

FILED FEB 15 1972

See State Court 3-25-72

SENATE FILE 1148

BY COMMITTEE ON HUMAN AND INDUSTRIAL RELATIONS

Passed Senate, Date 2-23-72 Passed House, Date 3-9-72

Vote: Ayes 38 Nays 0 Vote: Ayes 79 Nays 3

Passed Senate as amended by House
3-14-72
Age 44, page 0
Approved March 22, 1972

A BILL FOR

1 An Act relating to the civil rights of physically and mentally
2 handicapped persons.

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

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1 Section 1. Section one hundred five A point two (105A.2),
2 Code 1971, is amended by adding the following new subsection:

3 "'Disability' means the physical or mental condition of
4 a person which constitutes a substantial handicap to employ-
5 ment, although the person is able to engage in a gainful oc-
6 cupation which is consistent with his ability. 'Disability'
7 also means a handicapping physical or mental condition of
8 a person which is unrelated to the person's ability to acquire,
9 rent, or maintain property, or his ability to use public
10 accommodations and services."

11 Sec. 2. Section one hundred five A point six (105A.6),
12 subsection one (1), paragraphs "a" and "b", Code 1971, are
13 amended to read as follows:

14 a. To refuse or deny to any person because of race, creed,
15 color, sex, national origin, or religion, or disability the
16 accommodations, advantages, facilities, services, or privi-
17 leges thereof, or otherwise to discriminate against any per-
18 son because of race, creed, color, sex, national origin, or
19 religion, or disability in the furnishing of such accommoda-
20 tions, advantages, facilities, services, or privileges.

21 b. To directly or indirectly advertise or in any other
22 manner indicate or publicize that the patronage of persons
23 of any particular race, creed, color, sex, national origin,
24 or religion, or disability is unwelcome, objectionable, not
25 acceptable, or not solicited.

26 Sec. 3. Section one hundred five A point seven (105A.7),
27 subsection one (1), Code 1971, is amended to read as follows:

28 1. It shall be an unfair or discriminatory practice for
29 any:

30 a. Person to refuse to hire, accept, register, classify,
31 or refer for employment, to discharge any employee, or to
32 otherwise discriminate in employment against any applicant
33 for employment or any employee because of the race, creed,
34 color, sex, national origin, or religion, or disability of
35 such applicant or employee, unless based upon the nature of

1 the occupation.

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

9 c. Employer, employment agency, labor organization, or
10 the employees, agents, or members thereof to directly or in-
11 directly advertise or in any other manner indicate or publi-
12 cize that individuals of any particular race, creed, color,
13 sex, national origin, or religion, or disability are unwel-
14 come, objectionable, not acceptable, or not solicited for
15 employment or membership unless based on the nature of the
16 occupation.

17 Sec. 4. Section one hundred five A point eight (105A.8),
18 subsection two (2), Code 1971, is amended to read as follows:

19 2. Any person to discriminate against another person in
20 any of the rights protected against discrimination on the
21 basis of race, creed, color, sex, national origin, or reli-
22 gion, or disability by this chapter because such person has
23 lawfully opposed any practice forbidden under this chapter,
24 obeys the provisions of this chapter, or has filed a complaint,
25 testified, or assisted in any proceeding under this chapter.

26 Sec. 5. Section one hundred five A point thirteen
27 (105A.13), subsections one (1), two (2), and three (3), Code
28 1971, are amended to read as follows:

29 1. To refuse to sell, rent, lease, assign, or sublease
30 any real property or housing accommodation or part, portion
31 or interest therein, to any person because of the race, color,
32 creed, religion, or national origin, or disability of such
33 person.

34 2. To discriminate against any person because of his race,
35 color, creed, religion or national origin, or disability,

1 in the terms, conditions or privileges of the sale, rental,
2 lease assignment or sublease of any real property or housing
3 accommodation or any part, portion or interest therein.

4 3. To directly or indirectly advertise, or in any other
5 manner indicate or publicize that the purchase, rental, lease,
6 assignment, or sublease of any real property or housing ac-
7 commodation or any part, portion or interest therein, by per-
8 sons of any particular race, color, creed, religion, or
9 national origin, or disability is unwelcome, objectionable,
10 not acceptable or not solicited.

11 EXPLANATION

12 This bill extends the rights of employment, accommoda-
13 tions, and services as provided in the Iowa Civil Rights Act
14 to physically and mentally disabled persons.

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Senate

1 Amend Senate File 1148 as follows:

2 1. Page 2, strike lines 3 through 10, inclusive, and
3 insert: "'Disability' means the physical or mental condition
4 of a person which constitutes a substantial handicap. In
5 reference to employment, under this chapter, 'disability' also
6 means the physical or mental condition of a person which
7 constitutes a substantial handicap, but is unrelated to such
8 person's ability to engage in a particular occupation."
9 2. Page 3, line 1, add after the period the following: "If
10 a disabled person is qualified to perform a particular occupation,
11 by reason of training or experience, the nature of that occupation
12 shall not be the basis for exception to the unfair or discrimina-
13 ting practices prohibited by this subsection."

14 3. Page 3, line 16, add after "occupation." the following:
15 "If a disabled person is qualified to perform a particular
16 occupation by reason of training or experience, the nature of
17 that occupation shall not be the basis for exception to the unfair
18 or discriminating practices prohibited by this subsection.
19 An employer, employment agency, or their employees, servants,
20 or agents may offer employment or advertise for employment to only
21 the disabled, when other applicants have available to them, other
22 employment compatible with their ability which would not be
23 available to the disabled because of their handicap. Any such
24 employment or offer of employment shall not discriminate among
25 the disabled on the basis of race, color, creed, sex, or national
origin."

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1 4. Page 3, line 25, add after "chapter." the following:
2 "An employer, employment agency, or their employees, servants,
3 or agents may offer employment or advertise for employment to
4 only the disabled, when other applicants have available to them
5 other employment compatible with their ability which would not
6 be available to the disabled because of their handicap. Any
7 such employment or offer of employment shall not discriminate
8 among the disabled on the basis of race, color, creed, sex, or
9 national origin."

Filed - *Adopted 2/23/72*
February 22, 1972

By GAUDINEER, POTTER and DE KOSTER

Senate

1 Amend Senate File 1148 as follows:

2 Page 4, by adding after line 10, the following new
3 sections:

4 Sec. _____ Chapter one hundred five A (105A), Code 1971,
5 is amended by adding thereto the following section:

6 After a handicapped individual is employed, the
7 employer shall not be required under this chapter to promote
8 or transfer such handicapped person to another job or
9 occupation, unless, prior to such transfer, such handicapped
10 person by training or experience is qualified for such job or
11 occupation. Any collective bargaining agreement between an
12 employer and labor organization shall contain this section as
13 a part of such agreement.

14 Sec. _____. Section one hundred five A point five (105A.5)
15 subsections five (5) and seven (7), Code 1971, are amended to
16 read as follows:

17 5. To issue such publications and reports of investigations
18 and research as in the judgment of the commission shall tend to
19 promote good will among the various racial, religious, and
20 ethnic groups of the state and which shall tend to minimize or
21 eliminate discrimination in public accommodations, employment
22 apprenticeship and on-the-job training programs, vocational
23 schools, or housing because of race, creed, color, sex, national
24 origin, religion, or ancestry, or disability.

25 7. To make recommendations to the general assembly for such

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1 further legislation concerning discrimination because of
2 race, creed, color, sex, national origin, religion, or
3 ancestry, or disability as it may deem necessary and desirable.

Received from the House
March 9, 1972

Senate File 1148

Amend
1 Amend Senate File 1148 by adding the following new section:
2 "Sec. _____. Section one hundred five A point five (105A.5), sub-
3 sections five (5) and seven (7), Code 1971, are amended to read
as

4 follows:
5 5. To issue such publications and reports of investigations
6 and research as in the judgment of the commission shall tend to
7 promote good will among the various racial, religious, and eth-
8 nic groups of the state and which shall tend to minimize or elim-
9 inate discrimination in public accommodations, employment,
10 apprenticeship and on-the-job training programs, vocational
11 schools, or housing because of race, creed, color, sex, national
12 origin, religion, ~~or~~ ancestry, or disability.

13 7. To make recommendations to the general assembly for
14 such further legislation concerning discrimination because of
15 race, creed, color, sex, national origin, religion, ~~or~~ ancestry
16 , or disability as it may deem necessary and desirable."

Filed
March 1, 1972

amended
3/3

By COCHRAN of Webster

1 Amend Senate File 1148, page 4, by adding thereto
2 after line 10, the following section:

3 Sec. ____ Chapter one hundred five A (105A), Code
4 1971, is amended by adding thereto the following
5 section:

6 "After a handicapped individual is employed, the
7 employer shall not be required under this chapter to
8 promote or transfer such handicapped person to another
9 job or occupation, unless, prior to such transfer,
10 such handicapped person by training or experience is
11 qualified for such job or occupation. Any collective
12 bargaining agreement between an employer and labor
13 organization shall contain this section as a part of
14 such agreement."

Filed
March 8, 1972

amended
3/8

By TIEDEN of Clayton
LAWSON of Cerro Gordo
WELLS of Linn
MAYBERRY of Webster
DRAKE of Muscatine