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SENATE FILE 2144  
BY STURGEON

(P. 612)  
Passed Senate, Date 3-9-94 Passed House, Date \_\_\_\_\_  
Vote: Ayes 36 Nays 11 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to the abolishment of the department of human  
2 rights, transfer of its various divisions to other entities of  
3 state government, and providing effective dates.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 2144

1 Section 1. Section 23A.2, subsection 5, Code 1993, is  
2 amended to read as follows:

3 5. Subsections 1 and 3 do not apply to activities of  
4 community action agencies under community action programs, as  
5 both are defined in section ~~216A.9~~ 217.44.

6 Sec. 2. Section 84A.3, subsection 3, Code 1993, is amended  
7 to read as follows:

8 3. The job service commissioner, in cooperation with the  
9 division for persons with disabilities of the department of  
10 human civil rights, shall establish a program to provide job  
11 placement and training to persons with disabilities.

12 Sec. 3. Section 216.1, Code 1993, is amended to read as  
13 follows:

14 216.1 CITATION DEPARTMENT CREATED.

15 ~~This chapter may be known and may be cited as the "Iowa~~  
16 ~~Civil Rights Act of 1965"~~.

17 The department of civil rights is created with the  
18 following divisions:

- 19 1. Division of civil rights.
- 20 2. Division of Latino affairs.
- 21 3. Division on the status of women.
- 22 4. Division of persons with disabilities.
- 23 5. Division on the status of African-Americans.
- 24 6. Division of deaf services.

25 Sec. 4. Section 216.2, subsection 1, Code 1993, is amended  
26 to read as follows:

27 1. "Commission" means the Iowa state civil rights  
28 ~~commission created by this chapter.~~

29 Sec. 5. Section 216.2, Code 1993, is amended by adding the  
30 following new subsections:

31 NEW SUBSECTION. 4A. "Department" means the department of  
32 civil rights created in section 216.1.

33 NEW SUBSECTION. 5A. "Director" means the director of the  
34 department of civil rights appointed pursuant to section 216.3  
35 to serve as both director of the department and administrator

1 of the division of civil rights.

2 Sec. 6. NEW SECTION. 216.2A CITATION.

3 This subchapter may be known and may be cited as the "Iowa  
4 Civil Rights Act of 1965".

5 Sec. 7. Section 216.5, Code 1993, is amended by adding the  
6 following new subsections:

7 NEW SUBSECTION. 15. To meet periodically with the  
8 administrators of the division of Latino affairs, the division  
9 on the status of women, the division of persons with  
10 disabilities, the division on the status of African-Americans,  
11 and the division of deaf services, to:

12 a. Identify areas where the divisions might coordinate  
13 efforts or share administrative or other support functions to  
14 provide greater efficiencies in operation including, but not  
15 limited to, accounting, clerical, recordkeeping, and  
16 administrative support functions.

17 b. Develop cooperative arrangements and shared services  
18 among the divisions to achieve greater efficiencies, and may  
19 establish contracts and agreements between or among the  
20 divisions to provide for shared services.

21 c. Transfer funds within the divisions agreeing to shared  
22 services for the implementation of the contracts or agreements  
23 between divisions.

24 d. Make recommendations to the governor and general  
25 assembly regarding additional consolidation and coordination  
26 that would require legislative action.

27 e. Advise the department director regarding actions by and  
28 for the divisions.

29 f. Establish goals and objectives for the divisions.

30 NEW SUBSECTION. 16. To evaluate each administrator of  
31 each division of the department and submit a written report of  
32 the completed evaluations to the governor, annually.

33 The governor shall appoint the administrator of each  
34 division, subject to confirmation by the senate. Each  
35 administrator shall serve at the pleasure of the governor and

1 is exempt from the merit system provisions of chapter 19A.  
2 The governor shall set the salary of each administrator within  
3 the range set by the general assembly.

4 Sec. 8. NEW SECTION. 216.21 CONFIDENTIALITY OF  
5 INDIVIDUAL CLIENT ADVOCACY RECORDS.

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

8 a. "Advocacy services" means services in which a division  
9 staff member writes or speaks in support of a client or a  
10 client's cause or refers a person to another service to help  
11 alleviate or solve a problem.

12 b. "Division" means the division of Latino affairs, the  
13 division on the status of women, the division of persons with  
14 disabilities, and the division on the status of African-  
15 Americans.

16 c. "Individual client advocacy records" means those files  
17 or records which pertain to problems divulged by a client to a  
18 division or any related papers or records which are released  
19 to the division about a client for the purpose of assisting  
20 the client.

21 2. Information pertaining to clients receiving advocacy  
22 services shall be held confidential, including but not limited  
23 to the following:

24 a. Names and addresses of clients receiving advocacy  
25 services.

26 b. Information about a client reported on the initial  
27 advocacy intake form and all documents, information, or other  
28 material relating to the advocacy issues or to the client  
29 which could identify the client, or divulge information about  
30 the client.

31 c. Information concerning the social or economic  
32 conditions or circumstances of particular clients who are  
33 receiving or have received advocacy services.

34 d. Division evaluations of information about a person  
35 seeking or receiving advocacy services.

1 e. Medical or psychiatric data, including diagnoses and  
2 past histories of disease or disability, concerning a person  
3 seeking or receiving advocacy services.

4 f. Legal data, including records which represent or  
5 constitute the work product of an attorney, which are related  
6 to a person seeking or receiving advocacy services.

7 3. Information described in subsection 2 shall not be  
8 disclosed or used by any person or agency except for purposes  
9 of administration of advocacy services, and shall not be  
10 disclosed to or used by a person or agency outside the  
11 division except upon consent of the client as evidenced by a  
12 signed release.

13 4. This section does not restrict the disclosure or use of  
14 information regarding the cost, purpose, number of clients  
15 served or assisted, and results of an advocacy program  
16 administered by the division, and other general and  
17 statistical information, so long as the information does not  
18 identify particular clients or persons provided with advocacy  
19 services.

20 Sec. 9. NEW SECTION. 216.22 DEFINITIONS.

21 For purposes of this subchapter, unless the context  
22 otherwise requires:

23 1. "Commission" means the commission of Latino affairs.

24 2. "Division" means the division of Latino affairs of the  
25 department of civil rights.

26 3. "Administrator" means the administrator of the division  
27 of Latino affairs of the department of civil rights.

28 Sec. 10. NEW SECTION. 216.23 COMMISSION OF LATINO  
29 AFFAIRS -- TERMS -- COMPENSATION.

30 The commission of Latino affairs consists of nine members,  
31 appointed by the governor, subject to confirmation by the  
32 senate. Commission members shall be appointed in compliance  
33 with sections 69.16 and 69.16A and with consideration given to  
34 geographic residence and density of Latino population  
35 represented by each member. The members of the commission

1 shall be appointed for terms of two years beginning and ending  
2 as provided in section 69.19. Members appointed shall  
3 continue to serve until their respective successors are  
4 appointed. Vacancies in the membership of the commission  
5 shall be filled by the original appointing authority and in  
6 the manner of the original appointments. Members shall  
7 receive actual expenses incurred while serving in their  
8 official capacity. Members may also be eligible to receive  
9 compensation as provided in section 7E.6.

10 Sec. 11. NEW SECTION. 216.24 ORGANIZATION.

11 The commission shall select from its membership a  
12 chairperson and other officers as it deems necessary and shall  
13 meet not less than six times a year. A majority of the  
14 members of the commission shall constitute a quorum.

15 Sec. 12. NEW SECTION. 216.25 COMMISSION EMPLOYEES.

16 The commission may employ personnel who shall be qualified  
17 to assume the responsibilities of their several offices. The  
18 administrator shall be the administrative officer of the  
19 commission and shall serve the commission by gathering and  
20 disseminating information, forwarding proposals and  
21 evaluations to the Iowa state civil rights commission, the  
22 governor, the general assembly, and state agencies, carrying  
23 out public education programs, conducting hearings and  
24 conferences, and performing other duties necessary for the  
25 proper operation of the commission. The administrator shall  
26 carry out programs and policies as determined by the  
27 commission.

28 Sec. 13. NEW SECTION. 216.26 DUTIES.

29 The commission shall:

30 1. Coordinate, assist, and cooperate with the efforts of  
31 state departments and agencies to serve the needs of Latino  
32 persons in the fields of education, employment, health,  
33 housing, welfare, and recreation.

34 2. Develop, coordinate, and assist other public  
35 organizations which serve Latino persons.

1 3. Evaluate existing programs and proposed legislation  
2 affecting Latino persons, and propose new programs.

3 4. Stimulate public awareness of the problems of Latino  
4 persons by conducting a program of public education and  
5 encouraging the governor and the general assembly to develop  
6 programs to deal with these problems.

7 5. Conduct training programs for Latino persons to enable  
8 them to assume leadership positions on the community level.

9 6. Conduct a survey of the Latino people in Iowa in order  
10 to ascertain their needs.

11 7. Work to establish a Latino information center in the  
12 state of Iowa.

13 8. Be responsible for budgetary and personnel decisions  
14 for the commission and division.

15 9. Maintain information on the qualifications of Spanish  
16 language interpreters and maintain and provide a list of those  
17 deemed qualified to Iowa courts or administrative agencies, as  
18 requested.

19 Sec. 14. NEW SECTION. 216.27 POWERS.

20 The commission shall have all powers necessary to carry out  
21 the functions and duties specified in this subchapter,  
22 including, but not limited to the power to establish advisory  
23 committees on special studies, to solicit and accept gifts and  
24 grants, adopt rules according to chapter 17A for the  
25 commission and division, and to contract with public and  
26 private groups to conduct its business. All departments,  
27 divisions, agencies and offices of the state shall make  
28 available upon request of the commission information which is  
29 pertinent to the subject matter of the study and which is not  
30 by law confidential.

31 Sec. 15. NEW SECTION. 216.28 REPORT.

32 The commission shall make a detailed report of its  
33 activities, studies, findings, conclusions and recommendations  
34 to the Iowa state civil rights commission and to the general  
35 assembly not later than February 15 of each odd-numbered year.

1 Sec. 16. NEW SECTION. 216.29 DEFINITIONS.

2 For purposes of this subchapter, unless the context  
3 otherwise requires:

4 1. "Commission" means the commission on the status of  
5 women.

6 2. "Division" means the division on the status of women of  
7 the department of civil rights.

8 3. "Administrator" means the administrator of the division  
9 on the status of women of the department of civil rights.

10 Sec. 17. NEW SECTION. 216.30 COMMISSION CREATED.

11 The commission on the status of women is created, composed  
12 of thirteen members as follows:

13 1. Four members of the general assembly serving as ex  
14 officio nonvoting members, one to be appointed by the speaker  
15 of the house from the membership of the house, one to be  
16 appointed by the minority leader of the house from the  
17 membership of the house, one to be appointed by the president  
18 of the senate, after consultation with the majority leader of  
19 the senate, from the membership of the senate, and one to be  
20 appointed by the minority leader of the senate, after  
21 consultation with the president of the senate, from the  
22 membership of the senate.

23 2. Nine members to be appointed by the governor  
24 representing a cross section of the citizens of the state,  
25 subject to confirmation by the senate. Commission members  
26 shall be appointed in compliance with section 69.16 and  
27 69.16A. The members of the commission shall elect one of its  
28 members to serve as chairperson of the commission.

29 Sec. 18. NEW SECTION. 216.31 TERM OF OFFICE.

30 Four of the members appointed to the initial commission  
31 shall be designated by the governor to serve two-year terms,  
32 and five shall be designated by the governor to serve four-  
33 year terms beginning and ending as provided in section 69.19.  
34 The legislative members of the commission shall be appointed  
35 to four-year terms of office, two of which shall expire every

1 two years unless sooner terminated by a commission member  
2 ceasing to be a member of the general assembly. Succeeding  
3 appointments shall be for a term of four years. Vacancies in  
4 the membership shall be filled for the unexpired term in the  
5 same manner as the original appointment.

6 Sec. 19. NEW SECTION. 216.32 MEETINGS OF THE COMMISSION.

7 The commission shall meet at least six times each year, and  
8 shall hold special meetings on the call of the chairperson.

9 The commission shall adopt rules pursuant to chapter 17A as it  
10 deems necessary for the commission and division. The members  
11 of the commission shall receive a per diem as specified in  
12 section 7E.6 and be reimbursed for actual expenses while  
13 engaged in their official duties. Legislative members of the  
14 commission shall receive payment pursuant to sections 2.10 and  
15 2.12.

16 Sec. 20. NEW SECTION. 216.33 OBJECTIVES OF COMMISSION.

17 The commission shall study the changing needs and problems  
18 of the women of this state, and develop and recommend new  
19 programs and constructive action to the governor and the  
20 general assembly, including but not limited to, the following  
21 areas:

- 22 1. Public and private employment policies and practices.
- 23 2. Iowa labor laws.
- 24 3. Legal treatment relating to political and civil rights.
- 25 4. The family and the employed woman.
- 26 5. Expanded programs to help women as wives, mothers, and  
27 workers.
- 28 6. Women as citizen volunteers.
- 29 7. Education.

30 Sec. 21. NEW SECTION. 216.34 EMPLOYEES AND  
31 RESPONSIBILITY.

32 The commission shall employ other necessary employees. The  
33 commission shall have responsibility for budgetary and  
34 personnel decisions for the commission and division. The  
35 administrator shall carry out programs and policies as

1 determined by the commission.

2 Sec. 22. NEW SECTION. 216.35 DUTIES.

3 The commission shall:

4 1. Serve as a clearinghouse on programs and agencies  
5 operating to assist women.

6 2. Conduct conferences.

7 3. Cooperate with governmental agencies to assist them in  
8 equalizing opportunities between men and women in employment  
9 and in expanding women's rights and opportunities.

10 4. Serve as the central permanent agency for the  
11 development of services for women.

12 5. Cooperate with public and private agencies in joint  
13 efforts to study and resolve problems relating to the status  
14 of women.

15 6. Publish and disseminate information relating to women  
16 and develop other educational programs.

17 7. Provide assistance to organized efforts by communities,  
18 organizations, associations, and other groups working toward  
19 the improvement of women's status.

20 Sec. 23. NEW SECTION. 216.36 ADDITIONAL AUTHORITY.

21 The commission may:

22 1. Do all things necessary, proper, and expedient in  
23 accomplishing the duties listed in section 216.35 and this  
24 section.

25 2. Hold hearings.

26 3. Enter into contracts, within the limit of funds made  
27 available, with individuals, organizations, and institutions  
28 for services furthering the objectives of the commission as  
29 listed in section 216.33.

30 4. Seek advice and counsel of informed individuals, or any  
31 agricultural, industrial, professional, labor or trade  
32 association, or civic group in the accomplishment of the  
33 objectives of the commission.

34 5. Accept grants of money or property from the federal  
35 government or any other source, and may upon its own order use

1 this money, property, or other resources to accomplish the  
2 objectives of the commission.

3 Sec. 24. NEW SECTION. 216.37 ACCESS TO INFORMATION.

4 The commission shall have access to all nonconfidential  
5 records, data, information, and statistics of all departments,  
6 boards, commissions, agencies, and institutions of this state,  
7 and upon terms which may be mutually agreed upon, have studies  
8 and research conducted.

9 Sec. 25. NEW SECTION. 216.38 ANNUAL REPORT.

10 Not later than February 1 of each year the commission shall  
11 file a report with the Iowa state civil rights commission, the  
12 governor, and the general assembly of its proceedings for the  
13 previous calendar year, and may submit with the report such  
14 recommendations pertaining to its affairs as it deems  
15 desirable, including recommendations for legislative  
16 consideration and other action it deems necessary.

17 Sec. 26. NEW SECTION. 216.39 DEFINITIONS.

18 For purposes of this subchapter, unless the context  
19 otherwise requires:

20 1. "Commission" means the commission of persons with  
21 disabilities.

22 2. "Division" means the division of persons with  
23 disabilities of the department of civil rights.

24 3. "Administrator" means the administrator of the division  
25 of persons with disabilities of the department of civil  
26 rights.

27 Sec. 27. NEW SECTION. 216.40 COMMISSION ESTABLISHED.

28 A commission of persons with disabilities is established.

29 Sec. 28. NEW SECTION. 216.41 EX OFFICIO MEMBERS.

30 The following or designee shall serve as ex officio members  
31 of the commission:

32 1. The director of public health.

33 2. The director of the department of human services and  
34 any administrators of that department so assigned by the  
35 director.

- 1 3. The director of the department of education.
- 2 4. The director of vocational rehabilitation.
- 3 5. The director of the department for the blind.
- 4 6. The labor commissioner.
- 5 7. The industrial commissioner.
- 6 8. The job service commissioner.
- 7 9. The director of the department of personnel.
- 8 10. The director of the department of deaf services.

9 Sec. 29. NEW SECTION. 216.42 MEMBERSHIP.

10 The commission shall be composed of a minimum of twenty-  
11 four members appointed by the governor and additional members  
12 as the governor may appoint, subject to confirmation by the  
13 senate and in compliance with sections 69.16 and 69.16A.  
14 Insofar as practicable, the commission shall consist of  
15 persons with disabilities, family members of persons with  
16 disabilities, representatives of industry, labor, business,  
17 agriculture, federal, state, and local government, and  
18 representatives of religious, charitable, fraternal, civic,  
19 educational, medical, legal, veteran, welfare, and other  
20 professional groups and organizations. Members shall be  
21 appointed representing every geographic center and employment  
22 area of the state and shall include members of both sexes.

23 Sec. 30. NEW SECTION. 216.43 TERMS.

24 Members of the commission appointed by the governor shall  
25 serve for a term of two years beginning and ending as provided  
26 in section 69.19. Vacancies on the commission shall be filled  
27 for the remainder of the term of the original appointment.  
28 Members whose terms expire may be reappointed.

29 Sec. 31. NEW SECTION. 216.44 OFFICERS.

30 The members of the commission shall appoint a commission  
31 chairperson and a vice chairperson and such other officers as  
32 the commission deems necessary. Such officers shall serve  
33 until their successors are appointed and qualified. Members  
34 of the commission shall receive actual expenses for their  
35 services. Members may also be eligible to receive

1 compensation as provided in section 7E.6. The commission  
2 shall adopt rules pursuant to chapter 17A for the commission  
3 and division.

4 Sec. 32. NEW SECTION. 216.45 DUTIES.

5 The commission shall:

- 6 1. Carry on a continuing program to promote the employment  
7 of persons with disabilities.
- 8 2. Cooperate with all public and private agencies  
9 interested in the employment of persons with disabilities.
- 10 3. Cooperate with all agencies responsible for or  
11 interested in the rehabilitation and placement of persons with  
12 disabilities.
- 13 4. Encourage the organization of committees at the  
14 community level and work closely with such committees in  
15 promoting the employment of persons with disabilities.
- 16 5. Assist in developing employer acceptance of qualified  
17 workers who are persons with disabilities.
- 18 6. Inform persons with disabilities of specific facilities  
19 available in seeking employment.
- 20 7. Conduct such educational programs as members deem  
21 necessary.
- 22 8. Report annually to the Iowa state civil rights  
23 commission, the governor, and the general assembly on  
24 commission activities and submit any recommendations believed  
25 necessary in promoting the employment of persons with  
26 disabilities.
- 27 9. Be responsible for budgetary and personnel decisions  
28 for the commission and division.

29 Sec. 33. NEW SECTION. 216.46 ADMINISTRATOR.

30 The commission officers may designate the duties and  
31 obligations of the position of administrator. Any person so  
32 employed may be the employee of another agency of state  
33 government appointed with the consent of the executive officer  
34 of such agency. The officers may appoint such other personnel  
35 as may be necessary for the efficient performance of the

1 duties prescribed by this part. The administrator shall carry  
2 out programs and policies as determined by the commission.

3 Sec. 34. NEW SECTION. 216.47 GIFTS, GRANTS, OR  
4 DONATIONS.

5 The commission may receive any gifts, grants, or donations  
6 made for any of the purposes of its program and disburse and  
7 administer the same in accordance with the terms thereof.

8 Sec. 35. NEW SECTION. 216.48 DEFINITIONS.

9 For purposes of this subchapter, unless the context  
10 otherwise requires:

11 1. "Commission" means the commission on the status of  
12 African-Americans.

13 2. "Division" means the division on the status of African-  
14 Americans of the department of civil rights.

15 3. "Administrator" means the administrator of the division  
16 on the status of African-Americans of the department of civil  
17 rights.

18 Sec. 36. NEW SECTION. 216.49 ESTABLISHMENT.

19 A commission on the status of African-Americans is  
20 established to consist of nine members, appointed by the  
21 governor and subject to confirmation by the senate. Members  
22 shall be appointed to staggered four-year terms beginning and  
23 ending as provided in section 69.19. At least five members  
24 shall be individuals who are African-American. Members shall  
25 be appointed in compliance with sections 69.16 and 69.16A and  
26 shall represent every geographical area of the state. The  
27 members of the commission shall appoint from its membership a  
28 commission chairperson and a vice chairperson and other  
29 officers as the commission deems necessary. Vacancies on the  
30 commission shall be filled for the remainder of the term of  
31 the original appointment.

32 Sec. 37. NEW SECTION. 216.50 MEETINGS OF THE COMMISSION.

33 The commission shall meet every other month and may hold  
34 special meetings on the call of the chairperson. The  
35 commission may adopt rules pursuant to chapter 17A as it deems

1 necessary for the conduct of its business. The members of the  
2 commission shall be reimbursed for actual expenses while  
3 engaged in their official duties. Members may also be  
4 eligible to receive compensation as provided in section 7E.6.

5 Sec. 38. NEW SECTION. 216.51 OBJECTIVES OF COMMISSION.

6 The commission shall study the changing needs and problems  
7 of African-Americans in this state, and recommend new  
8 programs, policies, and constructive action to the governor  
9 and the general assembly including, but not limited to, the  
10 following areas:

11 1. Public and private employment policies and practices.  
12 2. Iowa labor laws.  
13 3. Legal treatment relating to political and civil rights.  
14 4. African-American children, youth, and families.  
15 5. Expanded programs to assist African-Americans as  
16 consumers.

17 6. The employment of African-Americans and the initiation  
18 and sustaining of African-American businesses and African-  
19 American entrepreneurship.

20 7. African-Americans as members of private and public  
21 boards, committees, and organizations.

22 8. Education, health, housing, social welfare, human  
23 rights, and recreation.

24 9. The legal system, including law enforcement, both  
25 criminal and civil.

26 10. Social service programs.

27 Sec. 39. NEW SECTION. 216.52 EMPLOYEES AND  
28 RESPONSIBILITY.

29 The administrator shall be the administrative officer of  
30 the division and shall be responsible for implementing  
31 policies and programs. The administrator may employ, in  
32 accordance with chapter 19A, other persons necessary to carry  
33 out the programs of the division.

34 Sec. 40. NEW SECTION. 216.53 DUTIES.

35 The commission shall do all of the following:

- 1 1. Serve as an information clearinghouse on programs and  
2 agencies operating to assist African-Americans. Clearinghouse  
3 duties shall include, but are not limited to:
  - 4 a. Service as a referral agency to assist African-  
5 Americans in securing access to state agencies and programs.
  - 6 b. Service as a liaison with federal, state, and local  
7 governmental units and private organizations on matters  
8 relating to African-Americans.
  - 9 c. Service as a communications conduit to state government  
10 for African-American organizations in the state.
  - 11 d. Stimulation of public awareness of the problems of  
12 African-Americans.
- 13 2. Conduct conferences and training programs for African-  
14 Americans, public and private agencies and organizations, and  
15 the general public.
- 16 3. Coordinate, assist, and cooperate with public and  
17 private agencies in efforts to expand equal rights and  
18 opportunities for African-Americans in the areas of:  
19 employment, economic development, education, health, housing,  
20 recreation, social welfare, social services, and the legal  
21 system.
- 22 4. Serve as the central permanent agency for the advocacy  
23 of services for African-Americans.
- 24 5. Provide assistance to and cooperate with individuals  
25 and public and private agencies and organizations in joint  
26 efforts to study and resolve problems relating to the  
27 improvement of the status of African-Americans.
- 28 6. Publish and disseminate information relating to  
29 African-Americans, including publicizing their accomplishments  
30 and contributions to this state.
- 31 7. Evaluate existing and proposed programs and legislation  
32 for their impact on African-Americans.
- 33 8. Coordinate or conduct training programs for African-  
34 Americans to enable them to assume leadership positions.
- 35 9. Conduct surveys of African-Americans to ascertain their

1 needs.

2 10. Assist the department of personnel in the elimination  
3 of underutilization of African-Americans in the state's  
4 workforce.

5 11. Recommend legislation to the governor and the general  
6 assembly designed to improve the educational opportunities and  
7 the economic and social conditions of African-Americans in  
8 this state.

9 Sec. 41. NEW SECTION. 216.54 ADDITIONAL AUTHORITY.

10 The commission may do any or all of the following:

11 1. Do all things necessary, proper, and expedient in  
12 accomplishing the duties listed in section 216.53 and this  
13 section.

14 2. Hold hearings.

15 3. Enter into contracts, within the limit of funds made  
16 available, with individuals, organizations, and institutions  
17 for services furthering the objectives of the commission as  
18 listed in section 216.51.

19 4. Seek advice and counsel of informed individuals and  
20 organizations, in the accomplishment of the objectives of the  
21 commission.

22 5. Apply for and accept grants of money or property from  
23 the federal government or any other source, and upon its own  
24 order use this money, property, or other resources to  
25 accomplish the objectives of the commission.

26 Sec. 42. NEW SECTION. 216.55 ACCESS TO INFORMATION.

27 For the purpose of research and study, the commission and  
28 the administrator shall have access to all nonconfidential  
29 records, data, information, and statistics of all departments,  
30 boards, commissions, agencies, and institutions of this state.

31 Sec. 43. NEW SECTION. 216.56 ANNUAL REPORT.

32 Not later than August 1 of each year, the commission shall  
33 file a report with the Iowa state civil rights commission, the  
34 governor, and the general assembly of its activities for the  
35 previous fiscal year and its programmatic priorities for the

1 current year beginning July 1. The commission may submit with  
2 the report any recommendations pertaining to its affairs and  
3 shall submit recommendations for legislative consideration and  
4 other action it deems necessary.

5 Sec. 44. NEW SECTION. 216.57 DEFINITIONS.

6 For purposes of this subchapter, unless the context  
7 otherwise requires:

8 1. "Commission" means the commission on the deaf.

9 2. "Division" means the division of deaf services of the  
10 department of civil rights.

11 3. "Administrator" means the administrator of the division  
12 of deaf services of the department of civil rights.

13 Sec. 45. NEW SECTION. 216.58 COMMISSION CREATED.

14 A commission on the deaf is established, consisting of  
15 seven members appointed by the governor, subject to confirma-  
16 tion by the senate. Lists of nominees for appointment to  
17 membership on the commission may be submitted by the Iowa  
18 association of the deaf, the Iowa state registry of  
19 interpreters for the deaf, the Iowa school for the deaf, and  
20 the commission of persons with disabilities. At least four  
21 members shall be persons who cannot hear human speech with or  
22 without use of amplification. All members shall reside in  
23 Iowa and shall be appointed in accordance with sections 69.16  
24 and 69.16A. The members of the commission shall appoint the  
25 chairperson of the commission. A majority of the members of  
26 the commission constitutes a quorum.

27 Terms of office are three years and shall begin and end  
28 pursuant to section 69.19. The commission shall adopt rules  
29 concerning programs and services for deaf and hard-of-hearing  
30 persons.

31 Commission members shall be reimbursed for actual expenses  
32 incurred in performance of their duties. Members may also be  
33 eligible to receive compensation as provided in section 7E.6.

34 Sec. 46. NEW SECTION. 216.59 COMMISSION EMPLOYEES.

35 The commission may employ clerical staff who shall be

1 qualified by experience to assume the responsibilities of the  
2 offices. The administrator shall be the administrative  
3 officer of the commission and shall be responsible for  
4 implementing policy set by the commission. The administrator  
5 shall carry out programs and policies as determined by the  
6 commission.

7 Sec. 47. NEW SECTION. 216.60 DUTIES OF COMMISSION.

8 The commission shall:

9 1. Interpret to communities and to interested persons the  
10 needs of the deaf and hard-of-hearing and how their needs may  
11 be met through the use of service providers.

12 2. Obtain without additional cost to the state available  
13 office space in public and private agencies which service  
14 providers may utilize in carrying out service projects for  
15 deaf and hard-of-hearing persons. However, if space is not  
16 available in a specific service area without additional cost  
17 to the state, the commission may obtain other office space  
18 which is located with other public or private agencies. The  
19 space shall be obtained at the lowest cost available and the  
20 terms of the lease must be approved by the director of the  
21 department of general services.

22 3. Establish service projects for deaf and hard-of-hearing  
23 persons throughout the state. Projects shall not be  
24 undertaken by service providers for compensation which would  
25 duplicate existing services when those services are available  
26 to deaf and hard-of-hearing persons through paid interpreters  
27 or other persons able to communicate with deaf and hard-of-  
28 hearing persons.

29 As used in this section, "service projects" includes  
30 interpretation services for persons who are deaf and hard-of-  
31 hearing, referral and counseling services for deaf and hard-  
32 of-hearing persons in the areas of adult education, legal aid,  
33 employment, medical, finance, housing, recreation, and other  
34 personal assistance and social programs.

35 "Service providers" are persons who, for compensation or on

1 a volunteer basis, carry out service projects.

2 4. Identify agencies, both public and private, which  
3 provide community services, evaluate the extent to which they  
4 make services available to deaf and hard-of-hearing persons,  
5 and cooperate with the agencies in coordinating and extending  
6 these services.

7 5. Collect information concerning deafness or hearing loss  
8 and provide for the dissemination of the information.

9 6. Provide for the mutual exchange of ideas and  
10 information on services for deaf and hard-of-hearing persons  
11 between federal, state, and local governmental agencies and  
12 private organizations and individuals.

13 7. Be responsible for budgeting and personnel decisions  
14 for the commission and division.

15 Sec. 48. NEW SECTION. 216.61 POWERS.

16 The commission shall have all powers necessary to carry out  
17 the functions and duties specified in this subchapter,  
18 including, but not limited to the power to establish advisory  
19 committees on special studies, to solicit and accept gifts and  
20 grants, to adopt rules according to chapter 17A for the  
21 commission and division, and to contract with public and  
22 private groups to conduct its business. All departments,  
23 divisions, agencies, and offices of the state shall make  
24 available upon request of the commission information which is  
25 pertinent to the subject matter of the study and which is not  
26 by law confidential.

27 Sec. 49. NEW SECTION. 216.62 REPORT.

28 The commission shall make a detailed report of its  
29 activities, studies, conclusions, and recommendations to the  
30 general assembly not later than February 15 of each odd-  
31 numbered year.

32 Sec. 50. NEW SECTION. 216.63 INTERPRETATION SERVICES  
33 ACCOUNT.

34 All fees collected by the division for provision of  
35 interpretation service by the division to obligated agencies

1 shall be deposited in a separate account within the general  
2 operating fund of the division and shall be dedicated to and  
3 used by the division for the provision of continued and  
4 expanded interpretation services. The commission shall adopt  
5 rules which establish a fee schedule for the costs of  
6 provision of interpretation services, for collection of the  
7 fees, and for disposition of moneys received under this  
8 section. Notwithstanding section 8.33, any balance in the  
9 separate account at the end of any fiscal year, shall be  
10 retained in the account.

11 Sec. 51. Section 216A.5, Code Supplement 1993, is amended  
12 to read as follows:

13 216A.5 REPEAL.

14 This chapter is repealed effective July 1, 1997 1995.

15 Sec. 52. Section 217.9A, subsection 2, paragraph a,  
16 subparagraph (4), Code 1993, is amended to read as follows:

17 (4) ~~The director of the department of human rights~~ A  
18 commissioner of the Iowa state civil rights commission,  
19 appointed by the commission.

20 Sec. 53. Section 217.11, subsection 3, Code Supplement  
21 1993, is amended to read as follows:

22 3. The administrator of the division of community action  
23 agencies in the department of human ~~rights~~ services or the  
24 administrator's designee.

25 Sec. 54. NEW SECTION. 217.44 DEFINITIONS.

26 For purposes of this subchapter, unless the context  
27 otherwise requires:

28 1. "Administrator" means the administrator of the division  
29 of community action agencies of the department of human  
30 services.

31 2. "Commission" means the commission on community action  
32 agencies.

33 3. "Community action agency" means a public agency or a  
34 private nonprofit agency which is authorized under its charter  
35 or bylaws to receive funds to administer community action

1 programs and is designated by the governor to receive and  
2 administer the funds.

3 4. "Community action program" means a program conducted by  
4 a community action agency which includes projects to provide a  
5 range of services to improve the conditions of poverty in the  
6 area served by the community action agency.

7 5. "Delegate agency" means a subgrantee or contractor  
8 selected by the community action agency.

9 6. "Division" means the division of community action  
10 agencies of the department of human services.

11 Sec. 55. NEW SECTION. 217.45 ADMINISTRATOR -- APPOINT-  
12 MENT -- DUTIES.

13 1. The governor shall appoint the administrator of the  
14 division, subject to confirmation by the senate. The  
15 administrator shall serve at the pleasure of the governor and  
16 is exempt from the merit system provisions of chapter 19A.  
17 The governor shall set the salary of the administrator within  
18 the range set by the general assembly.

19 2. The administrator shall:

20 a. Administer the division.

21 b. Implement programs required in the division.

22 c. Issue an annual report to the governor and general  
23 assembly regarding the community action programs conducted  
24 within the state.

25 Sec. 56. NEW SECTION. 217.46 COMMISSION ESTABLISHED.

26 1. The commission on community action agencies is created,  
27 composed of nine members appointed by the governor, subject to  
28 confirmation by the senate. The membership of the commission  
29 shall reflect the composition of local community action agency  
30 boards as follows:

31 a. One-third of the members shall be elected officials.

32 b. One-third of the members shall be representatives of  
33 business, industry, labor, religious, welfare, and educational  
34 organizations, or other major interest groups.

35 c. One-third of the members shall be persons who,

1 according to federal guidelines, have incomes at or below  
2 poverty level.

3 2. Commission members shall serve three-year terms which  
4 shall begin and end pursuant to section 69.19. Vacancies on  
5 the commission shall be filled for the remainder of the term  
6 of the original appointment. Members whose terms expire may  
7 be reappointed. Members of the commission shall receive  
8 actual expenses for their services. Members may also be  
9 eligible to receive compensation as provided in section 7E.6.  
10 Members as specified under subsection 1, paragraph "c",  
11 however, shall receive per diem compensation as provided in  
12 section 7E.6 and actual expenses. The membership of the  
13 commission shall also comply with the political party  
14 affiliation and gender balance requirements of sections 69.16  
15 and 69.16A.

16 3. The commission shall select from its membership a  
17 chairperson and other officers as it deems necessary. A  
18 majority of the members of the commission shall constitute a  
19 quorum.

20 Sec. 57. NEW SECTION. 217.47 DUTIES OF THE COMMISSION.

21 The commission shall:

22 1. Meet at least quarterly to review the progress of  
23 programs of the division.

24 2. Adopt rules pursuant to chapter 17A as it deems  
25 necessary for the commission and division, including rules  
26 concerning programs and policies for all bureaus of the  
27 division.

28 3. Supervise the collection of data relative to the scope  
29 of services provided by the community action agencies.

30 4. Recommend legislation to the governor and the general  
31 assembly designed to improve the status of low-income persons  
32 in the state.

33 Sec. 58. NEW SECTION. 217.48 ESTABLISHMENT OF COMMUNITY  
34 ACTION AGENCIES.

35 The division shall recognize and assist in the designation

1 of certain community action agencies to assist in the delivery  
2 of community action programs. These programs shall include,  
3 but not be limited to, outreach, low-income energy assistance,  
4 and weatherization programs. If a community action agency is  
5 in effect and currently serving an area, that community action  
6 agency shall become the designated community action agency for  
7 that area. If there is not a designated community action  
8 agency in the area a city council or county board of  
9 supervisors or any combination of one or more councils or  
10 boards may establish a community action agency and may apply  
11 to the division for recognition. The council or board or the  
12 combination may adopt an ordinance or resolution establishing  
13 a community action agency if a community action agency has not  
14 been designated. It is the purpose of the division of  
15 community action agencies to strengthen, supplement, and  
16 coordinate efforts to develop the full potential of each  
17 citizen by recognizing certain community action agencies and  
18 the continuation of certain community-based programs delivered  
19 by community action agencies.

20 Sec. 59. NEW SECTION. 217.49 COMMUNITY ACTION AGENCY  
21 BOARD.

22 1. A recognized community action agency shall be governed  
23 by a board of directors composed of at least nine members.  
24 The board membership shall be as follows:

25 a. One-third of the members of the board shall be elected  
26 public officials currently holding office or their  
27 representatives. However, if the number of elected officials  
28 available and willing to serve is less than one-third of the  
29 membership of the board, the membership of the board  
30 consisting of appointive public officials may be counted as  
31 fulfilling the requirement that one-third of the members of  
32 the board be elected public officials.

33 b. At least one-third of the members of the board shall be  
34 chosen in accordance with procedures established by the  
35 community action agency to assure representation of the poor

1 in an area served by the agency.

2 c. The remainder of the members of the board shall be  
3 members of business, industry, labor, religious, welfare,  
4 education, or other major groups or interests in the  
5 community.

6 2. Notwithstanding subsection 1, a public agency shall  
7 establish an advisory board or may contract with a delegate  
8 agency to assist the governing board. The advisory board or  
9 delegate agency board shall be composed of the same type of  
10 membership as a board of directors for community action  
11 agencies under subsection 1. However, the public agency  
12 acting as the community action agency shall determine annual  
13 program budget requests.

14 Sec. 60. NEW SECTION. 217.50 DUTIES OF BOARD.

15 1. The governing board, delegate agency board, or advisory  
16 board shall:

17 a. Provide for:

18 (1) Comprehensive planning of the community action agency.

19 (2) Local needs assessment surveys conducted by the  
20 community action agency.

21 b. Approve overall program plans and priorities developed  
22 by the community action agency.

23 2. The governing board may:

24 a. Own, purchase, and dispose of property necessary for  
25 the operation of the community action agency.

26 b. Receive and administer funds and contributions from  
27 private or public sources which may be used to support  
28 community action programs.

29 c. Receive and administer funds from a federal or state  
30 assistance program pursuant to which a community action agency  
31 could serve as a grantee, a contractor, or a sponsor of a  
32 project appropriate for inclusion in a community action  
33 program.

34 Sec. 61. NEW SECTION. 217.51 DUTIES OF COMMUNITY ACTION  
35 AGENCY.

1 A community action agency or delegate agency shall:

2 1. Plan for a community action program by establishing  
3 priorities among projects, activities, and areas to provide  
4 for the most efficient use of possible resources.

5 2. Obtain and administer assistance from available sources  
6 on a common or cooperative basis, in an attempt to provide  
7 additional opportunities to low-income persons.

8 3. Establish effective procedures by which the concerned  
9 low-income persons and area residents may influence the  
10 community action programs affecting them by providing for  
11 methods of participation in the implementation of the  
12 community action programs and by providing technical support  
13 to assist persons to secure assistance available from public  
14 and private sources.

15 4. Encourage and support self-help, volunteer, business,  
16 labor, and other groups and organizations to assist public  
17 officials and agencies in supporting a community action  
18 program which results in the additional use of private  
19 resources while developing new employment opportunities,  
20 encouraging investments which have an impact on reducing  
21 poverty among the poor in areas of concentrated poverty, and  
22 providing methods by which low-income persons can work with  
23 private organizations, businesses, and institutions in seeking  
24 solutions to problems of common concern.

25 Sec. 62. NEW SECTION. 217.52 ADMINISTRATION.

26 A community action agency or a delegate agency may  
27 administer the components of a community action program when  
28 the program is consistent with plans and purposes and  
29 applicable law. The community action programs may be projects  
30 which are eligible for assistance from any source. The  
31 programs shall be developed to meet local needs and may be  
32 designed to meet eligibility standards of a federal or state  
33 program providing assistance to a plan to meet local needs.

34 Sec. 63. NEW SECTION. 217.53 AUDIT.

35 Each community action agency shall be audited annually but

1 shall not be required to obtain a duplicate audit to meet the  
2 requirements of this section. In lieu of an audit by the  
3 auditor of state, the community action agency may contract  
4 with or employ a certified public accountant to conduct the  
5 audit, pursuant to the applicable terms and conditions  
6 prescribed by sections 11.6 and 11.19 and an audit format  
7 prescribed by the auditor of state. Copies of each audit  
8 shall be furnished to the division within three months  
9 following the annual audit.

10 Sec. 64. NEW SECTION. 217.54 ALLOCATION OF FINANCIAL  
11 ASSISTANCE.

12 The administrator shall provide financial assistance for  
13 community action agencies to implement community action  
14 programs, as permitted by the community service block grant,  
15 administer the low-income energy assistance block grants,  
16 department of energy funds for weatherization received in  
17 Iowa, and other possible funding sources.

18 If a political subdivision is the agency, the financial  
19 assistance shall be allocated to the political subdivision.

20 Sec. 65. NEW SECTION. 217.55 EMERGENCY WEATHERIZATION  
21 FUND.

22 The division shall continue implementation of the  
23 weatherization goals of each community action agency based on  
24 the inventory developed for the 1987-1988 winter heating  
25 season.

26 Sec. 66. NEW SECTION. 217.56 ENERGY CRISIS FUND.

27 1. An energy crisis fund is created in the state treasury.  
28 Moneys deposited in the fund shall be used to assist low-  
29 income families who qualify for the low-income heating energy  
30 assistance program to avoid loss of essential heating.

31 2. The fund may receive moneys including, but not limited  
32 to, the following:

33 a. Moneys appropriated by the general assembly for the  
34 fund.

35 b. Moneys credited to the fund under section 473.11.

1 c. Unclaimed patronage dividends of electric cooperative  
2 corporations or associations applied to the fund following the  
3 time specified in section 556.12 for claiming the dividend  
4 from the holder.

5 d. The fund may also receive contributions from customer  
6 contribution funds established under section 476.66.

7 3. Under rules developed by the division, the fund may be  
8 used to negotiate reconnection of essential utility services  
9 with the energy provider.

10 Sec. 67. NEW SECTION. 217.57 IOWA AFFORDABLE HEATING  
11 PROGRAM ESTABLISHED.

12 1. The division shall establish an Iowa affordable heating  
13 program for the purpose of assisting low-income persons in  
14 paying for primary heating fuel costs.

15 2. In order to be eligible for participation in the Iowa  
16 affordable heating program, an applicant must meet all of the  
17 following requirements:

18 a. Meet the income guidelines established pursuant to the  
19 federal low-income home energy assistance program, with income  
20 at or below one hundred ten percent of the federal poverty  
21 income guidelines established by the office of management and  
22 budget. The division may adjust the income threshold by rule  
23 as necessitated by budgetary restrictions.

24 b. Participate in annual level payment plans for both gas  
25 and electric services if such plans are available to the  
26 participant. The division shall develop an alternative plan  
27 for participants whose energy providers do not provide such  
28 plans.

29 c. Participate in the weatherization assistance program,  
30 if eligible.

31 d. Have insufficient finances, as determined by rule,  
32 which prohibit the payment of the entire cost of the heating  
33 of the applicant's home.

34 e. Submit to the administering agency within thirty days  
35 of application for participation in the program third-party

1 verification of all of the following:

2 (1) The gross income of all of the members of the  
3 applicant's household in accordance with the rules adopted for  
4 the low-income home energy assistance program.

5 (2) The applicant's unreimbursed medical expenses for the  
6 time period corresponding to that used for the income  
7 calculation with proof of personal responsibility for these  
8 expenses.

9 f. Participate in counseling, provided by the  
10 administering agency, regarding energy efficiency.

11 3. In determination of the amount of the affordable  
12 heating payment for which the participant is eligible, the  
13 following formula shall be used:

14 a. An annual adjusted income amount shall be calculated.

15 (1) To be eligible, an applicant must also apply and be  
16 eligible for participation in the low-income home energy  
17 assistance program. A participant's income shall be  
18 determined as the amount verified on a low-income home energy  
19 assistance program application.

20 (2) A participant's adjusted income shall be determined by  
21 subtracting from the verified income, the actual costs  
22 incurred for each of the following:

23 (a) Annual rental or mortgage payments, real estate taxes,  
24 and real estate insurance payments not to exceed a maximum  
25 established by division rule based on the statewide low-income  
26 housing cost average.

27 (b) Annual unreimbursed medical expenses, not to exceed  
28 two thousand four hundred dollars.

29 (c) Annual child support and alimony payments.

30 (d) The annual costs of water, basic local telephone, and  
31 nonheating electric services as defined by division rule.

32 (e) Annual child care costs incurred by a participant due  
33 to employment or participation in an academic or job-training  
34 program.

35 b. A predicted heating cost shall be calculated.

1 (1) When applicable, the predicted heating costs shall be  
2 the annual total calculated under subsection 2, paragraph "b",  
3 for level payment plans.

4 (2) Where subsection 3, paragraph "b", subparagraph (1),  
5 does not apply, the predicted heating cost shall be based  
6 upon, but is not limited to, primary heating fuel usage  
7 incurred during the twelve-month period immediately preceding  
8 application, first adjusted for weather and then adjusted for  
9 rate changes occurring during the twelve-month period  
10 immediately preceding application.

11 c. Following the calculation of the participant's adjusted  
12 income and predicted heating cost, the participant's adjusted  
13 heating cost shall be calculated by:

14 (1) Adding the predicted heating cost figure to any  
15 scheduled repayment of an arrearage which has been negotiated  
16 between the participant and the primary heating fuel provider.  
17 The arrearage shall not exceed three hundred dollars annually.  
18 Any remaining arrearage shall be considered in subsequent  
19 years.

20 (2) Subtracting from the figure determined under paragraph  
21 "b" the federal low-income home energy assistance program  
22 grant, if a grant is received.

23 d. The division shall promulgate rules to establish a  
24 standard percentage not to exceed twenty-five percent of  
25 household heating costs to adjusted income, taking into  
26 consideration household family size. For each participant,  
27 the administering agency shall determine the percentage of  
28 adjusted heating cost to adjusted income. If the  
29 participant's percentage exceeds the standard percentage, an  
30 affordable heating payment shall be made as prescribed by  
31 rule. The payment shall be made to the participant's primary  
32 heating fuel provider and credited to the participant's  
33 heating account for the year in which the participant is  
34 eligible.

35 (1) When offered by the primary heating fuel provider, the

1 provider shall calculate or recalculate the participant's  
2 annual level payment plan after all forms of assistance are  
3 credited. A monthly level payment shall be established.  
4 However, each level payment shall not be less than a monthly  
5 minimum as established by division rule.

6 (2) Reconciliation shall occur as prescribed in the rules  
7 of the Iowa utilities board or, at a minimum, annually, for  
8 unregulated heating fuel providers.

9 4. A participant in the Iowa affordable heating program  
10 who maintains the monthly level payment shall be protected  
11 from disconnection of service by the participant's primary  
12 heating fuel provider.

13 5. The administrator shall adopt rules pursuant to chapter  
14 17A which establish the criteria under which a participant in  
15 the Iowa affordable heating program would be determined  
16 ineligible for continued participation in the program. The  
17 criteria shall include but are not limited to a requirement  
18 that the participant maintains the monthly level payment in  
19 order to maintain eligibility in the program.

20 6. Any moneys appropriated for the Iowa affordable heating  
21 program which are not expended by April 30 of each fiscal year  
22 shall be used to fund the low-income energy assistance  
23 program.

24 Sec. 68. Section 225B.4, subsection 1, paragraph g, Code  
25 1993, is amended to read as follows:

26 g. The director administrator of the department division  
27 of human-rights persons with disabilities, or the director's  
28 administrator's designee.

29 Sec. 69. Section 225C.23, Code 1993, is amended to read as  
30 follows:

31 225C.23 BRAIN INJURY RECOGNIZED AS DISABILITY.

32 The department of human services, the Iowa department of  
33 public health, the department of education and its divisions  
34 of special education and vocational rehabilitation, the  
35 department of human civil rights and its division for persons

1 with disabilities, the department for the blind, and all other  
2 state agencies which serve persons with brain injuries, shall  
3 recognize brain injury as a distinct disability and shall  
4 identify those persons with brain injuries among the persons  
5 served by the state agency.

6 Sec. 70. Section 235C.2, subsection 3, Code Supplement  
7 1993, is amended to read as follows:

8 3. The ~~department-coordinator~~ director of the department  
9 of ~~human~~ civil rights or the ~~coordinator's~~ director's designee  
10 as a nonvoting ex officio member.

11 Sec. 71. Section 237.3, subsection 8, Code Supplement  
12 1993, is amended to read as follows:

13 8. The department, in consultation with the judicial  
14 department, the division of criminal and juvenile justice  
15 planning of the department of ~~human-rights~~ corrections,  
16 residential treatment providers, the foster care provider  
17 association, and other parties which may be affected, shall  
18 review the licensing rules pertaining to residential treatment  
19 facilities, and examine whether the rules allow the facilities  
20 to accept and provide effective treatment to juveniles with  
21 serious problems who might not otherwise be placed in those  
22 facilities.

23 Sec. 72. Section 239.22, Code Supplement 1993, is amended  
24 to read as follows:

25 239.22 MENTORING.

26 A statewide mentoring program is established to recruit,  
27 screen, train, and match former recipients and other  
28 volunteers with current recipients in a mentoring  
29 relationship. The ~~commission~~ division on the status of women  
30 of the department of ~~human~~ civil rights shall implement the  
31 program in collaboration with the departments of human  
32 services, economic development, employment services, and  
33 education. The availability of the program is subject to the  
34 funding appropriated for the purposes of the program.

35 Sec. 73. Section 241.3, subsection 2, Code 1993, is

1 amended to read as follows:

2 2. The department shall consult and co-operate with the  
3 division of job service of the department of employment  
4 services, the United States commissioner of social security  
5 administration, the division of the status of women of the  
6 department of human civil rights, the representative of the  
7 administrative agency administering the job training  
8 partnership Act, the department of education and other persons  
9 in the executive branch of the state government as the  
10 department considers appropriate to facilitate the co-  
11 ordination of multipurpose service programs established under  
12 this chapter with existing programs of a similar nature.

13 Sec. 74. Section 256.41, subsection 5, Code 1993, is  
14 amended to read as follows:

15 5. The administrator of the division of criminal and  
16 juvenile justice planning ~~in~~ of the department of human-rights  
17 corrections, or the administrator's designee.

18 Sec. 75. Section 260C.23, subsection 20, Code Supplement  
19 1993, is amended to read as follows:

20 20. File a copy of the annual report required by the  
21 federal Student Right-To-Know and Campus Security Act, Pub. L.  
22 No. 101-542, with the division of criminal and juvenile  
23 justice planning of the department of human-rights  
24 corrections, along with a copy of the written policy developed  
25 pursuant to subsection 19.

26 Sec. 76. Section 261.9, subsection 1, paragraph h, Code  
27 1993, is amended to read as follows:

28 h. Which files a copy of the annual report required by the  
29 federal Student Right-To-Know and Campus Security Act, Pub. L.  
30 No. 101-542, with the division of criminal and juvenile  
31 justice planning of the department of human-rights  
32 corrections, along with a copy of the written policy developed  
33 pursuant to paragraph "g".

34 Sec. 77. Section 262.9, subsection 28, Code Supplement  
35 1993, is amended to read as follows:

1 28. File a copy of the annual report required by the  
2 federal Student Right-To-Know and Campus Security Act, Pub. L.  
3 No. 101-542, with the division of criminal and juvenile  
4 justice planning of the department of ~~human-rights~~  
5 corrections, along with a copy of the written policy developed  
6 pursuant to subsection 27.

7 Sec. 78. Section 473.11, subsection 3, unnumbered  
8 paragraph 1, Code Supplement 1993, is amended to read as  
9 follows:

10 An energy fund disbursement council is established. The  
11 council shall be composed of the governor or the governor's  
12 designee, the director of the department of management, who  
13 shall serve as the council's chairperson, the administrator of  
14 the division of community action agencies of the department of  
15 human ~~rights~~ services, the administrator of the energy and  
16 geological resources division of the department of natural  
17 resources, and a designee of the director of transportation,  
18 who is knowledgeable in the field of energy conservation. The  
19 council shall include as nonvoting members two members of the  
20 senate appointed by the president of the senate, after  
21 consultation with the majority leader and the minority leader  
22 of the senate, and two members of the house of representatives  
23 appointed by the speaker of the house, after consultation with  
24 the majority leader and the minority leader of the house. The  
25 legislative members shall be appointed upon the convening and  
26 for the period of each general assembly. Not more than one  
27 member from each house shall be of the same political party.  
28 The council shall be staffed by the energy and geological  
29 resources division of the department of natural resources.  
30 The attorney general shall provide legal assistance to the  
31 council.

32 Sec. 79. Section 476.20, subsection 2, Code 1993, is  
33 amended to read as follows:

34 2. The board shall establish rules requiring a regulated  
35 public utility furnishing gas or electricity to include in the

1 utility's notice of pending disconnection of service a written  
2 statement advising the customer that the customer may be  
3 eligible to participate in the low income home energy  
4 assistance program or weatherization assistance program  
5 administered by the division of community action agencies of  
6 the department of human ~~rights~~ services. The written  
7 statement shall list the address and telephone number of the  
8 local agency which is administering the customer's low income  
9 home energy assistance program and the weatherization  
10 assistance program. The written statement shall also state  
11 that the customer is advised to contact the public utility to  
12 settle any of the customer's complaints with the public  
13 utility, but if a complaint is not settled to the customer's  
14 satisfaction, the customer may file the complaint with the  
15 board. The written statement shall include the address and  
16 phone number of the board. If the notice of pending  
17 disconnection of service applies to a residence, the written  
18 statement shall advise that the disconnection does not apply  
19 from November 1 through April 1 for a resident who is a "head  
20 of household", as defined by law, and who has been certified  
21 to the public utility by the local agency which is  
22 administering the low income home energy assistance program  
23 and weatherization assistance program as being eligible for  
24 either the low income home energy assistance program or  
25 weatherization assistance program, and that if such a resident  
26 resides within the serviced residence, the customer should  
27 promptly have the qualifying resident notify the local agency  
28 which is administering the low income home energy assistance  
29 program and weatherization assistance program. The board  
30 shall establish rules requiring that the written notice  
31 contain additional information as it deems necessary and  
32 appropriate.

33 Sec. 80. Section 476.51, unnumbered paragraph 5, Code  
34 1993, is amended to read as follows:

35 Civil penalties collected pursuant to this section shall be

1 forwarded by the executive secretary of the board to the  
2 treasurer of state to be credited to the energy research and  
3 development fund and to be used only for the low income home  
4 energy assistance program and the weatherization assistance  
5 program administered by the division of community action  
6 agencies of the department of human rights services.

7 Penalties paid by a rate-regulated public utility pursuant to  
8 this section shall be excluded from the utility's costs when  
9 determining the utility's revenue requirement, and shall not  
10 be included either directly or indirectly in the utility's  
11 rates or charges to customers.

12 Sec. 81. Section 476.66, subsection 6, Code 1993, is  
13 amended to read as follows:

14 6. The rules established by the utilities board shall  
15 require an annual report to be filed for each fund. The  
16 utilities board shall compile an annual statewide report of  
17 the fund results. The division of community action agencies  
18 of the department of human rights services shall prepare an  
19 annual report of the unmet need for energy assistance and  
20 weatherization. Both reports shall be submitted to the  
21 appropriations committees of the general assembly on the first  
22 day of the following session.

23 Sec. 82. Section 477C.5, subsection 2, paragraph c, Code  
24 1993, is amended to read as follows:

25 c. One representative from the division of deaf services  
26 of the department of human civil rights.

27 Sec. 83. Section 622A.7, Code 1993, is amended to read as  
28 follows:

29 622A.7 RULES.

30 The supreme court, after consultation with the commission  
31 of Latino affairs of the department of human civil rights and  
32 other appropriate departments, shall adopt rules governing the  
33 qualifications and compensation of interpreters appearing in  
34 proceedings before a court or grand jury under this chapter.  
35 However, an administrative agency which is subject to chapter

1 17A may adopt rules differing from those of the supreme court  
2 governing the qualifications and compensation of interpreters  
3 appearing in proceedings before that agency.

4 Sec. 84. Section 622B.1, subsection 2, Code Supplement  
5 1993, is amended to read as follows:

6 2. The supreme court, after consultation with the division  
7 of deaf services of the department of human civil rights,  
8 shall adopt rules governing the qualifications and  
9 compensation of interpreters appearing in a proceeding before  
10 a court, grand jury, or administrative agency under this  
11 chapter. However, an administrative agency which is subject  
12 to chapter 17A may adopt rules differing from those of the  
13 supreme court governing the qualifications and compensation of  
14 interpreters appearing in proceedings before that agency.

15 Sec. 85. Section 622B.4, Code Supplement 1993, is amended  
16 to read as follows:

17 622B.4 LIST.

18 The division of deaf services of the department of human  
19 civil rights shall prepare and continually update a listing of  
20 qualified and available interpreters. The courts and  
21 administrative agencies shall maintain a directory of  
22 qualified interpreters for deaf and hard-of-hearing persons as  
23 furnished by the department division of human-rights deaf  
24 services. The division of deaf services shall maintain  
25 information on the qualifications of interpreters, which  
26 information is confidential except to a court, administrative  
27 agency, or interested parties to an action using the services  
28 of an interpreter.

29 Sec. 86. Section 692.15, subsection 1, Code Supplement  
30 1993, is amended to read as follows:

31 1. If it comes to the attention of a sheriff, police  
32 department, or other law enforcement agency that a public  
33 offense has been committed in its jurisdiction, the law  
34 enforcement agency shall report information concerning such a  
35 public offense to the department on a form to be furnished by

1 the department not more than thirty-five days from the time  
2 the public offense first comes to the attention of the law  
3 enforcement agency. The reports shall be used to generate  
4 crime statistics. The department shall submit statistics to  
5 the governor, the general assembly, and the division of  
6 criminal and juvenile justice planning of the department of  
7 human-rights corrections on a quarterly and yearly basis.

8 Sec. 87. Section 804.31, unnumbered paragraph 1, Code  
9 Supplement 1993, is amended to read as follows:

10 When a person is detained for questioning or arrested for  
11 an alleged violation of a law or ordinance and there is reason  
12 to believe that the person is deaf or hard-of-hearing, the  
13 peace officer making the arrest or taking the person into  
14 custody or any other officer detaining the person shall  
15 determine if the person is a deaf or hard-of-hearing person as  
16 defined in section 622B.1. If the officer so determines, the  
17 officer, at the earliest possible time and prior to commencing  
18 any custodial interrogation of the person, shall procure a  
19 qualified interpreter in accordance with section 622B.2 and  
20 the rules adopted by the supreme court under section 622B.1  
21 unless the deaf or hard-of-hearing person knowingly,  
22 voluntarily, and intelligently waives the right to an  
23 interpreter in writing by executing a form prescribed by the  
24 division of deaf services of the department of human civil  
25 rights and the Iowa county attorneys association. The  
26 interpreter shall interpret the officer's warnings of  
27 constitutional rights and protections and all other warnings,  
28 statements, and questions spoken or written by any officer,  
29 attorney, or other person present and all statements and  
30 questions communicated in sign language by the deaf or hard-  
31 of-hearing person.

32 Sec. 88. NEW SECTION. 904.911 DEFINITIONS.

33 For the purpose of this subchapter, unless the context  
34 otherwise requires:

35 1. "Administrator" means the administrator of the division

1 of criminal and juvenile justice planning.

2 2. "Council" means the criminal and juvenile justice  
3 planning advisory council.

4 3. "Division" means the division of criminal and juvenile  
5 justice planning.

6 Sec. 89. NEW SECTION. 904.912 COUNCIL ESTABLISHED --  
7 TERMS -- COMPENSATION.

8 A criminal and juvenile justice planning advisory council  
9 is established within the department of corrections consisting  
10 of twenty-two members. The governor shall appoint seven  
11 members each for a four-year term beginning and ending as  
12 provided in section 69.19, in compliance with sections 69.16  
13 and 69.16A, and subject to confirmation by the senate as  
14 follows:

15 1. Three persons, each of whom is a county supervisor,  
16 county sheriff, mayor, city chief of police, or county  
17 attorney.

18 2. Two persons who represent the general public and are  
19 not employed in any law enforcement, judicial, or corrections  
20 capacity.

21 3. Two persons who are knowledgeable about Iowa's juvenile  
22 justice system.

23 The department of corrections, the department of human  
24 services, the department of public safety, the division on the  
25 status of African-Americans of the department of civil rights,  
26 the division of substance abuse of the Iowa department of  
27 public health, the chairperson of the board of parole, the  
28 attorney general, the state public defender, and the chief  
29 justice of the supreme court shall each designate a person to  
30 serve on the council.

31 The chief justice of the supreme court shall appoint two  
32 additional members currently serving as district judges. Two  
33 members of the senate and two members of the house of  
34 representatives shall be ex officio members and shall be  
35 appointed by the majority and minority leaders of the senate

1 and the speaker and minority leader of the house of  
2 representatives pursuant to section 69.16. Members appointed  
3 pursuant to this paragraph shall serve for four-year terms  
4 beginning and ending as provided in section 69.19 unless the  
5 member ceases to serve as a district court judge or as a  
6 member of the senate or of the house of representatives.

7 Members of the council shall receive reimbursement from the  
8 state for actual and necessary expenses incurred in the  
9 performance of their official duties. Members may also be  
10 eligible to receive compensation as provided in section 7E.6.

11 Sec. 90. NEW SECTION. 904.913 DUTIES.

12 The council shall do all of the following:

13 1. Identify issues and analyze the operation and impact of  
14 present criminal and juvenile justice policy and make  
15 recommendations for policy changes, including recommendations  
16 pertaining to efforts to curtail criminal gang activity.

17 2. Coordinate with data resource agencies to provide data  
18 and analytical information to federal, state, and local  
19 governments, and assist agencies in the use of criminal and  
20 juvenile justice data.

21 3. Report criminal and juvenile justice system needs to  
22 the governor, the general assembly, and other decision makers  
23 to improve the criminal and juvenile justice system.

24 4. Provide technical assistance upon request to state and  
25 local agencies.

26 5. Administer federal funds and funds appropriated by the  
27 state or that are otherwise available for study, research,  
28 investigation, planning, and implementation in the areas of  
29 criminal and juvenile justice.

30 6. Make grants to cities, counties, and other entities  
31 pursuant to applicable law.

32 7. Maintain an Iowa correctional policy project as  
33 provided in section 904.916.

34 Sec. 91. NEW SECTION. 904.914 ADMINISTRATOR.

35 The administrator shall be responsible to the council, and

1 with the approval of the council, shall employ and supervise  
2 other persons necessary to carry out the programs and policies  
3 established by the council.

4 The governor shall appoint the administrator of the  
5 division, subject to confirmation by the senate. The  
6 administrator shall serve at the pleasure of the governor and  
7 is exempt from the merit system provisions of chapter 19A.  
8 The governor shall set the salary of the administrator within  
9 the range set by the general assembly.

10 Sec. 92. NEW SECTION. 904.915 PLAN AND REPORT.

11 The division shall continue to implement the plan existing  
12 in 1995, and beginning in 1999, and every five years  
13 thereafter, the division shall develop a twenty-year criminal  
14 and juvenile justice plan for the state which shall include  
15 ten-year, fifteen-year, and twenty-year goals and a  
16 comprehensive five-year plan for criminal and juvenile justice  
17 programs. The five-year plan shall be updated annually and  
18 each twenty-year plan and annual updates of the five-year plan  
19 shall be submitted to the governor and the general assembly by  
20 February 1.

21 The division shall include in the plans, updates, and  
22 reports required by this section an identification and  
23 evaluation of existing juvenile treatment programs based upon  
24 quantifiable goals established by the division, utilizing its  
25 existing computer capacity and access.

26 Sec. 93. NEW SECTION. 904.916 STATISTICAL ANALYSIS  
27 CENTER.

28 The division shall maintain an Iowa statistical analysis  
29 center for the purpose of coordinating with data resource  
30 agencies to provide data and analytical information to  
31 federal, state, and local governments, and assist agencies in  
32 the use of criminal and juvenile justice data. The division  
33 of criminal and juvenile justice planning and the statistical  
34 analysis center are considered criminal justice agencies for  
35 the purposes of receiving criminal history data.

1     Sec. 94. NEW SECTION. 904.917 CORRECTIONAL POLICY  
2 PROJECT.

3     The division shall maintain an Iowa correctional policy  
4 project for the purpose of conducting analyses of major  
5 correctional issues affecting the criminal and juvenile  
6 justice system. The council shall identify and prioritize the  
7 issues and studies to be addressed by the division through  
8 this project and shall report project plans and findings  
9 annually along with the report required in section 904.915.  
10 Issues and studies to be considered by the council shall  
11 include, but are not limited to a review of the information  
12 systems available to assess corrections trends and program  
13 effectiveness, the development of an evaluation plan for  
14 assessing the impact of corrections expenditures, a study of  
15 the desirability and feasibility of changing the state's  
16 sentencing practices, a public opinion survey to assess the  
17 public's view of possible changes in current corrections  
18 practices, and the development of parole guidelines.

19     The division may form subcommittees for the purpose of  
20 addressing major correctional issues affecting the criminal  
21 and juvenile justice system. The division shall establish a  
22 subcommittee to address issues specifically affecting the  
23 juvenile justice system.

24     Sec. 95. NEW SECTION. 904.918 MULTIAGENCY DATA BASE  
25 CONCERNING JUVENILES.

26     1. The division shall coordinate the development of a  
27 multiagency data base to track the progress of juveniles  
28 through various state and local agencies and programs. The  
29 division shall develop a plan which utilizes existing data  
30 bases, including the Iowa court information system, the  
31 federally mandated national adoption and foster care  
32 information system, and the other state and local data bases  
33 pertaining to juveniles, to the extent possible.

34     2. The department of human services, department of  
35 corrections, judicial department, department of public safety,

1 department of education, local school districts, and other  
2 state agencies and political subdivisions shall cooperate with  
3 the division in the development of the plan.

4 3. The data base shall be designed to track the progress  
5 of juveniles in various programs, evaluate the experiences of  
6 juveniles, and evaluate the success of the services provided.

7 4. The division shall develop the plan within the context  
8 of existing federal privacy and confidentiality requirements.  
9 The plan shall build upon existing resources and facilities to  
10 the extent possible.

11 5. The plan shall include proposed guidelines for the  
12 sharing of information by case management teams, consisting of  
13 designated representatives of various state and local agencies  
14 and political subdivisions to coordinate the delivery of  
15 services to juveniles under the jurisdiction of the juvenile  
16 court. The guidelines shall be developed to structure and  
17 improve the information-sharing procedures of case management  
18 teams established pursuant to any applicable state or federal  
19 law or approved by the juvenile court with respect to a  
20 juvenile who is the recipient of the case management team  
21 services. The plan shall also contain proposals for changes  
22 in state laws or rules to facilitate the exchange of  
23 information among members of case management teams.

24 6. If the division has insufficient funds and resources to  
25 implement this section, the division shall determine what, if  
26 any, portion of this section may be implemented, and the  
27 remainder of this section shall not apply.

28 7. The division shall submit a report on the plan required  
29 by this section to the general assembly, annually, on or  
30 before January 15.

31 Sec. 96. ELIMINATION OF THE DEPARTMENT OF HUMAN RIGHTS --  
32 TRANSFER OF DIVISIONS.

33 1. Effective July 1, 1995, the divisions of the department  
34 of human rights are transferred to the indicated entity of  
35 state government as follows:

1 a. To the department of civil rights:

2 (1) Division of Latino affairs.

3 (2) Division on the status of women.

4 (3) Division of persons with disabilities.

5 (4) Division on the status of African-Americans.

6 (5) Division of deaf services.

7 b. To the department of human services: division of  
8 community action agencies.

9 c. To the department of corrections: division of criminal  
10 and juvenile justice planning.

11 2. It is the intent of the general assembly that the  
12 departments to which the divisions are transferred under this  
13 Act include the new divisions in their budgetary requests  
14 submitted for the fiscal year beginning July 1, 1995, and each  
15 fiscal year thereafter.

16 Sec. 97. CODE EDITOR AUTHORIZATION. The Code editor shall  
17 correct internal references and the names of the divisions,  
18 officers, or other entities throughout the Code to conform to  
19 the changes made in this Act.

20 Sec. 98. EFFECTIVE DATES.

21 1. Sections 1 through 50, and 52 through 95 of this Act  
22 take effect July 1, 1995.

23 2. Sections 51 and 96 of this Act, being deemed of  
24 immediate importance, take effect upon enactment.

25 EXPLANATION

26 This bill accelerates the abolishment of the department of  
27 human rights, which is currently to be abolished on July 1,  
28 1997, by providing for abolishment of the department on July  
29 1, 1995.

30 The bill also transfers the divisions within the department  
31 of human rights to other entities of state government as  
32 follows: the divisions of Latino affairs, status of women,  
33 persons with disabilities, status of African-Americans, and  
34 deaf services are transferred to the department of civil  
35 rights; the division of community action agencies is

1 transferred to the department of human services; the division  
2 of criminal and juvenile justice planning is transferred to  
3 the department of corrections.

4 Legislative intent requires the entities to which the  
5 divisions are transferred to provide for these divisions in  
6 their annual budgets, beginning with the fiscal year which  
7 begins July 1, 1995, and thereafter.

8 The bill also instructs the Code editor to make conforming  
9 changes throughout the Code to reflect the changes made in the  
10 bill in references to the divisions, officers, and other  
11 entities.

12 The bill also provides effective dates.

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SENATE FILE 2144  
FISCAL NOTE

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A fiscal note for Senate File 2144 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.

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Senate File 2144 accelerates the abolishment of the Department of Human Rights (DHR) by providing for the abolishment of the Department on July 1, 1995. Current law abolishes the DHR on July 1, 1997. The bill also transfers the divisions within the DHR to other entities of state government and redefines the Civil Rights Commission as the Department of Civil Rights (DCR).

Assumptions:

1. The following divisions would be transferred to the DCR to form an advocacy division: Persons with Disabilities, Status of African Americans, Status of Women, Latino Affairs, and Deaf Services.
2. The Division of Criminal and Juvenile Justice Planning would be transferred to the Department of Corrections.
3. The Division of Community Action Agencies would be transferred to the Department of Human Services.
4. Funds currently appropriated to each division would follow the function to the specified department.
5. The Department of Human Services would be able to cover costs associated with the administrative functions of the Division of Community Agencies by recouping indirect costs from the Division's federal funds.
6. This estimate does not consider any physical costs of reorganization.

Fiscal Estimate:

The fiscal impact on the General Fund would be an estimated savings of \$149,000 for FY 1996 and subsequent years. The savings is based on the following factors.

1. The Division of Central Administration currently receives an appropriation of \$288,000 from the General Fund. If the DHR is abolished, an appropriation will no longer be necessary.
2. The DCR anticipates it would need additional funds for 3.0 FTE positions, office equipment, and supplies totaling \$139,000 per year for administration of the new advocacy division.

Sources:

Civil Rights Commission  
Department of Corrections  
Department of Human Rights  
Department of Human Services

(LSB 3530ss, VMT)

FILED MARCH 3, 1994

BY DENNIS PROUTY, FISCAL DIRECTOR

SENATE FILE 2144

065

1 Amend Senate File 2144 as follows:

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

4 "Section 1. Section 15.108, Code Supplement 1993,  
5 is amended by adding the following new subsection:  
6 NEW SUBSECTION. 11. COMMUNITY ACTION PROGRAM. To  
7 provide administration and coordination of the  
8 community action program through community action  
9 agencies as provided in sections 115.321 through  
10 115.334.

11 Sec. 2. NEW SECTION. 15.321 DEFINITIONS.

12 For purposes of this part, unless the context  
13 otherwise requires:

14 1. "Administrator" means the administrator of  
15 another division of the department who is assigned  
16 coordination of the administration of the community  
17 action programs.

18 2. "Commission" means the commission on community  
19 action agencies.

20 3. "Community action agency" means a public agency  
21 or a private nonprofit agency which is authorized  
22 under its charter or bylaws to receive funds to  
23 administer community action programs and is designated  
24 by the governor to receive and administer the funds.

25 4. "Community action program" means a program  
26 conducted by a community action agency which includes  
27 projects to provide a range of services to improve the  
28 conditions of poverty in the area served by the  
29 community action agency.

30 5. "Delegate agency" means a subgrantee or  
31 contractor selected by the community action agency.

32 6. "Division" means another division of the  
33 department assigned the duty of coordinating the  
34 administration of the community action programs.

35 Sec. 3. NEW SECTION. 15.322 ADMINISTRATOR --  
36 DUTIES.

37 The administrator shall do all of the following:

38 1. Coordinate the administration of the community  
39 action programs.

40 2. Implement requirements of the community action  
41 programs.

42 3. Issue an annual report to the governor and  
43 general assembly regarding the community action  
44 programs conducted within the state.

45 Sec. 4. NEW SECTION. 15.323 COMMISSION  
46 ESTABLISHED.

47 1. The commission on community action agencies is  
48 created, composed of nine members appointed by the  
49 governor, subject to confirmation by the senate. The  
50 membership of the commission shall reflect the

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1 composition of local community action agency boards as  
2 follows:

3 a. One-third of the members shall be elected  
4 officials.

5 b. One-third of the members shall be  
6 representatives of business, industry, labor,  
7 religious, welfare, and educational organizations, or  
8 other major interest groups.

9 c. One-third of the members shall be persons who,  
10 according to federal guidelines, have incomes at or  
11 below poverty level.

12 2. Commission members shall serve three-year terms  
13 which shall begin and end pursuant to section 69.19.  
14 Vacancies on the commission shall be filled for the  
15 remainder of the term of the original appointment.  
16 Members whose terms expire may be reappointed.

17 Members of the commission shall receive actual  
18 expenses for their services. Members may also be  
19 eligible to receive compensation as provided in  
20 section 7E.6. Members as specified under subsection  
21 1, paragraph "c", however, shall receive per diem  
22 compensation as provided in section 7E.6 and actual  
23 expenses. The membership of the commission shall also  
24 comply with the political party affiliation and gender  
25 balance requirements of sections 69.16 and 69.16A.

26 3. The commission shall select from its membership  
27 a chairperson and other officers as it deems  
28 necessary. A majority of the members of the  
29 commission shall constitute a quorum.

30 Sec. 5. NEW SECTION. 15.324 DUTIES OF THE  
31 COMMISSION.

32 The commission shall:

33 1. Meet at least quarterly to review the progress  
34 of community action programs.

35 2. Adopt rules pursuant to chapter 17A as it deems  
36 necessary for the commission and division duties  
37 related to community action programs.

38 3. Supervise the collection of data relative to  
39 the scope of services provided by the community action  
40 agencies.

41 4. Recommend legislation to the governor and the  
42 general assembly designed to improve the status of  
43 low-income persons in the state.

44 Sec. 6. NEW SECTION. 15.325 ESTABLISHMENT OF  
45 COMMUNITY ACTION AGENCIES.

46 The division shall recognize and assist in the  
47 designation of certain community action agencies to  
48 assist in the delivery of community action programs.  
49 These programs shall include, but not be limited to,  
50 outreach, low-income energy assistance, and

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weatherization programs. If a community action agency is in effect and currently serving an area, that community action agency shall become the designated community action agency for that area. If there is not a designated community action agency in the area a city council or county board of supervisors or any combination of one or more councils or boards may establish a community action agency and may apply to the division for recognition. The council or board or the combination may adopt an ordinance or resolution establishing a community action agency if a community action agency has not been designated. It is the purpose of the division to strengthen, supplement, and coordinate efforts to develop the full potential of each citizen by recognizing certain community action agencies and the continuation of certain community-based programs delivered by community action agencies.

18 Sec. 7. NEW SECTION. 15.326 COMMUNITY ACTION  
19 AGENCY BOARD.

20 1. A recognized community action agency shall be  
21 governed by a board of directors composed of at least  
22 nine members. The board membership shall be as  
23 follows:

24 a. One-third of the members of the board shall be  
25 elected public officials currently holding office or  
26 their representatives. However, if the number of  
27 elected officials available and willing to serve is  
28 less than one-third of the membership of the board,  
29 the membership of the board consisting of appointive  
30 public officials may be counted as fulfilling the  
31 requirement that one-third of the members of the board  
32 be elected public officials.

33 b. At least one-third of the members of the board  
34 shall be chosen in accordance with procedures  
35 established by the community action agency to assure  
36 representation of the poor in an area served by the  
37 agency.

38 c. The remainder of the members of the board shall  
39 be members of business, industry, labor, religious,  
40 welfare, education, or other major groups or interests  
41 in the community.

42 2. Notwithstanding subsection 1, a public agency  
43 shall establish an advisory board or may contract with  
44 a delegate agency to assist the governing board. The  
45 advisory board or delegate agency board shall be  
46 composed of the same type of membership as a board of  
47 directors for community action agencies under  
48 subsection 1. However, the public agency acting as  
49 the community action agency shall determine annual  
50 program budget requests.

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1 Sec. 8. NEW SECTION. 15.327 DUTIES OF BOARD.

2 1. The governing board, delegate agency board, or  
3 advisory board shall:

4 a. Provide for:

5 (1) Comprehensive planning of the community action  
6 agency.

7 (2) Local needs assessment surveys conducted by  
8 the community action agency.

9 b. Approve overall program plans and priorities  
10 developed by the community action agency.

11 2. The governing board may:

12 a. Own, purchase, and dispose of property  
13 necessary for the operation of the community action  
14 agency.

15 b. Receive and administer funds and contributions  
16 from private or public sources which may be used to  
17 support community action programs.

18 c. Receive and administer funds from a federal or  
19 state assistance program pursuant to which a community  
20 action agency could serve as a grantee, a contractor,  
21 or a sponsor of a project appropriate for inclusion in  
22 a community action program.

23 Sec. 9. NEW SECTION. 15.328 DUTIES OF COMMUNITY  
24 ACTION AGENCY.

25 A community action agency or delegate agency shall:

26 1. Plan for a community action program by  
27 establishing priorities among projects, activities,  
28 and areas to provide for the most efficient use of  
29 possible resources.

30 2. Obtain and administer assistance from available  
31 sources on a common or cooperative basis, in an  
32 attempt to provide additional opportunities to low-  
33 income persons.

34 3. Establish effective procedures by which the  
35 concerned low-income persons and area residents may  
36 influence the community action programs affecting them  
37 by providing for methods of participation in the  
38 implementation of the community action programs and by  
39 providing technical support to assist persons to  
40 secure assistance available from public and private  
41 sources.

42 4. Encourage and support self-help, volunteer,  
43 business, labor, and other groups and organizations to  
44 assist public officials and agencies in supporting a  
45 community action program which results in the  
46 additional use of private resources while developing  
47 new employment opportunities, encouraging investments  
48 which have an impact on reducing poverty among the  
49 poor in areas of concentrated poverty, and providing  
50 methods by which low-income persons can work with

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private organizations, businesses, and institutions in seeking solutions to problems of common concern.

3 Sec. 10. NEW SECTION. 15.329 ADMINISTRATION.

4 A community action agency or a delegate agency may  
5 administer the components of a community action  
6 program when the program is consistent with plans and  
7 purposes and applicable law. The community action  
8 programs may be projects which are eligible for  
9 assistance from any source. The programs shall be  
10 developed to meet local needs and may be designed to  
11 meet eligibility standards of a federal or state  
12 program providing assistance to a plan to meet local  
13 needs.

14 Sec. 11. NEW SECTION. 15.330 AUDIT.

15 Each community action agency shall be audited  
16 annually but shall not be required to obtain a  
17 duplicate audit to meet the requirements of this  
18 section. In lieu of an audit by the auditor of state,  
19 the community action agency may contract with or  
20 employ a certified public accountant to conduct the  
21 audit, pursuant to the applicable terms and conditions  
22 prescribed by sections 11.6 and 11.19 and an audit  
23 format prescribed by the auditor of state. Copies of  
24 each audit shall be furnished to the division within  
25 three months following the annual audit.

26 Sec. 12. NEW SECTION. 15.331 ALLOCATION OF  
27 FINANCIAL ASSISTANCE.

28 The administrator shall provide financial  
29 assistance for community action agencies to implement  
30 community action programs, as permitted by the  
31 community service block grant, administer the low-  
32 income energy assistance block grants, department of  
33 energy funds for weatherization received in Iowa, and  
34 other possible funding sources.

35 If a political subdivision is the agency, the  
36 financial assistance shall be allocated to the  
37 political subdivision.

38 Sec. 13. NEW SECTION. 15.332 EMERGENCY  
39 WEATHERIZATION FUND.

40 The division shall continue implementation of the  
41 weatherization goals of each community action agency  
42 based on the inventory developed for the 1987-1988  
43 winter heating season.

44 Sec. 14. NEW SECTION. 15.333 ENERGY CRISIS FUND.

45 1. An energy crisis fund is created in the state  
46 treasury. Moneys deposited in the fund shall be used  
47 to assist low-income families who qualify for the low-  
48 income heating energy assistance program to avoid loss  
49 of essential heating.

50 2. The fund may receive moneys including, but not

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1 limited to, the following:

2 a. Moneys appropriated by the general assembly for  
3 the fund.

4 b. Moneys credited to the fund under section  
5 473.11.

6 c. Unclaimed patronage dividends of electric  
7 cooperative corporations or associations applied to  
8 the fund following the time specified in section  
9 556.12 for claiming the dividend from the holder.

10 d. The fund may also receive contributions from  
11 customer contribution funds established under section  
12 476.66.

13 3. Under rules developed by the division, the fund  
14 may be used to negotiate reconnection of essential  
15 utility services with the energy provider.

16 Sec. 15. NEW SECTION. 15.334 IOWA AFFORDABLE  
17 HEATING PROGRAM ESTABLISHED.

18 1. The division shall establish an Iowa affordable  
19 heating program for the purpose of assisting low-  
20 income persons in paying for primary heating fuel  
21 costs.

22 2. In order to be eligible for participation in  
23 the Iowa affordable heating program, an applicant must  
24 meet all of the following requirements:

25 a. Meet the income guidelines established pursuant  
26 to the federal low-income home energy assistance  
27 program, with income at or below one hundred ten  
28 percent of the federal poverty income guidelines  
29 established by the office of management and budget.  
30 The division may adjust the income threshold by rule  
31 as necessitated by budgetary restrictions.

32 b. Participate in annual level payment plans for  
33 both gas and electric services if such plans are  
34 available to the participant. The division shall  
35 develop an alternative plan for participants whose  
36 energy providers do not provide such plans.

37 c. Participate in the weatherization assistance  
38 program, if eligible.

39 d. Have insufficient finances, as determined by  
40 rule, which prohibit the payment of the entire cost of  
41 the heating of the applicant's home.

42 e. Submit to the administering agency within  
43 thirty days of application for participation in the  
44 program third-party verification of all of the  
45 following:

46 (1) The gross income of all of the members of the  
47 applicant's household in accordance with the rules  
48 adopted for the low-income home energy assistance  
49 program.

50 (2) The applicant's unreimbursed medical expenses

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for the time period corresponding to that used for the income calculation with proof of personal responsibility for these expenses.

f. Participate in counseling, provided by the administering agency, regarding energy efficiency.

3. In determination of the amount of the affordable heating payment for which the participant is eligible, the following formula shall be used:

a. An annual adjusted income amount shall be calculated.

(1) To be eligible, an applicant must also apply and be eligible for participation in the low-income home energy assistance program. A participant's income shall be determined as the amount verified on a low-income home energy assistance program application.

(2) A participant's adjusted income shall be determined by subtracting from the verified income, the actual costs incurred for each of the following:

(a) Annual rental or mortgage payments, real estate taxes, and real estate insurance payments not to exceed a maximum established by division rule based on the statewide low-income housing cost average.

(b) Annual unreimbursed medical expenses, not to exceed two thousand four hundred dollars.

(c) Annual child support and alimony payments.

(d) The annual costs of water, basic local telephone, and nonheating electric services as defined by division rule.

(e) Annual child care costs incurred by a participant due to employment or participation in an academic or job-training program.

b. A predicted heating cost shall be calculated.

(1) When applicable, the predicted heating costs shall be the annual total calculated under subsection 2, paragraph "b", for level payment plans.

(2) Where subsection 3, paragraph "b", subparagraph (1), does not apply, the predicted heating cost shall be based upon, but is not limited to, primary heating fuel usage incurred during the twelve-month period immediately preceding application, first adjusted for weather and then adjusted for rate changes occurring during the twelve-month period immediately preceding application.

c. Following the calculation of the participant's adjusted income and predicted heating cost, the participant's adjusted heating cost shall be calculated by:

(1) Adding the predicted heating cost figure to any scheduled repayment of an arrearage which has been negotiated between the participant and the primary

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1 heating fuel provider. The arrearage shall not exceed  
2 three hundred dollars annually. Any remaining  
3 arrearage shall be considered in subsequent years.

4 (2) Subtracting from the figure determined under  
5 paragraph "b" the federal low-income home energy  
6 assistance program grant, if a grant is received.

7 d. The division shall promulgate rules to  
8 establish a standard percentage not to exceed twenty-  
9 five percent of household heating costs to adjusted  
10 income, taking into consideration household family  
11 size. For each participant, the administering agency  
12 shall determine the percentage of adjusted heating  
13 cost to adjusted income. If the participant's  
14 percentage exceeds the standard percentage, an  
15 affordable heating payment shall be made as prescribed  
16 by rule. The payment shall be made to the  
17 participant's primary heating fuel provider and  
18 credited to the participant's heating account for the  
19 year in which the participant is eligible.

20 (1) When offered by the primary heating fuel  
21 provider, the provider shall calculate or recalculate  
22 the participant's annual level payment plan after all  
23 forms of assistance are credited. A monthly level  
24 payment shall be established. However, each level  
25 payment shall not be less than a monthly minimum as  
26 established by division rule.

27 (2) Reconciliation shall occur as prescribed in  
28 the rules of the Iowa utilities board or, at a  
29 minimum, annually, for unregulated heating fuel  
30 providers.

31 4. A participant in the Iowa affordable heating  
32 program who maintains the monthly level payment shall  
33 be protected from disconnection of service by the  
34 participant's primary heating fuel provider.

35 5. The department shall adopt rules pursuant to  
36 chapter 17A which establish the criteria under which a  
37 participant in the Iowa affordable heating program  
38 would be determined ineligible for continued  
39 participation in the program. The criteria shall  
40 include but are not limited to a requirement that the  
41 participant maintains the monthly level payment in  
42 order to maintain eligibility in the program.

43 6. Any moneys appropriated for the Iowa affordable  
44 heating program which are not expended by April 30 of  
45 each fiscal year shall be used to fund the low-income  
46 energy assistance program."

47 2. Page 1, line 5, by striking the figure  
48 "217.44" and inserting the following: "15.321".

49 3. Page 20, line 22, by striking the word "of"  
50 and inserting the following: "of with responsibility"

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- 1 for".
- 2 4. Page 20, by striking line 23, and inserting
- 3 the following: "agencies in under the department of
- 4 human-rights economic development or the".
- 5 5. By striking page 20, line 25 through page 30,
- 6 line 23.
- 7 6. Page 33, line 13, by striking the word "of"
- 8 and inserting the following: "of with responsibility
- 9 for".
- 10 7. Page 33, line 14, by striking the words
- 11 "agencies of" and inserting the following: "agencies
- 12 of under".
- 13 8. Page 33, by striking line 15 and inserting the
- 14 following: "human-rights economic development, the
- 15 administrator of the energy and".
- 16 9. Page 34, by striking line 5 and inserting the
- 17 following: "administered by the division of with
- 18 responsibility for community action agencies of
- 19 under".
- 20 10. Page 34, by striking line 6, and inserting
- 21 the following: "the department of human-rights
- 22 economic development. The written".
- 23 11. Page 35, by striking lines 5 and 6 and
- 24 inserting the following: "program administered by the
- 25 division of with responsibility for community action
- 26 agencies of under the department of human-rights
- 27 economic development."
- 28 12. Page 35, by striking lines 17 and 18 and
- 29 inserting the following: "the fund results. The
- 30 division of with responsibility for community action
- 31 agencies of the department of human-rights economic
- 32 development shall prepare an".
- 33 13. Page 43, line 7, by striking the word "human
- 34 services" and inserting the following: "economic
- 35 development".
- 36 14. By renumbering, relettering and correcting
- 37 internal references as necessary.

By COMMITTEE ON STATE GOVERNMENT  
MICHAEL GRONSTAL, Chairperson

S-5065 FILED MARCH 2, 1994

*adopted*  
*3-9-94*  
*(P.611)*

(AS AMENDED AND PASSED BY THE SENATE MARCH 9, 1994)

\_\_\_\_\_ - New Language by the Senate

\* - Language Stricken by the Senate

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the abolishment of the department of human  
2 rights, transfer of its various divisions to other entities of  
3 state government, and providing effective dates.

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

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S.F. 2144

1 Section 1. Section 15.108, Code Supplement 1993, is  
2 amended by adding the following new subsection:

3 NEW SUBSECTION. 11. COMMUNITY ACTION PROGRAM. To provide  
4 administration and coordination of the community action  
5 program through community action agencies as provided in  
6 sections 115.321 through 115.334.

7 Sec. 2. NEW SECTION. 15.321 DEFINITIONS.

8 For purposes of this part, unless the context otherwise  
9 requires:

10 1. "Administrator" means the administrator of another  
11 division of the department who is assigned coordination of the  
12 administration of the community action programs.

13 2. "Commission" means the commission on community action  
14 agencies.

15 3. "Community action agency" means a public agency or a  
16 private nonprofit agency which is authorized under its charter  
17 or bylaws to receive funds to administer community action  
18 programs and is designated by the governor to receive and  
19 administer the funds.

20 4. "Community action program" means a program conducted by  
21 a community action agency which includes projects to provide a  
22 range of services to improve the conditions of poverty in the  
23 area served by the community action agency.

24 5. "Delegate agency" means a subgrantee or contractor  
25 selected by the community action agency.

26 6. "Division" means another division of the department  
27 assigned the duty of coordinating the administration of the  
28 community action programs.

29 Sec. 3. NEW SECTION. 15.322 ADMINISTRATOR --DUTIES.

30 The administrator shall do all of the following:

31 1. Coordinate the administration of the community action  
32 programs.

33 2. Implement requirements of the community action  
34 programs.

35 3. Issue an annual report to the governor and general

1 assembly regarding the community action programs conducted  
2 within the state.

3 Sec. 4. NEW SECTION. 15.323 COMMISSION ESTABLISHED.

4 1. The commission on community action agencies is created,  
5 composed of nine members appointed by the governor, subject to  
6 confirmation by the senate. The membership of the commission  
7 shall reflect the composition of local community action agency  
8 boards as follows:

9 a. One-third of the members shall be elected officials.

10 b. One-third of the members shall be representatives of  
11 business, industry, labor, religious, welfare, and educational  
12 organizations, or other major interest groups.

13 c. One-third of the members shall be persons who,  
14 according to federal guidelines, have incomes at or below  
15 poverty level.

16 2. Commission members shall serve three-year terms which  
17 shall begin and end pursuant to section 69.19. Vacancies on  
18 the commission shall be filled for the remainder of the term  
19 of the original appointment. Members whose terms expire may  
20 be reappointed. Members of the commission shall receive  
21 actual expenses for their services. Members may also be  
22 eligible to receive compensation as provided in section 7E.6.  
23 Members as specified under subsection 1, paragraph "c",  
24 however, shall receive per diem compensation as provided in  
25 section 7E.6 and actual expenses. The membership of the  
26 commission shall also comply with the political party  
27 affiliation and gender balance requirements of sections 69.16  
28 and 69.16A.

29 3. The commission shall select from its membership a  
30 chairperson and other officers as it deems necessary. A  
31 majority of the members of the commission shall constitute a  
32 quorum.

33 Sec. 5. NEW SECTION. 15.324 DUTIES OF THE COMMISSION.

34 The commission shall:

35 1. Meet at least quarterly to review the progress of

1 community action programs.

2 2. Adopt rules pursuant to chapter 17A as it deems  
3 necessary for the commission and division duties related to  
4 community action programs.

5 3. Supervise the collection of data relative to the scope  
6 of services provided by the community action agencies.

7 4. Recommend legislation to the governor and the general  
8 assembly designed to improve the status of low-income persons  
9 in the state.

10 Sec. 6. NEW SECTION. 15.325 ESTABLISHMENT OF COMMUNITY  
11 ACTION AGENCIES.

12 The division shall recognize and assist in the designation  
13 of certain community action agencies to assist in the delivery  
14 of community action programs. These programs shall include,  
15 but not be limited to, outreach, low-income energy assistance,  
16 and weatherization programs. If a community action agency is  
17 in effect and currently serving an area, that community action  
18 agency shall become the designated community action agency for  
19 that area. If there is not a designated community action  
20 agency in the area a city council or county board of  
21 supervisors or any combination of one or more councils or  
22 boards may establish a community action agency and may apply  
23 to the division for recognition. The council or board or the  
24 combination may adopt an ordinance or resolution establishing  
25 a community action agency if a community action agency has not  
26 been designated. It is the purpose of the division to  
27 strengthen, supplement, and coordinate efforts to develop the  
28 full potential of each citizen by recognizing certain  
29 community action agencies and the continuation of certain  
30 community-based programs delivered by community action  
31 agencies.

32 Sec. 7. NEW SECTION. 15.326 COMMUNITY ACTION AGENCY  
33 BOARD.

34 1. A recognized community action agency shall be governed  
35 by a board of directors composed of at least nine members.

- 1 The board membership shall be as follows:  
2 a. One-third of the members of the board shall be elected  
3 public officials currently holding office or their  
4 representatives. However, if the number of elected officials  
5 available and willing to serve is less than one-third of the  
6 membership of the board, the membership of the board  
7 consisting of appointive public officials may be counted as  
8 fulfilling the requirement that one-third of the members of  
9 the board be elected public officials.
- 10 b. At least one-third of the members of the board shall be  
11 chosen in accordance with procedures established by the  
12 community action agency to assure representation of the poor  
13 in an area served by the agency.
- 14 c. The remainder of the members of the board shall be  
15 members of business, industry, labor, religious, welfare,  
16 education, or other major groups or interests in the  
17 community.
- 18 2. Notwithstanding subsection 1, a public agency shall  
19 establish an advisory board or may contract with a delegate  
20 agency to assist the governing board. The advisory board or  
21 delegate agency board shall be composed of the same type of  
22 membership as a board of directors for community action  
23 agencies under subsection 1. However, the public agency  
24 acting as the community action agency shall determine annual  
25 program budget requests.
- 26 Sec. 8. NEW SECTION. 15.327 DUTIES OF BOARD.
- 27 1. The governing board, delegate agency board, or advisory  
28 board shall:
- 29 a. Provide for:  
30 (1) Comprehensive planning of the community action agency.  
31 (2) Local needs assessment surveys conducted by the  
32 community action agency.
- 33 b. Approve overall program plans and priorities developed  
34 by the community action agency.
- 35 2. The governing board may:

1 a. Own, purchase, and dispose of property necessary for  
2 the operation of the community action agency.

3 b. Receive and administer funds and contributions from  
4 private or public sources which may be used to support  
5 community action programs.

6 c. Receive and administer funds from a federal or state  
7 assistance program pursuant to which a community action agency  
8 could serve as a grantee, a contractor, or a sponsor of a  
9 project appropriate for inclusion in a community action  
10 program.

11 Sec. 9. NEW SECTION. 15.328 DUTIES OF COMMUNITY ACTION  
12 AGENCY.

13 A community action agency or delegate agency shall:

14 1. Plan for a community action program by establishing  
15 priorities among projects, activities, and areas to provide  
16 for the most efficient use of possible resources.

17 2. Obtain and administer assistance from available sources  
18 on a common or cooperative basis, in an attempt to provide  
19 additional opportunities to low-income persons.

20 3. Establish effective procedures by which the concerned  
21 low-income persons and area residents may influence the  
22 community action programs affecting them by providing for  
23 methods of participation in the implementation of the  
24 community action programs and by providing technical support  
25 to assist persons to secure assistance available from public  
26 and private sources.

27 4. Encourage and support self-help, volunteer, business,  
28 labor, and other groups and organizations to assist public  
29 officials and agencies in supporting a community action  
30 program which results in the additional use of private  
31 resources while developing new employment opportunities,  
32 encouraging investments which have an impact on reducing  
33 poverty among the poor in areas of concentrated poverty, and  
34 providing methods by which low-income persons can work with  
35 private organizations, businesses, and institutions in seeking

1 solutions to problems of common concern.

2 Sec. 10. NEW SECTION. 15.329 ADMINISTRATION.

3 A community action agency or a delegate agency may  
4 administer the components of a community action program when  
5 the program is consistent with plans and purposes and  
6 applicable law. The community action programs may be projects  
7 which are eligible for assistance from any source. The  
8 programs shall be developed to meet local needs and may be  
9 designed to meet eligibility standards of a federal or state  
10 program providing assistance to a plan to meet local needs.

11 Sec. 11. NEW SECTION. 15.330 AUDIT.

12 Each community action agency shall be audited annually but  
13 shall not be required to obtain a duplicate audit to meet the  
14 requirements of this section. In lieu of an audit by the  
15 auditor of state, the community action agency may contract  
16 with or employ a certified public accountant to conduct the  
17 audit, pursuant to the applicable terms and conditions  
18 prescribed by sections 11.6 and 11.19 and an audit format  
19 prescribed by the auditor of state. Copies of each audit  
20 shall be furnished to the division within three months  
21 following the annual audit.

22 Sec. 12. NEW SECTION. 15.331 ALLOCATION OF FINANCIAL  
23 ASSISTANCE.

24 The administrator shall provide financial assistance for  
25 community action agencies to implement community action  
26 programs, as permitted by the community service block grant,  
27 administer the low-income energy assistance block grants,  
28 department of energy funds for weatherization received in  
29 Iowa, and other possible funding sources.

30 If a political subdivision is the agency, the financial  
31 assistance shall be allocated to the political subdivision.

32 Sec. 13. NEW SECTION. 15.332 EMERGENCY WEATHERIZATION  
33 FUND.

34 The division shall continue implementation of the  
35 weatherization goals of each community action agency based on

1 the inventory developed for the 1987-1988 winter heating  
2 season.

3 Sec. 14. NEW SECTION. 15.333 ENERGY CRISIS FUND.

4 1. An energy crisis fund is created in the state treasury.  
5 Moneys deposited in the fund shall be used to assist low-  
6 income families who qualify for the low-income heating energy  
7 assistance program to avoid loss of essential heating.

8 2. The fund may receive moneys including, but not limited  
9 to, the following:

10 a. Moneys appropriated by the general assembly for the  
11 fund.

12 b. Moneys credited to the fund under section 473.11.

13 c. Unclaimed patronage dividends of electric cooperative  
14 corporations or associations applied to the fund following the  
15 time specified in section 556.12 for claiming the dividend  
16 from the holder.

17 d. The fund may also receive contributions from customer  
18 contribution funds established under section 476.66.

19 3. Under rules developed by the division, the fund may be  
20 used to negotiate reconnection of essential utility services  
21 with the energy provider.

22 Sec. 15. NEW SECTION. 15.334 IOWA AFFORDABLE HEATING  
23 PROGRAM ESTABLISHED.

24 1. The division shall establish an Iowa affordable heating  
25 program for the purpose of assisting low-income persons in  
26 paying for primary heating fuel costs.

27 2. In order to be eligible for participation in the Iowa  
28 affordable heating program, an applicant must meet all of the  
29 following requirements:

30 a. Meet the income guidelines established pursuant to the  
31 federal low-income home energy assistance program, with income  
32 at or below one hundred ten percent of the federal poverty  
33 income guidelines established by the office of management and  
34 budget. The division may adjust the income threshold by rule  
35 as necessitated by budgetary restrictions.

- 1 b. Participate in annual level payment plans for both gas  
2 and electric services if such plans are available to the  
3 participant. The division shall develop an alternative plan  
4 for participants whose energy providers do not provide such  
5 plans.
- 6 c. Participate in the weatherization assistance program,  
7 if eligible.
- 8 d. Have insufficient finances, as determined by rule,  
9 which prohibit the payment of the entire cost of the heating  
10 of the applicant's home.
- 11 e. Submit to the administering agency within thirty days  
12 of application for participation in the program third-party  
13 verification of all of the following:
- 14 (1) The gross income of all of the members of the  
15 applicant's household in accordance with the rules adopted for  
16 the low-income home energy assistance program.
- 17 (2) The applicant's unreimbursed medical expenses for the  
18 time period corresponding to that used for the income  
19 calculation with proof of personal responsibility for these  
20 expenses.
- 21 f. Participate in counseling, provided by the  
22 administering agency, regarding energy efficiency.
- 23 3. In determination of the amount of the affordable  
24 heating payment for which the participant is eligible, the  
25 following formula shall be used:
- 26 a. An annual adjusted income amount shall be calculated.
- 27 (1) To be eligible, an applicant must also apply and be  
28 eligible for participation in the low-income home energy  
29 assistance program. A participant's income shall be  
30 determined as the amount verified on a low-income home energy  
31 assistance program application.
- 32 (2) A participant's adjusted income shall be determined by  
33 subtracting from the verified income, the actual costs  
34 incurred for each of the following:
- 35 (a) Annual rental or mortgage payments, real estate taxes,

1 and real estate insurance payments not to exceed a maximum  
2 established by division rule based on the statewide low-income  
3 housing cost average.

4 (b) Annual unreimbursed medical expenses, not to exceed  
5 two thousand four hundred dollars.

6 (c) Annual child support and alimony payments.

7 (d) The annual costs of water, basic local telephone, and  
8 nonheating electric services as defined by division rule.

9 (e) Annual child care costs incurred by a participant due  
10 to employment or participation in an academic or job-training  
11 program.

12 b. A predicted heating cost shall be calculated.

13 (1) When applicable, the predicted heating costs shall be  
14 the annual total calculated under subsection 2, paragraph "b",  
15 for level payment plans.

16 (2) Where subsection 3, paragraph "b", subparagraph (1),  
17 does not apply, the predicted heating cost shall be based  
18 upon, but is not limited to, primary heating fuel usage  
19 incurred during the twelve-month period immediately preceding  
20 application, first adjusted for weather and then adjusted for  
21 rate changes occurring during the twelve-month period  
22 immediately preceding application.

23 c. Following the calculation of the participant's adjusted  
24 income and predicted heating cost, the participant's adjusted  
25 heating cost shall be calculated by:

26 (1) Adding the predicted heating cost figure to any  
27 scheduled repayment of an arrearage which has been negotiated  
28 between the participant and the primary heating fuel provider.  
29 The arrearage shall not exceed three hundred dollars annually.  
30 Any remaining arrearage shall be considered in subsequent  
31 years.

32 (2) Subtracting from the figure determined under paragraph  
33 "b" the federal low-income home energy assistance program  
34 grant, if a grant is received.

35 d. The division shall promulgate rules to establish a

1 standard percentage not to exceed twenty-five percent of  
2 household heating costs to adjusted income, taking into  
3 consideration household family size. For each participant,  
4 the administering agency shall determine the percentage of  
5 adjusted heating cost to adjusted income. If the  
6 participant's percentage exceeds the standard percentage, an  
7 affordable heating payment shall be made as prescribed by  
8 rule. The payment shall be made to the participant's primary  
9 heating fuel provider and credited to the participant's  
10 heating account for the year in which the participant is  
11 eligible.

12 (1) When offered by the primary heating fuel provider, the  
13 provider shall calculate or recalculate the participant's  
14 annual level payment plan after all forms of assistance are  
15 credited. A monthly level payment shall be established.  
16 However, each level payment shall not be less than a monthly  
17 minimum as established by division rule.

18 (2) Reconciliation shall occur as prescribed in the rules  
19 of the Iowa utilities board or, at a minimum, annually, for  
20 unregulated heating fuel providers.

21 4. A participant in the Iowa affordable heating program  
22 who maintains the monthly level payment shall be protected  
23 from disconnection of service by the participant's primary  
24 heating fuel provider.

25 5. The department shall adopt rules pursuant to chapter  
26 17A which establish the criteria under which a participant in  
27 the Iowa affordable heating program would be determined  
28 ineligible for continued participation in the program. The  
29 criteria shall include but are not limited to a requirement  
30 that the participant maintains the monthly level payment in  
31 order to maintain eligibility in the program.

32 6. Any moneys appropriated for the Iowa affordable heating  
33 program which are not expended by April 30 of each fiscal year  
34 shall be used to fund the low-income energy assistance  
35 program.

1 Sec. 16. Section 23A.2, subsection 5, Code 1993, is  
2 amended to read as follows:

3 5. Subsections 1 and 3 do not apply to activities of  
4 community action agencies under community action programs, as  
5 both are defined in section ~~216A.9~~ 15.321.

6 Sec. 17. Section 84A.3, subsection 3, Code 1993, is  
7 amended to read as follows:

8 3. The job service commissioner, in cooperation with the  
9 division for persons with disabilities of the department of  
10 human civil rights, shall establish a program to provide job  
11 placement and training to persons with disabilities.

12 Sec. 18. Section 216.1, Code 1993, is amended to read as  
13 follows:

14 216.1 CITATION DEPARTMENT CREATED.

15 ~~This chapter may be known and may be cited as the "Iowa~~  
16 ~~Civil-Rights-Act-of-1965"~~.

17 The department of civil rights is created with the  
18 following divisions:

- 19 1. Division of civil rights.
- 20 2. Division of Latino affairs.
- 21 3. Division on the status of women.
- 22 4. Division of persons with disabilities.
- 23 5. Division on the status of African-Americans.
- 24 6. Division of deaf services.

25 Sec. 19. Section 216.2, subsection 1, Code 1993, is  
26 amended to read as follows:

27 1. "Commission" means the Iowa state civil rights  
28 ~~commission created by this chapter.~~

29 Sec. 20. Section 216.2, Code 1993, is amended by adding  
30 the following new subsections:

31 NEW SUBSECTION. 4A. "Department" means the department of  
32 civil rights created in section 216.1.

33 NEW SUBSECTION. 5A. "Director" means the director of the  
34 department of civil rights appointed pursuant to section 216.3  
35 to serve as both director of the department and administrator

1 of the division of civil rights.

2 Sec. 21. NEW SECTION. 216.2A CITATION.

3 This subchapter may be known and may be cited as the "Iowa  
4 Civil Rights Act of 1965".

5 Sec. 22. Section 216.5, Code 1993, is amended by adding  
6 the following new subsections:

7 NEW SUBSECTION. 15. To meet periodically with the  
8 administrators of the division of Latino affairs, the division  
9 on the status of women, the division of persons with  
10 disabilities, the division on the status of African-Americans,  
11 and the division of deaf services, to:

12 a. Identify areas where the divisions might coordinate  
13 efforts or share administrative or other support functions to  
14 provide greater efficiencies in operation including, but not  
15 limited to, accounting, clerical, recordkeeping, and  
16 administrative support functions.

17 b. Develop cooperative arrangements and shared services  
18 among the divisions to achieve greater efficiencies, and may  
19 establish contracts and agreements between or among the  
20 divisions to provide for shared services.

21 c. Transfer funds within the divisions agreeing to shared  
22 services for the implementation of the contracts or agreements  
23 between divisions.

24 d. Make recommendations to the governor and general  
25 assembly regarding additional consolidation and coordination  
26 that would require legislative action.

27 e. Advise the department director regarding actions by and  
28 for the divisions.

29 f. Establish goals and objectives for the divisions.

30 NEW SUBSECTION. 16. To evaluate each administrator of  
31 each division of the department and submit a written report of  
32 the completed evaluations to the governor, annually.

33 The governor shall appoint the administrator of each  
34 division, subject to confirmation by the senate. Each  
35 administrator shall serve at the pleasure of the governor and

1 is exempt from the merit system provisions of chapter 19A.  
2 The governor shall set the salary of each administrator within  
3 the range set by the general assembly.

4 Sec. 23. NEW SECTION. 216.21 CONFIDENTIALITY OF  
5 INDIVIDUAL CLIENT ADVOCACY RECORDS.

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

8 a. "Advocacy services" means services in which a division  
9 staff member writes or speaks in support of a client or a  
10 client's cause or refers a person to another service to help  
11 alleviate or solve a problem.

12 b. "Division" means the division of Latino affairs, the  
13 division on the status of women, the division of persons with  
14 disabilities, and the division on the status of African-  
15 Americans.

16 c. "Individual client advocacy records" means those files  
17 or records which pertain to problems divulged by a client to a  
18 division or any related papers or records which are released  
19 to the division about a client for the purpose of assisting  
20 the client.

21 2. Information pertaining to clients receiving advocacy  
22 services shall be held confidential, including but not limited  
23 to the following:

24 a. Names and addresses of clients receiving advocacy  
25 services.

26 b. Information about a client reported on the initial  
27 advocacy intake form and all documents, information, or other  
28 material relating to the advocacy issues or to the client  
29 which could identify the client, or divulge information about  
30 the client.

31 c. Information concerning the social or economic  
32 conditions or circumstances of particular clients who are  
33 receiving or have received advocacy services.

34 d. Division evaluations of information about a person  
35 seeking or receiving advocacy services.

1 e. Medical or psychiatric data, including diagnoses and  
2 past histories of disease or disability, concerning a person  
3 seeking or receiving advocacy services.

4 f. Legal data, including records which represent or  
5 constitute the work product of an attorney, which are related  
6 to a person seeking or receiving advocacy services.

7 3. Information described in subsection 2 shall not be  
8 disclosed or used by any person or agency except for purposes  
9 of administration of advocacy services, and shall not be  
10 disclosed to or used by a person or agency outside the  
11 division except upon consent of the client as evidenced by a  
12 signed release.

13 4. This section does not restrict the disclosure or use of  
14 information regarding the cost, purpose, number of clients  
15 served or assisted, and results of an advocacy program  
16 administered by the division, and other general and  
17 statistical information, so long as the information does not  
18 identify particular clients or persons provided with advocacy  
19 services.

20 Sec. 24. NEW SECTION. 216.22 DEFINITIONS.

21 For purposes of this subchapter, unless the context  
22 otherwise requires:

23 1. "Commission" means the commission of Latino affairs.

24 2. "Division" means the division of Latino affairs of the  
25 department of civil rights.

26 3. "Administrator" means the administrator of the division  
27 of Latino affairs of the department of civil rights.

28 Sec. 25. NEW SECTION. 216.23 COMMISSION OF LATINO  
29 AFFAIRS -- TERMS -- COMPENSATION.

30 The commission of Latino affairs consists of nine members,  
31 appointed by the governor, subject to confirmation by the  
32 senate. Commission members shall be appointed in compliance  
33 with sections 69.16 and 69.16A and with consideration given to  
34 geographic residence and density of Latino population  
35 represented by each member. The members of the commission

1 shall be appointed for terms of two years beginning and ending  
2 as provided in section 69.19. Members appointed shall  
3 continue to serve until their respective successors are  
4 appointed. Vacancies in the membership of the commission  
5 shall be filled by the original appointing authority and in  
6 the manner of the original appointments. Members shall  
7 receive actual expenses incurred while serving in their  
8 official capacity. Members may also be eligible to receive  
9 compensation as provided in section 7E.6.

10 Sec. 26. NEW SECTION. 216.24 ORGANIZATION.

11 The commission shall select from its membership a  
12 chairperson and other officers as it deems necessary and shall  
13 meet not less than six times a year. A majority of the  
14 members of the commission shall constitute a quorum.

15 Sec. 27. NEW SECTION. 216.25 COMMISSION EMPLOYEES.

16 The commission may employ personnel who shall be qualified  
17 to assume the responsibilities of their several offices. The  
18 administrator shall be the administrative officer of the  
19 commission and shall serve the commission by gathering and  
20 disseminating information, forwarding proposals and  
21 evaluations to the Iowa state civil rights commission, the  
22 governor, the general assembly, and state agencies, carrying  
23 out public education programs, conducting hearings and  
24 conferences, and performing other duties necessary for the  
25 proper operation of the commission. The administrator shall  
26 carry out programs and policies as determined by the  
27 commission.

28 Sec. 28. NEW SECTION. 216.26 DUTIES.

29 The commission shall:

30 1. Coordinate, assist, and cooperate with the efforts of  
31 state departments and agencies to serve the needs of Latino  
32 persons in the fields of education, employment, health,  
33 housing, welfare, and recreation.

34 2. Develop, coordinate, and assist other public  
35 organizations which serve Latino persons.

1 3. Evaluate existing programs and proposed legislation  
2 affecting Latino persons, and propose new programs.

3 4. Stimulate public awareness of the problems of Latino  
4 persons by conducting a program of public education and  
5 encouraging the governor and the general assembly to develop  
6 programs to deal with these problems.

7 5. Conduct training programs for Latino persons to enable  
8 them to assume leadership positions on the community level.

9 6. Conduct a survey of the Latino people in Iowa in order  
10 to ascertain their needs.

11 7. Work to establish a Latino information center in the  
12 state of Iowa.

13 8. Be responsible for budgetary and personnel decisions  
14 for the commission and division.

15 9. Maintain information on the qualifications of Spanish  
16 language interpreters and maintain and provide a list of those  
17 deemed qualified to Iowa courts or administrative agencies, as  
18 requested.

19 Sec. 29. NEW SECTION. 216.27 POWERS.

20 The commission shall have all powers necessary to carry out  
21 the functions and duties specified in this subchapter,  
22 including, but not limited to the power to establish advisory  
23 committees on special studies, to solicit and accept gifts and  
24 grants, adopt rules according to chapter 17A for the  
25 commission and division, and to contract with public and  
26 private groups to conduct its business. All departments,  
27 divisions, agencies and offices of the state shall make  
28 available upon request of the commission information which is  
29 pertinent to the subject matter of the study and which is not  
30 by law confidential.

31 Sec. 30. NEW SECTION. 216.28 REPORT.

32 The commission shall make a detailed report of its  
33 activities, studies, findings, conclusions and recommendations  
34 to the Iowa state civil rights commission and to the general  
35 assembly not later than February 15 of each odd-numbered year.

1 Sec. 31. NEW SECTION. 216.29 DEFINITIONS.

2 For purposes of this subchapter, unless the context  
3 otherwise requires:

4 1. "Commission" means the commission on the status of  
5 women.

6 2. "Division" means the division on the status of women of  
7 the department of civil rights.

8 3. "Administrator" means the administrator of the division  
9 on the status of women of the department of civil rights.

10 Sec. 32. NEW SECTION. 216.30 COMMISSION CREATED.

11 The commission on the status of women is created, composed  
12 of thirteen members as follows:

13 1. Four members of the general assembly serving as ex  
14 officio nonvoting members, one to be appointed by the speaker  
15 of the house from the membership of the house, one to be  
16 appointed by the minority leader of the house from the  
17 membership of the house, one to be appointed by the president  
18 of the senate, after consultation with the majority leader of  
19 the senate, from the membership of the senate, and one to be  
20 appointed by the minority leader of the senate, after  
21 consultation with the president of the senate, from the  
22 membership of the senate.

23 2. Nine members to be appointed by the governor  
24 representing a cross section of the citizens of the state,  
25 subject to confirmation by the senate. Commission members  
26 shall be appointed in compliance with section 69.16 and  
27 69.16A. The members of the commission shall elect one of its  
28 members to serve as chairperson of the commission.

29 Sec. 33. NEW SECTION. 216.31 TERM OF OFFICE.

30 Four of the members appointed to the initial commission  
31 shall be designated by the governor to serve two-year terms,  
32 and five shall be designated by the governor to serve four-  
33 year terms beginning and ending as provided in section 69.19.  
34 The legislative members of the commission shall be appointed  
35 to four-year terms of office, two of which shall expire every

1 two years unless sooner terminated by a commission member  
2 ceasing to be a member of the general assembly. Succeeding  
3 appointments shall be for a term of four years. Vacancies in  
4 the membership shall be filled for the unexpired term in the  
5 same manner as the original appointment.

6 Sec. 34. NEW SECTION. 216.32 MEETINGS OF THE COMMISSION.

7 The commission shall meet at least six times each year, and  
8 shall hold special meetings on the call of the chairperson.  
9 The commission shall adopt rules pursuant to chapter 17A as it  
10 deems necessary for the commission and division. The members  
11 of the commission shall receive a per diem as specified in  
12 section 7E.6 and be reimbursed for actual expenses while  
13 engaged in their official duties. Legislative members of the  
14 commission shall receive payment pursuant to sections 2.10 and  
15 2.12.

16 Sec. 35. NEW SECTION. 216.33 OBJECTIVES OF COMMISSION.

17 The commission shall study the changing needs and problems  
18 of the women of this state, and develop and recommend new  
19 programs and constructive action to the governor and the  
20 general assembly, including but not limited to, the following  
21 areas:

- 22 1. Public and private employment policies and practices.
- 23 2. Iowa labor laws.
- 24 3. Legal treatment relating to political and civil rights.
- 25 4. The family and the employed woman.
- 26 5. Expanded programs to help women as wives, mothers, and  
27 workers.
- 28 6. Women as citizen volunteers.
- 29 7. Education.

30 Sec. 36. NEW SECTION. 216.34 EMPLOYEES AND  
31 RESPONSIBILITY.

32 The commission shall employ other necessary employees. The  
33 commission shall have responsibility for budgetary and  
34 personnel decisions for the commission and division. The  
35 administrator shall carry out programs and policies as

1 determined by the commission.

2 Sec. 37. NEW SECTION. 216.35 DUTIES.

3 The commission shall:

4 1. Serve as a clearinghouse on programs and agencies  
5 operating to assist women.

6 2. Conduct conferences.

7 3. Cooperate with governmental agencies to assist them in  
8 equalizing opportunities between men and women in employment  
9 and in expanding women's rights and opportunities.

10 4. Serve as the central permanent agency for the  
11 development of services for women.

12 5. Cooperate with public and private agencies in joint  
13 efforts to study and resolve problems relating to the status  
14 of women.

15 6. Publish and disseminate information relating to women  
16 and develop other educational programs.

17 7. Provide assistance to organized efforts by communities,  
18 organizations, associations, and other groups working toward  
19 the improvement of women's status.

20 Sec. 38. NEW SECTION. 216.36 ADDITIONAL AUTHORITY.

21 The commission may:

22 1. Do all things necessary, proper, and expedient in  
23 accomplishing the duties listed in section 216.35 and this  
24 section.

25 2. Hold hearings.

26 3. Enter into contracts, within the limit of funds made  
27 available, with individuals, organizations, and institutions  
28 for services furthering the objectives of the commission as  
29 listed in section 216.33.

30 4. Seek advice and counsel of informed individuals, or any  
31 agricultural, industrial, professional, labor or trade  
32 association, or civic group in the accomplishment of the  
33 objectives of the commission.

34 5. Accept grants of money or property from the federal  
35 government or any other source, and may upon its own order use

1 this money, property, or other resources to accomplish the  
2 objectives of the commission.

3 Sec. 39. NEW SECTION. 216.37 ACCESS TO INFORMATION.

4 The commission shall have access to all nonconfidential  
5 records, data, information, and statistics of all departments,  
6 boards, commissions, agencies, and institutions of this state,  
7 and upon terms which may be mutually agreed upon, have studies  
8 and research conducted.

9 Sec. 40. NEW SECTION. 216.38 ANNUAL REPORT.

10 Not later than February 1 of each year the commission shall  
11 file a report with the Iowa state civil rights commission, the  
12 governor, and the general assembly of its proceedings for the  
13 previous calendar year, and may submit with the report such  
14 recommendations pertaining to its affairs as it deems  
15 desirable, including recommendations for legislative  
16 consideration and other action it deems necessary.

17 Sec. 41. NEW SECTION. 216.39 DEFINITIONS.

18 For purposes of this subchapter, unless the context  
19 otherwise requires:

20 1. "Commission" means the commission of persons with  
21 disabilities.

22 2. "Division" means the division of persons with  
23 disabilities of the department of civil rights.

24 3. "Administrator" means the administrator of the division  
25 of persons with disabilities of the department of civil  
26 rights.

27 Sec. 42. NEW SECTION. 216.40 COMMISSION ESTABLISHED.

28 A commission of persons with disabilities is established.

29 Sec. 43. NEW SECTION. 216.41 EX OFFICIO MEMBERS.

30 The following or designee shall serve as ex officio members  
31 of the commission:

32 1. The director of public health.

33 2. The director of the department of human services and  
34 any administrators of that department so assigned by the  
35 director.

- 1 3. The director of the department of education.
- 2 4. The director of vocational rehabilitation.
- 3 5. The director of the department for the blind.
- 4 6. The labor commissioner.
- 5 7. The industrial commissioner.
- 6 8. The job service commissioner.
- 7 9. The director of the department of personnel.
- 8 10. The director of the department of deaf services.

9 Sec. 44. NEW SECTION. 216.42 MEMBERSHIP.

10 The commission shall be composed of a minimum of twenty-  
11 four members appointed by the governor and additional members  
12 as the governor may appoint, subject to confirmation by the  
13 senate and in compliance with sections 69.16 and 69.16A.

14 Insofar as practicable, the commission shall consist of  
15 persons with disabilities, family members of persons with  
16 disabilities, representatives of industry, labor, business,  
17 agriculture, federal, state, and local government, and  
18 representatives of religious, charitable, fraternal, civic,  
19 educational, medical, legal, veteran, welfare, and other  
20 professional groups and organizations. Members shall be  
21 appointed representing every geographic center and employment  
22 area of the state and shall include members of both sexes.

23 Sec. 45. NEW SECTION. 216.43 TERMS.

24 Members of the commission appointed by the governor shall  
25 serve for a term of two years beginning and ending as provided  
26 in section 69.19. Vacancies on the commission shall be filled  
27 for the remainder of the term of the original appointment.  
28 Members whose terms expire may be reappointed.

29 Sec. 46. NEW SECTION. 216.44 OFFICERS.

30 The members of the commission shall appoint a commission  
31 chairperson and a vice chairperson and such other officers as  
32 the commission deems necessary. Such officers shall serve  
33 until their successors are appointed and qualified. Members  
34 of the commission shall receive actual expenses for their  
35 services. Members may also be eligible to receive

1 compensation as provided in section 7E.6. The commission  
2 shall adopt rules pursuant to chapter 17A for the commission  
3 and division.

4 Sec. 47. NEW SECTION. 216.45 DUTIES.

5 The commission shall:

- 6 1. Carry on a continuing program to promote the employment  
7 of persons with disabilities.
- 8 2. Cooperate with all public and private agencies  
9 interested in the employment of persons with disabilities.
- 10 3. Cooperate with all agencies responsible for or  
11 interested in the rehabilitation and placement of persons with  
12 disabilities.
- 13 4. Encourage the organization of committees at the  
14 community level and work closely with such committees in  
15 promoting the employment of persons with disabilities.
- 16 5. Assist in developing employer acceptance of qualified  
17 workers who are persons with disabilities.
- 18 6. Inform persons with disabilities of specific facilities  
19 available in seeking employment.
- 20 7. Conduct such educational programs as members deem  
21 necessary.
- 22 8. Report annually to the Iowa state civil rights  
23 commission, the governor, and the general assembly on  
24 commission activities and submit any recommendations believed  
25 necessary in promoting the employment of persons with  
26 disabilities.
- 27 9. Be responsible for budgetary and personnel decisions  
28 for the commission and division.

29 Sec. 48. NEW SECTION. 216.46 ADMINISTRATOR.

30 The commission officers may designate the duties and  
31 obligations of the position of administrator. Any person so  
32 employed may be the employee of another agency of state  
33 government appointed with the consent of the executive officer  
34 of such agency. The officers may appoint such other personnel  
35 as may be necessary for the efficient performance of the

1 duties prescribed by this part. The administrator shall carry  
2 out programs and policies as determined by the commission.

3 Sec. 49. NEW SECTION. 216.47 GIFTS, GRANTS, OR  
4 DONATIONS.

5 The commission may receive any gifts, grants, or donations  
6 made for any of the purposes of its program and disburse and  
7 administer the same in accordance with the terms thereof.

8 Sec. 50. NEW SECTION. 216.48 DEFINITIONS.

9 For purposes of this subchapter, unless the context  
10 otherwise requires:

11 1. "Commission" means the commission on the status of  
12 African-Americans.

13 2. "Division" means the division on the status of African-  
14 Americans of the department of civil rights.

15 3. "Administrator" means the administrator of the division  
16 on the status of African-Americans of the department of civil  
17 rights.

18 Sec. 51. NEW SECTION. 216.49 ESTABLISHMENT.

19 A commission on the status of African-Americans is  
20 established to consist of nine members, appointed by the  
21 governor and subject to confirmation by the senate. Members  
22 shall be appointed to staggered four-year terms beginning and  
23 ending as provided in section 69.19. At least five members  
24 shall be individuals who are African-American. Members shall  
25 be appointed in compliance with sections 69.16 and 69.16A and  
26 shall represent every geographical area of the state. The  
27 members of the commission shall appoint from its membership a  
28 commission chairperson and a vice chairperson and other  
29 officers as the commission deems necessary. Vacancies on the  
30 commission shall be filled for the remainder of the term of  
31 the original appointment.

32 Sec. 52. NEW SECTION. 216.50 MEETINGS OF THE COMMISSION.

33 The commission shall meet every other month and may hold  
34 special meetings on the call of the chairperson. The  
35 commission may adopt rules pursuant to chapter 17A as it deems

1 necessary for the conduct of its business. The members of the  
2 commission shall be reimbursed for actual expenses while  
3 engaged in their official duties. Members may also be  
4 eligible to receive compensation as provided in section 7E.6.

5 Sec. 53. NEW SECTION. 216.51 OBJECTIVES OF COMMISSION.

6 The commission shall study the changing needs and problems  
7 of African-Americans in this state, and recommend new  
8 programs, policies, and constructive action to the governor  
9 and the general assembly including, but not limited to, the  
10 following areas:

- 11 1. Public and private employment policies and practices.
- 12 2. Iowa labor laws.
- 13 3. Legal treatment relating to political and civil rights.
- 14 4. African-American children, youth, and families.
- 15 5. Expanded programs to assist African-Americans as  
16 consumers.

17 6. The employment of African-Americans and the initiation  
18 and sustaining of African-American businesses and African-  
19 American entrepreneurship.

20 7. African-Americans as members of private and public  
21 boards, committees, and organizations.

22 8. Education, health, housing, social welfare, human  
23 rights, and recreation.

24 9. The legal system, including law enforcement, both  
25 criminal and civil.

26 10. Social service programs.

27 Sec. 54. NEW SECTION. 216.52 EMPLOYEES AND  
28 RESPONSIBILITY.

29 The administrator shall be the administrative officer of  
30 the division and shall be responsible for implementing  
31 policies and programs. The administrator may employ, in  
32 accordance with chapter 19A, other persons necessary to carry  
33 out the programs of the division.

34 Sec. 55. NEW SECTION. 216.53 DUTIES.

35 The commission shall do all of the following:

- 1 1. Serve as an information clearinghouse on programs and  
2 agencies operating to assist African-Americans. Clearinghouse  
3 duties shall include, but are not limited to:
  - 4 a. Service as a referral agency to assist African-  
5 Americans in securing access to state agencies and programs.
  - 6 b. Service as a liaison with federal, state, and local  
7 governmental units and private organizations on matters  
8 relating to African-Americans.
  - 9 c. Service as a communications conduit to state government  
10 for African-American organizations in the state.
  - 11 d. Stimulation of public awareness of the problems of  
12 African-Americans.
- 13 2. Conduct conferences and training programs for African-  
14 Americans, public and private agencies and organizations, and  
15 the general public.
- 16 3. Coordinate, assist, and cooperate with public and  
17 private agencies in efforts to expand equal rights and  
18 opportunities for African-Americans in the areas of:  
19 employment, economic development, education, health, housing,  
20 recreation, social welfare, social services, and the legal  
21 system.
- 22 4. Serve as the central permanent agency for the advocacy  
23 of services for African-Americans.
- 24 5. Provide assistance to and cooperate with individuals  
25 and public and private agencies and organizations in joint  
26 efforts to study and resolve problems relating to the  
27 improvement of the status of African-Americans.
- 28 6. Publish and disseminate information relating to  
29 African-Americans, including publicizing their accomplishments  
30 and contributions to this state.
- 31 7. Evaluate existing and proposed programs and legislation  
32 for their impact on African-Americans.
- 33 8. Coordinate or conduct training programs for African-  
34 Americans to enable them to assume leadership positions.
- 35 9. Conduct surveys of African-Americans to ascertain their

1 needs.

2 10. Assist the department of personnel in the elimination  
3 of underutilization of African-Americans in the state's  
4 workforce.

5 11. Recommend legislation to the governor and the general  
6 assembly designed to improve the educational opportunities and  
7 the economic and social conditions of African-Americans in  
8 this state.

9 Sec. 56. NEW SECTION. 216.54 ADDITIONAL AUTHORITY.

10 The commission may do any or all of the following:

11 1. Do all things necessary, proper, and expedient in  
12 accomplishing the duties listed in section 216.53 and this  
13 section.

14 2. Hold hearings.

15 3. Enter into contracts, within the limit of funds made  
16 available, with individuals, organizations, and institutions  
17 for services furthering the objectives of the commission as  
18 listed in section 216.51.

19 4. Seek advice and counsel of informed individuals and  
20 organizations, in the accomplishment of the objectives of the  
21 commission.

22 5. Apply for and accept grants of money or property from  
23 the federal government or any other source, and upon its own  
24 order use this money, property, or other resources to  
25 accomplish the objectives of the commission.

26 Sec. 57. NEW SECTION. 216.55 ACCESS TO INFORMATION.

27 For the purpose of research and study, the commission and  
28 the administrator shall have access to all nonconfidential  
29 records, data, information, and statistics of all departments,  
30 boards, commissions, agencies, and institutions of this state.

31 Sec. 58. NEW SECTION. 216.56 ANNUAL REPORT.

32 Not later than August 1 of each year, the commission shall  
33 file a report with the Iowa state civil rights commission, the  
34 governor, and the general assembly of its activities for the  
35 previous fiscal year and its programmatic priorities for the

1 current year beginning July 1. The commission may submit with  
2 the report any recommendations pertaining to its affairs and  
3 shall submit recommendations for legislative consideration and  
4 other action it deems necessary.

5 Sec. 59. NEW SECTION. 216.57 DEFINITIONS.

6 For purposes of this subchapter, unless the context  
7 otherwise requires:

8 1. "Commission" means the commission on the deaf.

9 2. "Division" means the division of deaf services of the  
10 department of civil rights.

11 3. "Administrator" means the administrator of the division  
12 of deaf services of the department of civil rights.

13 Sec. 60. NEW SECTION. 216.58 COMMISSION CREATED.

14 A commission on the deaf is established, consisting of  
15 seven members appointed by the governor, subject to confirma-  
16 tion by the senate. Lists of nominees for appointment to  
17 membership on the commission may be submitted by the Iowa  
18 association of the deaf, the Iowa state registry of  
19 interpreters for the deaf, the Iowa school for the deaf, and  
20 the commission of persons with disabilities. At least four  
21 members shall be persons who cannot hear human speech with or  
22 without use of amplification. All members shall reside in  
23 Iowa and shall be appointed in accordance with sections 69.16  
24 and 69.16A. The members of the commission shall appoint the  
25 chairperson of the commission. A majority of the members of  
26 the commission constitutes a quorum.

27 Terms of office are three years and shall begin and end  
28 pursuant to section 69.19. The commission shall adopt rules  
29 concerning programs and services for deaf and hard-of-hearing  
30 persons.

31 Commission members shall be reimbursed for actual expenses  
32 incurred in performance of their duties. Members may also be  
33 eligible to receive compensation as provided in section 7E.6.

34 Sec. 61. NEW SECTION. 216.59 COMMISSION EMPLOYEES.

35 The commission may employ clerical staff who shall be

1 qualified by experience to assume the responsibilities of the  
2 offices. The administrator shall be the administrative  
3 officer of the commission and shall be responsible for  
4 implementing policy set by the commission. The administrator  
5 shall carry out programs and policies as determined by the  
6 commission.

7 Sec. 62. NEW SECTION. 216.60 DUTIES OF COMMISSION.

8 The commission shall:

9 1. Interpret to communities and to interested persons the  
10 needs of the deaf and hard-of-hearing and how their needs may  
11 be met through the use of service providers.

12 2. Obtain without additional cost to the state available  
13 office space in public and private agencies which service  
14 providers may utilize in carrying out service projects for  
15 deaf and hard-of-hearing persons. However, if space is not  
16 available in a specific service area without additional cost  
17 to the state, the commission may obtain other office space  
18 which is located with other public or private agencies. The  
19 space shall be obtained at the lowest cost available and the  
20 terms of the lease must be approved by the director of the  
21 department of general services.

22 3. Establish service projects for deaf and hard-of-hearing  
23 persons throughout the state. Projects shall not be  
24 undertaken by service providers for compensation which would  
25 duplicate existing services when those services are available  
26 to deaf and hard-of-hearing persons through paid interpreters  
27 or other persons able to communicate with deaf and hard-of-  
28 hearing persons.

29 As used in this section, "service projects" includes  
30 interpretation services for persons who are deaf and hard-of-  
31 hearing, referral and counseling services for deaf and hard-  
32 of-hearing persons in the areas of adult education, legal aid,  
33 employment, medical, finance, housing, recreation, and other  
34 personal assistance and social programs.

35 "Service providers" are persons who, for compensation or on

1 a volunteer basis, carry out service projects.

2 4. Identify agencies, both public and private, which  
3 provide community services, evaluate the extent to which they  
4 make services available to deaf and hard-of-hearing persons,  
5 and cooperate with the agencies in coordinating and extending  
6 these services.

7 5. Collect information concerning deafness or hearing loss  
8 and provide for the dissemination of the information.

9 6. Provide for the mutual exchange of ideas and  
10 information on services for deaf and hard-of-hearing persons  
11 between federal, state, and local governmental agencies and  
12 private organizations and individuals.

13 7. Be responsible for budgeting and personnel decisions  
14 for the commission and division.

15 Sec. 63. NEW SECTION. 216.61 POWERS.

16 The commission shall have all powers necessary to carry out  
17 the functions and duties specified in this subchapter,  
18 including, but not limited to the power to establish advisory  
19 committees on special studies, to solicit and accept gifts and  
20 grants, to adopt rules according to chapter 17A for the  
21 commission and division, and to contract with public and  
22 private groups to conduct its business. All departments,  
23 divisions, agencies, and offices of the state shall make  
24 available upon request of the commission information which is  
25 pertinent to the subject matter of the study and which is not  
26 by law confidential.

27 Sec. 64. NEW SECTION. 216.62 REPORT.

28 The commission shall make a detailed report of its  
29 activities, studies, conclusions, and recommendations to the  
30 general assembly not later than February 15 of each odd-  
31 numbered year.

32 Sec. 65. NEW SECTION. 216.63 INTERPRETATION SERVICES  
33 ACCOUNT.

34 All fees collected by the division for provision of  
35 interpretation service by the division to obligated agencies

1 shall be deposited in a separate account within the general  
2 operating fund of the division and shall be dedicated to and  
3 used by the division for the provision of continued and  
4 expanded interpretation services. The commission shall adopt  
5 rules which establish a fee schedule for the costs of  
6 provision of interpretation services, for collection of the  
7 fees, and for disposition of moneys received under this  
8 section. Notwithstanding section 8.33, any balance in the  
9 separate account at the end of any fiscal year, shall be  
10 retained in the account.

11 Sec. 66. Section 216A.5, Code Supplement 1993, is amended  
12 to read as follows:

13 216A.5 REPEAL.

14 This chapter is repealed effective July 1, 1997 1995.

15 Sec. 67. Section 217.9A, subsection 2, paragraph a,  
16 subparagraph (4), Code 1993, is amended to read as follows:

17 (4) ~~The director of the department of human rights~~ A  
18 commissioner of the Iowa state civil rights commission,  
19 appointed by the commission.

20 Sec. 68. Section 217.11, subsection 3, Code Supplement  
21 1993, is amended to read as follows:

22 3. The administrator of with responsibility for the  
23 division of community action agencies in under the department  
24 of human-rights economic development or the administrator's  
25 designee.

\* 26 Sec. 69. Section 225B.4, subsection 1, paragraph g, Code  
27 1993, is amended to read as follows:

28 g. The ~~director~~ administrator of the department division  
29 of human-rights persons with disabilities, or the ~~director's~~  
30 administrator's designee.

31 Sec. 70. Section 225C.23, Code 1993, is amended to read as  
32 follows:

33 225C.23 BRAIN INJURY RECOGNIZED AS DISABILITY.

34 The department of human services, the Iowa department of  
35 public health, the department of education and its divisions

1 of special education and vocational rehabilitation, the  
2 department of human civil rights and its division for persons  
3 with disabilities, the department for the blind, and all other  
4 state agencies which serve persons with brain injuries, shall  
5 recognize brain injury as a distinct disability and shall  
6 identify those persons with brain injuries among the persons  
7 served by the state agency.

8 Sec. 71. Section 235C.2, subsection 3, Code Supplement  
9 1993, is amended to read as follows:

10 3. The ~~department-coordinator~~ director of the department  
11 of human civil rights or the ~~coordinator's~~ director's designee  
12 as a nonvoting ex officio member.

13 Sec. 72. Section 237.3, subsection 8, Code Supplement  
14 1993, is amended to read as follows:

15 8. The department, in consultation with the judicial  
16 department, the division of criminal and juvenile justice  
17 planning of the department of human-rights corrections,  
18 residential treatment providers, the foster care provider  
19 association, and other parties which may be affected, shall  
20 review the licensing rules pertaining to residential treatment  
21 facilities, and examine whether the rules allow the facilities  
22 to accept and provide effective treatment to juveniles with  
23 serious problems who might not otherwise be placed in those  
24 facilities.

25 Sec. 73. Section 239.22, Code Supplement 1993, is amended  
26 to read as follows:

27 239.22 MENTORING.

28 A statewide mentoring program is established to recruit,  
29 screen, train, and match former recipients and other  
30 volunteers with current recipients in a mentoring  
31 relationship. The ~~commission~~ division on the status of women  
32 of the department of human civil rights shall implement the  
33 program in collaboration with the departments of human  
34 services, economic development, employment services, and  
35 education. The availability of the program is subject to the

1 funding appropriated for the purposes of the program.

2 Sec. 74. Section 241.3, subsection 2, Code 1993, is  
3 amended to read as follows:

4 2. The department shall consult and co-operate with the  
5 division of job service of the department of employment  
6 services, the United States commissioner of social security  
7 administration, the division of the status of women of the  
8 department of human civil rights, the representative of the  
9 administrative agency administering the job training  
10 partnership Act, the department of education and other persons  
11 in the executive branch of the state government as the  
12 department considers appropriate to facilitate the co-  
13 ordination of multipurpose service programs established under  
14 this chapter with existing programs of a similar nature.

15 Sec. 75. Section 256.41, subsection 5, Code 1993, is  
16 amended to read as follows:

17 5. The administrator of the division of criminal and  
18 juvenile justice planning in of the department of human-rights  
19 corrections, or the administrator's designee.

20 Sec. 76. Section 260C.23, subsection 20, Code Supplement  
21 1993, is amended to read as follows:

22 20. File a copy of the annual report required by the  
23 federal Student Right-To-Know and Campus Security Act, Pub. L.  
24 No. 101-542, with the division of criminal and juvenile  
25 justice planning of the department of human-rights  
26 corrections, along with a copy of the written policy developed  
27 pursuant to subsection 19.

28 Sec. 77. Section 261.9, subsection 1, paragraph h, Code  
29 1993, is amended to read as follows:

30 h. Which files a copy of the annual report required by the  
31 federal Student Right-To-Know and Campus Security Act, Pub. L.  
32 No. 101-542, with the division of criminal and juvenile  
33 justice planning of the department of human-rights  
34 corrections, along with a copy of the written policy developed  
35 pursuant to paragraph "g".

1 Sec. 78. Section 262.9, subsection 28, Code Supplement  
2 1993, is amended to read as follows:

3 28. File a copy of the annual report required by the  
4 federal Student Right-To-Know and Campus Security Act, Pub. L.  
5 No. 101-542, with the division of criminal and juvenile  
6 justice planning of the department of ~~human-rights~~  
7 corrections, along with a copy of the written policy developed  
8 pursuant to subsection 27.

9 Sec. 79. Section 473.11, subsection 3, unnumbered  
10 paragraph 1, Code Supplement 1993, is amended to read as  
11 follows:

12 An energy fund disbursement council is established. The  
13 council shall be composed of the governor or the governor's  
14 designee, the director of the department of management, who  
15 shall serve as the council's chairperson, the administrator of  
16 with responsibility for the division of community action  
17 agencies of under the department of human-rights economic  
18 development, the administrator of the energy and geological  
19 resources division of the department of natural resources, and  
20 a designee of the director of transportation, who is  
21 knowledgeable in the field of energy conservation. The  
22 council shall include as nonvoting members two members of the  
23 senate appointed by the president of the senate, after  
24 consultation with the majority leader and the minority leader  
25 of the senate, and two members of the house of representatives  
26 appointed by the speaker of the house, after consultation with  
27 the majority leader and the minority leader of the house. The  
28 legislative members shall be appointed upon the convening and  
29 for the period of each general assembly. Not more than one  
30 member from each house shall be of the same political party.  
31 The council shall be staffed by the energy and geological  
32 resources division of the department of natural resources.  
33 The attorney general shall provide legal assistance to the  
34 council.

35 Sec. 80. Section 476.20, subsection 2, Code 1993, is

1 amended to read as follows:  
2 2. The board shall establish rules requiring a regulated  
3 public utility furnishing gas or electricity to include in the  
4 utility's notice of pending disconnection of service a written  
5 statement advising the customer that the customer may be  
6 eligible to participate in the low income home energy  
7 assistance program or weatherization assistance program  
8 administered by the division of with responsibility for  
9 community action agencies of under the department of human  
10 rights economic development. The written statement shall list  
11 the address and telephone number of the local agency which is  
12 administering the customer's low income home energy assistance  
13 program and the weatherization assistance program. The  
14 written statement shall also state that the customer is  
15 advised to contact the public utility to settle any of the  
16 customer's complaints with the public utility, but if a  
17 complaint is not settled to the customer's satisfaction, the  
18 customer may file the complaint with the board. The written  
19 statement shall include the address and phone number of the  
20 board. If the notice of pending disconnection of service  
21 applies to a residence, the written statement shall advise  
22 that the disconnection does not apply from November 1 through  
23 April 1 for a resident who is a "head of household", as  
24 defined by law, and who has been certified to the public  
25 utility by the local agency which is administering the low  
26 income home energy assistance program and weatherization  
27 assistance program as being eligible for either the low income  
28 home energy assistance program or weatherization assistance  
29 program, and that if such a resident resides within the  
30 serviced residence, the customer should promptly have the  
31 qualifying resident notify the local agency which is  
32 administering the low income home energy assistance program  
33 and weatherization assistance program. The board shall  
34 establish rules requiring that the written notice contain  
35 additional information as it deems necessary and appropriate.

1 Sec. 81. Section 476.51, unnumbered paragraph 5, Code  
2 1993, is amended to read as follows:

3 Civil penalties collected pursuant to this section shall be  
4 forwarded by the executive secretary of the board to the  
5 treasurer of state to be credited to the energy research and  
6 development fund and to be used only for the low income home  
7 energy assistance program and the weatherization assistance  
8 program administered by the division of with responsibility  
9 for community action agencies of under the department of human  
10 rights economic development. Penalties paid by a rate-  
11 regulated public utility pursuant to this section shall be  
12 excluded from the utility's costs when determining the  
13 utility's revenue requirement, and shall not be included  
14 either directly or indirectly in the utility's rates or  
15 charges to customers.

16 Sec. 82. Section 476.66, subsection 6, Code 1993, is  
17 amended to read as follows:

18 6. The rules established by the utilities board shall  
19 require an annual report to be filed for each fund. The  
20 utilities board shall compile an annual statewide report of  
21 the fund results. The division of with responsibility for  
22 community action agencies of the department of human-rights  
23 economic development shall prepare an annual report of the  
24 unmet need for energy assistance and weatherization. Both  
25 reports shall be submitted to the appropriations committees of  
26 the general assembly on the first day of the following  
27 session.

28 Sec. 83. Section 477C.5, subsection 2, paragraph c, Code  
29 1993, is amended to read as follows:

30 c. One representative from the division of deaf services  
31 of the department of human civil rights.

32 Sec. 84. Section 622A.7, Code 1993, is amended to read as  
33 follows:

34 622A.7 RULES.

35 The supreme court, after consultation with the commission

1 of Latino affairs of the department of human civil rights and  
2 other appropriate departments, shall adopt rules governing the  
3 qualifications and compensation of interpreters appearing in  
4 proceedings before a court or grand jury under this chapter.  
5 However, an administrative agency which is subject to chapter  
6 17A may adopt rules differing from those of the supreme court  
7 governing the qualifications and compensation of interpreters  
8 appearing in proceedings before that agency.

9 Sec. 85. Section 622B.1, subsection 2, Code Supplement  
10 1993, is amended to read as follows:

11 2. The supreme court, after consultation with the division  
12 of deaf services of the department of human civil rights,  
13 shall adopt rules governing the qualifications and  
14 compensation of interpreters appearing in a proceeding before  
15 a court, grand jury, or administrative agency under this  
16 chapter. However, an administrative agency which is subject  
17 to chapter 17A may adopt rules differing from those of the  
18 supreme court governing the qualifications and compensation of  
19 interpreters appearing in proceedings before that agency.

20 Sec. 86. Section 622B.4, Code Supplement 1993, is amended  
21 to read as follows:

22 622B.4 LIST.

23 The division of deaf services of the department of human  
24 civil rights shall prepare and continually update a listing of  
25 qualified and available interpreters. The courts and  
26 administrative agencies shall maintain a directory of  
27 qualified interpreters for deaf and hard-of-hearing persons as  
28 furnished by the department division of human-rights deaf  
29 services. The division of deaf services shall maintain  
30 information on the qualifications of interpreters, which  
31 information is confidential except to a court, administrative  
32 agency, or interested parties to an action using the services  
33 of an interpreter.

34 Sec. 87. Section 692.15, subsection 1, Code Supplement  
35 1993, is amended to read as follows:

1 1. If it comes to the attention of a sheriff, police  
2 department, or other law enforcement agency that a public  
3 offense has been committed in its jurisdiction, the law  
4 enforcement agency shall report information concerning such a  
5 public offense to the department on a form to be furnished by  
6 the department not more than thirty-five days from the time  
7 the public offense first comes to the attention of the law  
8 enforcement agency. The reports shall be used to generate  
9 crime statistics. The department shall submit statistics to  
10 the governor, the general assembly, and the division of  
11 criminal and juvenile justice planning of the department of  
12 human-rights corrections on a quarterly and yearly basis.

13 Sec. 88. Section 804.31, unnumbered paragraph 1, Code  
14 Supplement 1993, is amended to read as follows:

15 When a person is detained for questioning or arrested for  
16 an alleged violation of a law or ordinance and there is reason  
17 to believe that the person is deaf or hard-of-hearing, the  
18 peace officer making the arrest or taking the person into  
19 custody or any other officer detaining the person shall  
20 determine if the person is a deaf or hard-of-hearing person as  
21 defined in section 622B.1. If the officer so determines, the  
22 officer, at the earliest possible time and prior to commencing  
23 any custodial interrogation of the person, shall procure a  
24 qualified interpreter in accordance with section 622B.2 and  
25 the rules adopted by the supreme court under section 622B.1  
26 unless the deaf or hard-of-hearing person knowingly,  
27 voluntarily, and intelligently waives the right to an  
28 interpreter in writing by executing a form prescribed by the  
29 division of deaf services of the department of human civil  
30 rights and the Iowa county attorneys association. The  
31 interpreter shall interpret the officer's warnings of  
32 constitutional rights and protections and all other warnings,  
33 statements, and questions spoken or written by any officer,  
34 attorney, or other person present and all statements and  
35 questions communicated in sign language by the deaf or hard-

1 of-hearing person.

2 Sec. 89. NEW SECTION. 904.911 DEFINITIONS.

3 For the purpose of this subchapter, unless the context  
4 otherwise requires:

5 1. "Administrator" means the administrator of the division  
6 of criminal and juvenile justice planning.

7 2. "Council" means the criminal and juvenile justice  
8 planning advisory council.

9 3. "Division" means the division of criminal and juvenile  
10 justice planning.

11 Sec. 90. NEW SECTION. 904.912 COUNCIL ESTABLISHED --  
12 TERMS -- COMPENSATION.

13 A criminal and juvenile justice planning advisory council  
14 is established within the department of corrections consisting  
15 of twenty-two members. The governor shall appoint seven  
16 members each for a four-year term beginning and ending as  
17 provided in section 69.19, in compliance with sections 69.16  
18 and 69.16A, and subject to confirmation by the senate as  
19 follows:

20 1. Three persons, each of whom is a county supervisor,  
21 county sheriff, mayor, city chief of police, or county  
22 attorney.

23 2. Two persons who represent the general public and are  
24 not employed in any law enforcement, judicial, or corrections  
25 capacity.

26 3. Two persons who are knowledgeable about Iowa's juvenile  
27 justice system.

28 The department of corrections, the department of human  
29 services, the department of public safety, the division on the  
30 status of African-Americans of the department of civil rights,  
31 the division of substance abuse of the Iowa department of  
32 public health, the chairperson of the board of parole, the  
33 attorney general, the state public defender, and the chief  
34 justice of the supreme court shall each designate a person to  
35 serve on the council.

1 The chief justice of the supreme court shall appoint two  
2 additional members currently serving as district judges. Two  
3 members of the senate and two members of the house of  
4 representatives shall be ex officio members and shall be  
5 appointed by the majority and minority leaders of the senate  
6 and the speaker and minority leader of the house of  
7 representatives pursuant to section 69.16. Members appointed  
8 pursuant to this paragraph shall serve for four-year terms  
9 beginning and ending as provided in section 69.19 unless the  
10 member ceases to serve as a district court judge or as a  
11 member of the senate or of the house of representatives.

12 Members of the council shall receive reimbursement from the  
13 state for actual and necessary expenses incurred in the  
14 performance of their official duties. Members may also be  
15 eligible to receive compensation as provided in section 7E.6.

16 Sec. 91. NEW SECTION. 904.913 DUTIES.

17 The council shall do all of the following:

- 18 1. Identify issues and analyze the operation and impact of  
19 present criminal and juvenile justice policy and make  
20 recommendations for policy changes, including recommendations  
21 pertaining to efforts to curtail criminal gang activity.
- 22 2. Coordinate with data resource agencies to provide data  
23 and analytical information to federal, state, and local  
24 governments, and assist agencies in the use of criminal and  
25 juvenile justice data.
- 26 3. Report criminal and juvenile justice system needs to  
27 the governor, the general assembly, and other decision makers  
28 to improve the criminal and juvenile justice system.
- 29 4. Provide technical assistance upon request to state and  
30 local agencies.
- 31 5. Administer federal funds and funds appropriated by the  
32 state or that are otherwise available for study, research,  
33 investigation, planning, and implementation in the areas of  
34 criminal and juvenile justice.
- 35 6. Make grants to cities, counties, and other entities

1 pursuant to applicable law.

2 7. Maintain an Iowa correctional policy project as  
3 provided in section 904.916.

4 Sec. 92. NEW SECTION. 904.914 ADMINISTRATOR.

5 The administrator shall be responsible to the council, and  
6 with the approval of the council, shall employ and supervise  
7 other persons necessary to carry out the programs and policies  
8 established by the council.

9 The governor shall appoint the administrator of the  
10 division, subject to confirmation by the senate. The  
11 administrator shall serve at the pleasure of the governor and  
12 is exempt from the merit system provisions of chapter 19A.  
13 The governor shall set the salary of the administrator within  
14 the range set by the general assembly.

15 Sec. 93. NEW SECTION. 904.915 PLAN AND REPORT.

16 The division shall continue to implement the plan existing  
17 in 1995, and beginning in 1999, and every five years  
18 thereafter, the division shall develop a twenty-year criminal  
19 and juvenile justice plan for the state which shall include  
20 ten-year, fifteen-year, and twenty-year goals and a  
21 comprehensive five-year plan for criminal and juvenile justice  
22 programs. The five-year plan shall be updated annually and  
23 each twenty-year plan and annual updates of the five-year plan  
24 shall be submitted to the governor and the general assembly by  
25 February 1.

26 The division shall include in the plans, updates, and  
27 reports required by this section an identification and  
28 evaluation of existing juvenile treatment programs based upon  
29 quantifiable goals established by the division, utilizing its  
30 existing computer capacity and access.

31 Sec. 94. NEW SECTION. 904.916 STATISTICAL ANALYSIS  
32 CENTER.

33 The division shall maintain an Iowa statistical analysis  
34 center for the purpose of coordinating with data resource  
35 agencies to provide data and analytical information to

1 federal, state, and local governments, and assist agencies in  
2 the use of criminal and juvenile justice data. The division  
3 of criminal and juvenile justice planning and the statistical  
4 analysis center are considered criminal justice agencies for  
5 the purposes of receiving criminal history data.

6 Sec. 95. NEW SECTION. 904.917 CORRECTIONAL POLICY  
7 PROJECT.

8 The division shall maintain an Iowa correctional policy  
9 project for the purpose of conducting analyses of major  
10 correctional issues affecting the criminal and juvenile  
11 justice system. The council shall identify and prioritize the  
12 issues and studies to be addressed by the division through  
13 this project and shall report project plans and findings  
14 annually along with the report required in section 904.915.  
15 Issues and studies to be considered by the council shall  
16 include, but are not limited to a review of the information  
17 systems available to assess corrections trends and program  
18 effectiveness, the development of an evaluation plan for  
19 assessing the impact of corrections expenditures, a study of  
20 the desirability and feasibility of changing the state's  
21 sentencing practices, a public opinion survey to assess the  
22 public's view of possible changes in current corrections  
23 practices, and the development of parole guidelines.

24 The division may form subcommittees for the purpose of  
25 addressing major correctional issues affecting the criminal  
26 and juvenile justice system. The division shall establish a  
27 subcommittee to address issues specifically affecting the  
28 juvenile justice system.

29 Sec. 96. NEW SECTION. 904.918 MULTIAGENCY DATA BASE  
30 CONCERNING JUVENILES.

31 1. The division shall coordinate the development of a  
32 multiagency data base to track the progress of juveniles  
33 through various state and local agencies and programs. The  
34 division shall develop a plan which utilizes existing data  
35 bases, including the Iowa court information system, the

1 federally mandated national adoption and foster care  
2 information system, and the other state and local data bases  
3 pertaining to juveniles, to the extent possible.

4 2. The department of human services, department of  
5 corrections, judicial department, department of public safety,  
6 department of education, local school districts, and other  
7 state agencies and political subdivisions shall cooperate with  
8 the division in the development of the plan.

9 3. The data base shall be designed to track the progress  
10 of juveniles in various programs, evaluate the experiences of  
11 juveniles, and evaluate the success of the services provided.

12 4. The division shall develop the plan within the context  
13 of existing federal privacy and confidentiality requirements.  
14 The plan shall build upon existing resources and facilities to  
15 the extent possible.

16 5. The plan shall include proposed guidelines for the  
17 sharing of information by case management teams, consisting of  
18 designated representatives of various state and local agencies  
19 and political subdivisions to coordinate the delivery of  
20 services to juveniles under the jurisdiction of the juvenile  
21 court. The guidelines shall be developed to structure and  
22 improve the information-sharing procedures of case management  
23 teams established pursuant to any applicable state or federal  
24 law or approved by the juvenile court with respect to a  
25 juvenile who is the recipient of the case management team  
26 services. The plan shall also contain proposals for changes  
27 in state laws or rules to facilitate the exchange of  
28 information among members of case management teams.

29 6. If the division has insufficient funds and resources to  
30 implement this section, the division shall determine what, if  
31 any, portion of this section may be implemented, and the  
32 remainder of this section shall not apply.

33 7. The division shall submit a report on the plan required  
34 by this section to the general assembly, annually, on or  
35 before January 15.

1     Sec. 97.  ELIMINATION OF THE DEPARTMENT OF HUMAN RIGHTS --  
2 TRANSFER OF DIVISIONS.

3     1.  Effective July 1, 1995, the divisions of the department  
4 of human rights are transferred to the indicated entity of  
5 state government as follows:

6     a.  To the department of civil rights:

7       (1)  Division of Latino affairs.

8       (2)  Division on the status of women.

9       (3)  Division of persons with disabilities.

10      (4)  Division on the status of African-Americans.

11      (5)  Division of deaf services.

12     b.  To the department of economic development:  division of  
13 community action agencies.

14     c.  To the department of corrections:  division of criminal  
15 and juvenile justice planning.

16     2.  It is the intent of the general assembly that the  
17 departments to which the divisions are transferred under this  
18 Act include the new divisions in their budgetary requests  
19 submitted for the fiscal year beginning July 1, 1995, and each  
20 fiscal year thereafter.

21     Sec. 98.  CODE EDITOR AUTHORIZATION.  The Code editor shall  
22 correct internal references and the names of the divisions,  
23 officers, or other entities throughout the Code to conform to  
24 the changes made in this Act.

25     Sec. 99.  EFFECTIVE DATES.

26     1.  Sections 1 through 65, and 67 through 96 of this Act  
27 take effect July 1, 1995.

28     2.  Sections 66 and 97 of this Act, being deemed of  
29 immediate importance, take effect upon enactment.

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