

Reprinted 3/26
SENATE FILE 1265

By COMMITTEE ON JUDICIARY

FILED 3/26/74

Passed Senate, Date 3-25-74 (1001) Passed House, Date _____
Vote: Ayes 33 Nays 12 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the membership, powers, and duties of the
2 civil rights commission.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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1 Section 1. Section six hundred one A point three (601A.3),
2 unnumbered paragraph one (1), Code 1973, is amended to read
3 as follows:

4 The Iowa state civil rights commission shall consist of
5 seven members appointed by the governor with the advice and
6 consent of the senate. Appointments shall be made to pro-
7 vide geographical area representation insofar as may be prac-
8 ticable. No more than four members of the commission shall
9 belong to the same political party or be of the same sex.
10 Members appointed to the commission shall serve for a term
11 of four years except the initial appointees shall be appointed
12 by the governor as follows:

13 Sec. 2. Section six hundred one A point five (601A.5),
14 Code 1973, is amended by adding the following new subsec-
15 tions:

16 NEW SUBSECTION. To issue subpoenas for books and papers
17 relating to any matters involved in the complaint, after the
18 respondent has been notified of the complaint as provided
19 for in section six hundred one A point nine (601A.9), sub-
20 section three (3) of the Code. The commission shall issue
21 subpoenas in behalf of the respondent in the same manner and
22 for the same purposes. If a party either fails or refuses
23 to obey a subpoena issued by the commission, the commission
24 may petition the district court having jurisdiction for is-
25 suance of a subpoena and the court shall in the proper case
26 issue the subpoena. A person refusing to obey the subpoena
27 issued by the court shall be subject to punishment for con-
28 tempt.

29 NEW SUBSECTION. To seek a temporary injunction against
30 a respondent when it appears that a complainant may suffer
31 irreparable injury as a result of an alleged violation of
32 chapter six hundred one A (601A) of the Code. A temporary
33 injunction may only be issued ex parte, if the complaint filed
34 with the commission alleges discrimination in housing. In
35 all other cases a temporary injunction may be issued only

1 after the respondent has been notified and afforded the op-
2 portunity to be heard.

3 NEW SUBSECTION. To defer a complaint to a local civil
4 rights commission under commission rules promulgated pur-
5 suant to chapter seventeen A (17A) of the Code.

6 Sec. 3. Section six hundred one A point nine (601A.9),
7 subsections three (3) and fifteen (15), Code 1973, are amended
8 to read as follows:

9 3. After the filing of a verified complaint, a true copy
10 thereof shall be promptly served by registered mail to the
11 person against whom the complaint is filed. Then a com-
12 missioner or a duly authorized member of the commission's
13 staff shall make a prompt investigation thereof and if such
14 investigating official shall determine that probable cause
15 exists for crediting the allegations of the complaint, the
16 investigating official shall ~~immediately~~ promptly endeavor
17 to eliminate such discriminatory or unfair practice by
18 conference, conciliation, and persuasion.

19 15. Any verified complaint filed under this chapter shall
20 be so filed within ~~ninety~~ one hundred twenty days after the
21 alleged discriminatory or unfair practice occurred.

22 Sec. 4. Section six hundred one A point ten (601A.10),
23 Code 1973, is amended by striking subsection five (5).

24 Sec. 5. Section six hundred one A point ten (601A.10),
25 subsection six (6), Code 1973, is amended by striking the
26 subsection and inserting in lieu thereof the following:

27 6. In proceedings for judicial review of commission ac-
28 tion a court may hear and consider such evidence as it deems
29 appropriate. The court is not bound by the commission's
30 finding of fact and the court may affirm, modify or reverse
31 the order of the commission or remand the cause to the
32 commission upon such conditions as the court may deem proper.
33 Before the date set for hearing a petition for judicial review,
34 application may be made to the court for leave to present
35 evidence in addition to that found in the record of the case.

1 If it is shown to the satisfaction of the court that the
2 additional evidence is material and that there was good reason
3 for failure to present it in the proceeding before the
4 commission, the court may remand the case to the commission
5 for the purpose of receiving the additional evidence. The
6 commission may modify its findings and decision in the case
7 by reason of the additional evidence and shall file that
8 evidence and any modifications, new findings, or decisions
9 with the reviewing court and mail copies of the new findings
10 or decisions to all parties.

11 Sec. 6. Chapter six hundred one A (601A), Code 1973, is
12 amended by adding the following new section:

13 NEW SECTION. UNFAIR CREDIT PRACTICES.

14 1. A creditor shall not refuse to enter into a consumer
15 credit transaction or impose finance charges or other terms
16 or conditions more onerous than those regularly extended by
17 that creditor to consumers of similar economic backgrounds
18 because of age, color, creed, national origin, race, reli-
19 gion, marital status, sex, or physical disability.

20 2. A person authorized or licensed to do business in this
21 state pursuant to chapter five hundred twenty-four (524),
22 five hundred thirty-three (533), five hundred thirty-four
23 (534), five hundred thirty-six (536), or five hundred thirty-
24 six A (536A) of the Code shall not refuse to loan or extend
25 credit or impose terms or conditions more onerous than those
26 regularly extended to persons of similar economic backgrounds
27 because of age, color, creed, national origin, race, religion,
28 marital status, sex, or physical disability.

29 EXPLANATION

30 This bill provides that the civil rights commission may
31 issue subpoenas for books and papers at the investigatory
32 stage, seek temporary injunctions, and defer complaints to
33 local civil rights commissions. This bill adds unfair credit
34 and banking practices to discriminatory activity. This bill
35 also deletes the requirement that appeals from decisions of

1 the civil rights commission be taken de novo. In addition
2 this bill provides that not more than four members of the
3 civil rights commission be of the same sex. This bill also
4 requires that a verified complaint must be mailed to the
5 respondent immediately upon filing and extends the time of
6 filing a complaint from ninety to one hundred and twenty days.

S-2455

1 Amend Senate File 1265 as follows:
2 1. Page 3, by inserting after line 5 the follow-
3 ing:

4 Sec. _____. Section six hundred one A point seven
5 (601A.7), subsection two (2), paragraph d, Code 1973,
6 is amended to read as follows:

7 d. Any bona fide religious institution or its
8 educational facility, association, corporation, or
9 society with respect to ~~any qualifications for employ-~~
10 ~~ment based on religion when such qualifications are~~
11 ~~related to a bona fide religious purpose~~ the employ-
12 ment of an individual of a particular religion to
13 perform work connected with the activities of such
14 institution or its educational facility, association,
15 corporation, or society.

16 2. By renumbering the sections to accord with
17 this amendment.

S-2455 Filed - *Adopted as amended by* By HANSEN
March 13, 1974 *2578 3/25*

S-2560

1 Amend Senate File 1265, page 4, by adding after
2 line 28 the following new subsection:

3 3. Refusal by a creditor to offer credit life
4 or health and accident insurance based upon the age
5 or physical disability of the consumer shall not
6 violate the provisions of this section unless such
7 denial is a mere subterfuge adopted for the purpose
8 of evading the provisions of this section.

S-2560 Filed - *adopted 3/25* By RILEY
March 21, 1974

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S-2577

Division S-2577A

- 1 Amend Senate File 1265 as follows:
- 2 1. Page 3, line 10, by striking the word
- 3 "promptly" and inserting in lieu thereof
- 4 "within five days".

Division S-2577B

- 5 2. Page 3, by striking lines 22 through 35 and
- 6 page 4 by striking lines 1 through 10 and renumbering
- 7 the remaining section.

S-2577 Filed

By HULTMAN

Division S-2577A lost

Division S-2577B adopted

March 25, 1974

S-2578

- 1 Amend the Hansen amendment S- , to Senate File
- 2 1265, as follows:
- 3 1. Line 9, by striking the words "any-qualifications
- 4 for-employ-", and by striking lines 10 through 15,
- 5 and inserting in lieu thereof the following:
- 6 "any qualifications for employment based on religion
- 7 when such qualifications are related to a bona fide
- 8 religious purpose."

H-2578 Filed and adopted
March 25, 1974

By DODERER

S-2579

- 1 Amend Senate File 1265, page 3, line 16, by
- 2 striking the word "promptly" and inserting in lieu
- 3 thereof the words "within thirty days".

S-2579 Filed - *Lost 3/25*
March 25, 1974

By HULTMAN

H-2686

- 1 Amend Senate File 1265 as passed by the Senate
- 2 and reprinted as follows:
- 3 1. Page 2, by striking lines 1 through 12.
- 4 2. By renumbering the subsequent sections.

H-2686 Filed - *Adopted 4/30*
March 28, 1974

By KNOKE of Pottawattamie

H-2687

- 1 Amend Senate File 1265, as passed by the Senate
- 2 and reprinted, page 4, by striking all of lines 19
- 3 through 24.

H-2687 Filed - *Withdrawn 4/30*
March 28, 1974

By CARR of Dubuque

H-2771

- 1 Amend Senate File 1265, as passed by the
- 2 Senate and reprinted, as follows:
- 3 1. Page 2, by striking lines 16 through 28.
- 4 2. Page 4, by striking lines 22 through 24
- 5 and inserting in lieu thereof the following:
- 6 "the provisions of this section provided such
- 7 denial is based solely upon bona fide
- 8 underwriting considerations not prohibited
- 9 by title twenty (XX) of the Code.

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H-2771 Filed A. *Withdrawn*
April 4, 1974 B. *Adopted 4/30*

By HILL of Polk

H-3035

- 1 Amend Senate File 1265 as amended, passed
- 2 and reprinted by the Senate as follows:
- 3 1. Page 2, by inserting after line 28 the
- 4 following paragraph:
- 5 "This new subsection is repealed as of July 1
- 6 1975."
- 7 2. Page 4, by inserting after line 24 the
- 8 following new paragraph:
- 9 "The provisions of this section shall not
- 10 be construed by negative implication or otherwise
- 11 to narrow or restrict any other provisions of this
- 12 chapter."

H-3035 Filed - *Adopted 4/30*
April 29, 1974

By HARGRAVE of Johnson
HILL of Polk

HOUSE AMENDMENT TO SENATE FILE 1265

- 1 Amend Senate File 1265 as passed by the Senate and
2 reprinted as follows:
3 1. Page 2, by striking lines 1 through 12.
4 2. Page 2, by inserting after line 28 the following
5 paragraph:
6 "This new subsection is repealed as of July 1, 1975."
7 3. Page 4, by striking lines 22 through 24 and inserting
8 in lieu thereof the following: "the provisions of this
9 section provided such denial is based solely upon bona fide
10 underwriting considerations not prohibited by title twenty
11 (XX) of the Code.
12 4. Page 4, by inserting after line 24 the following new
13 paragraph:
14 The provisions of this section shall not be construed by
15 negative implication or otherwise to narrow or restrict any
16 other provisions of this chapter.
17 5. By renumbering the sections to conform to this
18 amendment.

Received from the House
May 1, 1974

Senate concurred 5/2

March 26, 1974

SENATE FILE 1265

BY COMMITTEE ON JUDICIARY

SENATE AMENDMENTS
SHOWN IN BOLD FACE

(AS PASSED BY THE SENATE)

*as amended
by House*
Passed Senate, Date 5-2-74 (1891) Passed House, Date 4-30-74 (2247)

Vote: Ayes 44 Nays 0 Vote: Ayes 95 Nays 0

Approved 6-3-74

A BILL FOR

- 1 An Act relating to the membership, powers, and duties of the
- 2 civil rights commission.
- 3 *Be It Enacted by the General Assembly of the State of Iowa:*

1 Section 1. Section six hundred one A point three (601A.3),
2 unnumbered paragraph one (1), Code 1973, is amended to read
3 as follows:

4 The Iowa state civil rights commission shall consist of
5 seven members appointed by the governor with the advice and
6 consent of the senate. Appointments shall be made to pro-
7 vide geographical area representation insofar as may be prac-
8 ticable. No more than four members of the commission shall
9 belong to the same political party *or be of the same sex*.

10 Members appointed to the commission shall serve for a term
11 of four years except the initial appointees shall be appointed
12 by the governor as follows:

13 Sec. 2. Section six hundred one A point five (601A.5),
14 Code 1973, is amended by adding the following new subsec-
15 tions:

16 *NEW SUBSECTION.* To issue subpoenas for books and papers
17 relating to any matters involved in the complaint, after the
18 respondent has been notified of the complaint as provided
19 for in section six hundred one A point nine (601A.9), sub-
20 section three (3) of the Code. The commission shall issue
21 subpoenas in behalf of the respondent in the same manner and
22 for the same purposes. If a party either fails or refuses
23 to obey a subpoena issued by the commission, the commission
24 may petition the district court having jurisdiction for is-
25 suance of a subpoena and the court shall in the proper case
26 issue the subpoena. A person refusing to obey the subpoena
27 issued by the court shall be subject to punishment for con-
28 tempt.

29 *NEW SUBSECTION.* To seek a temporary injunction against
30 a respondent when it appears that a complainant may suffer
31 irreparable injury as a result of an alleged violation of
32 chapter six hundred one A (601A) of the Code. A temporary
33 injunction may only be issued ex parte, if the complaint filed
34 with the commission alleges discrimination in housing. In
35 all other cases a temporary injunction may be issued only

1 after the respondent has been notified and afforded the op-
2 portunity to be heard.

3 *NEW SUBSECTION.* To defer a complaint to a local civil
4 rights commission under commission rules promulgated pur-
5 suant to chapter seventeen A (17A) of the Code.

6 **Sec. 3.** Section six hundred one A point seven
7 (601A.7), subsection two (2), paragraph d, Code 1973,
8 is amended to read as follows:

9 **d.** Any bona fide religious institution *or its*
10 *educational facility, association, corporation, or*
11 *society* with respect to any qualifications for employ-
12 ment based on religion when such qualifications are
13 related to a bona fide religious purpose.

14 **Sec. 4.** Section six hundred one A point nine (601A.9),
15 subsections three (3) and fifteen (15), Code 1973, are amended
16 to read as follows:

17 3. After the filing of a verified complaint, a true copy
18 thereof shall be *promptly* served by registered mail to the
19 person against whom the complaint is filed. Then a com-
20 missioner or a duly authorized member of the commission's
21 staff shall make a prompt investigation thereof and if such
22 investigating official shall determine that probable cause
23 exists for crediting the allegations of the complaint, the
24 investigating official shall [immediately] *promptly* endeavor
25 to eliminate such discriminatory or unfair practice by
26 conference, conciliation, and persuasion.

27 15. Any *verified* complaint filed under this chapter shall
28 be so filed within [ninety] *one hundred twenty* days after the
29 alleged discriminatory or unfair practice occurred.

1 Sec. 5. Chapter six hundred one A (601A), Code 1973, is
2 amended by adding the following new section:

3 **NEW SECTION. UNFAIR CREDIT PRACTICES.**

4 1. A creditor shall not refuse to enter into a consumer
5 credit transaction or impose finance charges or other terms
6 or conditions more onerous than those regularly extended by
7 that creditor to consumers of similar economic backgrounds
8 because of age, color, creed, national origin, race, reli-
9 gion, marital status, sex, or physical disability.

10 2. A person authorized or licensed to do business in this
11 state pursuant to chapter five hundred twenty-four (524),
12 five hundred thirty-three (533), five hundred thirty-four
13 (534), five hundred thirty-six (536), or five hundred thirty-
14 six A (536A) of the Code shall not refuse to loan or extend
15 credit or impose terms or conditions more onerous than those
16 regularly extended to persons of similar economic backgrounds
17 because of age, color, creed, national origin, race, religion,
18 marital status, sex, or physical disability.

19 3. Refusal by a creditor to offer credit life or
20 health and accident insurance based upon the age or
21 physical disability of the consumer shall not violate
22 the provisions of this section unless such denial is
23 a mere subterfuge adopted for the purpose of evading
24 the provisions of this section.

25 CORRECTED EXPLANATION

26 This bill provides that the civil rights commission may
27 issue subpoenas for books and papers at the investigatory
28 stage, seek temporary injunctions, and defer complaints to
29 local civil rights commissions. This bill adds unfair credit
30 and banking practices to discriminatory activity. In addition
31 this bill provides that not more than four members of the
32 civil rights commission be of the same sex. This bill also
33 requires that a verified complaint must be mailed to the
34 respondent immediately upon filing and extends the time of
35 filing a complaint from ninety to one hundred and twenty days.