

HUMAN RIGHTS DEPARTMENT[421]

Adopted and Filed

Rulemaking related to agency reorganization

The Department of Health and Human Services (Department) hereby amends Chapter 1, “Organization and Operations,” and rescinds Chapter 2, “Public Records and Fair Information Practices,” Chapter 3, “Petitions for Rule Making,” Chapter 4, “Agency Procedure for Rule Making,” Chapter 5, “Declaratory Orders,” Chapter 6, “Contested Cases,” and Chapter 7, “Waiver Rules,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 217.6 and 2023 Iowa Acts, Senate File 514.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 2023 Iowa Acts, Senate File 514.

Purpose and Summary

The purpose of this rulemaking is to update language in legacy agency chapters to reflect the agency changes made in 2023 Iowa Acts, Senate File 514, as part of the state government reorganization. This rulemaking updates language in the Human Rights Department chapters to reflect the changes in the legislation and rescinds a number of rules and chapters that are duplicative of uniform rules of agency procedure previously adopted by the legacy agencies. The Department’s uniform rules on agency procedure will be contained under agency ID number [441]. This rulemaking rescinds and reserves chapters to reduce confusion among the public and regulated community regarding uniform rules for the Department.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on August 23, 2023, as **ARC 7063C**. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Health and Human Services Council on November 9, 2023.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 6.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on April 10, 2024.

The following rulemaking action is adopted:

ITEM 1. Rescind and reserve rule **421—1.2(17A,216A)**.

ITEM 2. Rescind and reserve rule **421—1.3(17A,216A)**.

ITEM 3. Amend rule 421—1.4(17A,216A) as follows:

421—1.4(17A,216A) Mission. ~~The mission of the department~~ department's mission related to human rights is to ensure basic rights, freedoms, and opportunities for all by empowering underrepresented Iowans and eliminating economic, social, and cultural barriers. The department helps individuals attain economic independence by ensuring access to government services and advancing educational achievement and entrepreneurial success consistent with their aspirations.

ITEM 4. Amend rule 421—1.5(17A,216A) as follows:

421—1.5(17A,216A) Organization Contact information.

~~1.5(1) Contact information.~~ Requests for assistance, information, inquiries, submissions, petitions, and other communications related to human rights may be directed to the department as follows: The office is located at 321 E. 12th Street, Des Moines, Iowa 50319. The main telephone number is (515)242-5655. The fax number is (515)242-6119. Regular office hours are Monday through Friday, 8 a.m.to 4:30 p.m., excluding legal holidays. The department's website is humanrights.iowa.gov hhs.iowa.gov.

~~1.5(2) Director.~~ The duties and responsibilities of the director are described in Iowa Code section 216A.2. The director is appointed by the governor, subject to confirmation by the senate. The director serves at the pleasure of the governor. 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, managing the internal operations of the department, appointing the deputy director and administrators of the divisions, and employing personnel. The director serves as an ex officio member of all of the commissions or councils within the department, as well as an ex officio, nonvoting member of the human rights board.

~~1.5(3) Central administration.~~ The central administration office is responsible for the overall planning, policy, management, communications, finances, and operations of the department.

~~1.5(4) Divisions.~~ The department is composed of the following divisions and offices:

~~a. Division of community action agencies.~~ A description of the division is contained in 421—Chapter 20.

~~b. Division of criminal and juvenile justice planning.~~ A description of the division is contained in 421—Chapter 30.

~~c. Division of community advocacy and services.~~ The division of community advocacy and services contains the following offices: the office of Latino affairs, the office on the status of women, the office of persons with disabilities, the office of deaf services, the office on the status of African Americans, the office of Asian and Pacific Islander affairs, and the office of Native American affairs. A description of the division is contained in 421—Chapter 40.

ITEM 5. Amend rule 421—1.6(216A) as follows:

421—1.6(216A) Human rights board. The authority, and duties and composition of the human rights board are specified in Iowa Code section 216A.3. ~~The department shall provide staff support to the board.~~

~~1.6(1) The board shall consist of 16 members, including 11 voting members and 5 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 subrule, “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, justice advisory board, commission on the status of African Americans, commission of Asian and Pacific Islander affairs, and commission of Native American affairs. The term for voting members is four years. The board shall select a chairperson from the voting members of the board.~~

~~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. The regular term of an appointment made by a member of the general assembly shall be two years pursuant to Iowa Code section 69.16B.~~

~~1.6(2) 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.~~

~~1.6(3) The board shall meet not less than four times a year. Meetings shall comply with the open meetings law, Iowa Code chapter 21. Agendas and approved minutes will be posted on the department’s website.~~

~~1.6(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 director for the operation of the department, subject to the budget requirements pursuant to Iowa Code chapter 8.~~

~~c.—Adopt administrative rules pursuant to Iowa Code chapter 17A, upon the recommendation of the 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.~~

ITEM 6. Rescind and reserve **421—Chapter 2.**

ITEM 7. Rescind and reserve **421—Chapter 3.**

ITEM 8. Rescind and reserve **421—Chapter 4.**

ITEM 9. Rescind and reserve **421—Chapter 5.**

ITEM 10. Rescind and reserve **421—Chapter 6.**

ITEM 11. Rescind and reserve **421—Chapter 7.**

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 3/6/24.