

6 5. The hospitalization or commitment hearing before the district judge shall be held, and the judge's finding shall be made and an appropriate order entered, as prescribed by sections 229.12 and 229.13 or sections 125.82 and 125.83. If the judge orders the appellant hospitalized or committed for a complete psychiatric or substance abuse evaluation, jurisdiction of the matter shall revert to the judicial hospitalization referee.

Sec. 7. Section 602.6306, subsection 2, Code 1991, is amended to read as follows:

2. District associate judges also have jurisdiction in civil actions for money judgment where the amount in controversy does not exceed five thousand dollars, jurisdiction over involuntary commitment, treatment, or hospitalization proceedings under chapters 125 and 229, jurisdiction of indictable misdemeanors, and felony violations of section 321J.2, and the jurisdiction provided in section 602.7101 when designated as a judge of the juvenile court. While presiding in these subject matters a district associate judge shall employ district judges' practice and procedure.

Sec. 8. Section 602.6405, subsection 1, Code 1991, is amended to read as follows:

1. Magistrates have jurisdiction of simple misdemeanors, including traffic and ordinance violations, and preliminary hearings, search warrant proceedings, county and municipal infractions, and small claims. Magistrates have jurisdiction to exercise the powers specified in sections 644.2 and 644.12, and to hear complaints or preliminary informations, issue warrants, order arrests, make commitments, and take bail. Magistrates have jurisdiction over violations of section 123.47 involving persons eighteen years of age, and section 123.49, subsection 2, paragraph "h". Magistrates who are admitted to the practice of law in this state have jurisdiction over all proceedings for the involuntary commitment, treatment, or hospitalization of individuals under chapters 125 and 229, except as otherwise provided under section 229.6A; nonlawyer magistrates have jurisdiction over emergency detention and hospitalization proceedings under sections 125.91 and 229.22. Magistrates have jurisdiction to conduct hearings authorized under section 809.4 and section 809.10, subsection 2.

Sec. 9. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 6, 1991

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## CHAPTER 109

### CHILDREN, YOUTH, AND FAMILIES DIVISION — DEPARTMENTAL TRANSFER S.F. 479

**AN ACT** relating to the reassignment of duties from the division of children, youth, and families of the department of human rights to the division of child and family services within the department of human services.

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

Section 1. Section 15.108, subsection 9, paragraph a, Code 1991, is amended to read as follows:

a. Collect and assemble, or cause to have collected and assembled, all pertinent information available regarding the industrial, agricultural, and public and private recreation and tourism opportunities and possibilities of the state of Iowa, including raw materials and products that may be produced from them; power and water resources; transportation facilities; available markets; the availability of labor; the banking and financing facilities; the availability of industrial sites; the advantages of the state as a whole, and the particular sections of the state, as

industrial locations; the development of a grain alcohol motor fuel industry and its related products; and other fields of research and study as the board deems necessary. This information, as far as possible, shall consider both the encouragement of new industrial enterprises in the state and the expansion of industries now existing within the state, and allied fields to those industries. The information shall also consider the changing composition of the Iowa family, the level of poverty among different age groups and different family structures in Iowa society, and the changing composition of the Iowa work force and the impact of those changes on Iowa families. ~~The department shall work with the division of children, youth and families of the department of human rights in developing the information relating to the family.~~

Sec. 2. Section 217.11, subsection 4, Code 1991, is amended to read as follows:

4. The administrator of the division of ~~children, youth, and families~~ child and family services of the department of human ~~rights~~ services or the administrator's designee.

Sec. 3. NEW SECTION. 217.9A COMMISSION ON CHILDREN, YOUTH, AND FAMILIES.

1. POLICY. It is the policy of the state of Iowa to promote the best interests of children, youth, and families. In accordance with this policy, the division of child and family services shall do all of the following:

a. Promote coordination of federal, state, and local services by developing a plan to streamline delivery of services and making recommendations to the governor and general assembly by December 1 of each year.

b. Work with state agencies in an advisory capacity to help plan needed services for children, youth, and families.

c. Provide the director of human services, general assembly, and governor with recommendations and information to improve services for children, youth, and families by December 1 of each year.

d. Identify state and federal resources that can be used in local areas.

e. Provide information to parents to assist and support them in their parenting roles.

The commission shall examine the following issues related to the cycle of dependency which some families have on services, including, but not limited to, child care, chemical dependency, child welfare, youth employment, parent education, health, and education.

2. COMMISSION. The commission on children, youth, and families is established.

a. The following persons or the persons' designees are members of the commission:

(1) The director of the Iowa department of public health.

(2) The director of the department of education.

(3) The director of the department of corrections.

(4) The director of the department of human rights.

b. The following members of the commission shall be appointed by the governor:

(1) A member of a county board of supervisors.

(2) A member of the board of directors of a school corporation.

(3) One citizen, who shall be a professional family counselor.

(4) Seven citizens who have expertise in the areas of child care, child welfare, youth employment, maternal and child health, chemical dependency, education, or law.

(5) A person sixteen through eighteen years of age at the time of appointment.

c. The following shall be nonvoting members of the commission:

(1) Two members of the senate, not more than one from any political party, appointed by the president of the senate, after consultation with the majority leader and the minority leader of the senate.

(2) Two members of the house of representatives, not more than one from any political party, appointed by the speaker of the house after consultation with the majority leader and the minority leader of the house.

(3) A district judge appointed by the governor.

(4) The administrator of the division of child and family services.

d. The members of the commission appointed by the governor shall be appointed to terms of four years beginning May 1. Legislative members shall be appointed to terms of two years beginning January 1 of odd-numbered years. However, members appointed under paragraphs "b" and "c" shall cease to be members if they no longer hold the office from which they were appointed. Not more than six of the members appointed under paragraph "b" shall belong to the same political party at the time of appointment. Of the members appointed under paragraph "b", at least two members shall be members of a minority race. For purposes of this section, Hispanics shall be considered a racial group. A person designated under paragraph "a" is appointed for a term of four years beginning May 1 and must be an assistant director, or head of a division, bureau, or section of that agency whose function relates to children, youth, or families while serving on the commission. Vacancies shall be filled in the same manner as the original appointment.

e. The members of the commission shall elect from the commission's voting membership a chairperson of the commission. The commission shall meet at regular intervals at least six times each year and may hold special meetings at the call of the chairperson or at the request of a majority of the voting members.

f. The purpose of the commission is to promote coordination of state, local, and private programs, resources, and services to meet the needs of children, youth, and families. The commission shall work to identify unmet needs and to develop a plan to meet those needs and to improve coordination of efforts. The commission shall serve as an advocate for Iowa's children, youth, and families to decision-making bodies and to the public. The commission shall make an annual report to the general assembly and governor by December 1 of its activities and legislative recommendations. The commission shall adopt rules pursuant to chapter 17A for the commission.

g. Members of the commission, while engaged in their official duties, shall be reimbursed for their actual expenses. Members may also be eligible to receive compensation as provided in section 7E.6.

h. The commission may receive federal funds or any grants or gifts on behalf of the state for the purposes within its jurisdiction. All federal funds, grants, and gifts shall be deposited with the treasurer of state and used only for the purposes agreed upon as conditions for receipt of the funds, grants, or gifts.

i. The commission shall have the responsibility of budgetary decisions for the commission.

Sec. 4. Section 256.41, subsection 3, Code 1991, is amended to read as follows:

3. The administrator of the division of ~~children, youth and families~~ child and family services in the department of human ~~rights services~~, or the administrator's designee.

Sec. 5. Section 256A.2, subsection 1, Code 1991, is amended to read as follows:

1. The administrator of the division of ~~children, youth, and families~~ child and family services of the department of human ~~rights services~~ or the administrator's designee.

Sec. 6. Section 256A.2, unnumbered paragraph 2, Code 1991, is amended to read as follows:

Staff assistance for the council shall be provided ~~jointly~~ by the department of education ~~and the division of children, youth, and families of the department of human rights~~. Members of the council shall be reimbursed for actual and necessary expenses incurred while engaged in their official duties and shall receive per diem compensation at the level authorized under section 7E.6, subsection 1, paragraph "a".

Sec. 7. Section 262.71, subsection 4, Code 1991, is amended to read as follows:

4. The division of ~~children, youth, and families~~ child and family services of the department of human ~~rights services~~.

Sec. 8. Section 601K.1, subsection 2, Code 1991, is amended by striking the subsection.

Sec. 9. Sections 601K.31 through 601K.39, Code 1991, are repealed.

**CHAPTER 110****CIVIL SERVICE FOR DEPUTY SHERIFFS — EXEMPTION***S.F. 492*

**AN ACT** relating to the classified civil service status of two second deputy sheriffs in certain counties.

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

Section 1. Section 341A.7, Code 1991, is amended by adding the following new unnumbered paragraph:

**NEW UNNUMBERED PARAGRAPH.** If the positions of two second deputy sheriffs of a county were exempt from classified civil service coverage under this chapter based on the 1980 decennial census, the two second deputy positions shall remain exempt from classified civil service coverage under this chapter.

Approved May 6, 1991

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**CHAPTER 111****SPECIAL DISTRICTS — TRUSTEES — DISSOLUTION***H.F. 197*

**AN ACT** relating to the operation and dissolution of certain special districts organized to provide a municipal service.

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

Section 1. Section 357.13, Code 1991, is amended to read as follows:

**357.13 TRUSTEES — TERMS.**

At the election provided for in section 357.12, the names of the trustees shall be written by the voter on blank ballots without formal nomination and the board of supervisors shall appoint three from among the five receiving the highest number of votes as trustees for the district, one to serve for one year, one for two years, and one for three years, which trustees and their successors shall give bond in the amount the board of supervisors may require, the premium of which shall be paid by the district said the trustees represent. Vacancies may thereafter be filled by election, or by appointment by the board of supervisors, at the option of the remaining trustees. The trustees must be residents of the district. The term of succeeding trustees shall be for three years.

Sec. 2. Section 357B.5, subsection 1, Code 1991, is amended to read as follows:

1. Upon petition of a number of registered voters residing in a district at least equal to thirty-five percent of the property taxpayers in the district, the board of supervisors may dissolve a benefited fire district and dispose of any remaining property, the proceeds of which shall first be applied against any outstanding obligation of the district. Any remaining balance shall be applied as a tax credit for the property owners of the district. However, except as provided in subsection 2, if all or a part of a district is annexed, the board of supervisors may transfer the remaining property and balance to the city which annexed the territory. The board of supervisors shall continue to levy an annual tax after the dissolution of a district, not to exceed forty and one-half cents per thousand dollars of assessed value of the taxable property of the district, until all outstanding obligations of the district are paid.

Sec. 3. Section 357C.8, Code 1991, is amended to read as follows: