

CHAPTER 1166

LOCAL CIVIL RIGHTS AGENCIES AND COMMISSIONS

H.F. 2154

AN ACT relating to civil rights by requiring certain cities to maintain a local civil rights agency or commission and provide adequate funding for the agency or commission, and providing for the continuation in effect of certain local civil rights laws, and providing for the applicability of the Act.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 601A.19, Code 1989, is amended to read as follows:

601A.19 LOCAL LAWS MAY IMPLEMENT IMPLEMENTING THIS CHAPTER.

Nothing contained in any provision of this chapter shall be construed as indicating an intent on the part of the general assembly to occupy the field in which this chapter operates to the exclusion of local laws not inconsistent with this chapter that deal with the same subject matter.

Nothing in this chapter shall be construed as indicating an intent to prohibit an agency or commission of local government having as its purpose the investigation and resolution of violations of this chapter from developing procedures and remedies necessary to insure the protection of rights secured by the Iowa civil rights Act this chapter. All cities shall, to the extent possible, protect the rights of the citizens of this state secured by the Iowa civil rights Act. Nothing in this chapter shall be construed as limiting a city or local government from enacting any ordinance or other law which prohibits broader or different categories of unfair or discriminatory practices.

PARAGRAPH DIVIDED. An agency or commission of local government and the Iowa civil rights commission shall co-operate in the sharing of data and research, and co-ordinating investigations and conciliations in order to expedite claims of unlawful discrimination and eliminate needless duplication. A city with a population of twenty-nine thousand, or greater, shall maintain an independent local civil rights agency or commission consistent with commission rules adopted pursuant to chapter 17A. An agency or commission for which a staff is provided shall have control over such staff. A city required to maintain a local civil rights agency or commission shall structure and adequately fund the agency or commission in order to effect cooperative undertakings with the Iowa civil rights commission and to aid in effectuating the purposes of this chapter. The Iowa civil rights commission may enter into cooperative agreements with any local agency or commission to effectuate the purposes of this chapter. Such agreements may include technical and clerical assistance and reimbursement of expenses incurred by the local agency or commission in the performance of the agency's or commission's duties if funds for this purpose are appropriated by the general assembly.

The Iowa civil rights commission may designate an unfunded local agency of local government or commission as a referral agency. A local agency or commission shall not be designated a referral agency unless the ordinance creating it provides the same rights and remedies as are provided in this chapter. The Iowa civil rights commission shall establish by rules the procedures for designating a referral agency and the qualifications to be met by a referral agency.

A complainant who files a complaint with a referral agency having jurisdiction shall be prohibited from filing a complaint with the Iowa civil rights commission alleging violations based upon the same acts or practices cited in the original complaint; and a complainant who files a complaint with the commission shall be prohibited from filing a complaint with the referral agency alleging violations based upon the same acts or practices cited in the original complaint. However, the Iowa civil rights commission in its discretion may refer a complaint filed with the commission to a referral agency having jurisdiction over the parties for investigation and resolution; and a referral agency in its discretion may refer a complaint filed with that agency to the commission for investigation and resolution. The commission may promulgate

adopt rules establishing the procedures for referral of complaints. A referral agency may refuse to accept a case referred to it by the Iowa civil rights commission if the referral agency is unable to effect proper administration of the complaint. It shall be the burden of the referral agency to demonstrate that it is unable to properly administer that complaint.

A final decision by a referral agency shall be subject to judicial review as provided in section 601A.17 in the same manner and to the same extent as a final decision of the Iowa civil rights commission.

The referral of a complaint by the Iowa civil rights commission to a referral agency or by a referral agency to the Iowa civil rights commission shall not affect the right of a complainant to commence an action in the district court under section 601A.16.

Sec. 2.

This Act applies only to an agency or commission of local government in existence on the effective date of this Act.

This Act is repealed as of July 1, 1991. The Code editor shall editorially amend section 601A.19 in this Act to reflect this repeal by restoring the language in the section to the language in the section as it appears in the Code of Iowa 1989.

Approved April 16, 1990

CHAPTER 1167

AQUATIC APPLICATIONS OF PESTICIDES

H.F. 2170

AN ACT relating to the prohibition of the use of certain pesticides, and making a penalty applicable.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 455B.186, Code 1989, is amended to read as follows:

455B.186 **PROHIBITED DISCHARGES ACTIONS.**

1. A pollutant shall not be disposed of by dumping, depositing, or discharging such pollutant into any water of the state, except that this section shall not be construed to prohibit the discharge of adequately treated sewage, industrial waste, or other waste pursuant to a permit issued by the director. A pollutant whether treated or untreated shall not be discharged into any state-owned natural or artificial lake.

2. A pesticide shall not be applied to any water of this state which has been classified by the department as a class "A" or class "C", high quality, or high quality resource water, except that this section shall not be construed to prohibit the application of such a pesticide by a certified applicator who is trained in aquatic applications and who has received a permit from the department.

Approved April 16, 1990