

(P.506) 3-9-94 House Human Res.  
(P.740) 3-17-94 House - Do Pass

FILED MAR 4 1994

SENATE FILE 2288

BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 2146)

Passed Senate, Date 3/8/94 (P.576) Passed House, Date 4-8-94  
Vote: Ayes 50 Nays 0 Vote: Ayes 97 Nays 0

Approved April 25, 1994

Passed 4-12-94

File 49-0

(P.1152) A BILL FOR

1 An Act amending statutory provisions involving the federal-state  
2 family investment and job opportunities and basic skills  
3 programs in accordance with federal requirements and providing  
4 an effective date.

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

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D.P. 6600

1 Section 1. Section 239.1A, Code Supplement 1993, is  
2 amended to read as follows:

3 239.1A FAMILY INVESTMENT PROGRAM.

4 1. Effective July 1, 1993, assistance provided under this  
5 chapter shall no longer be referred to as aid to dependent  
6 children but shall be referred to as assistance under the  
7 family investment program.

8 2. Effective October 1, 1993, the family investment  
9 program under this chapter and the JOBS program under chapter  
10 249C shall be administered in this state under provisions of  
11 the federal waiver granted by the United States department of  
12 health and human services pursuant to the request submitted in  
13 accordance with 1993 Iowa Acts, chapter 97. The initial  
14 federal waiver requires that approximately ten percent of  
15 recipient families residing in nine counties shall have  
16 eligibility determined, receive assistance, and are subject to  
17 sanctions and other requirements based upon the federal  
18 requirements that would be in effect for all recipients in  
19 this state if the federal waiver had not been implemented.  
20 The remainder of the population of recipients of assistance  
21 under this chapter are subject to different federal waiver  
22 provisions. The scope of the different waiver provisions  
23 includes but is not limited to initial and continuing  
24 eligibility determinations, sanctions for noncompliance,  
25 recipient accumulation of assets and savings, and requirements  
26 for recipients to enter into a family investment agreement  
27 with the department. Administrative rules adopted by the  
28 department under the federal waiver provisions shall reflect  
29 the two populations created by the waiver and shall specify  
30 the particular requirements which apply to each of the  
31 populations. In accordance with federal waiver provisions,  
32 the department may apply the provisions of this chapter to one  
33 population differently than the other.

34 Sec. 2. Section 239.18, Code 1993, is amended to read as  
35 follows:

1 239.18 RULES.

2 ~~in-order-to-provide-a-uniform-statewide-program-for-aid-to~~  
3 ~~dependent-children,-the~~ The department shall adopt rules  
4 pursuant to chapter 17A necessary to implement this chapter in  
5 accordance with any applicable federal waiver requirements and  
6 to ensure federal financial participation in the program.

7 Sec. 3. Section 239.21, Code 1993, is amended to read as  
8 follows:

9 239.21 TRANSITIONAL CHILD CARE ASSISTANCE.

10 A recipient who loses eligibility for assistance under this  
11 chapter because of an increase in earned income, increased  
12 hours of employment, or loss of the earned income disregards  
13 is eligible to receive transitional child care assistance.  
14 The transitional child care assistance shall be provided in  
15 accordance with the provisions of the federal Family Support  
16 Act of 1988, Title III, Pub. L. No. 100-485, as codified in 42  
17 U.S.C. § 602 et seq., for a period of twelve months following  
18 the loss of assistance or for a period of twenty-four months,  
19 depending upon the applicability of federal waiver provisions.  
20 The department shall deliver the transitional child care  
21 assistance through a vendor voucher payment or purchase of  
22 service system which requires the recipient to contribute to  
23 the cost of the assistance in accordance with a sliding-scale  
24 fee established by rule.

25 Sec. 4. Section 249C.1, subsection 3, Code 1993, is  
26 amended to read as follows:

27 3. "Eligible person" includes each person who is receiving  
28 public assistance or who lives in the same household as a  
29 recipient of public assistance and whose needs are taken into  
30 account in determining the assistance payment. However,  
31 unless otherwise established pursuant to requirements under  
32 the federal waiver provisions described in section 239.1A or  
33 other federal law or regulation, the following are not persons  
34 shall not be defined as "eligible persons" unless they the  
35 persons voluntarily request to be included:

- 1 a. A person who is under the age of sixteen years.
- 2 b. A person who has attained the age of sixty-five years.
- 3 c. A person whose health or disability does not permit any  
4 kind of work or training.
- 5 d. A person who is already engaged in an adequate full-  
6 time program of work, training, or school.
- 7 e. A person who is required to be present and is actually  
8 present in the home on a substantially continuous basis  
9 because of the illness or incapacity of another member of the  
10 household.
- 11 f. A person who is required to be present and is actually  
12 present in the home on a substantially continuous basis for  
13 the purpose of child care.
- 14 g. A person who is not an eligible person pursuant to  
15 rules adopted by the director and as required by the federal  
16 Family Support Act of 1988, Title II, Pub. L. No. 100-485, as  
17 codified in 42 U.S.C. § 602 et seq.

18 Sec. 5. Section 249C.1, Code 1993, is amended by adding  
19 the following new subsection:

20 NEW SUBSECTION. 3A. "JOBS program" or "program" means the  
21 job opportunities and basic skills program implemented by the  
22 state under the provisions of the federal Family Support Act  
23 of 1988, Title II, Pub. L. No. 100-485, as codified in 42  
24 U.S.C. § 602 et seq. and under other applicable federal  
25 waivers and requirements.

26 Sec. 6. Section 249C.1, subsection 4, Code 1993, is  
27 amended to read as follows:

28 4. "Public assistance" means aid or assistance provided  
29 under the family investment program created in chapter 239.

30 Sec. 7. Section 249C.3, Code 1993, is amended to read as  
31 follows:

32 249C.3 WORK-AND-TRAINING JOBS PROGRAM.

33 The director shall establish a work-and-training state-  
34 level JOBS program for persons and members of families  
35 applying for and receiving public assistance. The

1 requirements of the program shall vary for recipients of  
2 public assistance in accordance with the federal waiver  
3 provisions described in section 239.1A. ~~The division-of-job~~  
4 ~~service-of-the~~ department of employment services, ~~the division~~  
5 ~~of-job-training-of~~ the department of economic development, and  
6 all state, county, and public educational agencies and  
7 institutions providing vocational rehabilitation, adult  
8 education, or vocational or technical training shall assist  
9 and ~~co-operate~~ cooperate in the program. ~~They~~ The  
10 departments, agencies, and institutions shall make agreements  
11 and arrangements for maximum ~~co-operation~~ cooperation and use  
12 of all available resources in the program. By mutual  
13 agreement the director may delegate any of the director's  
14 powers and duties under this chapter to ~~the division-of-job~~  
15 ~~service-of~~ the department of employment services or to ~~the~~  
16 ~~division-of-job-training-of~~ the department of economic  
17 development.

18 Sec. 8. Section 249C.4, Code 1993, is amended to read as  
19 follows:

20 249C.4 CO-OPERATION COOPERATION.

21 The program shall provide for maximum ~~co-operation~~  
22 cooperation with and participation in federal programs having  
23 similar purposes, but the state ~~work-and-training-program~~  
24 shall continue providing a state-level work and training  
25 program to recipients of public assistance whether or not  
26 federal programs and federal funds are available.

27 Sec. 9. Section 249C.6, Code 1993, is amended to read as  
28 follows:

29 249C.6 PARTICIPATION REQUIRED.

30 Except as modified by the federal waiver provisions  
31 described in section 239.1A or other requirement in federal  
32 law or regulation, the provisions of this section shall apply.  
33 Each eligible person shall be required to participate in the  
34 ~~work-and-training~~ JOBS program, to ~~co-operate~~ cooperate fully  
35 in the program, and to accept any reasonably suitable

1 employment, training, or education offered to the person in  
2 connection with the program, as a condition of receiving  
3 public assistance. If the person fails or refuses to do so,  
4 the person shall not receive public assistance. The person's  
5 disqualification shall not disqualify other members of the  
6 person's family who are entitled to public assistance, except  
7 as required under the federal Family Support Act of 1988,  
8 Title II, Pub. L. No. 100-485, as codified in 42 U.S.C. § 602  
9 et seq. ~~but their~~ and the federal waiver provisions.  
10 However, a disqualified person's public assistance shall not  
11 be paid to the disqualified person and shall be paid in a  
12 manner which will not permit the disqualified person to have  
13 access to the assistance funds. A person shall ~~not be~~  
14 disqualified remain eligible for public assistance if it is  
15 impossible to arrange suitable work or training for the  
16 person.

17 Sec. 10. Section 249C.7, Code 1993, is amended to read as  
18 follows:

19 249C.7 PUBLIC OR PRIVATE TRAINING.

20 Work or training under the JOBS program may be furnished by  
21 public or private agencies, organizations, or companies, under  
22 rules adopted by the director.

23 Sec. 11. Section 249C.8, Code 1993, is amended to read as  
24 follows:

25 249C.8 HEALTH AND SAFETY.

26 The director shall establish and maintain reasonable  
27 standards for health, safety, and other conditions under the  
28 ~~work-and-training~~ JOBS program.

29 Sec. 12. Section 249C.9, Code 1993, is amended to read as  
30 follows:

31 249C.9 WORKERS' COMPENSATION LAW APPLICABLE.

32 Each eligible person, with respect to work employment  
33 performed under this chapter, shall be covered by the workers'  
34 compensation law or shall otherwise be provided with  
35 comparable protection.

1     Sec. 13. Section 249C.14, Code 1993, is amended to read as  
2 follows:

3     249C.14 TRANSFER OF FUNDS.

4     For the purposes of the ~~work-and-training~~ JOBS program, the  
5 director may use or transfer to any other agency any of the  
6 funds appropriated for public assistance and any other funds  
7 lawfully available. State and federal funds allocated to the  
8 program by the director and ~~the-division-of-job-service-of~~ the  
9 department of employment services shall be at least equal to  
10 five percent of the total state and federal funds available to  
11 the department of human services for assistance under chapter  
12 239, unless the director determines that a lesser amount is  
13 sufficient to provide an adequate ~~work-and-training~~ JOBS  
14 program for all eligible persons.

15     Sec. 14. Section 249C.16, Code 1993, is amended to read as  
16 follows:

17     249C.16 ELIGIBLE PERSONS NOT STATE EMPLOYEES.

18     ~~No~~ An eligible person shall not be deemed to be an employee  
19 of the state or any of its subdivisions by reason of the  
20 person's participation in the ~~work-and-training~~ JOBS program.  
21 However, this section shall not prevent the person from having  
22 the status of an employee for the purposes of workers'  
23 compensation.

24     Sec. 15. Section 249C.17, Code 1993, is amended to read as  
25 follows:

26     249C.17 CHAPTER NOT TO INTERFERE WITH FEDERAL ASSISTANCE.

27     ~~If it-is-finally-determined~~ the general assembly is not in  
28 session and the department determines that any a provision of  
29 this chapter would cause the work-and-training JOBS program to  
30 be ineligible for federal financial assistance which the state  
31 would otherwise receive, such the department may suspend the  
32 operation of the provision may-be-suspended-or-modified to the  
33 extent which is essential to obtain such the assistance under  
34 federal law or regulation. The department shall propose an  
35 amendment to such provision in the next session of the general

1 assembly.

2 Sec. 16. EFFECTIVE DATE. This Act, being deemed of  
3 immediate importance, takes effect upon enactment.

4 EXPLANATION

5 This bill amends statutory provisions for the federal-state  
6 family investment program and job opportunities and basic  
7 skills program in accordance with federal requirements. The  
8 bill takes effect upon enactment.

9 The bill amends Iowa law in accordance with recent federal  
10 regulatory waivers revising welfare programs. In 1993 Iowa  
11 Acts, chapter 97, the department of human services was  
12 directed to request federal approval of significant changes in  
13 the major state-federal public assistance programs. These  
14 programs are the family investment program (previously aid to  
15 dependent children) and the job opportunities and basic skills  
16 program which is known in Iowa as PROMISE JOBS. Since the  
17 extent of federal approval was not known until after the 1993  
18 legislative session, the department was directed to revise the  
19 public assistance programs in accordance with the federal  
20 approval and to submit proposed legislation in the 1994  
21 legislative session to resolve any conflict with Iowa law.

22 The federal waiver requires the state to evaluate the  
23 effect of the change in policy by dividing the recipients  
24 under the family investment and JOBS programs into "control"  
25 and "treatment" groups. The control group consists of  
26 approximately 10 percent of recipients or 4,000 families in  
27 nine counties and is subject to program requirements as though  
28 the federal waiver had not been implemented. The treatment  
29 group consists of the remainder of those eligible for the  
30 family investment program and constitutes the majority of  
31 recipients.

32 The bill codifies the directive to the department to  
33 administer the family investment program and the JOBS program  
34 in accordance with the federal waiver provisions and makes  
35 coordinating changes.

1 The bill takes effect upon enactment.

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## SENATE FILE 2288

H-5969

1 Amend Senate File 2288, as passed by the Senate, as  
2 follows:

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

5 "Section 1. Section 8A.1, unnumbered paragraph 1,  
6 Code Supplement 1993, is amended to read as follows:

7 An Iowa council on human investment is established  
8 to define a human service agenda for the state and to  
9 propose benchmarks for the strategic goals of the  
10 state identified by the council. The governor or the  
11 governor's designee shall be a member and chairperson  
12 of the council and the council shall consist of eight  
13 other members appointed by the governor, subject to  
14 confirmation by the senate. The appointments shall be  
15 made in a manner so that all of the state's  
16 congressional districts are represented along with the  
17 ethnic, cultural, social, and economic diversity of  
18 the state. Terms of office of members other than the  
19 governor are three years. Council members shall be  
20 reimbursed for actual and necessary expenses incurred  
21 in performance of their duties. Members may also be  
22 eligible to receive compensation as provided in  
23 section 7E.6. In addition to the nine voting members,  
24 the council shall include four members of the general  
25 assembly with not more than one member from each  
26 chamber being from the same political party. The two  
27 senators shall be designated by the president of the  
28 senate after consultation with the majority and  
29 minority leaders of the senate. The two  
30 representatives shall be designated by the speaker of  
31 the house of representatives after consultation with  
32 the majority and minority leaders of the house of  
33 representatives. Legislative members shall serve in  
34 an ex-officio, nonvoting capacity. A legislative  
35 member is eligible for per diem and expenses as  
36 provided in section 2.10. The governor shall assign  
37 staffing services to the council which may include the  
38 staff identified by the director of the department of  
39 management. The council shall do all of the  
40 following:"

41 2. Page 1, line 1, by striking the word and  
42 figure "Section 1" and inserting the following:

43 "Sec. \_\_\_\_ . Section 217.11, subsection 6, Code  
44 Supplement 1993, is amended by striking the  
45 subsection.

46 Sec. \_\_\_\_ . Section 217.11, unnumbered paragraph 2,  
47 Code Supplement 1993, is amended to read as follows:

48 The department of human services shall contract  
49 with the department of health and human rights to  
50 staff and administer grants provided under section

H-5969

H-5969

Page 2

1 217.12.

2 Sec. \_\_\_\_\_. Section 217.12, subsection 3, unnumbered  
3 paragraph 1, Code Supplement 1993, is amended to read  
4 as follows:

5 Subject to the availability of funds for this  
6 purpose, award demonstration grants to public or  
7 private organizations ~~submitting grant proposals to~~  
8 provide for provision of family development services  
9 to families at risk of long-term welfare dependency.  
10 Grant proposals for the family development and self-  
11 sufficiency grant program shall include the following  
12 elements:

13 Sec. \_\_\_\_\_. Section 217.12, subsection 3, paragraph  
14 a, Code Supplement 1993, is amended to read as  
15 follows:

16 a. Designation of families to be served that meet  
17 some criteria of being at risk of long-term welfare  
18 dependency, and agreement to serve clients that are  
19 referred by the department of human services from the  
20 family investment program which meet the criteria.  
21 The criteria may include, but are not limited to,  
22 factors such as educational level, work history,  
23 family structure, age of the youngest child in the  
24 family, previous length of stay on the family  
25 investment program, and participation in the family  
26 investment program or the foster care program while  
27 the head of a household was a child. Grant proposals  
28 shall also establish the number of families to be  
29 served under the demonstration-program grant.

30 Sec. \_\_\_\_\_. Section 217.12, subsection 4, Code  
31 Supplement 1993, is amended to read as follows:

32 4. In cooperation with the legislative fiscal  
33 bureau, develop measures to independently evaluate the  
34 effectiveness of any demonstration-program grant  
35 funded under the program, that include measurement of  
36 the program's grantee's effectiveness in meeting its  
37 goals in a quantitative sense through reduction in  
38 length of stay on welfare programs or a reduced need  
39 for other state child and family welfare services.  
40 Families referred to the demonstration-programs  
41 program shall be randomly selected from those meeting  
42 the criteria established in the demonstration-programs  
43 program as being at risk.

44 Sec. \_\_\_\_\_. Section 217.12, subsection 6, Code  
45 Supplement 1993, is amended to read as follows:

46 6. Seek additional support for the funding of  
47 demonstration grants under the program, including but  
48 not limited to, demonstration funds available through  
49 the federal government in serving families at risk of  
50 long-term welfare dependency, and private foundation

H-5969

H-5969

Page 3

1 grants.

2 Sec. \_\_\_\_\_."

3 3. Page 7, by inserting after line 1 the

4 following:

5 "Sec. \_\_\_\_\_. Section 541A.1, subsection 2, Code

6 Supplement 1993, is amended to read as follows:

7 2. "Administrator" means the executive-branch

8 ~~agency-selected-by-the-governor-to-administer~~9 ~~individual-development-accounts~~ department of human10 services.

11 Sec. \_\_\_\_\_. Section 541A.4, subsection 1, Code

12 Supplement 1993, is amended to read as follows:

13 1. For the five-year pilot phase period beginning

14 ~~March-17-1994-and-ending-February-28-1999~~ January 1,15 1995, the total number of individual development

16 accounts shall be limited to ten thousand accounts,

17 with not more than five thousand accounts in the first

18 calendar year of the period, and to individuals with a

19 household income which does not exceed two hundred

20 percent of the federal poverty level. The

21 administrator shall ensure that the family income

22 status of account holders at the time an account is

23 opened proportionately reflects the distribution of

24 the household income status of the state's population

25 up to two hundred percent of the federal poverty

26 level.

27 Sec. \_\_\_\_\_. NEW SECTION. 541A.5 RULES.

28 The administrator, in consultation with the

29 department of revenue and finance, may adopt

30 administrative rules to implement the provisions of

31 this chapter."

32 4. Title page, line 1, by inserting after the

33 word "involving" the following: "the council on human

34 investment and".

35 5. By renumbering as necessary.

By PLASIER of Sioux

H-5969 FILED APRIL 5, 1994

*Adopted 4-8-94**(P. 1306)*

HOUSE AMENDMENT TO  
SENATE FILE 2288

S-5557

1 Amend Senate File 2288, as passed by the Senate, as  
2 follows:

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12 of the council and the council shall consist of eight  
13 other members appointed by the governor, subject to  
14 confirmation by the senate. The appointments shall be  
15 made in a manner so that all of the state's  
16 congressional districts are represented along with the  
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22 eligible to receive compensation as provided in  
23 section 7E.6. In addition to the nine voting members,  
24 the council shall include four members of the general  
25 assembly with not more than one member from each  
26 chamber being from the same political party. The two  
27 senators shall be designated by the president of the  
28 senate after consultation with the majority and  
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30 representatives shall be designated by the speaker of  
31 the house of representatives after consultation with  
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34 an ex-officio, nonvoting capacity. A legislative  
35 member is eligible for per diem and expenses as  
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37 staffing services to the council which may include the  
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39 management. The council shall do all of the  
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S-5557

S-5557

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7 private organizations ~~submitting grant proposals to~~  
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9 to families at risk of long-term welfare dependency.  
10 Grant proposals for the family development and self-  
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12 elements:

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19 referred by the department of human services from the  
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21 The criteria may include, but are not limited to,  
22 factors such as educational level, work history,  
23 family structure, age of the youngest child in the  
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27 the head of a household was a child. Grant proposals  
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41 program shall be randomly selected from those meeting  
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S-5557

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S-5557

Page 3

1 grants.

2 Sec. \_\_\_\_."

3 3. Page 7, by inserting after line 1 the  
4 following:5 "Sec. \_\_\_\_ Section 541A.1, subsection 2, Code  
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22 status of account holders at the time an account is  
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34 investment and".

35 5. By renumbering as necessary.

RECEIVED FROM THE HOUSE

S-5557 FILED APRIL 11, 1994

*Senate Concurred*  
*4-12-94*  
*(P. 1152)*

Szymoniak - Chair  
Riordan  
Tinsman

SSB. 2146  
Human Resources  
New  
2288

SENATE/HOUSE FILE  
BY (PROPOSED DEPARTMENT OF  
HUMAN SERVICES BILL)

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

**A BILL FOR**

1 An Act amending statutory provisions involving the federal-state  
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5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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4 1. Effective July 1, 1993, assistance provided under this  
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6 children but shall be referred to as assistance under the  
7 family investment program.

8 2. Effective October 1, 1993, the family investment  
9 program under this chapter and the JOBS program under chapter  
10 249C shall be administered in this state under provisions of  
11 the federal waiver granted by the United States department of  
12 health and human services pursuant to the request submitted in  
13 accordance with 1993 Iowa Acts, chapter 97. The initial  
14 federal waiver requires that approximately ten percent of  
15 recipient families residing in nine counties shall have  
16 eligibility determined, receive assistance, and are subject to  
17 sanctions and other requirements based upon the federal  
18 requirements that would be in effect for all recipients in  
19 this state if the federal waiver had not been implemented.  
20 The remainder of the population of recipients of assistance  
21 under this chapter are subject to different federal waiver  
22 provisions. The scope of the different waiver provisions  
23 includes but is not limited to initial and continuing  
24 eligibility determinations, sanctions for noncompliance,  
25 recipient accumulation of assets and savings, and requirements  
26 for recipients to enter into a family investment agreement  
27 with the department. Administrative rules adopted by the  
28 department under the federal waiver provisions shall reflect  
29 the two populations created by the waiver and shall specify  
30 the particular requirements which apply to each of the  
31 populations. In accordance with federal waiver provisions,  
32 the department may apply the provisions of this chapter to one  
33 population differently than the other.

34 Sec. 2. Section 239.18, Code 1993, is amended to read as  
35 follows:

1 239.18 RULES.

2 ~~In order to provide a uniform statewide program for aid to~~  
3 ~~dependent children, the~~ The department shall adopt rules  
4 pursuant to chapter 17A necessary to implement this chapter in  
5 accordance with any applicable federal waiver requirements and  
6 to ensure federal financial participation in the program.

7 Sec. 3. Section 239.21, Code 1993, is amended to read as  
8 follows:

9 239.21 TRANSITIONAL CHILD CARE ASSISTANCE.

10 A recipient who loses eligibility for assistance under this  
11 chapter because of an increase in earned income, increased  
12 hours of employment, or loss of the earned income disregards  
13 is eligible to receive transitional child care assistance.  
14 The transitional child care assistance shall be provided in  
15 accordance with the provisions of the federal Family Support  
16 Act of 1988, Title III, Pub. L. No. 100-485, as codified in 42  
17 U.S.C. § 602 et seq., for a period of twelve months following  
18 the loss of assistance or for a period of twenty-four months,  
19 depending upon the applicability of federal waiver provisions.

20 The department shall deliver the transitional child care  
21 assistance through a vendor voucher payment or purchase of  
22 service system which requires the recipient to contribute to  
23 the cost of the assistance in accordance with a sliding-scale  
24 fee established by rule.

25 Sec. 4. Section 249C.1, subsection 3, Code 1993, is  
26 amended to read as follows:

27 3. "Eligible person" includes each person who is receiving  
28 public assistance or who lives in the same household as a  
29 recipient of public assistance and whose needs are taken into  
30 account in determining the assistance payment. However,  
31 unless otherwise established pursuant to requirements under  
32 the federal waiver provisions described in section 239.1A or  
33 other federal law or regulation, the following are not persons  
34 shall not be defined as "eligible persons" unless they the  
35 persons voluntarily request to be included:

- 1 a. A person who is under the age of sixteen years.
- 2 b. A person who has attained the age of sixty-five years.
- 3 c. A person whose health or disability does not permit any  
4 kind of work or training.
- 5 d. A person who is already engaged in an adequate full-  
6 time program of work, training, or school.
- 7 e. A person who is required to be present and is actually  
8 present in the home on a substantially continuous basis  
9 because of the illness or incapacity of another member of the  
10 household.
- 11 f. A person who is required to be present and is actually  
12 present in the home on a substantially continuous basis for  
13 the purpose of child care.
- 14 g. A person who is not an eligible person pursuant to  
15 rules adopted by the director and as required by the federal  
16 Family Support Act of 1988, Title II, Pub. L. No. 100-485, as  
17 codified in 42 U.S.C. § 602 et seq.

18 Sec. 5. Section 249C.1, Code 1993, is amended by adding  
19 the following new subsection:

20 NEW SUBSECTION. 3A. "JOBS program" or "program" means the  
21 job opportunities and basic skills program implemented by the  
22 state under the provisions of the federal Family Support Act  
23 of 1988, Title II, Pub. L. No. 100-485, as codified in 42  
24 U.S.C. § 602 et seq. and under other applicable federal  
25 waivers and requirements.

26 Sec. 6. Section 249C.1, subsection 4, Code 1993, is  
27 amended to read as follows:

28 4. "Public assistance" means aid or assistance provided  
29 under the family investment program created in chapter 239.

30 Sec. 7. Section 249C.3, Code 1993, is amended to read as  
31 follows:

32 249C.3 ~~WORK-AND-TRAINING~~ JOBS PROGRAM.

33 The director shall establish a ~~work-and-training~~ state-  
34 level JOBS program for persons and members of families  
35 applying for and receiving public assistance. The

1 requirements of the program shall vary for recipients of  
2 public assistance in accordance with the federal waiver  
3 provisions described in section 239.1A. ~~The division-of-job~~  
4 ~~service-of-the~~ department of employment services, ~~the-division~~  
5 ~~of-job-training-of~~ the department of economic development, and  
6 all state, county, and public educational agencies and  
7 institutions providing vocational rehabilitation, adult  
8 education, or vocational or technical training shall assist  
9 and ~~co-operate~~ cooperate in the program. ~~They~~ The  
10 departments, agencies, and institutions shall make agreements  
11 and arrangements for maximum ~~co-operation~~ cooperation and use  
12 of all available resources in the program. By mutual  
13 agreement the director may delegate any of the director's  
14 powers and duties under this chapter to ~~the-division-of-job~~  
15 ~~service-of~~ the department of employment services or to the  
16 ~~division-of-job-training-of~~ the department of economic  
17 development.

18 Sec. 8. Section 249C.4, Code 1993, is amended to read as  
19 follows:

20 249C.4 CO-OPERATION COOPERATION.

21 The program shall provide for maximum ~~co-operation~~  
22 cooperation with and participation in federal programs having  
23 similar purposes, but the state ~~work-and-training-program~~  
24 shall continue providing a state-level work and training  
25 program to recipients of public assistance whether or not  
26 federal programs and federal funds are available.

27 Sec. 9. Section 249C.6, Code 1993, is amended to read as  
28 follows:

29 249C.6 PARTICIPATION REQUIRED.

30 Except as modified by the federal waiver provisions  
31 described in section 239.1A or other requirement in federal  
32 law or regulation, the provisions of this section shall apply.  
33 Each eligible person shall be required to participate in the  
34 ~~work-and-training~~ JOBS program, to ~~co-operate~~ cooperate fully  
35 in the program, and to accept any reasonably suitable

1 employment, training, or education offered to the person in  
2 connection with the program, as a condition of receiving  
3 public assistance. If the person fails or refuses to do so,  
4 the person shall not receive public assistance. The person's  
5 disqualification shall not disqualify other members of the  
6 person's family who are entitled to public assistance, except  
7 as required under the federal Family Support Act of 1988,  
8 Title II, Pub. L. No. 100-485, as codified in 42 U.S.C. § 602  
9 et seq. ~~but their~~ and the federal waiver provisions.  
10 However, a disqualified person's public assistance shall not  
11 be paid to the disqualified person and shall be paid in a  
12 manner which will not permit the disqualified person to have  
13 access to the assistance funds. A person shall ~~not be~~  
14 ~~disqualified~~ remain eligible for public assistance if it is  
15 impossible to arrange suitable work or training for the  
16 person.

17 Sec. 10. Section 249C.7, Code 1993, is amended to read as  
18 follows:

19 249C.7 PUBLIC OR PRIVATE TRAINING.

20 Work or training under the JOBS program may be furnished by  
21 public or private agencies, organizations, or companies, under  
22 rules adopted by the director.

23 Sec. 11. Section 249C.8, Code 1993, is amended to read as  
24 follows:

25 249C.8 HEALTH AND SAFETY.

26 The director shall establish and maintain reasonable  
27 standards for health, safety, and other conditions under the  
28 ~~work-and-training~~ JOBS program.

29 Sec. 12. Section 249C.9, Code 1993, is amended to read as  
30 follows:

31 249C.9 WORKERS' COMPENSATION LAW APPLICABLE.

32 Each eligible person, with respect to work employment  
33 performed under this chapter, shall be covered by the workers'  
34 compensation law or shall otherwise be provided with  
35 comparable protection.

1     Sec. 13. Section 249C.14, Code 1993, is amended to read as  
2 follows:

3     249C.14 TRANSFER OF FUNDS.

4     For the purposes of the ~~work-and-training~~ JOBS program, the  
5 director may use or transfer to any other agency any of the  
6 funds appropriated for public assistance and any other funds  
7 lawfully available. State and federal funds allocated to the  
8 program by the director and ~~the-division-of-job-service-of~~ the  
9 department of employment services shall be at least equal to  
10 five percent of the total state and federal funds available to  
11 the department of human services for assistance under chapter  
12 239, unless the director determines that a lesser amount is  
13 sufficient to provide an adequate ~~work-and-training~~ JOBS  
14 program for all eligible persons.

15     Sec. 14. Section 249C.16, Code 1993, is amended to read as  
16 follows:

17     249C.16 ELIGIBLE PERSONS NOT STATE EMPLOYEES.

18     No An eligible person shall not be deemed to be an employee  
19 of the state or any of its subdivisions by reason of the  
20 person's participation in the ~~work-and-training~~ JOBS program.  
21 However, this section shall not prevent the person from having  
22 the status of an employee for the purposes of workers'  
23 compensation.

24     Sec. 15. Section 249C.17, Code 1993, is amended to read as  
25 follows:

26     249C.17 CHAPTER NOT TO INTERFERE WITH FEDERAL ASSISTANCE.

27     If ~~it-is-finally-determined~~ the general assembly is not in  
28 session and the department determines that any a provision of  
29 this chapter would cause the work-and-training JOBS program to  
30 be ineligible for federal financial assistance which the state  
31 would otherwise receive, such the department may suspend the  
32 operation of the provision may-be-suspended-or-modified to the  
33 extent which is essential to obtain such the assistance under  
34 federal law or regulation. The department shall propose an  
35 amendment to such provision in the next session of the general

1 assembly.

2 Sec. 16. EFFECTIVE DATE. This Act, being deemed of  
3 immediate importance, takes effect upon enactment.

4 EXPLANATION

5 This bill amends statutory provisions for the federal-state  
6 family investment program and job opportunities and basic  
7 skills program in accordance with federal requirements. The  
8 bill takes effect upon enactment.

9 The bill amends Iowa law in accordance with recent federal  
10 regulatory waivers revising welfare programs. In 1993 Iowa  
11 Acts, chapter 97, the department of human services was  
12 directed to request federal approval of significant changes in  
13 the major state-federal public assistance programs. These  
14 programs are the family investment program (previously aid to  
15 dependent children) and the job opportunities and basic skills  
16 program which is known in Iowa as PROMISE JOBS. Since the  
17 extent of federal approval was not known until after the 1993  
18 legislative session, the department was directed to revise the  
19 public assistance programs in accordance with the federal  
20 approval and to submit proposed legislation in the 1994  
21 legislative session to resolve any conflict with Iowa law.

22 The federal waiver requires the state to evaluate the  
23 effect of the change in policy by dividing the recipients  
24 under the family investment and JOBS programs into "control"  
25 and "treatment" groups. The control group consists of  
26 approximately 10 percent of recipients or 4,000 families in  
27 nine counties and is subject to program requirements as though  
28 the federal waiver had not been implemented. The treatment  
29 group consists of the remainder of those eligible for the  
30 family investment program and constitutes the majority of  
31 recipients.

32 The bill codifies the directive to the department to  
33 administer the family investment program and the JOBS program  
34 in accordance with the federal waiver provisions and makes  
35 coordinating changes.

1 The bill takes effect upon enactment.

2 BACKGROUND STATEMENT

3 SUBMITTED BY THE AGENCY

4 Senate File 268, as passed by the 75th General Assembly in  
5 the 1993 session, required the department of human services  
6 (DHS) to request federal waivers which dramatically change  
7 policies in the family investment program (FIP) and PROMISE  
8 JOBS (the federal-state work and training program for FIP  
9 participants). The legislation also required DHS to propose  
10 amendments in the Iowa Code to resolve any conflicts with  
11 current law.

12 The federal department of health and human services  
13 approved waivers for only some FIP participants. Therefore,  
14 current law is still applicable in certain circumstances. The  
15 DHS proposes to revise the Iowa Code to reflect the federal  
16 directives to operate the two programs with differing  
17 requirements.

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SENATE FILE 2288

AN ACT

AMENDING STATUTORY PROVISIONS INVOLVING THE COUNCIL ON HUMAN INVESTMENT AND THE FEDERAL-STATE FAMILY INVESTMENT AND JOB OPPORTUNITIES AND BASIC SKILLS PROGRAMS IN ACCORDANCE WITH FEDERAL REQUIREMENTS AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 8A.1, unnumbered paragraph 1, Code Supplement 1993, is amended to read as follows:

An Iowa council on human investment is established to define a human service agenda for the state and to propose benchmarks for the strategic goals of the state identified by the council. The governor or the governor's designee shall be a member and chairperson of the council and the council shall consist of eight other members appointed by the governor, subject to confirmation by the senate. The appointments shall be made in a manner so that all of the state's congressional districts are represented along with the ethnic, cultural, social, and economic diversity of the state. Terms of office of members other than the governor are three years. Council members shall be reimbursed for actual and necessary expenses incurred in performance of their duties. Members may also be eligible to receive compensation as provided in section 7E.6. In addition to the nine voting members, the council shall include four members of the general assembly with not more than one member from each chamber being from the same political party. The two senators shall be designated by the president of the senate after consultation with the majority and minority leaders of the senate. The two representatives shall be designated by the speaker of the house of representatives after consultation with the majority and minority leaders of the house of representatives. Legislative

members shall serve in an ex-officio, nonvoting capacity. A legislative member is eligible for per diem and expenses as provided in section 2.10. The governor shall assign staffing services to the council which may include the staff identified by the director of the department of management. The council shall do all of the following:

Sec. 2. Section 217.11, subsection 6, Code Supplement 1993, is amended by striking the subsection.

Sec. 3. Section 217.11, unnumbered paragraph 2, Code Supplement 1993, is amended to read as follows:

The department of human services shall contract with the department of health and human rights to staff and administer grants provided under section 217.12.

Sec. 4. Section 217.12, subsection 3, unnumbered paragraph 1, Code Supplement 1993, is amended to read as follows:

Subject to the availability of funds for this purpose, award demonstration grants to public or private organizations submitting grant proposals to provide for provision of family development services to families at risk of long-term welfare dependency. Grant proposals for the family development and self-sufficiency grant program shall include the following elements:

Sec. 5. Section 217.12, subsection 3, paragraph a, Code Supplement 1993, is amended to read as follows:

a. Designation of families to be served that meet some criteria of being at risk of long-term welfare dependency, and agreement to serve clients that are referred by the department of human services from the family investment program which meet the criteria. The criteria may include, but are not limited to, factors such as educational level, work history, family structure, age of the youngest child in the family, previous length of stay on the family investment program, and participation in the family investment program or the foster care program while the head of a household was a child. Grant proposals shall also establish the number of families to be served under the demonstration-program grant.

Sec. 6. Section 217.12, subsection 4, Code Supplement 1993, is amended to read as follows:

4. In cooperation with the legislative fiscal bureau, develop measures to independently evaluate the effectiveness of any demonstration-program grant funded under the program, that include measurement of the program's grantee's effectiveness in meeting its goals in a quantitative sense through reduction in length of stay on welfare programs or a reduced need for other state child and family welfare services. Families referred to the demonstration-program program shall be randomly selected from those meeting the criteria established in the demonstration-program program as being at risk.

Sec. 7. Section 217.12, subsection 6, Code Supplement 1993, is amended to read as follows:

6. Seek additional support for the funding of demonstration grants under the program, including but not limited to, demonstration funds available through the federal government in serving families at risk of long-term welfare dependency, and private foundation grants.

Sec. 8. Section 239.1A, Code Supplement 1993, is amended to read as follows:

239.1A FAMILY INVESTMENT PROGRAM.

1. Effective July 1, 1993, assistance provided under this chapter shall no longer be referred to as aid to dependent children but shall be referred to as assistance under the family investment program.

2. Effective October 1, 1993, the family investment program under this chapter and the JOBS program under chapter 249C shall be administered in this state under provisions of the federal waiver granted by the United States department of health and human services pursuant to the request submitted in accordance with 1993 Iowa Acts, chapter 97. The initial federal waiver requires that approximately ten percent of recipient families residing in nine counties shall have

eligibility determined, receive assistance, and are subject to sanctions and other requirements based upon the federal requirements that would be in effect for all recipients in this state if the federal waiver had not been implemented. The remainder of the population of recipients of assistance under this chapter are subject to different federal waiver provisions. The scope of the different waiver provisions includes but is not limited to initial and continuing eligibility determinations, sanctions for noncompliance, recipient accumulation of assets and savings, and requirements for recipients to enter into a family investment agreement with the department. Administrative rules adopted by the department under the federal waiver provisions shall reflect the two populations created by the waiver and shall specify the particular requirements which apply to each of the populations. In accordance with federal waiver provisions, the department may apply the provisions of this chapter to one population differently than the other.

Sec. 9. Section 239.18, Code 1993, is amended to read as follows:

239.18 RULES.

in-order-to-provide-a-uniform-statewide-program-for-aid-to dependent-children;-the The department shall adopt rules pursuant to chapter 17A necessary to implement this chapter in accordance with any applicable federal waiver requirements and to ensure federal financial participation in the program.

Sec. 10. Section 239.21, Code 1993, is amended to read as follows:

239.21 TRANSITIONAL CHILD CARE ASSISTANCE.

A recipient who loses eligibility for assistance under this chapter because of an increase in earned income, increased hours of employment, or loss of the earned income disregards is eligible to receive transitional child care assistance. The transitional child care assistance shall be provided in accordance with the provisions of the federal Family Support

Act of 1988, Title III, Pub. L. No. 100-485, as codified in 42 U.S.C. § 602 et seq., for a period of twelve months following the loss of assistance or for a period of twenty-four months, depending upon the applicability of federal waiver provisions. The department shall deliver the transitional child care assistance through a vendor voucher payment or purchase of service system which requires the recipient to contribute to the cost of the assistance in accordance with a sliding-scale fee established by rule.

Sec. 11. Section 249C.1, subsection 3, Code 1993, is amended to read as follows:

3. "Eligible person" includes each person who is receiving public assistance or who lives in the same household as a recipient of public assistance and whose needs are taken into account in determining the assistance payment. However, unless otherwise established pursuant to requirements under the federal waiver provisions described in section 239.1A or other federal law or regulation, the following are not persons shall not be defined as "eligible persons" unless they the persons voluntarily request to be included:

- a. A person who is under the age of sixteen years.
- b. A person who has attained the age of sixty-five years.
- c. A person whose health or disability does not permit any kind of work or training.
- d. A person who is already engaged in an adequate full-time program of work, training, or school.
- e. A person who is required to be present and is actually present in the home on a substantially continuous basis because of the illness or incapacity of another member of the household.
- f. A person who is required to be present and is actually present in the home on a substantially continuous basis for the purpose of child care.
- g. A person who is not an eligible person pursuant to rules adopted by the director and as required by the federal

Family Support Act of 1988, Title II, Pub. L. No. 100-485, as codified in 42 U.S.C. § 602 et seq.

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

NEW SUBSECTION. 3A. "JOBS program" or "program" means the job opportunities and basic skills program implemented by the state under the provisions of the federal Family Support Act of 1988, Title II, Pub. L. No. 100-485, as codified in 42 U.S.C. § 602 et seq. and under other applicable federal waivers and requirements.

Sec. 13. Section 249C.1, subsection 4, Code 1993, is amended to read as follows:

4. "Public assistance" means aid or assistance provided under the family investment program created in chapter 239.

Sec. 14. Section 249C.3, Code 1993, is amended to read as follows:

249C.3 WORK-AND-TRAINING JOBS PROGRAM.

The director shall establish a work-and-training state-level JOBS program for persons and members of families applying for and receiving public assistance. The requirements of the program shall vary for recipients of public assistance in accordance with the federal waiver provisions described in section 239.1A. ~~The division-of-job service-of-the~~ department of employment services, ~~the division of-job-training-of~~ the department of economic development, and all state, county, and public educational agencies and institutions providing vocational rehabilitation, adult education, or vocational or technical training shall assist and co-operate cooperate in the program. ~~They~~ The departments, agencies, and institutions shall make agreements and arrangements for maximum co-operation cooperation and use of all available resources in the program. By mutual agreement the director may delegate any of the director's powers and duties under this chapter to ~~the division-of-job service-of~~ the department of employment services or to the

~~division-of-job-training-of~~ the department of economic development.

Sec. 15. Section 249C.4, Code 1993, is amended to read as follows:

249C.4 CO-OPERATION COOPERATION.

The program shall provide for maximum co-operation cooperation with and participation in federal programs having similar purposes, but the state work-and-training-program shall continue providing a state-level work and training program to recipients of public assistance whether or not federal programs and federal funds are available.

Sec. 16. Section 249C.6, Code 1993, is amended to read as follows:

249C.6 PARTICIPATION REQUIRED.

Except as modified by the federal waiver provisions described in section 239.1A or other requirement in federal law or regulation, the provisions of this section shall apply. Each eligible person shall be required to participate in the work-and-training JOBS program, to co-operate cooperate fully in the program, and to accept any reasonably suitable employment, training, or education offered to the person in connection with the program, as a condition of receiving public assistance. If the person fails or refuses to do so, the person shall not receive public assistance. The person's disqualification shall not disqualify other members of the person's family who are entitled to public assistance, except as required under the federal Family Support Act of 1988, Title II, Pub. L. No. 100-485, as codified in 42 U.S.C. § 602 et seq., but their and the federal waiver provisions. However, a disqualified person's public assistance shall not be paid to the disqualified person and shall be paid in a manner which will not permit the disqualified person to have access to the assistance funds. A person shall not-be disqualified remain eligible for public assistance if it is impossible to arrange suitable work or training for the person.

Sec. 17. Section 249C.7, Code 1993, is amended to read as follows:

249C.7 PUBLIC OR PRIVATE TRAINING.

Work or training under the JOBS program may be furnished by public or private agencies, organizations, or companies, under rules adopted by the director.

Sec. 18. Section 249C.8, Code 1993, is amended to read as follows:

249C.8 HEALTH AND SAFETY.

The director shall establish and maintain reasonable standards for health, safety, and other conditions under the work-and-training JOBS program.

Sec. 19. Section 249C.9, Code 1993, is amended to read as follows:

249C.9 WORKERS' COMPENSATION LAW APPLICABLE.

Each eligible person, with respect to work employment performed under this chapter, shall be covered by the workers' compensation law or shall otherwise be provided with comparable protection.

Sec. 20. Section 249C.14, Code 1993, is amended to read as follows:

249C.14 TRANSFER OF FUNDS.

For the purposes of the work-and-training JOBS program, the director may use or transfer to any other agency any of the funds appropriated for public assistance and any other funds lawfully available. State and federal funds allocated to the program by the director and ~~the division-of-job-service-of~~ the department of employment services shall be at least equal to five percent of the total state and federal funds available to the department of human services for assistance under chapter 239, unless the director determines that a lesser amount is sufficient to provide an adequate work-and-training JOBS program for all eligible persons.

Sec. 21. Section 249C.16, Code 1993, is amended to read as follows:

249C.16 ELIGIBLE PERSONS NOT STATE EMPLOYEES.

No An eligible person shall not be deemed to be an employee of the state or any of its subdivisions by reason of the person's participation in the work-and-training JOBS program. However, this section shall not prevent the person from having the status of an employee for the purposes of workers' compensation.

Sec. 22. Section 249C.17, Code 1993, is amended to read as follows:

249C.17 CHAPTER NOT TO INTERFERE WITH FEDERAL ASSISTANCE.

~~If it is finally determined~~ the general assembly is not in session and the department determines that any a provision of this chapter would cause the work-and-training JOBS program to be ineligible for federal financial assistance which the state would otherwise receive, such the department may suspend the operation of the provision may be suspended or modified to the extent which is essential to obtain such the assistance under federal law or regulation. The department shall propose an amendment to such provision in the next session of the general assembly.

Sec. 23. Section 541A.1, subsection 2, Code Supplement 1993, is amended to read as follows:

2. "Administrator" means the ~~executive-branch-agency selected by the governor to administer individual development accounts~~ department of human services.

Sec. 24. Section 541A.4, subsection 1, Code Supplement 1993, is amended to read as follows:

1. For the five-year pilot phase period beginning ~~March 1, 1994, and ending February 28, 1999~~ January 1, 1995, the total number of individual development accounts shall be limited to ten thousand accounts, with not more than five thousand accounts in the first calendar year of the period, and to individuals with a household income which does not exceed two hundred percent of the federal poverty level. The administrator shall ensure that the family income status of account holders at the time an account is opened

proportionately reflects the distribution of the household income status of the state's population up to two hundred percent of the federal poverty level.

Sec. 25. NEW SECTION. 541A.5 RULES.

The administrator, in consultation with the department of revenue and finance, may adopt administrative rules to implement the provisions of this chapter.

Sec. 26. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

\_\_\_\_\_  
LEONARD L. BOSWELL,  
President of the Senate

\_\_\_\_\_  
HAROLD VAN HAANEN  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2288, Seventy-fifth General Assembly.

\_\_\_\_\_  
JOHN F. DWYER  
Secretary of the Senate

Approved *[Signature]* 25, 1994

\_\_\_\_\_  
TERRY E. BRANSTAD  
Governor