d. At the end of the fourth quarter of each fiscal
4 year all moneys remaining in the substance abuse
5 rehabilitation and prevention fund shall be reverted
6 to the general fund of the state.

7 3. Any other moneys deposited in the substance
8 abuse rehabilitation and prevention fund shall be
9 allocated equally as provided in subsections one (1)
10 and two (2) of this section.

11 4. Warrants for the payment of funds pursuant
12 to this section shall be issued by the state
13 comptroller upon certification of the treasurer of
14 state.

15 Sec. 7. NEW SECTION. USE OF REVENUE.

16 1. Revenues distributed pursuant to the provisions
17 of section six (6), subsection one (1), of this Act
18 shall be used, subject to the limitation contained
19 in subsection two (2) of this section, for the
20 following purposes:

21 a. The administrative expenses, excluding salaries,
22 of the Iowa department of substance abuse.

23 b. Any program or service authorized under chapter
24 one hundred twenty-five (125) of the Code.

25 c. The implementation of new substance abuser
26 treatment procedures and services.

27 d. The matching of any other county expenses for
28 the care, maintenance and rehabilitation of substance
29 abusers by the Iowa department of substance abuse.

30 2. Moneys contained in the fund created by section
31 three (3) of this Act except those moneys specified
32 in section six (6), subsection two (2), of this Act,
33 shall not be distributed or allocated for
34 rehabilitative and preventive services or treatment,
35 care and maintenance for substance abuse rendered
36 by the mental health institutes under the control
37 of the department of social services. All billings
38 to counties from mental health institutes for such
39 treatment, care, and maintenance shall specify the
40 exact amount billed for substance abuse treatment,
41 prevention, and detoxification.

42 Sec. 8. Chapter one hundred twenty-five (125),
43 Code 1977, as amended by Acts of the Sixty-seventh
44 General Assembly, 1977 Session, chapter seventy-four
45 (74), is amended by adding the following new section:

46 NEW SECTION. APPROVAL OF FACILITY BUDGET.

47 1. Before making any allocation of funds to a
48 local substance abuse program, the commission on
49 substance abuse shall require the following to be
50 submitted for each program:

1 a. A detailed line item budget clearly indicating
2 the funds received from each revenue source for the
3 fiscal year for which the funds are requested on forms
4 provided by the department of substance abuse.

5 b. A certified statement from the auditor of each
6 county participating in the program as to the amount
7 of county resources committed to the program for the
8 fiscal year for which the funds are requested.

9 2. The commission shall adopt rules governing
10 the approval of line item budgets for the operation
11 of facilities. The rules shall include provisions
12 for the approval of a facility's budget by the counties
13 funding the facility and by the department. The rules
14 shall also include provisions for appeal to the
15 commission by any county which disagrees with the
16 amount of a facility's budget approved by the
17 department."

18 2. Page 4, by striking lines 1 through 29 and
19 inserting in lieu thereof the following:

20 "Sec. ____ . EFFECTIVE DATES.

21 1. The provisions of this Act, except section
22 six (6) of this Act, shall be effective July 1, 1978.

23 2. The provisions of section six (6) of this Act
24 shall be effective January 1, 1979, and on that date
25 the treasurer of state shall allocate the moneys
26 credited to the substance abuse rehabilitation and
27 prevention fund during the fiscal period beginning
28 July 1, 1978 and ending December 31, 1978 to the Iowa
29 department of substance abuse and the counties of
30 the state as provided in section six (6) of this Act."

31 3. By numbering and renumbering sections and
32 internal references to sections to conform to this
33 amendment.

H-6539 FILED, ADOPTED BY MONROE of Des Moines
MAY 5, 1978 (p. 2278) DYRLAND of Clayton

HOUSE FILE 2440

H-6540

1 Amend the amendment, H-6539, to House File 2440
2 as follows:

3 1. Page 1, line 7, by striking the words "December
4 31, 1978" and inserting in lieu thereof the words
5 "June 30, 1979".

6 2. Page 1, lines 7 and 8, by striking the words
7 and figure "six hundred seventy-two thousand (672,000)"
8 and inserting in lieu thereof the words and figure
9 "one million five hundred sixty-two thousand two
10 hundred fifty-eight (1,562,258)".

11 3. Page 1, line 10, by inserting after the word
12 "grant." the words "Funds appropriated by this section
13 shall be reduced by the amount of funds distributed
14 to the department pursuant to subsection one (1) of
15 section six (6) of this Act. The amount of funds
16 by which the appropriation is reduced shall be
17 deposited in the general fund of the state."

H-6540 FILED Last 5/5 BY HUSAK of Tama
MAY 5, 1978 (p. 2277)

1 Amend House File 2440 as follows:

2 1. Page 4, by inserting after line 29 the following
3 sections:

4 "Sec. 9. The objective of sections ten (10) through
5 sixteen (16) of this Act is to continue and to
6 strengthen the mental health services now available
7 in the state of Iowa, to make these services uniformly
8 and conveniently available to all residents of this
9 state, and to assure the continued high quality of
10 these services. The purpose of sections ten (10)
11 through sixteen (16) of this Act is to begin efforts
12 to achieve that objective. It is the intent of
13 sections ten (10) through sixteen (16) of this Act
14 that more detailed proposals for the achievement of
15 that objective shall be formulated and delivered to
16 the first session of the Sixty-eighth General Assembly.

17 Sec. 10.

18 1. A unified state mental health agency having
19 broad responsibility both to plan, coordinate and
20 review the delivery of mental health services in this
21 state, and to directly deliver certain mental health
22 services, shall be established effective July 1, 1979.
23 The title, administrative structure, and specific
24 powers and duties of the unified state mental health
25 agency shall be as prescribed by the 1979 Session
26 of the Sixty-eighth General Assembly.

27 2. If the governor determines that it would not
28 be in the best interest of the state for subsection
29 one (1) of this section to be implemented on July
30 1, 1979, or if legislation prescribing the title,
31 administrative structure, and specific powers and
32 duties of the unified state mental health agency has
33 not been approved prior to that date, the governor
34 may by executive order delay the implementation of
35 that subsection to a date not later than July 1, 1980.

36 Sec. 11. There is established a state mental
37 health advisory council.

38 1. The council shall consist of thirteen voting
39 members appointed as follows:

40 a. Seven members shall be appointed by the
41 governor, who shall designate three of the initial
42 appointees under this subsection to serve terms
43 expiring June 30, 1981, two to serve terms expiring
44 June 30, 1980 and two to serve terms expiring June
45 30, 1979.

46 b. Three members shall be appointed by the speaker
47 of the house and three by the majority leader of the
48 senate, who shall each designate one of the initial
49 appointees under this subsection to serve a term
50 expiring June 30, 1981, one to serve a term expiring

MAY 5, 1978

PAGE 3

H-6520

Page 2

1 June 30, 1980 and one to serve a term expiring June
2 30, 1979. Persons appointed to the council under
3 this paragraph shall not be members of the general
4 assembly.

5 c. Successors to the initial appointees under
6 this section shall each serve a term of three years
7 beginning July first of the year of appointment.
8 Vacancies shall be filled by the appropriate appointing
9 authority for the balance of the unexpired term.

10 Members of the advisory council who are not state
11 employees shall be entitled to forty dollars per diem
12 for each day devoted to the duties of their office,
13 and all members shall be entitled to reimbursement
14 for actual and necessary expenses incurred in attending
15 meetings of the advisory council or in otherwise
16 discharging their duties.

17 d. The governor, the speaker of the house, and
18 the majority leader of the senate shall coordinate
19 their respective appointments to the advisory council
20 so that, if possible, the composition of the council
21 will comply with the pertinent requirements of United
22 States Public Law ninety-four dash sixty-three (P.L.
23 94-63).

24 2. The council shall:

25 a. As soon as possible after July first of each
26 year, organize by selection of a chairperson and a
27 vice chairperson from among its members.

28 b. Meet at least four times a year, and may meet
29 more often, upon the call of the chairperson or the
30 written request of any five members.

31 c. Advise the responsible officials and agencies
32 of this state on establishment and implementation
33 of policies and programs in furtherance of the
34 objectives stated in section one (1) of this Act.

35 d. Exercise all functions and have all
36 responsibilities of the state mental health advisory
37 council under United States Public Law ninety-four
38 dash sixty-three (P.L. 94-63), unless any such function
39 or responsibility is assigned elsewhere by, or would
40 be contrary to, the laws of this state.

41 e. Beginning upon the date on which the transfer
42 of duties, functions and programs required by section
43 ten (10), subsection one (1) of this Act takes effect,
44 and continuing until otherwise provided by law,
45 exercise any functions assigned by law to the committee
46 on mental hygiene established by section two hundred
47 twenty-five B point two (225B.2), Code 1977.

48 3. The council, with the advice and assistance
49 of the director of the department of mental health
50 resources and the director of the Iowa mental health

1 authority, shall expeditiously prepare and promulgate
2 administrative rules governing the kind and quality
3 of services which must be offered by an alternative
4 diagnostic facility in performing preliminary
5 diagnostic evaluations under arrangements concluded
6 pursuant to section fifteen (15) of this Act. The
7 objective of these rules shall be to make such
8 evaluations at least equivalent to those performed
9 by community mental health centers in terms of both
10 professional quality and orientation to the best
11 interests of the person being evaluated and of the
12 county.

13 4. The council shall consider, and may make
14 recommendations regarding, the most desirable form
15 of permanent organization for the unified state mental
16 health agency, referred to in section ten (10),
17 subsection one (1) of this Act.

18 Sec. 12. It is the policy of this state that,
19 to the greatest extent feasible, a person shall be
20 admitted to a state mental health institute as an
21 inpatient only after a preliminary diagnostic
22 evaluation by a community mental health center has
23 confirmed that the admission is appropriate to that
24 person's needs, and that no suitable alternative
25 method of providing the services needed by that person
26 in a less restrictive setting, or in or nearer to
27 the person's home community, is currently available.
28 The policy established by this section shall be
29 implemented in the manner and to the extent prescribed
30 by sections thirteen (13), fourteen (14) and fifteen
31 (15) of this Act.

32 Sec. 13. The board of supervisors of any county
33 may by resolution require that the policy stated by
34 section twelve (12) of this Act be followed with
35 respect to admission of persons from that county to
36 any state mental health institute. Upon adoption
37 of such a resolution by the board of supervisors of
38 a county which is supporting a community mental health
39 center, directly or in affiliation with other counties,
40 it shall be presumed to be a part of that center's
41 responsibilities to perform the preliminary diagnostic
42 evaluations required by that county in order to
43 implement the policy stated by section twelve (12)
44 of this Act. However, if performance of such
45 evaluations is not covered by the agreement entered
46 into by the county and the center under section two
47 hundred thirty A point twelve (230A.12) of the Code,
48 and the center's director certifies to the county
49 board of supervisors that the center does not have
50 the capacity to perform the needed evaluations, the

1 board of supervisors may proceed as provided by section
2 fifteen (15) of this Act.

3 Sec. 14. When the board of supervisors of any
4 county has adopted a resolution as authorized by
5 section thirteen (13) of this Act:

6 1. The chief medical officer of a state mental
7 health institute, or that officer's physician designee,
8 shall advise any person residing in that county who
9 applies for voluntary admission, or any person applying
10 for the voluntary admission of another person who
11 resides in that county, in accordance with section
12 two hundred twenty-nine point forty-one (229.41) of
13 the Code that the board of supervisors has acted to
14 implement the policy stated by section twelve (12)
15 of this Act, and shall advise that a preliminary
16 diagnostic evaluation of the proposed patient be
17 sought from the appropriate community mental health
18 center or alternative diagnostic facility, if that
19 has not already been done. This subsection shall
20 not apply when voluntary admission is sought in
21 accordance with section two hundred twenty-nine point
22 forty-one (229.41) of the Code under circumstances
23 which, in the opinion of the chief medical officer
24 or that officer's physician designee, constitute a
25 medical emergency within the meaning of section two
26 hundred twenty-nine point two (229.2), subsection
27 two (2), paragraph a of the Code.

28 2. The clerk of the district court in that county
29 shall refer any person applying for authorization
30 for voluntary admission, or for authorization for
31 voluntary admission of another person, in accordance
32 with section two hundred twenty-nine point forty-two
33 (229.42) of the Code to the appropriate community
34 mental health center or alternative diagnostic facility
35 for preliminary diagnostic evaluation unless the
36 applicant furnishes a written statement from that
37 center or facility that such an evaluation has been
38 performed and indicates that the person's admission
39 to a state mental health institute is appropriate.
40 This subsection shall not apply when authorization
41 for voluntary admission is sought under circumstances
42 which, in the opinion of the mental health institute's
43 chief medical officer or that officer's physician
44 designee, constitute a medical emergency within the
45 meaning of section two hundred twenty-nine point two
46 (229.2), subsection two (2), paragraph a of the Code.

47 3. Judges of the district court in that county,
48 or the judicial hospitalization referee appointed
49 for that county, as the case may be, shall so far
50 as possible arrange for a physician on the staff of.

MAY 5, 1978

PAGE 6

H-6520

Page 5

1 or designated by the appropriate community mental
2 health center or alternative diagnostic facility to
3 perform each prehearing examination of a respondent
4 required under section two hundred twenty-nine point
5 eight (229.8), subsection three (3), paragraph b of
6 the Code.

7 4. The chief medical officer of a state mental
8 health institute shall promptly submit to the
9 appropriate community mental health center or
10 alternative diagnostic facility a report of each
11 voluntary admission of a patient under the medical
12 emergency clauses of subsections one (1) and two (2)
13 of this section. The report shall explain the nature
14 of the emergency which necessitated the admission
15 of the patient without a preliminary diagnostic
16 evaluation by the center or alternative facility.

17 5. When the proposed admission of a person to
18 a state mental health institute, on either a voluntary
19 or an involuntary basis, is primarily for treatment
20 of alcoholism or drug abuse, each reference to a
21 community mental health center or alternative
22 diagnostic facility in subsections one (1) through
23 four (4) of this section may be deemed a reference
24 to a facility as defined in section one hundred twenty-
25 five point two (125.2), subsection two (2) of the
26 Code as amended by Acts of the Sixty-seventh General
27 Assembly, 1977 Session, chapter seventy-four (74),
28 section three (3). However, this subsection shall
29 not be construed so as to contravene the last sentence
30 of section one hundred twenty-five point nineteen
31 (125.19), subsection one (1), as amended by Acts of
32 the Sixty-seventh General Assembly, 1977 Session,
33 chapter seventy-four (74), section thirty (30).

34 Sec. 15. If the board of supervisors of a county
35 desires to implement the policy stated by section
36 twelve (12) of this Act, but the county is not served
37 by a community mental health center having the capacity
38 to perform the required preliminary diagnostic
39 evaluations, the board may arrange for such evaluations
40 to be performed by an alternative diagnostic facility.
41 An alternative diagnostic facility may be the
42 outpatient service of a state mental health institute
43 or any other mental health facility or service able
44 to furnish the requisite professional skills to
45 properly perform preliminary diagnostic evaluation
46 of a person whose admission to a state mental health
47 institute is being sought or considered on either
48 a voluntary or an involuntary basis.

49 Sec. 16. Chapter two hundred twenty-five B (225B)
50 and sections two hundred seventeen point ten (217.10),

1 two hundred seventeen point eleven (217.11) and two
 2 hundred seventeen point twelve (217.12), Code 1977,
 3 are repealed effective July 1, 1979. However, if
 4 the implementation of subsection one (1) of section
 5 ten (10) of this Act is delayed pursuant to subsection
 6 two (2) of that section, the division of mental health
 7 resources of the department of social services and
 8 the Iowa mental health authority shall continue to
 9 be governed by the provisions of the statutes repealed
 10 by this section as if they were in full force and
 11 effect, until subsection one (1) of section ten (10)
 12 of this Act is implemented. On that date, in the
 13 absence of any prior legislative action to the
 14 contrary, the powers and duties assigned the Iowa
 15 mental health authority by chapter two hundred twenty-
 16 five B (225B), Code 1977, and by any other statutes
 17 referring to the Iowa mental health authority, and
 18 the powers and duties assigned the division of mental
 19 health of the department of social services by sections
 20 two hundred seventeen point ten (217.10), two hundred
 21 seventeen point eleven (217.11) and two hundred
 22 seventeen point twelve (217.12), Code 1977, and by
 23 any other statutes referring to that division of the
 24 department of social services, shall all be transferred
 25 to and imposed upon the unified state mental health
 26 agency established by subsection one (1) of section
 27 ten (10) of this Act."

28 2. By renumbering as necessary.

H-6520 FILED

BY DYRLAND of Clayton

MAY 4, 1978

LIPSKY of Linn

Adopted 5/5 (page 2271)

GENTLEMAN of Polk

WALTER of Pottawattamie

KREWSON of Polk

HOWELL of Floyd

PAVICH of Pottawattamie

RINAS of Linn

KRAUSE of Kossuth

WELLS of Linn

JESSE of Polk

PONCY of Wapello

BAKER of Buena Vista

HORN of Linn

AVENSON of Fayette

O'HALLORAN of Black Hawk

THOMPSON of Polk

SERGEANT of Calhoun

JOCHUM of Dubuque

BINNEBOESE of Plymouth

GETTINGS of Wapello

FITZGERALD of Webster

BRUNOW of Appanoose

CUSACK of Scott

HUSAK of Tama

ARNOULD of Scott

CLARK of Cerro Grodo

NEWHARD of Jones

PATCHETT of Johnson

MONROE of Des Moines

GARRISON of Black Hawk

MILLER of Buchanan

LONERGAN of Boone

CRAWFORD of Story

TOFTE of Winneshiek

BINA of Scott

ANDERSON of Jasper

CONNORS of Polk

HOUSE FILE 2440

H-6511

1 Amend House File 2440 as follows:

2 1. Page 4, by inserting before line 30 the follow-
3 ing:

4 "Sec. _____. Section one hundred twenty-three point
5 ninety-six (123.96), Code 1977, is amended by striking
6 subsections one (1) and two (2).

7 Sec. _____. The director of the Iowa beer and liquor
8 control department shall increase the price of every
9 alcoholic beverage sold in state liquor stores
10 effective January 1, 1979, by marking up the price
11 being charged for each such beverage on December
12 31, 1978, by the percentage determined by the director
13 under this section. The director shall determine
14 the percentage of markup by dividing (a) the gross
15 revenue derived during the fiscal year ending June
16 30, 1978 from the special tax imposed by subsection
17 one (1) of section one hundred twenty-three point
18 ninety-six (123.96) of the Code by (b) the gross
19 revenue derived during the fiscal year ending June
20 30, 1978 from sales of alcoholic beverages in state
21 liquor stores, but not including any revenue derived
22 from the special tax imposed upon such sales.

23 It is the purpose and intent of the general assembly
24 that the price increases for alcoholic beverages that
25 are required by this section shall supplant the
26 revenues previously derived from the special tax.
27 The beer and liquor control department shall not cause
28 any adjustments in the prices of alcoholic liquors
29 after January 1, 1979, if such adjustments reasonably
30 could be expected to decrease the total revenue from
31 the sale of alcoholic liquors."

H-6511 FILED *Not given* BY HALVORSON of Clayton
MAY 3, 1978 *5/5 (7. 2272)* CHIODO of Polk
DYRLAND of Clayton
WOODS of Polk

HOUSE FILE 2440

H-6510

1 Amend the amendment, H-6379, to House File 2440
2 as follows:

3 1. Page 4, by inserting after line 19 the follow-
4 ing:

5 "Sec. _____. Section one hundred twenty-three point
6 ninety-six (123.96), Code 1977, is amended by striking
7 subsections one (1) and two (2).

8 Sec. _____. The director of the Iowa beer and liquor
9 control department shall increase the price of every
10 alcoholic beverage sold in state liquor stores
11 effective January 1, 1979, by marking up the price
12 being charged for each such beverage on December
13 31, 1978, by the percentage determined by the director
14 under this section. The director shall determine
15 the percentage of markup by dividing (a) the gross
16 revenue derived during the fiscal year ending June
17 30, 1978 from the special tax imposed by subsection
18 one (1) of section one hundred twenty-three point
19 ninety-six (123.96) of the Code by (b) the gross
20 revenue derived during the fiscal year ending June
21 30, 1978 from sales of alcoholic beverages in state
22 liquor stores, but not including any revenue derived
23 from the special tax imposed upon such sales.

24 It is the purpose and intent of the general assembly
25 that the price increases for alcoholic beverages that
26 are required by this section shall supplant the
27 revenues previously derived from the special tax.
28 The beer and liquor control department shall not cause
29 any adjustments in the prices of alcoholic liquors
30 after January 1, 1979, if such adjustments reasonably
31 could be expected to decrease the total revenue from
32 the sale of alcoholic liquors."

H-6510 FILED *One of order* BY HALVORSON of Clayton
MAY 3, 1978 *5/5 (p. 2264)* CHIODO of Polk
DYRLAND of Clayton
WOODS of Polk

H-6507

1 Amend House File 2440 as follows:

2 1. Page 4, by inserting after line 29 the following
3 new section:

4 "Sec. _____. Chapter two hundred twenty-six (226),
5 Code 1977, is amended by adding the following new
6 section:

7 NEW SECTION. PREADMISSION DIAGNOSTIC EVALUATIONS.

8 1. It shall be the policy of this state that,
9 to the greatest extent feasible, a person shall be
10 admitted to a state mental health institute as an
11 inpatient only after a preadmission diagnostic
12 evaluation by a community mental health center has
13 confirmed that the admission is appropriate to that
14 person's needs, and that no suitable alternative
15 method of providing the services needed by that person
16 in a less restrictive setting, or in or nearer to
17 the person's home community, is currently available.

18 2. In each case in which a county is supporting
19 a community mental health center, directly or in
20 affiliation with other counties, it shall be presumed
21 to be a part of that center's responsibilities to
22 perform the preliminary diagnostic evaluations required
23 by that county in order to implement the policy
24 established by subsection one (1) of this section.
25 However, if performance of such evaluations is not
26 covered by the agreement entered into by the county
27 and the center under section two hundred thirty A
28 point twelve (230A.12) of the Code, and the center's
29 director certifies to the county board of supervisors
30 that the center does not have the capacity to perform
31 the needed evaluations, the board of supervisors may
32 proceed as provided by subsection four (4) of this
33 section.

34 3. In accordance with the policy established by
35 subsection one (1) of this section:

36 a. The superintendent or clinical director of
37 a state mental health institute, or that officer's
38 physician designee, shall advise any person who applies
39 for voluntary admission, or any person applying for
40 the voluntary admission of another person, in
41 accordance with section two hundred twenty-nine point
42 forty-one (229.41) of the Code of the policy
43 established by subsection one (1) of this section,
44 and shall advise that a preadmission diagnostic
45 evaluation of the proposed patient be sought from
46 the appropriate community mental health center or
47 alternative diagnostic facility, if that has not
48 already been done. This subsection shall not apply
49 when voluntary admission is sought in accordance with
50 section two hundred twenty-nine point forty-one

1 (229.41) of the Code under circumstances which, in
2 the opinion of the superintendent or clinical director
3 of a state mental health institute or that officer's
4 physician designee, constitute a medical emergency
5 within the meaning of section two hundred twenty-nine
6 point two (229.2), subsection two (2), paragraph a,
7 of the Code.

8 b. The clerk of the district court shall refer
9 any person applying for authorization for voluntary
10 admission, or for authorization for voluntary admission
11 of another person, in accordance with section two
12 hundred twenty-nine point forty-two (229.42) of the
13 Code to the appropriate community mental health center
14 or alternative diagnostic facility for preadmission
15 diagnostic evaluation unless the applicant furnishes
16 a written statement from that center or facility that
17 such an evaluation has been performed and indicates
18 that the person's admission to a state mental health
19 institute is appropriate. This subsection shall not
20 apply when authorization for voluntary admission is
21 sought under circumstances which, in the opinion of
22 a state mental health institute superintendent or
23 clinical director or that officer's physician designee,
24 constitute a medical emergency within the meaning
25 of section two hundred twenty-nine point two (229.2),
26 subsection two (2), paragraph a, of the Code.

27 c. Judges of the district court, or the judicial
28 hospitalization referees, as the case may be, shall
29 so far as possible arrange for a physician on the
30 staff of or designated by the appropriate community
31 mental health center or alternative diagnostic facility
32 to perform each prehearing examination of a respondent
33 required under section two hundred twenty-nine point
34 eight (229.8), subsection three (3), paragraph b,
35 of the Code.

36 d. When the proposed admission of a person to
37 a state mental health institute, on either a voluntary
38 or an involuntary basis, is primarily for treatment
39 of alcoholism or drug abuse, each reference to a
40 community mental health center or alternative
41 diagnostic facility in subparagraphs a, b and c of
42 this subsection may be deemed a reference to a facility
43 as defined in section one hundred twenty-five point
44 two (125.2), subsection two (2), of the Code as amended
45 by Acts of the Sixty-seventh General Assembly, 1977
46 Session, chapter seventy-four (74), section three
47 (3). However, this paragraph shall not be construed
48 so as to contravene the last sentence of section one
49 hundred twenty-five point nineteen (125.19), subsection
50 one (1), as amended by Acts of the Sixty-seventh

1 General Assembly, 1977 Session, chapter seventy-four
2 (74), section thirty (30).
3 4. In cases where a county is not served by a
4 community mental health center having the capacity
5 to perform the required preliminary diagnostic
6 evaluations, the board of supervisors shall arrange
7 for such evaluations to be performed by an alternative
8 diagnostic facility. An alternative diagnostic
9 facility may be the outpatient service of a state
10 mental health institute or any other mental health
11 facility or service able to furnish the requisite
12 professional skills to properly perform preadmission
13 diagnostic evaluation of a person whose admission
14 to a state mental health institute is being sought
15 or considered on either a voluntary or an involuntary
16 basis. The committee on mental hygiene, with the
17 advice and assistance of the director of the department
18 of social services division of mental health resources
19 and the director of the Iowa mental health authority,
20 shall expeditiously prepare and promulgate
21 administrative rules governing the kind and quality
22 of services which must be offered by an alternative
23 diagnostic facility in performing preadmission
24 diagnostic evaluations. The objective of these rules
25 shall be to make such evaluations at least equivalent
26 to those performed by community mental health centers
27 in terms of both professional quality and orientation
28 to the best interests of the person being evaluated
29 and of the county."

H-6507 FILED
MAY 3, 1978

BY LIPSKY of Linn

Withdrawn 5/5 (p. 2271)

1 Amend House File 2440 as follows:

2 1. By striking page 1, line 1 through page 3,
3 line 9 and inserting in lieu thereof the following:

4 "Section 1. NEW SECTION. SUBSTANCE ABUSE
5 REHABILITATION AND PREVENTION FUND CREATED. There
6 is established in the office of the treasurer of state
7 a fund to be known as the substance abuse
8 rehabilitation and prevention fund. The substance
9 abuse rehabilitation and prevention fund shall consist
10 of revenues derived from substance abuse rehabilitation
11 and prevention taxes imposed by sections two (2) and
12 three (3) of this Act and any other moneys appropriated
13 to the fund.

14 Sec. 2. NEW SECTION. BARREL TAX ON BEER. There
15 shall be levied and collected from class "A" beer
16 permittees a substance abuse rehabilitation and
17 prevention tax on all beer manufactured for sale and
18 sold in the state at wholesale and on all imported
19 beer sold at wholesale in this state at the rate of
20 one dollar for every barrel containing thirty-one
21 gallons, and at the same rate for any other quantity
22 or for the fractional part of a barrel. A tax shall
23 not be levied or collected on beer shipped outside
24 this state by a class "A" permittee or sold by one
25 class "A" permittee to another class "A" permittee.
26 All of the provisions of chapter one hundred twenty-
27 three (123) of the Code relating to the administration
28 of the barrel tax on beer shall apply to the tax
29 imposed by this section, except that the taxes
30 collected pursuant to this section shall be remitted
31 to the treasurer of state and shall be deposited in
32 the substance abuse rehabilitation and prevention
33 fund, and except that the barrel tax rebate shall
34 not apply to the substance abuse rehabilitation and
35 prevention tax. The tax imposed by this section shall
36 be in addition to any other taxes imposed by law.

37 Sec. 3. NEW SECTION. LIQUOR TAX.

38 1. There is imposed upon the purchase of alcoholic
39 beverages in this state a tax at the rate of two
40 percent of the purchase price of such alcoholic
41 beverages. The tax shall be collected from persons
42 purchasing alcoholic beverages at the time of purchase
43 of alcoholic beverages from the state. The tax imposed
44 by this section shall be in addition to any other
45 taxes imposed by law.

46 2. Notwithstanding any provision of chapter one
47 hundred twenty-three (123) of the Code, all revenues
48 derived from the tax imposed by this section shall
49 be remitted monthly by the Iowa beer and liquor control
50 department to the treasurer of state and shall be

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strike

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1 deposited in the substance abuse rehabilitation and
2 prevention fund.
3 Sec. 4. NEW SECTION. ALLOCATION OF REVENUE.
4 1. The treasurer of state shall distribute
5 quarterly one-half of the revenues derived pursuant
6 to sections two (2) and three (3) of this Act to the
7 Iowa department of substance abuse.
8 2. a. The treasurer of state shall allocate one-
9 half of the revenues derived pursuant to sections
10 two (2) and three (3) of this Act to each county
11 treasurer in an amount determined by dividing the
12 total population of each county by the total population
13 of the state according to the latest certified census.
14 b. The board of supervisors of each county shall
15 certify to the treasurer of state a claim for that
16 county's allocated funds. The claim shall be based
17 upon actual payments for substance abuse care,
18 maintenance, and treatment made by the county to any
19 facility as defined in section one hundred twenty-
20 five point two (125.2) of the Code.
21 c. If at the end of the third quarter of each
22 fiscal year a county does not spend all of its
23 allocation, the balance of that allocation shall be
24 reallocated by the treasurer of state in accordance
25 with paragraph a of this subsection.
26 d. At the end of the fourth quarter of each fiscal
27 year all moneys remaining in the substance abuse
28 rehabilitation and prevention fund shall be reverted
29 to the general fund of the state.
30 3. Any other moneys deposited in the substance
31 abuse rehabilitation and prevention fund shall be
32 allocated equally as provided in subsections one (1)
33 and two (2) of this section.
34 4. Warrants for the payment of funds pursuant
35 to this section shall be issued by the state
36 comptroller upon certification of the treasurer of
37 state.
38 Sec. 5. NEW SECTION. USE OF REVENUE.
39 1. Revenues distributed pursuant to the provisions
40 of section four (4), subsection one (1), of this Act
41 shall be used, subject to the limitation contained
42 in subsection two (2) of this section, for the
43 following purposes:
44 a. The administrative expenses, excluding salaries,
45 of the Iowa department of substance abuse.
46 b. Any program or service authorized under chapter
47 one hundred twenty-five (125) of the Code.
48 c. The implementation of new substance abuser
49 treatment procedures and services.
50 d. The matching of any other county expenses for

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strike

1 the care, maintenance and rehabilitation of substance
 2 abusers by the Iowa department of substance abuse.
 3 2. Moneys contained in the fund created by section
 4 one (1) of this Act except those moneys specified
 5 in section four (4), subsection two (2), of this Act,
 6 shall not be distributed or allocated for
 7 rehabilitative and preventive services or treatment,
 8 care and maintenance for substance abuse rendered
 9 by the mental health institutes under the control
 10 of the department of social services. All billings
 11 to counties from mental health institutes for such
 12 treatment, care, and maintenance shall specify the
 13 exact amount billed for substance abuse treatment,
 14 prevention, and detoxification.

15 Sec. 6. Chapter one hundred twenty-five (125),
 16 Code 1977, as amended by Acts of the Sixty-seventh
 17 General Assembly, 1977 Session, chapter seventy-four
 18 (74), is amended by adding the following new section:

19 NEW SECTION. APPROVAL OF FACILITY BUDGET.

20 1. Before making any allocation of funds to a
 21 local substance abuse program, the commission on
 22 substance abuse shall require the following to be
 23 submitted for each program:

24 a. A detailed line item budget clearly indicating
 25 the funds received from each revenue source for the
 26 fiscal year for which the funds are requested on forms
 27 provided by the department of substance abuse.

28 b. A certified statement from the auditor of each
 29 county participating in the program as to the amount
 30 of county resources committed to the program for the
 31 fiscal year for which the funds are requested.

32 2. The commission shall adopt rules governing
 33 the approval of line item budgets for the operation
 34 of facilities. The rules shall include provisions
 35 for the approval of a facility's budget by the counties
 36 funding the facility and by the department. The rules
 37 shall also include provisions for appeal to the
 38 commission by any county which disagrees with the
 39 amount of a facility's budget approved by the
 40 department."

41 2. Page 4, by striking lines 1 through 29 and
 42 inserting in lieu thereof the following:

43 "Sec. _____. There is appropriated from the general
 44 fund of the state to the Iowa department of substance
 45 abuse for the fiscal period commencing July 1, 1978
 46 and ending December 31, 1978 the sum of seven hundred
 47 thirty thousand (730,000) dollars or so much thereof
 48 as may be necessary to fund substance abuse treatment
 49 grants.

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50 Sec. _____. There is appropriated from the general

1 fund of the state to the Iowa department of substance
2 abuse for the fiscal year commencing July 1, 1978
3 and ending June 30, 1979 the following amounts or
4 so much thereof as may be necessary to be used for
5 the purposes designated:

6 1. For substance abuse programming
7 for the elderly at the mental health insti-
8 tute at Independence, Iowa.....\$18,000

9 2. For the development of educa-
10 tional programs designed to prevent sub-
11 stance abuse.....\$40,000

12 It is the intent of the general assembly that the
13 Iowa department of substance abuse shall encourage
14 the development of educational programs designed to
15 prevent substance abuse and the forty thousand (40,000)
16 dollars appropriated in subsection two (2) of this
17 section shall be used to fund continued development
18 and implementation of substance abuse education
19 programs in the department of public instruction.

20 Sec. . EFFECTIVE DATES.

21 1. The provisions of this Act, except section
22 four (4) of this Act, shall be effective July 1, 1978.

23 2. The provisions of section four (4) of this
24 Act shall be effective January 1, 1979, and on that
25 date the treasurer of state shall allocate the moneys
26 credited to the substance abuse rehabilitation and
27 prevention fund during the fiscal period beginning
28 July 1, 1978 and ending December 31, 1978 to the Iowa
29 department of substance abuse and the counties of
30 the state as provided in section four (4) of this
31 Act."

32 3. By numbering and renumbering sections and
33 internal references to sections to conform to this
34 amendment.

H-6379 FILED
APRIL 27, 1978

BY MONROE of Des Moines
SCHEELHAASE of Woodbury
DOYLE of Woodbury
HANSEN of O'Brien
OXLEY of Linn
SERGEANT of Calhoun
KOOGLER of Mahaska
WEST of Marshall
SCHROEDER of Pottawattamie
GRIFFEE of Chickasaw
MENKE of O'Brien
DAVITT of Warren

DYRLAND of Clayton
JUNKER of Woodbury
HALVORSON of Clayton
DAGGETT of Adams
PATCHETT of Johnson
BAKER of Buena Vista
HORN of Linn
PONCY of Wapello
LONERGAN of Boone
ARNOULD of Scott
HULLINGER of Decatur

Re german 5/5 (p. 2263)

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Sen. Bu. 5/9 Da. Pass per 5369 5/10 (p. 1480)
Referred Ways Means 5/11 (p. 1449) Aikens recommendation 5/12 (p. 1638)

HOUSE FILE 2440

HOUSE FILE 2440

By COMMITTEE ON BUDGET

(As Amended and Passed by the House)

Ways and Means
Redmond, Chairperson
Van Gilst
Shaff

Passed House, Date 5-12-78 (p. 1525) ^{pu 6710} Passed Senate, Date 5-12-78 (p. 1525)
Vote: Ayes 69 Nays 22 Vote: Ayes 38 Nays 15
Approved 6-13-78 - Stem Veto - see letter

A BILL FOR

1 An Act relating to and appropriating funds for designated
2 health programs including substance abuse, mental health,
3 continuing education for health practitioners and funds
4 for autopsies of suspected victims of sudden infant death
5 syndrome.

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

5867 strike pages 1, new page 5 line 3

House Amendments _____

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1 Section 1. There is appropriated from the general fund
 2 of the state to the Iowa department of substance abuse for
 3 the fiscal period commencing July 1, 1978 and ending December
 4 31, 1978 the sum of six hundred seventy-two thousand (672,000)
 5 dollars or so much thereof as may be necessary to fund
 6 substance abuse treatment grants.

7 Sec. 2. There is appropriated from the general fund of
 8 the state to the Iowa department of substance abuse for the
 9 fiscal year commencing July 1, 1978 and ending June 30, 1979
 10 the following amounts or so much thereof as may be necessary
 11 to be used for the purposes designated:

12 1. For substance abuse programming
 13 for the elderly at the mental health insti-
 14 tute at Independence, Iowa.....\$18,000

15 2. For the development of educa-
 16 tional programs designed to prevent sub-
 17 stance abuse.....\$40,000

18 It is the intent of the general assembly that the Iowa
 19 department of substance abuse shall encourage the development
 20 of educational programs designed to prevent substance abuse
 21 and the forty thousand (40,000) dollars appropriated in
 22 subsection two (2) of this section shall be used to fund
 23 continued development and implementation of substance abuse
 24 education programs in the department of public instruction.

25 Sec. 3. NEW SECTION. SUBSTANCE ABUSE REHABILITATION AND
 26 PREVENTION FUND CREATED. There is established in the office
 27 of the treasurer of state a fund to be known as the substance
 28 abuse rehabilitation and prevention fund. The substance abuse
 29 rehabilitation and prevention fund shall consist of revenues
 30 derived from substance abuse rehabilitation and prevention
 31 taxes imposed by sections four (4) and five (5) of this Act
 32 and any other moneys appropriated to the fund.

33 Sec. 4. NEW SECTION. BARREL TAX ON BEER. There shall
 34 be levied and collected from class "A" beer permittees a
 35 substance abuse rehabilitation and prevention tax on all beer

1 manufactured for sale and sold in the state at wholesale and
2 on all imported beer sold at wholesale in this state at the
3 rate of one dollar for every barrel containing thirty-one
4 gallons, and at the same rate for any other quantity or for
5 the fractional part of a barrel. A tax shall not be levied
6 or collected on beer shipped outside this state by a class
7 "A" permittee or sold by one class "A" permittee to another
8 class "A" permittee. All of the provisions of chapter one
9 hundred twenty-three (123) of the Code relating to the
10 administration of the barrel tax on beer shall apply to the
11 tax imposed by this section, except that the taxes collected
12 pursuant to this section shall be remitted to the treasurer
13 of state and shall be deposited in the substance abuse
14 rehabilitation and prevention fund, and except that the barrel
15 tax rebate shall not apply to the substance abuse
16 rehabilitation and prevention tax. The tax imposed by this
17 section shall be in addition to any other taxes imposed by
18 law.

19 Sec. 5. NEW SECTION. LIQUOR TAX.

20 1. There is imposed upon the purchase of alcoholic
21 beverages in this state a tax at the rate of two percent of
22 the purchase price of such alcoholic beverages. The tax shall
23 be collected from persons purchasing alcoholic beverages at
24 the time of purchase of alcoholic beverages from the state.
25 The tax imposed by this section shall be in addition to any
26 other taxes imposed by law.

27 2. Notwithstanding any provision of chapter one hundred
28 twenty-three (123) of the Code, all revenues derived from
29 the tax imposed by this section shall be remitted monthly
30 by the Iowa beer and liquor control department to the treasurer
31 of state and shall be deposited in the substance abuse
32 rehabilitation and prevention fund.

33 Sec. 6. NEW SECTION. ALLOCATION OF REVENUE.

34 1. The treasurer of state shall distribute quarterly one-
35 half of the revenues derived pursuant to sections four (4)

1 and five (5) of this Act to the Iowa department of substance
2 abuse.

3 2. a. The treasurer of state shall allocate one-half
4 of the revenues derived pursuant to sections four (4) and
5 five (5) of this Act to each county treasurer in an amount
6 determined by dividing the total population of each county
7 by the total population of the state according to the latest
8 certified census.

9 b. The board of supervisors of each county shall certify
10 to the treasurer of state a claim for that county's allocated
11 funds. The claim shall be based upon actual payments for
12 substance abuse care, maintenance, and treatment made by the
13 county to any facility as defined in section one hundred
14 twenty-five point two (125.2) of the Code.

15 c. If at the end of the third quarter of each fiscal year
16 a county does not spend all of its allocation, the balance
17 of that allocation shall be reallocated by the treasurer of
18 state in accordance with paragraph a of this subsection.

19 d. At the end of the fourth quarter of each fiscal year
20 all moneys remaining in the substance abuse rehabilitation
21 and prevention fund shall be reverted to the general fund
22 of the state.

23 3. Any other moneys deposited in the substance abuse
24 rehabilitation and prevention fund shall be allocated equally
25 as provided in subsections one (1) and two (2) of this section.

26 4. Warrants for the payment of funds pursuant to this
27 section shall be issued by the state comptroller upon
28 certification of the treasurer of state.

29 Sec. 7. NEW SECTION. USE OF REVENUE.

30 1. Revenues distributed pursuant to the provisions of
31 section six (6), subsection one (1), of this Act shall be
32 used, subject to the limitation contained in subsection two
33 (2) of this section, for the following purposes:

34 a. The administrative expenses, excluding salaries, of
35 the Iowa department of substance abuse.

1 b. Any program or service authorized under chapter one
2 hundred twenty-five (125) of the Code.

3 c. The implementation of new substance abuser treatment
4 procedures and services.

5 d. The matching of any other county expenses for the care,
6 maintenance and rehabilitation of substance abusers by the
7 Iowa department of substance abuse.

8 2. Moneys contained in the fund created by section three
9 (3) of this Act except those moneys specified in section six
10 (6), subsection two (2), of this Act, shall not be distributed
11 or allocated for rehabilitative and preventive services or
12 treatment, care and maintenance for substance abuse rendered
13 by the mental health institutes under the control of the
14 department of social services. All billings to counties from
15 mental health institutes for such treatment, care, and
16 maintenance shall specify the exact amount billed for substance
17 abuse treatment, prevention, and detoxification.

18 Sec. 8. Chapter one hundred twenty-five (125), Code 1977,
19 as amended by Acts of the Sixty-seventh General Assembly,
20 1977 Session, chapter seventy-four (74), is amended by adding
21 the following new section:

22 NEW SECTION. APPROVAL OF FACILITY BUDGET.

23 1. Before making any allocation of funds to a local
24 substance abuse program, the commission on substance abuse
25 shall require the following to be submitted for each program:

26 a. A detailed line item budget clearly indicating the
27 funds received from each revenue source for the fiscal year
28 for which the funds are requested on forms provided by the
29 department of substance abuse.

30 b. A certified statement from the auditor of each county
31 participating in the program as to the amount of county
32 resources committed to the program for the fiscal year for
33 which the funds are requested.

34 2. The commission shall adopt rules governing the approval
35 of line item budgets for the operation of facilities. The

1 rules shall include provisions for the approval of a facility's
2 budget by the counties funding the facility and by the
3 department. The rules shall also include provisions for
4 appeal to the commission by any county which disagrees with
5 the amount of a facility's budget approved by the department.

6 Sec. 9. There is appropriated from the general fund of
7 the state to the following agencies for the fiscal year
8 commencing July 1, 1978 and ending June 30, 1979 the following
9 amounts to be used for the puposes designated:

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1978-1979
Fiscal Year

1. IOWA MENTAL HEALTH
AUTHORITY

For salaries, support,
maintenance and miscellaneous
purposes \$108,659

2. BOARD OF NURSE
EXAMINERS

For continuing education \$ 15,000

3. BOARD OF MEDICAL
EXAMINERS

For continuing education \$ 11,761

Sec. 10. There is appropriated from the general fund of
the state to the state department of health for the fiscal
year commencing July 1, 1978 and ending June 30, 1979, the
sum of thirty thousand (30,000) dollars, or so much thereof
as may be necessary, to be used to reimburse counties for
expenses resulting from autopsies of suspected victims of
sudden infant death syndrome in accordance with procedures
specified in House File 33 as enacted by the Sixty-seventh
General Assembly, 1978 Session.

Sec. 11. Section two hundred thirty A point nine (230A.9),
subsection three (3), Code 1977, is amended to read as follows:

3. At intervals specified by the county board of
supervisors, not less often than once each ninety days, the

1 county treasurer of each county served by the center shall
2 notify the chairman chairperson of the center's board of
3 trustees of all amounts due the center from the county which
4 have not previously been paid over to the treasurer of the
5 center. The chairman chairperson shall then file a claim
6 for payment as specified in sections 331.20, 333.2 and 334.1
7 to 334.7. The provisions of section three hundred thirty-
8 one point twenty-one (331.21) notwithstanding, no such claims
9 shall include information which in any manner identifies an
10 individual who is receiving or has received treatment at the
11 center.

12 Sec. 12. Section two hundred thirty A point thirteen
13 (230A.13), Code 1977, is amended by adding the following new
14 unnumbered paragraph:

15 NEW UNNUMBERED PARAGRAPH. Release of information which
16 would identify an individual who is receiving or has received
17 treatment at a community mental health center shall not be
18 made a condition of support of that center by any county under
19 this section. The provisions of section three hundred thirty-
20 one point twenty-one (331.21) notwithstanding, a community
21 mental health center shall not be required to file a claim
22 which would in any manner identify such an individual, if
23 the center's budget has been approved by the county board
24 under this section and the center is in compliance with section
25 two hundred thirty A point sixteen (230A.16), subsection three
26 (3), of the Code.

27 Sec. 13. EFFECTIVE DATES.

28 1. The provisions of this Act, except section six (6)
29 of this Act, shall be effective July 1, 1978.

30 2. The provisions of section six (6) of this Act shall
31 be effective January 1, 1979, and on that date the treasurer
32 of state shall allocate the moneys credited to the substance
33 abuse rehabilitation and prevention fund during the fiscal
34 period beginning July 1, 1978 and ending December 31, 1978
35 to the Iowa department of substance abuse and the counties

1 of the state as provided in section six (6) of this Act.

2 Sec. 14. The objective of sections fifteen (15) through
3 twenty-one (21) of this Act is to continue and to strengthen
4 the mental health services now available in the state of Iowa,
5 to make these services uniformly and conveniently available
6 to all residents of this state, and to assure the continued
7 high quality of these services. The purpose of sections
8 fifteen (15) through twenty-one (21) of this Act is to begin
9 efforts to achieve that objective. It is the intent of
10 sections fifteen (15) through twenty-one (21) of this Act
11 that more detailed proposals for the achievement of that
12 objective shall be formulated and delivered to the first
13 session of the Sixty-eighth General Assembly.

14 Sec. 15.

15 1. A unified state mental health agency having broad
16 responsibility both to plan, coordinate and review the delivery
17 of mental health services in this state, and to directly
18 deliver certain mental health services, shall be established
19 effective July 1, 1979. The title, administrative structure,
20 and specific powers and duties of the unified state mental
21 health agency shall be as prescribed by the 1979 Session of
22 the Sixty-eighth General Assembly.

23 2. If the governor determines that it would not be in
24 the best interest of the state for subsection one (1) of this
25 section to be implemented on July 1, 1979, or if legislation
26 prescribing the title, administrative structure, and specific
27 powers and duties of the unified state mental health agency
28 has not been approved prior to that date, the governor may
29 by executive order delay the implementation of that subsection
30 to a date not later than July 1, 1980.

31 Sec. 16. There is established a state mental health
32 advisory council.

33 1. The council shall consist of thirteen voting members
34 appointed as follows:

35 a. Seven members shall be appointed by the governor, who

1 shall designate three of the initial appointees under this
2 subsection to serve terms expiring June 30, 1981, two to serve
3 terms expiring June 30, 1980 and two to serve terms expiring
4 June 30, 1979.

5866 5 b. Three members shall be appointed by the speaker of
6 the house and three by the majority leader of the senate,
7 who shall each designate one of the initial appointees under
8 this subsection to serve a term expiring June 30, 1981, one
9 to serve a term expiring June 30, 1980 and one to serve a
10 term expiring June 30, 1979. Persons appointed to the council
11 under this paragraph shall not be members of the general
12 assembly.

13 c. Successors to the initial appointees under this section
14 shall each serve a term of three years beginning July first
15 of the year of appointment. Vacancies shall be filled by
16 the appropriate appointing authority for the balance of the
17 unexpired term. Members of the advisory council who are not
18 state employees shall be entitled to forty dollars per diem
19 for each day devoted to the duties of their office, and all
20 members shall be entitled to reimbursement for actual and
21 necessary expenses incurred in attending meetings of the
22 advisory council or in otherwise discharging their duties.

5866 23 d. The governor, the speaker of the house, and the majority
24 leader of the senate shall coordinate their respective
25 appointments to the advisory council so that, if possible,
26 the composition of the council will comply with the pertinent
27 requirements of United States Public Law ninety-four dash
28 sixty-three (P.L. 94-63).

29 2. The council shall:

30 a. As soon as possible after July first of each year,
31 organize by selection of a chairperson and a vice chairperson
32 from among its members.

33 b. Meet at least four times a year, and may meet more
34 often, upon the call of the chairperson or the written request
35 of any five members.

1 c. Advise the responsible officials and agencies of this
2 state on establishment and implementation of policies and
3 programs in furtherance of the objectives stated in section
4 fourteen (14) of this Act.

5 d. Exercise all functions and have all responsibilities
6 of the state mental health advisory council under United
7 States Public Law ninety-four dash sixty-three (P.L. 94-63),
8 unless any such function or responsibility is assigned
9 elsewhere by, or would be contrary to, the laws of this state.

10 e. Beginning upon the date on which the transfer of duties,
11 functions and programs required by section fifteen (15),
12 subsection one (1) of this Act takes effect, and continuing
13 until otherwise provided by law, exercise any functions
14 assigned by law to the committee on mental hygiene established
15 by section two hundred twenty-five B point two (225B.2), Code
16 1977.

17 3. The council, with the advice and assistance of the
18 director of the department of mental health resources and
19 the director of the Iowa mental health authority, shall
20 expeditiously prepare and promulgate administrative rules
21 governing the kind and quality of services which must be
22 offered by an alternative diagnostic facility in performing
23 preliminary diagnostic evaluations under arrangements concluded
24 pursuant to section twenty (20) of this Act. The objective
25 of these rules shall be to make such evaluations at least
26 equivalent to those performed by community mental health
27 centers in terms of both professional quality and orientation
28 to the best interests of the person being evaluated and of
29 the county.

30 4. The council shall consider, and may make recommendations
31 regarding, the most desirable form of permanent organization
32 for the unified state mental health agency, referred to in
33 section fifteen (15), subsection one (1) of this Act.

34 Sec. 17. It is the policy of this state that, to the
35 greatest extent feasible, a person shall be admitted to a

1 state mental health institute as an inpatient only after a
2 preliminary diagnostic evaluation by a community mental health
3 center has confirmed that the admission is appropriate to
4 that person's needs, and that no suitable alternative method
5 of providing the services needed by that person in a less
6 restrictive setting, or in or nearer to the person's home
7 community, is currently available. The policy established
8 by this section shall be implemented in the manner and to
9 the extent prescribed by sections eighteen (18), nineteen
10 (19) and twenty (20) of this Act.

11 Sec. 18. The board of supervisors of any county may by
12 resolution require that the policy stated by section seventeen
13 (17) of this Act be followed with respect to admission of
14 persons from that county to any state mental health institute.
15 Upon adoption of such a resolution by the board of supervisors
16 of a county which is supporting a community mental health
17 center, directly or in affiliation with other counties, it
18 shall be presumed to be a part of that center's
19 responsibilities to perform the preliminary diagnostic
20 evaluations required by that county in order to implement
21 the policy stated by section seventeen (17) of this Act.
22 However, if performance of such evaluations is not covered
23 by the agreement entered into by the county and the center
24 under section two hundred thirty A point twelve (230A.12)
25 of the Code, and the center's director certifies to the county
26 board of supervisors that the center does not have the capacity
27 to perform the needed evaluations, the board of supervisors
28 may proceed as provided by section twenty (20) of this Act.

29 Sec. 19. When the board of supervisors of any county has
30 adopted a resolution as authorized by section eighteen (18)
31 of this Act:

32 1. The chief medical officer of a state mental health
33 institute, or that officer's physician designee, shall advise
34 any person residing in that county who applies for voluntary
35 admission, or any person applying for the voluntary admission

1 of another person who resides in that county, in accordance
2 with section two hundred twenty-nine point forty-one (229.41)
3 of the Code that the board of supervisors has acted to
4 implement the policy stated by section seventeen (17) of this
5 Act, and shall advise that a preliminary diagnostic evaluation
6 of the proposed patient be sought from the appropriate
7 community mental health center or alternative diagnostic
8 facility, if that has not already been done. This subsection
9 shall not apply when voluntary admission is sought in
10 accordance with section two hundred twenty-nine point forty-
11 one (229.41) of the Code under circumstances which, in the
12 opinion of the chief medical officer or that officer's
13 physician designee, constitute a medical emergency within
14 the meaning of section two hundred twenty-nine point two
15 (229.2), subsection two (2), paragraph a of the Code.

16 2. The clerk of the district court in that county shall
17 refer any person applying for authorization for voluntary
18 admission, or for authorization for voluntary admission of
19 another person, in accordance with section two hundred twenty-
20 nine point forty-two (229.42) of the Code to the appropriate
21 community mental health center or alternative diagnostic
22 facility for preliminary diagnostic evaluation unless the
23 applicant furnishes a written statement from that center or
24 facility that such an evaluation has been performed and
25 indicates that the person's admission to a state mental health
26 institute is appropriate. This subsection shall not apply
27 when authorization for voluntary admission is sought under
28 circumstances which, in the opinion of the mental health
29 institute's chief medical officer or that officer's physician
30 designee, constitute a medical emergency within the meaning
31 of section two hundred twenty-nine point two (229.2),
32 subsection two (2), paragraph a of the Code.

33 3. Judges of the district court in that county, or the
34 judicial hospitalization referee appointed for that county,
35 as the case may be, shall so far as possible arrange for a

1 physician on the staff of or designated by the appropriate
2 community mental health center or alternative diagnostic
3 facility to perform each prehearing examination of a respondent
4 required under section two hundred twenty-nine point eight
5 (229.8), subsection three (3), paragraph b of the Code.

6 4. The chief medical officer of a state mental health
7 institute shall promptly submit to the appropriate community
8 mental health center or alternative diagnostic facility a
9 report of each voluntary admission of a patient under the
10 medical emergency clauses of subsections one (1) and two (2)
11 of this section. The report shall explain the nature of the
12 emergency which necessitated the admission of the patient
13 without a preliminary diagnostic evaluation by the center
14 or alternative facility.

15 5. When the proposed admission of a person to a state
16 mental health institute, on either a voluntary or an
17 involuntary basis, is primarily for treatment of alcoholism
18 or drug abuse, each reference to a community mental health
19 center or alternative diagnostic facility in subsections one
20 (1) through four (4) of this section may be deemed a reference
21 to a facility as defined in section one hundred twenty-five
22 point two (125.2), subsection two (2) of the Code as amended
23 by Acts of the Sixty-seventh General Assembly, 1977 Session,
24 chapter seventy-four (74), section three (3). However, this
25 subsection shall not be construed so as to contravene the
26 last sentence of section one hundred twenty-five point nineteen
27 (125.19), subsection one (1), as amended by Acts of the Sixty-
28 seventh General Assembly, 1977 Session, chapter seventy-four
29 (74), section thirty (30).

30 Sec. 20. If the board of supervisors of a county desires
31 to implement the policy stated by section seventeen (17) of
32 this Act, but the county is not served by a community mental
33 health center having the capacity to perform the required
34 preliminary diagnostic evaluations, the board may arrange
35 for such evaluations to be performed by an alternative

1 diagnostic facility. An alternative diagnostic facility may
2 be the outpatient service of a state mental health institute
3 or any other mental health facility or service able to furnish
4 the requisite professional skills to properly perform
5 preliminary diagnostic evaluation of a person whose admission
6 to a state mental health institute is being sought or
7 considered on either a voluntary or an involuntary basis.

8 Sec. 21. Chapter two hundred twenty-five B (225B) and
9 sections two hundred seventeen point ten (217.10), two hundred
10 seventeen point eleven (217.11) and two hundred seventeen
11 point twelve (217.12), Code 1977, are repealed effective July
12 1, 1979. However, if the implementation of subsection one
13 (1) of section fifteen (15) of this Act is delayed pursuant
14 to subsection two (2) of that section, the division of mental
15 health resources of the department of social services and
16 the Iowa mental health authority shall continue to be governed
17 by the provisions of the statutes repealed by this section
18 as if they were in full force and effect, until subsection
19 one (1) of section fifteen (15) of this Act is implemented.
20 On that date, in the absence of any prior legislative action
21 to the contrary, the powers and duties assigned the Iowa
22 mental health authority by chapter two hundred twenty-five
23 B (225B), Code 1977, and by any other statutes referring to
24 the Iowa mental health authority, and the powers and duties
25 assigned the division of mental health of the department of
26 social services by sections two hundred seventeen point ten
27 (217.10), two hundred seventeen point eleven (217.11) and
28 two hundred seventeen point twelve (217.12), Code 1977, and
29 by any other statutes referring to that division of the
30 department of social services, shall all be transferred to
31 and imposed upon the unified state mental health agency
32 established by subsection one (1) of section fifteen (15)
33 of this Act.

34 Sec. 22. All federal grants to and the federal receipts
35 of the agencies appropriated funds under this Act are

1 appropriated for the purposes set forth in the federal grants
2 or receipts.

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HOUSE FILE 2440

Date: May 11, 1978
REQUESTED BY: SENATOR REDMOND

In compliance with a written request received May 11, 19 78, there is hereby submitted a Fiscal Note for House File 2440 pursuant to Joint Rule 16. Background information used in developing this Fiscal Note is available from the Legislative Fiscal Bureau, to members of the Legislature upon request.

House File 2440, An Act relating to and appropriating funds for designated health programs including substance abuse, mental health, continuing education for health practitioners and funds for autopsies of suspected victims of sudden infant death syndrome.

This bill creates a substance abuse rehabilitation and prevention fund, to provide for the use of the fund for the prevention and rehabilitation of substance abusers, to levy a tax on beer and alcoholic beverages, and makes an appropriation.

The taxes are to be collected effective July 1, 1978, but the proceeds collected during the first six months are not distributed until January 1, 1979.

	# of Barrels	Proposed Tax @ \$1.00	Alcoh.Bev. Retail Sales	Proposed Tax @ 2%	Total Revenue Receipts
1977 (Actual)	2,157,000	\$2,157,000	105,000,000	\$2,100,000	\$4,257,000
1978 (Est.)	2,250,000	2,250,000	112,000,000	2,240,000	4,490,000
1979 (Est.)	2,300,000	2,300,000	117,600,000	2,350,000	4,650,000
1980 (Est.)	2,350,000	2,350,000	123,500,000	2,477,000	4,827,000

SOURCE: IOWA BEER & LIQUOR CONTROL DEPARTMENT

FILED
MAY 11, 1978

BY GERRY D. RANKIN, DIRECTOR
LEGISLATIVE FISCAL BUREAU

H-6710

- 1 Amend House File 2440 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 1, lines 3 and 4, by striking the word
- 4 and figures "December 31, 1978" and inserting in lieu
- 5 thereof the word and figures "June 30, 1979".
- 6 2. Page 1, line 4, by striking the words and
- 7 figure "six hundred seventy-two thousand (672,000)"
- 8 and inserting in lieu thereof the words and figure
- 9 "one million five hundred sixty-two thousand two
- 10 hundred fifty-eight (1,562,258)".
- 11 3. Page 1, line 6, by inserting after the word
- 12 "grants." the following: "Funds appropriated by this
- 13 section shall be reduced by the amount of funds
- 14 distributed to the department pursuant to subsection
- 15 one (1) of section six (6) of this Act. The amount
- 16 of funds by which the appropriation is reduced shall
- 17 be deposited in the general fund of the state."
- 18 4. Page 7, by striking lines 31 through 35 and
- 19 inserting in lieu thereof the following:
- 20 "Sec. 16.
- 21 1. There is established a state mental health
- 22 advisory council consisting of eleven members appointed
- 23 by the governor, who".
- 24 5. Page 8, line 1, by inserting after the word
- 25 "designate" the words ", subject to Senate
- 26 confirmation,".
- 27 6. Page 8, line 1, by striking the word "three"
- 28 and inserting in lieu thereof the word "four".
- 29 7. Page 8, line 2, by striking the word "two"
- 30 and inserting in lieu thereof the word "four".
- 31 8. Page 8, line 3, by striking the word "two"
- 32 and inserting in lieu thereof the word "three".
- 33 9. Page 8, by striking lines 4 through 13 and
- 34 inserting in lieu thereof the words "June 30, 1979.
- 35 Successors to the initial appointees under this
- 36 section".
- 37 10. Page 8, by striking lines 23 and 24 and
- 38 inserting in lieu thereof the words "The governor
- 39 shall make".

H-6710 FILED
RECEIVED FROM SENATE
May 12, 1978

House concurred 5/2 (p. 2737)

H-6715

1 Amend the Senate amendment, H-6710, to House File
2 2440, as amended, passed and reprinted by the House,
3 as follows:

4 1. Page 1, line 5, by striking the word and figures
5 "June 30, 1979" and inserting in lieu thereof the
6 word and figures "September 30, 1978".

7 2. Page 1, by striking lines 9 and 10 and insert-
8 ing in lieu thereof the words and figure "three hundred
9 thirty-six thousand (336,000)".

10 3. Page 1, by inserting after line 17 the
11 following:

12 " . By striking page 6, line 31 through page
13 7, line 1, and inserting in lieu thereof the following:
14 "be effective October 1, 1978, and on that date the
15 treasurer of state shall allocate the moneys credited
16 to the substance abuse rehabilitation and prevention
17 fund during the fiscal period beginning July 1, 1978
18 and ending September 30, 1978 to the Iowa department
19 of substance abuse and the counties of the state as
20 provided in section six (6) of this Act. However,
21 if sufficient funds have not been collected from the
22 taxes imposed by this Act to carry out the purposes
23 specified in section seven (7) of this Act by September
24 30, 1978, the governor may, by executive order, delay
25 the effective date of section six (6) of this Act
26 until April 1, 1979. If the effective date of section
27 six (6) of this Act is delayed by executive order,
28 there is appropriated from the general fund of the
29 state to the Iowa department of substance abuse for
30 the fiscal period commencing October 1, 1978 and
31 ending March 31, 1979 the additional sum of six hundred
32 seventy-two thousand (672,000) dollars or so much
33 thereof as may be necessary to fund substance abuse
34 treatment grants."

35 4. By numbering sections to conform to this
36 amendment.

H-6715 FILED (p. 2737) BY MONROE of Des Moines
May 12, 1978 DYRLAND of Clayton

DAVITT of Warren

S-5920

1 Amend the Committee amendment, S-5869, to House
2 File 2440 as amended, passed and reprinted by the
3 House, as follows:

4 1. Page 1, by striking lines 15 through 18 and
5 inserting in lieu thereof the following:

6 "1. For the continued
7 development and implementa-
8 tion of substance abuse ed-
9 ucation programs in the de-
10 partment of public instruc-
11 tion \$ 40,000

12 2. For the development
13 and implementation of sub-
14 stance abuse education pro-
15 grams except as provided in
16 subsection one (1) of this
17 section \$100,000"

18 2. By striking page 1, line 23 through page 2,
19 line 45.

20 3. Page 3, by striking lines 24 through 33 and
21 inserting in lieu thereof the following:

22 "Sec. ____ . Section one hundred twenty-five point
23 twenty-seven (125.27), unnumbered paragraphs one (1)
24 and four (4), Code 1977, as amended by Acts of the
25 Sixty-seventh General Assembly, 1977 Session, chapter
26 seventy-four (74), section thirty-seven (37), are
27 amended to read as follows:

28 The director ~~may~~ shall, consistent with the
29 comprehensive substance abuse program, enter into
30 written agreements with a facility as defined in
31 section 125.2 to pay ~~for seventy-five percent of~~ the
32 cost of the care, maintenance and treatment of a
33 substance abuser. Such contracts shall be for a
34 period of no more than one year. The commission shall
35 review and evaluate at least ~~once~~ each year six months
36 all such agreements and determine whether or not they
37 shall be continued. If the director determines that
38 a contract be discontinued, the director shall give
39 written notice to the facility and conduct a public
40 hearing in the county where the facility is located.

41 Contracting facilities shall deliver to each patient
42 upon discharge a statement of the costs of the care,
43 maintenance and treatment for which that patient is
44 liable, and shall retain a carbon copy or other similar
45 copy of that statement for a period of not less than
46 one year after the date of discharge of the patient
47 to whom the statement refers. Every payment received
48 by a contracting facility from or on behalf of a
49 patient, whether received before or after costs have
50 been billed to the department ~~of the county~~, shall

1 be identified by the facility as to patient and invoice
 2 or statement, and shall be reported to the department.
 3 A contracting facility shall allow as a credit against
 4 a future billing to the department ~~ex-ae-a-county~~,
 5 payments received during each month from or on behalf
 6 of a patient whose care, maintenance and treatment
 7 theretofore has been billed to and paid by the
 8 department ~~ex-a-county~~. Failure by a contracting
 9 facility to comply with this paragraph, or with rules
 10 promulgated pursuant to section twenty-three (23)
 11 of this Act shall constitute grounds for nonrenewal
 12 of the contract.

13 Sec. _____. Section one hundred twenty-five point
 14 thirty-one (125.31), Code 1977, as amended by Acts
 15 of the Sixty-seventh General Assembly, 1977 Session,
 16 chapter seventy-four (74), section forty-one (41),
 17 is amended to read as follows:

18 The substance abuser and any person, firm, corpo-
 19 ration, or insurance company bound by contract to
 20 provide support, hospitalization, or medical services
 21 for the substance abuser shall be legally liable to
 22 the ~~county-of-the-substance-abuser's-residence-for~~
 23 ~~twenty-five-percent-of-the-total-amount-and-to-the~~
 24 department for ~~seventy-five-percent-of~~ the total
 25 amount of the cost of providing care, maintenance,
 26 and treatment for the substance abuser while a
 27 voluntary or committed patient in a facility, ~~except~~
 28 ~~when-the-state-pays-the-total-cost-of-care-in-which~~
 29 ~~case-liability-of-one-hundred-percent-shall-be-to~~
 30 the state. Nothing in this section shall prohibit
 31 any individual from paying any portion of the cost
 32 of treatment.

33 The estate of each nonresident person provided
 34 care, maintenance or treatment while a voluntary or
 35 committed patient in a facility, and all persons
 36 legally bound for the support of such a person, shall
 37 be legally liable to the state for reasonable costs
 38 paid by the ~~division~~ department under this chapter
 39 for the care, maintenance and treatment of the person
 40 in a facility. The certificate of the director of
 41 ~~the-division~~ showing the amounts paid or due to be
 42 paid by the ~~division~~ department for such care,
 43 maintenance and treatment shall be presumptive evidence
 44 of the reasonableness of the costs of the care,
 45 maintenance and treatment provided.

46 Sec. _____. Section one hundred twenty-five point
 47 thirty-six (125.36), Code 1977, is amended to read
 48 as follows:

49 125.36 CLAIM AGAINST ESTATE. On the death of
 50 the person who receives assistance under the provisions

1 of this chapter and whom the board has previously
2 found, ~~under section 125.23, subsection 2,~~ is able
3 to pay, there shall be allowed against the estate
4 of such person a claim of the sixth class for that
5 portion of the total amount paid for that person's
6 care, maintenance and treatment which exceeds the
7 total amount of all claims of the first through the
8 fifth classes, inclusive, as defined in section
9 633.425, which are allowed against that estate.

10 Sec. _____. Chapter one hundred twenty-five (125),
11 Code 1977, as amended by Acts of the Sixty-seventh
12 General Assembly, 1977 Session, chapter seventy-four
13 (74), is amended by adding the following new section:

14 NEW SECTION. PAYMENT OF CLAIMS.

15 1. The director shall certify to the state
16 comptroller each month the number of claims received
17 and approved by the department for the care,
18 maintenance and treatment of substance abusers as
19 provided in this chapter during the preceding month.
20 The state comptroller shall pay the approved claims
21 from any money in the general fund of the state not
22 otherwise appropriated.

23 2. Before claims of a facility are approved by
24 the director for payment, the director shall require
25 that the facility submit a detailed line item budget
26 clearly indicating the funds received from each revenue
27 source for the current fiscal year on forms provided
28 by the department of substance abuse."

29 4. By striking page 3, line 34 through page 4,
30 line 9 and inserting in lieu thereof the following:

31 "_____. By striking page 6, line 27 through page
32 7, line 1.

33 _____. Page 13, by inserting after line 33 the
34 following:

35 "Sec. _____. Sections one hundred twenty-five point
36 twenty-eight (125.28), one hundred twenty-five point
37 twenty-nine (125.29), one hundred twenty-five point
38 thirty (125.30), one hundred twenty-five point thirty-
39 two (125.32), one hundred twenty-five point thirty-
40 three (125.33), one hundred twenty-five point thirty-
41 four (125.34) and one hundred twenty-five point thirty-
42 five (125.35), Code 1977, are repealed.""

S-5920 FILED & WITHDRAWN (D. 15 23)
MAY 12, 1978

BY BERL E. PRIEBE
C. W. HUTCHINS
LOUIS C. CULVER

HOUSE FILE 2440

S-5921

1 Amend House File 2440 as amended, passed and
2 reprinted by the House, as follows:
3 1. Page 1, lines 3 and 4, by striking the word
4 and figures "December 31, 1978" and inserting in lieu
5 thereof the word and figures "June 30, 1979".
6 2. Page 1, line 4, by striking the words and
7 figure "six hundred seventy-two thousand (672,000)"
8 and inserting in lieu thereof the words and figure
9 "one million five hundred sixty-two thousand two
10 hundred fifty-eight (1,562,258)".
11 3. Page 1, line 6, by inserting after the word
12 "grants." the following: "Funds appropriated by this
13 section shall be reduced by the amount of funds
14 distributed to the department pursuant to subsection
15 one (1) of section six (6) of this Act. The amount
16 of funds by which the appropriation is reduced shall
17 be deposited in the general fund of the state."

S-5921 FILED & ADOPTED (p. 1524) BY FRED W. NOLTING
MAY 12, 1978

HOUSE FILE 2440

S-5922

1 Amend House File 2440 as amended, passed and
2 reprinted by the House, as follows:
3 1. Page 2, by striking lines 14 through 16 and
4 inserting in lieu thereof the following:
5 "rehabilitation and prevention fund. The barrel tax
6 rebate shall apply to the substance abuse
7 rehabilitation and prevention tax. The tax imposed
8 by this".

S-5922 FILED & LOST (p. 1525) BY ROBERT M. CARR
MAY 12, 1978

S-5908

1 Amend House File 2440, as amended, passed and
2 reprinted by the House, as follows:

3 1. Page 5, by inserting after line 31 the follow-
4 ing:

5 "Sec. ____ . Section one hundred twenty-five point
6 twenty-seven (125.27), unnumbered paragraphs one (1)
7 and four (4), Code 1977, as amended by Acts of the
8 Sixty-seventh General Assembly, 1977 Session, chapter
9 seventy-four (74), section thirty-seven (37), are
10 amended to read as follows:

11 The director may, consistent with the comprehensive
12 substance abuse program, enter into written agreements
13 with a facility as defined in section 125.2 to pay
14 ~~for seventy-five percent of~~ the cost of the care,
15 maintenance and treatment of a substance abuser.
16 Such contracts shall be for a period of no more than
17 one year. The commission shall review and evaluate
18 at least once each year all such agreements and
19 determine whether or not they shall be continued.

20 Contracting facilities shall deliver to each patient
21 upon discharge a statement of the costs of the care,
22 maintenance and treatment for which that patient is
23 liable, and shall retain a carbon copy or other similar
24 copy of that statement for a period of not less than
25 one year after the date of discharge of the patient
26 to whom the statement refers. Every payment received
27 by a contracting facility from or on behalf of a
28 patient, whether received before or after costs have
29 been billed to the department ~~or to a county~~, shall
30 be identified by the facility as to patient and invoice
31 or statement, and shall be reported to the department.
32 A contracting facility shall allow as a credit against
33 a future billing to the department or to a county,
34 payments received during each month from or on behalf
35 of a patient whose care, maintenance and treatment
36 theretofore has been billed to and paid by the
37 department ~~or a county~~. Failure by a contracting
38 facility to comply with this paragraph, or with rules
39 promulgated pursuant to section twenty-three (23)
40 of this Act shall constitute grounds for nonrenewal
41 of the contract.

42 Sec. ____ . Section one hundred twenty-five point
43 thirty-one (125.31), Code 1977, as amended by Acts
44 of the Sixty-seventh General Assembly, 1977 Session,
45 chapter seventy-four (74), section forty-one (41),
46 is amended to read as follows:

47 The substance abuser and any person, firm, corpo-
48 ration, or insurance company bound by contract to
49 provide support, hospitalization, or medical services
50 for the substance abuser shall be legally liable to

1 ~~the county-of-the-substance-abuser's-residence-for~~
2 ~~twenty-five-percent-of-the-total-amount-and-to-the~~
3 department for seventy-five-percent-of the total
4 amount of the cost of providing care, maintenance,
5 and treatment for the substance abuser while a
6 voluntary or committed patient in a facility, except
7 when the state pays the total cost of care ~~in-which~~
8 ~~ease-liability-of-one-hundred-percent-shall-be-to~~
9 ~~the-state.~~ Nothing in this section shall prohibit
10 any individual from paying any portion of the cost
11 of treatment.

12 The estate of each nonresident person provided
13 care, maintenance or treatment while a voluntary or
14 committed patient in a facility, and all persons
15 legally bound for the support of such a person, shall
16 be legally liable to the state for reasonable costs
17 paid by the ~~division~~ department under this chapter
18 for the care, maintenance and treatment of the person
19 in a facility. The certificate of the director of
20 ~~the-division~~ showing the amounts paid or due to be
21 paid by the ~~division~~ department for such care,
22 maintenance and treatment shall be presumptive evidence
23 of the reasonableness of the costs of the care,
24 maintenance and treatment provided.

25 Sec. _____. Section one hundred twenty-five point
26 thirty-six (125.36), Code 1977, is amended to read
27 as follows:

28 125.36 CLAIM AGAINST ESTATE. On the death of
29 the person who receives assistance under the provisions
30 of this chapter and whom the board has previously
31 ~~found-under-section-125-287-subsection-27~~ is able
32 to pay, there shall be allowed against the estate
33 of such person a claim of the sixth class for that
34 portion of the total amount paid for that person's
35 care, maintenance and treatment which exceeds the
36 total amount of all claims of the first through the
37 fifth classes, inclusive, as defined in section
38 633.425, which are allowed against that estate."

39 2. Page 13, by inserting after line 33 the follow-
40 ing:

41 "Sec. _____. Sections one hundred twenty-five point
42 twenty-eight (125.28), one hundred twenty-five point
43 twenty-nine (125.29), one hundred twenty-five point
44 thirty (125.30), one hundred twenty-five point thirty-
45 two (125.32), one hundred twenty-five point thirty-
46 three (125.33), one hundred twenty-five point thirty-
47 four (125.34) and one hundred twenty-five point thirty-
48 five (125.35), Code 1977, are repealed."

49 3. By renumbering sections to conform to this
50 amendment.

S-5869

1 Amend House File 2440 as amended, passed and
2 reprinted by the House as follows:

- 3 1. By striking pages 1 through 4.
- 4 2. Page 5, by striking lines 1 through 31 and
5 inserting in lieu thereof the following:

6 "Section 1. There is appropriated from the general
7 fund of the state except as provided in section seven
8 (7) of this Act to the Iowa department of substance
9 abuse for the fiscal year commencing July 1, 1978
10 and ending June 30, 1979 the following amounts or
11 so much thereof as may be necessary to be used for
12 the purposes designated:

13 1978-1979
14 Fiscal Year

15	1. For alcoholism treatment	
16	grants	\$900,000
17	2. For drug abuse treatment	
18	grants	\$362,258
19	3. For substance abuse programming	
20	for the elderly at the mental	
21	health institute at Independence,	
22	Iowa	\$ 18,000

23 It is the intent of the general assembly that the
24 Iowa department of substance abuse shall encourage
25 the development of educational programs designed to
26 prevent substance abuse. Not less than one hundred
27 forty thousand (140,000) dollars of the total funds
28 appropriated by subsections one (1) and two (2) of
29 this section shall be used to carry out this intent,
30 forty thousand (40,000) dollars of which shall be
31 used to fund continued development and implementation
32 of substance abuse education programs in the department
33 of public instruction.

34 Sec. 2. Before making any allocation of funds
35 to a local substance abuse program, the commission
36 on substance abuse shall require the following to
37 be submitted for each program:

38 1. A detailed line item budget clearly indicating
39 the funds received from each revenue source for the
40 fiscal year commencing July 1, 1978 and ending June
41 30, 1979 on forms provided by the department of
42 substance abuse.

43 2. A certified statement from the auditor of each
44 county participating in the program as to the amount
45 of county resources committed to the program for the
46 fiscal year commencing July 1, 1978 and ending June
47 30, 1979.

48 3. A certified statement from the auditor of each
49 county that the total county commitment to the program
50 does not exceed the total amount that the county

1 expended for substance abuse programs during the
2 fiscal year commencing July 1, 1977 and ending June
3 30, 1978. Upon approval of a budget for a program
4 by the commission on substance abuse, the local
5 substance abuse program shall cause the auditors of
6 all counties committing funds to the program to
7 recertify the program budget. Nothing in this section
8 shall prohibit a county from providing funds for a
9 substance abuse program for the fiscal year commencing
10 July 1, 1978 and ending June 30, 1979 in an amount
11 that is less than the amount provided for the substance
12 abuse program in the fiscal year commencing July 1,
13 1977 and ending June 30, 1978.

14 Sec. 3. If a county desires to provide funds for
15 a substance abuse program for the fiscal year
16 commencing July 1, 1978 and ending June 30, 1979 in
17 an amount that is greater than the amount of funds
18 expended by the county for the substance abuse program
19 for the fiscal year commencing July 1, 1977 and ending
20 June 30, 1978, the program shall apply to the
21 commission on substance abuse for approval of the
22 expenditure. The application shall be certified by
23 the auditors of all other counties participating in
24 the program. Upon approval of the budget for the
25 program by the commission, the local substance abuse
26 program shall cause the auditors of all counties
27 committing funds to the program to recertify the
28 budget for the program.

29 Sec. 4. There is appropriated from the general
30 fund of the state, except as provided in section seven
31 (7) of this Act, to the Iowa department of substance
32 abuse for the fiscal year commencing July 1, 1978
33 and ending June 30, 1979 the sum of three hundred
34 thousand (300,000) dollars or so much thereof as may
35 be necessary to be used by the commission on substance
36 abuse to maintain local programs that are adversely
37 affected by the merger of alcohol and drug abuse
38 programs at the local level or that experience
39 significant cost increases. Funds appropriated by
40 this section shall not be allocated to any program
41 that receives funds from a county for the fiscal year
42 commencing July 1, 1978 and ending June 30, 1979 in
43 an amount that is less than the funds provided by
44 the county for the program in the fiscal year
45 commencing July 1, 1977 and ending June 30, 1978.

46 Sec. 5. There is appropriated from the general
47 fund of the state to the following agencies for the
48 fiscal year commencing July 1, 1978 and ending June
49 30, 1979 the following amounts to be used for the
50 purposes designated:

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1. IOWA MENTAL HEALTH
AUTHORITY

For salaries, support,
maintenance and miscellaneous
purposes \$108,659

2. BOARD OF NURSE
EXAMINERS

For continuing education \$ 15,000

3. BOARD OF MEDICAL
EXAMINERS

For continuing education \$ 11,761

Sec. 6. There is appropriated from the general fund of the state to the state department of health for the fiscal year commencing July 1, 1978 and ending June 30, 1979, the sum of thirty thousand (30,000) dollars, or so much thereof as may be necessary, to be used to reimburse counties for expenses resulting from autopsies of suspected victims of sudden infant death syndrome in accordance with procedures specified in House File thirty-three (33) as enacted by the Sixty-seventh General Assembly, 1978 Session.

Sec. 7. If any Act of the 1978 Session of the Sixty-seventh General Assembly, except House File one hundred eighty-seven (187) as enacted by the Sixty-seventh General Assembly, 1978 Session, that provides funds for the purpose for which funds are appropriated in sections one (1) and four (4) of this Act becomes law, the amount of funds provided by that Act shall be subtracted from funds appropriated in sections one (1) and four (4) of this Act and be deposited in the general fund of the state."

3. Page 6, by striking lines 27 through 35.

4. Page 7, by striking line 1 and inserting in lieu thereof the following section:

"Sec. ____ . Acts of the Sixty-seventh General Assembly, 1977 Session, chapter seventy-four (74), section fifty (50), is amended to read as follows:

SEC. 50. The governor may by executive order delay the implementation of sections thirty-six (36) through forty-three (43) of this Act until July 1, 1978 1979 if the governor finds that delayed implementation of sections thirty-six (36) through forty-three (43) of this Act would allow the state and local substance abuse programs the opportunity to solve any administrative and fiscal problems which may occur as the result of implementation of the funding formula for substance abuse programs contained in sections thirty-six (36) through forty-three (43) of this Act.

5920

1 If the implementation of sections thirty-six (36)
 2 through forty-three (43) of this Act is delayed
 3 pursuant to this section, the provisions of sections
 4 one hundred twenty-five point twenty-six (125.26)
 5 through one hundred twenty-five point thirty-four
 6 (125.34) of the Code shall continue to be in force
 7 as they existed prior to January 1, 1978 until sections
 8 thirty-six (36) through forty-three (43) of this Act
 9 are implemented by the governor on July 1, 1978 1979.
 10 5. By renumbering as necessary.

S-5869 FILED *Lost 5/11 (p. 1449)* BY COMMITTEE ON BUDGET
 MAY 10, 1978 *Reconsidered & withdrawn 5/12* WILLIAM D. PALMER, Chairperson

HOUSE FILE 2440

S-5866

1 Amend House File 2440 as amended, passed and
 2 reprinted by the House as follows:
 3 1. Page 7, by striking lines 33 through 35
 4 and inserting in lieu thereof the words:
 5 "1. The council shall consist of eleven members
 6 appointed by the governor who shall designate three
 7 of the initial appointees under this subsection to
 8 serve terms expiring June 30, 1981, four to serve
 9 terms expiring June 30, 1980 and three to serve terms
 10 expiring June 30, 1979. People appointed to the
 11 council under this paragraph shall not be members of
 12 the General Assembly."
 13 2. Page 8, by striking lines 1 through 12.
 14 3. Page 8, line 16, by striking the words
 15 "appropriate appointing authority" and inserting in
 16 lieu thereof the word "governor".
 17 4. Page 8, by striking lines 23 and 24 and
 18 inserting in lieu thereof the words:
 19 "d. The governor shall coordinate the".

S-5866 FILED *Withdrawn 5/11 (p. 1448)* BY PHILIP B. HILL
 MAY 10, 1978

HOUSE FILE 2440

S-5871

1 Amend House File 2440, as amended, passed and re-
2 printed by the House, as follows:
3 1. Page 7, by striking lines 31 through 35 and
4 inserting in lieu thereof the following:
5 "Sec. 16.
6 1. There is established a state mental health
7 advisory council consisting of eleven members appointed
8 by the governor, who".
9 2. Page 8, line 1, by striking the word "three"
10 and inserting in lieu thereof the word "four".
11 3. Page 8, line 2, by striking the word "two"
12 and inserting in lieu thereof the word "four".
13 4. Page 8, line 3, by striking the word "two"
14 and inserting in lieu thereof the word "three".
15 5. Page 8, by striking lines 4 through 13 and
16 inserting in lieu thereof the words "June 30, 1979.
17 Successors to the initial appointees under this
18 section".
19 6. Page 8, by striking lines 23 and 24 and
20 inserting in lieu thereof the words "The governor
21 shall make".

S-5871 FILED & ADOPTED (p. 1445)
MAY 11, 1978

BY ROLF V. CRAFT
EUGENE M. HILL

HOUSE FILE 2440

S-5894

1 Amend House File 2440 as amended, passed and
2 reprinted as follows:
3 1. Page 8, line 1, by inserting after the
4 word "designate" the words ", subject to Senate
5 confirmation,".

S-5894 FILED & ADOPTED (p. 1449)
MAY 11, 1978

BY BOB RUSH



Office of the Governor

STATE CAPITOL
DES MOINES, IOWA 50319

ROBERT D. RAY
GOVERNOR

June 13, 1978

The Honorable Melvin D. Synhorst
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit to you House File 2440, an act relating to and appropriating funds for designated health programs including substance abuse, mental health, continuing education for health practitioners and funds for autopsies of suspected victims of sudden infant death syndrome.

House File 2440 is approved June 13, 1978, with the following exceptions which I hereby disapprove.

I am unable to approve Item 3 designated as Section 3 in the Act which reads as follows:

Sec. 3. NEW SECTION. SUBSTANCE ABUSE REHABILITATION AND PREVENTION FUND CREATED. There is established in the office of the treasurer of state a fund to be known as the substance abuse rehabilitation and prevention fund. The substance abuse rehabilitation and prevention fund shall consist of revenues derived from substance abuse rehabilitation and prevention taxes imposed by sections four (4) and five (5) of this Act and any other moneys appropriated to the fund.

I am unable to approve Item 4 designated as Section 4 in the Act which reads as follows:

Sec. 4. NEW SECTION. BARREL TAX ON BEER. There shall be levied and collected from class "A" beer permittees a substance abuse rehabilitation and prevention tax on all beer manufactured for sale and sold in the state at wholesale and on all imported beer sold at wholesale in this state at the rate of one dollar for every barrel containing thirty-one gallons, and at the same rate for any

other quantity or for the fractional part of a barrel. A tax shall not be levied or collected on beer shipped outside this state by a class "A" permittee or sold by one class "A" permittee to another class "A" permittee. All of the provisions of chapter one hundred twenty-three (123) of the Code relating to the administration of the barrel tax on beer shall apply to the tax imposed by this section, except that the taxes collected pursuant to this section shall be remitted to the treasurer of state and shall be deposited in the substance abuse rehabilitation and prevention fund, and except that the barrel tax rebate shall not apply to the substance abuse rehabilitation and prevention tax. The tax imposed by this section shall be in addition to any other taxes imposed by law.

I am unable to approve Item 5 designated as Section 5 in the Act which reads as follows:

Sec. 5. NEW SECTION. LIQUOR TAX

1. There is imposed upon the purchase of alcoholic beverages in this state a tax at the rate of two percent of the purchase price of such alcoholic beverages. The tax shall be collected from persons purchasing alcoholic beverages at the time of purchase of alcoholic beverages from the state. The tax imposed by this section shall be in addition to any other taxes imposed by law.

2. Notwithstanding any provision of chapter one hundred twenty-three (123) of the Code, all revenues derived from the tax imposed by this section shall be remitted monthly by the Iowa beer and liquor control department to the treasurer of state and shall be deposited in the substance abuse rehabilitation and prevention fund.

I am unable to approve Item 6 designated as Section 6 in the Act which reads as follows:

Sec. 6. NEW SECTION. ALLOCATION OF REVENUE.

1. The treasurer of state shall distribute quarterly one-half of the revenues derived pursuant to sections four (4) and five (5) of this Act to the Iowa department of substance abuse.

2. a. The treasurer of state shall allocate one-half of the revenues derived pursuant to sections four (4) and five (5) of this Act to each county treasurer in an amount determined by dividing the total population of each county by the total population of the state according to the latest certified census.

b. The board of supervisors of each county shall certify to the treasurer of state a claim for that county's allocated funds. The claim shall be based upon actual payments for substance abuse care, maintenance, and treatment made by the county to any facility as defined in section one hundred twenty-five point two (125.2) of the Code.

c. If at the end of the third quarter of each fiscal year a county does not spend all of its allocation, the balance of that allocation shall be reallocated by the treasurer of state in accordance with paragraph a of this subsection.

d. At the end of the fourth quarter of each fiscal year all moneys remaining in the substance abuse rehabilitation and prevention fund shall be reverted to the general fund of the state.

3. Any other moneys deposited in the substance abuse rehabilitation and prevention fund shall be allocated equally as provided in subsections one (1) and two (2) of this section.

4. Warrants for the payment of funds pursuant to this section shall be issued by the state comptroller upon certification of the treasurer of state.

I am unable to approve Item 7 designated as Section 7 in the Act which reads as follows:

Sec. 7. NEW SECTION. USE OF REVENUE

1. Revenues distributed pursuant to the provisions of section six (6), subsection one (1), of this Act shall be used, subject to the limitation contained in subsection two (2) of this section, for the following purposes:

a. The administrative expenses, excluding salaries, of the Iowa department of substance abuse.

b. Any program or service authorized under chapter one hundred twenty-five (125) of the Code.

c. The implementation of new substance abuser treatment procedures and services.

d. The matching of any other county expenses for the care, maintenance and rehabilitation of substance abusers by the Iowa department of substance abuse.

The Honorable Melvin D. Synhorst

Page 4

June 13, 1978

2. Moneys contained in the fund created by section three (3) of this Act except those moneys specified in section six (6), subsection two (2), of this Act, shall not be distributed or allocated for rehabilitative and preventive services or treatment, care and maintenance for substance abuse rendered by the mental health institutes under the control of the department of social services. All billings to counties from mental health institutes for such treatment, care, and maintenance shall specify the exact amount billed for substance abuse treatment, prevention and detoxification.

I am unable to approve Item 13 designated as Section 13 in the Act which reads as follows:

Sec. 13. EFFECTIVE DATES.

1. The provisions of this Act, except section six (6) of this Act, shall be effective July 1, 1978.

2. The provisions of section six (6) of this Act shall be effective January 1, 1979, and on that date the treasurer of state shall allocate the moneys credited to the substance abuse rehabilitation and prevention fund during the fiscal period beginning July 1, 1978 and ending December 31, 1978 to the Iowa department of substance abuse and the counties of the state as provided in section six (6) of this Act.

On July 13, 1977, I vetoed Senate File 31 of the 67th General Assembly. This bill established an earmarked liquor tax as its primary provision, a tax which I could not approve for reasons listed in that message. Certain provisions of House File 2440 establish such a tax again, and again I disapprove it. This should be no surprise to anyone inasmuch as I stated repeatedly during the legislative session that I did not approve of this approach.

From the very beginning of our administration we have supported alcoholism and drug abuse treatment, prevention and educational programs. During my administration, we created a Drug Abuse Authority and originated the first state-supported, statewide treatment program for alcoholism. Just recently the Division on Alcoholism and the Iowa Drug Abuse Authority were merged to form the Iowa Department of Substance Abuse. Under the auspices of this new agency, we have moved to meet the needs created by substance abuse. Our budget recommendations for the next year, which were adopted by the legislature, will

The Honorable Melvin D. Synhorst

Page 5

June 13, 1978

fund existing alcoholism and drug abuse treatment programs and allow cost-of-living increases.

There are major reasons for disapproving the earmarked tax contained in House File 2440. If this bill became law, both the Governor and the General Assembly would be precluded from budget oversight of substance abuse programs. The moneys derived from the additional tax would bypass normal channels and go directly to the Department of Substance Abuse for distribution. I believe tax funds collected by the state should be part of budget procedures. If they are not, the elected representatives of the people lose their ability to direct and contain the size of government and to maintain a watchful eye on the quality and fiscal soundness and performance of its activities.

The half of the proposed tax which would be distributed to the counties would be sent out on an arbitrary per capita basis regardless of need and prior to any budgetary planning.

This approach would create a tremendous increase in spending much of which might easily be misdirected and not be responsive to demonstrated local needs. In our most heavily-populated county, Polk, the proceeds of the tax would only cover a fraction of current spending, while other counties which are currently spending nothing or very little would receive thousands of dollars more than current expenditures--without sufficient plans to use wisely the new tax money.

The new Department of Substance Abuse is in the process of establishing quality and cost controls. I believe that these controls ought to be in place and that the information they provide should be analyzed and understood before decisions are made on major changes in funding mechanisms.

The merger of the Division on Alcoholism and the Iowa Drug Abuse Authority has resulted in more efficiency and some immediate economies, with a total of ten slots being removed from the tables of organization. The quality and cost controls which are being formulated, several of which are already operational, will add to the decision-making capacity of the Department and the executive and legislative branches of government. Major elements of the fiscal controls include line item budgeting, estimates of income, monthly expenditure reports and public hearings.

Quality controls being established by the Department which include licensing standards for each program, pre-license inspections of each program and review inspections will determine whether programs are assisting clients in abstaining from alcohol and drugs, what the goals and objectives of the programs are, and the success rates in achieving them.

Thus, to get a handle on how much needs to be spent in the future, several new sources of information will be available which we have never had before:

- Program line item budgets
- Income projections
- Client information and service system
- Program goals and objectives

Estimates of future needs and expenditures, then, will be made on a history of proven needs, income, and ability to meet goals and objectives. As the quality and cost data are assembled, we will continue to respond to the needs that the data indicate.

This is a far more useful and responsible way to determine spending for substance abuse programs than an earmarked tax which would distribute funds on an arbitrary basis and would not respond to thoughtful planning and programming.

The proposed tax increase was touted as offering property tax relief since it would pay for treatment programs currently funded partially from local sources. This is a misleading argument. There is nothing in this bill which requires a reduction in the property tax. The county officers who discussed this matter with my office indicated that there were no plans to reduce property taxes upon receipt of the earmarked funds. They instead would use the increased funds for either expanded substance abuse programs or for other local expenditures.

Finally, there are possibilities of new funds for substance abuse programs, including a three-year project under which Blue Cross/Blue Shield will offer coverage for substance abusers, coverage for local treatment for eligible veterans, funds which are available to programs from Sunday beer licensee fees and the new returnable beverage container bill, and a client fee schedule.

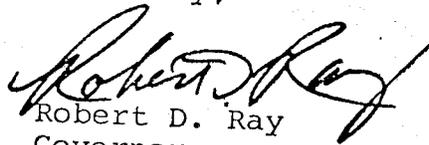
If a new source of funds is needed in the future, there should be a mechanism to take into account the individuality

The Honorable Melvin D. Synhorst
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of each program, the need for state funds to be appropriated through regular budget procedures, and the necessity for accountability and constraint in the use of public funds.

For the above reasons, I hereby disapprove the aforementioned six items in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the State of Iowa. All other items of House File 2440 are hereby approved as of this date.

Sincerely,


Robert D. Ray
Governor

RDR:cg
cc: Secretary of the Senate
Chief Clerk of the House

HOUSE FILE 2440

AN ACT

RELATING TO AND APPROPRIATING FUNDS FOR DESIGNATED HEALTH PROGRAMS INCLUDING SUBSTANCE ABUSE, MENTAL HEALTH, CONTINUING EDUCATION FOR HEALTH PRACTITIONERS AND FUNDS FOR AUTOPSIES OF SUSPECTED VICTIMS OF SUDDEN INFANT DEATH SYNDROME.

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

Section 1. There is appropriated from the general fund of the state to the Iowa department of substance abuse for the fiscal period commencing July 1, 1978 and ending June 30, 1979 the sum of one million five hundred sixty-two thousand two hundred fifty-eight (1,562,258) dollars or so much thereof as may be necessary to fund substance abuse treatment grants. Funds appropriated by this section shall be reduced by the amount of funds distributed to the department pursuant to subsection one (1) of section six (6) of this Act. The amount of funds by which the appropriation is reduced shall be deposited in the general fund of the state.

Sec. 2. There is appropriated from the general fund of the state to the Iowa department of substance abuse for the fiscal year commencing July 1, 1978 and ending June 30, 1979 the following amounts or so much thereof as may be necessary to be used for the purposes designated:

- 1. For substance abuse programming for the elderly at the mental health institute at Independence, Iowa.....\$18,000
- 2. For the development of educational programs designed to prevent substance abuse.....\$40,000

It is the intent of the general assembly that the Iowa department of substance abuse shall encourage the development

of educational programs designed to prevent substance abuse and the forty thousand (40,000) dollars appropriated in subsection two (2) of this section shall be used to fund continued development and implementation of substance abuse education programs in the department of public instruction.

Sec. 3. NEW SECTION. SUBSTANCE ABUSE REHABILITATION AND PREVENTION FUND CREATED. There is established in the office of the treasurer of state a fund to be known as the substance abuse rehabilitation and prevention fund. The substance abuse rehabilitation and prevention fund shall consist of revenues derived from substance abuse rehabilitation and prevention taxes imposed by sections four (4) and five (5) of this Act and any other moneys appropriated to the fund.

Sec. 4. NEW SECTION. BARREL TAX ON BEER. There shall be levied and collected from class "A" beer permittees a substance abuse rehabilitation and prevention tax on all beer manufactured for sale and sold in the state at wholesale and on all imported beer sold at wholesale in this state at the rate of one dollar for every barrel containing thirty-one gallons, and at the same rate for any other quantity or for the fractional part of a barrel. A tax shall not be levied or collected on beer shipped outside this state by a class "A" permittee or sold by one class "A" permittee to another class "A" permittee. All of the provisions of chapter one hundred twenty-three (123) of the Code relating to the administration of the barrel tax on beer shall apply to the tax imposed by this section, except that the taxes collected pursuant to this section shall be remitted to the treasurer of state and shall be deposited in the substance abuse rehabilitation and prevention fund, and except that the barrel tax rebate shall not apply to the substance abuse rehabilitation and prevention tax. The tax imposed by this section shall be in addition to any other taxes imposed by law.

Sec. 5. NEW SECTION. LIQUOR TAX.

1. There is imposed upon the purchase of alcoholic beverages in this state a tax at the rate of two percent of the purchase price of such alcoholic beverages. The tax shall be collected from persons purchasing alcoholic beverages at the time of purchase of alcoholic beverages from the state. The tax imposed by this section shall be in addition to any other taxes imposed by law.

2. Notwithstanding any provision of chapter one hundred twenty-three (123) of the Code, all revenues derived from the tax imposed by this section shall be remitted monthly by the Iowa beer and liquor control department to the treasurer of state and shall be deposited in the substance abuse rehabilitation and prevention fund.

Sec. 6. NEW SECTION. ALLOCATION OF REVENUE.

1. The treasurer of state shall distribute quarterly one-half of the revenues derived pursuant to sections four (4) and five (5) of this Act to the Iowa department of substance abuse.

2. a. The treasurer of state shall allocate one-half of the revenues derived pursuant to sections four (4) and five (5) of this Act to each county treasurer in an amount determined by dividing the total population of each county by the total population of the state according to the latest certified census.

b. The board of supervisors of each county shall certify to the treasurer of state a claim for that county's allocated funds. The claim shall be based upon actual payments for substance abuse care, maintenance, and treatment made by the county to any facility as defined in section one hundred twenty-five point two (125.2) of the Code.

c. If at the end of the third quarter of each fiscal year a county does not spend all of its allocation, the balance of that allocation shall be reallocated by the treasurer of state in accordance with paragraph a of this subsection.

d. At the end of the fourth quarter of each fiscal year

all moneys remaining in the substance abuse rehabilitation and prevention fund shall be reverted to the general fund of the state.

3. Any other moneys deposited in the substance abuse rehabilitation and prevention fund shall be allocated equally as provided in subsections one (1) and two (2) of this section.

4. Warrants for the payment of funds pursuant to this section shall be issued by the state comptroller upon certification of the treasurer of state.

Sec. 7. NEW SECTION. USE OF REVENUE.

1. Revenues distributed pursuant to the provisions of section six (6), subsection one (1), of this Act shall be used, subject to the limitation contained in subsection two (2) of this section, for the following purposes:

a. The administrative expenses, excluding salaries, of the Iowa department of substance abuse.

b. Any program or service authorized under chapter one hundred twenty-five (125) of the Code.

c. The implementation of new substance abuser treatment procedures and services.

d. The matching of any other county expenses for the care, maintenance and rehabilitation of substance abusers by the Iowa department of substance abuse.

2. Moneys contained in the fund created by section three (3) of this Act except those moneys specified in section six (6), subsection two (2), of this Act, shall not be distributed or allocated for rehabilitative and preventive services or treatment, care and maintenance for substance abuse rendered by the mental health institutes under the control of the department of social services. All billings to counties from mental health institutes for such treatment, care, and maintenance shall specify the exact amount billed for substance abuse treatment, prevention, and detoxification.

Sec. 8. Chapter one hundred twenty-five (125), Code 1977, as amended by Acts of the Sixty-seventh General Assembly,

one point twenty-one (331.21) notwithstanding, a community mental health center shall not be required to file a claim which would in any manner identify such an individual, if the center's budget has been approved by the county board under this section and the center is in compliance with section two hundred thirty A point sixteen (230A.16), subsection three (3), of the Code.

Sec. 13. EFFECTIVE DATES.

1. The provisions of this Act, except section six (6) of this Act, shall be effective July 1, 1978.

2. The provisions of section six (6) of this Act shall be effective January 1, 1979, and on that date the treasurer of state shall allocate the moneys credited to the substance abuse rehabilitation and prevention fund during the fiscal period beginning July 1, 1978 and ending December 31, 1978 to the Iowa department of substance abuse and the counties of the state as provided in section six (6) of this Act.

Sec. 14. The objective of sections fifteen (15) through twenty-one (21) of this Act is to continue and to strengthen the mental health services now available in the state of Iowa, to make these services uniformly and conveniently available to all residents of this state, and to assure the continued high quality of these services. The purpose of sections fifteen (15) through twenty-one (21) of this Act is to begin efforts to achieve that objective. It is the intent of sections fifteen (15) through twenty-one (21) of this Act that more detailed proposals for the achievement of that objective shall be formulated and delivered to the first session of the Sixty-eighth General Assembly.

Sec. 15.

1. A unified state mental health agency having broad responsibility both to plan, coordinate and review the delivery of mental health services in this state, and to directly deliver certain mental health services, shall be established effective July 1, 1979. The title, administrative structure,

and specific powers and duties of the unified state mental health agency shall be as prescribed by the 1979 Session of the Sixty-eighth General Assembly.

2. If the governor determines that it would not be in the best interest of the state for subsection one (1) of this section to be implemented on July 1, 1979, or if legislation prescribing the title, administrative structure, and specific powers and duties of the unified state mental health agency has not been approved prior to that date, the governor may by executive order delay the implementation of that subsection to a date not later than July 1, 1980.

Sec. 16.

1. There is established a state mental health advisory council consisting of eleven members appointed by the governor, who shall designate, subject to senate confirmation, four of the initial appointees under this subsection to serve terms expiring June 30, 1981, four to serve terms expiring June 30, 1980 and three to serve terms expiring June 30, 1979. Successors to the initial appointees under this section shall each serve a term of three years beginning July first of the year of appointment. Vacancies shall be filled by the appropriate appointing authority for the balance of the unexpired term. Members of the advisory council who are not state employees shall be entitled to forty dollars per diem for each day devoted to the duties of their office, and all members shall be entitled to reimbursement for actual and necessary expenses incurred in attending meetings of the advisory council or in otherwise discharging their duties. The governor shall make appointments to the advisory council so that, if possible, the composition of the council will comply with the pertinent requirements of United States Public Law ninety-four dash sixty-three (P.L. 94-63).

2. The council shall:

a. As soon as possible after July first of each year, organize by selection of a chairperson and a vice chairperson

1977 Session, chapter seventy-four (74), is amended by adding the following new section:

NEW SECTION. APPROVAL OF FACILITY BUDGET.

1. Before making any allocation of funds to a local substance abuse program, the commission on substance abuse shall require the following to be submitted for each program:

a. A detailed line item budget clearly indicating the funds received from each revenue source for the fiscal year for which the funds are requested on forms provided by the department of substance abuse.

b. A certified statement from the auditor of each county participating in the program as to the amount of county resources committed to the program for the fiscal year for which the funds are requested.

2. The commission shall adopt rules governing the approval of line item budgets for the operation of facilities. The rules shall include provisions for the approval of a facility's budget by the counties funding the facility and by the department. The rules shall also include provisions for appeal to the commission by any county which disagrees with the amount of a facility's budget approved by the department.

Sec. 9. There is appropriated from the general fund of the state to the following agencies for the fiscal year commencing July 1, 1978 and ending June 30, 1979 the following amounts to be used for the purposes designated:

	1978-1979
	<u>Fiscal Year</u>
1. IOWA MENTAL HEALTH	
AUTHORITY	
For salaries, support,	
maintenance and miscellaneous	
purposes	\$108,659
2. BOARD OF NURSE	
EXAMINERS	
For continuing education	\$ 15,000

3. BOARD OF MEDICAL EXAMINERS

For continuing education \$ 11,761

Sec. 10. There is appropriated from the general fund of the state to the state department of health for the fiscal year commencing July 1, 1978 and ending June 30, 1979, the sum of thirty thousand (30,000) dollars, or so much thereof as may be necessary, to be used to reimburse counties for expenses resulting from autopsies of suspected victims of sudden infant death syndrome in accordance with procedures specified in House File 33 as enacted by the Sixty-seventh General Assembly, 1978 Session.

Sec. 11. Section two hundred thirty A point nine (230A.9), subsection three (3), Code 1977, is amended to read as follows:

3. At intervals specified by the county board of supervisors, not less often than once each ninety days, the county treasurer of each county served by the center shall notify the ~~chairman~~ chairperson of the center's board of trustees of all amounts due the center from the county which have not previously been paid over to the treasurer of the center. The ~~chairman~~ chairperson shall then file a claim for payment as specified in sections 331.20, 333.2 and 334.1 to 334.7. The provisions of section three hundred thirty-one point twenty-one (331.21) notwithstanding, no such claims shall include information which in any manner identifies an individual who is receiving or has received treatment at the center.

Sec. 12. Section two hundred thirty A point thirteen (230A.13), Code 1977, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Release of information which would identify an individual who is receiving or has received treatment at a community mental health center shall not be made a condition of support of that center by any county under this section. The provisions of section three hundred thirty-

from among its members.

b. Meet at least four times a year, and may meet more often, upon the call of the chairperson or the written request of any five members.

c. Advise the responsible officials and agencies of this state on establishment and implementation of policies and programs in furtherance of the objectives stated in section fourteen (14) of this Act.

d. Exercise all functions and have all responsibilities of the state mental health advisory council under United States Public Law ninety-four dash sixty-three (P.L. 94-63), unless any such function or responsibility is assigned elsewhere by, or would be contrary to, the laws of this state.

e. Beginning upon the date on which the transfer of duties, functions and programs required by section fifteen (15), subsection one (1) of this Act takes effect, and continuing until otherwise provided by law, exercise any functions assigned by law to the committee on mental hygiene established by section two hundred twenty-five B point two (225B.2), Code 1977.

3. The council, with the advice and assistance of the director of the department of mental health resources and the director of the Iowa mental health authority, shall expeditiously prepare and promulgate administrative rules governing the kind and quality of services which must be offered by an alternative diagnostic facility in performing preliminary diagnostic evaluations under arrangements concluded pursuant to section twenty (20) of this Act. The objective of these rules shall be to make such evaluations at least equivalent to those performed by community mental health centers in terms of both professional quality and orientation to the best interests of the person being evaluated and of the county.

4. The council shall consider, and may make recommendations regarding, the most desirable form of permanent organization

for the unified state mental health agency, referred to in section fifteen (15), subsection one (1) of this Act.

Sec. 17. It is the policy of this state that, to the greatest extent feasible, a person shall be admitted to a state mental health institute as an inpatient only after a preliminary diagnostic evaluation by a community mental health center has confirmed that the admission is appropriate to that person's needs, and that no suitable alternative method of providing the services needed by that person in a less restrictive setting, or in or nearer to the person's home community, is currently available. The policy established by this section shall be implemented in the manner and to the extent prescribed by sections eighteen (18), nineteen (19) and twenty (20) of this Act.

Sec. 18. The board of supervisors of any county may by resolution require that the policy stated by section seventeen (17) of this Act be followed with respect to admission of persons from that county to any state mental health institute. Upon adoption of such a resolution by the board of supervisors of a county which is supporting a community mental health center, directly or in affiliation with other counties, it shall be presumed to be a part of that center's responsibilities to perform the preliminary diagnostic evaluations required by that county in order to implement the policy stated by section seventeen (17) of this Act. However, if performance of such evaluations is not covered by the agreement entered into by the county and the center under section two hundred thirty A point twelve (230A.12) of the Code, and the center's director certifies to the county board of supervisors that the center does not have the capacity to perform the needed evaluations, the board of supervisors may proceed as provided by section twenty (20) of this Act.

Sec. 19. When the board of supervisors of any county has adopted a resolution as authorized by section eighteen (18) of this Act:

1. The chief medical officer of a state mental health institute, or that officer's physician designee, shall advise any person residing in that county who applies for voluntary admission, or any person applying for the voluntary admission of another person who resides in that county, in accordance with section two hundred twenty-nine point forty-one (229.41) of the Code that the board of supervisors has acted to implement the policy stated by section seventeen (17) of this Act, and shall advise that a preliminary diagnostic evaluation of the proposed patient be sought from the appropriate community mental health center or alternative diagnostic facility, if that has not already been done. This subsection shall not apply when voluntary admission is sought in accordance with section two hundred twenty-nine point forty-one (229.41) of the Code under circumstances which, in the opinion of the chief medical officer or that officer's physician designee, constitute a medical emergency within the meaning of section two hundred twenty-nine point two (229.2), subsection two (2), paragraph a of the Code.

2. The clerk of the district court in that county shall refer any person applying for authorization for voluntary admission, or for authorization for voluntary admission of another person, in accordance with section two hundred twenty-nine point forty-two (229.42) of the Code to the appropriate community mental health center or alternative diagnostic facility for preliminary diagnostic evaluation unless the applicant furnishes a written statement from that center or facility that such an evaluation has been performed and indicates that the person's admission to a state mental health institute is appropriate. This subsection shall not apply when authorization for voluntary admission is sought under circumstances which, in the opinion of the mental health institute's chief medical officer or that officer's physician designee, constitute a medical emergency within the meaning of section two hundred twenty-nine point two (229.2),

subsection two (2), paragraph a of the Code.

3. Judges of the district court in that county, or the judicial hospitalization referee appointed for that county, as the case may be, shall so far as possible arrange for a physician on the staff of or designated by the appropriate community mental health center or alternative diagnostic facility to perform each prehearing examination of a respondent required under section two hundred twenty-nine point eight (229.8), subsection three (3), paragraph b of the Code.

4. The chief medical officer of a state mental health institute shall promptly submit to the appropriate community mental health center or alternative diagnostic facility a report of each voluntary admission of a patient under the medical emergency clauses of subsections one (1) and two (2) of this section. The report shall explain the nature of the emergency which necessitated the admission of the patient without a preliminary diagnostic evaluation by the center or alternative facility.

5. When the proposed admission of a person to a state mental health institute, on either a voluntary or an involuntary basis, is primarily for treatment of alcoholism or drug abuse, each reference to a community mental health center or alternative diagnostic facility in subsections one (1) through four (4) of this section may be deemed a reference to a facility as defined in section one hundred twenty-five point two (125.2), subsection two (2) of the Code as amended by Acts of the Sixty-seventh General Assembly, 1977 Session, chapter seventy-four (74), section three (3). However, this subsection shall not be construed so as to contravene the last sentence of section one hundred twenty-five point nineteen (125.19), subsection one (1), as amended by Acts of the Sixty-seventh General Assembly, 1977 Session, chapter seventy-four (74), section thirty (30).

Sec. 20. If the board of supervisors of a county desires to implement the policy stated by section seventeen (17) of

this Act, but the county is not served by a community mental health center having the capacity to perform the required preliminary diagnostic evaluations, the board may arrange for such evaluations to be performed by an alternative diagnostic facility. An alternative diagnostic facility may be the outpatient service of a state mental health institute or any other mental health facility or service able to furnish the requisite professional skills to properly perform preliminary diagnostic evaluation of a person whose admission to a state mental health institute is being sought or considered on either a voluntary or an involuntary basis.

Sec. 21. Chapter two hundred twenty-five B (225B) and sections two hundred seventeen point ten (217.10), two hundred seventeen point eleven (217.11) and two hundred seventeen point twelve (217.12), Code 1977, are repealed effective July 1, 1979. However, if the implementation of subsection one (1) of section fifteen (15) of this Act is delayed pursuant to subsection two (2) of that section, the division of mental health resources of the department of social services and the Iowa mental health authority shall continue to be governed by the provisions of the statutes repealed by this section as if they were in full force and effect, until subsection one (1) of section fifteen (15) of this Act is implemented. On that date, in the absence of any prior legislative action to the contrary, the powers and duties assigned the Iowa mental health authority by chapter two hundred twenty-five B (225B), Code 1977, and by any other statutes referring to the Iowa mental health authority, and the powers and duties assigned the division of mental health of the department of social services by sections two hundred seventeen point ten (217.10), two hundred seventeen point eleven (217.11) and two hundred seventeen point twelve (217.12), Code 1977, and by any other statutes referring to that division of the department of social services, shall all be transferred to and imposed upon the unified state mental health agency

established by subsection one (1) of section fifteen (15) of this Act.

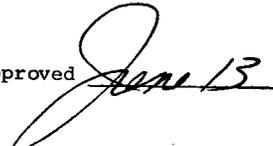
Sec. 22. All federal grants to and the federal receipts of the agencies appropriated funds under this Act are appropriated for the purposes set forth in the federal grants or receipts.

DALE M. COCHRAN
Speaker of the House

ARTHUR A. NEU
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2440, Sixty-seventh General Assembly.

DAVID L. WRAY
Chief Clerk of the House

Approved  1978

ROBERT D. RAY
Governor