

House Study Bill 231

Bill Text

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1 1 Section 1. Section [7I.1](#), subsection 5, Code 1999, is
1 2 amended to read as follows:
1 3 5. "Iowa empowerment board" or "Iowa board" means the Iowa
1 4 empowerment facilitation board created in

~~—this chapter~~

~~— section~~

1 5 [7I.2](#).

1 6 Sec. 2. NEW SECTION. 7I.1A PURPOSE AND SCOPE.

1 7 1. The purpose of creating the community empowerment area
1 8 initiative is to identify and achieve desired results for
1 9 improving the quality of life in this state. It is expected
1 10 that this purpose will be achieved by strengthening the
1 11 partnership between communities and state government. It is
1 12 believed that desired results identified by the state and
1 13 communities will be achieved as citizens, governments, and
1 14 agencies work collaboratively within communities. It is
1 15 believed that local citizens in local communities working
1 16 together will identify and implement the best means for
1 17 attaining the desired results for the citizens in the
1 18 communities.

1 19 2. The initial desired result of the initiative is for the
1 20 children in this state to arrive at school ready to learn. To
1 21 this end, the initiative's primary focus shall first be on the
1 22 efforts of the state and communities to work together to
1 23 improve the efficiency and effectiveness of education, health,
1 24 and human services programs to assist families with children
1 25 age birth through five years.

1 26 3. It is anticipated that the scope of the initiative will
1 27 expand as additional desired results are identified and agreed
1 28 upon by communities and the state. It is the intent of the
1 29 general assembly to identify from time to time the additional
1 30 desired results in statute.

1 31 Sec. 3. Section [7I.2](#), subsections 1 and 2, Code 1999, are
1 32 amended to read as follows:

1 33 1. An Iowa empowerment facilitation board is created as an
1 34 agency within the office of the governor to

~~—oversee~~

~~— facilitate~~

1 35 state and community efforts involving community empowerment
2 1 areas, including strategic planning, funding identification,
2 2 and guidance, and to promote collaboration among state and
2 3 local education, health, and human services programs.

2 4 2. The Iowa board shall consist of

~~—eleven~~

~~— fifteen~~ voting

2 5 members with

~~—eight~~

~~— twelve~~ citizen members and three state

2 6 agency members. The three state agency members shall be the
2 7 directors of the following departments: education, human
2 8 services, and public health. The twelve citizen members shall
2 9 be appointed by the governor, subject to confirmation by the

2 10 senate. The governor's appointments of citizen members shall
2 11 be made in a manner so that

~~all~~

- each of the state's
2 12 congressional districts

~~are~~

- is represented

~~along with~~

- by two

2 13 citizen members and so that all the appointments as a whole
2 14 reflect the ethnic, cultural, social, and economic diversity
2 15 of the state.

~~In making appointments, preference shall be~~

-
2 16

~~given~~

~~to citizens participating on a~~

- The governor's appointees

2 17 shall be selected from individuals nominated by community
2 18 empowerment area

~~board~~

- boards. The nominations shall reflect

2 19 the range of interests represented on the community boards so
2 20 that the governor is able to appoint one or more members each
2 21 for education, health, human services, business, faith, and
2 22 public interests. At least one of the citizen members shall
2 23 be a service consumer or the parent of a service consumer.
2 24 Terms of office of all citizen members are three years. A
2 25 vacancy on the board shall be filled in the same manner as the
2 26 original appointment for the balance of the unexpired term.

2 27 Sec. 4. Section 7I.2, subsection 4, Code 1999, is amended
2 28 to read as follows:

2 29 4. In addition to the

~~eleven~~

- voting members, the Iowa

2 30 board shall include six members of the general assembly with
2 31 not more than two members from each chamber being from the
2 32 same political party. The three senators shall be appointed
2 33 by the majority leader of the senate after consultation with
2 34 the president of the senate and the minority leader of the
2 35 senate. The three representatives shall be appointed by the
3 1 speaker of the house of representatives after consultation
3 2 with the majority and minority leaders of the house of
3 3 representatives. Legislative members shall serve in an ex
3 4 officio, nonvoting capacity. A legislative member is eligible
3 5 for per diem and expenses as provided in section 2.10.

3 6 Sec. 5. Section 7I.2, subsection 5, unnumbered paragraph
3 7 1, Code 1999, is amended to read as follows:

3 8 The Iowa board shall designate a community empowerment
3 9 assistance team or teams of state agency staff to provide
3 10 technical assistance and other support to community
3 11 empowerment areas. A regional technical assistance system
3 12 shall be developed using local staff of the state agencies
3 13 represented on the Iowa board and other state agencies and
3 14 individuals involved with local community empowerment areas.
3 15 The technical assistance shall be available in at least three
3 16 levels of support as follows:

3 17 Sec. 6. Section 7I.2, subsection 6, Code 1999, is amended

3 18 to read as follows:

3 19 6. a. Staffing services to the Iowa board shall be
3 20 provided by the state agencies which are represented on the
3 21 Iowa board and by other state agencies making staffing
3 22 available to the Iowa board.

3 23 b. In addition, a community empowerment office is
3 24 established as part of the office of the governor to provide a
3 25 center for communication and coordination for community
3 26 empowerment activities. Staffing for the community
3 27 empowerment office shall be provided by a director appointed
3 28 by the governor, subject to confirmation by the senate, and
3 29 who serves at the pleasure of the governor. A deputy and
3 30 support staff may be designated, subject to appropriation made
3 31 for this purpose. The director shall report to the governor,
3 32 the Iowa board, and the general assembly. The director shall
3 33 provide primary staffing to the board, coordinate state
3 34 technical assistance activities and implementation of the
3 35 regional technical assistance system, and other communication
4 1 and coordination functions at the state and local levels.

4 2 Sec. 7. Section 7I.3, subsection 2, Code 1999, is amended
4 3 to read as follows:

4 4 2.

~~Oversee~~

- Manage the provision of grant funding and other

4 5 moneys made available to community empowerment areas by
4 6 combining all or portions of appropriations or other revenues
4 7 as authorized by law.

4 8 Sec. 8. Section 7I.3, Code 1999, is amended by adding the
4 9 following new subsections:

4 10 NEW SUBSECTION. 10. Implement a process involving
4 11 community empowerment areas to identify desired results for
4 12 improving the quality of life in this state. The process
4 13 shall allow for consideration of updates, additions, and
4 14 deletions on a regular basis. The identified desired results
4 15 shall be submitted to the governor and general assembly.

4 16 NEW SUBSECTION. 11. Develop guidelines for recommended
4 17 coverage and take other actions to assist community
4 18 empowerment area boards in acquiring necessary insurance or
4 19 other liability coverage at a reasonable cost.

4 20 NEW SUBSECTION. 12. a. With extensive community
4 21 involvement, develop and annually update a five-year plan for
4 22 consolidating, blending, and redistributing state-administered
4 23 funding streams for children from birth through age five made
4 24 available to community empowerment area boards.

4 25 b. With extensive community involvement, develop and
4 26 annually update a ten-year plan for consolidating, blending,
4 27 and redistributing state-administered funding streams for
4 28 other age groups made available to community empowerment area
4 29 boards.

4 30 c. Submit plans and plan updates developed under
4 31 paragraphs "a" and "b" to the community empowerment areas, the
4 32 governor, and the general assembly annually in December.

4 33 d. It is the intent of the general assembly that the
4 34 following funding streams be made available to community
4 35 empowerment areas on or before the indicated fiscal year:

5 1 (1) Moneys for the healthy families Iowa program under
5 2 section 135.106 by the fiscal year beginning July 1, 2000, and
5 3 ending June 30, 2001.

5 4 (2) Moneys for parent education appropriated in section
5 5 279.51 and distributed through the child development
5 6 coordinating council, by the fiscal year beginning July 1,
5 7 2000, and ending June 30, 2001.

5 8 (3) Moneys for the preschool children at-risk program
5 9 appropriated in section 279.51 and distributed through the
5 10 child development coordinating council, by the fiscal year
5 11 beginning July 1, 2001, and ending June 30, 2002.

5 12 Sec. 9. Section [7I.5](#), subsection 1, Code 1999, is amended
5 13 by striking the subsection and inserting in lieu thereof the
5 14 following:

5 15 1. a. Community empowerment area functions shall be
5 16 performed under the authority of a community empowerment area
5 17 board. A majority of the members of a community board shall
5 18 be members of the public who are not employed by government or
5 19 a service provider and elected officials, and the remaining
5 20 members may be employees of government or a service provider
5 21 or otherwise serving on the community empowerment board as
5 22 part of their employment responsibilities. At least one
5 23 member shall be a service consumer or the parent of a service
5 24 consumer. Terms of office of community board members shall be
5 25 three years. The membership of a community empowerment area
5 26 board shall include members with education, health, human
5 27 services, business, faith, and public interests.

5 28 b. If a disagreement arises within a community empowerment
5 29 area regarding the interests represented on the community
5 30 board, board decisions, or other disputes that cannot be
5 31 locally resolved, upon request, state or regional technical
5 32 assistance may be provided to assist the area in resolving the
5 33 disagreement.

5 34 Sec. 10. Section [7I.5](#), Code 1999, is amended by adding the
5 35 following new subsection:

6 1 NEW SUBSECTION. 5. A community empowerment area board is
6 2 a unit of local government for purposes of chapter 670. For
6 3 purposes of implementing a formal organizational structure, a
6 4 community empowerment board may utilize recommended guidelines
6 5 and bylaws established for this purpose by the Iowa board.
6 6 All meetings of a community empowerment area board or any
6 7 committee or other body established by a community board at
6 8 which public business is discussed or formal action taken
6 9 shall comply with the requirements of chapter 21. A community
6 10 board shall maintain its records in accordance with chapter
6 11 22.

6 12 Sec. 11. Section [7I.6](#), subsection 1, paragraph a, Code
6 13 1999, is amended to read as follows:

6 14 a. Designate a public agency of this state, as defined in
6 15 section 28E.2, a community action agency as defined in section
6 16 216A.91, or nonprofit corporation, to be the fiscal agent for
6 17 grant moneys and for other moneys administered by the
6 18 community board.

6 19 Sec. 12. Section [7I.6](#), subsection 1, Code 1999, is amended
6 20 by adding the following new paragraph:

6 21 NEW PARAGRAPH. cc. Coordinate planning and budgeting with
6 22 the administrator for the county single entry point process
6 23 for mental health, mental retardation, and developmental
6 24 disabilities services for each county located within the
6 25 community empowerment area boundaries.

6 26 Sec. 13. Section [7I.7](#), subsection 5, paragraphs b and c,
6 27 Code 1999, are amended to read as follows:

6 28 b. The funding amounts of new and renewal school ready
6 29 children grants approved on or after the effective date of
6 30 this Act shall be determined based upon a distribution formula
6 31 developed by the Iowa board. The distribution formula shall
6 32 initially allocate moneys among political subdivisions of this
6 33 state based upon the political subdivisions' relative
6 34 proportion of the state's general population and population of
6 35 children qualifying for free or reduced-price lunches. A
7 1 community empowerment area board may apply for the initial
7 2 allocation amount or amounts attributable to the geographic
7 3 area covered by that board in accordance with this section.
7 4 The Iowa

~~empowerment~~

- board shall distribute school ready

7 5 children grant moneys to community boards with approved

7 6 comprehensive school ready children grant plans based upon

~~the~~

~~-~~
7 7

~~degree~~

- a determination of readiness of the community

7 8 empowerment area to effectively utilize the moneys, with the

7 9

~~grant moneys~~

- initial allocation being adjusted for other

7 10 federal and state grant moneys to be received by the area for

7 11 services to children from birth through five years of age.

7 12 c. A community board's

~~degree of~~

- readiness shall be

7 13 ascertained by evidence of successful collaboration among

7 14 public or private education, human services, or health

7 15 interests or a documented program design evincing a strong

7 16 likelihood of leading to a successful collaboration between

7 17 these interests. Other criteria which may be used by the Iowa

7 18 board to ascertain

~~degree of~~

- readiness

~~and to determine~~

~~-~~
7 19

~~funding amounts~~

- include one or more of the following:

7 20 (1) Experience or other evidence of capacity to

7 21 successfully implement the services in the plan.

7 22 (2) Local funding and other resources committed to

7 23 implementation of the plan.

7 24 (3) Adequacy of plans for commitment of local funding and

7 25 other resources for implementation of the plan.

7 26 Sec. 14. Section [7I.8](#), Code 1999, is amended by adding the

7 27 following new subsection:

7 28 NEW SUBSECTION. 4. Unless a different amount is

7 29 authorized by law, up to two percent of the moneys distributed

7 30 under the auspices of the Iowa board to a community

7 31 empowerment area board may be used by the community board for

7 32 administrative costs and other implementation expenses.

7 33 Sec. 15. Section [232.188](#), Code 1999, is amended by adding

7 34 the following new subsection:

7 35 NEW SUBSECTION. 8. A decategorization governance board

8 1 shall coordinate the board's planning and budgeting activities

8 2 with the community empowerment area board for the community

8 3 empowerment area within which the decategorization county is

8 4 located.

8 5 Sec. 16. Section [331.440](#), subsection 1, Code 1999, is

8 6 amended by adding the following new paragraph:

8 7 NEW PARAGRAPH. d. The administrator for a county's or

8 8 consortium of counties' single entry point process shall

8 9 coordinate planning and budgeting with the board of any

8 10 community empowerment area within which the county or

8 11 multicounty area is located.

8 12 Sec. 17. DIRECTIONS TO CODE EDITOR. The Iowa Code editor

8 13 shall transfer chapter 7I, as amended by this or any other

8 14 enactment of the Seventy-eighth General Assembly, 1999

8 15 Session, to be placed in or near chapter 28L and shall correct

8 16 internal references as necessary.

8 17 Sec. 18. EFFECTIVE DATE AND TRANSITION PROVISIONS.

8 18 1. This Act, being deemed of immediate importance, takes
8 19 effect upon enactment.

8 20 2. The governor's appointments of four additional citizen
8 21 members shall be made from community empowerment area board
8 22 nominees in a manner so as to ensure that each congressional
8 23 district is represented by at least two citizen members. The
8 24 initial terms of the four additional members shall be
8 25 staggered so that not more than four members' terms expire in
8 26 any one year. The appointments shall be made within sixty
8 27 calendar days of the effective date of this Act.

8 28 EXPLANATION

8 29 This bill relates to the Iowa community empowerment Act,
8 30 the Iowa empowerment board, and related provisions.

8 31 The Code section 7I.1 definition of the Iowa empowerment
8 32 board is amended to reflect the bill's change in the board's
8 33 name to "Iowa empowerment facilitation board".

8 34 New Code section 7I.1A states the purpose of the community
8 35 empowerment initiative and the initial desired result that
9 1 children will arrive at school ready to learn. In addition,
9 2 the roles of communities and the state in achieving the
9 3 purpose and desired results are explained.

9 4 Code section 7I.2, relating to the Iowa empowerment board,
9 5 is amended to make the board an agency within the office of
9 6 the governor and to add additional voting members. The number
9 7 of citizen members appointed by the governor is increased from
9 8 eight to 12. The governor's appointments are to be selected
9 9 from individuals nominated by community empowerment area
9 10 boards. The nominations are to be made to reflect the
9 11 education, health, human services, business, faith, and public
9 12 interests represented on the community boards. Each of those
9 13 interests is to be represented by two citizen members. The
9 14 bill provides that a vacancy on the board is to be filled for
9 15 the balance of the unexpired term.

9 16 Code section 7I.2 requirements for technical assistance are
9 17 amended to establish a regional system for technical
9 18 assistance using local staff of agencies represented on the
9 19 board, other local agency staff which may include cooperative
9 20 extension, and individuals involved with local community
9 21 empowerment areas.

9 22 The authority of the Iowa board to oversee various
9 23 functions under Code sections 7I.2 and 7I.3 is changed to
9 24 "facilitate" or "manage".

9 25 Code section 7I.2 is also amended to authorize the governor
9 26 to appoint a director, subject to confirmation by the senate
9 27 and for other staffing to be designated. Current law already
9 28 authorizes staffing services to be provided by the state
9 29 agencies represented on the board and by other state agencies.
9 30 The community empowerment office director is to provide
9 31 primary staffing to the Iowa board, and perform various
9 32 communication and coordination functions at the state and
9 33 local levels.

9 34 Code section 7I.3, relating to the duties of the Iowa
9 35 empowerment board, is amended to correspond with the statement
10 1 of purpose contained in the bill. The Iowa empowerment board
10 2 is directed to implement a process involving community
10 3 empowerment areas to identify desired results for improving
10 4 the quality of life in this state. The process is to allow
10 5 for consideration of updates, additions, and deletions on a
10 6 regular basis. The identified desired results are to be
10 7 submitted to the governor and general assembly.

10 8 Code section 7I.3, relating to the duties of the Iowa
10 9 empowerment board, is also amended to require the board to
10 10 develop guidelines for recommended coverage and take other
10 11 actions to assist community empowerment area boards in
10 12 acquiring necessary insurance or liability coverage at a
10 13 reasonable cost.

10 14 Code section 7I.3 is also amended to require the Iowa board
10 15 to develop and annually update a five-year plan for blending
10 16 of state funding directed to children from birth through age
10 17 five through community empowerment areas and a ten-year plan
10 18 for similar purposes directed to other age groups.
10 19 Legislative intent is stated to begin distributing specified
10 20 funding through community empowerment areas by particular
10 21 fiscal years.

10 22 The Code section 7I.5 requirements for representation on
10 23 the community empowerment area board are stricken and
10 24 rewritten. An extensive listing of possible members in
10 25 current law is replaced with required membership of education,
10 26 health, human services, business, faith, and public interests.
10 27 If a disagreement arises within a community empowerment area
10 28 concerning the board membership or decisions that cannot be
10 29 locally resolved, state or regional technical assistance may
10 30 be requested to assist.

10 31 Code section 7I.5, relating to the creation of community
10 32 empowerment boards, is also amended to provide that a
10 33 community empowerment board is a unit of local government for
10 34 purposes of Code chapter 670, which provides for the tort
10 35 liability of local governments. In implementing a formal
11 1 organizational structure, a community board may utilize
11 2 recommended guidelines and bylaws which are to be developed by
11 3 the Iowa empowerment board. The community boards are made
11 4 subject to Code chapter 21, relating to open meetings, and
11 5 Code chapter 22, relating to public records.

11 6 The requirement in Code section 7I.6 for a community board
11 7 to designate a public agency to be the board's fiscal agent is
11 8 expanded to allow a community action agency as defined in Code
11 9 section 216A.91 or a nonprofit corporation to be the fiscal
11 10 agent.

11 11 Code section 7I.6, relating to the duties of a community
11 12 empowerment area board, is amended to require the board to
11 13 coordinate planning and budgeting activities with the
11 14 administrator of any county single entry point process for
11 15 mental health, mental retardation, and developmental
11 16 disabilities services located within the area. Corresponding
11 17 amendments are made to apply similar requirements for
11 18 governing boards and administrators under Code section
11 19 232.188, relating to child welfare funding decategorization,
11 20 and to Code section 331.440, relating to county and
11 21 multicounty single entry point processes for mental health,
11 22 mental retardation, and developmental disabilities services.

11 23 Code section 7I.7, relating to school ready children
11 24 grants, is amended to provide for implementation of a funding
11 25 distribution formula for the grant moneys. The formula will
11 26 identify an initial allocation for political subdivisions
11 27 based upon the political subdivisions' proportion of the state
11 28 general population and population of children eligible for
11 29 free or reduced-price school lunches. A community empowerment
11 30 area board may apply for the allocation attributable to that
11 31 area. The initial allocation is subject to adjustment for
11 32 existing state and federal funding in the area for similar
11 33 purposes. Current law restricts award of a grant until a
11 34 community empowerment area is determined to be ready.

11 35 Code section 7I.8, relating to the Iowa empowerment fund,
12 1 is amended to allow a community empowerment area to utilize up
12 2 to 2 percent of funding made available under the auspices of
12 3 the Iowa board for administrative costs or other
12 4 implementation expenses.

12 5 The bill directs the Code editor to transfer Code chapter
12 6 7I, as amended by the bill and any other enactment during the
12 7 1999 legislative session, to or near Code chapter 28L. Under
12 8 the organizational structure of the Iowa Code, Code chapter 28
12 9 and the succeeding lettered chapters constitute the joint
12 10 governmental activity subtitle of the state sovereignty and

12 11 management title.

12 12 The additional members of the Iowa empowerment board are to
12 13 be appointed from community empowerment area board nominees in
12 14 a manner so that each congressional district is represented by
12 15 at least two citizen members appointed by the governor. These
12 16 appointments are also to be made within 60 calendar days of
12 17 the effective date of the bill.

12 18 The bill takes effect upon enactment.

12 19 LSB 3005HC 78

12 20 jp/gg/8.1