

Judiciary 2/12

Reprint 4/4/85

Do Pass 2/21/85 (p. 937)

FILED FEB 11 1985

SENATE FILE

224

BY CORNING, HOLDEN, SCHWENGELS,
READINGER, HOLT and TAYLOR

Passed Senate, Date 4-8-85 (p. 1245) Passed House, Date 4-16-85 (P. 1612)
Vote: Ayes 41 Nays 0 Vote: Ayes 96 Nays 0
Approved May 9, 1985

A BILL FOR

1 An Act relating to discrimination on the basis of gender
2 and marital status.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 224

1 Section 1. Section 31.4, Code 1985, is amended to read as
2 follows:

3 31.4 MOTHER'S DAY -- FATHER'S DAY.

4 The governor of this state is hereby authorized and
5 requested to issue annually a proclamation calling upon our
6 state officials to display the American flag on all state and
7 school buildings, and the people of the state to display the
8 flag at their homes, lodges, churches, and places of business,
9 on the second Sunday in May, known as Mother's Day, and on the
10 third Sunday in June, known as Father's Day, as a public
11 expression of reverence for the homes of our state, and to
12 urge the celebration of Mother's Day and Father's Day in said
13 the proclamation in such a way as will deepen home ties, and
14 inspire better homes and closer union between the
15 commonwealth, its homes, and their children.

16 Sec. 2. Section 96.5, subsection 1, paragraph f, Code
17 1985, is amended to read as follows:

18 f. ~~The individual is the principal support of the~~
19 ~~individual's family, or is a surviving spouse, a legally~~
20 ~~separated spouse, or a single person, and the individual~~ left
21 the employing unit for not to exceed ten working days, or such
22 additional time as may be allowed by the individual's
23 employer, for compelling personal reasons (if so found by the
24 department), and prior to such leaving had informed the
25 individual's employer of such compelling personal reasons, and
26 immediately after such compelling personal reasons ceased to
27 exist the individual returned to the individual's employer and
28 offered the individual's services and the individual's regular
29 or comparable work was not available, provided the individual
30 is otherwise eligible; except that during the time the
31 individual is away from the individual's work because of the
32 continuance of such compelling personal reasons, the
33 individual shall not be eligible for benefits.

34 Sec. 3. Section 222.38, Code 1985, is amended to read as
35 follows:

S. P. Sullivan

1 222.38 DELIVERY OF PERSON TO SCHOOL OR SPECIAL UNIT.

2 The court may for the purpose of committing said a person
3 direct the clerk to authorize the employment of one or more
4 assistants. ~~No~~ If a mentally retarded female-shall-be person
5 is taken to an institution, hospital-school, or special unit
6 by-any-male-person-not-the-female's-husband,-father,-brother,
7 or-sen-without-the-attendance-of-a-woman-of-good-character-and
8 mature-age at least one attendant shall be of the same sex.

9 Sec. 4. Section 225.18, Code 1985, is amended to read as
10 follows:

11 225.18 ATTENDANTS.

12 The court or clerk may~~-in-the-court's-or-clerk's~~
13 ~~discretion,~~ appoint ~~some~~ a person to accompany the committed
14 public patient or the voluntary public patient or the
15 committed private patient from the place where the patient may
16 be to the state psychiatric hospital of the state ~~University~~
17 university at Iowa City, or to accompany ~~such~~ the patient from
18 the ~~said~~ hospital to ~~such~~ a place as may be designated by the
19 court or clerk. ~~If the~~ a patient be-a-female,-the-person
20 appointed-to-accompany-her-must-be-a-woman is moved pursuant
21 to this section, at least one attendant shall be of the same
22 sex.

23 Sec. 5. Section 234.9, Code 1985, is amended to read as
24 follows:

25 234.9 COUNTY BOARD OF SOCIAL WELFARE.

26 The board of supervisors of each county shall appoint a
27 county board of social welfare, which shall consist of three
28 members in counties of less than thirty-three thousand
29 population, not more than two of whom shall belong to the same
30 political party, and ~~at-least-one-of-whom-shall-be-a-woman,~~
31 and-which both sexes shall be represented. The county board
32 shall consist of five members in counties of more than thirty-
33 three thousand population, not more than three of whom shall
34 belong to the same political party, and ~~at-least-one-of-whom~~
35 shall-be-a-woman both sexes shall be represented. At the

1 discretion of the board of supervisors one or more of said the
2 members may be chosen from the membership of said the board of
3 supervisors. Annually the board of supervisors shall appoint
4 the members of the county board who shall serve for one year
5 and until their successors are appointed. If a vacancy shall
6 occur occurs in the membership of the county board, other than
7 by the expiration of a term, a member shall be appointed to
8 fill such the vacancy for the unexpired term. All

9 appointments, ~~made-as-herein-provided~~, shall be made a part of
10 the regular proceedings of the board of supervisors and shall
11 be filed with the county auditor and with the state director.

12 Sec. 6. Section 238.44, Code 1985, is repealed.

13 Sec. 7. Section 258.7, subsection 17, Code 1985, is
14 amended to read as follows:

15 ~~17. Are-women-with~~ Have backgrounds and experiences in
16 employment and training programs, and who are knowledgeable
17 with respect to the special experiences and problems of sex
18 discrimination in job training and employment and of sex
19 stereotyping in vocational education, including women persons
20 who are members of minority groups and members of both sexes
21 and who have, in addition to such backgrounds and experiences,
22 special knowledge of the problems of discrimination in job
23 training and employment ~~against-women-who-are-members-of-such~~
24 groups.

25 Sec. 8. Section 595.19, unnumbered paragraph 1 and
26 subsections 1 and 2, Code 1985, are amended to read as
27 follows:

28 Marriages between the following persons ~~shall-be~~ who are
29 related by blood are void:

30 1. Between a man and his father's sister, mother's sister,
31 ~~father's-widow, wife's-mother,~~ daughter, ~~wife's-daughter,~~
32 ~~son's-widow,~~ sister, son's daughter, daughter's daughter,
33 ~~son's-son's-widow, daughter's-son's-widow,~~ brother's daughter
34 or sister's daughter.

35 2. Between a woman and her father's brother, mother's

1 brother, mother's-husband, husband's-father, son, husband's
2 son, daughter's-husband, brother, son's son, daughter's son,
3 son's-daughter's-husband, daughter's-daughter's-husband,
4 brother's son, or sister's son.

5 Sec. 9. Section 598.14, unnumbered paragraph 1, Code 1985,
6 is amended to read as follows:

7 In making temporary orders, the court shall take into
8 consideration the age and sex of the applicant, the physical
9 and pecuniary condition of the parties, and such other matters
10 as are pertinent, which may be shown by affidavits, as the
11 court may direct, ~~however, the.~~ The hearing on the
12 application shall be limited to matters set forth in such the
13 application, the affidavits of the parties, and the required
14 statements of income. The court shall not hear any other
15 matter relating to the petition, respondent's answer, or any
16 pleadings connected therewith with the petition or answer.

17 Sec. 10. Section 601F.2, Code 1985, is amended to read as
18 follows:

19 601F.2 MEMBERSHIP.

20 The committee shall be composed of a minimum of twenty-four
21 members appointed by the governor and such additional members
22 as the governor may appoint. Insofar as practicable, the
23 committee shall consist of representatives of industry, labor,
24 business, agriculture, federal, state, and local government,
25 and representatives of religious, charitable, fraternal,
26 civic, educational, medical, legal, veteran, welfare, women's,
27 and other professional groups and organizations. Members
28 shall be appointed representing every geographic center and
29 employment area of the state and shall include members of both
30 sexes.

31 Sec. 11. Section 674.6, unnumbered paragraph 1, Code 1985,
32 is amended to read as follows:

33 If the petitioner is married, the spouse petitioner must
34 join-in-the-petition-or-file-written-consent give legal notice
35 to the spouse, in the manner of an original notice, of with

1 the filing of the petition.

2 EXPLANATION

3 This bill makes changes in various sections of the Code to
4 eliminate gender and marital status discrimination.

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S-3563

SENATE FILE 224

1 Amend Senate File 224 as follows:

2 1. Page 4, by inserting after line 30, the
3 following:

4 "Sec. 11. Section 659.4, Code 1985, is amended to
5 read as follows:

6 659.4 CANDIDATE FOR OFFICE --RETRACTION -- TIME.

7 If the plaintiff was a candidate for office at the
8 time of the libelous publication, no retraction shall
9 be available unless published in a conspicuous place
10 on the editorial page, nor if the libel was published
11 within two weeks next before the election; ~~provided~~
12 ~~that this.~~ This section and sections 659.2 and 659.3
13 shall do not apply to any libel imputing unchastity to
14 a woman sexual misconduct to any persons."

15 2. By renumbering as necessary to conform to this
16 amendment.

S-3563 Filed April 1, 1985

By HORN

Adopted 4/8/85 (p. 1245)

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5 requested to issue annually a proclamation calling upon our
6 state officials to display the American flag on all state and
7 school buildings, and the people of the state to display the
8 flag at their homes, lodges, churches, and places of business,
9 on the second Sunday in May, known as Mother's Day, and on the
10 third Sunday in June, known as Father's Day, as a public
11 expression of reverence for the homes of our state, and to
12 urge the celebration of Mother's Day and Father's Day in said
13 the proclamation in such a way as will deepen home ties, and
14 inspire better homes and closer union between the
15 commonwealth, its homes, and their children.

3772

16 Sec. 2. Section 96.5, subsection 1, paragraph f, Code
17 1985, is amended to read as follows:

18 f. ~~The individual is-the-principal-support-of-the~~
19 ~~individual's-family,-or-is-a-surviving-spouse,-a-legally~~
20 ~~separated-spouse,-or-a-single-person,-and-the-individual~~ left
21 the employing unit for not to exceed ten working days, or such
22 additional time as may be allowed by the individual's
23 employer, for compelling personal reasons (if so found by the
24 department), and prior to such leaving had informed the
25 individual's employer of such compelling personal reasons, and
26 immediately after such compelling personal reasons ceased to
27 exist the individual returned to the individual's employer and
28 offered the individual's services and the individual's regular
29 or comparable work was not available, provided the individual
30 is otherwise eligible; except that during the time the
31 individual is away from the individual's work because of the
32 continuance of such compelling personal reasons, the
33 individual shall not be eligible for benefits.

34 Sec. 3. Section 222.38, Code 1985, is amended to read as
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1 222.38 DELIVERY OF PERSON TO SCHOOL OR SPECIAL UNIT.

2 The court may for the purpose of committing said a person
3 direct the clerk to authorize the employment of one or more
4 assistants. ~~No~~ If a mentally retarded female shall be person
5 is taken to an institution, hospital-school, or special unit
6 by any male person not the female's husband, father, brother,
7 or son without the attendance of a woman of good character and
8 mature age at least one attendant shall be of the same sex.

9 Sec. 4. Section 225.18, Code 1985, is amended to read as
10 follows:

11 225.18 ATTENDANTS.

12 The court or clerk may ~~in the court's or clerk's~~
13 ~~discretion,~~ appoint some a person to accompany the committed
14 public patient or the voluntary public patient or the
15 committed private patient from the place where the patient may
16 be to the state psychiatric hospital of the state ~~University~~
17 university at Iowa City, or to accompany such the patient from
18 the ~~said~~ hospital to such a place as may be designated by the
19 court or clerk. ~~If the a patient be a female, the person~~
20 appointed to accompany her must be a woman is moved pursuant
21 to this section, at least one attendant shall be of the same
22 sex.

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27 county board of social welfare, which shall consist of three
28 members in counties of less than thirty-three thousand
29 population, not more than two of whom shall belong to the same
30 political party, ~~and at least one of whom shall be a woman,~~
31 and which both sexes shall be represented. The county board
32 shall consist of five members in counties of more than thirty-
33 three thousand population, not more than three of whom shall
34 belong to the same political party, ~~and at least one of whom~~
35 shall be a woman both sexes shall be represented. At the

1 discretion of the board of supervisors one or more of said the
2 members may be chosen from the membership of said the board of
3 supervisors. Annually the board of supervisors shall appoint
4 the members of the county board who shall serve for one year
5 and until their successors are appointed. If a vacancy ~~shall~~
6 occur occurs in the membership of the county board, other than
7 by the expiration of a term, a member shall be appointed to
8 fill such the vacancy for the unexpired term. All
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19 stereotyping in vocational education, including women persons
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21 and who have, in addition to such backgrounds and experiences,
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32 ~~son's-widow~~, sister, son's daughter, daughter's daughter,
33 ~~son's-son's-widow~~, ~~daughter's-son's-widow~~, brother's daughter
34 or sister's daughter.

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1 brother, mother's-husband, husband's-father, son, husband's
2 son, daughter's-husband, brother, son's son, daughter's son,
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9 and pecuniary condition of the parties, and such other matters
10 as are pertinent, which may be shown by affidavits, as the
11 court may direct; ~~however, the~~. The hearing on the
12 application shall be limited to matters set forth in such the
13 application, the affidavits of the parties, and the required
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1 unless published in a conspicuous place on the editorial page,
2 nor if the libel was published within two weeks next before
3 the election; -provided-that-this. This section and sections
4 659.2 and 659.3 shall do not apply to any libel imputing
5 unchastity-to-a-woman sexual misconduct to any persons.

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9 join-in-the-petition-or-file-written-consent give legal notice
10 to the spouse, in the manner of an original notice, of with
11 the filing of the petition.

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SENATE FILE 224

H-3772

1 Amend Senate File 224 as amended, passed and
2 reprinted by the Senate as follows:
3 1. Page 1, by inserting after line 15, the
4 following:
5 "Sec. ____ . Section 69.16, Code 1985, is amended
6 by adding the following new unnumbered paragraph:
7 NEW UNNUMBERED PARAGRAPH. It is declared the
8 policy of the state of Iowa that by July 1, 1988
9 all appointive boards, commissions, and councils of
10 the state established by the Code if not otherwise
11 provided by law shall be composed of no more than
12 a simple majority of one gender. No person shall
13 be appointed or reappointed to any board, commission,
14 or council established by the Code if the effect of
15 that appointment or reappointment would cause the
16 number of members of the board, commission, or council
17 belonging to one gender to be greater than one-half
18 the membership of the board, commission, or council
19 plus one."

BY HAMMOND of Story
VARN of Johnson
CARPENTER of Polk

H-3772 FILED APRIL 12, 1985
Done 4/16/85 (p. 1612)

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SENATE FILE 224

AN ACT
RELATING TO DISCRIMINATION ON THE BASIS OF GENDER AND MARITAL
STATUS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 31.4, Code 1985, is amended to read as follows:

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2. Between a woman and her father's brother, mother's brother, ~~mother's husband, husband's father,~~ son, ~~husband's son, daughter's husband,~~ brother, son's son, daughter's son, ~~son's-daughter's husband, daughter's daughter's husband,~~ brother's son, or sister's son.

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If the petitioner is married, the ~~spouse~~ petitioner must ~~join in the petition or file written consent~~ give legal notice to the spouse, in the manner of an original notice, of with the filing of the petition.

ROBERT T. ANDERSON
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 224, Seventy-first General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved May 9, 1985

TERRY E. BRANSTAD
Governor