

allocated to the state department of health under this subsection shall be transferred August 1, 1984 to the university of Iowa hospitals and clinics under the control of the state board of regents for regional and mobile child health specialty clinics.

Sec. 17. 1983 Iowa Acts, chapter 194, section 11, subsection 2, is amended to read as follows:

2. An amount not exceeding two million seven hundred ~~eighty-eight~~ thousand ~~(2,750,000)~~ (2,788,000) dollars or nine percent of the funds appropriated in subsection 1, whichever is less, may be used for administrative expenses not more than two hundred eighty thousand (280,000) dollars of which shall be used for administrative expenses of the energy policy council. From the total funds set aside by this subsection for administrative expenses, an amount sufficient to pay the cost of an audit of the use and administration of the state's portion of the funds appropriated is allocated for that purpose. The auditor shall bill the energy policy council for the costs of the audit.

Approved May 14, 1984

CHAPTER 1312

SUBSTANCE ABUSE TREATMENT APPROPRIATIONS

S.F. 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 population, 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

*Item veto; see message at end of this Act

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. 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:

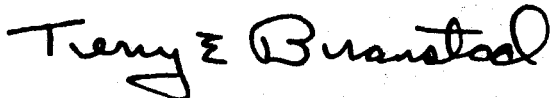
1. All retail beer permit fees collected by any local authority at the time application for the permit is made shall be retained by the local authority. A certified copy of the receipt for the permit fee shall be submitted to the department with the application and the local authority shall be notified 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.

Approved May 15, 1984, except the three items which I hereby disapprove and which are designated as that portion of section 1, which is herein bracketed in ink and initialed by me; section 5, which is herein bracketed in ink and initialed by me; and section 9, which is herein bracketed in ink and initialed by me. These are all delineated with my reasons for vetoing in the item veto message pertaining to this Act to the Secretary of State this same date, a copy of which is attached.



TERRY E. BRANSTAD
Governor

*Item veto; see message at end of this Act

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.

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 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, the state should not collect these funds until the beginning of the new fiscal year.

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,

A handwritten signature in black ink that reads "Terry E. Branstad". The signature is written in a cursive style with a large, stylized initial "T" and a prominent flourish at the end.

Terry E. Branstad
Governor