

CHAPTER 216A

DEPARTMENT OF HEALTH AND HUMAN SERVICES — HUMAN RIGHTS

Referred to in §11.6, 256E.7, 256F.4, 261E.9

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SUBCHAPTER I

ADMINISTRATION

216A.1 Department of health and human services — human rights — purpose.

1. The department of health and human services shall be responsible for all of the following:

a. Community advocacy and services on behalf of underrepresented populations in the state.

b. Community action agencies.

c. Criminal and juvenile justice planning.

2. The purpose of the department under [this chapter](#) and as otherwise provided by law is to ensure basic rights, freedoms, and opportunities for all by empowering underrepresented Iowans and eliminating economic, social, and cultural barriers.

3. The department shall implement the comprehensive strategic plan approved by the board under [section 216A.3](#) and shall issue an annual report to the governor and the general assembly no later than November 1 of each year concerning the operations of the department relating to responsibilities for human rights.

[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; 2023 Acts, ch 19, §285; 2024 Acts, ch 1170, §445](#)

[Minority impact statements, see §2.56, 8.11](#)

[Subsection 1, paragraph a stricken and rewritten](#)

216A.2 Appointment of department director, deputy director, and administrators — duties. Repealed by 2023 Acts, ch 19, §1357.

216A.3 Human rights board.

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

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

a. The voting members 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 underrepresented populations in the state. All voting members shall reside in the state. 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 voting members of the board shall constitute a quorum, and the affirmative vote of two-thirds of the voting members present is necessary for any substantive action taken by the board. The board shall select a chairperson from the voting members of the board.

4. The board shall do all of the following:

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

b. Study the opportunities for and changing needs of the underrepresented populations or groups in the state.

c. Serve as a liaison between the department and the public, sharing information and gathering constituency input.

d. Recommend to the department the adoption of rules pursuant to [chapter 17A](#) as the board deems necessary.

e. Recommend legislative and executive action to the governor and general assembly to advance the interests of underrepresented populations or groups and to improve the status of low-income persons in the state.

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

g. Advance the interests of underrepresented populations or groups in the areas of human rights, access to justice, economic equality, and the elimination of discrimination.

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; 2013 Acts, ch 140, §18; 2019 Acts, ch 156, §1; 2023 Acts, ch 19, §286; 2024 Acts, ch 1170, §446

Referred to in §216A.1

Section amended

216A.4 Definitions.

For purposes of [this chapter](#), unless the context otherwise requires:

1. “*Asian or Pacific Islander*” means an individual from any of the countries of Asia or islands of the Pacific.

2. “*Board*” means the human rights board.

3. “*Department*” means the department of health and human services.

4. “*Director*” means the director of health and human services.

5. “*Tribal government*” means the governing body of a federally recognized Indian tribe.

6. “*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; 2023 Acts, ch 19, §287; 2024 Acts, ch 1170, §447

Section amended

216A.5 Repeal. 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 office 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](#)

[2011 Acts, ch 34, §48; 2023 Acts, ch 19, §288](#)

216A.7 Access to information.

Upon request of the director, or an office, a commission, or a council created under [this chapter](#), all boards, agencies, departments, and offices of the state shall make available nonconfidential information, records, data, and statistics which are relevant to the populations or groups served by the offices, councils, and commissions.

[2010 Acts, ch 1031, §105, 170; 2023 Acts, ch 19, §289](#)

216A.8 through 216A.10 Reserved.

SUBCHAPTER II

LATINO AFFAIRS

216A.11 Definitions. Repealed by 2024 Acts, ch 1170, §448.

216A.12 Commission of Latino affairs established. Repealed by 2024 Acts, ch 1170, §448.

For proposed amendment to section by [2024 Acts, ch 1004, §24](#), see Code editor's note on simple harmonization at the beginning of this Code volume

216A.13 Commission of Latino affairs — duties. Repealed by 2024 Acts, ch 1170, §448.

216A.14 Office of Latino affairs — duties. Repealed by 2024 Acts, ch 1170, §448.

216A.15 Duties. Repealed by 2024 Acts, ch 1170, §448.

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

216A.18 through 216A.50 Reserved.

SUBCHAPTER III

STATUS OF WOMEN

216A.51 Definitions. Repealed by 2024 Acts, ch 1170, §450.

216A.52 Office on the status of women. Repealed by 2024 Acts, ch 1170, §450.

216A.53 Commission on the status of women established. Repealed by 2024 Acts, ch 1170, §450.

216A.54 Commission powers and duties. Repealed by 2024 Acts, ch 1170, §450.

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

216A.61 through 216A.70 Reserved.

SUBCHAPTER IV
PERSONS WITH DISABILITIES

216A.71 Definitions. Repealed by 2024 Acts, ch 1170, §451.

216A.72 Office of persons with disabilities. Repealed by 2024 Acts, ch 1170, §451.

216A.73 Ex officio members. Repealed by 2010 Acts, ch 1031, §168, 170.

216A.74 Commission of persons with disabilities established. Repealed by 2024 Acts, ch 1170, §451.

216A.75 Commission powers and duties. Repealed by 2024 Acts, ch 1170, §451.

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

216A.80 through 216A.90 Reserved.

SUBCHAPTER V
COMMUNITY ACTION AGENCIES

216A.91 Definitions.

For purposes of [this subchapter](#), unless the context otherwise requires:

1. “*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.

2. “*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.

[86 Acts, ch 1245, §1240](#)

[C87, §601K.91](#)

[90 Acts, ch 1242, §1](#)

[C93, §216A.91](#)

[2023 Acts, ch 19, §295; 2024 Acts, ch 1170, §465](#)

Referred to in [§16.57B, 23A.2, 256I.8](#)

Section amended

216A.92 Community action agencies.

1. The department shall 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 department 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; 2023 Acts, ch 19, §296](#)

216A.92A Commission established. Repealed by 2024 Acts, ch 1170, §470.

For proposed amendment to section by [2024 Acts, ch 1004, §25](#), see Code editor's note on simple harmonization at the beginning of this Code volume

216A.92B Commission powers and duties. Repealed by 2024 Acts, ch 1170, §470.

216A.93 Establishment of community action agencies.

The department 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 department 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. The department shall supervise the collection of data regarding the scope of services provided by the community action agencies.

[86 Acts, ch 1245, §1242](#)

C87, §601K.93

C93, §216A.93

[2010 Acts, ch 1031, §126, 170; 2023 Acts, ch 19, §298; 2024 Acts, ch 1170, §466](#)

Referred to in [§423.3](#)

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](#)

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](#)

Referred to in [§216A.94](#)

216A.96 Duties of community action agency.

A community action 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; 2011 Acts, ch 34, §49](#)

216A.97 Administration.

A community action 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; 2011 Acts, ch 34, §50](#)

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, 11.14, and 11.19](#) and an audit format prescribed by the auditor of state. Copies of each audit shall be furnished to the department in a manner prescribed by the department.

[86 Acts, ch 1245, §1247](#)

C87, §601K.98

[89 Acts, ch 264, §9](#)

C93, §216A.98

[2010 Acts, ch 1031, §132, 170; 2011 Acts, ch 75, §36; 2023 Acts, ch 19, §299](#)

216A.99 Allocation of financial assistance.

1. The department 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.

2. 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

[2020 Acts, ch 1062, §94; 2023 Acts, ch 19, §300](#)

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 adopted by the department, 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; 2023 Acts, ch 19, §301](#)

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 department 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 department.
 - 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 department.
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](#); [2023 Acts, ch 19, §302, 303](#)

216A.105 and 216A.106 Reserved.

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

1. The council on health and human services 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 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 use disorder 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.

2. a. The department shall administer the family development and self-sufficiency grant program.

b. 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 department shall comply with all federal requirements for the block grant. The department 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.

c. The department shall ensure that expenditures of moneys appropriated to the department 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.

d. The department shall consider the recommendations of the council on health and human services in adopting rules pertaining to the grant program.

e. The department 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](#); [2023 Acts, ch 19, §304 – 306](#); [2024 Acts, ch 1170, §471](#)

Referred to in [§232.69, 239B.8](#)

Legislative appointments, see [§4A.13](#)

Section amended

216A.108 through 216A.110 Reserved.

SUBCHAPTER VI

DEAF SERVICES

216A.111 Definitions.

For purposes of [this subchapter](#), unless the context otherwise requires, “*commission*” means the commission of deaf services.

[86 Acts, ch 1245, §1250](#)

C87, §601K.111

C93, §216A.111

[2010 Acts, ch 1031, §136, 137, 170](#); [2023 Acts, ch 19, §307](#); [2024 Acts, ch 1170, §452](#)

Subsection 2 stricken and former subsection 1 editorially combined with former unnumbered paragraph 1 and redesignated as an unnumbered paragraph

216A.112 Office of deaf services. Repealed by [2024 Acts, ch 1170, §460](#).

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. Membership of the commission shall include at least four members who are deaf or hard of hearing, and three members who are representatives of telephone companies. The commission shall also include the director, or the director's designee, as a nonvoting member. All members shall reside in Iowa.

2. Voting members of the commission shall serve four-year staggered terms which shall begin and end pursuant to [section 69.19](#). Voting 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. 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. The voting members of the commission shall appoint a chairperson and vice chairperson and other officers as the commission deems necessary. 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 voting member shall not vote on any action if the voting member has a conflict of interest on the matter, and a statement by the voting 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](#); [2020 Acts, ch 1102, §9](#); [2024 Acts, ch 1170, §453](#)

Referred to in [§477C.2](#)

Section amended

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 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.

6. Advise the utilities commission on the planning, establishment, administration, and promotion of a statewide program to provide dual party relay service and to secure, finance, and distribute telecommunications devices for the deaf and hard of hearing pursuant to [chapter 477C](#).

[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](#); [2024 Acts, ch 1170, §369, 454](#)

Code editor directive applied

Section amended

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

216A.118 through 216A.120 Reserved.

SUBCHAPTER VII

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

216A.122 through 216A.130 Reserved.

SUBCHAPTER VIII

CRIMINAL AND JUVENILE JUSTICE PLANNING

216A.131 Definitions.

For the purpose of [this subchapter](#), unless the context otherwise requires, “*department*” means the department of health and human services.

[88 Acts, ch 1277, §14](#)

[C89, §601K.131](#)

[90 Acts, ch 1124, §1](#)

[C93, §216A.131](#)

[2010 Acts, ch 1193, §151; 2019 Acts, ch 156, §2; 2023 Acts, ch 19, §308; 2024 Acts, ch 1170, §439](#)

Section amended

216A.131A Criminal and juvenile justice planning.

The department shall fulfill the responsibilities of [this subchapter](#), including the duties specified in [sections 216A.135, 216A.136, 216A.137, 216A.138, and 216A.140.](#)

[2010 Acts, ch 1031, §141, 170; 2019 Acts, ch 156, §3; 2023 Acts, ch 19, §309](#)

216A.132 Board established — terms — compensation. Repealed by 2024 Acts, ch 1170, §443.

For proposed amendment to section by [2024 Acts, ch 1004, §26](#), see Code editor’s note on simple harmonization at the beginning of this Code volume

216A.133 Department duties.

1. The department shall do all of the following:
 - a. Develop short-term and long-term goals to improve the criminal and juvenile justice systems.
 - b. Identify and analyze justice system issues, including the impact of present criminal and juvenile justice policy, and make recommendations for policy change.
 - c. Develop and assist others in implementing recommendations and plans for justice system improvement.
 - d. Provide the general assembly with an analysis of current and proposed criminal code provisions.
 - e. Provide for a clearinghouse of justice system information to coordinate with data resource agencies and assist others in the use of justice system data.
 - f. 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.
 - g. Report criminal justice system needs to the governor, the general assembly, and other decision makers to improve the criminal justice system.
 - h. Report juvenile justice system needs to the governor, the general assembly, and other decision makers to address issues specifically affecting the juvenile justice system, including

evidence-based programs for group foster care placements and the state training school, diversion, and community-based services for juvenile offenders.

- i. Provide technical assistance upon request to state and local agencies.
- j. 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.
- k. Make grants to cities, counties, and other entities pursuant to applicable law.
- l. Maintain an Iowa correctional policy project as provided in [section 216A.137](#).
- m. Provide input and make recommendations to the director including in the development of a budget for the department.
- n. Share information and gather constituency input.
- o. Recommend legislative and executive action to the governor and general assembly.
- p. Establish advisory committees, work groups, or other coalitions as appropriate.
- q. Provide the general assembly with an analysis and recommendations of current criminal code provisions and proposed legislation which include but are not limited to 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 the efficient use of correctional staff, and compliance with correctional standards set by the federal government and other jurisdictions.
 - (8) Best practices related to the state mortality review committee established in [section 135.43](#).
- r. Study and make recommendations for treating and supervising adult and juvenile sex offenders in institutions, community-based programs, and in the community, in areas which include but are not limited to all of the following:
 - (1) The effectiveness of electronically monitoring sex offenders.
 - (2) The cost and effectiveness of special sentences pursuant to [chapter 903B](#).
 - (3) Risk assessment models created for sex offenders.
 - (4) Determining the best treatment programs available for sex offenders and the efforts of Iowa and other states to implement treatment programs.
 - (5) The efforts of Iowa and other states to prevent sex abuse-related crimes including child sex abuse.
 - (6) Any other related issues the board 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.
- s. Provide 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.
- t. Review data supplied by the department, 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.

2. The department shall submit reports, in accordance with [section 216A.135](#), to the governor and general assembly regarding actions taken, issues studied, and council recommendations.

[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; 2019 Acts, ch 89, §9; 2019 Acts, ch 156, §5; 2023 Acts, ch 19, §312, 313; 2024 Acts, ch 1170, §440

Section amended

216A.133A Public safety advisory board — duties. Repealed by 2019 Acts, ch 156, §8.

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

216A.135 Plan and report.

1. The department shall submit a three-year criminal and juvenile justice plan for the state, beginning December 1, 2020, and every three years thereafter, by December 1. The three-year plan shall be updated annually. Each three-year plan and annual updates of the three-year plan shall be submitted to the governor and the general assembly by December 1.

2. The three-year plan and annual updates shall include but are not limited to the following:

- a. Short-term and long-term goals for the criminal and juvenile justice systems.
- b. The identification of issues and studies on the effective treatment and supervision of adult and juvenile sex offenders in institutions, community-based programs, and the community.
- c. Analysis of and recommendations regarding current criminal code provisions.
- d. The effectiveness and efficiencies of current criminal and juvenile justice policies, practices, and services.
- e. Collection of criminal and juvenile justice data.
- f. Recommendations to improve the criminal and juvenile justice systems.

88 Acts, ch 1277, §18

C89, §601K.135

92 Acts, ch 1231, §48

C93, §216A.135

2010 Acts, ch 1193, §156; 2019 Acts, ch 156, §6; 2020 Acts, ch 1063, §75; 2024 Acts, ch 1170, §441

Referred to in §216A.131A, 216A.133, 216A.137

Subsection 1 amended

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

The department 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 department 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, 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 department under [this section](#) and the department 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 department 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 232.151](#).
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 904](#).
 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; 2020 Acts, ch 1063, §76; 2023 Acts, ch 19, §314; 2024 Acts, ch 1182, §49](#)
 Referred to in [§216A.131A, 232.147, 232.149, 232.149A](#)
 Subsection 8 amended

216A.137 Correctional policy project.

1. The department 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 department shall identify and prioritize the issues and studies to be addressed 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 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, and a study of the desirability and feasibility of changing the state's sentencing practices, which includes a prison population forecast.

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

[90 Acts, ch 1124, §5](#)

[C91, §601K.137](#)

[C93, §216A.137](#)

[2019 Acts, ch 156, §7; 2023 Acts, ch 19, §315; 2024 Acts, ch 1170, §442](#)

Referred to in [§216A.131A, 216A.133](#)

Subsection 1 amended

216A.138 Multiagency database concerning juveniles.

1. The department shall coordinate the development of a multiagency database to track the progress of juveniles through various state and local agencies and programs. The department 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 corrections, judicial branch, department of public safety, department of education, local school districts, and other state agencies and political subdivisions shall cooperate with the department 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 department 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 department has insufficient funds and resources to implement [this section](#), the department 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; 2023 Acts, ch 19, §316

Referred to in §216A.131A

216A.139 Sex offender research council. Repealed by 2019 Acts, ch 156, §8.

216A.140 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](#).

2. *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; to advocate for youth on important issues affecting youth; and to improve the lives and futures of Iowa’s 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 director or the director’s designee shall select council members using an application process. The 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 director or the director’s designee.

d. The youth advisory council shall do all of the following:

(1) Adopt and apply positive youth development principles and practices at the state and local levels.

(2) Increase the quality, efficiency, and effectiveness of opportunities and services and other supports for youth.

(3) Improve, coordinate, and prioritize state youth policy and programs across state agencies.

(4) Align all policies around the vision that all Iowa youth will be safe, healthy, successful, and prepared for adulthood.

(5) Review indicator data, identify barriers to youth success, and develop strategies to address the barriers.

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

(7) Report annually by February 1 to the governor and the general assembly.

3. *Lead agency.* The lead agency for support of 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 advisory council.

2009 Acts, ch 53, §1; 2009 Acts, ch 179, §35; 2010 Acts, ch 1031, §295; 2023 Acts, ch 19, §317, 318; 2024 Acts, ch 1170, §444

Referred to in §216A.131A
Section amended

SUBCHAPTER IX

STATUS OF AFRICAN AMERICANS

216A.141 Definitions. Repealed by 2024 Acts, ch 1170, §461.

216A.142 Commission on the status of African Americans established. Repealed by 2024 Acts, ch 1170, §461.

216A.143 Commission powers and duties. Repealed by 2024 Acts, ch 1170, §461.

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

216A.146 Office on the status of African Americans. Repealed by 2024 Acts, ch 1170, §461.

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

216A.150 Reserved.

SUBCHAPTER X

ASIAN AND PACIFIC ISLANDER AFFAIRS

216A.151 Definitions. Repealed by 2024 Acts, ch 1170, §462.

216A.152 Commission of Asian and Pacific Islander affairs established. Repealed by 2024 Acts, ch 1170, §462.

216A.153 Commission powers and duties. Repealed by 2024 Acts, ch 1170, §462.

216A.154 Office of Asian and Pacific Islander affairs. Repealed by 2024 Acts, ch 1170, §462.

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

SUBCHAPTER XI

NATIVE AMERICAN AFFAIRS

216A.161 Definitions. Repealed by 2024 Acts, ch 1170, §464.

216A.162 Establishment — purpose. Repealed by 2024 Acts, ch 1170, §464.

For proposed amendment to section by 2024 Acts, ch 1004, §27, see Code editor's note on simple harmonization at the beginning of this Code volume

216A.163 Term of office. Repealed by 2024 Acts, ch 1170, §464.

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

216A.165 Duties. Repealed by 2024 Acts, ch 1170, §464.

216A.166 Office of Native American affairs. Repealed by 2024 Acts, ch 1170, §464.

216A.167 Limitations on authority.

1. The board and department 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 board 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; 2024 Acts, ch 1170, §463](#)

Section amended

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