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Place On Calendar

HOUSE FILE 2507
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO HF 2449)

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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HF 2507

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. 71.3 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. Identify boards, commissions, committees, and other
16 bodies in state government with overlapping and similar
17 purposes which contribute to redundancy and fragmentation in
18 services provided to the public. The board shall also make
19 recommendations to the governor and general assembly as
20 appropriate for increasing coordination between these bodies,
21 for consolidation where appropriate, and for integration of
22 functions to achieve improved results.

23 7. Adopt rules pursuant to chapter 17A as necessary for
24 implementation of community empowerment areas, and child
25 welfare decategorization agreements.

26 Sec. 4. NEW SECTION. 7I.4 COMMUNITY EMPOWERMENT AREAS.

27 1. A community empowerment area shall be formed by using
28 existing school district and county boundaries to the extent
29 possible. Each county and school district in the state shall
30 have the option of participating in a community empowerment
31 area.

32 2. The designation of a community empowerment area and the
33 creation of a community empowerment area board are subject to
34 the approval of the Iowa empowerment board. The Iowa
35 empowerment board shall adopt rules pursuant to chapter 17A

1 providing for the initial designation of community empowerment
2 areas and procedures for later changing the initially
3 designated areas.

4 Sec. 5. NEW SECTION. 7I.5 COMMUNITY EMPOWERMENT AREA
5 BOARDS CREATED.

6 1. A community empowerment area shall be governed by a
7 community empowerment area board. The membership of a
8 community board shall be restricted to citizens, elected
9 officials, and volunteers and is not open to an employee of or
10 a person paid for representing any of the entities listed in
11 this subsection. The members of a community empowerment area
12 board shall include one or more citizen representatives of any
13 of the following:

- 14 a. A school district.
- 15 b. A county.
- 16 c. A local board of health.
- 17 d. A hospital.
- 18 e. A charitable funding group.
- 19 f. The department of human services.
- 20 g. A religious institution.
- 21 h. An area education agency.
- 22 i. Juvenile court services.
- 23 j. An area substance abuse agency.
- 24 k. A community action program.
- 25 l. A city.

26 2. A community board may designate representatives of
27 service providers to provide technical assistance to the
28 community board.

29 3. A community board may designate a professional advisory
30 council consisting of persons employed by or otherwise paid to
31 represent an entity listed in subsection 1 or other provider
32 of service.

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

35 1. A community empowerment area board shall do the

1 following:

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

5 b. Develop neighborhood bodies for community-level input
6 and implementation.

7 c. Administer community empowerment block grant moneys
8 available to the community board for any of the following
9 purposes:

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

13 (2) Child day care services.

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

15 (4) Head start programs.

16 (5) Parent education programs.

17 (6) Children's health programs.

18 (7) The family investment program, including the PROMISE
19 JOBS program.

20 (8) Programs for elder Iowans.

21 (9) Department of human services' field and program staff
22 supervision and oversight.

23 d. Assume other responsibilities established in law or
24 administrative rule.

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

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

28 b. Function as a coordinating body for services directed
29 to similar populations by the jurisdictions within the
30 community empowerment area.

31 Sec. 7. NEW SECTION. 71.7 COMMUNITY EMPOWERMENT --
32 IMPLEMENTATION STEPS.

33 1. LEGISLATIVE INTENT. It is the intent of the general
34 assembly to incrementally implement a program for increasing
35 local decision making and involvement in place of state-level

1 decision making. The purpose of this section is to set forth
2 a tentative, three-part implementation process for the
3 program.

4 2. PART ONE -- FY 1998-1999. Part one of the
5 implementation process is intended to accomplish all of the
6 following:

7 a. Communities determine priorities for spending of child
8 welfare and juvenile justice moneys.

9 b. The Iowa empowerment board is created at the state
10 level along with an advisory council consisting of the
11 directors of the following state departments: education,
12 human services, public health, human rights, workforce
13 development, and other departments.

14 c. A community empowerment assistance team of state agency
15 staff is formally created to provide technical assistance to
16 community empowerment areas. The state agencies participating
17 would be the same as those represented on the directors
18 advisory council.

19 d. Initial community empowerment areas are organized
20 involving every school district and county in the state.
21 Community empowerment area boards are created. Initially, the
22 following could be involved, as selected by the local areas:
23 citizens, city and county government, local department of
24 human services offices, local public health personnel, local
25 juvenile court services, local private service providers,
26 charities, religious institutions, local hospitals, school
27 districts, area education agencies, and cooperative extension.

28 e. The initial school ready children grant program is
29 created for initiatives targeted to children from birth to age
30 five.

31 f. Existing child welfare funding decategorization and
32 innovation zone projects are consolidated into the community
33 empowerment area approach. The funding for the following
34 programs are incorporated into a local funding pool:

35 (1) Group foster care.

- 1 (2) Rehabilitative treatment services for group foster
2 care covered under the medical assistance program.
- 3 (3) Juvenile court services.
- 4 (4) Community-based juvenile justice programs administered
5 by the department of human services.
- 6 g. Other state funds and federal funds which are possible
7 to provide as a block grant are authorized for pooling and
8 administration by community empowerment areas.
- 9 h. Initiatives are developed to attain the following
10 performance benchmarks:
- 11 (1) Reduce juvenile crime.
- 12 (2) Reduce the number of out-of-home placements of
13 children.
- 14 (3) Provide for more effective community-based treatment
15 programs.
- 16 (4) Increase high school graduation rates.
- 17 (5) Reduce the number of teen pregnancies.
- 18 3. PART TWO -- FY 1999-2000. Part two of the
19 implementation process is intended to accomplish all of the
20 following:
- 21 a. The political subdivisions and other bodies comprising
22 the community empowerment areas work together to have children
23 prepared to learn when the children enter school.
- 24 b. The department of elder affairs is added to the
25 advisory council and to the community empowerment assistance
26 team of state agency staff.
- 27 c. Funding is expanded for the school ready children grant
28 program.
- 29 d. Funding that may be block granted to local entities is
30 distributed on a per capita basis to the community empowerment
31 area board's fiscal agent.
- 32 e. The following programs are added to the block grant for
33 pooling by community empowerment areas:
- 34 (1) Child day care administered by the department of human
35 services.

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

3 (3) Head start programs.

4 (4) Parental education programs administered through the
5 departments of education, public health, and human services,
6 and through the cooperative extension service of Iowa state
7 university of science and technology.

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

10 4. PART THREE -- FY 2000-2001. Part three of the
11 implementation process is intended to accomplish all of the
12 following:

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

15 b. Local corrections staff, department of workforce
16 development offices, and area agencies on aging are added to
17 the participants in the community empowerment area board
18 planning process.

19 Sec. 8. Section 135.106, subsection 3, Code Supplement
20 1997, is amended to read as follows:

21 3. It is the intent of the general assembly to provide
22 communities with the discretion and authority to redesign
23 existing local programs and services targeted at and assisting
24 families expecting babies and families with children who are
25 newborn through five years of age. The Iowa department of
26 public health, department of human services, department of
27 education, and other state agencies and programs, as
28 appropriate, shall provide technical assistance and support to
29 communities desiring to redesign their local programs and
30 shall facilitate the consolidation of existing state funding
31 appropriated and made available to the community for family
32 support services. Funds which are consolidated in accordance
33 with this subsection shall be used to support the redesigned
34 service delivery system. In redesigning services, communities
35 are encouraged to implement a single uniform family risk

1 assessment mechanism and shall demonstrate the potential for
2 improved outcomes for children and families. Requests by
3 local communities for the redesigning of services shall be
4 submitted to ~~and subject to joint approval of~~ the Iowa
5 department of public health, department of human services, and
6 department of education, and are subject to the approval of
7 the Iowa empowerment board in consultation with the
8 departments, based on the innovation ~~zones~~ zone principles
9 established in section 8A.2, Code 1997.

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

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

25 b. The ~~decategorization-governance~~ community empowerment
26 area board shall develop specific, quantifiable short-term and
27 long-term plans for enhancing the county's or group of
28 counties' family-centered and community-based services and
29 reducing reliance upon out-of-community care. The affected
30 service systems shall include child welfare and juvenile
31 justice systems. A decategorization agreement may vary
32 depending upon the approaches selected by the county or group
33 of counties which shall be detailed in an annual child welfare
34 services plan developed by the ~~decategorization-governance~~
35 community empowerment area board. A ~~decategorization~~

1 governance community empowerment area board shall involve
2 other community representatives and county organizations in
3 the development of the plan.

4 3. The child welfare funding pool shall be used by the
5 ~~county-or-group-of-counties~~ community empowerment area to
6 provide more flexible, individualized, family-centered,
7 preventive, community-based, comprehensive, and coordinated
8 service systems for children and families served in that area.
9 The decategorization of the funding shall not limit the legal
10 rights of those children and families to services, but shall
11 provide more flexibility to the partnership ~~county-or-counties~~
12 jurisdictions involved with the community empowerment area in
13 responding to individual and family needs.

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

33 ~~6. Initially the department shall work with the five~~
34 ~~counties previously authorized under law to enter into~~
35 ~~decategorization agreements with the state.~~ At a minimum, any

1 ~~of-those-counties~~ community empowerment area participating in
2 an agreement may elect to use funding for foster care, family-
3 centered services, subsidized adoption, child day care, local
4 purchase of service, state juvenile institution care, juvenile
5 detention, department direct services, and court-ordered
6 services for juveniles in the child welfare fund established
7 for that county area.

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

18 Sec. 10. TRANSITION BOARD. For the period beginning on
19 the effective date of this Act and ending September 30, 1998,
20 when the governor shall have completed the appointments to the
21 Iowa empowerment board, the duties of the Iowa empowerment
22 board under section 7I.3, as enacted by this Act, shall be
23 performed by a transition board consisting of the directors of
24 the departments of human services, education, and public
25 health and the ex officio, nonvoting legislative members of
26 the board.

27 Sec. 11. TRANSITION OF CHILD WELFARE DECATEGORIZATION AND
28 INNOVATION ZONES -- FUNDING AUTHORIZATION.

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

1 2. For the fiscal year beginning July 1, 1998, the Iowa
2 empowerment board may determine amounts of appropriations
3 which can be attributed to community empowerment areas and may
4 reallocate the attributable portions as a block grant to the
5 community empowerment areas or to a county participating in a
6 child welfare decategorization block grant agreement program
7 transitioning to a community empowerment area. The
8 appropriations which may be reallocated for the fiscal year
9 include those made for any of the following purposes: foster
10 care, family-centered services, subsidized adoption, child day
11 care, local purchase of service, state juvenile institution
12 care, juvenile detention, department direct services, and
13 court-ordered services for juveniles.

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

- 17 1. Three members to a one-year term.
- 18 2. Three members to a two-year term.
- 19 3. Three members to a three-year term.

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

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

24 DIVISION II

25 FISCAL YEAR 1999-2000

26 Sec. 15. NEW SECTION. 7I.8 HUMAN INVESTMENT POLICY
27 DUTIES.

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

- 30 1. Develop an overall long-term human investment strategy
31 for the state including broad policy goals and benchmarks
32 which are goal statements reflecting specific results or
33 achievements in public policy at a particular time in the
34 future. The strategy shall be developed through a process
35 involving input from and consensus building with a broad cross

1 section of the state's population. Public hearings shall be
2 held by the Iowa board in developing the strategy and
3 benchmarks. The human investment strategy and benchmarks
4 shall be submitted to the governor and the general assembly
5 for a determination as to how the strategy and benchmarks will
6 be set and achieved.

7 2. Develop an Iowa human investment budget and accounting
8 model which provides a financial weighting of human
9 investments. The budget and accounting model shall provide a
10 means to reflect public and private investments in the skills
11 and employability of Iowans. It is anticipated that the
12 accounting system will indicate that human investments will
13 generate returns in excess of the investments. The Iowa board
14 shall implement the model on a pilot project basis and report
15 annually concerning the model and the pilot project to the
16 governor, general assembly, and the public.

17 3. Study the potential for the state to appropriate moneys
18 according to the highest return on human investment. The Iowa
19 board shall recommend to the governor and the general assembly
20 a method for fully implementing the human investment budget
21 and accounting model developed pursuant to subsection 2. The
22 model shall provide for incentives for state agencies to
23 utilize appropriations in a manner in order to achieve the
24 highest returns on human investments.

25 4. Develop and apply return on human investment accounting
26 standards. The Iowa board shall monitor state human
27 investments according to the standards it applies and
28 regularly report to the governor, general assembly, and public
29 concerning actual returns on human investment.

30 5. Advocate for regulatory and legislative initiatives for
31 decategorization of funding and deregulation to improve human
32 investment.

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

35 7. Conduct customer satisfaction surveys of the users of

1 public services and utilize the information from the surveys
2 in establishing returns on human investments and determining
3 the effectiveness of the public programs.

4 Sec. 16. Section 15.108, subsection 6, paragraph b,
5 subparagraph (1), Code Supplement 1997, is amended to read as
6 follows:

7 (1) Work closely with representatives of business and
8 industry, labor organizations, the ~~council-on-human-investment~~
9 Iowa empowerment board created in chapter 7I, the department
10 of education, the department of workforce development, and
11 educational institutions to determine the employee training
12 needs of Iowa employers, and where possible, provide for the
13 development of industry-specific training programs.

14 Sec. 17. Section 8A.1, Code 1997, is repealed.

15 Sec. 18. EFFECTIVE DATE. This division of this Act takes
16 effect July 1, 1999.

17 EXPLANATION

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

22 New Code section 7I.1 provides definitions.

23 New Code section 7I.2 creates the Iowa board with nine
24 voting members who serve for three-year terms and six
25 legislative members who serve in a nonvoting, ex officio
26 capacity. The voting members are to be appointed so as to
27 represent the five congressional districts in the state. A
28 temporary provision in the bill provides for staggering of the
29 initial terms of the voting members.

30 The Iowa board is to be assisted by an advisory council
31 consisting of the directors or designees of the directors of
32 the following state agencies: department of education,
33 department of human rights, department of human services, Iowa
34 department of public health, department of workforce
35 development, and other state agencies and representatives of

1 local governments designated by the board. Staffing
2 assistance to the board is to be provided by the agencies
3 represented on the professional cabinet.

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

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

8 New Code section 7I.5 provides requirements for counties
9 and school districts to designate community empowerment area
10 boards.

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

13 New Code section 7I.7 provides legislative intent to
14 implement various provisions over a three-year period
15 beginning with FY 1998-1999 and continuing through FY 2000-
16 2001.

17 The bill also amends Code section 135.106, which
18 established the healthy families Iowa program. The bill
19 amends language expressing legislative intent encouraging
20 local community efforts to redesign programs for children ages
21 zero through five years and requiring state agencies to assist
22 the efforts. Under the bill, local community requests to the
23 state for redesigning services are subject to approval of the
24 empowerment board for approval in consultation with the state
25 agencies which provide approval under current law.

26 The bill amends Code section 232.188, relating to child
27 welfare funding decategorization. Under current law, the term
28 "decategorization" is used to describe funding activities,
29 local governance boards, and agreements. The bill replaces
30 that term with the use of the term "community empowerment
31 areas" in describing the local governance boards. The bill
32 maintains current law providing for the department of human
33 services to develop the agreements but provides that the Iowa
34 empowerment board has final approval authority.

35 The bill includes transition provisions and a funding

1 authorization for the Iowa empowerment board. The transition
2 provisions direct existing child welfare funding
3 decategorization projects and innovation zones to make a
4 transition to become community empowerment areas during FY
5 1998-1999. The Iowa empowerment board is authorized to
6 reallocate appropriations for various child welfare and
7 juvenile justice programs as block grants to community
8 empowerment areas or existing child welfare decategorization
9 efforts during FY 1998-1999.

10 The bill provides for a transition board consisting of the
11 directors of the departments of human services, education, and
12 public health along with the nonvoting ex officio, legislative
13 members to perform the duties of the Iowa empowerment board
14 until September 30, 1998. The governor is to make the initial
15 appointments to the board by that date. This section of the
16 bill takes effect upon enactment.

17 Division II takes effect July 1, 1999, and provides for the
18 Iowa empowerment board to assume the duties of the council on
19 human investment.

20 Section 8A.1, creating the council on human investment, is
21 repealed.

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HOUSE FILE 2508

H-8464

1 Amend House File 2508 as follows:

2 1. Page 1, by striking lines 3 through 8, and
3 inserting the following: "This section is intended to
4 preserve agricultural land for agricultural production
5 by preventing the unnecessary condemnation of
6 agricultural land for economic development purposes
7 without the consent of the owner and by preventing the
8 use of condemnation for private development purposes.
9 This section is not intended to prevent the
10 rehabilitation of blighted areas in highly commercial
11 or industrial areas within the corporate limits of a
12 city."

13 2. Page 1, line 12, by inserting after the word
14 "condemnation." the following: "However, the eminent
15 domain authority provided in this chapter may be
16 exercised for the purpose of acquiring agricultural
17 land for industrial enterprise development without the
18 consent of the landowner if the economic development
19 board has approved the use of condemnation as provided
20 in section 15.104, subsection 9."

21 3. Page 1, by inserting after line 27, the
22 following:

23 "Sec. 100. Section 15.104, Code 1997, is amended
24 by adding the following new subsection:

25 NEW SUBSECTION. 9. Review all applications for
26 approval to exercise the eminent domain authority
27 granted under chapter 6A and determine whether the use
28 of the authority is necessary. The approval shall be
29 granted upon a finding of necessity by the board.
30 When making the determination, the board shall
31 consider all of the following:

32 a. The feasibility of alternatives to acquiring
33 the agricultural land other than by condemnation.

34 b. The public costs and benefits of locating the
35 enterprise on the agricultural land.

36 c. The existence of a willing seller at another
37 feasible location in the community.

38 d. The ability to adapt the industrial or
39 community economic development plans to avoid the use
40 of condemnation.

41 e. The existence of a specific industrial
42 enterprise to be located on the agricultural land.

43 The board may adopt rules pursuant to chapter 17A
44 to implement this subsection."

45 4. By striking page 2, line 30, through page 3,
46 line 2, and inserting the following: "requested by
47 the owner. This section is intended to preserve
48 agricultural land for agricultural production by
49 preventing the unnecessary condemnation of
50 agricultural land for economic development purposes

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Page 2

1 without the consent of the owner and by preventing the
2 use of condemnation for private development purposes.

3 This section is not intended to prevent the
4 rehabilitation of blighted areas in highly commercial
5 or industrial areas within the corporate limits of a
6 city."

7 5. Page 4, line 5, by striking the word and
8 figure "and 4" and inserting the following: "4, and
9 100".

10 6. By renumbering as necessary.

By VANDE HOEF of Osceola

H-8464 FILED MARCH 17, 1998