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LOCAL GOVERNMENT

HOUSE FILE 2449
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Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act creating an Iowa empowerment board for managing state and
2 community efforts involving community empowerment areas and
3 providing effective dates.

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

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TL 2449

DIVISION I

FISCAL YEAR 1998-1999

Section 1. NEW SECTION. 7I.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. "Iowa empowerment board" or "Iowa board" means the Iowa empowerment board created in this chapter.

Sec. 2. NEW SECTION. 7I.2 IOWA EMPOWERMENT BOARD CREATED.

1. An Iowa empowerment board is created for purposes of managing state and community efforts involving community empowerment areas, to define a human services agenda for the state, and promote collaboration among state and local programs.

2. The board shall consist of nine voting 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 are three years.

3. Board 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 nine voting members, the board shall include six members of the general assembly with not more than two members from each chamber being from the same political party. Two senators shall be appointed by the majority leader of the senate after consultation with the president of the senate and one senator shall be appointed by the minority

1 leader of the senate after consultation with the president of
2 the senate. The three representatives shall be appointed by
3 the speaker of the house of representatives after consultation
4 with the majority and minority leaders of the house of
5 representatives. Legislative members shall serve in an ex
6 officio, nonvoting capacity. A legislative member is eligible
7 for per diem and expenses as provided in section 2.10.

8 5. The board shall be assisted by an advisory council.

9 The directors or administrators of each of the following
10 agencies or the directors' or administrators' designees shall
11 serve as members of the advisory council:

12 a. Department of education.

13 b. Department of human rights.

14 c. Department of human services.

15 d. Iowa department of public health.

16 e. Department of workforce development.

17 f. Other departments or state agencies or representatives
18 of local governments designated by the board.

19 6. A community empowerment assistance team or teams shall
20 be designated by the members of the advisory council to assist
21 community empowerment areas.

22 7. Staffing services to the board shall be provided by the
23 state agencies which are represented on the advisory council.

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

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

31 The Iowa board shall perform the following duties:

32 1. Approve and oversee child welfare decategorization
33 agreements developed under section 232.188.

34 2. Assume the duties relating to innovation zones in the
35 place of the innovation zone board created in section 8A.2,

1 Code 1997, until the Iowa board determines the innovation
2 zones have been replaced with community empowerment areas.

3 3. Perform duties relating to community empowerment areas.

4 4. Manage the provision of block grant funding to
5 community empowerment areas by combining all or portions of
6 appropriations as authorized in law.

7 5. Develop advanced community empowerment area
8 arrangements for those community empowerment areas which were
9 formed in transition from an innovation zone created under
10 section 8A.2, or from a decategorization governing board
11 created under section 232.188, or which otherwise provide
12 evidence of extensive successful experience in managing
13 services and funding with high levels of community support and
14 input.

15 6. Adopt rules pursuant to chapter 17A as necessary for
16 implementation of community empowerment areas, and child
17 welfare decategorization agreements.

18 Sec. 4. NEW SECTION. 71.4 COMMUNITY EMPOWERMENT AREAS.

19 1. A community empowerment area shall be formed by using
20 existing school district and county boundaries to the extent
21 possible. Each county and school district in the state shall
22 have the option of participating in a community empowerment
23 area.

24 2. The designation of a community empowerment area and the
25 creation of a community empowerment area board are subject to
26 the approval of the Iowa empowerment board. The Iowa
27 empowerment board shall adopt rules pursuant to chapter 17A
28 providing for the initial designation of community empowerment
29 areas and procedures for later changing the initially
30 designated areas.

31 Sec. 5. NEW SECTION. 71.5 COMMUNITY EMPOWERMENT AREA
32 BOARDS CREATED.

33 1. A community empowerment area shall be governed by a
34 community empowerment area board. The membership of a
35 community board shall be restricted to citizens, elected

1 officials, and volunteers and is not open to an employee of or
2 a person paid for representing any of the entities listed in
3 this subsection. The members of a community empowerment area
4 board shall include one or more citizen representatives of any
5 of the following:

- 6 a. A school district.
- 7 b. A county.
- 8 c. A local board of health.
- 9 d. A hospital.
- 10 e. A charitable funding group.
- 11 f. The department of human services.
- 12 g. A religious institution.
- 13 h. An area education agency.
- 14 i. Juvenile court services.
- 15 j. An area substance abuse agency.
- 16 k. A community action program.

17 2. A community board may designate representatives of
18 service providers to provide technical assistance to the
19 community board.

20 3. A community board may designate a professional advisory
21 council consisting of persons employed by or otherwise paid to
22 represent an entity listed in subsection 1 or other provider
23 of service.

24 Sec. 6. NEW SECTION. 71.6 COMMUNITY EMPOWERMENT AREA
25 BOARD RESPONSIBILITIES AND AUTHORITY.

26 1. A community empowerment area board shall do the
27 following:

28 a. Designate a public agency of this state, as defined in
29 section 28E.2, to be the fiscal agent for grant moneys and for
30 other moneys administered by the community board.

31 b. Develop neighborhood bodies for community-level input
32 and implementation.

33 c. Administer community empowerment block grant moneys
34 available to the community board for any of the following
35 purposes:

1 (1) Child welfare services, which may include group foster
2 care, rehabilitative treatment services, juvenile court
3 services, and other community-based juvenile justice services.

4 (2) Child day care services.

5 (3) At-risk programs for preschool children.

6 (4) Head start programs.

7 (5) Parent education programs.

8 (6) Children's health programs.

9 (7) The family investment program, including the PROMISE
10 JOBS program.

11 (8) Programs for elder Iowans.

12 (9) Department of human services' field and program staff
13 supervision and oversight.

14 d. Assume other responsibilities established in law or
15 administrative rule.

16 2. A community board may do any of the following:

17 a. Designate one or more committees for oversight of grant
18 moneys awarded to the community empowerment area.

19 b. Function as a coordinating body for services directed
20 to similar populations by the jurisdictions within the
21 community empowerment area.

22 Sec. 7. NEW SECTION. 7I.7 COMMUNITY EMPOWERMENT --
23 IMPLEMENTATION STEPS.

24 1. LEGISLATIVE INTENT. It is the intent of the general
25 assembly to incrementally implement a program for increasing
26 local decision making and involvement in place of state-level
27 decision making. The purpose of this section is to set forth
28 a tentative, three-part implementation process for the
29 program.

30 2. PART ONE -- FY 1998-1999. Part one of the
31 implementation process is intended to accomplish all of the
32 following:

33 a. Communities determine priorities for spending of child
34 welfare and juvenile justice moneys.

35 b. The Iowa empowerment board is created at the state

1 level along with an advisory council consisting of the
2 directors of the following state departments: education,
3 human services, public health, human rights, workforce
4 development, and other departments.

5 c. A community empowerment assistance team of state agency
6 staff is formally created to provide technical assistance to
7 community empowerment areas. The state agencies participating
8 would be the same as those represented on the directors
9 advisory council.

10 d. Initial community empowerment areas are organized
11 involving every school district and county in the state.
12 Community empowerment area boards are created. Initially, the
13 following could be involved, as selected by the local areas:
14 citizens, city and county government, local department of
15 human services offices, local public health personnel, local
16 juvenile court services, local private service providers,
17 charities, religious institutions, local hospitals, school
18 districts, area education agencies, and cooperative extension.

19 e. The initial school ready children grant program is
20 created for initiatives targeted to children from birth to age
21 five.

22 f. Existing child welfare funding decategorization and
23 innovation zone projects are consolidated into the community
24 empowerment area approach. The funding for the following
25 programs are incorporated into a local funding pool:

26 (1) Group foster care.

27 (2) Rehabilitative treatment services for group foster
28 care covered under the medical assistance program.

29 (3) Juvenile court services.

30 (4) Community-based juvenile justice programs administered
31 by the department of human services.

32 g. Other state funds and federal funds which are possible
33 to provide as a block grant are authorized for pooling and
34 administration by community empowerment areas.

35 h. Initiatives are developed to attain the following

1 performance benchmarks:

2 (1) Reduce juvenile crime.

3 (2) Reduce the number of out-of-home placements of
4 children.

5 (3) Provide for more effective community-based treatment
6 programs.

7 (4) Increase high school graduation rates.

8 (5) Reduce the number of teen pregnancies.

9 3. PART TWO -- FY 1999-2000. Part two of the
10 implementation process is intended to accomplish all of the
11 following:

12 a. The political subdivisions and other bodies comprising
13 the community empowerment areas work together to have children
14 prepared to learn when the children enter school.

15 b. The department of elder affairs is added to the
16 advisory council and to the community empowerment assistance
17 team of state agency staff.

18 c. Funding is expanded for the school ready children grant
19 program.

20 d. Funding that may be block granted to local entities is
21 distributed on a per capita basis to the community empowerment
22 area board's fiscal agent.

23 e. The following programs are added to the block grant for
24 pooling by community empowerment areas:

25 (1) Child day care administered by the department of human
26 services.

27 (2) At-risk programs for preschool children administered
28 through the department of education.

29 (3) Head start programs.

30 (4) Parental education programs administered through the
31 departments of education, public health, and human services,
32 and through the cooperative extension service of Iowa state
33 university of science and technology.

34 (5) Children's health programs administered through the
35 departments of public health and human services.

1 4. PART THREE -- FY 2000-2001. Part three of the
2 implementation process is intended to accomplish all of the
3 following:

4 a. Community empowerment areas will begin to manage and
5 oversee additional human services and other programs.

6 b. Local corrections staff, department of workforce
7 development offices, and area agencies on aging are added to
8 the participants in the community empowerment area board
9 planning process.

10 Sec. 8. Section 135.106, subsection 3, Code Supplement
11 1997, is amended to read as follows:

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

1 Sec. 9. Section 232.188, subsections 2, 3, 4, 6, and 7,
2 Code 1997, are amended to read as follows:

3 2. a. In partnership with an interested ~~county-or-group~~
4 ~~of-counties~~ community empowerment area designated in
5 accordance with chapter 7I, which has demonstrated the
6 commitment and involvement of the affected county department
7 of human services, juvenile court system, and board of
8 supervisors, the department shall develop agreements providing
9 for the decategorization of specific state and state-federal
10 funding categories into a child welfare funding pool for that
11 county or group of counties. ~~A-decategorization~~ The
12 agreements are subject to approval by the Iowa empowerment
13 board created in chapter 7I. An agreement shall require the
14 decategorization program to be implemented by a
15 ~~decategorization-governance~~ community empowerment area board.

16 b. The ~~decategorization-governance~~ community empowerment
17 area board shall develop specific, quantifiable short-term and
18 long-term plans for enhancing the county's or group of
19 counties' family-centered and community-based services and
20 reducing reliance upon out-of-community care. The affected
21 service systems shall include child welfare and juvenile
22 justice systems. A decategorization agreement may vary
23 depending upon the approaches selected by the county or group
24 of counties which shall be detailed in an annual child welfare
25 services plan developed by the ~~decategorization-governance~~
26 community empowerment area board. A ~~decategorization~~
27 ~~governance~~ community empowerment area board shall involve
28 other community representatives and county organizations in
29 the development of the plan.

30 3. The child welfare funding pool shall be used by the
31 ~~county-or-group-of-counties~~ community empowerment area to
32 provide more flexible, individualized, family-centered,
33 preventive, community-based, comprehensive, and coordinated
34 service systems for children and families served in that area.
35 The decategorization of the funding shall not limit the legal

1 rights of those children and families to services, but shall
2 provide more flexibility to the partnership ~~county-or-counties~~
3 jurisdictions involved with the community empowerment area in
4 responding to individual and family needs.

5 4. In a decategorization agreement, the department Iowa
6 empowerment board and the county's or group of counties'
7 decategorization-governance community empowerment area board
8 shall agree on all of the following items: the governance
9 relationship between the department Iowa empowerment board and
10 the decategorization-governance community empowerment area
11 board; the respective areas of autonomy of the department,
12 Iowa empowerment board, and the community empowerment area
13 board; the budgeting structure for the decategorization child
14 welfare funding pool; and a method for resolving disputes
15 between the department and the community empowerment area
16 board or between the Iowa empowerment board and the community
17 empowerment area board. The decategorization agreement shall
18 require the Iowa empowerment board, the department, and the
19 decategorization-governance community empowerment area board
20 to agree upon a budget on or before June 15 of the fiscal year
21 preceding the fiscal year to which the budget applies. The
22 budget may later be modified to reflect new or changed
23 circumstances.

24 ~~6. Initially-the-department-shall-work-with-the-five~~
25 ~~counties-previously-authorized-under-law-to-enter-into~~
26 ~~decategorization-agreements-with-the-state-~~ At a minimum, any
27 ~~of-those-counties~~ community empowerment area participating in
28 an agreement may elect to use funding for foster care, family-
29 centered services, subsidized adoption, child day care, local
30 purchase of service, state juvenile institution care, juvenile
31 detention, department direct services, and court-ordered
32 services for juveniles in the child welfare fund established
33 for that county area.

34 7. The annual child welfare services plan developed by a
35 decategorization-governance community empowerment area board

1 pursuant to subsection 2 shall be submitted to the department
2 and the ~~statewide-decategorization-and-family-preservation~~
3 ~~committee~~ Iowa empowerment board. In addition, the community
4 empowerment area board shall submit an annual progress report
5 to the department and the ~~committee~~ Iowa empowerment board
6 which summarizes the progress made toward attaining the
7 objectives contained in the plan. The progress report shall
8 serve as an opportunity for information sharing and feedback.

9 Sec. 10. TRANSITION BOARD. For the period beginning on
10 the effective date of this Act and ending September 30, 1998,
11 when the governor shall have completed the appointments to the
12 Iowa empowerment board, the duties of the Iowa empowerment
13 board under section 7I.3, as enacted by this Act, shall be
14 performed by a transition board consisting of the directors of
15 the departments of human services, education, and public
16 health and the ex officio, nonvoting legislative members of
17 the board.

18 Sec. 11. TRANSITION OF CHILD WELFARE DECATEGORIZATION AND
19 INNOVATION ZONES -- FUNDING AUTHORIZATION.

20 1. During the fiscal year beginning July 1, 1998, and
21 ending June 30, 1999, counties operating under a child welfare
22 decategorization agreement developed in accordance with
23 section 232.188, and innovation zones developed pursuant to
24 section 8A.2, shall be transformed to be a part of a community
25 empowerment area developed in accordance with chapter 7I, as
26 enacted by this Act.

27 2. For the fiscal year beginning July 1, 1998, the Iowa
28 empowerment board may determine amounts of appropriations
29 which can be attributed to community empowerment areas and may
30 reallocate the attributable portions as a block grant to the
31 community empowerment areas or to a county participating in a
32 child welfare decategorization block grant agreement program
33 transitioning to a community empowerment area. The
34 appropriations which may be reallocated for the fiscal year
35 include those made for any of the following purposes: foster

1 care, family-centered services, subsidized adoption, child day
2 care, local purchase of service, state juvenile institution
3 care, juvenile detention, department direct services, and
4 court-ordered services for juveniles.

5 Sec. 12. INITIAL APPOINTMENTS. The governor shall make
6 the initial appointments to the Iowa empowerment board created
7 in section 7I.2 as follows:

8 1. Three members to a one-year term.

9 2. Three members to a two-year term.

10 3. Three members to a three-year term.

11 Sec. 13. Section 8A.2, Code 1997, is repealed.

12 Sec. 14. EFFECTIVE DATE. Section 10 of this division of
13 this Act, creating a transition board, being deemed of
14 immediate importance, takes effect upon enactment.

15 DIVISION II

16 FISCAL YEAR 1999-2000

17 Sec. 15. NEW SECTION. 7I.8 HUMAN SERVICES DUTIES.

18 The Iowa board shall perform the following responsibilities
19 relating to the department of human services:

20 1. Adopt and establish policy for the operation and
21 conduct of the department of human services, subject to any
22 guidelines which may be adopted by the general assembly, and
23 the implementation of all services and programs under the
24 department.

25 2. Report immediately to the governor any failure by the
26 director or any administrator of the department to carry out
27 any of the policy decisions or directives of the Iowa board.

28 3. Approve the budget of the department of human services
29 prior to submission to the governor. Prior to approval of the
30 budget, the Iowa board shall publicize and hold a public
31 hearing to provide explanations and hear questions, opinions,
32 and suggestions regarding the budget. Invitations to the
33 hearing shall be extended to the governor, the governor-elect,
34 the director of the department of management, and other
35 persons deemed by the Iowa board as integral to the budget

1 process.

2 4. Ensure that all programs administered or services
3 rendered by the department directly to any citizen or through
4 a local agency to any citizen are coordinated and integrated
5 so that a citizen does not receive a duplication of services
6 from various departments or local agencies that could be
7 rendered by one department or local agency. If the Iowa board
8 finds that such is not the case, the Iowa board shall hear and
9 determine which department or local agency shall provide the
10 needed service or services and enter an order of the Iowa
11 board's determination by resolution of the Iowa board which
12 must be concurred in by at least a majority of the members.
13 This order or resolution of the Iowa board shall be obeyed by
14 all state departments and local agencies to which it is
15 directed.

16 5. Adopt all necessary rules recommended by the director
17 or administrators of divisions prior to their adoption
18 pursuant to chapter 17A.

19 6. Approve the establishment of any new division or
20 reorganization, consolidation, or abolition of any established
21 division prior to the action becoming effective.

22 7. Recommend to the governor the names of individuals
23 qualified for the position of director of human services when
24 a vacancy exists in the office.

25 Sec. 16. NEW SECTION. 7I.9 MENTAL HEALTH AND
26 DEVELOPMENTAL DISABILITIES RESPONSIBILITIES.

27 1. For the purposes of this section, "administrator",
28 "director", "disability service", "division", and "person with
29 a disability" mean the same as provided in section 225C.2.

30 2. The Iowa board shall serve as the state policy-making
31 body for the provision of services to persons with mental
32 illness, mental retardation or other developmental
33 disabilities, or brain injury.

34 3. To the extent funding is available, the Iowa board
35 shall perform the following duties pertaining to disability

1 services and the division of mental health and developmental
2 disabilities of the department of human services:

3 a. Advise the administrator on administration of the
4 overall state plans for disability services.

5 b. Adopt necessary rules pursuant to chapter 17A which
6 relate to disability programs and services, including but not
7 limited to definitions of each disability included within the
8 term "disability services" as necessary for purposes of state
9 and regional planning, programs, and services.

10 c. Adopt standards for accreditation of community mental
11 health centers and comprehensive community mental health
12 programs recommended under section 230A.16.

13 d. Adopt standards for the care of and services to persons
14 with mental illness and mental retardation residing in county
15 care facilities recommended under section 227.4.

16 e. Adopt standards for the delivery of disability services
17 by the division, and for the maintenance and operation of
18 public or private facilities offering services to persons with
19 disabilities, which are not subject to licensure by the
20 department or the department of inspections and appeals, and
21 review the standards employed by the department or the
22 department of inspections and appeals for licensing facilities
23 which provide services to persons with disabilities.

24 f. Assure that proper appeal procedures are available to
25 persons aggrieved by decisions, actions, or circumstances
26 relating to accreditation.

27 g. Award grants from the state and federal government as
28 well as other moneys that become available to the division for
29 grant purposes.

30 h. Review and rank applications for federal mental health
31 grants prior to submission to the appropriate federal agency.

32 i. Annually submit to the governor and the general
33 assembly:

34 (1) A report concerning the activities of the board.

35 (2) Recommendations formulated by the Iowa board for

1 changes in law.

2 j. By January 1 of each odd-numbered year, submit to the
3 governor and the general assembly an evaluation of:

4 (1) The extent to which services to persons with
5 disabilities stipulated in the state plans are actually
6 available to persons in each county in the state.

7 (2) The cost effectiveness of the services being provided
8 by each of the state mental health institutes established
9 under chapter 226 and state hospital-schools established under
10 chapter 222.

11 (3) The cost effectiveness of programs carried out by
12 randomly selected providers receiving money from the state for
13 disability services.

14 k. Advise the administrator, the governor, and the general
15 assembly on budgets and appropriations concerning disability
16 services.

17 l. Consult with the governor's council for developmental
18 disabilities at least twice a year.

19 m. Establish standards for the provision under medical
20 assistance of individual case management services.

21 n. Establish standards for the structure of a service
22 coordination system which ensures a linkage between the
23 service coordination system and individual case management
24 services.

25 o. Identify model eligibility guidelines for disability
26 services.

27 p. Identify model guidelines for purchase of disability
28 services and for disability service reimbursement
29 methodologies.

30 q. Prepare, for mental health and developmental
31 disabilities regional planning councils, advance estimates of
32 state and, to the extent possible, federal funds available to
33 counties for purchase of disability services.

34 r. Identify basic disability services for planning
35 purposes.

1 s. Prepare five-year plans based upon the plans developed
2 by mental health and developmental disabilities regional
3 planning councils.

4 t. Identify disability services which are eligible for
5 state payment under the mental health and developmental
6 disabilities community services fund created in section
7 225C.7.

8 Sec. 17. NEW SECTION. 71.10 PUBLIC HEALTH
9 RESPONSIBILITIES.

10 The Iowa board shall be the policy making body for the Iowa
11 department of public health and shall have powers and duties
12 as follows:

13 1. Consider and study the entire field of legislation and
14 administration concerning public health, hygiene, and
15 sanitation.

16 2. Advise the department relative to:

17 a. The causes of disease and epidemics, and the effect of
18 locality, employment, and living conditions upon the public
19 health.

20 b. The sanitary conditions in the educational, charitable,
21 correctional, and penal institutions in the state.

22 c. Communicable and infectious diseases including zoonotic
23 diseases, quarantine and isolation, venereal diseases,
24 antitoxins and vaccines, housing, and vital statistics.

25 3. Establish policies governing the performance of the
26 department in the discharge of any duties imposed on the
27 department by law.

28 4. Establish policies for the guidance of the director of
29 public health in the discharge of the director's duties.

30 5. Investigate the conduct of the work of the department,
31 and for this purpose it shall have access at any time to all
32 books, papers, documents, and records of the department.

33 6. Advise or make recommendations to the governor and
34 general assembly relative to public health, hygiene, and
35 sanitation.

1 7. Adopt rules and regulations consistent with law for the
2 protection of the public health and prevention of substance
3 abuse, and for the guidance of the department. All rules
4 which have been or are adopted by the department shall be
5 subject to approval by the Iowa board. However, rules adopted
6 by the commission on substance abuse for section 125.7,
7 subsections 1 and 7 are not subject to approval by the Iowa
8 board.

9 Sec. 18. NEW SECTION. 7I.11 CHILDREN, YOUTH, AND
10 FAMILIES RESPONSIBILITIES.

11 1. CHILDREN, YOUTH, AND FAMILIES POLICY. It is the policy
12 of the state of Iowa to promote the best interests of
13 children, youth, and families. In accordance with this
14 policy, the Iowa empowerment board shall do all of the
15 following:

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

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

22 c. Provide the director of the department of human
23 services, director of public health, director of the
24 department of education, other state agency directors, general
25 assembly, and governor with recommendations and information to
26 improve services for children, youth, and families by December
27 1 of each year.

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

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

32 f. Examine issues related to the cycle of dependency which
33 some families have on services, including, but not limited to,
34 child care, chemical dependency, child welfare, youth
35 employment, parent education, health, and education.

1 2. FAMILY DEVELOPMENT AND SELF-SUFFICIENCY PROGRAM. The
2 Iowa board shall provide a particular focus on dependency on
3 family investment program benefits. To that end the Iowa
4 board shall be the policymaking body for the family
5 development and self-sufficiency program and shall do all of
6 the following:

7 a. Identify the factors and conditions that place Iowa
8 families at risk of long-term dependency upon the family
9 investment program. The Iowa board shall seek to use relevant
10 research findings and national and Iowa specific data on the
11 family investment program.

12 b. Identify the factors and conditions that place Iowa
13 families at risk of family instability and foster care place-
14 ment. The Iowa board shall seek to use relevant research
15 findings and national and Iowa specific data on the foster
16 care system.

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

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

35 (2) Designation of the services to be provided for the

1 families served, including assistance regarding job-seeking
2 skills, family budgeting, nutrition, self-esteem, health and
3 hygiene, child rearing, child education preparation, and goal
4 setting. Grant proposals shall indicate the support groups
5 and support systems to be developed for the families served
6 during the transition between the need for assistance and
7 self-sufficiency.

8 (3) Designation of the manner in which other needs of the
9 families will be provided including, but not limited to, day
10 care assistance, transportation, substance abuse treatment,
11 support group counseling, food, clothing, and housing.

12 (4) Designation of the training and recruitment of the
13 staff which provides services, and the appropriateness of the
14 training for the purposes of meeting family development and
15 self-sufficiency goals of the families being served.

16 (5) Designation of the support available within the
17 community for the program and for meeting subsequent needs of
18 the clients, and the manner in which community resources will
19 be made available to the families being served.

20 (6) Designation of the manner in which the program will be
21 subject to audit and to evaluation.

22 Not more than five percent of any funds appropriated by the
23 general assembly for the purposes of paragraph "c" may be used
24 for staffing and administration of the grants.

25 d. With the assistance of the department of human services
26 and the legislative fiscal bureau, develop measures to
27 independently evaluate the effectiveness of any grant funded
28 under the program, that include measurement of the grantee's
29 effectiveness in meeting its goals in a quantitative sense
30 through reduction in length of stay on welfare programs or a
31 reduced need for other state child and family welfare
32 services. Families referred to the program shall be selected
33 from those meeting the criteria established in the program as
34 being at risk.

35 e. Seek to enlist research support from the Iowa research

1 community in meeting the duties outlined in paragraphs "a"
2 through "d".

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

7 g. Make recommendations to the governor and the general
8 assembly on the effectiveness of early intervention programs
9 in Iowa and throughout the nation that provide family
10 development services that lead to self-sufficiency for
11 families at risk of long-term welfare dependency.

12 h. Evaluate and make recommendations regarding the costs
13 and benefits of the expansion of the services provided under
14 the special needs program of the family investment program to
15 include tuition for parenting skills programs, family support
16 and counseling services, child development services, and
17 transportation and child care expenses associated with the
18 programs and services.

19 3. CHILD DAY CARE DUTIES. The Iowa board shall have
20 advisory responsibilities concerning child day care and shall
21 do all of the following:

22 a. Consult with and make recommendations to the department
23 concerning policy issues relating to child day care.

24 b. Advise the department concerning services relating to
25 child day care, including but not limited to any of the
26 following:

27 (1) Resource and referral services.

28 (2) Provider training.

29 (3) Quality improvement.

30 (4) Public-private partnerships.

31 (5) Standards review and development.

32 c. Assist the department of human services in developing
33 an implementation plan to provide seamless service to
34 recipients of public assistance which includes child day care
35 services. For the purposes of this paragraph, "seamless

1 service" means coordination, where possible, of the federal
2 and state requirements which apply to child day care.

3 d. Advise and provide technical services to the director
4 of the department of education or the director's designee,
5 upon request, relating to prekindergarten, kindergarten, and
6 before and after school programming and facilities.

7 4. JUVENILE JUSTICE PLANNING DUTIES. The Iowa board shall
8 perform duties under section 216A.133 in serving as the
9 criminal and juvenile justice planning advisory council for
10 the division of criminal and juvenile justice planning of the
11 department of human rights.

12 Sec. 19. NEW SECTION. 71.12 HUMAN INVESTMENT POLICY
13 DUTIES.

14 The Iowa board shall do all of the following in
15 administering a human investment policy for the state:

16 1. Develop an overall long-term human investment strategy
17 for the state including broad policy goals and benchmarks
18 which are goal statements reflecting specific results or
19 achievements in public policy at a particular time in the
20 future. The strategy shall be developed through a process
21 involving input from and consensus building with a broad cross
22 section of the state's population. Public hearings shall be
23 held by the Iowa board in developing the strategy and
24 benchmarks. The human investment strategy and benchmarks
25 shall be submitted to the governor and the general assembly
26 for a determination as to how the strategy and benchmarks will
27 be set and achieved.

28 2. Develop an Iowa human investment budget and accounting
29 model which provides a financial weighting of human
30 investments. The budget and accounting model shall provide a
31 means to reflect public and private investments in the skills
32 and employability of Iowans. It is anticipated that the
33 accounting system will indicate that human investments will
34 generate returns in excess of the investments. The Iowa board
35 shall implement the model on a pilot project basis and report

1 annually concerning the model and the pilot project to the
2 governor, general assembly, and the public.

3 3. Study the potential for the state to appropriate moneys
4 according to the highest return on human investment. The Iowa
5 board shall recommend to the governor and the general assembly
6 a method for fully implementing the human investment budget
7 and accounting model developed pursuant to subsection 2. The
8 model shall provide for incentives for state agencies to
9 utilize appropriations in a manner in order to achieve the
10 highest returns on human investments.

11 4. Develop and apply return on human investment accounting
12 standards. The Iowa board shall monitor state human
13 investments according to the standards it applies and
14 regularly report to the governor, general assembly, and public
15 concerning actual returns on human investment.

16 5. Advocate for regulatory and legislative initiatives for
17 decategorization of funding and deregulation to improve human
18 investment.

19 6. Educate the public, community agencies, and the general
20 assembly concerning human investment principles and practices.

21 7. Conduct customer satisfaction surveys of the users of
22 public services and utilize the information from the surveys
23 in establishing returns on human investments and determining
24 the effectiveness of the public programs.

25 Sec. 20. Section 15.108, subsection 6, paragraph b,
26 subparagraph (1), Code Supplement 1997, is amended to read as
27 follows:

28 (1) Work closely with representatives of business and
29 industry, labor organizations, the ~~council-on-human-investment~~
30 Iowa empowerment board created in chapter 7I, the department
31 of education, the department of workforce development, and
32 educational institutions to determine the employee training
33 needs of Iowa employers, and where possible, provide for the
34 development of industry-specific training programs.

35 Sec. 21. Section 135C.2, subsection 5, paragraph f,

1 subparagraph (4), Code 1997, is amended to read as follows:

2 (4) ~~The mental-health-and-developmental-disabilities~~
3 ~~commission~~ Iowa empowerment board created in ~~section-225E-5~~
4 chapter 7I.

5 Sec. 22. Section 216A.133, unnumbered paragraph 1, Code
6 1997, is amended to read as follows:

7 ~~The-council~~ The Iowa empowerment board created in chapter
8 7I shall serve as the council. In this capacity, the Iowa
9 empowerment board shall do all of the following:

10 Sec. 23. Section 217.6, Code 1997, is amended to read as
11 follows:

12 217.6 RULES AND REGULATIONS.

13 The director is hereby authorized to recommend to the
14 ~~council~~ Iowa empowerment board created in chapter 7I for
15 adoption such rules and regulations as are necessary to carry
16 into practice the programs of the various divisions ~~and-to~~
17 In addition, the director may establish such divisions within
18 the department and ~~to~~ assign or reassign duties, powers, and
19 responsibilities within the department, all with the approval
20 of the ~~council-of-human-services~~ Iowa empowerment board,
21 ~~within-the-department~~ as the director deems necessary and
22 appropriate for the proper administration of the duties,
23 functions, and programs with which the department is charged.
24 Any action taken, decision made, or administrative rule
25 adopted by any administrator of a division may be reviewed by
26 the director. The director, upon such review, may affirm,
27 modify, or reverse any such action, decision, or rule. The
28 director shall organize the department of human services into
29 divisions to carry out in efficient manner the intent of this
30 chapter.

31 ~~The-department-of-human-services-may-be-initially-divided~~
32 ~~into-the-following-divisions-of-responsibility:-the-division~~
33 ~~of-child-and-family-services,-the-division-of-mental-health~~
34 ~~and-developmental-disabilities,-the-division-of~~
35 ~~administration,-and-the-division-of-planning,-research-and~~

1 statistics.

2 Sec. 24. Section 217.21, subsections 4 and 5, Code 1997,
3 are amended to read as follows:

4 4. The observations and recommendations of the director
5 and the ~~council-of-human-services~~ Iowa empowerment board
6 relative to the programs of the department.

7 5. Such Any other information as the director or ~~council~~
8 ~~of-human-services~~ Iowa empowerment board may deem advisable,
9 or which may be requested by the governor or by the general
10 assembly.

11 Sec. 25. Section 217.43, subsection 2, Code 1997, is
12 amended to read as follows:

13 2. Not more than five cluster board members shall be
14 appointed for one-year terms by each of the county boards of
15 supervisors of the counties comprising the county cluster.
16 The following requirements apply to the appointments made by a
17 county board of supervisors: the membership shall be
18 appointed in accordance with section 69.16, relating to
19 political affiliation, and section 69.16A, relating to gender
20 balance; not more than three members shall be members of the
21 board of supervisors; and appointments shall be made on the
22 basis of interest in public affairs, good judgment, and
23 knowledge and ability in the field of human services.
24 Appointments shall be made a part of the regular proceedings
25 of the board of supervisors and shall be filed with the county
26 auditor and the county cluster administrator. A vacancy on
27 the board shall be filled in the same manner as the original
28 appointment. The boards of supervisors shall develop and
29 agree to other organizational provisions involving the cluster
30 board including reporting requirements. In lieu of appointing
31 a county cluster board, the boards of supervisors may assign
32 the duties of a county cluster board under this section to the
33 community empowerment area board created under chapter 7I for
34 the community empowerment area with which the county or
35 counties are affiliated.

1 Sec. 26. Section 225C.2, subsection 2, Code 1997, is
2 amended to read as follows:

3 2. "Commission" means the ~~mental-health-and-developmental~~
4 ~~disabilities-commission~~ Iowa empowerment board created in
5 chapter 7I.

6 Sec. 27. Section 232.190, subsection 1, Code 1997, is
7 amended to read as follows:

8 1. A community grant fund is established in the state
9 treasury under the control of the division of criminal and
10 juvenile justice planning of the department of human rights
11 for the purposes of awarding grants under this section. The
12 ~~criminal-and-juvenile-justice-planning-advisory-council-and~~
13 ~~the-juvenile-justice-advisory-council~~ Iowa empowerment board
14 created in chapter 7I shall assist the division in
15 administering grants awarded under this section. The
16 department of human services shall advise the division on
17 programs which meet the criteria established for grant
18 recipients. Not more than five percent of the moneys
19 appropriated to the fund shall be used for administrative
20 purposes.

21 Sec. 28. Section 234.6, subsection 9, Code Supplement
22 1997, is amended to read as follows:

23 9. Recommend rules for their adoption by the ~~council-of~~
24 ~~human-services~~ Iowa empowerment board for before and after
25 school child care programs, conducted within and by or
26 contracted for by school districts, that are appropriate for
27 the ages of the children who receive services under the
28 programs.

29 Sec. 29. Section 237A.1, subsection 13, Code Supplement
30 1997, is amended by striking the subsection.

31 Sec. 30. Section 238.12, Code 1997, is amended to read as
32 follows:

33 238.12 APPEAL -- JUDICIAL REVIEW.

34 Any licensee feeling aggrieved by any decision of the
35 administrator revoking the licensee's license may appeal to

1 the ~~council-of-human-services~~ Iowa empowerment board in the
2 manner of form prescribed by ~~such-council~~ the board. The
3 ~~council~~ board shall, upon receipt of such an appeal give the
4 licensee reasonable notice and opportunity for a fair hearing
5 before ~~such-council~~ the board or its duly authorized
6 representative or representatives. Following ~~such~~ the hearing
7 the ~~council-of-human-services~~ board shall take its final
8 action and notify the licensee in writing.

9 Judicial review of the actions of the ~~council~~ board may be
10 sought in accordance with ~~the-terms-of~~ chapter 17A, the Iowa
11 administrative procedure Act.

12 Sec. 31. Section 239B.8, subsection 2, paragraph e, Code
13 Supplement 1997, is amended to read as follows:

14 e. Participation in a family development and self-
15 sufficiency grant program under ~~section-217-12~~ chapter 7I or
16 other family development program.

17 Sec. 32. CODE EDITOR DIRECTIVE.

18 1. The Code editor shall substitute the words "Iowa
19 empowerment board" for the words "state board of health" in
20 the Code when there appears to be no doubt as to the reference
21 to the state board of health.

22 2. The Code editor shall substitute the words "Iowa
23 empowerment board" for the words "mental health and
24 developmental disabilities commission" in the Code when there
25 appears to be no doubt as to the reference to the mental
26 health and developmental disabilities commission.

27 3. The Code editor shall substitute the words "Iowa
28 empowerment board" for the words "state child day care
29 advisory council" in the Code when there appears to be no
30 doubt as to the reference to the state child day care advisory
31 council.

32 Sec. 33. Chapter 136, Code 1997, is repealed. Sections
33 8A.1, 216A.132, 217.3, 217.9A, 217.11, 217.12, 217.17,
34 237A.21, and 237A.22, Code 1997, are repealed. Sections
35 225C.5 and 225C.6, Code Supplement 1997, are repealed.

1 Sec. 34. EFFECTIVE DATE. This division of this Act takes
2 effect July 1, 1999.

3 EXPLANATION

4 This bill creates an Iowa empowerment board for managing
5 state and community efforts involving child welfare and
6 community empowerment areas. The Iowa empowerment board
7 provisions are organized into a new Code chapter 7I.

8 New Code section 7I.1 provides definitions.

9 New Code section 7I.2 creates the Iowa board with nine
10 voting members who serve for three-year terms and six
11 legislative members who serve in a nonvoting, ex officio
12 capacity. The voting members are to be appointed so as to
13 represent the five congressional districts in the state. A
14 temporary provision in the bill provides for staggering of the
15 initial terms of the voting members.

16 The Iowa board is to be assisted by an advisory council
17 consisting of the directors or designees of the directors of
18 the following state agencies: department of education,
19 department of human rights, department of human services, Iowa
20 department of public health, department of workforce
21 development, and other state agencies and representatives of
22 local governments designated by the board. Staffing
23 assistance to the board is to be provided by the agencies
24 represented on the professional cabinet.

25 The Iowa board is to perform duties concerning child
26 welfare and adoption of administrative rules.

27 New Code section 7I.4 provides requirements for designating
28 community empowerment areas.

29 New Code section 7I.5 provides requirements for counties
30 and school districts to designate community empowerment area
31 boards.

32 New Code section 7I.6 outlines the responsibilities and
33 authority of a community empowerment area board.

34 New Code section 7I.7 provides legislative intent to
35 implement various provisions over a three-year period

1 beginning with FY 1998-1999 and continuing through FY 2000-
2 2001.

3 The bill also amends Code section 135.106, which
4 established the healthy families Iowa program. The bill
5 amends language expressing legislative intent encouraging
6 local community efforts to redesign programs for children ages
7 zero through five years and requiring state agencies to assist
8 the efforts. Under the bill, local community requests to the
9 state for redesigning services are subject to approval of the
10 empowerment board for approval in consultation with the state
11 agencies which provide approval under current law.

12 The bill amends Code section 232.188, relating to child
13 welfare funding decategorization. Under current law, the term
14 "decategorization" is used to describe funding activities,
15 local governance boards, and agreements. The bill replaces
16 that term with the use of the term "community empowerment
17 areas" in describing the local governance boards. The bill
18 maintains current law providing for the department of human
19 services to develop the agreements but provides that the Iowa
20 empowerment board has final approval authority.

21 The bill includes transition provisions and a funding
22 authorization for the Iowa empowerment board. The transition
23 provisions direct existing child welfare funding
24 decategorization projects and innovation zones to make a
25 transition to become community empowerment areas during FY
26 1998-1999. The Iowa empowerment board is authorized to
27 reallocate appropriations for various child welfare and
28 juvenile justice programs as block grants to community
29 empowerment areas or existing child welfare decategorization
30 efforts during FY 1998-1999.

31 The bill provides for a transition board consisting of the
32 directors of the departments of human services, education, and
33 public health along with the nonvoting ex officio, legislative
34 members to perform the duties of the Iowa empowerment board
35 until September 30, 1998. The governor is to make the initial

1 appointments to the board by that date. This section of the
2 bill takes effect upon enactment.

3 Division II takes effect July 1, 1999, provides for the
4 Iowa empowerment board to assume the duties of various state
5 boards, commissions, and councils and repeals Code provisions
6 relating to the boards, commissions, and councils.

7 New Code section 7I.8 transfers the duties of the council
8 of human services to the Iowa empowerment board.

9 New Code section 7I.9 transfers the duties of the
10 commission on mental health and developmental disabilities to
11 the Iowa empowerment board.

12 New Code section 7I.10 transfers the duties of the state
13 board of health to the Iowa empowerment board.

14 New Code section 7I.11 transfers the duties of the
15 commission on children, youth, and families, the duties of the
16 family development and self-sufficiency council and
17 accompanying grant programs, and the duties of the state child
18 day care advisory council and criminal and juvenile justice
19 planning advisory council to the Iowa empowerment board.

20 New Code section 7I.12 transfers the duties of the council
21 on human investment to the Iowa empowerment board.

22 New Code section 217.43 is amended to authorize a county
23 board of supervisors to assign duties of a county cluster
24 board to a community empowerment area board.

25 References to the boards and commissions being repealed by
26 the bill are revised in various Code sections. The Code
27 editor is directed to make changes of references to the state
28 board of health and the commission on mental health and
29 developmental disabilities.

30 The following Code provisions are repealed: Code section
31 8A.1, creating the council on human investment; Code chapter
32 136, creating the state board of health; Code section
33 216A.132, creating the criminal and juvenile justice planning
34 council; Code sections 217.3 and 217.17, relating to the
35 council of human services and a division of the department of

1 human services which no longer exists; Code section 217.9A,
2 creating the commission on children, youth, and families; Code
3 sections 217.11 and 217.12, relating to the family development
4 and self-sufficiency grant program and council; Code sections
5 225C.5 and 225C.6, relating to the duties of the commission on
6 mental health and developmental disabilities; and Code
7 sections 237A.21 and 237A.22, relating to the state child day
8 care advisory council.

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