

CHAPTER 1139

PUBLIC WORK EMPLOYMENT FOR AID RECIPIENTS

H. F. 1589

AN ACT relating to and appropriating funds for programs for low income and elderly persons.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Any person who, on or after the effective date of this Act, is
2 receiving or has obtained approval of an application to receive assistance under
3 chapter two hundred thirty-nine (239) of the Code, and who is an eligible person
4 as defined by section two hundred forty-nine C point one (249C.1), subsection
5 five (5) of the Code, may be referred to the employment security commission for
6 placement in public works positions available pursuant to this Act or to such
7 other authority as may be applicable.

1 SEC. 2. The employment security commission, in consultation with the
2 commissioner of social services, shall establish a procedure for assignment of
3 persons referred under section one (1) of this Act to positions available in public
4 works projects. The employment security commission shall arrange with units of
5 local government for establishment of such projects, which may include any type
6 of work or endeavor that is within the scope of authority of the unit of local
7 government involved so long as the project meets the following requirements:

8 1. The project must create new employment opportunities and not fund existing
9 employment of persons working for the local government unit or resume funding
10 of projects for which the local government unit has, without fault, terminated
11 employees within the previous six months and has not recalled those employees.

12 2. The benefits of the project result must inure primarily to the community or
13 public at large.

14 3. The following conditions of employment must be satisfied:

15 a. The unit of local government with which the project is arranged must be the
16 employer of the persons hired under the project.

17 b. The employees under the project must be paid at the same rate as other
18 employees doing similar work for that unit of local government.

19 c. The employees must be considered regular employees of the unit of local
20 government involved and must be entitled to participate in benefit programs of
21 that unit of local government, including but not limited to workmen's
22 compensation, but shall not be entitled to qualify for unemployment
23 compensation benefits on the basis of employment under the project.

1 SEC. 3. The employment security commission shall select not to exceed two
2 target counties for implementation of sections one (1) and two (2) of this Act. In
3 selecting the target county or counties in which this Act is to be implemented, the
4 employment security commission shall be guided by the following criteria:

5 1. The total number of unemployed persons in the county.

6 2. The number of unemployed persons in the county as a percentage of the
7 available work force there.

8 3. The total number of persons receiving assistance under chapter two hundred
9 thirty-nine (239) of the Code in that county.

10 4. The number of persons receiving assistance under chapter two hundred
11 thirty-nine (239) of the Code in that county as a percentage of the total
12 population of the county.

13 5. The number of unemployed heads of households receiving assistance under
14 chapter two hundred thirty-nine (239) of the Code in that county.

15 6. The number of unemployed heads of households receiving assistance under
16 chapter two hundred thirty-nine (239) in that county as a percentage of all
17 recipients of such assistance in that county.

1 SEC. 4. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one
2 hundred ten (110), section fourteen (14), is amended to read as follows:

3 Sec. 14. There is appropriated from the general fund of the state for the fiscal
4 year period beginning July 1, 1975 and ending June 30, ~~1976~~ 1977 to the office for
5 planning and programming the sum of ~~eighty one hundred twenty thousand~~
6 ~~(80,000)~~ (120,000) dollars; or so much thereof as is necessary to carry out the
7 provisions of section fifteen (15) of this Act. *Notwithstanding the provisions of*
8 *section eight point thirty-three (8.33) of the Code, funds appropriated by this section*
9 *shall be expended in their entirety and shall not revert to the general fund of the state.*

1 SEC. 5. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one
2 hundred ten (110), section fifteen (15), subsections one (1) and two (2), are
3 amended to read as follows:

4 1. The office for planning and programming shall distribute the sum
5 appropriated under section fourteen (14) of this Act for the purpose of assisting
6 lower income elderly persons to winterize their homes. For purposes of this
7 section, "lower income" means persons who meet the requirements for "lower
8 income families" described in section eight (8), subsection f of the United States
9 Housing Act of 1937, as amended by the Housing and Community Development
10 Act of 1974 (Public Law ninety three dash three hundred eighty three (93-383));
11 section two hundred one (201), subsection a whose income, as defined in section
12 four hundred twenty-five point seventeen (425.17), subsection one (1) of the Code, is
13 less than nine thousand dollars.

14 2. Such sum Funds shall be allocated at the rate of no more than five thousand
15 (5,000) dollars for equally between each of the office's sixteen planning regions
16 and shall be distributed to those political subdivisions or their agencies or other
17 local organizations within each region which best demonstrate an ability to
18 provide assistance in winterizing the homes of lower income elderly persons in
19 that region. "Best demonstrating an ability to provide assistance" means the
20 ability to deliver adequate assistance to the largest number of persons within each
21 region. *Not more than one hundred fifty dollars of state funds shall be used to*
22 *winterize a living unit. Preference shall be given in the distribution of state funds to*
23 *elderly homeowners.*

1 SEC. 6. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one
2 hundred ten (110), section seventeen (17), is amended to read as follows:

3 Sec. 17. There is appropriated from the general fund of the state to the retired
4 Iowan employment fund created in section seven (7) of this Act for the fiscal year
5 period beginning July 1, 1975 and ending June 30, ~~1976~~ 1977, the sum of ~~one two~~
6 hundred thousand ~~(100,000)~~ (200,000) dollars, or so much thereof as is necessary,
7 to be used according to the provisions of sections six (6) through ten (10) of this
8 Act.

1 SEC. 7. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter
2 ninety-four (94), is repealed.

1 SEC. 8. There is appropriated from the general fund of the state for the fiscal
2 period commencing with the effective date of this Act and ending June 30, 1977
3 the following amounts, or so much thereof as is necessary, for the following
4 agencies to be used in the manner designated:

5 1. To the employment security commission to provide alternative
6 employment through public work projects pursuant to sections one (1)
7 and three (3) of this Act and chapter two hundred forty-nine C (249C)
8 of the Code\$ 260,000

9 2. To the state conservation commission\$ 400,000

10 a. One-half of the funds appropriated by this subsection may be allocated by
11 the state conservation commission, upon application, to county conservation

12 boards. In determining the allocations the commission shall consider the
13 unemployment rate in the applicant's county and the improvement or
14 maintenance proposed in the application.

15 b. The funds appropriated by this subsection shall be used to provide public
16 employment programs maintaining and developing lands and waters owned by
17 the state conservation commission and county conservation boards. Persons who
18 are unemployed shall be eligible to participate in the public employment
19 programs. Persons whose unemployment benefits have expired or who are
20 ineligible for unemployment benefits and unemployed persons who are heads of
21 households shall be given preference for participation in the public employment
22 programs.

23 c. The participants shall be paid at the same rate as employees of the state
24 conservation commission or county conservation board doing similar work. A
25 participant shall not be deemed an employee of the state or of its subdivisions
26 except for the purposes of workmen's compensation.

27 d. The director of the state conservation commission shall develop procedures
28 and forms for applications by the county conservation boards, monitor the
29 programs for compliance with the provisions of this Act, evaluate the effects of
30 the programs, and provide the necessary staff support to carry out the provisions
31 of this Act.

32 3. To the office for planning and programming, to establish up to five
33 additional Iowa youth conservation corps camps for youth from both
34 rural and urban counties\$ 85,000

1 SEC. 9. The employment security commission, the state conservation
2 commission and the office for planning and programming shall each submit to
3 the general assembly by March 1, 1978 a report evaluating the programs
4 conducted by them with the funds appropriated by section five (5) of this Act.

1 SEC. 10. There is appropriated from the general fund of the state to the
2 commission on the aging for the fiscal year commencing July 1, 1976 and ending
3 June 30, 1977, the sum of one hundred thousand (100,000) dollars, or so much
4 thereof as may be necessary, to be distributed to area agencies on aging for use in
5 establishing not more than eight senior citizens centers. Area agencies shall
6 submit requests for funds accompanied by a program plan to the commission. In
7 allocating funds provided by this section, the commission shall give preference to
8 those area agencies whose programs plans include provisions for offering elderly
9 day care services and which indicate how the programs to be offered by the
10 center will provide alternatives to the institutionalization of elderly persons.
11 However, the inclusion of elderly day care services in the program plan shall not
12 be a prerequisite for the receipt of funds. Funds shall be distributed equally
13 among urban and rural areas served by agencies submitting acceptable program
14 plans. The commission on the aging shall submit a report to the First Session of
15 the Sixty-seventh General Assembly not later than thirty days after its convening
16 which shall assess the effectiveness of the programs offered by the senior citizens
17 centers which are receiving funds, including how the centers provide effective
18 alternatives to the institutionalization of elderly persons. The report shall also
19 recommend to the general assembly policy changes and additional programs
20 designed to prevent the institutionalization of elderly persons.

1 SEC. 11. This Act, being deemed of immediate importance, shall take effect
2 and be in force from and after its publication in the Quad-City Times, a

- 3 newspaper published in Davenport, Iowa, and in The Altoona Herald, a
4 newspaper published in Altoona, Iowa.

Approved June 26, 1976

Pursuant to the authority vested in the undersigned, Secretary of State of Iowa, under the provisions of Section 3.9, Code of Iowa, 1975, there being no newspaper by the name of The Altoona Herald, published in Altoona, Iowa, I hereby designate The Altoona Herald-Mitchellville Index, published in Altoona, Iowa, to publish the foregoing Act, House File 1589.

MELVIN D. SYNHORST, *Secretary of State*

I hereby certify that the foregoing Act, House File 1589, was published in the Quad-City Times, Davenport, Iowa on July 9, 1976, and in The Altoona Herald-Mitchellville Index, Altoona, Iowa on July 8, 1976.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1140

FEDERAL PRISONERS

S. F. 253

AN ACT relating to exchange of inmates with federal bureau of prisons.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Chapter two hundred forty-five (245), Code 1975, is amended by
2 adding the following new section:

3 **NEW SECTION. Federal prisoners.** Inmates sentenced for any term by any
4 court of the United States may be received by the superintendent into the
5 women's reformatory and there kept in pursuance of their sentences. Inmates at
6 the women's reformatory may also be transferred to the federal bureau of prisons.
7 If an inmate objects to her transfer to the federal bureau of prisons, the inmate
8 shall be afforded a hearing as provided in section two hundred seventeen point
9 twenty-two (217.22) of the Code.

1 SEC. 2. Chapter two hundred forty-six point eleven (246.11), Code 1975, is
2 amended to read as follows:

3 **246.11 Federal prisoners.** ~~Convicts~~ *Inmates* sentenced for any term at ~~hard~~
4 ~~labor~~ by any court of the United States may be received by the warden into the
5 penitentiary or the men's reformatory and there kept in pursuance of their
6 sentences. *Inmates at either the penitentiary or men's reformatory may also be*
7 *transferred to the federal bureau of prisons. If an inmate objects to his transfer to the*
8 *federal bureau of prisons, the inmate shall be afforded a hearing as provided in section*
9 *two hundred seventeen point twenty-two (217.22) of the Code.*

1 SEC. 3. Chapter* two hundred seventeen point twenty-two (217.22), Code
2 1975, is amended to read as follows:

3 **217.22 Interstate compact board—~~hearing~~ Transfer hearing.** An inmate who
4 objects to confinement in a receiving state pursuant to the interstate corrections
5 compact *or transfer to the federal bureau of prisons* may request a hearing before a
6 board appointed by the governor and serving at his pleasure and composed of
7 three members of the general public, one of whom shall be a former inmate.
8 Members of the board shall be paid forty dollars per diem and actual and
9 necessary expenses from appropriated funds.

10 The board shall bar the transfer of the inmate to a receiving state *or the federal*
11 *bureau of prisons* when a majority of its members are of the opinion that the
12 transfer does not serve to promote the treatment, rehabilitation, or best interests
13 of the offender. The burden of proof shall lie with the department of social