

House Study Bill 223

SENATE/HOUSE FILE _____
BY (PROPOSED GOVERNOR'S BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to mental health, mental retardation,
2 developmental disabilities, and brain injury services and the
3 services fund administered by counties by revising levy
4 provisions applicable to that fund and providing for county
5 administration of services on behalf of the state, and
6 including an effective and applicability date.

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

8 TLSB 1611XL 81

9 jp/sh/8

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1 1 Section 1. Section 331.424A, subsection 4, Code 2005, is
1 2 amended to read as follows:

1 3 4. a. For the fiscal year beginning July 1, ~~1996~~ 2006,
1 4 and for each subsequent fiscal year, the county shall certify
1 5 a levy for payment of services. For each fiscal year, county
1 6 revenues from taxes imposed by the county credited to the

~~1 7 services fund shall not exceed an amount equal to the amount
1 8 of base year expenditures for services as defined in section
1 9 331.438, less the amount of property tax relief to be received~~

~~1 10 pursuant to section 426B.2, in the fiscal year for which the
1 11 budget is certified be determined by applying the county's
1 12 authorized levy rate to the assessed value of taxable property~~

~~1 13 for that county. The county auditor and the board of
1 14 supervisors shall reduce the amount of the levy certified for
1 15 the services fund by the amount of property tax relief to be
1 16 received. For each fiscal year, the state commission shall~~

~~1 17 adopt rules identifying, for county services funds, a
1 18 statewide minimum levy rate per thousand dollars of assessed
1 19 value of taxable property. In identifying the minimum levy~~

~~1 20 rate, the commission shall consider the levy rates in effect
1 21 for all counties. The statewide maximum levy rate shall be
1 22 equal to double the statewide minimum levy rate for the fiscal~~

~~1 23 year. A county's authorized levy rate for a fiscal year shall
1 24 be an amount certified by the board of supervisors that is not
1 25 less than the statewide minimum levy rate or more than the~~

~~1 26 statewide maximum levy rate applicable to that fiscal year. A
1 27 levy certified under this section is not subject to the appeal
1 28 provisions of section 331.426 or to any other provision in law~~

~~1 29 authorizing a county to exceed, increase, or appeal a property
1 30 tax levy limit.~~

1 31 b. Notwithstanding paragraph "a", for fiscal years
1 32 beginning July 1, 2006, July 1, 2007, and July 1, 2008, if a
1 33 county's certified services fund levy rate per thousand

1 34 dollars of assessed value of taxable property as of March 15,
1 35 2004, is less than the statewide minimum levy rate, the county

2 1 board of supervisors may annually certify an incremental
2 2 increase in the county's services fund levy rate as necessary
2 3 to fully implement at least the statewide minimum levy rate

2 4 effective for the fiscal year beginning July 1, 2009, and
2 5 subsequent fiscal years.

2 6 Sec. 2. NEW SECTION. 331.440B STATE CASES.
2 7 1. For the purposes of this section, unless the context
2 8 otherwise requires:

2 9 a. "County resident" means an individual who is described
2 10 by all of the following:
2 11 (1) The person is at least age eighteen.
2 12 (2) The person is a citizen of the United States or a

2 13 qualified alien as defined in 8 U.S.C. } 1641.
2 14 (3) The person has established an ongoing presence in a
2 15 county in this state, and not in any other county or state,
2 16 with the declared, good faith intention of living in that

2 17 county for a permanent or indefinite period of time. An
2 18 individual who meets the definition of homeless person in
2 19 section 48A.2 also shall be deemed to be described by this
2 20 subparagraph.

2 21 b. "State case" means an individual who has no county of
2 22 legal settlement or the individual's legal settlement is
2 23 unknown, who is eligible for mental illness, mental
2 24 retardation, or developmental disability services or other
2 25 support that are not covered by the medical assistance program
2 26 and are provided outside of a state institution, and the
2 27 services or other support have traditionally been managed and
2 28 paid for by the state.

2 29 2. Beginning during the fiscal year that commences July 1,
2 30 2005, the department of human services and counties shall
2 31 implement a process for counties to manage the services and
2 32 other support provided to county residents with chronic mental
2 33 illness, mental illness, mental retardation, developmental
2 34 disabilities, or brain injury who are eligible as a state
2 35 case. A county shall manage the state case services and other
3 1 support provided in accordance with the county's management
3 2 plan for mental health, mental retardation, and developmental
3 3 disabilities services implemented under section 331.439 and
3 4 the state payment for the services and other support managed
3 5 by the county shall utilize the county's reimbursement rates.

3 6 3. This section is repealed July 1, 2007.

3 7 Sec. 3. EFFECTIVE AND APPLICABILITY DATE. The section of
3 8 this Act amending section 331.424A takes effect January 1,
3 9 2006, and is applicable to taxes payable in the fiscal year
3 10 beginning July 1, 2006, and subsequent fiscal years.

3 11 EXPLANATION

3 12 This bill relates to mental health, mental retardation,
3 13 developmental disabilities, and brain injury (MH/MR/DD/BI)
3 14 services and the services fund administered by counties by
3 15 revising levy provisions applicable to that fund and providing
3 16 for county administration of services on behalf of the state.

3 17 Code section 331.424A, relating to the county MH/MR/DD
3 18 services fund, is amended by revising the property tax levy
3 19 authority requirements for that fund. Current law limits the
3 20 dollar amount that may be raised for a county's services fund
3 21 from property taxes to a base year expenditures amount
3 22 identified by the county, as reduced by property tax relief
3 23 funding provided to the county by the state. Effective
3 24 commencing with the fiscal year beginning July 1, 2006, the
3 25 absolute dollar limit on services fund levies would be
3 26 replaced with a limitation on the levy rate per \$1,000 of
3 27 property value, within minimum and maximum levy rates
3 28 established by the state MH/MR/DD/BI commission. If a
3 29 county's levy rate for the services fund in effect as of March
3 30 15, 2004, is less than the minimum levy rate established by
3 31 the state commission, the county may incrementally increase
3 32 the levy over the next three years in order to fully implement
3 33 at least the minimum levy rate by the fiscal year beginning
3 34 July 1, 2009. This section takes effect January 1, 2006, and
3 35 is applicable to taxes payable in the fiscal year beginning
4 1 July 1, 2006, and subsequent fiscal years.

4 2 New Code section 331.440B provides for counties to assume
4 3 responsibility for managing state case MH/MR/DD/BI services or
4 4 other support provided to adult persons who are county
4 5 residents and eligible as a state case. The bill provides
4 6 definitions of "county resident" and "state case". Counties
4 7 would begin assuming this responsibility during the fiscal
4 8 year beginning July 1, 2005. The new Code section is repealed
4 9 July 1, 2007.

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4 11 jp:nh/sh/8.1