

Judiciary To Pass 5/20 (of 156)

FILED 1991

SENATE FILE

177

BY LLOYD-JONES, SZYMONIAK,
ROSENBERG and LIND

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act prohibiting discriminatory practices based upon a person's
2 sexual orientation.

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

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SF 177

3370 1 Section 1. Section 601A.2, Code 1991, is amended by adding
2 the following new subsection:

3370 3 NEW SUBSECTION. 11A. "Sexual orientation" means
4 heterosexuality, homosexuality, or bisexuality. "Sexual
5 orientation" does not include participation in acts which are
6 prohibited by law.

7 Sec. 2. Section 601A.5, subsections 6 and 8, Code 1991,
8 are amended to read as follows:

9 6. To issue such publications and reports of
10 investigations and research as in the judgment of the
11 commission shall tend to promote good will among the various
12 racial, religious, and ethnic groups of the state and which
13 shall tend to minimize or eliminate discrimination in public
14 accommodations, employment, apprenticeship and on-the-job
15 training programs, vocational schools, or housing because of
16 race, creed, color, sex, sexual orientation, national origin,
17 religion, ancestry or disability.

18 8. To make recommendations to the general assembly for
19 such further legislation concerning discrimination because of
20 race, creed, color, sex, sexual orientation, national origin,
21 religion, ancestry or disability as it may deem necessary and
22 desirable.

3370 23 Sec. 3. Section 601A.6, subsection 1, paragraphs a, b, and
24 c, Code 1991, are amended to read as follows:

25 a. Person to refuse to hire, accept, register, classify,
26 or refer for employment, to discharge any employee, or to
27 otherwise discriminate in employment against any applicant for
28 employment or any employee because of the age, race, creed,
29 color, sex, sexual orientation, national origin, religion or
30 disability of such applicant or employee, unless based upon
31 the nature of the occupation. If a disabled person is
32 qualified to perform a particular occupation, by reason of
33 training or experience, the nature of that occupation shall
34 not be the basis for exception to the unfair or discriminating
35 practices prohibited by this subsection.

1 b. Labor organization or the employees, agents or members
2 thereof to refuse to admit to membership any applicant, to
3 expel any member, or to otherwise discriminate against any
4 applicant for membership or any member in the privileges,
5 rights, or benefits of such membership because of the age,
6 race, creed, color, sex, sexual orientation, national origin,
7 religion or disability of such applicant or member.

8 c. Employer, employment agency, labor organization, or the
9 employees, agents, or members thereof to directly or
10 indirectly advertise or in any other manner indicate or
11 publicize that individuals of any particular age, race, creed,
12 color, sex, sexual orientation, national origin, religion or
13 disability are unwelcome, objectionable, not acceptable, or
14 not solicited for employment or membership unless based on the
15 nature of the occupation. If a disabled person is qualified
16 to perform a particular occupation by reason of training or
17 experience, the nature of that occupation shall not be the
18 basis for exception to the unfair or discriminating practices
19 prohibited by this subsection.

20 An employer, employment agency, or their employees,
21 servants or agents may offer employment or advertise for
22 employment to only the disabled, when other applicants have
23 available to them, other employment compatible with their
24 ability which would not be available to the disabled because
25 of their handicap. Any such employment or offer of employment
26 shall not discriminate among the disabled on the basis of
27 race, color, creed, sex, sexual orientation, or national
28 origin.

29 Sec. 4. Section 601A.6, subsection 6, paragraph d, Code
30 1991, is amended to read as follows:

31 d. Any bona fide religious institution or its educational
32 facility, association, corporation or society with respect to
33 any qualifications for employment based on religion or sexual
34 orientation when such qualifications are related to a bona
35 fide religious purpose. A religious qualification for

1 instructional personnel or an administrative officer, serving
2 in a supervisory capacity of a bona fide religious educational
3 facility or religious institution, shall be presumed to be a
36404 4 bona fide occupational qualification.

5 Sec. 5. Section 601A.7, subsection 1, paragraphs a and b,
6 Code 1991, are amended to read as follows:

7 a. To refuse or deny to any person because of race, creed,
8 color, sex, sexual orientation, national origin, religion or
9 disability the accommodations, advantages, facilities,
10 services, or privileges thereof, or otherwise to discriminate
11 against any person because of race, creed, color, sex, sexual
12 orientation, national origin, religion or disability in the
13 furnishing of such accommodations, advantages, facilities,
373714 services, or privileges.

15 b. To directly or indirectly advertise or in any other
16 manner indicate or publicize that the patronage of persons of
17 any particular race, creed, color, sex, sexual orientation,
18 national origin, religion or disability is unwelcome,
19 objectionable, not acceptable, or not solicited.

3890 20 Sec. 6. Section 601A.8, subsections 1 through 4, Code
21 1991, are amended to read as follows:

22 1. To refuse to sell, rent, lease, assign or sublease any
23 real property or housing accommodation or part, portion or
24 interest therein, to any person because of the race, color,
25 creed, sex, sexual orientation, religion, national origin,
26 disability, or familial status of such person.

27 2. To discriminate against any person because of the
28 person's race, color, creed, sex, sexual orientation,
29 religion, national origin, disability, or familial status, in
30 the terms, conditions or privileges of the sale, rental, lease
31 assignment or sublease of any real property or housing
32 accommodation or any part, portion or interest therein.

33 3. To directly or indirectly advertise, or in any other
34 manner indicate or publicize that the purchase, rental, lease,
35 assignment, or sublease of any real property or housing

1 accommodation or any part, portion or interest therein, by
2 persons of any particular race, color, creed, sex, sexual
3 orientation, religion, national origin, disability, or
4 familial status is unwelcome, objectionable, not acceptable or
5 not solicited.

6 4. To discriminate against the lessee or purchaser of any
7 real property or housing accommodation or part, portion or
8 interest of the real property or housing accommodation, or
9 against any prospective lessee or purchaser of the property or
10 accommodation, because of the race, color, creed, religion,
11 sex, sexual orientation, disability, age or national origin of
12 persons who may from time to time be present in or on the
13 lessee's or owner's premises for lawful purposes at the
14 invitation of the lessee or owner as friends, guests,
15 visitors, relatives or in any similar capacity.

30473541 16 Sec. 7. Section 601A.9, unnumbered paragraph 1, Code 1991,
17 is amended to read as follows:

18 It is an unfair or discriminatory practice for any
19 educational institution to discriminate on the basis of race,
20 creed, color, sex, sexual orientation, national origin,
305221 religion, or disability in any program or activity. Such
303222 discriminatory practices shall include but not be limited to
23 the following practices:

33724 Sec. 8. Section 601A.9, subsection 4, unnumbered paragraph
25 2, Code 1991, is amended to read as follows:

26 For the purpose of this section "educational institution"
27 includes any preschool, elementary, secondary, or community
28 college, area education agency, or postsecondary college or
29 university and their governing boards. This section does not
30 prohibit an educational institution from maintaining separate
31 toilet facilities, locker rooms or living facilities for the
32 different sexes so long as comparable facilities are provided.
33 Nothing in this section shall be construed as prohibiting any
34 bona fide religious institution from imposing qualificatio.s
35 based on religion or sexual orientation when such

1 qualifications are related to a bona fide religious purpose or
2 any institution from admitting students of only one sex.

35453 Sec. 9. Section 601A.10, subsections 1 through 3, Code
4 1991, are amended to read as follows:

5 1. Creditor to refuse to enter into a consumer credit
6 transaction or impose finance charges or other terms or
7 conditions more onerous than those regularly extended by that
8 creditor to consumers of similar economic backgrounds because
9 of age, color, creed, national origin, race, religion, marital
10 status, sex, sexual orientation, physical disability, or
11 familial status.

12 2. Person authorized or licensed to do business in this
13 state pursuant to chapter 524, 533, 534, 536, or 536A to
14 refuse to loan or extend credit or to impose terms or
15 conditions more onerous than those regularly extended to
16 persons of similar economic backgrounds because of age, color,
17 creed, national origin, race, religion, marital status, sex,
18 sexual orientation, physical disability, or familial status.

19 3. Creditor to refuse to offer credit life or health and
20 accident insurance because of color, creed, national origin,
21 race, religion, marital status, age, physical disability, sex,
22 sexual orientation, or familial status. Refusal by a creditor
23 to offer credit life or health and accident insurance based
24 upon the age or physical disability of the consumer shall not
25 be an unfair or discriminatory practice if such denial is
26 based solely upon bona fide underwriting considerations not
27 prohibited by title XX.

3328 Sec. 10. Section 601A.11, subsection 2, Code 1991, is
29 amended to read as follows:

30 2. Any person to discriminate against another person in
31 any of the rights protected against discrimination on the
32 basis of age, race, creed, color, sex, sexual orientation,
33 national origin, religion or disability by this chapter
34 because such person has lawfully opposed any practice
35 forbidden under this chapter, obeys the provisions of this

1 chapter, or has filed a complaint, testified, or assisted in
2 any proceeding under this chapter. An employer, employment
3 agency, or their employees, servants or agents may offer
4 employment or advertise for employment to only the disabled,
5 when other applicants have available to them other employment
6 compatible with their ability which would not be available to
7 the disabled because of their handicap. Any such employment
8 or offer of employment shall not discriminate among the
9 disabled on the basis of race, color, creed, sex, sexual
10 orientation, or national origin.

3.756, 3x807
3.5.71

11 EXPLANATION

12 This bill defines "sexual orientation" and prohibits
13 discriminatory employment, public accommodation, housing,
14 education, and credit practices based upon a person's sexual
15 orientation. However, the bill does allow for the imposition
16 of qualifications by bona fide religious institutions based
17 upon sexual orientation if related to a bona fide religious
18 purpose.

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SENATE FILE 177

S-3280

- 1 Amend Senate File 177 as follows:
2 1. Page 6, by inserting after line 10, the
3 following:
4 "Sec. ____ . Section 601A.18, Code 1991, is amended
5 by adding the following new unnumbered paragraph:
6 NEW UNNUMBERED PARAGRAPH. The provisions of this
7 chapter specifically applicable to sexual orientation
8 shall not be construed to require a remedy through the
9 imposition of a quota or the use of affirmative action
10 in cases of alleged discrimination based upon sexual
11 orientation."
12 2. By renumbering as necessary.

By LARRY MURPHY

S-3280 FILED APRIL 3, 1991

SENATE FILE 177

S-3306

- 1 Amend Senate File 177 as follows:
2 1. By striking page 3, line 20, through page 4,
3 line 15.
4 2. By renumbering as necessary.

By LARRY MURPHY

S-3306 FILED APRIL 4, 1991

SENATE FILE 177

S-3356

- 1 Amend Senate File 177 as follows:
2 1. Page 6, by inserting after line 10, the
3 following:
4 "Sec. ____ . Section 601A.12, subsection 1, Code
5 1991, is amended to read as follows:
6 1. Any bona fide religious institution with
7 respect to any qualifications it may impose based on
8 religion or sexual orientation, when such
9 qualifications are related to a bona fide religious
10 purpose.
11 Sec. ____ . Section 601A.12, Code 1991, is amended
12 by adding the following new subsection:
13 NEW SUBSECTION. 8. The rental or leasing of a
14 housing accommodation with regard to any qualification
15 imposed based upon sexual orientation, if the owner or
16 members of the owner's family reside in the housing
17 accommodation."
18 2. By renumbering as necessary.

By JEAN LLOYD-JONES

S-3356 FILED APRIL 9, 1991

SENATE FILE 177

S-3371

1 Amend Senate File 177 as follows:

2 1. Page 6, by inserting after line 10, the
3 following:

4 "Sec. _____. This Act shall not be interpreted or
5 construed as an endorsement or approval of
6 homosexuality, heterosexuality, or bisexuality."

7 2. By renumbering as necessary.

By JEAN LLOYD-JONES

S-3371 FILED APRIL 10, 1991

SENATE FILE 177

S-3380

1 Amend Senate File 177, as follows:

2 1. By striking page 1, line 23 through page 2,
3 line 28.

4 2. By striking page 5, line 28 through page 6,
5 line 10.

6 3. By renumbering as necessary.

By PAUL D. PATE

S-3380 FILED APRIL 10, 1991

SENATE FILE 177

S-3532

- 1 Amend Senate File 177 as follows:
2 1. Page 4, line 21, by inserting after the word
3 "activity." the following: "Notwithstanding this
4 section, an educational institution, by action of its
5 governing board, may establish policy regarding the
6 hiring of personnel on the basis of sexual
7 orientation."

By WILLIAM DIELEMAN

S-3532 FILED APRIL 22, 1991

SENATE FILE 177

S-3533

- 1 Amend Senate File 177 as follows:
2 1. Page 1, line 22, by inserting after the word
3 "desirable." the following: "The recommendations for
4 further legislation concerning sexual orientation
5 shall include, but are not limited to, the effects on
6 mental, emotional, and physical productivity in the
7 workplace and other pertinent social, mental, and
8 physical data, both positive and negative, of the
9 practices of homosexuality, heterosexuality, and
10 bisexuality."

By WILLIAM W. DIELEMAN

S-3533 FILED APRIL 22, 1991

SENATE FILE 177

S-3534

- 1 Amend Senate File 177 as follows:
2 1. Page 1, line 17, by inserting after the word
3 "disability." the following: "The publications and
4 reports of investigations and research shall include
5 the following: the causes of AIDS; the contagion; the
6 care and cost of AIDS treatment; the potential effects
7 on health care systems, health insurance, and mental
8 health; and the cultural tensions and fears caused by
9 the unrestrained promotion, practice, and emphasis of
10 homosexual and bisexual orientation."

By RAY TAYLOR

S-3534 FILED APRIL 22, 1991

SENATE FILE 177

S-3535

- 1 Amend Senate File 177 as follows:
2 1. Page 3, line 14, by insertng after the word
3 "privileges." the following: "Nothing in this
4 subsection shall prohibit the owner or the manager of
5 a public accommodation to impose reasonable
6 requirements for time, place, and manner of use of the
7 accommodations, advantages, facilities, services, or
8 privileges."

By RICHARD VANDE HOEF
WILLIAM DIELEMAN

S-3535 FILED APRIL 22, 1991

SENATE FILE 177

S-3390

1 Amend Senate File 177 to read as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "Section 1. Section 601A.2, subsection 4, Code
5 1991, is amended to read as follows:

6 4. "Disability" means the physical or mental
7 condition of a person which constitutes a substantial
8 handicap, and the condition of a person with a
9 positive human immunodeficiency virus test result, a
10 diagnosis of acquired immune deficiency syndrome, a
11 diagnosis of acquired immune deficiency syndrome-
12 related complex, or any other condition related to
13 acquired immune deficiency syndrome. The inclusion of
14 a condition related to a positive human
15 immunodeficiency virus test result in the meaning of
16 "disability" under the provisions of this chapter does
17 not preclude the application of the provisions of this
18 chapter to conditions resulting from other contagious
19 or infectious diseases. As used in this chapter,
20 "disability" does not include homosexuality,
21 bisexuality, transvestism, transsexualism, pedophilia,
22 exhibitionism, voyeurism, gender identity disorder, or
23 other sexual behavior disorders."

24 2. Page 1, by striking lines 4 through 6 and
25 inserting the following: "gender identity disorder
26 resulting from a physical impairment. "Sexual
27 orientation" does not include heterosexuality,
28 homosexuality, bisexuality, transvestism,
29 transsexualism, pedophilia, exhibitionism, voyeurism,
30 or other sexual behavior disorders, or the
31 participation in acts which are prohibited or
32 regulated by law."

33 3. By renumbering as necessary.

By ALLEN BORLAUG

S-3390 FILED APRIL 11, 1991

SENATE FILE 177

S-3391

1 Amend Senate File 177 as follows:

2 1. By striking page 4, line 16 through page 5,
3 line 2.

4 2. By renumbering as necessary.

By RICHARD RUNNING

S-3391 FILED APRIL 11, 1991

SENATE FILE 177

S-3543

- 1 Amend Senate File 177 as follows:
- 2 1. Page 4, by striking lines 16 through 23.
- 3 2. By renumbering as necessary.

By RAY TAYLOR	RICHARD VANDE HOEF
ALLEN BORLAUG	WILMER RENSINK
JAMES B. KERSTEN	WILLIAM W. DIELEMAN
JOHN W. JENSEN	H. KAY HEDGE

S-3543 FILED APRIL 23, 1991

SENATE FILE 177

S-3544

- 1 Amend Senate File 177 as follows:
- 2 1. Page 3, line 4, by inserting after the word
- 3 "qualification." the following: "The exemptions
- 4 allowed in this subsection to any bona fide religious
- 5 institution or its educational facility, association,
- 6 corporation, or society may be invoked upon official
- 7 action by its governing board to apply to all
- 8 positions of employment under the governing board's
- 9 jurisdiction."

By RAY TAYLOR	RICHARD VANDE HOEF
ALLEN BORLAUG	WILMER RENSINK
JAMES B. KERSTEN	WILLIAM W. DIELEMAN
JOHN W. JENSEN	H. KAY HEDGE

S-3544 FILED APRIL 23, 1991

SENATE FILE 177

S-3545

- 1 Amend Senate File 177 as follows:
- 2 1. Page 5, line 3, by striking the word and
- 3 figures "1 through 3" and inserting the following: "1
- 4 and 2".
- 5 2. Page 5, by striking lines 19 through 27.

By RAY TAYLOR	RICHARD VANDE HOEF
ALLEN BORLAUG	WILMER RENSINK
JAMES B. KERSTEN	WILLIAM W. DIELEMAN
JOHN W. JENSEN	H. KAY HEDGE

S-3545 FILED APRIL 23, 1991