

Senate Amend for SSB 2265 to Pass 4/13 (p. 1532)

Reprinted 4/17

APR 13 1984

SENATE FILE 2353

BY COMMITTEE ON APPROPRIATIONS

(FORMERLY SSB 2265)

Approved 4/13 (p. 1532)

Passed Senate, Date 4-16-84 (p. 1558) Passed House, Date 4-19-84 (P. 2339)

Vote: Ayes 48 Nays 0 Vote: Ayes 97 Nays 0

Approved House Veto May 15, 1984

A BILL FOR

1 An Act relating to the funding of and to substance abuse
 2 treatment and prevention programs by making appropriations
 3 to the department of substance abuse for the fiscal year
 4 beginning July 1, 1984 and ending June 30, 1985 for
 5 administration, program grants, treatment programs not
 6 licensed by the department, and prevention programs,
 7 requiring the treasurer of state to deposit certain amounts
 8 of the sales made by the state liquor stores in a special
 9 fund, permitting the governor to order the beer and liquor
 10 control council to adjust the sales margin on liquor with
 11 limitations, requiring the beer and liquor control council
 12 to adjust the sales margin on liquor July 1, 1984 to raise
 13 certain revenue, requiring the state to incur one hundred
 14 percent of the cost of substance abuse treatment at certain
 15 programs for the fiscal year beginning July 1, 1984 and
 16 ending June 30, 1985, crediting certain fees to the beer
 17 and liquor control fund, requiring the department of
 18 substance abuse to distribute program grant funding by a
 19 certain formula, requiring an assessment of a patient
 20 before admittance to a state mental health institute for
 21 substance abuse treatment, prohibiting counties from
 22 certifying a supplemental levy for certain substance
 23 abuse treatment facilities, requiring the county auditor
 24 to recompute the levy rates to reduce the amount budgeted
 25 for certain substance abuse treatment programs in the

S. 2353

1 fiscal year beginning July 1, 1984 and ending June 30, 1985,
2 and providing an effective date.

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

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51 Section 1. The treasurer of state shall transfer into
2 a special revenue account in the general fund of the state,
3 a sum of money equal to seven percent of the gross amount
4 of sales made by the state liquor stores in the cities of
5 the state from the beer and liquor control fund on a monthly
6 basis, and any amounts so transferred shall be used by the
7 department of substance abuse for substance abuse treatment
8 and prevention programs in an amount determined by the general
9 assembly and any amounts received in excess of the amounts
10 appropriated to the department of substance abuse shall be
11 considered part of the general fund balance and the governor
12 may order the beer and liquor control council to adjust the
13 sales margin on liquor but the adjustment in any fiscal year
14 shall not exceed the amount between the amount ordered to
15 be raised by the council on July 1 pursuant to this section
16 and the amount appropriated to the department of substance
17 abuse for the fiscal year beginning July 1, 1984 and ending
18 June 30, 1985, and the council shall rescind any price increase
19 scheduled to take effect for the 1984-1985 fiscal year and
20 adopted in the 1983-1984 fiscal year and in addition to the
21 regular sales margin which is included in the sale price of
22 liquor as established by the Iowa beer and liquor control
23 council pursuant to section 123.21, subsection 6, and including
24 the provisions in section 123.53, subsections 3 and 7, the
25 council shall adjust the sales margin of liquor on July 1,
26 1984 in an amount sufficient to raise funds in an amount equal
27 to the difference between the amount appropriated to the
28 department of substance abuse from the general fund of the
29 state for the 1983-1984 fiscal year and the amount appropriated
30 to the department for the 1984-1985 fiscal year and
31 notwithstanding sections 125.25, subsection 2, 125.44,
32 unnumbered paragraphs 1, 3, and 4, 125.45 to 125.47, 125.49
33 to 125.54, 125.57, 331.401, subsection 1, paragraph "c",
34 331.508, subsection 3, 331.552, subsection 10 as amended to
35 be effective July 1, 1984 under 1983 Iowa Acts, chapter 185.

1 sections 31, 32, and 62, and 331.756, subsection 26, Code
2 1983 and Code Supplement 1983, the state shall incur one
3 hundred percent of the cost of substance abuse treatment at
4 programs licensed by the department of substance abuse
5 according to section 125.44 in the fiscal year beginning
6 July 1, 1984 and ending June 30, 1985 and there is appropriated
7 from the general fund of the state to the department of
8 substance abuse for the fiscal year beginning July 1, 1984,
9 and ending June 30, 1985 the following amounts, or so much
10 thereof as is necessary, four hundred sixty-nine thousand
11 nine hundred fifty-seven (469,957) dollars for salaries and
12 support of not more than nineteen and one-tenth full-time
13 equivalent positions annually, maintenance, and miscellaneous
14 purposes and seven million one hundred fifty thousand nine
15 hundred fifty-eight (7,150,958) dollars for program grants.

16 Sec. 2. The treasurer of state shall, on July 1, 1984
17 for the fiscal year beginning July 1, 1984 and ending June
18 30, 1985, transfer three hundred sixty thousand (360,000)
19 dollars from the beer and liquor control fund to the department
20 of substance abuse.

21 1. Of these funds, notwithstanding section 125.13,
22 subsection 1, one hundred fifty thousand (150,000) dollars
23 shall be used for grants to counties operating a substance
24 abuse program involving only education, prevention, referral
25 or post treatment services, either with the counties' own
26 employees or by contract with a nonprofit corporation. The
27 grants shall not annually exceed ten thousand dollars to any
28 one county, subject to the following conditions:

29 a. The money shall be paid to the county after expendi-
30 ture by the county and submission of the requirements in
31 paragraph "b" on the basis of one dollar for each three dollars
32 spent by the county. The county may submit a quarterly claim
33 for reimbursement.

34 b. The county shall submit an accounting of the
35 expenditures and shall submit an annual financial report,

1 a description of the program, and the results obtained before
2 June 10, 1985.

3 2. Two hundred ten thousand (210,000) dollars of the funds
4 shall be used for prevention programs in addition to the
5 amount budgeted for prevention programs by the department
6 of substance abuse under the appropriation in section 1 of
7 this Act.

8 Sec. 3. The funding distributed by the department of
9 substance abuse for program grants pursuant to section 1 of
10 this Act shall be distributed by a formula based on popula-
11 tion, need, and other criteria as determined by the depart-
12 ment in each county or multicounty area.

13 Sec. 4. Except in cases of medical emergency or court
14 ordered admissions, a person shall be admitted to a state
15 mental health institute for substance abuse treatment only
16 after a preliminary intake and assessment by an Iowa department
17 of substance abuse licensed treatment facility has confirmed
18 that the admission is appropriate to the person's substance
19 abuse service needs. A county board of supervisors may admit
20 a patient to a state mental health institute who has not been
21 confirmed for appropriate admission and the county shall be
22 responsible for one hundred percent of the cost of treatment
23 and services of the patient.

24 Sec. 5. Before property taxpayers are notified of taxes
25 due during the fiscal year beginning July 1, 1984 and ending
26 June 30, 1985, each county auditor shall recalculate the
27 county levy by subtracting the amount budgeted for the same
28 fiscal year for substance abuse treatment in facilities pro-
29 vided under chapter 125 from the computed amount in dollars
30 certified by the county under section 444.2. If the taxpayers
31 have already been so notified, the county auditor shall re-
32 notify the taxpayer of the reduced property tax amount or
33 the county treasurer shall reduce the tax by such amount or
34 refund to the taxpayer such amount when the property tax is
35 paid. Any penalty shall be applied only to the recalculated

1 property tax amount.

2 Sec. 6. Section 123.36, subsection 8, Code Supplement
3 1983, is amended to read as follows:

4 8. The department shall credit all fees to the beer and
5 liquor control fund. The department shall remit to the
6 appropriate local authority, a sum equal to sixty-five percent
7 of the fees collected for each class "A", class "B", or class
8 "C" license except special class "C" licenses, covering
9 premises located within the local authority's jurisdiction.

10 The department shall remit to the appropriate local authority
11 a sum equal to seventy-five percent of the fees collected
12 for each special class "C" license covering premises located
13 within the local authority's jurisdiction. ~~The appropriate~~
14 ~~local authority to receive the fee collected for the privilege~~
15 ~~authorized under subsection 6 is the appropriate county which~~
16 ~~shall use it only for the care and treatment of persons~~
17 ~~admitted or committed to the alcoholic treatment center at~~
18 ~~Oakdale or any facilities as provided in chapter 125. Those~~
19 fees collected for the privilege authorized under subsection
20 6 shall be credited to the beer and liquor control fund.

21 Sec. 7. Section 123.143, subsection 1, Code Supplement
22 1983, is amended to read as follows:

23 1. All retail beer permit fees collected by any local
24 authority at the time application for the permit is made shall
25 be retained by the local authority. A certified copy of the
26 receipt for the permit fee shall be submitted to the department
27 with the application and the local authority shall be notified
28 at the time the permit is issued. Those amounts ~~retained~~

29 ~~by the appropriate local authority out of the fee~~ collected
30 for the privilege authorized under section 123.134, subsection
31 5, ~~shall be used only for the care and treatment of persons~~
32 ~~admitted or committed to the alcoholic treatment center at~~
33 ~~Oakdale or any facilities as provided in chapter 125~~ deposited
34 in the beer and liquor control fund.

35 Sec. 8. Section 331.424, subsection 1, paragraph a,

1 subparagraph (4); Code Supplement 1983, is amended to read
2 as follows:

3 (4) Care and treatment of persons at the alcoholic treat-
4 ment center at Oakdale ~~or-facilities-provided-under-chapter~~
5 ~~125~~. However, the county may require that an admission to
6 a the center ~~or-other-facility~~ shall be reported to the board
7 by the center ~~or-facility~~ within five days as a condition
8 of the payment of county funds for that admission.

59.7
9 Sec. 9. This Act, being deemed of immediate importance,
10 takes effect from and after its publication in The Belle
11 Plaine Union, a newspaper published in Belle Plaine, Iowa,
12 and in The Sioux City Journal, a newspaper published in Sioux
13 City, Iowa.

14 EXPLANATION

15 This bill makes the appropriation to the department of
16 substance abuse for the fiscal year beginning July 1, 1984
17 and ending June 30, 1985 for administration, program grants,
18 treatment programs not licensed by the department, and
19 prevention programs.

20 The bill requires the treasurer of state to deposit seven
21 percent of the gross amount of sales made by the state liquor
22 stores in a special account in the general fund of the state
23 for substance abuse treatment and prevention programs.

24 The bill permits the governor to order the beer and liquor
25 control council to adjust the sales margin on liquor with
26 the adjustment not exceeding the difference between the
27 appropriation to the department of substance abuse and the
28 amount ordered to be raised in the bill.

29 The bill requires the beer and liquor control council to
30 adjust the sales margin on liquor on July 1, 1984 in an amount
31 to raise funds equal to the difference between the
32 appropriation to the department of substance abuse for the
33 fiscal year beginning July 1, 1983 and ending June 30, 1984
34 and the fiscal year beginning July 1, 1984 and ending June
35 30, 1985.

1 The state will incur 100 percent of the cost of substance
2 abuse treatment at certain programs licensed by the department
3 of substance abuse in the fiscal year beginning July 1, 1984
4 and ending June 30, 1985.

5 The beer permit fees and liquor control license fees
6 collected for Sunday beer permits authorized will be credited
7 to the beer and liquor control fund.

8 The bill requires the department of substance abuse to
9 distribute program grant funding by a formula based on
10 population, need, and other criteria.

11 The bill requires a preliminary intake and assessment for
12 certain patients before admittance to a state mental health
13 institute for substance abuse treatment. A county board of
14 supervisors is permitted to admit a patient who has not been
15 confirmed for admittance and is required to be responsible
16 for one hundred percent of the cost of treatment and services.

17 The bill prohibits counties from certifying a supplemental
18 levy for the cost of substance abuse treatment at licensed
19 treatment facilities.

20 The bill requires counties to recompute the levy rates
21 to reduce the amount budgeted by a county for the cost of
22 licensed substance abuse treatment programs in the fiscal
23 year beginning July 1, 1984 and ending June 30, 1985.

24 The bill takes effect upon publication.

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SENATE FILE 2353

S-5905

1 Amend Senate File 2353 as follows:

- 2 1. Page 1, by striking lines 11 through 20 and
- 3 inserting in lieu thereof the words "considered part
- 4 of the general fund balance and in addition to the".
- 5 2. Page 1, line 25, by striking the word "July"
- 6 and inserting in lieu thereof the word "August".
- 7 3. Title page, by striking lines 9 through 11
- 8 and inserting in lieu thereof the words "fund,
- 9 requiring the beer and liquor control council".
- 10 4. Title page, line 12, by striking the word
- 11 "July" and inserting in lieu thereof the word "August".

S-5905 FILED

APRIL 13, 1984

Adopted 4/16 (j.1558)

BY COMMITTEE ON FINANCE

NORMAN RODGERS, CHAIR

SENATE FILE 2353

S-5917

1 Amend Senate File 2353 as follows:

- 2 1. Page 5, by inserting after line 8 the following:
- 3 "Sec. ____ . Section 809.6, subsections 3 and 4,
- 4 Code Supplement 1983, are amended to read as follows:
- 5 3. WHEN PROCEEDS DEPOSITED IN GENERAL FUND. If
- 6 the seized property is of the type described in section
- 7 204.505, subsection 1, paragraph "f", and the court
- 8 determines that it is forfeited as provided in section
- 9 204.505, subsection 1, paragraph "f", or a claimant's
- 10 right to possession is not established under section
- 11 809.5, subsection 2, the court shall order the property
- 12 or the proceeds of its sale to be paid to the treasurer
- 13 of state for deposit in the general fund and shall
- 14 be transferred to the department of substance abuse
- 15 by the state comptroller.
- 16 4. WHEN DESTROYED. If the seized property is
- 17 of the type described in section 728.13 and the court
- 18 determines that it is forfeited as provided in section
- 19 728.13 or a claimant's right to possession is not
- 20 established under section 809.5, subsection 2, the
- 21 court shall order the property or the proceeds of
- 22 its sale to be paid to the treasurer of state for
- 23 deposit in the general fund and shall be transferred
- 24 to the department of substance abuse by the state
- 25 comptroller. However, if the property is material
- 26 which is in violation of chapter 728 or material which
- 27 would be in violation of chapter 728 if sold to a
- 28 minor, the materials shall be destroyed."

S-5917 FILED

APRIL 16, 1984

RULED OUT OF ORDER *(j.1558)*

BY LEE HOLT

S-5918

1 Amend Senate File 2353 as follows:

2 1. Page 4, by inserting after line 20 the follow-
3 ing:

4 "Sec. ____ . Section 123.53, subsection 3, Code
5 1983, is amended to read as follows:

- 6 3. The treasurer of state shall semiannually
7 distribute a sum of money equal to ten percent of
8 the gross sales made by the state liquor stores to
9 the cities of the state. However, the sum distributed
10 shall not exceed the amount distributed in the fiscal
11 year beginning July 1, 1981 and ending June 30, 1982.
12 If the sum exceeds this amount, the excess shall
13 remain in the beer and liquor control fund to be
14 transferred to the general fund by the comptroller.
15 ~~Such~~ The ten percent amount shall be distributed to
16 the cities of the state in proportion to the population
17 that each incorporated city bears to the total
18 population of all incorporated cities of the state
19 as computed by the latest federal census. A city may
20 have one special federal census taken each decade,
21 and the population figure thus obtained shall be used
22 in apportioning amounts under this subsection beginning
23 the calendar year following the year in which the
24 special census is certified by the secretary of state.
25 Such apportionment shall be made semiannually as of
26 July 1 and January 1 of each year. Warrants for the
27 same shall be issued by the state comptroller upon
28 certification of the treasurer of state and mailed
29 to the city clerk of each incorporated city of the
30 state and shall be made payable to such incorporated
31 city and shall be subject to expenditure under the
32 direction of the city council or other governing
33 bodies of such incorporated city for any lawful
34 municipal purpose. It shall be a lawful municipal
35 purpose for cities to allocate a portion of the above
36 funds for the purpose of financing the activities
37 of a city commission or committee on alcoholism, such
38 commission or committee to be appointed by the mayor
39 or by the council or both. The commission or committee
40 may use any funds so allocated for the treatment,
41 rehabilitation, and education of alcoholics in Iowa."
42 2. Title page 1, line 21, by inserting after the
43 word "treatment," the words "limiting the amount of
44 money distributed to cities from the gross sales made
45 by the state liquor stores,".
- 46 3. By renumbering as necessary.

S-5918 FILED
APRIL 16, 1984

BY JACK RIFE

RULED OUT OF ORDER (p. 1558)

The Appropriations 4/17 Do Pass 4/18 (p. 2247)
Finance 4/18 Do Pass (p. 2248)

SENATE FILE 2353

BY COMMITTEE ON APPROPRIATIONS

(AS AMENDED AND PASSED BY THE SENATE APRIL 16, 1984)

 = New Language by the Senate

Passed Senate, Date 4-16-84 (p. 1558) Passed House, Date 4-19-84 (p. 2339)

Vote: Ayes 48 Nays 0 Vote: Ayes 97 Nays 0

Approved Steve Vatalis May 15, 1984

A BILL FOR

1 An Act relating to the funding of and to substance abuse
2 treatment and prevention programs by making appropriations
3 to the department of substance abuse for the fiscal year
4 beginning July 1, 1984 and ending June 30, 1985 for
5 administration, program grants, treatment programs not
6 licensed by the department, and prevention programs,
7 requiring the treasurer of state to deposit certain amounts
8 of the sales made by the state liquor stores in a special
9 fund, requiring the beer and liquor control council to
10 adjust the sales margin on liquor August 1, 1984 to raise
11 certain revenue, requiring the state to incur one hundred
12 percent of the cost of substance abuse treatment at certain
13 programs for the fiscal year beginning July 1, 1984 and
14 ending June 30, 1985, crediting certain fees to the beer
15 and liquor control fund, requiring the department of
16 substance abuse to distribute program grant funding by a
17 certain formula, requiring an assessment of a patient
18 before admittance to a state mental health institute for
19 substance abuse treatment, prohibiting counties from
20 certifying a supplemental levy for certain substance
21 abuse treatment facilities, requiring the county auditor
22 to recompute the levy rates to reduce the amount budgeted
23 for certain substance abuse treatment programs in the
24 fiscal year beginning July 1, 1984 and ending June 30, 1985,
25 and providing an effective date.

26BE IT ENACTED BY THE GENERAL ASSMEBLY OF THE STATE OF IOWA:

5781 DATE STAMPED

24721 Section 1. The treasurer of state shall transfer into
2 a special revenue account in the general fund of the state,
3 a sum of money equal to seven percent of the gross amount
4 of sales made by the state liquor stores in the cities of
5 the state from the beer and liquor control fund on a monthly
6 basis, and any amounts so transferred shall be used by the
7 department of substance abuse for substance abuse treatment
8 and prevention programs in an amount determined by the general
9 assembly and any amounts received in excess of the amounts
10 appropriated to the department of substance abuse shall be
11 considered part of the general fund balance and in addition
12 to the regular sales margin which is included in the sale
13 price of liquor as established by the Iowa beer and liquor
14 control council pursuant to section 123.21, subsection 6,
15 and including the provisions in section 123.53, subsections
16 3 and 7, the council shall adjust the sales margin of liquor
17 on August 1, 1984 in an amount sufficient to raise funds in
18 an amount equal to the difference between the amount
19 appropriated to the department of substance abuse from the
20 general fund of the state for the 1983-1984 fiscal year and
21 the amount appropriated to the department for the 1984-1985
22 fiscal year and notwithstanding sections 125.25, subsection
23 2, 125.44, unnumbered paragraphs 1, 3, and 4, 125.45 to 125.47,
24 125.49 to 125.54, 125.57, 331.401, subsection 1, paragraph
25 "c", 331.508, subsection 3, 331.552, subsection 10 as amended
26 to be effective July 1, 1984 under 1983 Iowa Acts, chapter
27 185, sections 31, 32, and 62, and 331.756, subsection 26,
28 Code 1983 and Code Supplement 1983, the state shall incur
29 one hundred percent of the cost of substance abuse treatment
30 at programs licensed by the department of substance abuse
31 according to section 125.44 in the fiscal year beginning July
32 1, 1984 and ending June 30, 1985 and there is appropriated
33 from the general fund of the state to the department of
34 substance abuse for the fiscal year beginning July 1, 1984,
35 and ending June 30, 1985 the following amounts, or so much

1 thereof as is necessary, four hundred sixty-nine thousand
2 nine hundred fifty-seven (469,957) dollars for salaries and
3 support of not more than nineteen and one-tenth full-time
4 equivalent positions annually, maintenance, and miscellaneous
5 purposes and seven million one hundred fifty thousand nine
6 hundred fifty-eight (7,150,958) dollars for program grants.
7 Sec. 2. The treasurer of state shall, on July 1, 1984
8 for the fiscal year beginning July 1, 1984 and ending June
9 30, 1985, transfer three hundred sixty thousand (360,000)
10 dollars from the beer and liquor control fund to the department
11 of substance abuse.

12 1. Of these funds, notwithstanding section 125.13,
13 subsection 1, one hundred fifty thousand (150,000) dollars
14 shall be used for grants to counties operating a substance
15 abuse program involving only education, prevention, referral
16 or post treatment services, either with the counties' own
17 employees or by contract with a nonprofit corporation. The
18 grants shall not annually exceed ten thousand dollars to any
19 one county, subject to the following conditions:

20 a. The money shall be paid to the county after expendi-
21 ture by the county and submission of the requirements in
22 paragraph "b" on the basis of one dollar for each three dollars
23 spent by the county. The county may submit a quarterly claim
24 for reimbursement.

25 b. The county shall submit an accounting of the
26 expenditures and shall submit an annual financial report,
27 a description of the program, and the results obtained before
28 June 10, 1985.

29 2. Two hundred ten thousand (210,000) dollars of the funds
30 shall be used for prevention programs in addition to the
31 amount budgeted for prevention programs by the department
32 of substance abuse under the appropriation in section 1 of
33 this Act.

34 Sec. 3. The funding distributed by the department of
35 substance abuse for program grants pursuant to section 1 of

1 this Act shall be distributed by a formula based on popula-
2 tion, need, and other criteria as determined by the depart-
3 ment in each county or multicounty area.

4 Sec. 4. Except in cases of medical emergency or court
5 ordered admissions, a person shall be admitted to a state
6 mental health institute for substance abuse treatment only
7 after a preliminary intake and assessment by an Iowa department
8 of substance abuse licensed treatment facility has confirmed
9 that the admission is appropriate to the person's substance
10 abuse service needs. A county board of supervisors may admit
11 a patient to a state mental health institute who has not been
12 confirmed for appropriate admission and the county shall be
13 responsible for one hundred percent of the cost of treatment
14 and services of the patient.

15 Sec. 5. Before property taxpayers are notified of taxes
16 due during the fiscal year beginning July 1, 1984 and ending
17 June 30, 1985, each county auditor shall recalculate the
18 county levy by subtracting the amount budgeted for the same
19 fiscal year for substance abuse treatment in facilities pro-
20 vided under chapter 125 from the computed amount in dollars
21 certified by the county under section 444.2. If the taxpayers
22 have already been so notified, the county auditor shall re-
23 notify the taxpayer of the reduced property tax amount or
24 the county treasurer shall reduce the tax by such amount or
25 refund to the taxpayer such amount when the property tax is
26 paid. Any penalty shall be applied only to the recalculated
27 property tax amount.

28 Sec. 6. Section 123.36, subsection 8, Code Supplement
29 1983, is amended to read as follows:

30 8. The department shall credit all fees to the beer and
31 liquor control fund. The department shall remit to the
32 appropriate local authority, a sum equal to sixty-five percent
33 of the fees collected for each class "A", class "B", or class
34 "C" license except special class "C" licenses, covering
35 premises located within the local authority's jurisdiction.

1 The department shall remit to the appropriate local authority
 2 a sum equal to seventy-five percent of the fees collected
 3 for each special class "C" license covering premises located
 4 within the local authority's jurisdiction. ~~The appropriate~~
 5 ~~local authority to receive the fee collected for the privilege~~
 6 ~~authorized under subsection 6 is the appropriate county which~~
 7 ~~shall use it only for the care and treatment of persons~~
 8 ~~admitted or committed to the alcoholic treatment center at~~
 9 ~~Oakdale or any facilities as provided in chapter 125. Those~~
 10 fees collected for the privilege authorized under subsection
 11 6 shall be credited to the beer and liquor control fund.

12 Sec. 7. Section 123.143, subsection 1, Code Supplement
 13 1983, is amended to read as follows:

14 1. All retail beer permit fees collected by any local
 15 authority at the time application for the permit is made shall
 16 be retained by the local authority. A certified copy of the
 17 receipt for the permit fee shall be submitted to the department
 18 with the application and the local authority shall be notified
 19 at the time the permit is issued. Those amounts retained
 20 ~~by the appropriate local authority out of the fee~~ collected
 21 for the privilege authorized under section 123.134, subsection
 22 5, shall be ~~used only for the care and treatment of persons~~
 23 ~~admitted or committed to the alcoholic treatment center at~~
 24 ~~Oakdale or any facilities as provided in chapter 125~~ deposited
 25 in the beer and liquor control fund.

26 Sec. 8. Section 331.424, subsection 1, paragraph a,
 27 subparagraph (4), Code Supplement 1983, is amended to read
 28 as follows:

29 (4) Care and treatment of persons at the alcoholic treat-
 30 ment center at Oakdale ~~or facilities provided under chapter~~
 31 ~~125. However, the county may require that an admission to~~
 32 ~~a the center or other facility~~ shall be reported to the board
 33 by the center ~~or facility~~ within five days as a condition
 34 of the payment of county funds for that admission.

35 Sec. 9. This Act, being deemed of immediate importance,

1 takes effect from and after its publication in The Belle
2 Plaine Union, a newspaper published in Belle Plaine, Iowa,
3 and in The Sioux City Journal, a newspaper published in Sioux
4 City, Iowa.

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SENATE FILE 2353

H-6472

- 1 Amend Senate File 2353, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 12 by striking the word "margin"
- 4 and inserting in lieu thereof the word "markup".
- 5 2. Page 1, line 16 by striking the word "margin"
- 6 and inserting in lieu thereof the word "markup".

H-6472 FILED APRIL 19, 1984 BY ANDERSON OF Audubon
LOST (p. 2339)

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SF 2353
sl/slc/26c



TERRY E. BRANSTAD
GOVERNOR

OFFICE OF THE GOVERNOR

STATE CAPITOL

DES MOINES, IOWA 50319

515 281-5211

May 15, 1984

The Honorable Mary Jane Odell
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I hereby transmit Senate File 2353, an act relating to the funding of and to substance abuse treatment and prevention programs by making appropriations to the Department of Substance Abuse for the fiscal year beginning July 1, 1984 and ending June 30, 1985, for administration, program grants, treatment programs not licensed by the department, and prevention programs, requiring the Treasurer of State to deposit certain amounts of the sales made by the state liquor stores in a special fund, requiring the Beer and Liquor Control Council to adjust the sales margin on liquor August 1, 1984 to raise certain revenue, requiring the state to incur one hundred percent of the cost of substance abuse treatment at certain programs for the fiscal year beginning July 1, 1984 and ending June 30, 1985, crediting certain fees to the Beer and Liquor Control Fund, requiring the Department of Substance Abuse to distribute program grant funding by a certain formula, requiring an assessment of a patient before admittance to a state mental health institute for substance abuse treatment, prohibiting counties from certifying a supplemental levy for certain substance abuse treatment facilities, requiring the county auditor to recompute the levy rates to reduce the amount budgeted for certain substance abuse treatment programs in the fiscal year beginning July 1, 1984 and ending June 30, 1985, and providing an effective date.

Senate File 2353 is approved May 15, 1984, with the following exceptions which I hereby disapprove.

The Honorable Mary Jane Odell
May 15, 1984
Page 2

I am unable to approve that portion of Section 1, which reads as follows:

and in addition to the regular sales margin which is included in the sale price of liquor as established by the Iowa beer and liquor control council pursuant to section 123.21, subsection 6, and including the provisions in section 123.53, subsections 3 and 7, the council shall adjust the sales margin of liquor on August 1, 1984 in an amount sufficient to raise funds in an amount equal to the difference between the amount appropriated to the department of substance abuse from the general fund of the state for the 1983-1984 fiscal year and the amount appropriated to the department for the 1984-1985 fiscal year

This provision of Section 1 is not a condition of the appropriation and is unnecessary in light of the fact that the Iowa Beer and Liquor Control Council has the power to raise liquor prices pursuant to Section 123.16(2)(c) as it deems necessary.

I am unable to approve Section 5, which reads as follows:

Sec. 5. Before property taxpayers are notified of taxes due during the fiscal year beginning July 1, 1984 and ending June 30, 1985, each county auditor shall recalculate the county levy by subtracting the amount budgeted for the same fiscal year for substance abuse treatment in facilities provided under chapter 125 from the computed amount in dollars certified by the county under section 444.2. If the taxpayers have already been so notified, the county auditor shall renotify the taxpayer of the reduced property tax amount or the county treasurer shall reduce the tax by such amount or refund to the taxpayer such amount when the property tax is paid. Any penalty shall be applied only to the recalculated property tax amount.

The administrative burden created for county government as a result of this section could negate any intended benefits to the property taxpayers.

Under the local budget law, the various political subdivisions are required to certify their budgets no later than March 15 of each year. This involves the publishing of a budget, holding public hearings on the budget and certifying their tax rate, at which time the county auditor prepares a summary of each budget, showing the condition of the various funds for the fiscal year, including the adopted budgets and forwards a

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copy of the certified budget to the State Appeal Board. The State Appeal Board reviews the certified budgets and upon approval, enters the various budgets and tax rates in a data base for future use by the executive and legislative branches.

This section would require county auditors to adjust a tax rate after it has been certified and published which will increase the cost of administering the law and produce unnecessary confusion.

The amount involved per individual taxpayer would not be significant. It would be much more cost efficient and less confusing to allow the tax to be collected as certified and reduce the tax levy in the subsequent year.

Finally, I am unable to approve Section 9, which reads as follows:

Sec. 9. This Act, being deemed of immediate importance, takes effect from and after its publication in the Belle Plaine Union, a newspaper published in Belle Plaine, Iowa, and in The Sioux City Journal, a newspaper published in Sioux City, Iowa.

For the 1983-1984 year, the legislature allowed the counties to retain 65 percent of the Sunday liquor license fees and all of the Sunday beer permit license fees. The state collects Sunday liquor license fees and remits the 65 percent to the counties. The counties collect Sunday beer license fees and retain all of it.

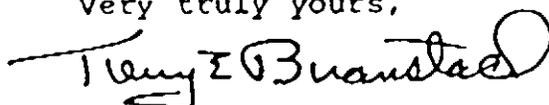
In Senate File 2353, the legislature provides that all Sunday liquor license fees and Sunday beer permit license fees shall be deposited in the state beer and liquor fund on the date of publication of the bill, which would be prior to the end of the fiscal year 1984.

The counties adopted and certified their fiscal 1984 budgets in anticipation of receiving these license fee funds through the end of fiscal year 1984 to pay for persons admitted or committed to alcoholic treatment centers. The counties presently have responsibility for funding these treatment programs and will be short funds to finance these programs through the end of fiscal year 1984 if they do not receive these license fee funds. Since the state is not assuming responsibility for funding the treatment centers until July 1, 1984, ~~1985~~, the state should not collect these funds until the beginning of the new fiscal year.

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For these reasons, I respectfully disapprove of these items in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the State of Iowa. All other items of Senate File 2353 are hereby approved as of this date.

Very truly yours,



Terry E. Branstad
Governor

TEB/ps

cc: Secretary of the Senate
Chief Clerk of the House

SENATE FILE 2353

AN ACT

RELATING TO THE FUNDING OF AND TO SUBSTANCE ABUSE TREATMENT AND PREVENTION PROGRAMS BY MAKING APPROPRIATIONS TO THE DEPARTMENT OF SUBSTANCE ABUSE FOR THE FISCAL YEAR BEGINNING JULY 1, 1984 AND ENDING JUNE 30, 1985 FOR ADMINISTRATION, PROGRAM GRANTS, TREATMENT PROGRAMS NOT LICENSED BY THE DEPARTMENT, AND PREVENTION PROGRAMS, REQUIRING THE TREASURER OF STATE TO DEPOSIT CERTAIN AMOUNTS OF THE SALES MADE BY THE STATE LIQUOR STORES IN A SPECIAL FUND, REQUIRING THE BEER AND LIQUOR CONTROL COUNCIL TO ADJUST THE SALES MARGIN ON LIQUOR AUGUST 1, 1984 TO RAISE CERTAIN REVENUE, REQUIRING THE STATE TO INCUR ONE HUNDRED PERCENT OF THE COST OF SUBSTANCE ABUSE TREATMENT AT CERTAIN PROGRAMS FOR THE FISCAL YEAR BEGINNING JULY 1, 1984 AND ENDING JUNE 30, 1985, CREDITING CERTAIN FEES TO THE BEER AND LIQUOR CONTROL FUND, REQUIRING THE DEPARTMENT OF SUBSTANCE ABUSE TO DISTRIBUTE PROGRAM GRANT FUNDING BY A CERTAIN FORMULA, REQUIRING AN ASSESSMENT OF A PATIENT BEFORE ADMITTANCE TO A STATE MENTAL HEALTH INSTITUTE FOR SUBSTANCE ABUSE TREATMENT, PROHIBITING COUNTIES FROM CERTIFYING A SUPPLEMENTAL LEVY FOR CERTAIN SUBSTANCE ABUSE TREATMENT FACILITIES, REQUIRING THE COUNTY AUDITOR TO RECOMPUTE THE LEVY RATES TO REDUCE THE AMOUNT BUDGETED FOR CERTAIN SUBSTANCE ABUSE TREATMENT PROGRAMS IN THE FISCAL YEAR BEGINNING JULY 1, 1984 AND ENDING JUNE 30, 1985, AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. The treasurer of state shall transfer into a special revenue account in the general fund of the state, a sum of money equal to seven percent of the gross amount

of sales made by the state liquor stores in the cities of the state from the beer and liquor control fund on a monthly basis, and any amounts so transferred shall be used by the department of substance abuse for substance abuse treatment and prevention programs in an amount determined by the general assembly and any amounts received in excess of the amounts appropriated to the department of substance abuse shall be considered part of the general fund balance and in addition to the regular sales margin which is included in the sale price of liquor as established by the Iowa beer and liquor control council pursuant to section 123.21, subsection 6, and including the provisions in section 123.53, subsections 3 and 7, the council shall adjust the sales margin of liquor on August 1, 1984 in an amount sufficient to raise funds in an amount equal to the difference between the amount appropriated to the department of substance abuse from the general fund of the state for the 1983-1984 fiscal year and the amount appropriated to the department for the 1984-1985 fiscal year and notwithstanding sections 125.25, subsection 2, 125.44, unnumbered paragraphs 1, 3, and 4, 125.45 to 125.47, 125.49 to 125.54, 125.57, 331.401, subsection 1, paragraph "c", 331.508, subsection 3, 331.552, subsection 10 as amended to be effective July 1, 1984 under 1983 Iowa Acts, chapter 185, sections 31, 32, and 62, and 331.756, subsection 26, Code 1983 and Code Supplement 1983, the state shall incur one hundred percent of the cost of substance abuse treatment at programs licensed by the department of substance abuse according to section 125.44 in the fiscal year beginning July 1, 1984 and ending June 30, 1985 and there is appropriated from the general fund of the state to the department of substance abuse for the fiscal year beginning July 1, 1984, and ending June 30, 1985 the following amounts, or so much thereof as is necessary, four hundred sixty-nine thousand nine hundred fifty-seven (469,957) dollars for salaries and

support of not more than nineteen and one-tenth full-time equivalent positions annually, maintenance, and miscellaneous purposes and seven million one hundred fifty thousand nine hundred fifty-eight (7,150,958) dollars for program grants.

Sec. 2. The treasurer of state shall, on July 1, 1984 for the fiscal year beginning July 1, 1984 and ending June 30, 1985, transfer three hundred sixty thousand (360,000) dollars from the beer and liquor control fund to the department of substance abuse.

1. Of these funds, notwithstanding section 125.13, subsection 1, one hundred fifty thousand (150,000) dollars shall be used for grants to counties operating a substance abuse program involving only education, prevention, referral or post treatment services, either with the counties' own employees or by contract with a nonprofit corporation. The grants shall not annually exceed ten thousand dollars to any one county, subject to the following conditions:

a. The money shall be paid to the county after expenditure by the county and submission of the requirements in paragraph "b" on the basis of one dollar for each three dollars spent by the county. The county may submit a quarterly claim for reimbursement.

b. The county shall submit an accounting of the expenditures and shall submit an annual financial report, a description of the program, and the results obtained before June 10, 1985.

2. Two hundred ten thousand (210,000) dollars of the funds shall be used for prevention programs in addition to the amount budgeted for prevention programs by the department of substance abuse under the appropriation in section 1 of this Act.

Sec. 3. The funding distributed by the department of substance abuse for program grants pursuant to section 1 of this Act shall be distributed by a formula based on popula-

tion, need, and other criteria as determined by the department in each county or multicounty area.

Sec. 4. Except in cases of medical emergency or court ordered admissions, a person shall be admitted to a state mental health institute for substance abuse treatment only after a preliminary intake and assessment by an Iowa department of substance abuse licensed treatment facility has confirmed that the admission is appropriate to the person's substance abuse service needs. A county board of supervisors may admit a patient to a state mental health institute who has not been confirmed for appropriate admission and the county shall be responsible for one hundred percent of the cost of treatment and services of the patient.

Sec. 5. Before property taxpayers are notified of taxes due during the fiscal year beginning July 1, 1984 and ending June 30, 1985, each county auditor shall recalculate the county levy by subtracting the amount budgeted for the same fiscal year for substance abuse treatment in facilities provided under chapter 125 from the computed amount in dollars certified by the county under section 444.2. If the taxpayers have already been so notified, the county auditor shall renotify the taxpayer of the reduced property tax amount or the county treasurer shall reduce the tax by such amount or refund to the taxpayer such amount when the property tax is paid. Any penalty shall be applied only to the recalculated property tax amount.

Sec. 6. Section 123.36, subsection 8, Code Supplement 1983, is amended to read as follows:

8. The department shall credit all fees to the beer and liquor control fund. The department shall remit to the appropriate local authority, a sum equal to sixty-five percent of the fees collected for each class "A", class "B", or class "C" license except special class "C" licenses, covering premises located within the local authority's jurisdiction.

Item Veto

The department shall remit to the appropriate local authority a sum equal to seventy-five percent of the fees collected for each special class "C" license covering premises located within the local authority's jurisdiction. ~~The appropriate local authority to receive the fee collected for the privilege authorized under subsection 6 is the appropriate county which shall use it only for the care and treatment of persons admitted or committed to the alcoholic treatment center at Oakdale or any facilities as provided in chapter 125.~~ Those fees collected for the privilege authorized under subsection 6 shall be credited to the beer and liquor control fund.

Sec. 7. Section 123.143, subsection 1, Code Supplement 1983, is amended to read as follows:

1. All retail beer permit fees collected by any local authority at the time application for the permit is made shall be retained by the local authority. A certified copy of the receipt for the permit fee shall be submitted to the department with the application and the local authority shall be notified at the time the permit is issued. Those amounts retained by the appropriate local authority out of the fee collected for the privilege authorized under section 123.134, subsection 5, shall be used only for the care and treatment of persons admitted or committed to the alcoholic treatment center at Oakdale or any facilities as provided in chapter 125 deposited in the beer and liquor control fund.

Sec. 8. Section 331.424, subsection 1, paragraph a, subparagraph (4), Code Supplement 1983, is amended to read as follows:

(4) Care and treatment of persons at the alcoholic treatment center at Oakdale or facilities provided under chapter 125. However, the county may require that an admission to a the center or other facility shall be reported to the board by the center or facility within five days as a condition of the payment of county funds for that admission

Sec. 9. This Act, being deemed of immediate importance, takes effect from and after its publication in The Belle Plaine Union, a newspaper published in Belle Plaine, Iowa, and in The Sioux City Journal, a newspaper published in Sioux City, Iowa.

CHARLES P. MILLER
President Pro Tempore of the
Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2353, Seventieth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Item Veto
Approved *May 15*, 1984

TERRY E. BRANSTAD
Governor