

APR 12 1994

HOUSE FILE 2430

BY COMMITTEE ON WAYS AND MEANS

WAYS & MEANS CALENDAR

(SUCCESSOR TO HF 2269)

(p. 168) Passed House, Date 4/14/94 (p. 1364) Passed Senate, Date 4/19/94
 Vote: Ayes 85 Nays 11 Vote: Ayes 38 Nays 12
 Approved May 5, 1994

A BILL FOR

1 An Act relating to the limitation on county expenditures for
 2 mental health, mental retardation, and developmental
 3 disabilities services funded by property taxes and the
 4 provision of those services, providing appropriations of state
 5 revenues relating to such services, extending the limitation
 6 on the amount of property tax dollars that a county may
 7 collect from designated property tax levies, providing for
 8 other properly related matters, and providing effective and
 9 applicability date provisions.

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

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HF 2430

1 Section 1. Section 331.438, Code 1993, is amended by
2 striking the section and inserting in lieu thereof the
3 following:

4 331.438 COUNTY MENTAL HEALTH, MENTAL RETARDATION, AND
5 DEVELOPMENTAL DISABILITIES SERVICES EXPENDITURES LIMITED.

6 1. For the purposes of this section and section 331.439,
7 unless the context otherwise requires:

8 a. "Base year expenditures" means the actual expenditures
9 made by a county for qualified mental health, mental
10 retardation, and developmental disabilities services provided
11 in the fiscal year beginning July 1, 1993, and ending June 30,
12 1994.

13 b. "State reimbursement" means the payment made by the
14 state to an eligible county for not more than fifty percent of
15 the county's qualified mental health, mental retardation, and
16 developmental disabilities service expenditures in excess of
17 the base year expenditures, which payment is made in the
18 fiscal year subsequent to the fiscal year for which the
19 qualified expenditures are made.

20 2. The state reimbursement shall not include any
21 expenditures for services that were provided but not reported
22 in the county's base year expenditures or for any expenditures
23 which were not included in the county management plan
24 submitted by the county in accordance with section 331.439. A
25 county's eligibility for state reimbursement is subject to the
26 provisions of section 331.439.

27 3. There is appropriated from the general fund of the
28 state to the department of human services for the fiscal year
29 beginning July 1, 1995, six million dollars. The moneys
30 appropriated in this subsection shall be used to pay the state
31 reimbursement determined in accordance with subsection 1 for
32 qualified expenditures made in the fiscal year beginning July
33 1, 1994. If the total state reimbursement determined in
34 accordance with subsection 1 exceeds six million dollars,
35 county payments from the appropriation shall be prorated among

1 the eligible counties.

2 4. a. A state-county coordinating committee is created in
3 the department of human services to make recommendations for
4 joint state and county planning, implementing, and funding of
5 mental health, mental retardation, and developmental
6 disabilities services, including but not limited to developing
7 and implementing fiscal and accountability controls,
8 establishing management plans, and ensuring that eligible
9 persons have access to appropriate and cost-effective
10 services.

11 b. The coordinating committee shall consist of not more
12 than nine members representing the state and counties. The
13 members shall be appointed by the director of human services
14 in consultation with the Iowa state association of counties.
15 In addition, the committee shall include four members of the
16 general assembly with one each designated by the majority
17 leader and minority leader of the senate and the speaker and
18 minority leader of the house of representatives. A
19 legislative member is eligible for per diem and expenses as
20 provided in section 2.10. A member who is not a legislator
21 shall have expenses and other costs paid by the state or the
22 county entity that the member represents. The committee shall
23 establish terms for its members, elect officers, adopt
24 operating procedures, and meet as deemed necessary by the
25 committee.

26 c. The coordinating committee shall do all of the
27 following:

28 (1) Identify characteristics of the service system,
29 including amounts expended, equity of funding among counties,
30 funding sources, provider types, service availability, and
31 equity of service availability among counties and among
32 persons served.

33 (2) Assess the accuracy and uniformity of record keeping
34 and reporting in the service system.

35 (3) Identify for each county the factors associated with

- 1 inflationary growth of the service system.
- 2 (4) Identify opportunities for containing service system
3 growth.
- 4 (5) Make recommendations for revising service system
5 administrative rules.
- 6 (6) Consider provisions for counties to implement a single
7 point of accountability to plan, budget, and monitor county
8 expenditures for the service system. The provisions shall
9 provide options for counties to implement the single point in
10 collaboration with other counties.
- 11 (7) Develop criteria for annual county mental health,
12 mental retardation, and developmental disabilities plans.
- 13 (8) Make recommendations to the council on human services
14 for administrative rules identifying qualified mental health,
15 mental retardation, and developmental disabilities service
16 expenditures for purposes of state reimbursement.
- 17 (9) Make recommendations to the council on human services
18 for administrative rules for the county single entry point and
19 clinical assessment processes required under section 331.440
20 and other rules necessary for the implementation of county
21 management plans and expenditure reports required for state
22 reimbursement pursuant to section 331.439.
- 23 (10) Make recommendations to improve the programs and cost
24 effectiveness of state and county contracting processes and
25 procedures, including strategies for negotiations relating to
26 managed care.
- 27 (11) Provide input when appropriate, to the director of
28 human services in any decision involving administrative rules
29 which were initially recommended by the coordinating
30 committee.
- 31 (12) Identify the fiscal impact of existing or proposed
32 legislation and administrative rules on state and county
33 expenditures.
- 34 (13) No later than January 1, annually, submit a report to
35 the governor, the general assembly, and the department of

1 human services concerning the coordinating committee's
2 activities and findings.

3 Sec. 2. NEW SECTION. 331.439 ELIGIBILITY FOR STATE
4 REIMBURSEMENT.

5 A county is eligible for state reimbursement as provided in
6 section 331.438 for the fiscal year beginning July 1, 1995,
7 and for subsequent fiscal years if the director of human
8 services determines for a specific fiscal year that all of the
9 following conditions are met:

10 1. The county accurately reported by October 15 the
11 county's expenditures for the previous fiscal year on forms
12 prescribed by the department of human services.

13 2. The county developed and implemented a county
14 management plan for the county's mental health, mental
15 retardation, and developmental disabilities services. The
16 plan shall comply with the administrative rules adopted for
17 this purpose by the council on human services and is subject
18 to the approval of the director of human services in
19 consultation with the state-county coordinating committee
20 created in section 331.438. The plan shall include a
21 description of the county's single point of entry and clinical
22 assessment process required under section 331.440 and a
23 description of the county's service management provision for
24 mental health, mental retardation, and developmental
25 disabilities services. The plan shall have the following two
26 parts:

27 a. For mental health service management, the county must
28 contract with a state-approved managed mental health care
29 contractor or describe the method the county will use to
30 achieve a comparable system of managed care which assures
31 cost-effective delivery of services. For the fiscal year
32 beginning July 1, 1995, this part of the plan shall be
33 submitted to the department of human services by March 1,
34 1995. For subsequent fiscal years, this part of the plan
35 shall be submitted by the prior April 1.

1 b. For mental retardation and developmental disabilities
2 service management, the county must describe how the county
3 will develop and implement a system of managed care which
4 assures cost-effective delivery of services. For the fiscal
5 year beginning July 1, 1995, this part of the plan shall be
6 submitted to the department of human services by March 1,
7 1995. For subsequent fiscal years, this part of the plan
8 shall be submitted by the prior April 1.

9 3. Changes to the approved plan are submitted sixty days
10 prior to the proposed change and are not to be implemented
11 prior to the director of human services' approval.

12 The director's approval of a county's mental health, mental
13 retardation, and developmental disabilities services
14 management plan shall not be construed to constitute
15 certification of the county's budget.

16 Sec. 3. NEW SECTION. 331.440 MENTAL HEALTH, MENTAL
17 RETARDATION, AND DEVELOPMENTAL DISABILITIES SERVICES -- SINGLE
18 ENTRY POINT PROCESS.

19 1. a. For the purposes of this section, unless the
20 context otherwise requires, "single entry point process" means
21 a single entry point process established by a county or
22 consortium of counties for the delivery of mental health,
23 mental retardation, and developmental disabilities services
24 which are paid for in whole or in part by county funds. The
25 single entry point process may include but is not limited to
26 reviewing a person's eligibility for services, determining the
27 appropriateness of the type, level, and duration of services,
28 and performing periodic review of the person's continuing
29 eligibility and need for services. For those services funded
30 under the medical assistance program, the single entry point
31 process shall be used to assure that the person is aware of
32 the appropriate service options available to the person.

33 b. The single entry point process may include a clinical
34 assessment process to identify a person's service needs and to
35 make recommendations regarding the person's plan for services.

1 The clinical assessment process shall utilize qualified mental
2 health professionals and qualified mental retardation
3 professionals.

4 2. Effective March 1, 1995, a county shall implement a
5 single entry point process which may include a clinical
6 assessment process and which may be implemented as part of a
7 consortium of counties. A county may implement the county's
8 single entry point process prior to March 1, 1995.

9 3. The department of human services shall seek federal
10 approval as necessary for the single entry point and clinical
11 assessment processes to be eligible for federal financial
12 participation under medical assistance.

13 4. The council on human services shall consider the
14 recommendations of the state-county coordinating committee
15 established in section 331.438 in adopting rules outlining
16 standards and requirements for implementation of the single
17 entry point and clinical assessment processes on the date
18 required by subsection 2. The rules shall permit counties
19 options in implementing the process based upon a county's
20 consumer population and available service delivery system.

21 Sec. 4. NEW SECTION. 444.25A PROPERTY TAX LIMITATIONS
22 FOR 1996 AND 1997 FISCAL YEARS.

23 1. COUNTY LIMITATION. The maximum amount of property tax
24 dollars which may be certified by a county for taxes payable
25 in the fiscal year beginning July 1, 1995, shall not exceed
26 the amount of property tax dollars certified by the county for
27 taxes payable in the fiscal year beginning July 1, 1994, and
28 the maximum amount of property tax dollars which may be
29 certified by a county for taxes payable in the fiscal year
30 beginning July 1, 1996, shall not exceed the amount of
31 property tax dollars certified by the county for taxes payable
32 in the fiscal year beginning July 1, 1995, for each of the
33 levies for the following, except for the levies on the
34 increase in taxable valuation due to new construction,
35 additions or improvements to existing structures, remodeling

1 of existing structures for which a building permit is
2 required, annexation, and phasing out of tax exemptions, and
3 on the increase in valuation of taxable property as a result
4 of a comprehensive revaluation by a private appraiser under a
5 contract entered into prior to January 1, 1992, or as a result
6 of a comprehensive revaluation directed or authorized by the
7 conference board prior to January 1, 1992, with documentation
8 of the contract, authorization, or directive on the
9 revaluation provided to the director of revenue and finance,
10 if the levies are equal to or less than the levies for the
11 previous year, levies on that portion of the taxable property
12 located in an urban renewal project the tax revenues from
13 which are no longer divided as provided in section 403.19,
14 subsection 2, or as otherwise provided in this section:

- 15 a. General county services under section 331.422,
16 subsection 1.
 - 17 b. Rural county services under section 331.422, subsection
18 2.
 - 19 c. Other taxes under section 331.422, subsection 4.
- 20 2. EXCEPTIONS. The limitations provided in subsection 1
21 do not apply to the levies made for the following:
- 22 a. Debt service to be deposited into the debt service fund
23 pursuant to section 331.430.
 - 24 b. Taxes approved by a vote of the people which are
25 payable during the fiscal year beginning July 1, 1995, or July
26 1, 1996.
 - 27 c. Hospitals pursuant to chapters 37, 347, and 347A.

28 d. Unusual need for additional moneys to finance existing
29 programs which would provide substantial benefit to county
30 residents or compelling need to finance new programs which
31 would provide substantial benefit to county residents. The
32 increase in taxes levied under this exception for the fiscal
33 year beginning July 1, 1995, is limited to no more than the
34 product of the total tax dollars levied in the fiscal year
35 beginning July 1, 1994, and the percent change, computed to

1 two decimal places, in the price index for government
2 purchases by type for state and local governments computed for
3 the third quarter of calendar year 1994 from that computed for
4 the third quarter of calendar year 1993. The increase in
5 taxes levied under this exception for the fiscal year
6 beginning July 1, 1996, is limited to no more than the product
7 of the total tax dollars levied in the fiscal year beginning
8 July 1, 1995, and the percent change, computed to two decimal
9 places, in the price index for government purchases by type
10 for state and local governments computed for the third quarter
11 of calendar year 1995 from that computed for the third quarter
12 of calendar year 1994.

13 For purposes of this paragraph, the price index for
14 government purchases by type for state and local governments
15 is defined by the bureau of economic analysis of the United
16 States department of commerce and published in table 7.11 of
17 the national income and products accounts. For the fiscal
18 years beginning July 1, 1995, and July 1, 1996, the price
19 index used shall be the revision published in the November
20 1994 and November 1995 issues, respectively, of the United
21 States department of commerce publication, "survey of current
22 business". For purposes of this paragraph, tax dollars levied
23 in the fiscal years beginning July 1, 1994, and July 1, 1995,
24 shall not include funds levied for paragraphs "a", "b", and
25 "c" of this subsection.

26 Application of this exception shall require an original
27 publication of the budget and a public hearing and a second
28 publication and a second hearing both in the manner and form
29 prescribed by the director of the department of management,
30 notwithstanding the provisions of section 331.434. The
31 publications and hearings prescribed in this paragraph shall
32 be held and the budget certified no later than March 15. The
33 taxes levied for counties whose budgets are certified after
34 March 15, 1995, shall be frozen at the fiscal year beginning
35 July 1, 1994, level, and the taxes levied for counties whose

1 budgets are certified after March 15, 1996, shall be frozen at
2 the fiscal year beginning July 1, 1995, level.

3 3. APPEAL PROCEDURES. In lieu of the procedures in
4 sections 24.48 and 331.426, which procedures do not apply for
5 taxes payable in the fiscal years beginning July 1, 1995, and
6 July 1, 1996, if a county needs to raise property tax dollars
7 from a tax levy in excess of the limitations imposed by
8 subsection 1, the following procedures apply:

9 a. Not later than March 1, and after the publication and
10 public hearing on the budget in the manner and form prescribed
11 by the director of the department of management,
12 notwithstanding section 331.434, the county shall petition the
13 state appeal board for approval of a property tax increase in
14 excess of the increase provided for in subsection 2, paragraph
15 "d", on forms furnished by the director of the department of
16 management. Applications received after March 1 shall be
17 automatically ineligible for consideration by the board.

18 b. Additional costs incurred by the county due to any of
19 the following circumstances shall be the basis for justifying
20 the excess in property tax dollars:

21 (1) Natural disaster or other life-threatening
22 emergencies.

23 (2) Unusual need for additional moneys to finance existing
24 programs which would provide substantial benefit to county
25 residents or compelling need to finance new programs which
26 would provide substantial benefit to county residents.

27 (3) Need for additional moneys for health care, treatment
28 and facilities, including mental health and mental retardation
29 care and treatment pursuant to section 331.424, subsection 1,
30 paragraphs "a" through "h".

31 (4) Judgments, settlements, and related costs arising out
32 of civil claims against the county and its officers,
33 employees, and agents, as defined in chapter 670.

34 c. The state appeal board shall approve, disapprove, or
35 reduce the amount of excess property tax dollars requested.

1 The board shall take into account the intent of this section
2 to provide property tax relief. The decision of the board
3 shall be rendered at a regular or special meeting of the board
4 within twenty days of the board's receipt of an appeal.

5 d. Within seven days of receipt of the decision of the
6 state appeal board, the county shall adopt and certify its
7 budget under section 331.434, which budget may be protested as
8 provided in section 331.436. The budget shall not contain an
9 amount of property tax dollars in excess of the amount
10 approved by the state appeal board.

11 4. RATE ADJUSTMENT BY COUNTY AUDITOR. In addition to the
12 requirement of the county auditor in section 444.3 to
13 establish a rate of tax which does not exceed the rate
14 authorized by law, the county auditor shall also adjust the
15 rate if the amount of property tax dollars to be raised is in
16 excess of the amount specified in subsection 1, as may be
17 adjusted pursuant to subsection 3.

18 Sec. 5. Section 444.26, Code 1993, is amended to read as
19 follows:

20 444.26 PROPERTY TAX LEVY LIMITATIONS NOT AFFECTED.

21 ~~Section~~ Sections 444.25 and 444.25A shall not be construed
22 as removing or otherwise affecting the property tax
23 limitations otherwise provided by law for any tax levy of the
24 political subdivision, except that, upon an appeal from the
25 political subdivision, the state appeal board may approve a
26 tax levy consistent with the provisions of section 24.48 or
27 331.426.

28 Sec. 6. Section 444.27, Code 1993, is amended to read as
29 follows:

30 444.27 SECTIONS VOID.

31 Sections For purposes of section 444.25, sections 24.48 and
32 331.426 are void for the fiscal years beginning July 1, 1993,
33 and July 1, 1994. For purposes of section 444.25A, sections
34 24.48 and 331.426 are void for the fiscal years beginning July
35 1, 1995, and July 1, 1996.

1 Sec. 7. ADMINISTRATION. There is appropriated from the
2 general fund of the state to the department of human services
3 for the fiscal year beginning July 1, 1994, and ending June
4 30, 1995, the following amount, or so much thereof as is
5 necessary, to be used for the purpose designated:

6 For salaries, support, maintenance, miscellaneous purposes,
7 and for not more than the following full-time equivalent
8 positions to provide technical assistance to counties and
9 other necessary support to implement the provisions of
10 sections 331.438, 331.439, and 331.440 as enacted by this Act:
11 \$ 294,541
12 FTEs 6.00

13 The department may adopt emergency rules under section
14 17A.4, subsection 2, and section 17A.5, subsection 2,
15 paragraph "b", to implement the provisions of sections
16 331.438, 331.439, and 331.440 as enacted by this Act no later
17 than January 1, 1995, and the rules shall become effective
18 immediately upon filing. Any rules adopted in accordance with
19 this section shall also be published as a notice of intended
20 action as provided in section 17A.4.

21 Sec. 8. REPEAL.

22 1. If the appropriation for the fiscal year beginning July
23 1, 1995, in section 331.438, as enacted by this Act, is
24 eliminated or reduced, section 444.25A and the amendments to
25 sections 444.26 and 444.27, as enacted by this Act, are
26 repealed effective upon the date of the elimination or
27 modification or upon the adjournment of the regular session of
28 the Seventy-sixth General Assembly, 1995 Session, whichever
29 date is earlier.

30 2. If appropriations are not enacted by the Seventy-sixth
31 General Assembly, 1996 Session, to fund the provisions of
32 sections 331.438 and 331.439, as enacted by this Act, section
33 444.25A and the amendments to sections 444.26 and 444.27, as
34 enacted by this Act, are repealed effective March 1, 1996.

35

EXPLANATION

1 This bill relates to the limitation on county expenditures
 2 for mental health, mental retardation, and developmental
 3 disabilities and provisions for those services and extends the
 4 limitation on the amount of property tax dollars a county may
 5 collect from designated levies.

6 Section 331.438, which applies the limitation on county
 7 expenditures for mental health, mental retardation, and
 8 developmental disabilities (MH/MR/DD) services beginning in
 9 fiscal years 1996-1997, is stricken and rewritten. The
 10 revision provides a formula for state financial participation
 11 in the growth in county MH/MR/DD service expenditures
 12 commencing in fiscal years 1995-1996. The formula factors
 13 consider a county's expenditure growth in the fiscal year
 14 which follow a base year of fiscal years 1993-1994. A county
 15 must meet various requirements to be eligible for the state
 16 funding. A codified state appropriation of \$6 million is
 17 provided for the initial year the formula is applied and
 18 payment to counties is to be prorated if the appropriation is
 19 less than required by applying the formula. In addition, the
 20 section creates a state-county coordinating committee to make
 21 recommendations involving the requirements, administrative
 22 rules, and other provisions for reforming the MH/MR/DD service
 23 delivery system.

24 New section 331.439 provides explicit requirements for a
 25 county to be eligible for state funding. The requirements
 26 include annual expenditure reporting by October 15 and
 27 developing and implementing a management plan for the county's
 28 MH/MR/DD expenditures which provides for managed mental
 29 health, and managed mental retardation and developmental
 30 disabilities services. The county plans are subject to the
 31 approval of the director of human services.

32 New section 331.440 requires counties to implement by March
 33 1, 1995, a single entry point process for delivering mental
 34 health, mental retardation, and developmental disabilities
 35 services which are county-funded. The council on human

1 services is to adopt rules providing standards and
2 requirements.

3 The bill also extends to fiscal years 1995-1996 and 1996-
4 1997 the limitation on the amount of property tax dollars that
5 a county may collect from designated property tax levies. The
6 current limitation applies to both cities and counties and
7 applies only to fiscal years 1993-1994 and 1994-1995.

8 The bill includes an appropriation to the department of
9 human services for staff to provide technical assistance to
10 counties and other support to implement the MH/MR/DD service
11 provisions in the bill.

12 A two-part contingent repeal of the extension of the
13 property tax limitation is included. The extension is
14 repealed if the state funding as outlined in the bill is not
15 provided for either of fiscal years 1995-1996 or 1996-1997.

16 The bill may impose a state mandate as defined in section
17 25B.3.

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HOUSE FILE 2430

H-6149

- 1 Amend House File 2430 as follows:
- 2 1. Page 7, by inserting after line 27 the
- 3 following:
- 4 "d. For transfer or deposit into the secondary
- 5 road fund pursuant to section 331.429, subsection 1,
- 6 paragraphs "a" and "b", solely to avoid a reduction in
- 7 the allotment of farm-to-market road funds under
- 8 section 312.2, subsection 8."
- 9 2. Page 7, line 28, by striking the letter "d."
- 10 and inserting the following: "e."
- 11 3. Page 9, line 15, by striking the letter "'d',"
- 12 and inserting the following: "'e',".
- 13 4. By renumbering and correcting internal
- 14 references as necessary.

By HANSEN of Woodbury

H-6149 FILED APRIL 13, 1994

Lost 4-14-94 (P. 1615)

HOUSE FILE 2430

H-6150

- 1 Amend House File 2430 as follows:
- 2 1. Page 9, by inserting after line 33 the
- 3 following:
- 4 "(5) Need to increase the amount transferred to
- 5 the secondary road fund from the amount transferred in
- 6 the previous fiscal year solely to avoid a reduction
- 7 in the allotment of farm-to-market road funds under
- 8 section 312.2, subsection 8."
- 9 2. By renumbering and correcting internal
- 10 references as necessary.

By HANSEN of Woodbury

H-6150 FILED APRIL 13, 1994

*Lost 4-14-94
(P. 1615)*

HOUSE FILE 2430

H-6170

- 1 Amend House File 2430 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 "Sec. 100. Section 249A.12, Code 1993, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 3. a. Effective July 1, 1995,
7 the state shall be responsible for all of the
8 nonfederal share of the costs of intermediate care
9 facility for the mentally retarded services provided
10 under medical assistance to minors. Notwithstanding
11 subsection 2 and contrary provisions of section
12 222.73, effective July 1, 1995, a county is not
13 required to reimburse the department and shall not be
14 billed for the nonfederal share of the costs of such
15 services provided to minors.
16 b. Effective July 1, 1995, the state shall be
17 responsible for all of the nonfederal share of medical
18 assistance home and community-based waivers for
19 persons with mental retardation services provided to
20 minors and a county is not required to reimburse the
21 department and shall not be billed for the nonfederal
22 share of the costs of the services."
23 2. Page 1, line 5, by striking the word
24 "LIMITED".
25 3. Page 1, by striking lines 13 through 19 and
26 inserting the following:
27 "b. "State payment" means the payment made by the
28 state to a county determined to be eligible for the
29 payment in accordance with section 331.439. Except as
30 modified based upon the actual amount of the
31 appropriation for purposes of state payment under
32 section 331.439, the amount of the state payment for a
33 fiscal year shall be calculated as fifty percent of
34 the amount by which the county's qualified
35 expenditures during the immediately preceding fiscal
36 year were in excess of the amount of the county's base
37 year expenditures."
38 4. Page 1, line 20, by striking the word
39 "reimbursement" and inserting the following:
40 "payment".
41 5. Page 1, line 25, by striking the word
42 "reimbursement" and inserting the following:
43 "payment".
44 6. By striking page 1, line 27 through page 2,
45 line 1.
46 7. Page 2, line 2, by striking the word
47 "coordinating" and inserting the following:
48 "management".
49 8. Page 2, by striking lines 11 through 14 and
50 inserting the following:

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Page 2

1 "b. The management committee shall consist of not
2 more than nine members representing the state and
3 counties. An equal number of the not more than nine
4 members shall be appointed by the director of human
5 services and the Iowa state association of counties
6 and one additional member shall be jointly appointed
7 by both entities. In addition, the committee shall
8 also include one member nominated by service providers
9 and one member nominated by service advocates and
10 consumers, with both members appointed by the
11 governor."

12 9. Page 2, line 19, by inserting after the word
13 "member" the following: "serves in an ex officio,
14 nonvoting capacity and".

15 10. Page 2, line 26, by striking the word
16 "coordinating" and inserting the following:
17 "management".

18 11. Page 3, line 16, by striking the word
19 "reimbursement" and inserting the following: "payment
20 pursuant to subsection i".

21 12. Page 3, line 22, by striking the word
22 "reimbursement" and inserting the following:
23 "payment".

24 13. Page 3, line 29, by striking the word
25 "coordinating" and inserting the following:
26 "management".

27 14. Page 4, line 1, by striking the word
28 "coordinating" and inserting the following:
29 "management".

30 15. Page 4, by inserting after line 2 the
31 following:

32 "() On or before December 1, 1994, submit to
33 the governor and general assembly a methodology for
34 the state and counties to move toward the goal of an
35 equal partnership in the funding of mental health,
36 mental retardation, and developmental disabilities
37 services. The committee consideration of methodology
38 options shall include an expenditure per consumer
39 basis."

40 16. Page 4, by striking line 4 and inserting the
41 following: "PAYMENT."

42 17. Page 4, line 5, by inserting before the word
43 "A" the following: "The state payment to eligible
44 counties under this section shall be made in January
45 of the fiscal year for which the appropriation for the
46 state payment is made."

47 18. Page 4, line 5, by striking the words
48 "reimbursement as provided" and inserting the
49 following: "payment as defined".

50 19. Page 4, line 6, by striking the figure "1995"

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Page 3

1 and inserting the following: "1996".

2 20. Page 4, by inserting after line 12 the
3 following:

4 "____". The county has implemented a single entry
5 point process in accordance with the rules adopted
6 pursuant to section 331.440."

7 21. Page 4, line 19, by striking the word
8 "coordinating" and inserting the following:

9 "management".

10 22. Page 4, line 22, by striking the words
11 "required under" and inserting the following: "in
12 accordance with the rules adopted pursuant to".

13 23. Page 5, by striking lines 2 and 3 and
14 inserting the following: "service management, the
15 county must describe efforts to investigate the
16 development and implementation of a system of managed
17 care which".

18 24. Page 6, by striking lines 4 through 12 and
19 inserting the following:

20 "2. The department of human services shall seek
21 federal approval as necessary for the single entry
22 point and clinical assessment processes to be eligible
23 for federal financial participation under medical
24 assistance. A county may implement the single entry
25 point process as part of a consortium of counties and
26 may implement the process beginning with the fiscal
27 year ending June 30, 1995."

28 25. Page 6, line 14, by striking the word
29 "coordinating" and inserting the following:

30 "management".

31 26. Page 7, by inserting after line 27 the
32 following:

33 "d. Emergency management to be deposited into the
34 local emergency management fund and expended for
35 development of hazardous substance teams pursuant to
36 chapter 29C."

37 27. Page 7, line 28, by striking the word "d" and
38 inserting the following: "e".

39 28. Page 9, line 15, by striking the word "'d'"
40 and inserting the following: "'e'".

41 29. Page 11, by striking lines 1 through 20.

42 30. Page 11, by striking lines 22 through 29 and
43 inserting the following:

44 "____. If an appropriation is not enacted by the
45 Seventy-sixth General Assembly, 1995 regular session,
46 to fund the provisions of section 100 of this Act,
47 section 444.25A and the amendments to sections 444.26
48 and 444.27, as enacted by this Act, are repealed
49 effective on the date of the final adjournment of the
50 Seventy-sixth General Assembly, 1995 regular session."

H-6170

-3-

H-6170

Page 4

1 31. Page 11, by striking line 34 and inserting
2 the following: "enacted by this Act, are repealed
3 effective on the date of the final adjournment of the
4 Seventy-sixth General Assembly, 1996 regular session."

5 32. Title page, lines 4 and 5, by striking the
6 words "providing appropriations of state revenues
7 relating to such services,".

By IVERSON of Wright

ROYER of Page

HOUSER of Pottawattamie

BRANSTAD of Winnebago

MEYER of Sac

FYRRELL of Iowa

VANDE HOEF of Osceola

KLEMME of Plymouth

HESTER of Pottawattamie

MUNDIE of Webster

BODDICKER of Cedar

KISTLER of Jefferson

MERTZ of Kossuth

H-6170 FILED APRIL 14, 1994

*Adopted 4-14-94
(P. 1616)*

HOUSE FILE 2430

H-6181

1 Amend House File 2430 as follows:

2 1. Page 5, line 29, by inserting after the word
3 "services." the following: "Any recommendations
4 developed concerning a person's plan of services shall
5 be consistent with the person's unique strengths,
6 circumstances, priorities, concerns, abilities, and
7 capabilities."

By WITT of Black Hawk

NEUHAUSER of Johnson

H-6181 FILED APRIL 14, 1994

*Adopted 4-14-94
(P. 1614)*

HOUSE FILE 2430

H-6182

1 Amend the amendment, H-6170, to House File 2430 as
2 follows:

3 1. Page 3, line 44, by inserting before the word
4 "by" the following: "on or before March 1, 1995,".

5 2. Page 3, by striking lines 49 and 50 and
6 inserting the following: "effective March 2, 1995.""

By NEUHAUSER of Johnson

WITT of Black Hawk

H-6182 FILED APRIL 14, 1994

*-Loot 4/14/94
(P. 1613)*

HOUSE FILE 2430

H-6188

1 Amend the amendment, H-6170, to House File 2430 as
2 follows:

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

5 ""Sec. 101. NEW SECTION. 217.44 STATE MENTAL
6 HEALTH, MENTAL RETARDATION, AND DEVELOPMENTAL
7 DISABILITIES SERVICE EXPENDITURES FUND.

8 1. A state mental health, mental retardation, and
9 developmental disabilities service expenditures fund
10 is created in the office of the treasurer of state
11 under the authority of the director of human services.
12 Moneys deposited in the fund shall be used as directed
13 by the general assembly for state payment of the costs
14 of such services. Notwithstanding section 8.33,
15 moneys in the service expenditures fund which remain
16 unexpended or unencumbered at the end of a fiscal year
17 shall not revert to the general fund of the state but
18 shall remain in the service expenditures fund.

19 2. For the fiscal year beginning July 1, 1995,
20 moneys in the fund shall be used for state payment of
21 the nonfederal share of medical assistance costs of
22 intermediate care facility for the mentally retarded
23 services and home and community-based waiver services,
24 provided to minors.

25 3. For the fiscal year beginning July 1, 1996, and
26 succeeding fiscal years, moneys in the fund shall be
27 used for state payment to counties in accordance with
28 the provisions of sections 331.438 and 331.439."

29 2. Page 3, by inserting after line 41 the
30 following:

31 "____. Page 11, by inserting after line 21 the
32 following:

33 "____. If the general assembly does not transfer or
34 appropriate funds from the ending balance of the
35 general fund of the state for fiscal year 1993-1994 to
36 the state mental health, mental retardation, and
37 developmental disabilities service expenditures fund
38 created in this Act, in an amount sufficient to fully
39 fund the provisions of section 100 of this Act,
40 section 444.25A and the amendments to sections 444.26
41 and 444.27, as enacted by this Act, are repealed
42 effective July 1, 1994."

43 3. Page 4, by inserting before line 5, the
44 following:

45 "____. Page 11, by inserting before line 35 the
46 following:

47 "Sec. 200. EFFECTIVE DATE. Section 101 of this
48 Act, being deemed of immediate importance, takes
49 effect upon enactment."

50 4. By renumbering as necessary.

By SCHRADER of Marion
WISE of Lee
BERNAU of Story

H-6188 FILED APRIL 14, 1994

Last 4/14/94

HOUSE FILE 2430

H-6189

- 1 Amend House File 2430 as follows:
- 2 1. Page 8, line 32, by striking the word and
- 3 figure "March 15" and inserting the following: "May
- 4 15".
- 5 2. Page 8, line 34, by striking the word and
- 6 figure "March 15," and inserting the following: "May
- 7 15,".
- 8 3. Page 9, line 1, by striking the word and
- 9 figure "March 15," and inserting the following: "May
- 10 15,".
- 11 4. Page 9, line 9, by striking the word and
- 12 figure "March 1," and inserting the following: "May
- 13 1,".
- 14 5. Page 9, line 16, by striking the word and
- 15 figure "March 1" and inserting the following: "May
- 16 1".
- 17 6. Page 11, by inserting before line 1 the
- 18 following:
- 19 "Sec. ____ . NEW SECTION. 444.29 COUNTY BUDGET
- 20 CERTIFICATION DATE.
- 21 Notwithstanding section 24.17, for the fiscal years
- 22 beginning July 1, 1995, and July 1, 1996, the budget
- 23 of each county shall be certified in duplicate to the
- 24 county auditor not later than May 15, 1995, and May
- 25 15, 1996, respectively."
- 26 7. By renumbering as necessary.

By IVERSON of Wright

H-6189 FILED APRIL 14, 1994

WITHDRAWN

4-14-94

HOUSE FILE 2430

H-6190

- 1 Amend the amendment, H-6170, to House File 2430 as
- 2 follows:
- 3 1. Page 3, line 46, by inserting before the word
- 4 "fund" the following: "fully".
- 5 2. Page 4, by striking lines 1 through 4 and
- 6 inserting the following:
- 7 " ____ . Page 11, by striking lines 30 through 34
- 8 and inserting the following:
- 9 "2. If appropriations are not enacted by the
- 10 Seventy-sixth General Assembly, 1996 Session, to fully
- 11 fund the unmodified state payment calculation
- 12 provisions of sections 331.438 and 331.439, as enacted
- 13 in this Act, in fiscal year 1996-1997, section 444.25A
- 14 and the amendments to sections 444.26 and 444.27, as
- 15 enacted by this Act, are repealed effective on the
- 16 date of the final adjournment of the Seventy-sixth
- 17 General Assembly, 1996 Regular Session."

By IVERSON of Wright

H-6190 FILED APRIL 14, 1994

WITHDRAWN

4-14-94

(p. 1615)

HOUSE FILE 2430

H-6197

1 Amend the amendment, H-6170, to House File 2430 as
 2 follows:
 3 1. Page 3, line 46, by inserting before the word
 4 "fund" the following: "fully".
 5 2. Page 3, line 50, by inserting after the word
 6 "session." the following: "If the repeals provided in
 7 this subsection take effect, notwithstanding section
 8 24.17, for the fiscal year beginning July 1, 1995, the
 9 budget of each county may be recertified in duplicate
 10 to the county auditor not later than May 15, 1995, and
 11 protests to the budget shall be filed not later than
 12 May 25, 1995."
 13 3. Page 4, by striking lines 1 through 4 and
 14 inserting the following:
 15 "____. Page 11, by striking lines 30 through 34
 16 and inserting the following:
 17 "2. If appropriations are not enacted by the
 18 Seventy-sixth General Assembly, 1996 Session, to fully
 19 fund the unmodified state payment calculation
 20 provisions of sections 331.438 and 331.439, as enacted
 21 in this Act, in fiscal year 1996-1997, section 444.25A
 22 and the amendments to sections 444.26 and 444.27, as
 23 enacted by this Act, are repealed effective on the
 24 date of the final adjournment of the Seventy-sixth
 25 General Assembly, 1996 Regular Session. If the
 26 repeals provided in this section take effect,
 27 notwithstanding section 24.17, for the fiscal year
 28 beginning July 1, 1996, the budget of each county may
 29 be recertified in duplicate to the county auditor not
 30 later than May 15, 1996, and protests to the budget
 31 shall be filed not later than May 25, 1996."
 32 4. By renumbering as necessary.

By IVERSON of Wright

H-6197 FILED APRIL 14, 1994

Adopted 4-14-94
(P. 1616)

HOUSE FILE 2430

H-6200

1 Amend House File 2430 as follows:
 2 1. Page 7, by inserting after line 27 the
 3 following:
 4 "____. Law enforcement pursuant to chapters 356 and
 5 356A and sections 331.651 through 331.759."
 6 2. By relettering and correcting internal
 7 references as necessary.

By KREIMAN of Davis

H-6200 FILED APRIL 14, 1994

Lost 4-14-94 (P. 1617)

**HOUSE FILE 2430
FISCAL NOTE**

A fiscal note for House File 2430 as passed by the House is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 2430 specifies a formula for State payments to counties for their expenditures for Mental Health, Mental Retardation, and Developmental Disabilities (MH/MR/DD) services. The State payments are defined as half of a county's annual qualified service expenditures in excess of the FY 1994 base year amount. The first payment to counties is in FY 1997, and will be half of the difference between FY 1996 and FY 1994 expenditures.

The bill also requires the State to pay all of the nonfederal share of Intermediate Care Facilities for the Mentally Retarded (ICF/MR) and Home and Community Based Waiver Services, starting in FY 1996.

The bill also creates a State-County Management Committee in the DHS to make recommendations concerning issues pertaining to MH/MR/DD services, and specifies the membership and duties of the 9-member Committee. A legislative member serves in an ex officio, nonvoting capacity.

The bill specifies the requirements a county must meet to receive State payment, including reporting on previous year's expenditures and developing and implementing specified cost containment programs.

The bill extends the property tax limitation for counties to 1996 and FY 1997. The bill limits a county's property tax levy to the previous year's amount unless the county holds 2 public hearings at which no objections are raised; the county may then increase its property tax levy by the price index for government purchases for state and local governments. The bill provides for exceptions to the limitation for specified purposes, and allows counties to appeal to the State Appeal Board for increased property taxes for certain circumstances such as natural disasters.

The bill repeals the property tax limitation for counties in FY 1996 and FY 1997 if the funds needed to fully fund the cost of ICF/MR and Home and Community-Based Waiver Services are not appropriated during the 1995 Legislative Session. The repeal would be effective on the date of the final adjournment of that Legislative Session. The bill also repeals the property tax limitation if the funds needed to fully fund the State payment to counties are not appropriated during the 1996 Legislative Session; this repeal would be effective on the date of the final adjournment of that Legislative Session.

FISCAL EFFECT: The implementation of cost containment programs required by this Bill, such as managed care and Single Point of Entry (SEPP), are estimated to result in significant savings to the State and the counties. Although the amount of these savings can not be accurately estimated, it is assumed that

-2-

these initiatives will reduce overall expenditures by 7.5%, compared with the expenditures without the cost containment programs.

The State cost of paying all of the nonfederal share of Intermediate Care Facilities for the Mentally Retarded (ICF/MR) and Home and Community Based Waiver Services is estimated to be \$6.9 million in FY 1996, \$7.5 million in FY 1997, \$7.9 million in FY 1998, and \$8.3 million in FY 1999.

The State payment to counties is estimated to be \$23.6 million in FY 1997, \$34.6 million in FY 1998, and \$46.8 million in FY 1999.

The effect of the property tax limit would be to restrict growth in county property tax levies to the inflation factor for state and local government purchases. The impact on county property taxes due to this legislation is not determinable.

Source: Department of Human Services

(LSB 3766hv, JMN)

FILED APRIL 15, 1994

BY DENNIS PROUTY, FISCAL DIRECTOR

(P. 1264) 4/15/94 Senate - w. 4 m.
(P. 1292) 4/15/94 Senate - De Bora

HOUSE FILE 2430
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HF 2269)

(As Amended and Passed by the House April 14, 1994)

Passed House, Date (P. 1618) 4/14/94 Passed Senate, Date (P. 1364) 4/19/94
Vote: Ayes 85 Nays 11 Vote: Ayes 38 Nays 12

Approved May 5, 1994
Passed 4-19-94 (P. 1953)
Vote 94-6

A BILL FOR

1 An Act relating to the limitation on county expenditures for
2 mental health, mental retardation, and developmental
3 disabilities services funded by property taxes and the
4 provision of those services, extending the limitation on the
* 5 amount of property tax dollars that a county may collect from
6 designated property tax levies, providing for other property
7 related matters, and providing effective and applicability
8 date provisions.

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

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House Amendments _____
Deleted Language *

1 Section 1. Section 249A.12, Code 1993, is amended by
2 adding the following new subsection:

3 NEW SUBSECTION. 3. a. Effective July 1, 1995, the state
4 shall be responsible for all of the nonfederal share of the
5 costs of intermediate care facility for the mentally retarded
6 services provided under medical assistance to minors.
7 Notwithstanding subsection 2 and contrary provisions of
8 section 222.73, effective July 1, 1995, a county is not
9 required to reimburse the department and shall not be billed
10 for the nonfederal share of the costs of such services
11 provided to minors.

12 b. Effective July 1, 1995, the state shall be responsible
13 for all of the nonfederal share of medical assistance home and
14 community-based waivers for persons with mental retardation
15 services provided to minors and a county is not required to
16 reimburse the department and shall not be billed for the
17 nonfederal share of the costs of the services.

18 Sec. 2. Section 331.438, Code 1993, is amended by striking
19 the section and inserting in lieu thereof the following:

20 331.438 COUNTY MENTAL HEALTH, MENTAL RETARDATION, AND
21 DEVELOPMENTAL DISABILITIES SERVICES EXPENDITURES.

* 22 1. For the purposes of this section and section 331.439,
23 unless the context otherwise requires:

24 a. "Base year expenditures" means the actual expenditures
25 made by a county for qualified mental health, mental
26 retardation, and developmental disabilities services provided
27 in the fiscal year beginning July 1, 1993, and ending June 30,
28 1994.

29 b. "State payment" means the payment made by the state to
30 a county determined to be eligible for the payment in
31 accordance with section 331.439. Except as modified based
32 upon the actual amount of the appropriation for purposes of
33 state payment under section 331.439, the amount of the state
34 payment for a fiscal year shall be calculated as fifty percent
35 of the amount by which the county's qualified expenditures

1 during the immediately preceding fiscal year were in excess of
2 the amount of the county's base year expenditures.

3 2. The state payment shall not include any expenditures
4 for services that were provided but not reported in the
5 county's base year expenditures or for any expenditures which
6 were not included in the county management plan submitted by
7 the county in accordance with section 331.439. A county's
8 eligibility for state payment is subject to the provisions of
9 section 331.439.

* 10 3. a. A state-county management committee is created in
11 the department of human services to make recommendations for
12 joint state and county planning, implementing, and funding of
13 mental health, mental retardation, and developmental
14 disabilities services, including but not limited to developing
15 and implementing fiscal and accountability controls,
16 establishing management plans, and ensuring that eligible
17 persons have access to appropriate and cost-effective
18 services.

19 b. The management committee shall consist of not more than
20 nine members representing the state and counties. An equal
21 number of the not more than nine members shall be appointed by
22 the director of human services and the Iowa state association
23 of counties and one additional member shall be jointly
24 appointed by both entities. In addition, the committee shall
25 also include one member nominated by service providers and one
26 member nominated by service advocates and consumers, with both
27 members appointed by the governor. In addition, the committee
28 shall include four members of the general assembly with one
29 each designated by the majority leader and minority leader of
30 the senate and the speaker and minority leader of the house of
31 representatives. A legislative member serves in an ex
32 officio, nonvoting capacity and is eligible for per diem and
33 expenses as provided in section 2.10. A member who is not a
34 legislator shall have expenses and other costs paid by the
35 state or the county entity that the member represents. The

1 committee shall establish terms for its members, elect
2 officers, adopt operating procedures, and meet as deemed
3 necessary by the committee.

4 c. The management committee shall do all of the following:

5 (1) Identify characteristics of the service system,
6 including amounts expended, equity of funding among counties,
7 funding sources, provider types, service availability, and
8 equity of service availability among counties and among
9 persons served.

10 (2) Assess the accuracy and uniformity of record keeping
11 and reporting in the service system.

12 (3) Identify for each county the factors associated with
13 inflationary growth of the service system.

14 (4) Identify opportunities for containing service system
15 growth.

16 (5) Make recommendations for revising service system
17 administrative rules.

18 (6) Consider provisions for counties to implement a single
19 point of accountability to plan, budget, and monitor county
20 expenditures for the service system. The provisions shall
21 provide options for counties to implement the single point in
22 collaboration with other counties.

23 (7) Develop criteria for annual county mental health,
24 mental retardation, and developmental disabilities plans.

25 (8) Make recommendations to the council on human services
26 for administrative rules identifying qualified mental health,
27 mental retardation, and developmental disabilities service
28 expenditures for purposes of state payment pursuant to
29 subsection 1.

30 (9) Make recommendations to the council on human services
31 for administrative rules for the county single entry point and
32 clinical assessment processes required under section 331.440
33 and other rules necessary for the implementation of county
34 management plans and expenditure reports required for state
35 payment pursuant to section 331.439.

1 (10) Make recommendations to improve the programs and cost
2 effectiveness of state and county contracting processes and
3 procedures, including strategies for negotiations relating to
4 managed care.

5 (11) Provide input when appropriate, to the director of
6 human services in any decision involving administrative rules
7 which were initially recommended by the management committee.

8 (12) Identify the fiscal impact of existing or proposed
9 legislation and administrative rules on state and county
10 expenditures.

11 (13) No later than January 1, annually, submit a report to
12 the governor, the general assembly, and the department of
13 human services concerning the management committee's
14 activities and findings.

15 (14) On or before December 1, 1994, submit to the governor
16 and general assembly a methodology for the state and counties
17 to move toward the goal of an equal partnership in the funding
18 of mental health, mental retardation, and developmental
19 disabilities services. The committee consideration of
20 methodology options shall include an expenditure per consumer
21 basis.

22 Sec. 3. NEW SECTION. 331.439 ELIGIBILITY FOR STATE
23 PAYMENT.

24 The state payment to eligible counties under this section
25 shall be made in January of the fiscal year for which the
26 appropriation for the state payment is made. A county is
27 eligible for state payment as defined in section 331.438 for
28 the fiscal year beginning July 1, 1996, and for subsequent
29 fiscal years if the director of human services determines for
30 a specific fiscal year that all of the following conditions
31 are met:

32 1. The county accurately reported by October 15 the
33 county's expenditures for the previous fiscal year on forms
34 prescribed by the department of human services.

35 2. The county has implemented a single entry point process

1 in accordance with the rules adopted pursuant to section
2 331.440.

3 3. The county developed and implemented a county
4 management plan for the county's mental health, mental
5 retardation, and developmental disabilities services. The
6 plan shall comply with the administrative rules adopted for
7 this purpose by the council on human services and is subject
8 to the approval of the director of human services in
9 consultation with the state-county management committee
10 created in section 331.438. The plan shall include a
11 description of the county's single point of entry and clinical
12 assessment process in accordance with the rules adopted
13 pursuant to section 331.440 and a description of the county's
14 service management provision for mental health, mental
15 retardation, and developmental disabilities services. The
16 plan shall have the following two parts:

17 a. For mental health service management, the county must
18 contract with a state-approved managed mental health care
19 contractor or describe the method the county will use to
20 achieve a comparable system of managed care which assures
21 cost-effective delivery of services. For the fiscal year
22 beginning July 1, 1995, this part of the plan shall be
23 submitted to the department of human services by March 1,
24 1995. For subsequent fiscal years, this part of the plan
25 shall be submitted by the prior April 1.

26 b. For mental retardation and developmental disabilities
27 service management, the county must describe efforts to
28 investigate the development and implementation of a system of
29 managed care which assures cost-effective delivery of
30 services. For the fiscal year beginning July 1, 1995, this
31 part of the plan shall be submitted to the department of human
32 services by March 1, 1995. For subsequent fiscal years, this
33 part of the plan shall be submitted by the prior April 1.

34 4. Changes to the approved plan are submitted sixty days
35 prior to the proposed change and are not to be implemented

1 prior to the director of human services' approval.

2 The director's approval of a county's mental health, mental
3 retardation, and developmental disabilities services
4 management plan shall not be construed to constitute
5 certification of the county's budget.

6 Sec. 4. NEW SECTION. 331.440 MENTAL HEALTH, MENTAL
7 RETARDATION, AND DEVELOPMENTAL DISABILITIES SERVICES -- SINGLE
8 ENTRY POINT PROCESS.

9 1. a. For the purposes of this section, unless the
10 context otherwise requires, "single entry point process" means
11 a single entry point process established by a county or
12 consortium of counties for the delivery of mental health,
13 mental retardation, and developmental disabilities services
14 which are paid for in whole or in part by county funds. The
15 single entry point process may include but is not limited to
16 reviewing a person's eligibility for services, determining the
17 appropriateness of the type, level, and duration of services,
18 and performing periodic review of the person's continuing
19 eligibility and need for services. Any recommendations
20 developed concerning a person's plan of services shall be
21 consistent with the person's unique strengths, circumstances,
22 priorities, concerns, abilities, and capabilities. For those
23 services funded under the medical assistance program, the
24 single entry point process shall be used to assure that the
25 person is aware of the appropriate service options available
26 to the person.

27 b. The single entry point process may include a clinical
28 assessment process to identify a person's service needs and to
29 make recommendations regarding the person's plan for services.
30 The clinical assessment process shall utilize qualified mental
31 health professionals and qualified mental retardation
32 professionals.

33 2. The department of human services shall seek federal
34 approval as necessary for the single entry point and clinical
35 assessment processes to be eligible for federal financial

1 participation under medical assistance. A county may
2 implement the single entry point process as part of a
3 consortium of counties and may implement the process beginning
4 with the fiscal year ending June 30, 1995.

5 3. The council on human services shall consider the
6 recommendations of the state-county management committee
7 established in section 331.438 in adopting rules outlining
8 standards and requirements for implementation of the single
9 entry point and clinical assessment processes on the date
10 required by subsection 2. The rules shall permit counties
11 options in implementing the process based upon a county's
12 consumer population and available service delivery system.

13 Sec. 5. NEW SECTION. 444.25A PROPERTY TAX LIMITATIONS
14 FOR 1996 AND 1997 FISCAL YEARS.

15 1. COUNTY LIMITATION. The maximum amount of property tax
16 dollars which may be certified by a county for taxes payable
17 in the fiscal year beginning July 1, 1995, shall not exceed
18 the amount of property tax dollars certified by the county for
19 taxes payable in the fiscal year beginning July 1, 1994, and
20 the maximum amount of property tax dollars which may be
21 certified by a county for taxes payable in the fiscal year
22 beginning July 1, 1996, shall not exceed the amount of
23 property tax dollars certified by the county for taxes payable
24 in the fiscal year beginning July 1, 1995, for each of the
25 levies for the following, except for the levies on the
26 increase in taxable valuation due to new construction,
27 additions or improvements to existing structures, remodeling
28 of existing structures for which a building permit is
29 required, annexation, and phasing out of tax exemptions, and
30 on the increase in valuation of taxable property as a result
31 of a comprehensive revaluation by a private appraiser under a
32 contract entered into prior to January 1, 1992, or as a result
33 of a comprehensive revaluation directed or authorized by the
34 conference board prior to January 1, 1992, with documentation
35 of the contract, authorization, or directive on the

1 revaluation provided to the director of revenue and finance,
2 if the levies are equal to or less than the levies for the
3 previous year, levies on that portion of the taxable property
4 located in an urban renewal project the tax revenues from
5 which are no longer divided as provided in section 403.19,
6 subsection 2, or as otherwise provided in this section:

7 a. General county services under section 331.422,
8 subsection 1.

9 b. Rural county services under section 331.422, subsection
10 2.

11 c. Other taxes under section 331.422, subsection 4.

12 2. EXCEPTIONS. The limitations provided in subsection 1
13 do not apply to the levies made for the following:

14 a. Debt service to be deposited into the debt service fund
15 pursuant to section 331.430.

16 b. Taxes approved by a vote of the people which are
17 payable during the fiscal year beginning July 1, 1995, or July
18 1, 1996.

19 c. Hospitals pursuant to chapters 37, 347, and 347A.

20 d. Emergency management to be deposited into the local
21 emergency management fund and expended for development of
22 hazardous substance teams pursuant to chapter 29C.

23 e. Unusual need for additional moneys to finance existing
24 programs which would provide substantial benefit to county
25 residents or compelling need to finance new programs which
26 would provide substantial benefit to county residents. The
27 increase in taxes levied under this exception for the fiscal
28 year beginning July 1, 1995, is limited to no more than the
29 product of the total tax dollars levied in the fiscal year
30 beginning July 1, 1994, and the percent change, computed to
31 two decimal places, in the price index for government
32 purchases by type for state and local governments computed for
33 the third quarter of calendar year 1994 from that computed for
34 the third quarter of calendar year 1993. The increase in
35 taxes levied under this exception for the fiscal year

1 beginning July 1, 1996, is limited to no more than the product
2 of the total tax dollars levied in the fiscal year beginning
3 July 1, 1995, and the percent change, computed to two decimal
4 places, in the price index for government purchases by type
5 for state and local governments computed for the third quarter
6 of calendar year 1995 from that computed for the third quarter
7 of calendar year 1994.

8 For purposes of this paragraph, the price index for
9 government purchases by type for state and local governments
10 is defined by the bureau of economic analysis of the United
11 States department of commerce and published in table 7.11 of
12 the national income and products accounts. For the fiscal
13 years beginning July 1, 1995, and July 1, 1996, the price
14 index used shall be the revision published in the November
15 1994 and November 1995 issues, respectively, of the United
16 States department of commerce publication, "survey of current
17 business". For purposes of this paragraph, tax dollars levied
18 in the fiscal years beginning July 1, 1994, and July 1, 1995,
19 shall not include funds levied for paragraphs "a", "b", and
20 "c" of this subsection.

21 Application of this exception shall require an original
22 publication of the budget and a public hearing and a second
23 publication and a second hearing both in the manner and form
24 prescribed by the director of the department of management,
25 notwithstanding the provisions of section 331.434. The
26 publications and hearings prescribed in this paragraph shall
27 be held and the budget certified no later than March 15. The
28 taxes levied for counties whose budgets are certified after
29 March 15, 1995, shall be frozen at the fiscal year beginning
30 July 1, 1994, level, and the taxes levied for counties whose
31 budgets are certified after March 15, 1996, shall be frozen at
32 the fiscal year beginning July 1, 1995, level.

33 3. APPEAL PROCEDURES. In lieu of the procedures in
34 sections 24.48 and 331.426, which procedures do not apply for
35 taxes payable in the fiscal years beginning July 1, 1995, and

1 July 1, 1996, if a county needs to raise property tax dollars
2 from a tax levy in excess of the limitations imposed by
3 subsection 1, the following procedures apply:

4 a. Not later than March 1, and after the publication and
5 public hearing on the budget in the manner and form prescribed
6 by the director of the department of management,
7 notwithstanding section 331.434, the county shall petition the
8 state appeal board for approval of a property tax increase in
9 excess of the increase provided for in subsection 2, paragraph
10 "e", on forms furnished by the director of the department of
11 management. Applications received after March 1 shall be
12 automatically ineligible for consideration by the board.

13 b. Additional costs incurred by the county due to any of
14 the following circumstances shall be the basis for justifying
15 the excess in property tax dollars:

16 (1) Natural disaster or other life-threatening
17 emergencies.

18 (2) Unusual need for additional moneys to finance existing
19 programs which would provide substantial benefit to county
20 residents or compelling need to finance new programs which
21 would provide substantial benefit to county residents.

22 (3) Need for additional moneys for health care, treatment
23 and facilities, including mental health and mental retardation
24 care and treatment pursuant to section 331.424, subsection 1,
25 paragraphs "a" through "h".

26 (4) Judgments, settlements, and related costs arising out
27 of civil claims against the county and its officers,
28 employees, and agents, as defined in chapter 670.

29 c. The state appeal board shall approve, disapprove, or
30 reduce the amount of excess property tax dollars requested.
31 The board shall take into account the intent of this section
32 to provide property tax relief. The decision of the board
33 shall be rendered at a regular or special meeting of the board
34 within twenty days of the board's receipt of an appeal.

35 d. Within seven days of receipt of the decision of the

1 state appeal board, the county shall adopt and certify its
2 budget under section 331.434, which budget may be protested as
3 provided in section 331.436. The budget shall not contain an
4 amount of property tax dollars in excess of the amount
5 approved by the state appeal board.

6 4. RATE ADJUSTMENT BY COUNTY AUDITOR. In addition to the
7 requirement of the county auditor in section 444.3 to
8 establish a rate of tax which does not exceed the rate
9 authorized by law, the county auditor shall also adjust the
10 rate if the amount of property tax dollars to be raised is in
11 excess of the amount specified in subsection 1, as may be
12 adjusted pursuant to subsection 3.

13 Sec. 6. Section 444.26, Code 1993, is amended to read as
14 follows:

15 444.26 PROPERTY TAX LEVY LIMITATIONS NOT AFFECTED.

16 ~~Section~~ Sections 444.25 and 444.25A shall not be construed
17 as removing or otherwise affecting the property tax
18 limitations otherwise provided by law for any tax levy of the
19 political subdivision, except that, upon an appeal from the
20 political subdivision, the state appeal board may approve a
21 tax levy consistent with the provisions of section 24.48 or
22 331.426.

23 Sec. 7. Section 444.27, Code 1993, is amended to read as
24 follows:

25 444.27 SECTIONS VOID.

26 ~~Sections~~ For purposes of section 444.25, sections 24.48 and
27 331.426 are void for the fiscal years beginning July 1, 1993,
28 and July 1, 1994. For purposes of section 444.25A, sections
29 24.48 and 331.426 are void for the fiscal years beginning July
30 1, 1995, and July 1, 1996.

* 31 Sec. 8. REPEAL.

32 1. If an appropriation is not enacted by the Seventy-sixth
33 General Assembly, 1995 regular session, to fully fund the
34 provisions of section 1 of this Act, section 444.25A and the
35 amendments to sections 444.26 and 444.27, as enacted by this

1 Act, are repealed effective on the date of the final
2 adjournment of the Seventy-sixth General Assembly, 1995
3 regular session. If the repeals provided in this subsection
4 take effect, notwithstanding section 24.17, for the fiscal
5 year beginning July 1, 1995, the budget of each county may be
6 recertified in duplicate to the county auditor not later than
7 May 15, 1995, and protests to the budget shall be filed not
8 later than May 25, 1995.

9 2. If appropriations are not enacted by the Seventy-sixth
10 General Assembly, 1996 Session, to fully fund the unmodified
11 state payment calculation provisions of sections 331.438 and
12 331.439, as enacted in this Act, in fiscal year 1996-1997,
13 section 444.25A and the amendments to sections 444.26 and
14 444.27, as enacted by this Act, are repealed effective on the
15 date of the final adjournment of the Seventy-sixth General
16 Assembly, 1996 Regular Session. If the repeals provided in
17 this section take effect, notwithstanding section 24.17, for
18 the fiscal year beginning July 1, 1996, the budget of each
19 county may be recertified in duplicate to the county auditor
20 not later than May 15, 1996, and protests to the budget shall
21 be filed not later than May 25, 1996.

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HOUSE FILE 2430

S-5717

- 1 Amend House File 2430, as amended, passed, and
2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 31 through 35 and
4 inserting the following: "accordance with section
5 331.439. In addition to any appropriations made by
6 the general assembly pursuant to a funding plan
7 recommended by the state-county management committee,
8 the amount of the state payment for a fiscal year
9 shall be calculated as fifty percent of the amount by
10 which the county's expenditures".
- 11 2. Page 2, line 16, by inserting after the word
12 "establishing" the following: "requirements for
13 county".
- 14 3. Page 2, lines 25 and 26, by striking the words
15 "one member" and inserting the following: "one member
16 each representing the mental retardation-developmental
17 disabilities and the mental illness service
18 populations".
- 19 4. Page 2, line 26, by striking the word "both"
20 and inserting the following: "these".
- 21 5. Page 3, line 13, by striking the words
22 "inflationary growth" and inserting the following:
23 "the increased cost".
- 24 6. Page 3, line 15, by striking the word "growth"
25 and inserting the following: "costs".
- 26 7. Page 3, line 16, by inserting after the word
27 "recommendations" the following: "to the appropriate
28 policymaking body".
- 29 8. Page 3, line 18, by striking the word
30 "Consider" and inserting the following: "Develop".
- 31 9. Page 3, line 24, by striking the word "plans"
32 and inserting the following: "management plans which
33 shall include provision for a consumer appeals
34 process".
- 35 10. Page 3, by striking lines 25 through 29.
- 36 11. Page 3, line 32, by striking the word
37 "clinical" and inserting the following:
38 "professional".
- 39 12. Page 4, by striking lines 5 through 7.
- 40 13. Page 4, line 28, by striking the figure
41 "1996" and inserting the following: "1995".
- 42 14. Page 4, line 29, by striking the words
43 "director of human services" and inserting the
44 following: "state-county management committee created
45 in section 331.438".
- 46 15. Page 4, line 35, by striking the word
47 "implemented" and inserting the following: "plans to
48 implement".
- 49 16. Page 5, line 2, by inserting after the figure
50 "331.440" the following: "on or before July 1, 1996".

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- 1 17. Page 5, by striking lines 6 through 9 and
2 inserting the following: "plan shall comply with
3 requirements recommended by the state-county
4 management committee".
- 5 18. Page 5, line 11, by inserting after the word
6 "county's" the following: "plans to implement a".
- 7 19. Page 5, line 11, by striking the word
8 "clinical" and inserting the following:
9 "professional".
- 10 20. Page 5, line 18, by striking the word "state-
11 approved".
- 12 21. Page 6, by striking line 1 and inserting the
13 following: "prior to the management committee's
14 approval."
- 15 22. Page 6, line 2, by striking the word
16 "director's" and inserting the following: "management
17 committee's".
- 18 23. Page 6, line 27, by striking the word
19 "clinical" and inserting the following:
20 "professional".
- 21 24. Page 6, line 30, by striking the word
22 "clinical" and inserting the following:
23 "professional".
- 24 25. Page 6, line 34, by striking the word
25 "clinical" and inserting the following:
26 "professional".
- 27 26. Page 7, line 5, by striking the word
28 "consider" and inserting the following: "adopt
29 administrative rules based on".
- 30 27. Page 7, line 7, by striking the words
31 "adopting rules outlining".
- 32 28. Page 7, line 9, by striking the word
33 "clinical" and inserting the following:
34 "professional".
- 35 29. Page 12, by striking lines 1 through 3 and
36 inserting the following: "Act, are repealed effective
37 April 1, 1995. If the repeals provided in this
38 subsection".
- 39 30. Page 12, line 7, by striking the word "May"
40 and inserting the following: "April".
- 41 31. Page 12, line 8, by striking the word "May"
42 and inserting the following: "April".
- 43 32. Page 12, by striking lines 14 through 16 and
44 inserting the following: "444.27, as enacted by this
45 Act, are repealed effective April 1, 1996. If the
46 repeals provided in".
- 47 33. Page 12, line 20, by striking the word "May"
48 and inserting the following: "April".
- 49 34. Page 12, line 21, by striking the word "May"
50 and inserting the following: "April".

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1 35. By renumbering as necessary.

By AL STURGEON

S-5717 FILED APRIL 18, 1994

Lost 4/19/94

HOUSE FILE 2430

S-5724

1 Amend House File 2430, as amended, passed, and
2 reprinted by the House as follows:

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

5 "Sec. ____ . Section 331.424, subsection 1,
6 paragraph j, Code 1993, is amended to read as follows:

7 j. Employee benefits under chapters 96, 97B, and
8 97C, and 509A which are associated with salaries for
9 general county services.

10 Sec. ____ . Section 331.424, subsection 2, paragraph
11 a, Code 1993, is amended to read as follows:

12 a. Employee benefits under chapters 96, 97B, and
13 97C, and 509A which are associated with salaries for
14 rural county services."

15 2. By renumbering as necessary.

By WILLIAM D. PALMER

S-5724 FILED APRIL 18, 1994

*Lost 4/19/94 (P. 1361)
Motion to R/c 4/19/94 (P. 1362)*

*Motion Prevalent
S-5724 LOST 4/19/94*

HOUSE FILE 2430

S-5670

1 Amend House File 2430, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 12, by striking lines 1 through 3 and
4 inserting the following: "Act, are repealed effective
5 April 1, 1995. If the repeals provided in this
6 subsection".

7 2. Page 12, line 7, by striking the word "May"
8 and inserting the following: "April".

9 3. Page 12, line 8, by striking the word "May"
10 and inserting the following: "April".

11 4. Page 12, by striking lines 14 through 16 and
12 inserting the following: "444.27, as enacted by this
13 Act, are repealed effective April 1, 1996. If the
14 repeals provided in".

15 5. Page 12, line 20, by striking the word "May"
16 and inserting the following: "April".

17 6. Page 12, line 21, by striking the word "May"
18 and inserting the following: "April".

By WAYNE BENNETT

WITHDRAWN

S-5670 FILED APRIL 15, 1994

4-19-94

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1 license to marry, the clerk-of-the-district-court
2 county recorder shall file the application in a record
3 kept for that purpose.

4 After expiration of three days from the date of
5 filing the application by the parties, the clerk
6 county recorder shall issue the license if the clerk
7 county recorder is satisfied as to the competency of
8 the parties to contract a marriage. If the license
9 has not been issued within six months from the date of
10 the application, the application is void.

11 A license to marry may be issued prior to the
12 expiration of three days from the date of filing the
13 application for the license in cases of emergency or
14 extraordinary circumstances. An order authorizing the
15 issuance of a license may be granted by a judge of the
16 district court under conditions of emergency or
17 extraordinary circumstances upon application of the
18 parties filed with the clerk-of-court county recorder.
19 No such order may be granted unless the parties have
20 filed an application for a marriage license in a
21 county within the judicial district. An application
22 for such an order shall be made on forms furnished by
23 the clerk county recorder at the same time the
24 application for the license to marry is made. If
25 after examining the application for the marriage
26 license the clerk county recorder is satisfied as to
27 the competency of the parties to contract a marriage,
28 the clerk county recorder shall refer the parties to a
29 judge of the district court for action on the
30 application for an order authorizing the issuance of a
31 marriage license prior to expiration of three days
32 from the date of filing the application for the
33 license. The judge shall, if satisfied as to the
34 existence of an emergency or extraordinary
35 circumstances, grant an order authorizing the issuance
36 of a license to marry prior to the expiration of three
37 days from the date of filing the application for the
38 license to marry. The clerk county recorder shall
39 issue a license to marry upon presentation by the
40 parties of the order authorizing a license to be
41 issued. A fee of five dollars shall be paid to the
42 clerk county recorder at the time the application for
43 the order is made, which fee is in addition to the fee
44 prescribed by law for the issuance of a marriage
45 license.

46 Sec. 106. Section 595.5, Code 1993, is amended to
47 read as follows:

48 595.5 SURNAME ADOPTED.

49 A party may request on the application for a
50 marriage license a name change to that of the other

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1 party or to some other surname mutually agreed upon by
2 the parties. The names used on the marriage license
3 shall become the legal names of the parties to the
4 marriage. The marriage license shall contain a
5 statement that when a name change is requested and
6 affixed to the marriage license, the new name is the
7 legal name of the requesting party. If a party
8 requests a name change, other than a change of surname
9 to that of the other spouse or to a combination of the
10 surnames of both spouses, the party shall request
11 approval of the court pursuant to chapter 674 and
12 shall submit to the court the information required by
13 section 674.2. Upon approval of the court and
14 solemnization of the marriage, the ~~clerk-of-the~~
15 district-court county recorder shall send a certified
16 copy of the return of marriage to the recorder's
17 office in every county in this state where real
18 property is owned by either of the parties. The judge
19 may approve the name change. The new names and the
20 immediate former names shall appear on the return of
21 marriage, and the return of marriage shall be recorded
22 in the miscellaneous records in the recorder's office.
23 An individual shall have only one legal name at any
24 one time.

25 Sec. 107. Section 595.6, Code 1993, is amended to
26 read as follows:

27 595.6 FILING AND RECORD REQUIRED.

28 The affidavit or certificate, in each case, shall
29 be filed by the ~~clerk~~ county recorder and constitute a
30 part of the records of the ~~clerk's~~ recorder's office.
31 A memorandum of the affidavit or certificate shall
32 also be entered in the license book.

33 Sec. 108. Section 595.7, Code 1993, is amended to
34 read as follows:

35 595.7 DELIVERY OF BLANK WITH LICENSE.

36 When a license is issued the ~~clerk~~ county recorder
37 shall deliver to the applicant a blank return for the
38 marriage, and give such instructions relative thereto
39 to the blank return as will insure a complete and
40 accurate return.

41 Sec. 109. Section 595.11, Code 1993, is amended to
42 read as follows:

43 595.11 NONSTATUTORY SOLEMNIZATION -- FORFEITURE.

44 Marriages solemnized, with the consent of parties,
45 in any manner other than that prescribed in this
46 chapter, are valid; but the parties, and all persons
47 aiding or abetting them, shall pay to the treasurer of
48 state for deposit in the general fund of the state the
49 sum of fifty dollars each; but this shall not apply to
50 the person conducting the marriage ceremony, if within

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1 fifteen days thereafter after the ceremony is
2 conducted, the person makes the required return to the
3 clerk-of-the-district-court county recorder.

4 Sec. 110. Section 595.13, subsection 2, Code 1993,
5 is amended to read as follows:

6 2. Make return of ~~such~~ the marriage within fifteen
7 days to the clerk-of-the-district-court county
8 recorder, who issued the marriage license upon the
9 blank provided for that purpose.

10 Sec. 111. Section 595.15, Code 1993, is amended to
11 read as follows:

12 595.15 INADEQUATE RETURN.

13 If the return of a marriage is not complete in
14 every particular as required by the forms specified in
15 section 144.12, the clerk county recorder shall
16 require the person making the same to supply the
17 omitted information.

18 Sec. 112. Section 595.16, Code 1993, is amended to
19 read as follows:

20 595.16 SPOUSE RESPONSIBLE FOR RETURN.

21 When a marriage is consummated without the services
22 of a cleric or magistrate, the required return thereof
23 of the marriage may be made to the clerk county
24 recorder by either spouse.

25 Sec. 113. Section 602.8102, subsection 83, Code
26 Supplement 1993, is amended by striking the
27 subsection.

28 Sec. 114. TRANSFER OF RECORDS. All records in the
29 custody of the clerk of the district court which
30 relate to vital statistics duties being transferred to
31 the county recorder, shall be transferred to the
32 county recorder on the effective date of this Act.

33 Sec. ____ . EFFECTIVE DATE. Sections 1 through 7,
34 and 101 through 114 of this Act takes effect July 1,
35 1995."

36 4. Title page, line 4, by inserting after the
37 word "services," the following: "transferring certain
38 duties relating to vital statistics and marriage to
39 the county recorder,".

40 5. By renumbering as necessary.

By ALBERT SORENSEN

S-5740 FILED APRIL 19, 1994
RULED OUT OF ORDER

HOUSE FILE 2430

S-5755

1 Amend House File 2430, as amended, passed, and
2 reprinted by the House as follows:

3 1. Page 7, by inserting after line 12 the
4 following:

5 "Sec. 51. Section 422.9, subsection 1, Code 1993,
6 is amended to read as follows:

7 1. An optional standard deduction, after deduction
8 of federal income tax paid, less any federal income
9 tax refunded to the extent deducted, for any tax year
10 beginning before January 1, 1995, equal to one
11 thousand two hundred thirty dollars for a married
12 person who files separately or a single person or
13 equal to three thousand thirty dollars for a husband
14 and wife who file a joint return, a surviving spouse,
15 or an unmarried head of household. The optional
16 standard deduction shall not exceed the amount
17 remaining after deduction of the federal income tax.

18 Sec. 52. Section 422.9, subsection 2, paragraph b,
19 Code 1993, is amended to read as follows:

20 b. Add the amount of federal income taxes paid or
21 accrued as the case may be, during the tax year,
22 adjusted by any federal income tax refunds to the
23 extent deducted, for any tax year beginning before
24 January 1, 1995. Provided, however, that where
25 married persons, who have filed a joint federal income
26 tax return, file separately, such total shall be
27 divided between them according to the portion thereof
28 paid or accrued, as the case may be, by each.

29 Sec. 53. Section 422.35, subsection 4, Code 1993,
30 is amended to read as follows:

31 4. Subtract fifty percent of the federal income
32 taxes paid or accrued, as the case may be, during the
33 tax year, adjusted by any federal income tax refunds
34 to the extent deducted, for any tax year beginning
35 before January 1, 1995; and add the Iowa income tax
36 deducted in computing said taxable income."

37 2. By striking page 11, line 31 through page 12,
38 line 21 and inserting the following:

39 "Sec. 53. STATE PARTICIPATION IN COUNTY AND
40 COMMUNITY-BASED MENTAL HEALTH AND DEVELOPMENTAL
41 DISABILITIES SERVICES -- INITIAL FUNDING. There is
42 appropriated from the general fund of the state to the
43 department of human services for the fiscal year
44 beginning July 1, 1995, and ending June 30, 1996, the
45 following amount, or so much thereof as is necessary,
46 to be used for the purpose designated:

47 For state participation in county and community-
48 based mental health and developmental disabilities
49 services in accordance with this section:

50 \$100,000,000

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1 1. Moneys appropriated in this section shall be
2 used for services and other assistance provided to
3 persons with mental illness or developmental
4 disabilities which would otherwise be paid by counties
5 in accordance with the laws of this state. Moneys
6 appropriated in this section shall be provided in a
7 manner which requires counties to maintain a
8 prescribed level of financial participation developed
9 in accordance with subsection 2 and does not permit
10 supplanting of county funds which can then be used for
11 a different purpose.

12 For taxes payable in the fiscal year beginning July
13 1, 1995, the county shall reduce its supplemental levy
14 under section 331.424, subsection 1 which it levied
15 for taxes payable in the fiscal year beginning July 1,
16 1994, by an amount which would raise the estimated
17 amount of state payment it will receive from moneys
18 appropriated in this section. If the amount of the
19 state payment exceeds the amount raised from the
20 supplemental levy the county shall reduce the amount
21 to be raised by the general fund levy in section 384.1
22 which is for providing services for which state
23 payment is made from funds appropriated in this
24 section.

25 2. The department shall work with the Iowa state
26 association of counties to develop a service delivery
27 system utilizing regional planning and centralized
28 intake and assessment and other managed care
29 provisions to provide the most appropriate, least
30 restrictive services at the lowest cost. The initial
31 implementation date for the service delivery system
32 shall be July 1, 1995. The department shall report to
33 the governor and the general assembly on or before
34 December 15, 1994, concerning its recommendations for
35 the service delivery system, including statutory
36 changes necessary to implement the system and
37 provisions for a prescribed funding level for
38 counties.

39 Sec. ____ . The legislative council shall establish
40 an interim study committee for the purpose of looking
41 into the Iowa income tax rate structure, how taxes
42 could be better distributed, the effect the taxes,
43 especially income taxes, have on the economic
44 development efforts in the state to remain
45 competitive, and how best to progress to a more
46 equitable tax structure. The legislative council
47 shall appoint both legislative and nonlegislative
48 members to the interim committee. The nonlegislative
49 members shall be appointed from a list of nominees
50 presented to the council by groups so designated by

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1 the council. The report of the study committee is due
2 by January 1, 1995.

3 Sec. _____. Sections 51, 52, and 53 of this Act take
4 effect January 1, 1995, for tax years beginning on or
5 after that date."

6 3. Title page, line 4, by inserting after the
7 word "services," the following: "providing for
8 funding through limitation on federal income tax
9 deductibility,".

By TOM VILSACK

S-5755 FILED APRIL 19, 1994
WITHDRAWN

HOUSE FILE 2430

S-5756

1 Amend House File 2430, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 12, by striking lines 1 through 3 and
4 inserting the following: "Act, are repealed effective
5 April 1, 1995. If the repeals provided in this
6 subsection".

7 2. Page 12, line 7, by striking the word "May"
8 and inserting the following: "April".

9 3. Page 12, line 8, by striking the word "May"
10 and inserting the following: "April".

11 4. Page 12, by striking lines 14 through 16 and
12 inserting the following: "444.27, as enacted by this
13 Act, are repealed effective April 1, 1996. If the
14 repeals provided in".

15 5. Page 12, line 20, by striking the word "May"
16 and inserting the following: "April".

17 6. Page 12, line 21, by striking the word "May"
18 and inserting the following: "April".

By JOE J. WELSH
AL SORENSEN
JOHN P. KIBBIE

S-5756 FILED APRIL 19, 1994
ADOPTED

HOUSE FILE 2430

S-5740

1 Amend House File 2430, as amended, passed, and
2 reprinted by the House, as follows:

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

5 "Section 1. Section 144.5, subsection 3, Code
6 1993, is amended to read as follows:

7 3. Direct, supervise, and control the activities
8 of clerks of the district court and county recorders
9 related to the operation of the vital statistics
10 system and provide registrars with necessary postage.

11 Sec. 2. Section 144.9, unnumbered paragraph 1,
12 Code 1993, is amended to read as follows:

13 The clerk-of-the-district-court county recorder is
14 the county registrar and with respect to the county
15 shall:

16 Sec. 3. NEW SECTION. 144.11 PUBLIC ACCESS TO
17 RECORDS.

18 The county registrar shall allow public access to
19 public records under their custody during normal
20 business hours for county offices in the county.

21 Sec. 4. Section 144.36, subsections 1, 2, and 4,
22 Code 1993, are amended to read as follows:

23 1. A certificate recording each marriage performed
24 in this state shall be filed with the state registrar.
25 The clerk-of-the-district-court county registrar shall
26 prepare the certificate on the form furnished by the
27 state registrar upon the basis of information obtained
28 from the parties to be married, who shall attest to
29 the information by their signatures. The clerk-of-the
30 district-court county registrar in each county shall
31 keep a record book for marriages. The form of
32 marriage record books shall be uniform throughout the
33 state. A properly indexed permanent record of
34 marriage certificates upon microfilm, electronic
35 computer, or data processing equipment may be kept in
36 lieu of marriage record books.

37 2. Every person who performs a marriage shall
38 certify the fact of marriage and return the
39 certificate to the clerk-of-the-district-court county
40 registrar within fifteen days after the ceremony. The
41 certificate shall be signed by the witnesses to the
42 ceremony and the person performing the ceremony.

43 4. The clerk-of-the-district-court county
44 registrar shall record and forward to the state
45 registrar on or before the tenth day of each calendar
46 month the original certificates of marriages filed
47 with the clerk county registrar during the preceding
48 calendar month.

49 Sec. 5. Section 144.39, Code 1993, is amended to
50 read as follows:

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1 144.39 CHANGE OF NAME.

2 Upon receipt of a certified copy of a court order
3 from a court of competent jurisdiction or certificate
4 of the ~~clerk-of-court~~ county registrar pursuant to
5 chapter 674 changing the name of a person born in this
6 state and upon request of the person or the person's
7 parent, guardian, or legal representative, the state
8 registrar shall amend the certificate of birth to
9 reflect the new name. A fee established by the
10 department by rule based on average administrative
11 cost shall be collected for each amended certificate
12 of birth to reflect a new name. Fees collected under
13 this section shall be deposited in the general fund of
14 the state.

15 Sec. 6. Section 144.45, unnumbered paragraph 1,
16 Code 1993, is amended to read as follows:

17 The state registrar and the ~~clerk-of-the-district~~
18 court county registrar shall, upon written request
19 from any applicant entitled to such a record, issue a
20 certified copy of any certificate or record in the
21 registrar's ~~or-clerk's~~ custody or of a part thereof of
22 a certificate or record. Each copy issued shall show
23 the date of registration; and copies issued from
24 records marked "delayed", "amended", or "court order"
25 shall be similarly marked and show the effective date.

26 Sec. 7. Section 144.46, Code 1993, is amended to
27 read as follows:

28 144.46 FEE FOR COPY OF RECORD.

29 The department by rule shall establish fees based
30 on the average administrative cost which shall be
31 collected by the state registrar or the ~~clerk-of-the~~
32 district-court county registrar for each certified
33 copy or short form certification of certificates or
34 records, or for a search of the files or records when
35 no copy is made, or when no record is found on file.
36 Fees collected ~~by-the-state-registrar~~ under this
37 section shall be deposited in the general fund of the
38 state. ~~Fees-collected-by-the-clerk-of-the-district~~
39 ~~court-shall-be-deposited-in-the-court-revenue~~
40 ~~distribution-account-established-under-section~~
41 ~~602-8108--A-fee-shall-not-be-collected-from-a~~
42 ~~political-subdivision-or-agency-of-this-state."~~

43 2. Page 7, by inserting after line 12 the
44 following:

45 "Sec. 101. Section 331.602, Code 1993, is amended
46 by adding the following new subsection:

47 NEW SUBSECTION. 45. Accept applications for
48 passports.

49 Sec. 102. Section 331.605, Code 1993, is amended
50 by adding the following new subsection:

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1 NEW SUBSECTION. 6.. A county fee of four dollars
2 for the following certificates, records, or services
3 relating to vital statistics:
4 a. A certified copy of a birth record, death
5 record, or marriage certificate.
6 b. A birth registration.
7 c. A marriage license.
8 d. An application for a name change.
9 Sec. 103. NEW SECTION. 331.611 VITAL STATISTICS.
10 1. The recorder shall be the county registrar and
11 carry out duties as provided in chapter 144.
12 2. The duties include, but are not limited to, the
13 following:
14 a. Register and maintain certifications of birth
15 as provided in sections 144.13 through 144.18, 144.45,
16 and 144.46.
17 b. Register and maintain certifications of death
18 as provided in sections 144.26 through 144.35, 144.45,
19 and 144.46.
20 c. Issue and maintain marriage certificates as
21 provided in section 144.36, 144.45, and 144.46, and
22 chapter 595.
23 d. Accept application for a change of name as
24 provided in section 144.39."
25 3. Page 11, by inserting after line 30 the
26 following:
27 "Sec. 104. Section 595.3, unnumbered paragraph 1,
28 Code 1993, is amended to read as follows:
29 Previous to the solemnization of any marriage, a
30 license for that purpose must be obtained from the
31 ~~clerk-of-the-district-court~~ county recorder. ~~Such~~ The
32 license must not be granted in any case:
33 Sec. 105. Section 595.4, Code 1993, is amended to
34 read as follows:
35 595.4 AGE AND QUALIFICATION -- VERIFIED
36 APPLICATION --WAITING PERIOD -- EXCEPTION.
37 Previous to the issuance of any license to marry,
38 the parties desiring ~~such~~ the license shall sign and
39 file a verified application with the ~~clerk-of-the~~
40 court county recorder which application either may be
41 mailed to the parties at their request or may be
42 signed by them at the office of the ~~clerk-of-the~~
43 district-court county recorder in the county in which
44 the license is to be issued. ~~Such~~ The application
45 shall set forth at least one affidavit of some
46 competent and disinterested person stating ~~such~~ the
47 facts as to age and qualification of the parties as
48 the ~~clerk~~ county recorder may deem necessary to
49 determine the competency of the parties to contract a
50 marriage. Upon the filing of the application for a
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H-6327 SENATE AMENDMENT TO HOUSE FILE 2430

- 1 Amend House File 2430, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 12, by striking lines 1 through 3 and
4 inserting the following: "Act, are repealed effective
5 April 1, 1995. If the repeals provided in this
6 subsection".
7 2. Page 12, line 7, by striking the word "May"
8 and inserting the following: "April".
9 3. Page 12, line 8, by striking the word "May"
10 and inserting the following: "April".
11 4. Page 12, by striking lines 14 through 16 and
12 inserting the following: "444.27, as enacted by this
13 Act, are repealed effective April 1, 1996. If the
14 repeals provided in".
15 5. Page 12, line 20, by striking the word "May"
16 and inserting the following: "April".
17 6. Page 12, line 21, by striking the word "May"
18 and inserting the following: "April".

RECEIVED FROM THE SENATE

H-6327 FILED APRIL 19, 1994

House Concurred

4-19-94

(P. 1953)

HOUSE FILE 2430

AN ACT

RELATING TO THE LIMITATION ON COUNTY EXPENDITURES FOR MENTAL HEALTH, MENTAL RETARDATION, AND DEVELOPMENTAL DISABILITIES SERVICES FUNDED BY PROPERTY TAXES AND THE PROVISION OF THOSE SERVICES, EXTENDING THE LIMITATION ON THE AMOUNT OF PROPERTY TAX DOLLARS THAT A COUNTY MAY COLLECT FROM DESIGNATED PROPERTY TAX LEVIES, PROVIDING FOR OTHER PROPERLY RELATED MATTERS, AND PROVIDING EFFECTIVE AND APPLICABILITY DATE PROVISIONS.

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

Section 1. Section 249A.12, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 3. a. Effective July 1, 1995, the state shall be responsible for all of the nonfederal share of the costs of intermediate care facility for the mentally retarded services provided under medical assistance to minors. Notwithstanding subsection 2 and contrary provisions of section 222.73, effective July 1, 1995, a county is not required to reimburse the department and shall not be billed for the nonfederal share of the costs of such services provided to minors.

b. Effective July 1, 1995, the state shall be responsible for all of the nonfederal share of medical assistance home and community-based waivers for persons with mental retardation services provided to minors and a county is not required to reimburse the department and shall not be billed for the nonfederal share of the costs of the services.

Sec. 2. Section 331.438, Code 1993, is amended by striking the section and inserting in lieu thereof the following:

331.438 COUNTY MENTAL HEALTH, MENTAL RETARDATION, AND DEVELOPMENTAL DISABILITIES SERVICES EXPENDITURES.

1. For the purposes of this section and section 331.439, unless the context otherwise requires:

a. "Base year expenditures" means the actual expenditures made by a county for qualified mental health, mental retardation, and developmental disabilities services provided in the fiscal year beginning July 1, 1993, and ending June 30, 1994.

b. "State payment" means the payment made by the state to a county determined to be eligible for the payment in accordance with section 331.439. Except as modified based upon the actual amount of the appropriation for purposes of state payment under section 331.439, the amount of the state payment for a fiscal year shall be calculated as fifty percent of the amount by which the county's qualified expenditures during the immediately preceding fiscal year were in excess of the amount of the county's base year expenditures.

2. The state payment shall not include any expenditures for services that were provided but not reported in the county's base year expenditures or for any expenditures which were not included in the county management plan submitted by the county in accordance with section 331.439. A county's eligibility for state payment is subject to the provisions of section 331.439.

3. a. A state-county management committee is created in the department of human services to make recommendations for

joint state and county planning, implementing, and funding of mental health, mental retardation, and developmental disabilities services, including but not limited to developing and implementing fiscal and accountability controls, establishing management plans, and ensuring that eligible persons have access to appropriate and cost-effective services.

b. The management committee shall consist of not more than nine members representing the state and counties. An equal number of the not more than nine members shall be appointed by the director of human services and the Iowa state association of counties and one additional member shall be jointly appointed by both entities. In addition, the committee shall also include one member nominated by service providers and one member nominated by service advocates and consumers, with both members appointed by the governor. In addition, the committee shall include four members of the general assembly with one each designated by the majority leader and minority leader of the senate and the speaker and minority leader of the house of representatives. A legislative member serves in an ex officio, nonvoting capacity and is eligible for per diem and expenses as provided in section 2.10. A member who is not a legislator shall have expenses and other costs paid by the state or the county entity that the member represents. The committee shall establish terms for its members, elect officers, adopt operating procedures, and meet as deemed necessary by the committee.

c. The management committee shall do all of the following

(1) Identify characteristics of the service system, including amounts expended, equity of funding among counties, funding sources, provider types, service availability, and equity of service availability among counties and among persons served.

(2) Assess the accuracy and uniformity of record keeping and reporting in the service system.

(3) Identify for each county the factors associated with inflationary growth of the service system.

(4) Identify opportunities for containing service system growth.

(5) Make recommendations for revising service system administrative rules.

(6) Consider provisions for counties to implement a single point of accountability to plan, budget, and monitor county expenditures for the service system. The provisions shall provide options for counties to implement the single point in collaboration with other counties.

(7) Develop criteria for annual county mental health, mental retardation, and developmental disabilities plans.

(8) Make recommendations to the council on human services for administrative rules identifying qualified mental health, mental retardation, and developmental disabilities service expenditures for purposes of state payment pursuant to subsection 1.

(9) Make recommendations to the council on human services for administrative rules for the county single entry point and clinical assessment processes required under section 111.440 and other rules necessary for the implementation of county management plans and expenditure reports required for state payment pursuant to section 111.439.

(10) Make recommendations to improve the programs and cost effectiveness of state and county contracting processes and procedures, including strategies for negotiations relating to managed care.

(11) Provide input when appropriate, to the director of human services in any decision involving administrative rules which were initially recommended by the management committee.

(12) Identify the fiscal impact of existing or proposed legislation and administrative rules on state and county expenditures.

(13) No later than January 1, annually, submit a report to the governor, the general assembly, and the department of human services concerning the management committee's activities and findings.

(14) On or before December 1, 1994, submit to the governor and general assembly a methodology for the state and counties to move toward the goal of an equal partnership in the funding of mental health, mental retardation, and developmental disabilities services. The committee consideration of methodology options shall include an expenditure per consumer basis.

Sec. 3. NEW SECTION. 331.439 ELIGIBILITY FOR STATE PAYMENT.

The state payment to eligible counties under this section shall be made in January of the fiscal year for which the appropriation for the state payment is made. A county is eligible for state payment as defined in section 331.438 for the fiscal year beginning July 1, 1996, and for subsequent fiscal years if the director of human services determines for a specific fiscal year that all of the following conditions are met:

1. The county accurately reported by October 15 the county's expenditures for the previous fiscal year on forms prescribed by the department of human services.
2. The county has implemented a single entry point process in accordance with the rules adopted pursuant to section 331.440.
3. The county developed and implemented a county management plan for the county's mental health, mental retardation, and developmental disabilities services. The plan shall comply with the administrative rules adopted for this purpose by the council on human services and is subject to the approval of the director of human services in consultation with the state-county management committee created in section 331.438. The plan shall include a

description of the county's single point of entry and clinical assessment process in accordance with the rules adopted pursuant to section 331.440 and a description of the county's service management provision for mental health, mental retardation, and developmental disabilities services. The plan shall have the following two parts:

- a. For mental health service management, the county must contract with a state-approved managed mental health care contractor or describe the method the county will use to achieve a comparable system of managed care which assures cost-effective delivery of services. For the fiscal year beginning July 1, 1995, this part of the plan shall be submitted to the department of human services by March 1, 1995. For subsequent fiscal years, this part of the plan shall be submitted by the prior April 1.
- b. For mental retardation and developmental disabilities service management, the county must describe efforts to investigate the development and implementation of a system of managed care which assures cost-effective delivery of services. For the fiscal year beginning July 1, 1995, this part of the plan shall be submitted to the department of human services by March 1, 1995. For subsequent fiscal years, this part of the plan shall be submitted by the prior April 1.
4. Changes to the approved plan are submitted sixty days prior to the proposed change and are not to be implemented prior to the director of human services' approval.

The director's approval of a county's mental health, mental retardation, and developmental disabilities services management plan shall not be construed to constitute certification of the county's budget.

Sec. 4. NEW SECTION. 331.440 MENTAL HEALTH, MENTAL RETARDATION, AND DEVELOPMENTAL DISABILITIES SERVICES - SINGLE ENTRY POINT PROCESS.

1. a. For the purposes of this section, unless the context otherwise requires, "single entry point process" means

a single entry point process established by a county or consortium of counties for the delivery of mental health, mental retardation, and developmental disabilities services which are paid for in whole or in part by county funds. The single entry point process may include but is not limited to reviewing a person's eligibility for services, determining the appropriateness of the type, level, and duration of services, and performing periodic review of the person's continuing eligibility and need for services. Any recommendations developed concerning a person's plan of services shall be consistent with the person's unique strengths, circumstances, priorities, concerns, abilities, and capabilities. For those services funded under the medical assistance program, the single entry point process shall be used to assure that the person is aware of the appropriate service options available to the person.

b. The single entry point process may include a clinical assessment process to identify a person's service needs and to make recommendations regarding the person's plan for services. The clinical assessment process shall utilize qualified mental health professionals and qualified mental retardation professionals.

2. The department of human services shall seek federal approval as necessary for the single entry point and clinical assessment processes to be eligible for federal financial participation under medical assistance. A county may implement the single entry point process as part of a consortium of counties and may implement the process beginning with the fiscal year ending June 30, 1995.

3. The council on human services shall consider the recommendations of the state-county management committee established in section 331.438 in adopting rules outlining standards and requirements for implementation of the single entry point and clinical assessment processes on the date required by subsection 2. The rules shall permit counties

options in implementing the process based upon a county's consumer population and available service delivery system.

Sec. 5. NEW SECTION. 444.25A PROPERTY TAX LIMITATIONS FOR 1996 AND 1997 FISCAL YEARS.

1. COUNTY LIMITATION. The maximum amount of property tax dollars which may be certified by a county for taxes payable in the fiscal year beginning July 1, 1995, shall not exceed the amount of property tax dollars certified by the county for taxes payable in the fiscal year beginning July 1, 1994, and the maximum amount of property tax dollars which may be certified by a county for taxes payable in the fiscal year beginning July 1, 1996, shall not exceed the amount of property tax dollars certified by the county for taxes payable in the fiscal year beginning July 1, 1995, for each of the levies for the following, except for the levies on the increase in taxable valuation due to new construction, additions or improvements to existing structures, remodeling of existing structures for which a building permit is required, annexation, and phasing out of tax exemptions, and on the increase in valuation of taxable property as a result of a comprehensive revaluation by a private appraiser under a contract entered into prior to January 1, 1992, or as a result of a comprehensive revaluation directed or authorized by the conference board prior to January 1, 1992, with documentation of the contract, authorization, or directive on the revaluation provided to the director of revenue and finance, if the levies are equal to or less than the levies for the previous year, levies on that portion of the taxable property located in an urban renewal project the tax revenues from which are no longer divided as provided in section 403.19, subsection 2, or as otherwise provided in this section:

- a. General county services under section 331.422, subsection 1.
- b. Rural county services under section 331.422, subsection 2.
- c. Other taxes under section 331.422, subsection 4.

2. EXCEPTIONS. The limitations provided in subsection 1 do not apply to the levies made for the following:

a. Debt service to be deposited into the debt service fund pursuant to section 311.430.

b. Taxes approved by a vote of the people which are payable during the fiscal year beginning July 1, 1995, or July 1, 1996.

c. Hospitals pursuant to chapters 37, 147, and 147A.

d. Emergency management to be deposited into the local emergency management fund and expended for development of hazardous substance teams pursuant to chapter 29C.

e. Unusual need for additional moneys to finance existing programs which would provide substantial benefit to county residents or compelling need to finance new programs which would provide substantial benefit to county residents. The increase in taxes levied under this exception for the fiscal year beginning July 1, 1995, is limited to no more than the product of the total tax dollars levied in the fiscal year beginning July 1, 1994, and the percent change, computed to two decimal places, in the price index for government purchases by type for state and local governments computed for the third quarter of calendar year 1994 from that computed for the third quarter of calendar year 1993. The increase in taxes levied under this exception for the fiscal year beginning July 1, 1996, is limited to no more than the product of the total tax dollars levied in the fiscal year beginning July 1, 1995, and the percent change, computed to two decimal places, in the price index for government purchases by type for state and local governments computed for the third quarter of calendar year 1995 from that computed for the third quarter of calendar year 1994.

For purposes of this paragraph, the price index for government purchases by type for state and local governments is defined by the bureau of economic analysis of the United States department of commerce and published in table 7.11 of

the national income and products accounts. For the fiscal years beginning July 1, 1995, and July 1, 1996, the price index used shall be the revision published in the November 1994 and November 1995 issues, respectively, of the United States department of commerce publication, "survey of current business". For purposes of this paragraph, tax dollars levied in the fiscal years beginning July 1, 1994, and July 1, 1995, shall not include funds levied for paragraphs "a", "b", and "c" of this subsection.

Application of this exception shall require an original publication of the budget and a public hearing and a second publication and a second hearing both in the manner and form prescribed by the director of the department of management, notwithstanding the provisions of section 311.434. The publications and hearings prescribed in this paragraph shall be held and the budget certified no later than March 15. The taxes levied for counties whose budgets are certified after March 15, 1995, shall be frozen at the fiscal year beginning July 1, 1994, level, and the taxes levied for counties whose budgets are certified after March 15, 1996, shall be frozen at the fiscal year beginning July 1, 1995, level.

3. APPEAL PROCEDURES. In lieu of the procedures in sections 24.48 and 311.426, which procedures do not apply for taxes payable in the fiscal years beginning July 1, 1995, and July 1, 1996, if a county needs to raise property tax dollars from a tax levy in excess of the limitations imposed by subsection 1, the following procedures apply:

a. Not later than March 1, and after the publication and public hearing on the budget in the manner and form prescribed by the director of the department of management, notwithstanding section 311.434, the county shall petition the state appeal board for approval of a property tax increase in excess of the increase provided for in subsection 2, paragraph "e", on forms furnished by the director of the department of management. Applications received after March 1 shall be automatically ineligible for consideration by the board.

b. Additional costs incurred by the county due to any of the following circumstances shall be the basis for justifying the excess in property tax dollars:

- (1) Natural disaster or other life-threatening emergencies.
- (2) Unusual need for additional moneys to finance existing programs which would provide substantial benefit to county residents or compelling need to finance new programs which would provide substantial benefit to county residents.
- (3) Need for additional moneys for health care, treatment and facilities, including mental health and mental retardation care and treatment pursuant to section 331.424, subsection 1, paragraphs "a" through "h".
- (4) Judgments, settlements, and related costs arising out of civil claims against the county and its officers, employees, and agents, as defined in chapter 670.

c. The state appeal board shall approve, disapprove, or reduce the amount of excess property tax dollars requested. The board shall take into account the intent of this section to provide property tax relief. The decision of the board shall be rendered at a regular or special meeting of the board within twenty days of the board's receipt of an appeal.

d. Within seven days of receipt of the decision of the state appeal board, the county shall adopt and certify its budget under section 331.434, which budget may be protested as provided in section 331.436. The budget shall not contain an amount of property tax dollars in excess of the amount approved by the state appeal board.

4. RATE ADJUSTMENT BY COUNTY AUDITOR. In addition to the requirement of the county auditor in section 444.3 to establish a rate of tax which does not exceed the rate authorized by law, the county auditor shall also adjust the rate if the amount of property tax dollars to be raised is in excess of the amount specified in subsection 1, as may be adjusted pursuant to subsection 3.

Sec. 6. Section 444.26, Code 1993, is amended to read as follows:

444.26 PROPERTY TAX LEVY LIMITATIONS NOT AFFECTED.

Section Sections 444.25 and 444.25A shall not be construed as removing or otherwise affecting the property tax limitations otherwise provided by law for any tax levy of the political subdivision, except that, upon an appeal from the political subdivision, the state appeal board may approve a tax levy consistent with the provisions of section 24.48 or 331.426.

Sec. 7. Section 444.27, Code 1993, is amended to read as follows:

444.27 SECTIONS VOID.

Sections For purposes of section 444.25, sections 24.48 and 331.426 are void for the fiscal years beginning July 1, 1993, and July 1, 1994. For purposes of section 444.25A, sections 24.48 and 331.426 are void for the fiscal years beginning July 1, 1995, and July 1, 1996.

Sec. 8. REPEAL.

1. If an appropriation is not enacted by the Seventy-sixth General Assembly, 1995 regular session, to fully fund the provisions of section 1 of this Act, section 444.25A and the amendments to sections 444.26 and 444.27, as enacted by this Act, are repealed effective April 1, 1995. If the repeals provided in this subsection take effect, notwithstanding section 24.17, for the fiscal year beginning July 1, 1995, the budget of each county may be recertified in duplicate to the county auditor not later than April 15, 1995, and protests to the budget shall be filed not later than April 25, 1995.

2. If appropriations are not enacted by the Seventy-sixth General Assembly, 1996 Session, to fully fund the unmodified state payment calculation provisions of sections 331.438 and 331.439, as enacted in this Act, in fiscal year 1996-1997, section 444.25A and the amendments to sections 444.26 and 444.27, as enacted by this Act, are repealed effective April

1, 1996. If the repeals provided in this section take effect, notwithstanding section 24.17, for the fiscal year beginning July 1, 1996, the budget of each county may be recertified in duplicate to the county auditor not later than April 15, 1996, and protests to the budget shall be filed not later than April 25, 1996.

HAROLD VAN MAANEN
Speaker of the House

LEONARD L. BOSWELL
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2430, Seventy-fifth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved May 5, 1994

TERRY E. BRANSTAD
Governor