

CHAPTER 1206

IOWA EMPOWERMENT BOARD, COMMUNITY EMPOWERMENT AREAS, AND COMMUNITY EMPOWERMENT AREA BOARDS

S.F. 2406

AN ACT creating and relating to an Iowa empowerment board, community empowerment areas, and community empowerment area boards, and providing an effective date.

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

Section 1. **PURPOSE.** The purpose of this Act is to create a partnership between communities and state government by gradually implementing a statewide system of community empowerment areas. An important initial emphasis of the community empowerment areas is to improve the well-being of families with young children. An additional emphasis is to reduce duplicative bureaucratic requirements that are barriers to community efforts to improve the efficiency and effectiveness of local education, health, and human services programs.

Sec. 2. **NEW SECTION. 71.1 DEFINITIONS.**

For the purposes of this chapter, unless the context otherwise requires:

1. "Community empowerment area" means a geographic area designated in accordance with this chapter.
2. "Community empowerment area board" or "community board" means the board for a community empowerment area created in accordance with this chapter.
3. "Decategorization project" means a decategorization of child welfare and juvenile justice funding project operated under section 232.188.
4. "Innovation zone" means a local jurisdiction implementing an innovation zone plan in accordance with section 8A.2, Code 1997.
5. "Iowa empowerment board" or "Iowa board" means the Iowa empowerment board created in this chapter.

Sec. 3. **NEW SECTION. 71.2 IOWA EMPOWERMENT BOARD CREATED.**

1. An Iowa empowerment board is created to oversee state and community efforts involving community empowerment areas, including strategic planning, funding identification, and guidance, and to promote collaboration among state and local education, health, and human services programs.

2. The Iowa board shall consist of eleven voting members with eight citizen members and three state agency members. The three state agency members shall be the directors of the following departments: education, human services, and public health. The citizen members shall be appointed by the governor, subject to confirmation by the senate. The appointments of citizen members 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. In making appointments, preference shall be given to citizens participating on a community empowerment area board. At least one of the citizen members shall be a service consumer or the parent of a service consumer. Terms of office of citizen members are three years.

3. Citizen members shall be reimbursed for actual and necessary expenses incurred in performance of their duties. Members shall be paid a per diem as specified in section 7E.6.

4. In addition to the eleven voting members, the Iowa board shall include six members of the general assembly with not more than two members from each chamber being from the same political party. The three senators shall be appointed by the majority leader of the senate after consultation with the president of the senate and the minority leader of the senate. The three representatives shall be appointed by the speaker of the house of representatives after consultation with the majority and minority leaders of the house of representa-

tives. 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.

5. The Iowa board shall designate a community empowerment assistance team or teams of state agency staff to provide technical assistance and other support to community empowerment areas. The technical assistance shall be available in at least three levels of support as follows:

a. Support to areas experienced in operating an innovation zone or decategorization project with an extensive record of success in collaboration between education, health, or human services interests.

b. Support to areas experienced in operating an innovation zone or decategorization project.

c. Support to areas forming an initial community empowerment area with no previous experience operating an innovation zone or decategorization project.

6. Staffing services to the Iowa board shall be provided by the state agencies which are represented on the Iowa board and by other state agencies making staffing available to the board.

7. The Iowa board may designate an advisory council consisting of representatives from community empowerment area boards.

8. The Iowa board shall elect a chairperson from among the citizen board members and may select other officers from among the citizen board members as determined to be necessary by the board. The board shall meet regularly as determined by the board, upon the call of the board's chairperson, or upon the call of a majority of voting members.

Sec. 4. NEW SECTION. 7I.3 IOWA EMPOWERMENT BOARD DUTIES.

The Iowa board shall perform the following duties:

1. Perform duties relating to community empowerment areas.

2. Oversee the provision of grant funding and other moneys made available to community empowerment areas by combining all or portions of appropriations or other revenues as authorized by law.

3. Develop advanced community empowerment area arrangements for those community empowerment areas which were formed in transition from an innovation zone or from a decategorization governance board or which otherwise provide evidence of extensive successful experience in managing services and funding with high levels of community support and input.

4. Identify boards, commissions, committees, and other bodies in state government with overlapping and similar purposes which contribute to redundancy and fragmentation in education, health, and human services programs provided to the public. The board shall also make recommendations to the governor and general assembly as appropriate for increasing coordination between these bodies, for eliminating bureaucratic duplication, for consolidation where appropriate, and for integration of functions to achieve improved results.

5. Assist with the linkage of child welfare and juvenile justice decategorization projects with community empowerment areas.

6. Integrate the duties relating to innovation zones in the place of the innovation zone board created in section 8A.2, Code 1997, until the Iowa board determines the innovation zones have been replaced with community empowerment areas.

7. Coordinate and respond to any requests from a community board relating to any of the following:

a. Waiver of existing rules, federal regulation, or amendment of state law, or removal of other barriers.

b. Pooling and redirecting of existing federal, state, or other public or private funds.

c. Seeking of federal waivers.

d. Consolidating community-level committees, planning groups, and other bodies with common memberships formed in response to state requirements.

In coordinating and responding to the requests, the Iowa board shall work with state agencies and submit proposals to the governor and general assembly as necessary to fulfill requests deemed appropriate by the Iowa board.

8. Provide for maximum flexibility and creativity in the designation and administration of the responsibilities and authority of community empowerment areas.

9. Adopt rules pursuant to chapter 17A as necessary for the designation, governance, and oversight of community empowerment areas and the administration of this chapter. The Iowa board shall provide for community board input in the rules adoption process. The rules shall include but are not limited to the following:

a. Performance indicators for community empowerment areas, community boards, and the services provided under the auspices of the community boards. The performance indicators shall be developed with input from community boards and shall build upon the core indicators of performance for the school ready grant program, as described in section 71.7.

b. Minimum standards to further the provision of equal access to services subject to the authority of community boards.

Sec. 5. NEW SECTION. 71.4 COMMUNITY EMPOWERMENT AREAS.

1. The purpose of a community empowerment area is to enable local citizens to lead collaborative efforts involving education, health, and human services programs on behalf of the children, families, and other citizens residing in the area. Leadership functions may include but are not limited to strategic planning for and oversight and managing of such programs and the funding made available to the community empowerment area for such programs from federal, state, local, and private sources. The initial focus of the purpose is to improve results for families with young children.

2. Each county and school district in the state shall have the option of participating in a community empowerment area. A community empowerment area shall be designated by using existing school district and county boundaries to the extent possible.

3. The designation of a community empowerment area and the creation of a community empowerment area board are subject to the approval of the Iowa empowerment board. Criteria used by the Iowa empowerment board in approving the designation of a community empowerment area shall include but are not limited to the existence of a large enough geographic area and population to efficiently and effectively administer the responsibilities and authority of the community empowerment area. The Iowa empowerment board shall adopt rules pursuant to chapter 17A providing procedures for the initial designation of community empowerment areas and for later changing the initially designated areas.

Sec. 6. NEW SECTION. 71.5 COMMUNITY EMPOWERMENT AREA BOARDS CREATED.

1. A community empowerment area shall be governed by a community empowerment area board. A majority of the members of a community board shall be citizens and elected officials and the remaining members may be employees of or paid for representing any of the entities listed in this subsection. At least one member shall be a service consumer or the parent of a service consumer. Terms of office of community board members shall be three years. The members of a community empowerment area board may include one or more representatives of any of the following entities:

- a. A school district.
- b. A county.
- c. A local board of health.
- d. A hospital.
- e. A charitable funding group.
- f. The department of human services.
- g. A religious institution.
- h. An area education agency.
- i. Juvenile court services.

- j. An area substance abuse agency.
 - k. A community action program.
 - l. A city.
 - m. A business organization.
 - n. A labor organization.
 - o. A service club.
 - p. A business.
 - q. Consumers.
 - r. A private community-based organization.
 - s. A neighborhood association.
 - t. A child day care resource and referral service.
 - u. A library.
 - v. Others as determined by the community board.
2. A community board may designate representatives of service providers or public agency staff to provide technical assistance to the community board.
3. A community board may designate a professional advisory council consisting of persons employed by or otherwise paid to represent an entity listed in subsection 1 or other provider of service.
4. The community board shall elect a chairperson from among the members who are citizens, elected officials, or volunteers.

Sec. 7. NEW SECTION. 7I.6 COMMUNITY EMPOWERMENT AREA BOARD RESPONSIBILITIES AND AUTHORITY.

1. A community empowerment area board shall do the following:
- a. Designate a public agency of this state, as defined in section 28E.2, to be the fiscal agent for grant moneys and for other moneys administered by the community board.
 - b. Administer community empowerment grant moneys available from the state to the community board as provided by law and other federal, state, local, and private moneys made available to the community board. Eligibility for receipt of community empowerment grant moneys shall be limited to those community boards that have developed an approved school ready children grant plan in accordance with this chapter. A community board may apply to the Iowa empowerment board to receive as a community empowerment grant those moneys which would otherwise only be available within the geographic area through categorical funding sources or programs.
 - c. If a community empowerment area includes a decategorization project, coordinate planning and budgeting with the decategorization governing board. By mutual agreement between the community board and the decategorization governance board, the community board may assume the duties of the decategorization governance board or the decategorization governance board may continue as a committee of the community board.
 - d. Assume other responsibilities established by law or administrative rule.
2. A community board may do any of the following:
- a. Designate one or more committees for oversight of grant moneys awarded to the community empowerment area.
 - b. Function as a coordinating body for services offered by different entities directed to similar purposes within the community empowerment area.
 - c. Develop neighborhood bodies for community-level input to the community board and implementation of services.

Sec. 8. NEW SECTION. 7I.7 SCHOOL READY CHILDREN GRANT PROGRAM — ESTABLISHMENT AND ADMINISTRATION.

1. The departments of education, human services, and public health shall jointly develop and promote a school ready children grant program which shall provide for all of the following components:
- a. Identify the core indicators of performance that will be used to assess the effectiveness

of the school ready children grants, including encouraging early intellectual stimulation of very young children, increasing the basic skill levels of students entering school, increasing the health status of children, reducing the incidence of child abuse and neglect, increasing the access of children to an adult mentor, increasing parental involvement with their children, and increasing the quality and accessibility of child day care.

b. Identify guidelines and a process to be used for determining the readiness of a community empowerment area for administering school ready children grants.

c. Provide for technical assistance concerning funding sources, program design, and other pertinent areas.

2. The program developed and components identified under subsection 1 are subject to approval by the Iowa empowerment board. The Iowa empowerment board shall provide maximum flexibility to grantees for the use of the grant moneys included in a school ready children grant.

3. A school ready children grant shall, at a minimum, be used to provide the following:

a. Preschool services provided on a voluntary basis to children deemed at risk of not succeeding in elementary school as determined by the community board and specified in the grant plan developed in accordance with this section.

b. Parent support and education programs promoted to parents of children from birth through five years of age. Parent support and education programs shall be offered in a flexible manner to accommodate the varying schedules, meeting place requirements, and other needs of working parents.

c. A comprehensive school ready children grant plan developed by a community board for providing services for children from birth through five years of age including but not limited to child development services, child day care services, training child day care providers to encourage early intellectual stimulation of very young children, children's health and safety services, assessment services to identify chemically exposed infants and children, and parent support and education services. At a minimum, the plan shall do all of the following:

(1) Describe community needs for children from birth through five years of age as identified through ongoing assessments.

(2) Describe the current and desired levels of community coordination of services for children from birth through five years of age, including the involvement and specific responsibilities of all related organizations and entities.

(3) Identify all federal, state, local, and private funding sources available in the community empowerment area that will be used to provide services to children from birth through five years of age.

(4) Describe how funding sources will be used collaboratively and the degree to which the moneys can be combined to provide necessary services to children.

(5) Identify the results the community board expects to achieve through implementation of the school ready children grant program, and identify community-specific quantifiable performance indicators to be reported in the annual report.

4. The community board shall submit an annual report on the effectiveness of the grant program in addressing school readiness and children's health and safety needs to the Iowa empowerment board and to the local governing bodies. The annual report shall indicate the effectiveness of the community board in achieving state and locally determined goals.

5. a. A school ready children grant shall be awarded to a community board for a three-year period, with annual payments made to the community board. The Iowa empowerment board may grant an extension from the award date and any application deadlines based upon the award date, to allow for a later implementation date in the initial year in which a community board submits a comprehensive school ready grant plan to the Iowa empowerment board. However, receipt of continued funding is subject to submission of the required annual report and the Iowa board's determination that the community board is measuring, through the use of performance indicators developed by the Iowa board with input from community boards, progress toward and is achieving the desired results identified in the grant plan. If progress is not measured through the use of performance indicators toward

achieving the identified results, the Iowa board may request a plan of corrective action or may withdraw grant funding.

b. The Iowa empowerment board shall distribute school ready children grant moneys to community boards with approved comprehensive school ready children grant plans based upon the degree of readiness of the community empowerment area to effectively utilize the moneys, with the grant moneys being adjusted for other federal and state grant moneys to be received by the area for services to children from birth through five years of age.

c. A community board's degree of readiness shall be ascertained by evidence of successful collaboration among public or private education, human services, or health interests or a documented program design evincing a strong likelihood of leading to a successful collaboration between these interests. Other criteria which may be used by the Iowa board to ascertain degree of readiness and to determine funding amounts include one or more of the following:

(1) Experience or other evidence of capacity to successfully implement the services in the plan.

(2) Local funding and other resources committed to implementation of the plan.

(3) Adequacy of plans for commitment of local funding and other resources for implementation of the plan.

d. The Iowa board's provisions for distribution of school ready grant moneys shall take into account contingencies for possible increases and decreases in the provision of state and local funding in future fiscal years which may be used for purposes of school ready children grants and for early childhood programs grants and for differences in local capacity for program implementation and provision of local funding. In developing these provisions, the Iowa board shall consider equity concerns; options for making capacity adjustments by restricting grant amounts based on service population size groupings to accommodate small, medium, and large population groupings; and options for making adjustments to accommodate varying amounts of time and assistance needed for implementation, such as extending the grant period to more than one year.

6. The priorities for school ready children grant funds shall include providing preschool services on a voluntary basis to children deemed at risk of not succeeding in elementary school, training child day care providers and others to encourage early intellectual stimulation of very young children, and offering parent support and education programs on a voluntary basis to parents of children from birth through five years of age. The grant funds also may be used to provide other services to children from birth through five years of age as specified in the comprehensive school ready children grant plan.

Sec. 9. NEW SECTION. 71.8 IOWA EMPOWERMENT FUND.

1. An Iowa empowerment fund is created in the state treasury. The moneys in the Iowa empowerment fund are not subject to section 8.33 and shall not be transferred, used, obligated, appropriated, or otherwise encumbered except as provided by law. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the Iowa empowerment fund shall be credited to the fund.

2. A school ready children grants account is created in the Iowa empowerment fund under the authority of the director of the department of education. Moneys credited to the account shall be distributed by the department of education in the form of grants to community empowerment areas pursuant to criteria established by the Iowa board in accordance with law.

3. An early childhood programs grant account is created in the Iowa empowerment fund under the authority of the director of human services. Moneys credited to the account shall be distributed by the department of human services in the form of grants to community empowerment areas pursuant to criteria established by the Iowa board in accordance with law. The criteria shall include but are not limited to a requirement that a community empowerment area must be eligible to receive a school ready children grant in order to receive an early childhood programs grant.

Sec. 10. Section 135.106, subsection 3, Code Supplement 1997, is amended to read as follows:

3. It is the intent of the general assembly to provide communities with the discretion and authority to redesign existing local programs and services targeted at and assisting families expecting babies and families with children who are newborn through five years of age. The Iowa department of public health, department of human services, department of education, and other state agencies and programs, as appropriate, shall provide technical assistance and support to communities desiring to redesign their local programs and shall facilitate the consolidation of existing state funding appropriated and made available to the community for family support services. Funds which are consolidated in accordance with this subsection shall be used to support the redesigned service delivery system. In redesigning services, communities are encouraged to implement a single uniform family risk assessment mechanism and shall demonstrate the potential for improved outcomes for children and families. Requests by local communities for the redesigning of services shall be submitted to ~~and subject to joint approval of~~ the Iowa department of public health, department of human services, and department of education, and are subject to the approval of the Iowa empowerment board in consultation with the departments, based on the innovation ~~zones~~ zone principles established in section 8A.2, Code 1997.

Sec. 11. Section 232.188, subsection 7, Code 1997, is amended to read as follows:

7. The annual child welfare services plan developed by a decategorization governance board pursuant to subsection 2 shall be submitted to the department and the ~~statewide decategorization and family preservation committee~~ Iowa empowerment board. In addition, the ~~decategorization governance~~ board shall submit an annual progress report to the department and the ~~committee~~ Iowa empowerment board which summarizes the progress made toward attaining the objectives contained in the plan. The progress report shall serve as an opportunity for information sharing and feedback.

Sec. 12. LEGISLATIVE FINDINGS AND INTENT.

1. The general assembly recognizes the significant findings of brain research indicating that early intellectual stimulation at a very young age increases the learning ability of a child. In order for children to be ready for school by age five, it is the intent of the general assembly that implementation of the provisions of this Act will accomplish the following:

a. Foster collaboration among state agencies which shall initially include the departments of human services, education, and public health, and allow the blending of these agencies' funding and other resources.

b. Establish community empowerment areas with broad community representation with the goal of providing services collaboratively to children from birth through five years of age for the purpose of improving the quality of these children's lives.

2. It is the intent of the general assembly that over time community empowerment areas will be developed in every part of the state. It is anticipated that as local empowerment areas evolve and most effectively implement the provisions of this Act in their areas, the initial structure for community empowerment areas provided in this Act will be revised by the Iowa empowerment board and by the general assembly in order to best promote collaboration among state and local education, health, and human services programs.

3. It is the intent of the general assembly that the duties of child welfare and juvenile justice decategorization projects and innovation zones will eventually be assumed by community empowerment areas.

Sec. 13. IOWA EMPOWERMENT BOARD. The Iowa empowerment board shall adopt rules, arrange for technical assistance, provide guidance, and take other actions needed to assist the designation of community empowerment areas and creation of community empowerment boards and to enable the community empowerment area boards to submit school ready children grant plans in a timely manner for the initial grants to be awarded and grant

moneys to be paid. For the initial grants, plans shall be submitted by September 1, 1998, or by January 1, 1999,* in accordance with criteria established by the board. The Iowa board shall submit to the governor and the general assembly a proposed funding formula for distribution of school ready children grant moneys as necessary for statewide implementation of the grant program for the fiscal year beginning July 1, 1999, and subsequent fiscal years.

Sec. 14. INITIAL COMMUNITY EMPOWERMENT AREAS AND BOARDS.

1. Notwithstanding section 7I.5, as enacted by this Act, providing for the creation of community empowerment area boards, for an area in which the initial community empowerment area is an innovation zone, one or more school districts, or a decategorization project, the initial community empowerment board shall be the innovation zone board, representatives of the school board or boards, or the decategorization governing board, as determined to be appropriate by the Iowa empowerment board. In addition to any members of the innovation zone board, representatives of the school board or boards, or decategorization governance board, the initial community empowerment board shall include at a minimum, representatives of school districts, county boards of supervisors, cities, juvenile court services, public health and human services administrators in the community empowerment area, and parents of children living in the area. For an area which does not encompass an innovation zone or decategorization project, the chairperson of the county board of supervisors may work with the local school district or districts in initiating a process to designate an initial community empowerment area and board. If the composition of the initial board does not comply with the composition requirements of section 7I.5, the board shall comply with the composition requirements on or before June 30, 1999.

2. For an area which is not included in an innovation zone or a decategorization project or for an area desiring to be included in a different zone or project, the area may by mutual agreement be included in a community empowerment area created from an innovation zone or a decategorization project. Otherwise, the area shall comply with requirements for designation of a community empowerment area adopted for this purpose by the Iowa empowerment board.

3. An area designated as an innovation zone in accordance with section 8A.2, Code 1997, as of June 30, 1998, may continue to develop the area's plans to achieve the results identified in the area's innovation zone application. An innovation zone transitioning to become a designated community empowerment area shall continue to receive technical assistance and guidance from the appropriate state agencies. A transitioning innovation zone may continue to pursue waivers and the reallocation of funds to achieve the identified results. A transitioning innovation zone may amend the zone's previously approved plan to include the provisions identified in section 7I.7, as enacted by this Act, as necessary to be eligible for receipt of a school ready children grant.

Sec. 15. TRANSITION BOARD. For the period beginning on the effective date of this Act and ending December 1, 1998, when the governor shall have completed the appointments to the Iowa empowerment board, the duties of the Iowa empowerment board under section 7I.3, as enacted by this Act, shall be performed by a transition board consisting of the directors of the departments of human services, education, and public health, citizen members of the innovation zone board created in section 8A.2, Code 1997, and the six ex officio, nonvoting legislative members of the board.

Sec. 16. EMERGENCY RULES. The transition Iowa empowerment board, as established by this Act, may adopt emergency rules under section 17A.4, subsection 2, and section 17A.5, subsection 2, paragraph "b", to implement the provisions of this Act and the rules shall be effective immediately upon filing unless a later date is specified in the rules. Any rules adopted in accordance with this section shall also be published as a notice of intended action as provided in section 17A.4.

* See chapter 1223, §32

Sec. 17. FUNDING AUTHORIZATION. For the fiscal year beginning July 1, 1998, and ending June 30, 1999, the Iowa empowerment board may determine amounts of appropriations and categorical program funding for the programs listed in this section which can be attributed to community empowerment areas and may recommend that the appropriate department reallocate the attributable portions to the community empowerment areas which have applied for and are determined to be eligible to receive the funding in the form of a community empowerment grant. Eligibility shall be limited to those community empowerment areas determined by the Iowa empowerment board under section 71.3, as enacted by this Act, to be eligible for an advanced community empowerment area arrangement. Subject to any federal limitations, the programs for which funding may be reallocated under this section are as follows:

1. Child day care.
2. At-risk programs for preschool children.
3. Head start programs.
4. Parent education programs.
5. Children's health programs.
6. Substance abuse assessment and referral.

Sec. 18. INITIAL APPOINTMENTS. The governor shall make the initial citizen appointments to the Iowa empowerment board created in section 71.2, as enacted in this Act, as follows:

1. Two members to a one-year term.
2. Three members to a two-year term.
3. Three members to a three-year term.

Sec. 19. Sections 8A.2 and 217.9A, Code 1997, are repealed effective June 30, 1998.

Sec. 20. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 20, 1998

CHAPTER 1207

IOWA AGRICULTURAL INDUSTRY FINANCE ACT AND RELATED PROVISIONS

S.F. 2415

AN ACT relating to agricultural finance, providing an appropriation, and providing an effective date.

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

Section 1. LEGISLATIVE FINDINGS. The general assembly finds and declares all of the following:

1. a. The economic structure of agriculture, including the production of agricultural commodities and the processing and marketing of agricultural products, is undergoing a period of rapid transformation.

(1) Longstanding government programs supporting prices for agricultural commodities are being phased out, and new technologies and management arrangements are creating large scale integrated systems for producing and processing agricultural commodities, and marketing agricultural processed products.