

CHAPTER 216A

DEPARTMENT OF HUMAN RIGHTS

[SP] For transition provisions concerning the reorganization of the department of human rights, see 2010 Acts, ch 1031, §169, 170

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SUBCHAPTER 1

ADMINISTRATION

216A.1 Department of human rights — purpose.

1. A department of human rights is created, with the following divisions and offices:
 - a. Division of community advocacy and services, with the following offices:
 - (1) Office of Latino affairs.
 - (2) Office on the status of women.
 - (3) Office of persons with disabilities.
 - (4) Office of deaf services.
 - (5) Office on the status of African Americans.
 - (6) Office of Asian and Pacific Islander affairs.
 - (7) Office of Native American affairs.
 - b. Division of community action agencies.
 - c. Division of criminal and juvenile justice planning.
2. The purpose of the department is to ensure basic rights, freedoms, and opportunities for all by empowering underrepresented Iowans and eliminating economic, social, and cultural barriers.

86 Acts, ch 1245, §1201

C87, §601K.1

87 Acts, ch 115, §70; 88 Acts, ch 1277, §27; 89 Acts, ch 83, §78; 90 Acts, ch 1180, §2; 91 Acts, ch 50, §2; 91 Acts, ch 109, §8

C93, §216A.1

2004 Acts, ch 1020, §2; 2008 Acts, ch 1184, §38; 2010 Acts, ch 1031, §101, 170

[P] See also §7E.5(1s), 7E.6

[P] Minority impact statements, see §2.56, 8.11

[T] Section amended

216A.2 Appointment of department director, deputy director, and administrators — duties.

1. The governor shall appoint a director of the department of human rights, subject to confirmation by the senate pursuant to section 2.32. The department director shall serve at the pleasure of the governor and is exempt from the merit system provisions of chapter 8A, subchapter IV. The governor shall set the salary of the department director within the ranges set by the general assembly.

2. The director is the chief administrative officer of the department and in that capacity administers the programs and services of the department in compliance with applicable federal and state laws and regulations. The duties of the director include preparing a budget, establishing an internal administrative structure, and employing personnel.

3. The department director shall appoint the administrators of the divisions within the department and all other personnel deemed necessary for the administration of this chapter. The department director shall establish the duties of the administrators of the divisions within the department.

4. The department director shall do all of the following:

a. Manage the internal operations of the department and establish guidelines and procedures to promote the orderly and efficient administration of the department.

b. Prepare a budget for the department, subject to the budget requirements pursuant to chapter 8, for approval by the board.

c. Coordinate and supervise personnel services and shared administrative support services to assure maximum support and assistance to the divisions.

d. Serve as an ex officio member of all commissions or councils within the department.

e. Serve as an ex officio, nonvoting member of the human rights board.

f. Solicit and accept gifts and grants on behalf of the department and each commission or council and administer such gifts and grants in accordance with the terms thereof.

g. Enter into contracts with public and private individuals and entities to conduct the business and achieve the objectives of the department and each commission or council.

h. Issue an annual report to the governor and general assembly no later than November 1 of each year concerning the operations of the department. However, the division of criminal and juvenile justice planning and the division of community action agencies shall submit annual reports as specified in this chapter.

i. Seek to implement the comprehensive strategic plan approved by the board under section 216A.3.

86 Acts, ch 1245, §1202

C87, §601K.2

88 Acts, ch 1158, §95; 90 Acts, ch 1180, §3

C93, §216A.2

95 Acts, ch 212, §9; 99 Acts, ch 201, §10, 11; 2003 Acts, ch 145, §205; 2010 Acts, ch 1031, §102, 170

[SP] Employees other than the director shall not be appointed by the governor; previously appointed employees to be retained subject to the merit and state human resource management systems; 2010 Acts, ch 1031, § 169, 170

[T] Section stricken and rewritten

216A.3 Human rights board.

1. A human rights board is created within the department of human rights.

2. The board shall consist of sixteen members, including eleven voting members and five nonvoting members and determined as follows:

a. The voting members shall consist of nine voting members selected by each of the permanent commissions within the department, and two voting members, appointed by the governor. For purposes of this paragraph "a", "*permanent commissions*" means the commission of Latino affairs, commission on the status of women, commission of persons with disabilities, commission on community action agencies, commission of deaf services, criminal and juvenile justice planning advisory council, commission on the status of African Americans, commission of Asian and Pacific Islander affairs, and commission of Native American affairs. The term of office for voting members is four years.

b. The nonvoting members shall consist of the department director, two state

representatives, one appointed by the speaker of the house of representatives and one by the minority leader of the house of representatives, and two state senators, one appointed by the majority leader of the senate and one by the minority leader of the senate.

3. A majority of the members of the board shall constitute a quorum, and the affirmative vote of two-thirds of the voting members is necessary for any substantive action taken by the board. The board shall select a chairperson from the voting members of the board. The board shall meet not less than four times a year.

4. The board shall have the following duties:

a. Develop and monitor implementation of a comprehensive strategic plan to remove barriers for underrepresented populations and, in doing so, to increase Iowa's productivity and inclusivity, including performance measures and benchmarks.

b. Approve, disapprove, amend, or modify the budget recommended by the department director for the operation of the department, subject to the budget requirements pursuant to chapter 8.

c. Adopt administrative rules pursuant to chapter 17A, upon the recommendation of the department director, for the operation of the department.

d. By November 1 of each year, approve the department report to the general assembly and the governor that covers activities during the preceding fiscal year.

86 Acts, ch 1245, §1203

C87, §601K.3

88 Acts, ch 1277, §28; 90 Acts, ch 1180, §4

C93, §216A.3

2010 Acts, ch 1031, §103, 170; 2010 Acts, ch 1189, §44

[T] Section stricken and rewritten

216A.4 Definitions.

For purposes of this chapter, unless the context otherwise requires:

1. "Board" means the human rights board.

2. "Department" means the department of human rights.

3. "Department director" means the director of the department of human rights.

4. "Underrepresented" means the historical marginalization of populations or groups in the United States and Iowa, including but not limited to African Americans, Asian and Pacific Islanders, persons who are deaf or hard of hearing, persons with disabilities, Latinos, Native Americans, women, persons who have low socioeconomic status, at-risk youth, and adults or juveniles with a criminal history.

86 Acts, ch 1245, §1204

C87, §601K.4

90 Acts, ch 1180, §5

C93, §216A.4

2010 Acts, ch 1031, §104, 170

[T] NEW subsection 1 and former subsections 1 and 2 renumbered as 2 and 3

[T] NEW subsection 4

216A.5 Repealed by 97 Acts, ch 52, § 1.

216A.6 Confidentiality of individual client advocacy records.

1. For purposes of this section, unless the context otherwise requires:

a. "Advocacy services" means services in which a department staff member writes or speaks in support of a client or a client's cause or refers a person to another service to help alleviate or solve a problem.

b. "Individual client advocacy records" means those files or records which pertain to problems divulged by a client to the department or any related papers or records which are released to the department about a client for the purpose of assisting the client.

2. Information pertaining to clients receiving advocacy services shall be held confidential, including but not limited to the following:

a. Names and addresses of clients receiving advocacy services.

b. Information about a client reported on the initial advocacy intake form and all

documents, information, or other material relating to the advocacy issues or to the client which could identify the client, or divulge information about the client.

c. Information concerning the social or economic conditions or circumstances of particular clients who are receiving or have received advocacy services.

d. Department or division evaluations* of information about a person seeking or receiving advocacy services.

e. Medical or psychiatric data, including diagnoses and past histories of disease or disability, concerning a person seeking or receiving advocacy services.

f. Legal data, including records which represent or constitute the work product of an attorney, which are related to a person seeking or receiving advocacy services.

3. Information described in subsection 2 shall not be disclosed or used by any person or agency except for purposes of administration of advocacy services, and shall not be disclosed to or used by a person or agency outside the department except upon consent of the client as evidenced by a signed release.

4. This section does not restrict the disclosure or use of information regarding the cost, purpose, number of clients served or assisted, and results of an advocacy program administered by the department, and other general and statistical information, so long as the information does not identify particular clients or persons provided with advocacy services.

88 Acts, ch 1106, §1

C89, §601K.6

C93, §216A.6

[SP] *Office evaluations probably also intended; corrective legislation is pending

216A.7 Access to information.

Upon request of the director or a commission, council, or administrator of a division of the department, all boards, agencies, departments, and offices of the state shall make available nonconfidential information, records, data, and statistics which are relevant to the populations served by the offices, councils, and commissions of the department.

2010 Acts, ch 1031, §105, 170

[T] NEW section

216A.8 through 216A.10 Reserved.

SUBCHAPTER 2

LATINO AFFAIRS

216A.11 Definitions.

For purposes of this subchapter, unless the context otherwise requires:

1. “*Commission*” means the commission of Latino affairs.

2. “*Office*” means the office of Latino affairs of the department of human rights.

86 Acts, ch 1245, §1205

C87, §601K.11

90 Acts, ch 1180, §6

C93, §216A.11

2010 Acts, ch 1031, §106, 107, 170

[T] Subsection 1 stricken and former subsection 2 renumbered as 1

[T] Former subsection 3 amended and renumbered as 2

216A.12 Commission of Latino affairs established.

1. The commission of Latino affairs consists of seven members, appointed by the governor, and subject to confirmation by the senate pursuant to section 2.32. Commission members shall be appointed in compliance with sections 69.16 and 69.16A. Commission members shall reside in the state.

2. The members of the commission shall be appointed during the month of June and shall serve for staggered four-year terms which shall begin and end pursuant to section 69.19.

Members appointed shall continue to serve until their respective successors are appointed. Vacancies in the membership of the commission shall be filled by the original appointing authority and in the manner of the original appointments. Members shall receive actual expenses incurred while serving in their official capacity. Members may also be eligible to receive compensation as provided in section 7E.6.

3. The commission shall select from its membership a chairperson and other officers as it deems necessary and shall meet at least quarterly each fiscal year. A majority of the members currently appointed to the commission shall constitute a quorum, and the affirmative vote of a majority of the currently appointed members is necessary for any substantive action taken by the commission. A member shall not vote on any action if the member has a conflict of interest on the matter, and a statement by the member of a conflict of interest shall be conclusive for this purpose.

86 Acts, ch 1245, §1206

C87, §601K.12

87 Acts, ch 115, §71; 90 Acts, ch 1180, §7; 91 Acts, ch 50, §1

C93, §216A.12

2010 Acts, ch 1031, §108, 170; 2010 Acts, ch 1189, §45

[T] Section amended

216A.13 Commission of Latino affairs — duties.

The commission shall have the following duties:

1. Study the opportunities for and changing needs of the Latino population of this state.
2. Serve as liaison between the department of human rights and the public, sharing information and gathering constituency input.
3. Recommend to the board the adoption of rules pursuant to chapter 17A as it deems necessary.
4. Recommend legislative and executive action to the governor and general assembly.
5. Establish advisory committees, work groups, or other coalitions as appropriate.

86 Acts, ch 1245, §1207

C87, §601K.13

C93, §216A.13

2010 Acts, ch 1031, §109, 170

[SP] See also §216A.15

[T] Section stricken and rewritten

216A.14 Office of Latino affairs — duties.

The office of Latino affairs is established and shall do the following:

1. Serve as the central permanent agency to advocate for Latino persons.
2. Coordinate and cooperate with the efforts of state departments and agencies to serve the needs of Latino persons in participating fully in the economic, social, and cultural life of the state, and by providing direct assistance to those who request it.
3. Develop, coordinate, and assist other public organizations which serve Latino persons.
4. Serve as an information clearinghouse on programs and agencies operating to assist Latino persons.

86 Acts, ch 1245, §1208

C87, §601K.14

90 Acts, ch 1180, §8

C93, §216A.14

2010 Acts, ch 1031, §110, 170

[T] Section stricken and rewritten

216A.15 Duties.

The commission shall:

1. Study the opportunities for and changing needs of the Latino population of this state.
2. Serve as liaison between the office and the public, sharing information and gathering constituency input.

3. Recommend to the board for adoption rules pursuant to chapter 17A as it deems necessary for the commission and office.

4. Recommend to the department director policies and programs for the office.

5. Establish advisory committees, work groups, or other coalitions as appropriate.

86 Acts, ch 1245, §1209

C87, §601K.15

90 Acts, ch 1180, §9

C93, §216A.15

2004 Acts, ch 1062, §1; 2010 Acts, ch 1031, §111, 170

[SP] See also §216A.13

[T] Subsections 1 – 9 stricken and rewritten as 1 – 5

216A.16 and 216A.17 Repealed by 2010 Acts, ch 1031, § 168, 170.

216A.18 through 216A.30 Reserved.

SUBCHAPTER 3

216A.31 through 216A.50 Reserved.

SUBCHAPTER 4

STATUS OF WOMEN

216A.51 Definitions.

For purposes of this subchapter, unless the context otherwise requires:

1. “*Commission*” means the commission on the status of women.

2. “*Office*” means the office on the status of women of the department of human rights.

86 Acts, ch 1245, §1221

C87, §601K.51

87 Acts, ch 115, §2

C93, §216A.51

2010 Acts, ch 1031, §112, 113, 170

[T] Subsection 1 stricken and former subsection 2 renumbered as 1

[T] Subsection 3 amended and renumbered as 2

216A.52 Office on the status of women.

The office on the status of women is established, and shall do the following:

1. Serve as the central permanent agency to advocate for women and girls.

2. Coordinate and cooperate with the efforts of state departments and agencies to serve the needs of women and girls in participating fully in the economic, social, and cultural life of the state, and provide direct assistance to individuals who request it.

3. Serve as a clearinghouse on programs and agencies operating to assist women and girls.

4. Develop, coordinate, and assist other public or private organizations which serve women and girls.

86 Acts, ch 1245, §1222

C87, §601K.52

88 Acts, ch 1150, §2; 90 Acts, ch 1223, §30

C93, §216A.52

2010 Acts, ch 1031, §114, 170

[T] Section stricken and rewritten

216A.53 Commission on the status of women established.

1. The commission on the status of women is established and shall consist of seven voting members who shall be appointed by the governor, subject to confirmation by the

senate pursuant to section 2.32, and shall represent a cross section of the citizens of the state. All members shall reside in the state.

2. The term of office for voting members is four years. Terms shall be staggered. Members whose terms expire may be reappointed. Vacancies in voting membership positions on the commission shall be filled for the unexpired term in the same manner as the original appointment. Voting members of the commission may receive a per diem as specified in section 7E.6 and shall be reimbursed for actual expenses incurred while serving in their official capacity, subject to statutory limits.

3. Members of the commission shall appoint a chairperson and vice chairperson and any other officers as the commission deems necessary. The commission shall meet at least quarterly during each fiscal year. A majority of the voting members currently appointed to the commission shall constitute a quorum. A quorum of the members shall be required for the conduct of business of the commission, and the affirmative vote of a majority of the currently appointed voting members is necessary for any substantive action taken by the commission. A member shall not vote on any action if the member has a conflict of interest on the matter, and a statement by the member of a conflict of interest shall be conclusive for this purpose.

86 Acts, ch 1245, §1223

C87, §601K.53

88 Acts, ch 1150, §3

C93, §216A.53

2008 Acts, ch 1156, §27, 58; 2010 Acts, ch 1031, §115, 170

[T] Section stricken and rewritten

216A.54 Commission powers and duties.

The commission shall have the following powers and duties:

1. Study the opportunities for and changing needs of the women and girls of this state.
2. Serve as liaison between the office and the public, sharing information and gathering constituency input.

3. Recommend to the board the adoption of rules pursuant to chapter 17A as it deems necessary for the commission and office.

4. Recommend legislative and executive action to the governor and general assembly.

5. Establish advisory committees, work groups, or other coalitions as appropriate.

86 Acts, ch 1245, §1224

C87, §601K.54

88 Acts, ch 1150, §4; 90 Acts, ch 1256, §52

C93, §216A.54

2010 Acts, ch 1031, §116, 170

[T] Section stricken and rewritten

216A.55 through 216A.60 Repealed by 2010 Acts, ch 1031, § 168, 170.

216A.61 through 216A.70 Reserved.

SUBCHAPTER 5

PERSONS WITH DISABILITIES

216A.71 Definitions.

For purposes of this subchapter, unless the context otherwise requires:

1. “*Commission*” means the commission of persons with disabilities.
2. “*Office*” means the office of persons with disabilities of the department of human rights.

86 Acts, ch 1245, §1231

C87, §601K.71

C93, §216A.71

95 Acts, ch 212, §10; 99 Acts, ch 201, §12; 2010 Acts, ch 1031, §117, 118, 170

[T] Subsection 1 stricken and former subsection 2 renumbered as 1

[T] Subsection 3 amended and renumbered as 2

216A.72 Office of persons with disabilities.

The office of persons with disabilities is established, and shall do all of the following:

1. Serve as the central permanent agency to advocate for persons with disabilities.
2. Coordinate and cooperate with the efforts of state departments and agencies to serve the needs of persons with disabilities in participating fully in the economic, social, and cultural life of the state, and provide direct assistance to individuals who request it.
3. Develop, coordinate, and assist other public or private organizations which serve persons with disabilities.
4. Serve as an information clearinghouse on programs and agencies operating to assist persons with disabilities.

86 Acts, ch 1245, §1232

C87, §601K.72

C93, §216A.72

2010 Acts, ch 1031, §119, 170

[T] Section stricken and rewritten

216A.73 Ex officio members. Repealed by 2010 Acts, ch 1031, § 168, 170.**216A.74 Commission of persons with disabilities established.**

1. The commission of persons with disabilities is established and shall consist of seven voting members appointed by the governor, subject to confirmation by the senate pursuant to section 2.32. A majority of the commission shall be persons with disabilities. All members shall reside in the state.

2. Members of the commission shall serve four-year staggered terms which shall begin and end pursuant to section 69.19. Members whose terms expire may be reappointed. Vacancies on the commission shall be filled for the unexpired term in the same manner as the original appointment. Voting members shall receive actual expenses incurred while serving in their official capacity, subject to statutory limits. Voting members may also be eligible to receive compensation as provided in section 7E.6.

3. Members of the commission shall appoint a chairperson. The commission shall meet at least quarterly during each fiscal year. A majority of the voting members currently appointed to the commission shall constitute a quorum. A quorum shall be required for the conduct of business of the commission, and the affirmative vote of a majority of the currently appointed voting members is necessary for any substantive action taken by the commission. A member shall not vote on any action if the member has a conflict of interest on the matter, and a statement by the member of a conflict of interest shall be conclusive for this purpose.

86 Acts, ch 1245, §1234

C87, §601K.74

C93, §216A.74

2010 Acts, ch 1031, §120, 170

[T] Section stricken and rewritten

216A.75 Commission powers and duties.

The commission shall have the following powers and duties:

1. Study the opportunities for and changing needs of persons with disabilities in this state.
2. Serve as liaisons between the office and the public, sharing information and gathering constituency input.
3. Recommend to the board the adoption of rules pursuant to chapter 17A as it deems necessary for the commission and office.
4. Recommend legislative and executive action to the governor and general assembly.
5. Establish advisory committees, work groups, or other coalitions as appropriate.

86 Acts, ch 1245, §1235

C87, §601K.75

C93, §216A.75

2010 Acts, ch 1031, §121, 170

[T] Section stricken and rewritten

216A.76 through 216A.79 Repealed by 2010 Acts, ch 1031, § 168, 170.

216A.80 through 216A.90 Reserved.

SUBCHAPTER 6

DIVISION OF COMMUNITY ACTION AGENCIES

216A.91 Definitions.

For purposes of this subchapter, unless the context otherwise requires:

1. “*Administrator*” means the administrator of the division of community action agencies of the department of human rights.

2. “*Commission*” means the commission on community action agencies.

3. “*Community action agency*” means a public agency or a private nonprofit agency which is authorized under its charter or bylaws to receive funds to administer community action programs and is designated by the governor to receive and administer the funds.

4. “*Community action program*” means a program conducted by a community action agency which includes projects to provide a range of services to improve the conditions of poverty in the area served by the community action agency.

5. “*Delegate agency*” means a subgrantee or contractor selected by the community action agency.

6. “*Division*” means the division of community action agencies of the department of human rights.

86 Acts, ch 1245, §1240

C87, §601K.91

90 Acts, ch 1242, §1

C93, §216A.91

216A.92 Division of community action agencies.

1. The division of community action agencies is established. The purpose of the division of community action agencies is to strengthen, supplement, and coordinate efforts to develop the full potential of each citizen by recognizing certain community action agencies and supporting certain community-based programs delivered by community action agencies.

2. The division shall do all of the following:

a. Provide financial assistance for community action agencies to implement community action programs, as permitted by the community service block grant and subject to the funding made available for the program.

b. Administer the community services block grant, the low-income energy assistance block grants, department of energy funds for weatherization, and other possible funding sources. If a political subdivision is the community action agency, the financial assistance shall be allocated to the political subdivision.

c. Implement accountability measures for its programs and require regular reporting on the measures by the community action agencies.

d. Issue an annual report to the governor and general assembly by July 1 of each year.

86 Acts, ch 1245, §1241

C87, §601K.92

90 Acts, ch 1242, §2

C93, §216A.92

2010 Acts, ch 1031, §122, 170

[T] Section stricken and rewritten

216A.92A Commission established.

1. The commission on community action agencies is created, composed of nine members appointed by the governor, subject to confirmation by the senate. The membership of the commission shall reflect the composition of local community action agency boards as follows:

- a. One-third of the members shall be elected officials.
- b. One-third of the members shall be representatives of business, industry, labor, religious, welfare, and educational organizations, or other major interest groups.
- c. One-third of the members shall be persons who, according to federal guidelines, have incomes at or below one hundred eighty-five percent of poverty level.

2. Commission members shall serve three-year terms which shall begin and end pursuant to section 69.19, and shall serve the entire term even if the member experiences a change in the status which resulted in their appointment under subsection 1. Vacancies on the commission shall be filled for the remainder of the term of the original appointment. Members whose terms expire may be reappointed. Members of the commission shall receive actual expenses for their services. Members may also be eligible to receive compensation as provided in section 7E.6. Members as specified under subsection 1, paragraph "c", however, shall receive per diem compensation as provided in section 7E.6 and actual expenses. The membership of the commission shall also comply with the political party affiliation and gender balance requirements of sections 69.16 and 69.16A.

3. The commission shall select from its membership a chairperson and other officers as it deems necessary. The commission shall meet no less than four times per year. A majority of the members of the commission shall constitute a quorum.

90 Acts, ch 1242, §3

C91, §601K.92A

92 Acts, ch 1237, §13

C93, §216A.92A

99 Acts, ch 201, §13; 2010 Acts, ch 1031, §123, 124, 170

[P] Confirmation, see §2.32

[T] Subsection 1, paragraph c amended

[T] Subsection 3 amended

216A.92B Commission powers and duties.

The commission shall have the following powers and duties:

- 1. Recommend to the board the adoption of rules pursuant to chapter 17A as it deems necessary for the commission and division.
- 2. Supervise the collection of data regarding the scope of services provided by the community action agencies.
- 3. Serve as liaisons between the division and the public, sharing information and gathering constituency input.
- 4. Make recommendations to the governor and the general assembly for executive and legislative action designed to improve the status of low-income persons in the state.
- 5. Establish advisory committees, work groups, or other coalitions as appropriate.

90 Acts, ch 1242, §4

C91, §601K.92B

C93, §216A.92B

2010 Acts, ch 1031, §125, 170

[T] Section stricken and rewritten

216A.93 Establishment of community action agencies.

The division shall recognize and assist in the designation of certain community action agencies to assist in the delivery of community action programs. These programs shall include but not be limited to outreach, community services block grant, low-income energy assistance, and weatherization programs. If a community action agency is in effect and currently serving an area, that community action agency shall become the designated community action agency for that area. If any geographic area of the state ceases to be served by a designated community action agency, the division may solicit applications and

assist the governor in designating a community action agency for that area in accordance with current community services block grant requirements.

86 Acts, ch 1245, §1242

C87, §601K.93

C93, §216A.93

2010 Acts, ch 1031, §126, 170

[T] Section amended

216A.94 Community action agency board.

1. A recognized community action agency shall be governed by a board of directors composed of at least nine members. The board membership shall be as follows:

a. One-third of the members of the board shall be elected public officials currently holding office or their representatives. However, if the number of elected officials available and willing to serve is less than one-third of the membership of the board, the membership of the board consisting of appointive public officials may be counted as fulfilling the requirement that one-third of the members of the board be elected public officials.

b. At least one-third of the members of the board shall be chosen in accordance with procedures established by the community action agency to assure representation of the poor in an area served by the agency.

c. The remainder of the members of the board shall be members of business, industry, labor, religious, welfare, education, or other major groups or interests in the community.

2. Notwithstanding subsection 1, a public agency shall establish an advisory board to assist the governing board in meeting the requirements of section 216A.95. The advisory board shall be composed of the same type of membership as a board of directors for community action agencies under subsection 1. In addition, the advisory board of the community action agency shall have the sole authority to determine annual program budget requests.

86 Acts, ch 1245, §1243

C87, §601K.94

87 Acts, ch 115, §73; 90 Acts, ch 1242, §5

C93, §216A.94

93 Acts, ch 56, §1; 2010 Acts, ch 1031, §127, 170

[T] Subsection 2 amended

216A.95 Duties of board.

1. The governing board or advisory board shall fully participate in the development, planning, implementation, and evaluation of programs to serve low-income communities.

2. The governing board may:

a. Own, purchase, and dispose of property necessary for the operation of the community action agency.

b. Receive and administer funds and contributions from private or public sources which may be used to support community action programs.

c. Receive and administer funds from a federal or state assistance program pursuant to which a community action agency could serve as a grantee, a contractor, or a sponsor of a project appropriate for inclusion in a community action program.

86 Acts, ch 1245, §1244

C87, §601K.95

C93, §216A.95

2010 Acts, ch 1031, §128, 170

[T] Subsection 1 stricken and rewritten

216A.96 Duties of community action agency.

A community action agency or delegate agency* shall:

1. Plan and implement strategies to alleviate the conditions of poverty and encourage self-sufficiency for citizens in its service area and in Iowa. In doing so, an agency shall plan for a community action program by establishing priorities among projects, activities, and areas to provide for the most efficient use of possible resources.

2. Obtain and administer assistance from available sources on a common or cooperative basis, in an attempt to provide additional opportunities to low-income persons.

3. Establish effective procedures by which the concerned low-income persons and area residents may influence the community action programs affecting them by providing for methods of participation in the implementation of the community action programs and by providing technical support to assist persons to secure assistance available from public and private sources.

4. Encourage and support self-help, volunteer, business, labor, and other groups and organizations to assist public officials and agencies in supporting a community action program by providing private resources, developing new employment opportunities, encouraging investments in areas of concentrated poverty, and providing methods by which low-income persons can work with private organizations, businesses, and institutions in seeking solutions to problems of common concern.

86 Acts, ch 1245, §1245

C87, §601K.96

C93, §216A.96

2010 Acts, ch 1031, §129, 130, 170

[SP] **"Delegate agency" probably not intended; corrective legislation is pending

[T] Subsection 1 stricken and rewritten

[T] Subsection 4 amended

216A.97 Administration.

A community action agency or a delegate agency* may administer the components of a community action program when the program is consistent with plans and purposes and applicable law. The community action programs may be projects which are eligible for assistance from any source. The programs shall be developed to meet local needs and may be designed to meet eligibility standards of a federal or state program.

86 Acts, ch 1245, §1246

C87, §601K.97

C93, §216A.97

2010 Acts, ch 1031, §131, 170

[SP] **"Delegate agency" probably not intended; corrective legislation is pending

[T] Section amended

216A.98 Audit.

Each community action agency shall be audited annually but shall not be required to obtain a duplicate audit to meet the requirements of this section. In lieu of an audit by the auditor of state, the community action agency may contract with or employ a certified public accountant to conduct the audit, pursuant to the applicable terms and conditions prescribed by sections 11.6 and 11.19 and an audit format prescribed by the auditor of state. Copies of each audit shall be furnished to the division in a manner prescribed by the division.

86 Acts, ch 1245, §1247

C87, §601K.98

89 Acts, ch 264, §9

C93, §216A.98

2010 Acts, ch 1031, §132, 170

[T] Section amended

216A.99 Allocation of financial assistance.

The administrator shall provide financial assistance for community action agencies to implement community action programs, as permitted by the community service block grant, administer the low-income energy assistance block grants, department of energy funds for weatherization received in Iowa, and other possible funding sources.

If a political subdivision is the agency, the financial assistance shall be allocated to the political subdivision.

86 Acts, ch 1245, §1248

C87, §601K.99

C93, §216A.99

216A.100 Reserved.

216A.101 Emergency weatherization fund. Repealed by 2010 Acts, ch 1031, § 168, 170.

216A.102 Energy crisis fund.

1. An energy crisis fund is created in the state treasury. Moneys deposited in the fund shall be used to assist low-income families who qualify for the low-income home energy assistance program to avoid loss of essential heating.

2. The fund may receive moneys including, but not limited to, the following:

a. Moneys appropriated by the general assembly for the fund.

b. After July 1, 1988, unclaimed patronage dividends of electric cooperative corporations or associations shall be applied to the fund following the time specified in section 556.12 for claiming the dividend from the holder.

c. The fund may also receive contributions from customer contribution funds established under section 476.66.

3. Under rules developed by the division of community action agencies of the department of human rights and adopted by the board, the fund may be used to negotiate reconnection of essential utility services with the energy provider.

88 Acts, ch 1175, §6

C89, §601K.102

91 Acts, ch 270, §6

C93, §216A.102

2002 Acts, ch 1119, §146; 2008 Acts, ch 1126, §14, 33; 2010 Acts, ch 1031, §133, 170

[T] Subsection 3 amended

216A.103 Iowa affordable heating program established. Repealed by 2010 Acts, ch 1031, § 168, 170.

216A.104 Energy utility assessment and resolution program.

1. The general assembly finds that provision of assistance to prevent utility disconnections will also prevent the development of public health risks due to such disconnections. The division shall establish an energy utility assessment and resolution program administered by each community action agency for persons with low incomes who have or need a deferred payment agreement or are in need of an emergency fuel delivery to address home energy utility costs.

2. A person must meet all of the following requirements to be eligible for the program:

a. The person is eligible for the federal low-income home energy assistance program.

b. The person is a residential customer of an energy utility approved for the program by the division.

c. The person has or is in need of a deferred payment agreement to address the person's home energy utility costs.

d. The person is able to maintain or regain residential energy utility service in the person's own name.

e. The person provides the information necessary to determine the person's eligibility for the program.

f. The person complies with other eligibility requirements adopted in rules by the division.

3. The program components shall include but are not limited to all of the following:

a. Analysis of a program participant's current financial situation.

b. Review of a program participant's resource and money management options.

c. Skills development and assistance for a program participant in negotiating a deferred payment agreement with the participant's energy utility.

d. Development of a written household energy affordability plan.

e. Provision of energy conservation training and assistance.

f. A requirement that a program participant must make uninterrupted, regular utility payments while participating in the program.

2007 Acts, ch 218, §136; 2010 Acts, ch 1031, §134, 170

[T] Subsections 4 and 5 stricken

216A.105 and 216A.106 Reserved.

216A.107 Family development and self-sufficiency — council and grant program.

1. A family development and self-sufficiency council is established within the department of human rights. The council shall consist of the following persons:

- a. The director of the department of human services or the director's designee.
- b. The director of the department of public health or the director's designee.
- c. The administrator of the division of community action agencies of the department of human rights or the administrator's designee.
- d. The director of the school of social work at the university of Iowa or the director's designee.
- e. The dean of the college of human sciences at Iowa state university or the dean's designee.
- f. Two recipients or former recipients of the family investment program, selected by the other members of the council.
- g. One recipient or former recipient of the family investment program who is a member of a racial or ethnic minority, selected by the other members of the council.
- h. One member representing providers of services to victims of domestic violence, selected by the other members of the council.
- i. The head of the department of design, textiles, gerontology, and family studies at the university of northern Iowa or that person's designee.
- j. The director of the department of education or the director's designee.
- k. The director of the department of workforce development or the director's designee.
- l. Two persons representing the business community, selected by the other members of the council.
- m. Two members from each chamber of the general assembly serving as ex officio, nonvoting members. The two members of the senate shall be appointed one each by the majority leader and the minority leader of the senate. The two members of the house of representatives shall be appointed one each by the speaker and the minority leader of the house of representatives.

2. Unless otherwise provided by law, terms of members, election of officers, and other procedural matters shall be as determined by the council. A quorum shall be required for the conduct of business of the council, and the affirmative vote of a majority of the currently appointed voting members is necessary for any substantive action taken by the council. A member shall not vote on any action if the member has a conflict of interest on the matter, and a statement by the member of a conflict of interest shall be conclusive for this purpose.

3. The family development and self-sufficiency council shall do all of the following:

a. Identify the factors and conditions that place Iowa families at risk of dependency upon the family investment program. The council shall seek to use relevant research findings and national and Iowa-specific data on the family investment program.

b. Identify the factors and conditions that place Iowa families at risk of family instability. The council shall seek to use relevant research findings and national and Iowa-specific data on family stability issues.

c. Subject to the availability of funds for this purpose, award grants to public or private organizations for provision of family development services to families at risk of dependency on the family investment program or of family instability. Not more than five percent of any funds appropriated by the general assembly for the purposes of this lettered paragraph may be used for staffing and administration of the grants. Grant proposals for the family development and self-sufficiency grant program shall include the following elements:

(1) Designation of families to be served that meet one or more criteria for being at risk of dependency on the family investment program or of family instability, and agreement to serve clients that are referred by the department of human services from the family investment program which meet the criteria. The criteria may include but are not limited to factors such as educational level, work history, family structure, age of the youngest child in the family, previous length of stay on the family investment program, and participation in the family

investment program or the foster care program while the head of a household was a child. Grant proposals shall also establish the number of families to be served under the grant.

(2) Designation of the services to be provided for the families served, including assistance regarding job-seeking skills, family budgeting, nutrition, self-esteem, methamphetamine education, health and hygiene, child rearing, child education preparation, and goal setting. Grant proposals shall indicate the support groups and support systems to be developed for the families served during the transition between the need for assistance and self-sufficiency.

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

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

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

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

(7) Designation of agreement provisions for tracking and reporting performance measures developed pursuant to paragraph "d".

d. Develop appropriate performance measures for the grant program to demonstrate how the program helps families achieve self-sufficiency.

e. Seek to enlist research support from the Iowa research community in meeting the duties outlined in paragraphs "a" through "d".

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

g. Make recommendations to the governor and the general assembly on the effectiveness of programs in Iowa and throughout the country that provide family development services that lead to self-sufficiency for families at risk of welfare dependency.

4. a. The division shall administer the family development and self-sufficiency grant program. The department of human services shall disclose to the division confidential information pertaining to individuals receiving services under the grant program, as authorized under section 217.30. The division and the department of human services shall share information and data necessary for tracking performance measures of the family development and self-sufficiency grant program, for referring families participating in the promoting independence and self-sufficiency through employment job opportunities and basic skills (PROMISE JOBS) program under section 239B.17 and related activities and programs to the grant program, and for meeting federal reporting requirements. The division and the department of human services may by mutual agreement, as specified in the memorandum of agreement entered into in accordance with paragraph "b", add to or delete from the initial shared information items listed in this lettered paragraph. The initial shared information shall include but is not limited to all of the following:

(1) Family enrollments and exits to and from each of the programs.

(2) Monthly reports of individual participant activity in PROMISE JOBS components that are countable work activities according to federal guidelines applicable to those components.

(3) Aggregate grant program participant activity in all PROMISE JOBS program components.

(4) Work participation rates for grant program participants who were active family investment program participants.

(5) The average hourly wage of grant program participants who left the family investment program.

(6) The percentage of grant program participants who exited from the grant program at or after the time family investment program participation ended and did not reenroll in the family investment program for at least one year.

b. The division shall develop a memorandum of agreement with the department of

human services to share outcome data and coordinate referrals and delivery of services to participants in the family investment program under chapter 239B and the grant program and other shared clients and shall provide the department of human services with information necessary for compliance with federal temporary assistance for needy families block grant state plan and reporting requirements, including but not limited to financial and data reports.

c. To the extent that the family development and self-sufficiency grant program is funded by the federal temporary assistance for needy families block grant and by the state maintenance of efforts funds appropriated in connection with the block grant, the division shall comply with all federal requirements for the block grant. The division is responsible for payment of any federal penalty imposed that is attributable to the grant program and shall receive any federal bonus payment attributable to the grant program.

d. The division shall ensure that expenditures of moneys appropriated to the department of human services from the general fund of the state for the family development and self-sufficiency grant program are eligible to be considered as state maintenance of effort expenditures under federal temporary assistance for needy families block grant requirements.

e. The commission shall consider the recommendations of the council in adopting rules pertaining to the grant program.

f. The division shall submit to the governor and general assembly on or before November 30 following the end of each state fiscal year, a report detailing performance measure and outcome data evaluating the family development and self-sufficiency grant program for the fiscal year that just ended.

2008 Acts, ch 1072, §1; 2010 Acts, ch 1031, §135, 170

[P] Legislative appointments, see §69.16B

[SP] Membership of family development and self-sufficiency council as of June 30, 2008, to continue until revised by council; grants in effect as of that date to continue pursuant to terms of the grants; 2008 Acts, ch 1072, §7

[T] Subsection 2 amended

216A.108 through 216A.110 Reserved.

SUBCHAPTER 7

DEAF SERVICES

216A.111 Definitions.

For purposes of this subchapter, unless the context otherwise requires:

1. “*Commission*” means the commission of deaf services.
2. “*Office*” means the office of deaf services of the department of human rights.

86 Acts, ch 1245, §1250

C87, §601K.111

C93, §216A.111

2010 Acts, ch 1031, §136, 137, 170

[T] Subsection 1 stricken and former subsection 2 renumbered as 1

[T] Subsection 3 amended and renumbered as 2

216A.112 Office of deaf services.

The office of deaf services is established, and shall do all of the following:

1. Serve as the central permanent agency to advocate for persons who are deaf or hard of hearing.

2. Coordinate and cooperate with the efforts of state departments and agencies to serve the needs of persons who are deaf or hard of hearing in participating fully in the economic, social, and cultural life of the state, and provide direct assistance to individuals who request it.

3. Develop, coordinate, and assist other public or private organizations which serve persons who are deaf or hard of hearing.

4. Serve as an information clearinghouse on programs and agencies operating to assist persons who are deaf or hard of hearing.

86 Acts, ch 1245, §1251

C87, §601K.112

87 Acts, ch 58, §1; 87 Acts, ch 115, §74

C93, §216A.112

93 Acts, ch 75, §3; 95 Acts, ch 212, §11; 2010 Acts, ch 1031, §138, 170

[T] Section stricken and rewritten

216A.113 Deaf services commission established.

1. The commission of deaf services is established, and shall consist of seven voting members appointed by the governor, subject to confirmation by the senate pursuant to section 2.32. Membership of the commission shall include at least four members who are deaf and who cannot hear human speech with or without use of amplification and at least one member who is hard of hearing. All members shall reside in Iowa.

2. Members of the commission shall serve four-year staggered terms which shall begin and end pursuant to section 69.19. Members whose terms expire may be reappointed. Vacancies on the commission may be filled for the remainder of the term in the same manner as the original appointment. Members shall receive actual expenses incurred while serving in their official capacity, subject to statutory limits. Members may also be eligible to receive compensation as provided in section 7E.6.

3. Members of the commission shall appoint a chairperson and vice chairperson and other officers as the commission deems necessary. The commission shall meet at least quarterly during each fiscal year. A majority of the members currently appointed to the commission shall constitute a quorum. A quorum shall be required for the conduct of business of the commission, and the affirmative vote of a majority of the currently appointed members is necessary for any substantive action taken by the commission. A member shall not vote on any action if the member has a conflict of interest on the matter, and a statement by the member of a conflict of interest shall be conclusive for this purpose.

86 Acts, ch 1245, §1252

C87, §601K.113

C93, §216A.113

2010 Acts, ch 1031, §139, 170; 2010 Acts, ch 1193, §42, 80

[T] Section stricken and rewritten

216A.114 Commission powers and duties.

The commission shall have the following powers and duties:

1. Study the changing needs and opportunities for the deaf and hard-of-hearing people in this state.

2. Serve as a liaison between the office and the public, sharing information and gathering constituency input.

3. Recommend to the board for adoption rules pursuant to chapter 17A as it deems necessary for the commission and office.

4. Recommend legislative and executive action to the governor and general assembly.

5. Establish advisory committees, work groups, or other coalitions as appropriate.

86 Acts, ch 1245, §1253

C87, §601K.114

87 Acts, ch 115, §75; 89 Acts, ch 54, §1

C93, §216A.114

93 Acts, ch 75, §4; 2003 Acts, ch 145, §286; 2010 Acts, ch 1031, §140, 170

[T] Section stricken and rewritten

216A.115 through 216A.117 Repealed by 2010 Acts, ch 1031, § 168, 170.

216A.118 through 216A.120 Reserved.

SUBCHAPTER 8

216A.121 Iowa Abraham Lincoln bicentennial commission. Repealed by its own terms; 2007 Acts, ch 99, § 1.

[T] Repeal of section effective June 30, 2010; 2007 Acts, ch 99, §1

216A.122 through 216A.130 Reserved.

SUBCHAPTER 9

DIVISION OF CRIMINAL AND JUVENILE
JUSTICE PLANNING**216A.131 Definitions.**

For the purpose of this subchapter, unless the context otherwise requires:

1. “*Administrator*” means the administrator of the division of criminal and juvenile justice planning.

2. “*Board*” means the public safety advisory board.

3. “*Council*” means the criminal and juvenile justice planning advisory council.

4. “*Division*” means the division of criminal and juvenile justice planning.

88 Acts, ch 1277, §14

C89, §601K.131

90 Acts, ch 1124, §1

C93, §216A.131

2010 Acts, ch 1193, §151

[T] NEW subsection 2 and former subsections 2 and 3 renumbered as 3 and 4

216A.131A Division of criminal and juvenile justice planning.

The division of criminal and juvenile justice planning is established to fulfill the responsibilities of this subchapter, including the duties specified in sections 216A.135, 216A.136, 216A.137, 216A.138, and 216A.139.

2010 Acts, ch 1031, §141, 170

[T] NEW section

216A.132 Council established — terms — compensation.

1. A criminal and juvenile justice planning advisory council is established consisting of twenty-three members who shall all reside in the state.

a. The governor shall appoint seven members each for a four-year term beginning and ending as provided in section 69.19 and subject to confirmation by the senate as follows:

(1) Three persons, each of whom is a county supervisor, county sheriff, mayor, nonsupervisory police officer, or a chief of police of a department with less than eleven police officers.

(2) Two persons who are knowledgeable about Iowa’s juvenile justice system.

(3) One person who represents the general public and is not employed in any law enforcement, judicial, or corrections capacity.

(4) One person who is either a crime victim, or who represents a crime victim organization.

b. The departments of human services, corrections, and public safety, the office on the status of African Americans, the department of public health, the chairperson of the board of parole, the attorney general, the state public defender, and the governor’s office of drug control policy shall each designate a person to serve on the council.

c. The chief justice of the supreme court shall designate one member who is a district judge and one member who is either a district associate judge or associate juvenile judge. The chairperson and ranking member of the senate committee on judiciary shall be members. In alternating four-year intervals, the chairperson and ranking member of the

house committee on judiciary or of the house committee on public safety shall be members, with the chairperson and ranking member of the house committee on public safety serving during the initial interval. Nonlegislative members appointed pursuant to this paragraph shall serve for four-year terms beginning and ending as provided in section 69.19 unless the member ceases to serve as a district court judge.

d. The Iowa county attorneys association shall designate a person to serve on the council.

2. Members of the council shall receive reimbursement from the state for actual and necessary expenses incurred in the performance of their official duties. Members may also be eligible to receive compensation as provided in section 7E.6.

3. Members of the council shall appoint a chairperson and vice chairperson and other officers as the council deems necessary. A majority of the voting members currently appointed to the council shall constitute a quorum. A quorum shall be required for the conduct of business of the council and the affirmative vote of a majority of the currently appointed members is necessary for any substantive action taken by the council. A member shall not vote on any action if the member has a conflict of interest on the matter, and a statement by the member of a conflict of interest shall be conclusive for this purpose.

88 Acts, ch 1277, §15

C89, §601K.132

90 Acts, ch 1124, §2

C93, §216A.132

2006 Acts, ch 1010, §66; 2007 Acts, ch 22, §51; 2008 Acts, ch 1085, §1, 2; 2008 Acts, ch 1156, §28, 58; 2010 Acts, ch 1031, §142 – 144, 170; 2010 Acts, ch 1193, §152

[P] Confirmation, see §2.32

[T] See Code editor's note to §8A.402 at the end of Vol VI

[T] Section amended

216A.133 Duties.

The council shall do all of the following:

1. Identify issues and analyze the operation and impact of present criminal and juvenile justice policy and make recommendations for policy changes.

2. Coordinate with data resource agencies to provide data and analytical information to federal, state, and local governments, and assist agencies in the use of criminal and juvenile justice data.

3. Report criminal and juvenile justice system needs to the governor, the general assembly, and other decision makers to improve the criminal and juvenile justice system.

4. Provide technical assistance upon request to state and local agencies.

5. Administer federal funds and funds appropriated by the state or that are otherwise available in compliance with applicable laws, regulations, and other requirements for purposes of study, research, investigation, planning, and implementation in the areas of criminal and juvenile justice.

6. Make grants to cities, counties, and other entities pursuant to applicable law.

7. Maintain an Iowa correctional policy project as provided in section 216A.137.

8. Determine members of the public safety advisory board pursuant to section 216A.133A.

9. Provide input to the department director in the development of budget recommendations for the division.

10. Coordinate with the administrator to develop and make recommendations to the department director pursuant to section 216A.2.

11. Serve as liaison between the division and the public, sharing information and gathering constituency input.

12. Recommend to the board for adoption rules pursuant to chapter 17A as it deems necessary for the council and division.

13. Recommend legislative and executive action to the governor and general assembly.

14. Establish advisory committees, work groups, or other coalitions as appropriate.

15. Establish advisory committees to study special issues.

88 Acts, ch 1277, §16

C89, §601K.133

90 Acts, ch 1124, §3; 92 Acts, ch 1231, §47

C93, §216A.133

2010 Acts, ch 1031, §145, 146, 170; 2010 Acts, ch 1193, §153, 154

[T] See Code editor's note at the end of Vol VI

[T] Subsections 1 and 5 amended

[T] NEW subsections 8 – 15

216A.133A Public safety advisory board — duties.

1. A public safety advisory board is established whose membership shall be determined by the criminal and juvenile justice planning advisory council and shall consist of current members of the council. Any actions taken by the board shall be considered separate and distinct from the council.

2. The purpose of the board is to provide the general assembly with an analysis of current and proposed criminal code provisions.

3. The duties of the board shall consist of the following:

a. Reviewing and making recommendations relating to current sentencing provisions. In reviewing such provisions the board shall consider the impact on all of the following:

- (1) Potential disparity in sentencing.
- (2) Truth in sentencing.
- (3) Victims.
- (4) The proportionality of specific sentences.
- (5) Sentencing procedures.

(6) Costs associated with the implementation of criminal code provisions, including costs to the judicial branch, department of corrections, and judicial district departments of correctional services, costs for representing indigent defendants, and costs incurred by political subdivisions of the state.

(7) Best practices related to the department of corrections including recidivism rates, safety and efficient use of correctional staff, and compliance with correctional standards set by the federal government and other jurisdictions.

(8) Best practices related to the Iowa child death review team established in section 135.43 and the Iowa domestic abuse death review team established in section 135.109.

b. Reviewing and making recommendations relating to proposed legislation, in accordance with paragraph “a”, as set by rule by the general assembly or as requested by the executive or judicial branch proposing such legislation.

c. Providing expertise and advice to the legislative services agency, the department of corrections, the judicial branch, and others charged with formulating fiscal, correctional, or minority impact statements.

d. Reviewing data supplied by the division, the department of management, the legislative services agency, the Iowa supreme court, and other departments or agencies for the purpose of determining the effectiveness and efficiency of the collection of such data.

4. The board may call upon any department, agency, or office of the state, or any political subdivision of the state, for information or assistance as needed in the performance of its duties. The information or assistance shall be furnished to the extent that it is within the resources and authority of the department, agency, office, or political subdivision. This section does not require the production or opening of any records which are required by law to be kept private or confidential.

5. The board shall report to the legislative government oversight committee all sources of funding by December 1 of each year.

6. Membership on the board shall be bipartisan as provided in section 69.16 and gender balanced as provided in section 69.16A.

7. Meetings of the board shall be open to the public as provided in chapter 21.

8. Members of the board shall receive reimbursement from the state for actual and necessary expenses incurred in the performance of their official duties. Members may also be eligible to receive compensation as provided in section 7E.6.

2010 Acts, ch 1193, §155

[T] NEW section

216A.134 Administrator. Repealed by 2010 Acts, ch 1031, § 168, 170.

216A.135 Plan and report.

Beginning in 1989, and every five years thereafter, the division shall develop a twenty-year criminal and juvenile justice plan for the state which shall include ten-year, fifteen-year, and twenty-year goals and a comprehensive five-year plan for criminal and juvenile justice programs. The five-year plan shall be updated annually and each twenty-year plan and annual updates of the five-year plan shall be submitted to the governor and the general assembly by December 1.

Beginning in 1992, the division shall include in the plans, updates, and reports required by this section an identification and evaluation of existing juvenile treatment programs based upon quantifiable goals established by the division, utilizing its existing computer capacity and access.

88 Acts, ch 1277, §18

C89, §601K.135

92 Acts, ch 1231, §48

C93, §216A.135

2010 Acts, ch 1193, §156

[T] Unnumbered paragraph 1 amended

216A.136 Statistical analysis center — access to records.

The division shall maintain an Iowa statistical analysis center for the purpose of coordinating with data resource agencies to provide data and analytical information to federal, state, and local governments, and assist agencies in the use of criminal and juvenile justice data. Notwithstanding any other provision of state law, unless prohibited by federal law or regulation, the division shall be granted access, for purposes of research and evaluation, to criminal history records, official juvenile court records, juvenile court social records, and any other data collected or under control of the board of parole, department of corrections, department of workforce development, district departments of correctional services, department of human services, judicial branch, and department of public safety. However, intelligence data and peace officer investigative reports maintained by the department of public safety shall not be considered data for the purposes of this section. Any record, data, or information obtained by the division under this section and the division itself is subject to the federal and state confidentiality laws and regulations which are applicable to the original record, data, or information obtained by the division and to the original custodian of the record, data, or information. The access shall include but is not limited to all of the following:

1. Juvenile court records and all other information maintained under sections 232.147 through 232.153.
2. Child abuse information under sections 235A.15 through 235A.19.
3. Dependent adult abuse records maintained under chapter 235B.
4. Criminal history data maintained under chapter 692.
5. Sex offender registry information maintained under chapter 692A.
6. Presentence investigation reports maintained under section 901.4.
7. Corrections records maintained under sections 904.601 and 904.602.
8. Community-based correctional program records maintained under chapter 905.
9. Parole records maintained under chapter 906.
10. Deferred judgment, deferred or suspended sentence, and probation records maintained under chapter 907.
11. Violation of parole or probation records maintained under chapter 908.
12. Fines and victim restitution records maintained under chapters 909 and 910.
13. Employment records maintained under section 96.11.

88 Acts, ch 1277, §19

C89, §601K.136

90 Acts, ch 1124, §4

C93, §216A.136

96 Acts, ch 1150, §2; 96 Acts, ch 1193, §3, 4; 98 Acts, ch 1047, §18; 2008 Acts, ch 1085, §3, 4

216A.137 Correctional policy project.

The division shall maintain an Iowa correctional policy project for the purpose of conducting analyses of major correctional issues affecting the criminal and juvenile justice system. The council shall identify and prioritize the issues and studies to be addressed by the division through this project and shall report project plans and findings annually along with the report required in section 216A.135. Issues and studies to be considered by the council shall include, but are not limited to a review of the information systems available to assess corrections trends and program effectiveness, the development of an evaluation plan for assessing the impact of corrections expenditures, a study of the desirability and feasibility of changing the state's sentencing practices, a public opinion survey to assess the public's view of possible changes in current corrections practices, and the development of parole guidelines.

The division may form subcommittees for the purpose of addressing major correctional issues affecting the criminal and juvenile justice system. The division shall establish a subcommittee to address issues specifically affecting the juvenile justice system.

90 Acts, ch 1124, §5

C91, §601K.137

C93, §216A.137

216A.138 Multiagency database concerning juveniles.

1. The division shall coordinate the development of a multiagency database to track the progress of juveniles through various state and local agencies and programs. The division shall develop a plan which utilizes existing databases, including the Iowa court information system, the federally mandated national adoption and foster care information system, and the other state and local databases pertaining to juveniles, to the extent possible.

2. The department of human services, department of corrections, judicial branch, department of public safety, department of education, local school districts, and other state agencies and political subdivisions shall cooperate with the division in the development of the plan.

3. The database shall be designed to track the progress of juveniles in various programs, evaluate the experiences of juveniles, and evaluate the success of the services provided.

4. The division shall develop the plan within the context of existing federal privacy and confidentiality requirements. The plan shall build upon existing resources and facilities to the extent possible.

5. The plan shall include proposed guidelines for the sharing of information by case management teams, consisting of designated representatives of various state and local agencies and political subdivisions to coordinate the delivery of services to juveniles under the jurisdiction of the juvenile court. The guidelines shall be developed to structure and improve the information-sharing procedures of case management teams established pursuant to any applicable state or federal law or approved by the juvenile court with respect to a juvenile who is the recipient of the case management team services. The plan shall also contain proposals for changes in state laws or rules to facilitate the exchange of information among members of case management teams.

6. The plan shall include development of a resource guide outlining successful programs and practices established within this state which are designed to promote positive youth development and that assist delinquent and other at-risk youth in overcoming personal and social problems. The guide shall be made publicly available.

7. If the division has insufficient funds and resources to implement this section, the division shall determine what, if any, portion of this section may be implemented, and the remainder of this section shall not apply.

92 Acts, ch 1231, §49; 97 Acts, ch 126, §9; 98 Acts, ch 1047, §19; 2010 Acts, ch 1031, §147, 170

[T] Subsection 8 stricken

216A.139 Sex offender research council.

1. The division shall establish and maintain a council to study and make recommendations

for treating and supervising adult and juvenile sex offenders in institutions, community-based programs, and in the community.

2. The voting members of the council shall include one representative of each of the following:

- a. The department of corrections.
- b. The department of human services.
- c. The department of public safety.
- d. The state public defender.
- e. The department of public health.
- f. The juvenile court appointed by the judicial branch.
- g. A judicial district department of correctional services.
- h. The board of parole.
- i. The department of justice.
- j. The Iowa county attorneys association.
- k. The American civil liberties union of Iowa.
- l. The Iowa state sheriffs' and deputies' association.
- m. The Iowa coalition against sexual assault.

3. In addition to the voting members, the council membership shall include four members of the general assembly with one member designated by each of the following: the majority leader of the senate, the minority leader of the senate, the speaker of the house of representatives, and the minority leader of the house of representatives. A legislative member serves for a term as provided in section 69.16B in an ex officio, nonvoting capacity.

4. The council shall study the following:

- a. The effectiveness of electronically monitoring sex offenders.
- b. The cost and effectiveness of special sentences pursuant to chapter 903B.
- c. Risk assessment models created for sex offenders.
- d. Determining the best treatment programs available for sex offenders and the efforts of Iowa and other states to implement treatment programs.

e. The efforts of Iowa and other states to prevent sex abuse-related crimes including child sex abuse.

f. Any other issues the council deems necessary, including but not limited to computer and internet sex-related crimes, sex offender case management, best practices for sex offender supervision, the sex offender registry, and the effectiveness of safety zones.

5. The council shall submit a report, beginning January 15, 2009, and every year thereafter by January 15, to the governor and general assembly regarding actions taken, issues studied, and council recommendations.

6. Members of the council shall receive actual and necessary expenses incurred while attending any meeting of the council and may also be eligible to receive compensation as provided in section 7E.6. All expense moneys paid to the nonlegislative members shall be paid from funds appropriated to the division. Legislative members shall receive compensation as provided in sections 2.10 and 2.12.

7. Vacancies shall be filled by the original appointing authority in the manner of the original appointments.

2008 Acts, ch 1085, §5; 2009 Acts, ch 106, §5, 6, 14

[SP] 2009 amendment to subsection 2 and new subsection 3 apply to legislative appointees named before, on, or after May 18, 2009, and to appointments subject to senate confirmation on or after May 18, 2009; 2009 Acts, ch 106, §14

216A.140 Iowa collaboration for youth development council — state of Iowa youth advisory council.

1. *Definitions.* For the purposes of this section, unless the context otherwise requires:

- a. “Youth” means children and young persons who are ages six through twenty-one years.
- b. “Youth advisory council” means the state of Iowa youth advisory council created by this section.

c. “Youth development council” means the Iowa collaboration for youth development council created by this section.

2. *Collaboration council created.* An Iowa collaboration for youth development council is created as an alliance of state agencies that address the needs of youth in Iowa.

3. *Purpose.* The purpose of the youth development council is to improve the lives and futures of Iowa's youth by doing all of the following:

a. Adopting and applying positive youth development principles and practices at the state and local levels.

b. Increasing the quality, efficiency, and effectiveness of opportunities and services and other supports for youth.

c. Improving and coordinating state youth policy and programs across state agencies.

4. *Vision statement.* All youth development activities addressed by the youth development council shall be aligned around the following vision statement: "All Iowa youth will be safe, healthy, successful, and prepared for adulthood."

5. *Membership.* The youth development council membership shall be determined by the council itself and shall include the directors or chief administrators, or their designees, from the following state agencies and programs:

a. Child advocacy board.

b. Iowa commission on volunteer service in the office of the governor.

c. Department of education.

d. Department of human rights.

e. Department of human services.

f. Department of public health.

g. Department of workforce development.

h. Governor's office of drug control policy.

i. Iowa cooperative extension service in agriculture and home economics.

j. Early childhood Iowa office in the department of management.

6. *Procedure.* Except as otherwise provided by law, the youth development council shall determine its own rules of procedure and operating policies, including but not limited to terms of members. The youth development council may form committees or subgroups as necessary to achieve its purpose.

7. *Duties.* The youth development council's duties shall include but are not limited to all of the following:

a. Study, explore, and plan for the best approach to structure and formalize the functions and activities of the youth development council to meet its purpose, and make formal recommendations for improvement to the governor and general assembly.

b. Review indicator data and identify barriers to youth success and develop strategies to address the barriers.

c. Coordinate across agencies the state policy priorities for youth.

d. Strengthen partnerships with the nonprofit and private sectors to gather input, build consensus, and maximize use of existing resources and leverage new resources to improve the lives of youth and their families.

e. Oversee the activities of the youth advisory council.

f. Seek input from and engage the youth advisory council in the development of more effective policies, practices, and programs to improve the lives and futures of youth.

g. Report annually by February 1 to the governor and general assembly.

8. *State of Iowa youth advisory council.* A state of Iowa youth advisory council is created to provide input to the governor, general assembly, and state and local policymakers on youth issues.

a. The purpose of the youth advisory council is to foster communication among a group of engaged youth and the governor, general assembly, and state and local policymakers regarding programs, policies, and practices affecting youth and families; and to advocate for youth on important issues affecting youth.

b. The youth advisory council shall consist of no more than twenty-one youth ages fourteen through twenty years who reside in Iowa. Membership shall be for two-year staggered terms. The department director, or the director's designee, shall select council members using an application process. The department director or the director's designee

shall strive to maintain a diverse council membership and shall take into consideration race, ethnicity, disabilities, gender, and geographic location of residence of the applicants.

c. Except as otherwise provided by law, the youth advisory council shall determine its own rules of procedure and operating policies, subject to approval by the department director or the director's designee.

d. The youth advisory council shall meet at least quarterly.

9. *Lead agency.* The lead agency for support of the Iowa collaboration for youth development council and the state of Iowa youth advisory council is the department. The department shall coordinate activities and, with funding made available to it for such purposes, provide staff support for the youth development council and the youth advisory council.

2009 Acts, ch 53, §1; 2009 Acts, ch 179, §35; 2010 Acts, ch 1031, §295

[T] Subsection 5, paragraph j amended

SUBCHAPTER 10

STATUS OF AFRICAN AMERICANS

216A.141 Definitions.

For purposes of this subchapter, unless the context otherwise requires:

1. "*Commission*" means the commission on the status of African Americans.
2. "*Office*" means the office on the status of African Americans of the department of human rights.

88 Acts, ch 1201, §1

C89, §601K.141

91 Acts, ch 50, §3

C93, §216A.141

2010 Acts, ch 1031, §148, 149, 170

[T] Subsection 1 stricken and former subsection 2 renumbered as 1

[T] Subsection 3 amended and renumbered as 2

216A.142 Commission on the status of African Americans established.

1. The commission on the status of African Americans is established and shall consist of seven members appointed by the governor, subject to confirmation by the senate. All members shall reside in Iowa. At least five members shall be individuals who are African American.

2. Terms of office are staggered four-year terms. Members whose terms expire may be reappointed. Vacancies on the commission shall be filled for the remainder of the term of and in the same manner as the original appointment. The commission shall meet quarterly and may hold special meetings on the call of the chairperson. The members of the commission shall be reimbursed for actual expenses while engaged in their official duties. Members may also be eligible to receive compensation as provided in section 7E.6.

3. Members of the commission shall appoint a chairperson and vice chairperson and other officers as the commission deems necessary. A majority of members of the commission shall constitute a quorum. A quorum shall be required for the conduct of business of the commission, and the affirmative vote of a majority of the currently appointed members is necessary for any substantive action taken by the commission. A member shall not vote on any action if the member has a conflict of interest on the matter, and a statement by the member of a conflict of interest shall be conclusive for this purpose.

88 Acts, ch 1201, §2

C89, §601K.142

91 Acts, ch 50, §4

C93, §216A.142

2010 Acts, ch 1031, §150, 170

[P] Confirmation, see §2.32

[T] Section stricken and rewritten

216A.143 Commission powers and duties.

The commission shall have the following powers and duties:

1. Study the opportunities for and changing needs of the African American community in this state.
2. Serve as liaison between the office and the public, sharing information and gathering constituency input.
3. Recommend to the board for adoption rules pursuant to chapter 17A as it deems necessary for the commission and office.
4. Recommend executive and legislative action to the governor and general assembly.
5. Establish advisory committees, work groups, or other coalitions as appropriate.

88 Acts, ch 1201, §3

C89, §601K.143

C93, §216A.143

95 Acts, ch 69, §1; 2010 Acts, ch 1031, §151, 170

[T] Section stricken and rewritten

216A.144 and 216A.145 Repealed by 2010 Acts, ch 1031, § 168, 170.

216A.146 Office on the status of African Americans.

The office on the status of African Americans is established and shall do the following:

1. Serve as the central permanent agency to advocate for African Americans.
2. Coordinate and cooperate with the efforts of state departments and agencies to serve the needs of African Americans in participating fully in the economic, social, and cultural life of the state, and provide direct assistance to individuals who request it.
3. Develop, coordinate, and assist other public or private organizations which serve African Americans.
4. Serve as an information clearinghouse on programs and agencies operating to assist African Americans.

88 Acts, ch 1201, §6

C89, §601K.146

91 Acts, ch 50, §6

C93, §216A.146

2003 Acts, ch 145, §286; 2010 Acts, ch 1031, §152, 170

[T] Section stricken and rewritten

216A.147 through 216A.149 Repealed by 2010 Acts, ch 1031, § 168, 170.

216A.150 Reserved.

SUBCHAPTER 11

ASIAN AND PACIFIC ISLANDER AFFAIRS

216A.151 Definitions.

For purposes of this subchapter, unless the context otherwise requires:

1. “*Asian and Pacific Islander*” means an individual from any of the countries of Asia or islands of the Pacific.
2. “*Commission*” means the commission of Asian and Pacific Islander affairs.
3. “*Office*” means the office of Asian and Pacific Islander affairs of the department of human rights.

2004 Acts, ch 1020, §3; 2010 Acts, ch 1031, §153 – 155, 170

[T] Subsection 1 stricken and former subsection 2 renumbered as 1

[T] Subsections 3 and 4 amended and renumbered as 2 and 3

216A.152 Commission of Asian and Pacific Islander affairs established.

1. The commission of Asian and Pacific Islander affairs is established and shall consist of

seven members appointed by the governor, subject to confirmation by the senate. Members shall be appointed representing every geographical area of the state and ethnic groups of Asian and Pacific Islander heritage. All members shall reside in Iowa.

2. Terms of office are four years and shall begin and end pursuant to section 69.19. Members whose terms expire may be reappointed. Vacancies on the commission may be filled for the remainder of the term of and in the same manner as the original appointment. Members shall receive actual expenses incurred while serving in their official capacity, subject to statutory limits. Members may also be eligible to receive compensation as provided in section 7E.6.

3. Members of the commission shall appoint a chairperson and vice chairperson and other officers as the commission deems necessary. The commission shall meet at least quarterly during each fiscal year. A majority of the members of the commission shall constitute a quorum. A quorum shall be required for the conduct of business of the commission, and the affirmative vote of a majority of the currently appointed members is necessary for any substantive action taken by the commission. A member shall not vote on any action if the member has a conflict of interest on the matter, and a statement by the member of a conflict of interest shall be conclusive for this purpose.

2004 Acts, ch 1020, §4; 2010 Acts, ch 1031, §156, 170

[P] Confirmation, see §2.32

[T] Section stricken and rewritten

216A.153 Commission powers and duties.

The commission shall have the following powers and duties:

1. Study the opportunities for and changing needs of the Asian and Pacific Islander persons in this state.

2. Serve as liaison between the office and the public, sharing information and gathering constituency input.

3. Recommend to the board for adoption rules pursuant to chapter 17A as it deems necessary for the commission and office.

4. Recommend legislative and executive action to the governor and general assembly.

5. Establish advisory committees, work groups, or other coalitions as appropriate.

2004 Acts, ch 1020, §5; 2010 Acts, ch 1031, §157, 170

[T] Section stricken and rewritten

216A.154 Office of Asian and Pacific Islander affairs.

The office of Asian and Pacific Islander affairs is established and shall do the following:

1. Serve as the central permanent agency to advocate for Iowans of Asian and Pacific Islander heritage.

2. Coordinate and cooperate with the efforts of state departments and agencies to serve the needs of Iowans of Asian and Pacific Islander heritage in participating fully in the economic, social, and cultural life of the state, and provide direct assistance to individuals who request it.

3. Develop, coordinate, and assist other public or private organizations which serve Iowans of Asian and Pacific Islander heritage.

4. Serve as an information clearinghouse on programs and agencies operating to assist Iowans of Asian and Pacific Islander heritage.

2004 Acts, ch 1020, §6; 2010 Acts, ch 1031, §158, 170

[T] Section stricken and rewritten

216A.155 through 216A.160 Repealed by 2010 Acts, ch 1031, § 168, 170.

SUBCHAPTER 12

NATIVE AMERICAN AFFAIRS

216A.161 Definitions.

For purposes of this subchapter, unless the context otherwise requires:

1. “*Commission*” means the commission of Native American affairs.
2. “*Office*” means the office of Native American affairs of the department of human rights.
3. “*Tribal government*” means the governing body of a federally recognized Indian tribe.

2008 Acts, ch 1184, §39; 2010 Acts, ch 1031, §159 – 161, 170

[T] Subsection 1 stricken

[T] Subsections 2 and 3 amended and renumbered as 1 and 2

[T] Subsection 4 renumbered as 3

216A.162 Establishment — purpose.

1. A commission of Native American affairs is established consisting of eleven voting members appointed by the governor, subject to confirmation by the senate.

2. The purpose of the commission shall be to work in concert with Native American groups and Native Americans in this state to advance the interests of Native Americans in the areas of human rights, access to justice, economic equality, and the elimination of discrimination.

3. The members of the commission shall be as follows:

a. Seven public members appointed in compliance with sections 69.16 and 69.16A who shall be appointed with consideration given to the geographic residence of the member and the population density of Native Americans within the vicinity of the geographic residence of a member. Of the seven public members appointed, at least one shall be a Native American who is an enrolled tribal member living on a tribal settlement or reservation in Iowa and whose tribal government is located in Iowa.

b. Four members selected by and representing tribal governments.

c. All members of the commission shall be residents of Iowa.

4. Members of the commission shall appoint one of their members to serve as chairperson and may appoint such other officers as the commission deems necessary. The commission shall meet at least four times per year and shall hold special meetings on the call of the chairperson. The members of the commission shall be reimbursed for actual expenses while engaged in their official duties. A member may also be eligible to receive compensation as provided in section 7E.6. A majority of the members of the commission shall constitute a quorum. A quorum shall be required for the conduct of business of the commission, and the affirmative vote of a majority of the currently appointed members is necessary for any substantive action taken by the commission. A member shall not vote on any action if the member has a conflict of interest on the matter, and a statement by the member of a conflict of interest shall be conclusive for this purpose.

2008 Acts, ch 1184, §40; 2008 Acts, ch 1191, §52, 53; 2010 Acts, ch 1031, §162, 163, 170

[P] Confirmation, see §2.32

[T] Subsection 1 amended

[T] NEW subsection 4

216A.163 Term of office.

Five of the members appointed to the initial commission shall be designated by the governor to serve two-year terms, and six shall be designated by the governor to serve four-year terms. Succeeding appointments shall be for a term of four years. Vacancies in the membership shall be filled for the remainder of the term of the original appointment.

2008 Acts, ch 1184, §41

216A.164 Meetings of the commission. Repealed by 2010 Acts, ch 1031, § 168, 170.

216A.165 Duties.

The commission shall have all powers necessary to carry out the functions and duties specified in this subchapter and shall do all of the following:

1. Study the opportunities for and changing needs of Native American persons in this state.
 2. Serve as a liaison between the department and the public, sharing information and gathering constituency input.
 3. Recommend to the board for adoption rules pursuant to chapter 17A as it deems necessary for the commission and office.
 4. Recommend legislative and executive action to the governor and general assembly.
 5. Establish advisory committees, work groups, or other coalitions as appropriate.
- 2008 Acts, ch 1184, §43; 2008 Acts, ch 1191, §54; 2010 Acts, ch 1031, §164, 170
 [T] Subsections 1 – 9 stricken and rewritten as subsections 1 – 5

216A.166 Office of Native American affairs.

The office of Native American affairs is established and shall do the following:

1. Serve as the central permanent agency to advocate for Native Americans.
2. Coordinate and cooperate with the efforts of state departments and agencies to serve the needs of Native Americans in participating fully in the economic, social, and cultural life of the state, and provide direct assistance to individuals who request it.
3. Develop, coordinate, and assist other public or private organizations which serve Native Americans.
4. Serve as an information clearinghouse on programs and agencies operating to assist Native Americans.

2008 Acts, ch 1184, §44; 2008 Acts, ch 1191, §55; 2010 Acts, ch 1031, §165, 170

[T] Section stricken and rewritten

216A.167 Limitations on authority.

1. The commission and office shall not have the authority to do any of the following:
 - a. Implement or administer the duties of the state of Iowa under the federal Indian Gaming Regulatory Act, shall not have any authority to recommend, negotiate, administer, or enforce any agreement or compact entered into between the state of Iowa and Indian tribes located in the state pursuant to section 10A.104, and shall not have any authority relative to Indian gaming issues.
 - b. Administer the duties of the state under the federal National Historic Preservation Act, the federal Native American Graves Protection and Repatriation Act, and chapter 263B. The commission shall also not interfere with the advisory role of a separate Indian advisory council or committee established by the state archeologist by rule for the purpose of consultation on matters related to ancient human skeletal remains and associated artifacts.
2. This subchapter shall not diminish or inhibit the right of any tribal government to interact directly with the state or any of its departments or agencies for any purpose which a tribal government desires to conduct its business or affairs as a sovereign governmental entity.

2008 Acts, ch 1184, §45; 2010 Acts, ch 1031, §166, 167, 170

[T] Subsections 1 and 2 stricken and former subsections 3 and 4 renumbered as 1 and 2

[T] Subsection 1, unnumbered paragraph 1 amended

216A.168 through 216A.170 Repealed by 2010 Acts, ch 1031, § 168, 170.