

Substitute for SF 552
11-8-01

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NOV 8 2001

Place On Calendar

HOUSE FILE 764

BY COMMITTEE ON STATE GOVERNMENT

Passed House, Date ^(p.23) 11-8-01 Passed Senate, Date ^(p.2570) 11-8-01
Vote: Ayes 91 Nays 8 Vote: Ayes 39 Nays 10
Approved November 16, 2001

A BILL FOR

1 An Act relating to the reorganization of the department of human
2 services and providing an effective date.

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

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HF 764

1 Section 1. Section 217.42, Code 2001, is amended to read
2 as follows:

3 217.42 ~~COUNTY-CLUSTERS~~ SERVICE AREAS -- OFFICES.

4 1. The organizational structure to deliver the
5 department's field services shall be based upon county
6 ~~clusters~~ service areas. ~~A-county-cluster-shall-consist-of-a~~
7 ~~single-county,-or-a-group-of-counties-which-have-joined~~
8 ~~together-to~~ The service areas shall serve as a basis for
9 providing field services to persons residing in the ~~county-or~~
10 ~~counties~~ comprising the ~~cluster~~ service area. The ~~clusters~~
11 service areas shall be those designated by the department
12 effective ~~March-17,-1992~~ January 1, 2002. ~~if-it-is-necessary~~
13 ~~for-the-department-to-significantly-modify-its-field~~
14 ~~operations-or-the-composition-of-a-designated-county-cluster,-~~
15 ~~the-department-shall-consult-with-the-affected-counties-prior~~
16 ~~to-implementing-such-action.--A-county-may-join-a-different~~
17 ~~cluster-if-it-is-mutually-agreeable-with-the-department-and-it~~
18 ~~occurs-at-the-beginning-of-a-fiscal-year.--The-county-boards~~
19 ~~of-supervisors-in-a-cluster-shall-advise-the-department-on-the~~
20 ~~selection-of-the-area-administrator-responsible-for-the-county~~
21 ~~cluster.~~ In determining the service areas, the department
22 shall consider other geographic service areas including but
23 not limited to judicial districts and community empowerment
24 areas. The department shall consult with the county boards of
25 supervisors in a service area with respect to the selection of
26 the service area manager responsible for the service area who
27 is initially selected for the service area designated
28 effective January 1, 2002, and any service area manager
29 selected for the service area thereafter. Following
30 establishment of the service areas effective January 1, 2002,
31 if a county seeks to change the boundaries of a service area,
32 the change shall only take place if the change is mutually
33 agreeable to the department and all affected counties. If it
34 is necessary for the department to significantly modify its
35 field operations or the composition of a designated service

1 area, or if it is necessary for the department to change the
2 number of offices operating less than full-time, the
3 department shall consult with the affected counties prior to
4 implementing such action.

5 2. The department shall maintain an office in each county.
6 Based on the annual appropriations for field operations, the
7 department shall strive to maintain a full-time presence in
8 each county. If it is not possible to maintain a full-time
9 presence in each county, the department shall provide staff
10 based on its caseweight system to assure the provision of
11 services. The department shall consult with the county boards
12 of supervisors of those counties regarding staffing prior to
13 any modification of office hours.

14 3. A county or group of counties may voluntarily enter
15 into a chapter 28E agreement with the department to provide
16 funding or staff persons to deliver field services in county
17 ~~cluster-and~~ county offices. The agreement shall cover the
18 full fiscal year but may be revised by mutual consent.

19 Sec. 2. Section 217.43, Code 2001, is amended by striking
20 the section and inserting in lieu thereof the following:

21 217.43 SERVICE AREA ADVISORY BOARDS -- LOCATION OF COUNTY
22 OFFICES.

23 1. The department shall establish a service area advisory
24 board in each service area. Each of the county boards of
25 supervisors of the counties comprising the service area shall
26 appoint two service area advisory board members. The
27 following requirements apply to the appointments made by a
28 county board of supervisors: the membership shall be
29 appointed in accordance with section 69.16, relating to
30 political affiliation, and section 69.16A, relating to gender
31 balance; not more than one of the members shall be a member of
32 the board of supervisors; and appointments shall be made on
33 the basis of interest in maintaining and improving service
34 delivery. Appointments shall be made a part of the regular
35 proceedings of the board of supervisors and shall be filed

1 with the county auditor and the service area manager. A
2 vacancy on the board shall be filled in the same manner as the
3 original appointment. The boards of supervisors shall develop
4 and agree to other organizational provisions involving the
5 advisory board, including reporting requirements.

6 2. The purpose of the advisory boards is to improve
7 communication and coordination between the department and the
8 counties and to advise the department regarding maintenance
9 and improvement of service delivery in the counties and
10 communities comprising the service areas.

11 3. The department shall determine the community in which
12 each county office will be located. The county board of
13 supervisors shall determine the location of the office space
14 for the county office. The county board of supervisors shall
15 make reasonable efforts to collocate the office with other
16 state and local government or private entity offices in order
17 to maintain the offices in a cost-effective location that is
18 convenient to the public.

19 Sec. 3. Section 217.44, Code 2001, is amended to read as
20 follows:

21 217.44 ~~COUNTY-CLUSTERS~~ SERVICE AREAS -- EMPLOYEE AND
22 VOLUNTEER RECORD CHECKS.

23 1. The department shall conduct criminal and child and
24 dependent adult abuse record checks of persons who are
25 potential employees, employees, potential volunteers, and
26 volunteers in ~~county-cluster~~ service area offices in a
27 position having direct contact with the department's clients.
28 The record checks shall be performed in this state and the
29 department may conduct these checks in other states. If the
30 department determines that a person has been convicted of a
31 crime or has a record of founded child or dependent adult
32 abuse, the department shall perform an evaluation to determine
33 whether the crime or founded abuse warrants prohibition of the
34 person's employment or participation as a volunteer. The
35 record checks and evaluation shall be performed in accordance

1 with procedures adopted for this purpose by the department.

2 2. In an evaluation, the department shall consider the
3 nature and seriousness of the crime or founded child or
4 dependent adult abuse in relation to the position sought or
5 held, the time elapsed since the commission of the crime or
6 founded abuse, the circumstances under which the crime or
7 founded abuse was committed, the degree of rehabilitation, the
8 likelihood that the person will commit the crime or founded
9 abuse again, and the number of crimes or founded abuses
10 committed by the person involved.

11 3. The department may permit a person who is evaluated to
12 be employed or to participate as a volunteer if the person
13 complies with the department's conditions relating to
14 employment or participation as a volunteer which may include
15 completion of additional training.

16 4. If the department determines that the person has
17 committed a crime or has a record of founded child or
18 dependent adult abuse which warrants prohibition of employment
19 or participation as a volunteer, the person shall not be
20 employed by or participate as a volunteer in a department
21 ~~cluster~~ service area office in a position having direct
22 contact with the department's clients.

23 Sec. 4. Section 251.3, subsection 1, Code 2001, is amended
24 to read as follows:

25 1. Appoint such personnel as may be necessary for the
26 efficient discharge of the duties imposed upon the
27 administrator in the administration of emergency relief, and
28 to make such rules and regulations as the administrator deems
29 necessary or advisable covering the administrator's activities
30 and those of the ~~county-cluster~~ service area advisory boards
31 created under section 217.43, concerning emergency relief.

32 Sec. 5. Section 251.5, Code 2001, is amended to read as
33 follows:

34 251.5 DUTIES OF THE ~~COUNTY-CLUSTER~~ SERVICE AREA ADVISORY
35 BOARD.

1 A ~~county-cluster~~ service area advisory board created in
2 section 217.43 shall perform the following activities for any
3 county in the board's ~~county-cluster~~ service area concerning
4 emergency relief:

5 1. Cooperate with a county's board of supervisors in all
6 matters pertaining to administration of relief.

7 2. At the request of a county's board of supervisors,
8 prepare requests for grants of state funds.

9 3. At the request of a county's board of supervisors,
10 administer county relief funds.

11 4. In a county receiving grants of state funds upon
12 approval of the director of revenue and finance and the
13 county's board of supervisors, administer both state and
14 county relief funds.

15 5. Perform other duties as may be prescribed by the
16 administrator and a county's board of supervisors.

17 Sec. 6. Section 251.7, Code 2001, is amended to read as
18 follows:

19 251.7 COUNTY APPOINTEES TO ACT AS EXECUTIVE OFFICERS.

20 The county board of supervisors may appoint an individual
21 to serve as the executive officer of the ~~county-cluster~~
22 service area advisory board in all matters pertaining to
23 relief for that county.

24 Sec. 7. Section 252.6, Code 2001, is amended to read as
25 follows:

26 252.6 ENFORCEMENT OF LIABILITY.

27 Upon the failure of such relatives to assist or maintain a
28 poor person who has made application for assistance, the
29 county board of supervisors, ~~county-cluster~~ service area
30 advisory board created under section 217.43, or state division
31 of child and family services of the department of human
32 services may apply to the district court of the county where
33 the poor person resides or may be found, for an order to
34 compel the assistance or maintenance.

35 Sec. 8. Section 331.321, subsection 1, paragraph f, Code

1 2001, is amended to read as follows:

2 f. The members of the ~~county-cluster~~ service area advisory
3 board in accordance with section 217.43.

4 Sec. 9. INTENT OF GENERAL ASSEMBLY -- OFFICE SPACE LEASES,
5 EQUIPMENT, AND SUPPLIES. It is the intent of the general
6 assembly that the department of human services terminate all
7 contracts for the lease, purchase, or maintenance of space and
8 equipment for the support of existing regional offices.

9 Sec. 10. EFFECTIVE DATE. This Act, being deemed of
10 immediate importance, takes effect upon enactment.

11 EXPLANATION

12 This bill provides for organization of field services
13 within the department of human services based upon service
14 areas rather than county clusters. The service areas are to
15 be those designated effective January 1, 2002. In determining
16 the service areas, the department is directed to consider
17 other geographic service areas including but not limited to
18 judicial districts and community empowerment areas. If a
19 county seeks a change in the boundaries of a service area
20 following establishment of the service areas effective January
21 1, 2002, the change can only take place if all parties
22 mutually agree to the change. The department is to consult
23 with the county boards of supervisors with respect to the
24 selection of the service area manager responsible for the
25 service area who is initially selected for the service area
26 designated effective January 1, 2002, and thereafter.

27 The bill also replaces county cluster boards with service
28 area advisory boards and provides conforming changes in the
29 Code to reflect the new organizational structure.

30 The bill provides that it is the intent of the general
31 assembly that the department terminate all contracts for the
32 lease, purchase, or maintenance of office space and equipment
33 for the support of existing regional offices.

34 The bill takes effect upon enactment.

35

- 1 Amend House File 764 as follows:
- 2 1. Page 6, by striking lines 4 through 8.
- 3 2. By renumbering as necessary.

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7 Gerard Gorman
8 GARMAN of Story

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11 Clyde Bradley
12 BRADLEY of Clinton

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15 John J. Tomison
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17 Connors of Paer

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19 M. O'Brien
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21 O'Brien of Boone

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HOUSE FILE 764
BY COMMITTEE ON STATE GOVERNMENT

(As Amended and Passed by the House November 8, 2001)

Passed House, ^(p. 23) Date 11-8-01 Passed Senate, ^(p. 2570) Date 11-8-01
Vote: Ayes 91 Nays 8 Vote: Ayes 39 Nays 10
Approved November 16, 2001

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Deleted Language *

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7 ~~single-county, or a group of counties which have joined~~
8 ~~together to~~ The service areas shall serve as a basis for
9 providing field services to persons residing in the county or
10 counties comprising the ~~cluster~~ service area. The ~~clusters~~
11 service areas shall be those designated by the department
12 effective ~~March 17, 1992~~ January 1, 2002. ~~if it is necessary~~
13 ~~for the department to significantly modify its field~~
14 ~~operations or the composition of a designated county cluster,~~
15 ~~the department shall consult with the affected counties prior~~
16 ~~to implementing such action. -- A county may join a different~~
17 ~~cluster if it is mutually agreeable with the department and it~~
18 ~~occurs at the beginning of a fiscal year. -- The county boards~~
19 ~~of supervisors in a cluster shall advise the department on the~~
20 ~~selection of the area administrator responsible for the county~~
21 ~~cluster.~~ In determining the service areas, the department
22 shall consider other geographic service areas including but
23 not limited to judicial districts and community empowerment
24 areas. The department shall consult with the county boards of
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4 implementing such action.

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7 department shall strive to maintain a full-time presence in
8 each county. If it is not possible to maintain a full-time
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11 services. The department shall consult with the county boards
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32 the board of supervisors; and appointments shall be made on
33 the basis of interest in maintaining and improving service
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1 with the county auditor and the service area manager. A
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26 volunteers in ~~county-cluster~~ service area offices in a
27 position having direct contact with the department's clients.
28 The record checks shall be performed in this state and the
29 department may conduct these checks in other states. If the
30 department determines that a person has been convicted of a
31 crime or has a record of founded child or dependent adult
32 abuse, the department shall perform an evaluation to determine
33 whether the crime or founded abuse warrants prohibition of the
34 person's employment or participation as a volunteer. The
35 record checks and evaluation shall be performed in accordance

1 with procedures adopted for this purpose by the department.

2 2. In an evaluation, the department shall consider the
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11 3. The department may permit a person who is evaluated to
12 be employed or to participate as a volunteer if the person
13 complies with the department's conditions relating to
14 employment or participation as a volunteer which may include
15 completion of additional training.

16 4. If the department determines that the person has
17 committed a crime or has a record of founded child or
18 dependent adult abuse which warrants prohibition of employment
19 or participation as a volunteer, the person shall not be
20 employed by or participate as a volunteer in a department
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25 1. Appoint such personnel as may be necessary for the
26 efficient discharge of the duties imposed upon the
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28 to make such rules and regulations as the administrator deems
29 necessary or advisable covering the administrator's activities
30 and those of the ~~county-cluster~~ service area advisory boards
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35 BOARD.

1 A ~~county-cluster~~ service area advisory board created in
2 section 217.43 shall perform the following activities for any
3 county in the board's ~~county-cluster~~ service area concerning
4 emergency relief:

5 1. Cooperate with a county's board of supervisors in all
6 matters pertaining to administration of relief.

7 2. At the request of a county's board of supervisors,
8 prepare requests for grants of state funds.

9 3. At the request of a county's board of supervisors,
10 administer county relief funds.

11 4. In a county receiving grants of state funds upon
12 approval of the director of revenue and finance and the
13 county's board of supervisors, administer both state and
14 county relief funds.

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23 relief for that county.

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27 Upon the failure of such relatives to assist or maintain a
28 poor person who has made application for assistance, the
29 county board of supervisors, ~~county-cluster~~ service area
30 advisory board created under section 217.43, or state division
31 of child and family services of the department of human
32 services may apply to the district court of the county where
33 the poor person resides or may be found, for an order to
34 compel the assistance or maintenance.

35 Sec. 8. Section 331.321, subsection 1, paragraph f, Code

1 2001, is amended to read as follows:

2 f. The members of the ~~county-cluster~~ service area advisory
3 board in accordance with section 217.43.

*4 Sec. 9. EFFECTIVE DATE. This Act, being deemed of
5 immediate importance, takes effect upon enactment.

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HOUSE FILE 764

AN ACT

RELATING TO THE REORGANIZATION OF THE DEPARTMENT OF HUMAN SERVICES AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 217.42, Code 2001, is amended to read as follows:

217.42 ~~COUNTY CLUSTERS~~ SERVICE AREAS -- OFFICES.

1. The organizational structure to deliver the department's field services shall be based upon ~~county clusters~~ service areas. ~~A county cluster shall consist of a single county, or a group of counties which have joined together to~~ The service areas shall serve as a basis for providing field services to persons residing in the ~~county or counties comprising the cluster~~ service area. The ~~clusters~~ service areas shall be those designated by the department effective ~~March 17, 1992~~ January 1, 2002. ~~If it is necessary for the department to significantly modify its field operations or the composition of a designated county cluster, the department shall consult with the affected counties prior to implementing such action. A county may join a different cluster if it is mutually agreeable with the department and it occurs at the beginning of a fiscal year. The county boards of supervisors in a cluster shall advise the department on the selection of the area administrator responsible for the county cluster.~~ In determining the service areas, the department shall consider other geographic service areas including but not limited to judicial districts and community empowerment areas. The department shall consult with the county boards of supervisors in a service area with respect to the selection of the service area manager responsible for the service area who is initially selected for the service area designated

effective January 1, 2002, and any service area manager selected for the service area thereafter. Following establishment of the service areas effective January 1, 2002, if a county seeks to change the boundaries of a service area, the change shall only take place if the change is mutually agreeable to the department and all affected counties. If it is necessary for the department to significantly modify its field operations or the composition of a designated service area, or if it is necessary for the department to change the number of offices operating less than full-time, the department shall consult with the affected counties prior to implementing such action.

2. The department shall maintain an office in each county. Based on the annual appropriations for field operations, the department shall strive to maintain a full-time presence in each county. If it is not possible to maintain a full-time presence in each county, the department shall provide staff based on its caseload system to assure the provision of services. The department shall consult with the county boards of supervisors of those counties regarding staffing prior to any modification of office hours.

3. A county or group of counties may voluntarily enter into a chapter 28E agreement with the department to provide funding or staff persons to deliver field services in ~~county cluster and~~ county offices. The agreement shall cover the full fiscal year but may be revised by mutual consent.

Sec. 2. Section 217.43, Code 2001, is amended by striking the section and inserting in lieu thereof the following:

217.43 SERVICE AREA ADVISORY BOARDS -- LOCATION OF COUNTY OFFICES.

1. The department shall establish a service area advisory board in each service area. Each of the county boards of supervisors of the counties comprising the service area shall appoint two service area advisory board members. The following requirements apply to the appointments made by a county board of supervisors: the membership shall be

appointed in accordance with section 69.16, relating to political affiliation, and section 69.16A, relating to gender balance; not more than one of the members shall be a member of the board of supervisors; and appointments shall be made on the basis of interest in maintaining and improving service delivery. Appointments shall be made a part of the regular proceedings of the board of supervisors and shall be filed with the county auditor and the service area manager. A vacancy on the board shall be filled in the same manner as the original appointment. The boards of supervisors shall develop and agree to other organizational provisions involving the advisory board, including reporting requirements.

2. The purpose of the advisory boards is to improve communication and coordination between the department and the counties and to advise the department regarding maintenance and improvement of service delivery in the counties and communities comprising the service areas.

3. The department shall determine the community in which each county office will be located. The county board of supervisors shall determine the location of the office space for the county office. The county board of supervisors shall make reasonable efforts to collocate the office with other state and local government or private entity offices in order to maintain the offices in a cost-effective location that is convenient to the public.

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217.44 ~~COUNTY-CLUSTERS~~ SERVICE AREAS -- EMPLOYEE AND VOLUNTEER RECORD CHECKS.

1. The department shall conduct criminal and child and dependent adult abuse record checks of persons who are potential employees, employees, potential volunteers, and volunteers in ~~county-cluster~~ service area offices in a position having direct contact with the department's clients. The record checks shall be performed in this state and the department may conduct these checks in other states. If the

department determines that a person has been convicted of a crime or has a record of founded child or dependent adult abuse, the department shall perform an evaluation to determine whether the crime or founded abuse warrants prohibition of the person's employment or participation as a volunteer. The record checks and evaluation shall be performed in accordance with procedures adopted for this purpose by the department.

2. In an evaluation, the department shall consider the nature and seriousness of the crime or founded child or dependent adult abuse in relation to the position sought or held, the time elapsed since the commission of the crime or founded abuse, the circumstances under which the crime or founded abuse was committed, the degree of rehabilitation, the likelihood that the person will commit the crime or founded abuse again, and the number of crimes or founded abuses committed by the person involved.

3. The department may permit a person who is evaluated to be employed or to participate as a volunteer if the person complies with the department's conditions relating to employment or participation as a volunteer which may include completion of additional training.

4. If the department determines that the person has committed a crime or has a record of founded child or dependent adult abuse which warrants prohibition of employment or participation as a volunteer, the person shall not be employed by or participate as a volunteer in a department ~~cluster~~ service area office in a position having direct contact with the department's clients.

Sec. 4. Section 251.3, subsection 1, Code 2001, is amended to read as follows:

1. Appoint such personnel as may be necessary for the efficient discharge of the duties imposed upon the administrator in the administration of emergency relief, and to make such rules and regulations as the administrator deems necessary or advisable covering the administrator's activities and those of the ~~county-cluster~~ service area advisory boards created under section 217.43, concerning emergency relief.

Sec. 5. Section 251.5, Code 2001, is amended to read as follows:

251.5 DUTIES OF THE COUNTY-CLUSTER SERVICE AREA ADVISORY BOARD.

A county-cluster service area advisory board created in section 217.43 shall perform the following activities for any county in the board's county-cluster service area concerning emergency relief:

1. Cooperate with a county's board of supervisors in all matters pertaining to administration of relief.
2. At the request of a county's board of supervisors, prepare requests for grants of state funds.
3. At the request of a county's board of supervisors, administer county relief funds.
4. In a county receiving grants of state funds upon approval of the director of revenue and finance and the county's board of supervisors, administer both state and county relief funds.
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Sec. 6. Section 251.7, Code 2001, is amended to read as follows:

251.7 COUNTY APPOINTEES TO ACT AS EXECUTIVE OFFICERS.

The county board of supervisors may appoint an individual to serve as the executive officer of the county-cluster service area advisory board in all matters pertaining to relief for that county.

Sec. 7. Section 252.6, Code 2001, is amended to read as follows:

252.6 ENFORCEMENT OF LIABILITY.

Upon the failure of such relatives to assist or maintain a poor person who has made application for assistance, the county board of supervisors, county-cluster service area advisory board created under section 217.43, or state division of child and family services of the department of human services may apply to the district court of the county where

the poor person resides or may be found, for an order to compel the assistance or maintenance.

Sec. 8. Section 331.321, subsection 1, paragraph f, Code 2001, is amended to read as follows:

f. The members of the county-cluster service area advisory board in accordance with section 217.43.

Sec. 9. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

BRENT SIEGRIST
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 764, Seventy-ninth General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved Nov. 16, 2001

THOMAS J. VILSACK
Governor