

*The Human Resources Act
As Passed 4/6 (p. 1422)*

FILED MAR 22 1979

SENATE FILE 451

By COMMITTEE ON HUMAN RESOURCES
Approved 3/12 (p. 922)

Passed Senate, Date 3-28-79 (p. 989) Passed House, Date 4-20-79 (p. 1422)
Vote: Ayes 46 Nays 0 Vote: Ayes 82 Nays 2
Approved May 3, 1979

A BILL FOR

1 An Act relating to the establishment and the delay in
2 implementation of the establishment of a unified state
3 mental health agency.

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

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1 Section 1. Section two hundred twenty-five B point two
2 (225B.2), Code 1979, is amended to read as follows:

3 225B.2 IMPLEMENTATION.

4 1. A unified state mental health agency having broad
5 responsibility both to plan, co-ordinate and review the
6 delivery of mental health services in this state, and to
7 directly deliver certain mental health services, shall be
8 established effective July 1, ~~1979~~ 1980. The title,
9 administrative structure, and specific powers and duties of
10 the unified state mental health agency shall be as prescribed
11 by the ~~1979~~ 1980 Session of the Sixty-eighth General Assembly.

12 2. If the governor determines that it would not be in
13 the best interest of the state for subsection 1 of this section
14 to be implemented on July 1, ~~1979~~ 1980, or if legislation
15 prescribing the title, administrative structure, and specific
16 powers and duties of the unified state mental health agency
17 has not been approved prior to that date, the governor may
18 by executive order delay the implementation of that subsection
19 to a date not later than July 1, ~~1980~~ 1981.

20 Sec. 2. Section two hundred twenty-five B point eight
21 (225B.8), Code 1979, is amended to read as follows:

22 225B.8 REPEALS. Chapter 225B and sections 217.10, 217.11
23 and 217.12, Code 1977, are repealed effective July 1, ~~1979~~
24 1980. However, if the implementation of subsection 1 of
25 section 225B.2 is delayed pursuant to subsection 2 of that
26 section, the division of mental health resources of the
27 department of social services and the Iowa mental health
28 authority shall continue to be governed by the provisions
29 of the statutes repealed by this section as if they were in
30 full force and effect, until subsection 1 of section 225B.2
31 is implemented. On that date, in the absence of any prior
32 legislative action to the contrary, the powers and duties
33 assigned the Iowa mental health authority by chapter 225B,
34 Code 1977, and by any other statutes referring to the Iowa
35 mental health authority, and the powers and duties assigned

1 the division of mental health of the department of social
2 services by sections 217.10, 217.11 and 217.12, Code 1977,
3 and by any other statutes referring to that division of the
4 department of social services, shall all be transferred to
5 and imposed upon the unified state mental health agency
6 established by subsection 1 of section 225B.2.

7 Sec. 3. It is the intent of this Act that the Sixty-eighth
8 General Assembly postpone its establishment of a unified state
9 mental health agency to July 1, 1980 and that the governor
10 be authorized to delay, after the 1980 session of the Sixty-
11 eighth General Assembly convenes and before July 1, 1980,
12 the implementation of the establishment of the unified agency
13 to a date not later than July 1, 1981. It is also the intent
14 of this Act that chapter two hundred twenty-five B (225B),
15 Code 1977, and section two hundred seventeen point ten
16 (217.10), section two hundred seventeen point eleven (217.11),
17 and section two hundred seventeen point twelve (217.12), Code
18 1979, remain effective until their repeal effective July 1,
19 1980, unless the governor delays the implementation of the
20 establishment of the unified agency under section one (1)
21 of this Act.

22 The codification of sections two hundred seventeen point
23 ten (217.10), two hundred seventeen point eleven (217.11),
24 and two hundred seventeen point twelve (217.12) in the 1979
25 Code of Iowa shall not affect the repeal of those sections
26 in section two (2) of this Act.

27 Sec. 4. This Act, being deemed of immediate importance,
28 shall take effect from and after its publication in the West
29 Des Moines Express, a newspaper published in West Des Moines,
30 Iowa, and in the Globe-Gazette, a newspaper published in Mason
31 City, Iowa.

32 EXPLANATION

33 This bill postpones the establishment of a unified state
34 mental health agency by the legislature to July 1, 1980 and
35 allows the governor, by executive order, to delay the

1 implementation of the establishment of the unified agency
2 to July 1, 1981. The effective repeal of chapter 225B, Code
3 1977, and sections 217.10, 217.11, and 217.12, Code 1977 (also
4 appearing in the 1979 Code of Iowa) is also postponed.

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SENATE FILE 451

AN ACT

RELATING TO THE ESTABLISHMENT AND THE DELAY IN IMPLEMENTATION OF THE ESTABLISHMENT OF A UNIFIED STATE MENTAL HEALTH AGENCY.

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

Section 1. Section two hundred twenty-five B point two (225B.2), Code 1979, is amended to read as follows:

225B.2 IMPLEMENTATION.

1. A unified state mental health agency having broad responsibility both to plan, co-ordinate 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~~ 1980. The title, administrative structure, and specific powers and duties of the unified state mental health agency shall be as prescribed by the ~~1979~~ 1980 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 1 of this section to be implemented on July 1, ~~1979~~ 1980, 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~~ 1981.

Sec. 2. Section two hundred twenty-five B point eight (225B.8), Code 1979, is amended to read as follows:

225B.8 REPEALS. Chapter 225B and sections 217.10, 217.11 and 217.12, Code 1977, are repealed effective July 1, ~~1979~~ 1980. However, if the implementation of subsection 1 of section 225B.2 is delayed pursuant to subsection 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 1 of section 225B.2 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 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 217.10, 217.11 and 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 1 of section 225B.2.

Sec. 3. It is the intent of this Act that the Sixty-eighth General Assembly postpone its establishment of a unified state mental health agency to July 1, 1980 and that the governor be authorized to delay, after the 1980 session of the Sixty-eighth General Assembly convenes and before July 1, 1980, the implementation of the establishment of the unified agency to a date not later than July 1, 1981. It is also the intent of this Act that chapter two hundred twenty-five B (225B), Code 1977, and section two hundred seventeen point ten (217.10), section two hundred seventeen point eleven (217.11), and section two hundred seventeen point twelve (217.12), Code 1979, remain effective until their repeal effective July 1, 1980, unless the governor delays the implementation of the establishment of the unified agency under section one (1) of this Act.

The codification of sections two hundred seventeen point ten (217.10), two hundred seventeen point eleven (217.11), and two hundred seventeen point twelve (217.12) in the 1979 Code of Iowa shall not affect the repeal of those sections in section two (2) of this Act.

Sec. 4. This Act, being deemed of immediate importance, shall take effect from and after its publication in the West

Des Moines Express, a newspaper published in West Des Moines, Iowa, and in the Globe-Gazette, a newspaper published in Mason City, Iowa.

TERRY E. BRANSTAD
President of the Senate

FLOYD H. MILLEN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 451, Sixty-eighth General Assembly.

FRANK J. STORK
Secretary of the Senate

Approved May 3, 1979

ROBERT D. RAY
Governor