



## BILL SUMMARY

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# HF 2393 Minority Impact Statements

Status of Bill: House Calendar  
Committee: Human Resources (passed Committee 15-6)  
Floor Manager: Rep. Mark Smith  
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### Background

HF 2393 came out of discussions during the interim as a result of the Sentencing Project's report on the prison population in Iowa. This bill was one of several proposals that were discussed regarding at-risk populations.

### Summary

#### Definitions

Minority persons includes individuals who are women, persons with a disability, Blacks, Latinos, Asians or Pacific Islanders, American Indians, and Alaskan Native Americans.

Disability means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of the individual, a record of physical or mental impairment that substantially limits one or more of the major life activities of the individual, or being regarded as an individual with a physical or mental impairment that substantially limits one or more of the major life activities of the individual.

Disability does not include any of the following:

- Homosexuality or bisexuality.
- Transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders.
- Compulsive gambling, kleptomania, or pyromania.
- Psychoactive substance abuse disorders resulting from current illegal use of drugs.

### Grant Applications – Minority Impact Statements

The bill requires that each application for a grant from the Iowa Department of Public Health (IDPH), the Iowa Department of Human Services (DHS), and the Department of Human Rights (DHR) to include a minority impact statement that contains the following information:

- Any disproportionate or unique impact of proposed policies or programs on minority persons in Iowa.
- A rationale for the existence of programs or policies having an impact on minority persons in Iowa.
- Evidence of consultation with representatives of minority persons in cases where a policy or program has an identifiable impact on minority persons in Iowa.

The Office of Grants Enterprise Management will create and distribute the minority impact statement form to the departments named above, and ensure its inclusion with applications for grants.

The directives of this bill must be carried out within consistent federal law.

### **Effective and Applicability Dates**

HF 2393 takes effect on July 1, 2008, and will apply to grants for which applications are due beginning January 1, 2009.

### **Amendments**

#### **H-8096 by Smith (D)**

This amendment will be withdrawn, H-8280 is an updated version.

#### **H-8260 to H-8096 by Ford (D)**

The amendment adds language stating that the minority impact statements must be used for informational purposes.

#### **H-8243 by Smith (D), et. al.**

This amendment will be withdrawn, H-8280 is an updated version.

#### **H-8280 by Ford (D), Smith (D), Swaim (D), Abdul-Samad (D), Tomenga (R), and Heaton (R)**

The amendment is a strike after amendment that combines HF 8243 and HF 2288 with a minor change.

The title of the bill is changed to “An Act providing requirements for minority impact statements in relation to state grant applications and correctional impact statements for legislation, and providing effective and applicability dates.

### **Definitions**

Minority persons includes individuals who are women, persons with a disability, Blacks, Latinos, Asians or Pacific Islanders, American Indians, and Alaskan Native Americans.

Disability means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of the individual, a record of physical or mental impairment that substantially limits one or more of the major life activities of the individual, or being regarded as an individual with a physical or mental impairment that substantially limits one or more of the major life activities of the individual.

Disability does not include any of the following:

- Homosexuality or bisexuality.
- Transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders.
- Compulsive gambling, kleptomania, or pyromania.
- Psychoactive substance abuse disorders resulting from current illegal use of drugs.

State agency is defined as a department, board, bureau, commission, or other agency or authority of the State of Iowa.

### **Correctional Impact Statements**

The bill adds the requirement that Correctional Impact Statements must now include the impact of the legislation on minorities. Current law states that Correctional Impact Statements must be attached to any bill, joint resolution, or amendment before debate on the floor of the chamber of the General Assembly. In addition, the Correctional Impact Statement is only required when a change in the law is proposed which creates a public offense, significantly changes an existing public offense or the penalty for an existing offense, or changes existing sentencing, parole, or probation procedures.

New language is added stating that LSA, in cooperation with the Division of Criminal and Juvenile Justice Planning of the Department of Human Rights, must develop a protocol for analyzing the impact of the legislation on minorities.

### **Grant Applications – Minority Impact Statements**

The bill requires that each application for a grant from a state agency to include a minority impact statement that contains the following information:

- Any disproportionate or unique impact of proposed policies or programs on minority persons in Iowa.
- A rationale for the existence of programs or policies having an impact on minority persons in Iowa.
- Evidence of consultation with representatives of minority persons in cases where a policy or program has an identifiable impact on minority persons in Iowa.

The minority impact statements must be used for informational purposes.

The Office of Grants Enterprise Management will create and distribute the minority impact statement form for state agencies, and ensure its inclusion with applications for grants. The directives of this bill must be carried out within consistent federal law.

### **Effective and Applicability Dates**

Takes effect on July 1, 2008, and will apply to grants for which applications are due beginning January 1, 2009.