

commuted to a term of years at any time. Upon receipt of a request for commutation, the governor shall send a copy of the request to the Iowa board of parole for investigation and recommendations as to whether the person should be considered for commutation. The board shall conduct an interview of the class "A" felon and shall make a report of its findings and recommendations to the governor.

Sec. 2. Section 914.2, Code 1995, is amended to read as follows:

914.2 RIGHT OF APPLICATION.

A Except as otherwise provided in section 902.2, a person convicted of a criminal offense has the right to make application to the board of parole for recommendation or to the governor for a reprieve, pardon, commutation of sentence, remission of fines or forfeitures, or restoration of rights of citizenship at any time following the conviction.

Sec. 3. Section 914.3, subsection 1, Code 1995, is amended to read as follows:

1. The Except as otherwise provided in section 902.2, the board of parole shall periodically review all applications by persons convicted of criminal offenses and shall recommend to the governor the reprieve, pardon, commutation of sentence, remission of fines or forfeitures, or restoration of the rights of citizenship for persons who have by their conduct given satisfactory evidence that they will become or continue to be law-abiding citizens.

Approved May 1, 1995

CHAPTER 129

CIVIL RIGHTS

S.F. 457

AN ACT relating to the civil rights commission concerning the enforcement of civil rights laws.

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

Section 1. Section 22.7, subsection 32, Code 1995, is amended to read as follows:

32. Memoranda, work products, and case files of a mediator and all other confidential communications in the possession of a mediator, as provided in ~~chapter~~ chapters 86 and 216. Information in these confidential communications is subject to disclosure only as provided in ~~section~~ sections 86.44 and 216.15B, notwithstanding any other contrary provision of this chapter.

Sec. 2. Section 216.2, subsection 3, Code 1995, is amended to read as follows:

3. "Court" means the district court in and for ~~the~~ any judicial district of the state of Iowa ~~in which the alleged unfair or discriminatory practice occurred~~ or any judge of ~~said~~ the court if the court is not in session at that time.

Sec. 3. Section 216.5, subsection 2, Code 1995, is amended to read as follows:

2. To receive, investigate, mediate, and finally determine the merits of complaints alleging unfair or discriminatory practices.

Sec. 4. Section 216.5, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 15. To utilize volunteers to aid in the conduct of the commission's business including case processing functions such as intake, screening, investigation, and mediation.

Sec. 5. Section 216.12, subsection 4, unnumbered paragraph 1, Code 1995, is amended to read as follows:

~~Dwellings~~ Discrimination on the basis of familial status involving dwellings provided under any state or federal program specifically designed and operated to assist elderly persons, as defined in the state or federal program that the commission determines to be consistent with determinations made by the United States secretary of housing and urban development, and housing for older persons. As used in this subsection, "housing for older persons" means housing communities consisting of dwellings intended for either of the following:

Sec. 6. Section 216.12, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 6. Discrimination on the basis of sex involving the rental, leasing, or subleasing of a dwelling within which residents of both sexes would be forced to share a living area.

Sec. 7. Section 216.12, unnumbered paragraph 2, Code 1995, is amended to read as follows:

The exceptions to the requirements of sections 216.8 and 216.8A provided for dwellings specified in ~~subsection~~ subsections 2, 3, and 5 do not apply to advertising related to those dwellings.

Sec. 8. Section 216.15, subsection 1, Code 1995, is amended to read as follows:

1. Any person claiming to be aggrieved by a discriminatory or unfair practice may, in person or by an attorney, make, sign, and file with the commission a verified, written complaint ~~in triplicate~~ which shall state the name and address of the person, employer, employment agency, or labor organization alleged to have committed the discriminatory or unfair practice of which complained, shall set forth the particulars thereof, and shall contain such other information as may be required by the commission. The commission, a commissioner, or the attorney general may in like manner make, sign, and file such complaint.

Sec. 9. Section 216.15, subsection 4, Code 1995, is amended to read as follows:

4. The members of the commission and its staff shall not disclose the filing of a complaint, the information gathered during the investigation, or the endeavors to eliminate such discriminatory or unfair practice by mediation, conference, conciliation, and persuasion, unless such disclosure is made in connection with the conduct of such investigation.

Sec. 10. Section 216.15, subsection 9, Code 1995, is amended to read as follows:

9. The terms of a conciliation or mediation agreement reached with the respondent may require the respondent to refrain in the future from committing discriminatory or unfair practices of the type stated in the agreement, to take remedial action as in the judgment of the commission will carry out the purposes of this chapter, and to consent to the entry in an appropriate district court of a consent decree embodying the terms of the conciliation or mediation agreement. Violation of such a consent decree may be punished as contempt by the court in which it is filed, upon a showing by the commission of the violation at any time within six months of its occurrence. ~~In all cases where a conciliation agreement is entered into, the commission shall issue an order stating its terms and furnish a copy of the order to the complainant, the respondent, and such other persons as the commission deems proper.~~ At any time in its discretion, the commission may investigate whether the terms of the agreement are being complied with by the respondent.

Upon a finding that the terms of the conciliation or mediation agreement are not being complied with by the respondent, the commission shall take appropriate action to assure compliance.

Sec. 11. Section 216.15, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 13. The commission or a party to a complaint may request mediation of the complaint at any time during the commission's processing of the complaint. If the complainant and respondent participate in mediation, any mediation agreement may be enforced pursuant to this section. Mediation may be discontinued at the request of any party or the commission.

Sec. 12. NEW SECTION. 216.15B MEDIATION – CONFIDENTIALITY.

1. For the purposes of this section, "mediator" shall be the person designated in writing by the commission to conduct mediation of a complaint filed under this chapter. The written designation must specifically refer to this section.

2. All verbal or written information relating to the subject matter of a mediation agreement and transmitted between either the complainant or the respondent and a mediator to resolve a complaint filed under this chapter, whether reflected in notes, memoranda, or other work products, is a confidential communication except as otherwise expressly provided in this chapter. Mediators involved in a mediation under this section shall not be examined in any judicial or administrative proceeding regarding the confidential communications and are not subject to judicial or administrative process requiring the disclosure of the confidential communications. If a written confidential communication is kept by the mediator it must be kept in a mediation file which is maintained separately from the case file. The confidential communications may not be included in the commission's case file unless the person providing the information consents to its inclusion in the case file. The mediation file is not part of the file made available to the parties upon the commission's receipt of a right to sue letter. Information maintained in the mediation file and not included in the case file shall not be considered when making a recommendation or decision regarding screening, probable cause, or any issue in a contested case.

3. A mediator who has reason to believe that a complainant or respondent has given perjured evidence concerning a confidential communication is not barred by this section from disclosing the basis for this belief to any party to a cause in which the alleged perjury occurs or to the appropriate authorities, including testifying concerning the relevant confidential communications. If a dispute regarding the existence of a mediation agreement exists, the terms of the mediation agreement, or the conduct of the mediation process itself, the mediator may be examined regarding relevant confidential communications.

Sec. 13. Section 216.16A, subsection 2, paragraphs c, d, and e, Code 1995, are amended to read as follows:

c. An aggrieved person may file an action under this ~~section~~ subsection whether or not a discriminatory housing or real estate complaint has been filed under section ~~216.15A~~ 216.15, and without regard to the status of any discriminatory housing or real estate complaint filed under that section.

d. If the commission has obtained a mediation agreement with the consent of an aggrieved person, the aggrieved person shall not file an action under this ~~section~~ subsection with respect to the alleged discriminatory practice that forms the basis for the complaint except to enforce the terms of the agreement.

e. An aggrieved person shall not file an action under this ~~section~~ subsection with respect to an alleged discriminatory housing or real estate practice that forms the basis of a charge issued by the commission if the commission has begun a hearing on the record under this chapter with respect to the charge.

Sec. 14. Section 216.16A, subsection 2, Code 1995, is amended by adding the following new paragraph:

NEW PARAGRAPH. f. In an action filed in district court under this subsection, the court may, upon a finding of discrimination, order any of the remedies provided for in section 216.17A, subsection 6.

Sec. 15. Section 216.17A, subsection 6, unnumbered paragraph 1, Code 1995, is amended to read as follows:

In an action under ~~this section~~ subsection 1 and section 216.16A, subsection 2, if the district court finds that a discriminatory housing or real estate practice has occurred or is about to occur, the district court may award or issue to the plaintiff one or more of the following:

Sec. 16. Section 216.17A, subsection 8, paragraph a, Code 1995, is amended to read as follows:

a. On the request of the commission, the attorney general may intervene in an action under ~~this section~~ 216.16A, subsection 2, if the commission certifies that the case is of general public importance.

Sec. 17. Section 216.17A, subsection 9, paragraph b, unnumbered paragraph 1, Code 1995, is amended to read as follows:

In an action under ~~this section~~ subsection and subsection 8, the district court may do any of the following:

Approved May 1, 1995

CHAPTER 130

SCHOOL FINANCE - REGULAR PROGRAM DISTRICT COST GUARANTEE

S.F. 83

AN ACT extending for an additional budget year the regular program district cost guarantee for school districts and increasing the amount of that guarantee and providing an effective date.

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

Section 1. Section 257.1, subsection 2, Code 1995, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. For the budget year commencing July 1, 1995, the department of management shall add the amount of the additional budget adjustment computed in section 257.14, subsection 2, to the combined foundation base.

Sec. 2. Section 257.14, unnumbered paragraph 1, Code 1995, is amended to read as follows:

1. For the budget years commencing July 1, 1991, July 1, 1992, July 1, 1993, July 1, 1994, ~~and~~ July 1, 1995, ~~and~~ July 1, 1996, if the department of management determines that the regular program district cost of a school district for a budget year is less than the total of the regular program district cost plus any adjustment added under this section for the base year for that school district, the department of management shall provide a budget adjustment for that district for that budget year that is equal to the difference.

2. For the budget year beginning July 1, 1995, if the department of management determines that the regular program district cost plus the budget adjustment computed under subsection 1 of a school district is less than one hundred one percent of the total of the regular program district cost plus any adjustment added under this section for the base year for that school district, the department of management shall provide an additional budget adjustment for that budget year that is equal to the difference.

Sec. 3. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 1, 1995