

Reprinted 4/78

APR 4 1978

HOUSE FILE 2390

Place On Calendar

By COMMITTEE ON STATE GOVERNMENT

(Formerly Study Bill 352)

Passed House, Date 4-17-78 (s. 1570) Passed Senate, Date _____

Vote: Ayes 75 Nays 16 Vote: Ayes _____ Nays _____

Approved June 29

A BILL FOR

1 An Act amending the Iowa civil rights law.

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

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1 Section 1. Chapter six hundred one A (601A), Code 1977,
2 is amended by adding the following new section:

3 NEW SECTION. ONE HUNDRED TWENTY-DAY ADMINISTRATIVE RELEASE.

4 1. A person claiming to be aggrieved by any unfair or
5 discriminatory practice, who initially elects to seek an
6 administrative remedy by filing a complaint with the commission
6052 7 in accordance with section six hundred one A point fourteen
8 (601A.14) of the Code, may subsequently commence an action
9 for relief in the district court if all of the following
10 conditions have been satisfied:

11 a. The complainant has timely filed the complaint with
12 the commission as provided in subsection fifteen (15) of
6050 13 section six hundred one A point fourteen (601A.14) of the
6051 14 Code; and

15 b. The complaint has been on file with the commission
16 for at least one hundred twenty days and the commission has
17 issued a release to the complainant pursuant to subsection
6052 18 two (2) of this section.

19 2. Upon a request by the complainant, and after the
20 expiration of one hundred twenty days from the timely filing
21 of a complaint with the commission, the commission shall issue
22 to the complainant a release stating that the complainant
6052 23 has a right to commence an action under section two (2) of
24 this Act. A release under this subsection shall not be issued
25 if a finding of no probable cause has been made on the com-
26 plaint by the hearing officer charged with that duty under
27 section twelve (12) of this Act, or a conciliation agreement
28 has been executed under section six hundred one A point
29 fourteen (601A.14) of the Code, or the commission has served
30 notice of hearing upon the respondent pursuant to subsection
31 six (6) of section six hundred one A point fourteen (601A.14)
32 of the Code.

33 3. An action authorized under this section is barred un-
34 less commenced within ninety days after issuance by the
35 commission of a release under subsection two (2) of this

6052-1 section. If a complainant obtains a release from the
2 commission under subsection two (2) of this section, the
3 commission shall be barred from further action on that
4 complaint.

5 4. Venue for an action under this section shall be in
6052-6 Polk county, or the county in which the defendant resides
7 or has its principal place of business, or in the county in
8 which the alleged unfair or discriminatory practice occurred.

9 5. The district court may grant any relief in an action
10 under this section which is authorized by subsection twelve
11 (12) of section six hundred one A point fourteen (601A.14)
12 of the Code to be issued by the commission.

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13 Sec. 2. Section six hundred one A point two (601A.2),
14 subsection seven (7), Code 1977, is amended to read as follows:

15 7. "Unfair practice" or "discriminatory practice" means
16 those practices specified as unfair or discriminatory in sec-
17 tions 601A.6, 601A.7, six hundred one A point eight (601A.8),
18 six hundred one A point nine (601A.9) of the Code, and 601A.10.

19 Sec. 3. Section six hundred one A point two (601A.2),
20 subsection ten (10), Code 1977, is amended by adding the
21 following new paragraph:

22 NEW PARAGRAPH. "Public accommodation" includes each state
23 and local government unit or tax-supported district of whatever
24 kind, nature, or class that offers services, facilities,
25 benefits, grants or goods to the public, gratuitously or
26 otherwise. This paragraph shall not be construed by negative
27 implication or otherwise to restrict any part or portion of
28 the pre-existing definition of the term "public accommodation".

29 Sec. 4. Section six hundred one A point four (601A.4),
30 Code 1977, is amended to read as follows:

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31 601A.4 COMPENSATION AND EXPENSES--RULES. Commissioners
32 shall be paid a ~~forty-dollar~~ sixty-dollar per diem and shall
33 be reimbursed for actual and necessary expenses incurred while
34 on official commission business. All per diem and expense
35 moneys paid to commissioners shall be paid from funds

1 appropriated to the commission. The commission shall adopt,
2 amend or rescind such rules as shall be necessary for the
3 conduct of its meetings. A quorum shall consist of four
4 commissioners. This provision relating to a quorum supercedes
5 section seventeen A point two (17A.2) of the Code.

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6 Sec. 5. Section six hundred one A point five (601A.5),
7 subsections two (2) and three (3), Code 1977, are amended
8 to read as follows:

9 2. To receive, investigate, and ~~pass-upon~~ finally determine
10 the merits of complaints alleging unfair or discriminatory
11 practices.

12 3. To investigate and study the existence, character,
13 causes, and extent of discrimination in public accommodations,
14 employment, apprenticeship programs, on-the-job training
15 programs, vocational schools, credit practices, and housing
16 in this state and to attempt the elimination of such
17 discrimination by education and conciliation.

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18 Sec. 6. Section six hundred one A point six (601A.6),
19 subsection two (2), Code 1977, is amended by adding the
20 following new paragraph:

21 NEW PARAGRAPH. e. Any person who is under the age of
22 eighteen years of age, unless such person is considered to
23 be an adult by law, or subject to the provisions of chapter
24 ninety-two (92) of the Code.

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25 Sec. 7. Section six hundred one A point six (601A.6),
26 Code 1977, is amended by adding the following new subsection:

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27 NEW SUBSECTION. Class actions commenced pursuant to this
28 section shall be prohibited.

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29 Sec. 8. Section six hundred one A point eight (601A.8),
30 Code 1977, is amended by adding the following new subsection:

31 NEW SUBSECTION.

32 4. To discriminate against the lessee or purchaser of
33 any real property or housing accommodation or part, portion
34 or interest of the real property or housing accommodation,
35 or against any prospective lessee or purchaser of the property

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6052 1 or accommodation, because of the race, color, creed, religion,
 2 sex, disability, age or national origin of persons who may
 3 from time to time be present in or on the lessee's or owner's
 4 premises for lawful purposes at the invitation of the lessee
 5 or owner as friends, guests, visitors, relatives or in any
 6 similar capacity.

60627 7 Sec. 9. Section six hundred one A point nine (601A.9),
 8 Code 1977, is amended to read as follows:

9 601A.9 UNFAIR CREDIT PRACTICES. It shall be an unfair
 10 or discriminatory practice for any:

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

17 2. ~~A-person~~ Person authorized or licensed to do business
 18 in this state pursuant to chapter 524, 533, 534, 536, or 536A
 19 ~~shall-not~~ to refuse to loan or extend credit or to impose
 20 terms or conditions more onerous than those regularly extended
 21 to persons of similar economic backgrounds because of age,
 22 color, creed, national origin, race, religion, marital status,
 23 sex or physical disability.

24 3. Creditor to refuse to offer credit life or health and
 25 accident insurance because of color, creed, national origin,
 26 race, religion, marital status, age, physical disability or
 27 sex. Refusal by a creditor to offer credit life or health
 28 and accident insurance based upon the age or physical
 29 disability of the consumer shall not ~~violate-the-provisions~~
 30 ~~of-this-section-provided~~ be an unfair or discriminatory
 31 practice if such denial is based solely upon bona fide
 32 underwriting considerations not prohibited by title XX.

33 The provisions of this section shall not be construed by
 34 negative implication or otherwise to narrow or restrict any
 35 other provisions of this chapter.

1 Sec. 10. Section six hundred one A point fourteen
2 (601A.14), subsection one (1), Code 1977, is amended by
3 striking unnumbered paragraph two (2).

4 Sec. 11. Section six hundred one A point fourteen
5 (601A.14), subsection three (3), Code 1977, is amended by
6 striking the subsection and inserting in lieu thereof the
7 following:

8 3. a. After the filing of a verified complaint, a true
6052 9 copy shall be promptly served by certified mail on the person
10 against whom the complaint is filed. An authorized member
11 of the commission staff shall make a prompt investigation
12 and shall determine whether or not probable cause exists
13 regarding the allegations of the complaint.

14 b. The determination of probable cause or no probable
15 cause by the investigating official shall be immediately
5967- 16 reported to a hearing officer under the jurisdiction of the
17 commission for final determination of probable cause or no
18 probable cause. The hearing officer shall be appointed
19 pursuant to section seventeen A point eleven (17A.11) of the
5969- 20 Code.

21 c. If the hearing officer concurs with the investigating
22 official that probable cause exists regarding the allegations
23 of the complaint, the staff of the commission shall promptly
24 endeavor to eliminate the discriminatory or unfair practice
25 by conference, conciliation, and persuasion. If the hearing
5969- 26 officer finds that no probable cause exists, the hearing
27 officer shall issue a final order dismissing the complaint
28 and shall promptly mail a copy to the complainant and to the
29 respondent by certified mail. A finding of probable cause
30 shall not be introduced into evidence in an action brought
5969- 6052 31 under section three (3) of this Act.

32 d. The commission staff must endeavor to eliminate the
33 discriminatory or unfair practice by conference, conciliation,
34 and persuasion for a period of thirty days, which period shall
6052 35 commence upon proper notice to the parties of a finding of

6052 1 probable cause. The director may order the conciliation
 2 conference and persuasion procedure provided in this section
 3 to be omitted when the director determines the procedure is
 4 unworkable by reason of past patterns and practices of the
 5 respondent, or a statement by the respondent that the
 6 respondent is unwilling to continue with the conciliation.
 6053 7 The director must have the approval of a commissioner before
 8 omitting the conciliation, conference and persuasion procedure.
 9 Upon the omission of conciliation, the director shall state
 10 in writing the reasons for omission.

11 Sec. 12. Section six hundred one A point fourteen
 12 (601A.14), Code 1977, is amended by striking subsection five
 13 (5).

14 Sec. 13. Section six hundred one A point fourteen
 15 (601A.14), subsection six (6), Code 1977, is amended to read
 16 as follows:

17 6. When the ~~investigating-official~~ director is satisfied
 18 that further endeavor to settle a complaint by conference,
 19 conciliation, and persuasion ~~shall-be-futile~~ is unworkable
 6054 20 and should be omitted, the ~~official-shall-report-the-same~~
 21 ~~to-the-commissioner---if-the-commission-determines-that-the~~
 22 ~~circumstances-warrant,-it~~ director with the approval of a
 23 commissioner, shall issue and cause to be served a written
 24 notice specifying the charges in the complaint as they may
 25 have been amended and the reasons for omitting conciliation,
 26 and requiring the respondent to answer the charges of ~~such~~
 27 the complaint at a hearing before the commission, a
 28 commissioner, or ~~such-ether~~ a person designated by the
 29 commission to conduct the hearing, hereafter referred to as
 30 the hearing examiner, and at a time and place to be specified
 31 in ~~such~~ the notice.

32 Sec. 14. Section six hundred one A point fourteen
 33 (601A.14), Code 1977, is amended by striking subsections eight
 34 (8) through eleven (11) and inserting in lieu thereof the
 35 following:

1 8. The hearing shall be conducted in accordance with the
2 provisions of chapter seventeen A (17A) of the Code for
3 contested cases. The burden of proof in such a hearing shall
4 be on the commission.

5 Sec. 15. Section six hundred one A point fourteen
6 (601A.14), subsection twelve (12), Code 1977, is amended by
7 striking the subsection and inserting in lieu thereof the
8 following:

6024 } 9 12. If upon taking into consideration all of the evi-
10 dence at a hearing, the commission determines that the
11 respondent has engaged in a discriminatory or unfair practice,
12 the commission shall state its findings of fact and conclusions
13 of law and shall issue an order requiring the respondent to
14 cease and desist from the discriminatory or unfair practice
15 and to take the necessary remedial action as in the judgment
16 of the commission will carry out the purposes of this chapter.
17 A copy of the order shall be delivered to the respondent,
18 the complainant, and to any other public officers and persons
19 as the commission deems proper.

20 a. For the purposes of this subsection and pursuant to
21 the provisions of this chapter "remedial action" includes
22 but is not limited to the following:

23 (1) Hiring, reinstatement or upgrading of employees with
6060- 24 or without pay.

25 (2) Admission or restoration of individuals to a labor
26 organization, admission to or participation in a guidance
27 program, apprenticeship training program, on-the-job training
28 program or other occupational training or retraining program,
29 with the utilization of objective criteria in the admission
30 of individuals to such programs.

31 (3) Admission of individuals to a public accommodation
32 or an educational institution.

33 (4) Sale, exchange, lease, rental, assignment or sublease
34 of real property to an individual.

35 (5) Extension to all individuals of the full and equal

1 enjoyment of the advantages, facilities, privileges, and
2 services of the respondent denied to the complainant because
3 of the discriminatory or unfair practice.

4 (6) Reporting as to the manner of compliance.

5 (7) Posting notices in conspicuous places in the respon-
6 dent's place of business in form prescribed by the commission
7 and inclusion of notices in advertising material.

8 (8) Payment to the complainant of damages for an injury
9 caused by the discriminatory or unfair practice which damages
10 shall include actual cost and reasonable attorney fees.

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11 b. In addition to the remedies provided in the preceding
12 provisions of this subsection, the commission may issue an
13 order requiring the respondent to cease and desist from the
14 discriminatory or unfair practice and to take such affirmative
15 action as in the judgment of the commission will carry out
16 the purposes of this chapter as follows:

17 (1) In the case of a respondent operating by virtue of
18 a license issued by the state or a political subdivision or
19 agency, if the commission, upon notice to the respondent with
20 an opportunity to be heard, determines that the respondent
21 has engaged in a discriminatory or unfair practice and that
22 the practice was authorized, requested, commanded, performed
23 or knowingly or recklessly tolerated by the board of directors
24 of the respondent or by an officer or executive agent acting
25 within the scope of his or her employment, the commission
26 shall so certify to the licensing agency. Unless the
27 commission finding of a discriminatory or unfair practice
28 is reversed in the course of judicial review, the finding
29 of discrimination is binding on the licensing agency. If
30 a certification is made pursuant to this subsection, the

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31 licensing agency may initiate licensee disciplinary procedures.

32 (2) In the case of a respondent who is found by the commis-
33 sion to have engaged in a discriminatory or unfair practice
34 in the course of performing under a contract or subcontract
35 with the state or political subdivision or agency, if the

1 practice was authorized, requested, commanded, performed,
2 or knowingly or recklessly tolerated by the board of directors
3 of the respondent or by an officer or executive agent acting
4 within the scope of his or her employment, the commission
5 shall so certify to the contracting agency. Unless the
6 commission's finding of a discriminatory or unfair practice
7 is reversed in the course of judicial review, the finding
8 of discrimination is binding on the contracting agency.

9 (3) Upon receiving a certification made under this
10 subsection, a contracting agency may take appropriate action
11 to terminate a contract or portion thereof previously entered
12 into with the respondent, either absolutely or on condition
13 that the respondent carry out a program of compliance with
14 the provisions of this Act; and assist the state and all
15 political subdivisions and agencies thereof to refrain from
16 entering into further contracts.

17 c. The election of an affirmative order under paragraph
18 b of this subsection shall not bar the election of affirmative
19 remedies provided in paragraph a of this subsection.

20 Sec. 16. Section six hundred one A point fourteen
21 (601A.14), Code 1977, is amended by adding the following new
22 subsection:

23 NEW SUBSECTION. The terms of a conciliation agreement
24 reached with the respondent may require him or her to refrain
25 in the future from committing discriminatory or unfair
26 practices of the type stated in the agreement, to take remedial
27 action as in the judgment of the commission will carry out
28 the purposes of this Act, and to consent to the entry in an
29 appropriate district court of a consent decree embodying the
30 terms of the conciliation agreement. Violation of such a
31 consent decree shall be punished as contempt by the court
32 in which it is filed, upon a showing by the commission of
33 the violation at any time within six months of its occurrence.
34 In all cases where a conciliation agreement is entered into,
35 the commission shall issue an order stating its terms and

1 furnish a copy of the order to the complainant, the respondent,
 2 and such other persons as the commission deems proper. At
 3 any time in its discretion, the commission may investigate
 4 whether the terms of the agreement are being complied with
 5 by the respondent.

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

9 Sec. 17. Section six hundred one A point fourteen
 10 (601A.14), subsection thirteen (13), Code 1977, is amended
 11 to read as follows:

12 13. If, upon taking into consideration all of the evidence
 13 at a hearing, the commission ~~shall find~~ finds that a respondent
 14 has not engaged in any such discriminatory or unfair practice,
 15 the commission shall ~~state-its-findings-of-fact-and-shall~~
 16 issue and-cause-to-be-served an order denying relief and
 17 stating the findings of fact and conclusions of the commission,
 18 and shall cause a copy of the order to be served by certified
 19 mail on the complainant and the respondent ~~dismissing-the~~
 20 complaint.

21 Sec. 18. Section six hundred one A point fourteen
 22 (601A.14), subsection fifteen (15), Code 1977, is amended
 23 to read as follows:

24 15. ~~Any-verified-complaint-filed-under-this-chapter-shall~~
 25 be-se-filed A claim under this chapter shall not be maintained
 26 unless a complaint is filed with the commission within one
 27 hundred ~~twenty~~ eighty days after the alleged discriminatory
 28 or unfair practice occurred.

29 Sec. 19. Section six hundred one A point fifteen (601A.15),
 30 subsection one (1), Code 1977, is amended by adding the
 31 following new paragraph:

32 NEW PARAGRAPH. For purposes of the time limit for filing
 33 a petition for judicial review under the Iowa administrative
 34 procedure Act, specified by section seventeen A point nineteen
 35 (17A.19) of the Code, the issuance of a final decision of

1 the commission under this chapter occurs on the date notice
2 of the decision is mailed by certified mail to the parties.

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3 Sec. 20. This Act shall take effect January 1, 1979.

4 EXPLANATION

5 This bill modifies the Iowa Civil Rights Act of 1965 in
6 several significant ways:

7 Section 1 provides that a person who is aggrieved by any
8 unfair or discriminatory practices, as defined by the Civil
9 Rights Act, may seek an administrative remedy under section
10 601A.14 of the Code and may subsequently commence a private
11 action under this Act if the commission fails to act upon
12 a properly and timely filed complaint within one hundred
13 twenty days. The complainant may then request and the com-
14 mission shall issue to the complainant, a release stating
15 that the complainant has a right to commence an action in
16 district court.

17 The district court may grant equitable relief, damages,
18 and award actual costs and attorney fees to a prevailing
19 plaintiff, and may issue any order which the commission is
20 authorized to issue under section 601A.14, subsection 12.

21 The bill also amends the credit practice section of the
22 Act by giving the commission expressed power to investigate
23 credit practices.

24 The bill adds a new paragraph to the definition of "public
25 accommodations" to clarify the existing definition so as to
26 clearly cover all state and local government agencies
27 dispensing goods, services, funds, or facilities to the public.

28 The bill amends subsection 2 of section 601A.6 of the Code
29 to provide that for purposes of employment, persons who are
30 under the age of eighteen and who are not otherwise considered
31 adults by law, shall not be subject to section 601A.6 of the
32 Code. The bill further amends subsection 2 of section 601A.6
33 by providing that class actions commenced under the section
34 shall be prohibited.

35 The bill adds a new subsection to section 601A.8 of the

1 Code, prohibiting discrimination against any person because
2 of the race, color, creed, religion, sex, disability, age
3 or national origin of friends or relatives who may from time
4 to time be present in or on such persons premises for lawful
5 purposes.

6 The bill empowers a hearing officer under the jurisdiction
7 of the commission to determine probable cause, and authorizes
8 the director to bypass the conciliation, persuasion, and
9 conference processes when that process appears unnecessary,
10 unworkable, or futile.

11 The bill authorizes the commission to investigate and
12 review whether affirmative action, sanction and conciliation
13 agreements reached with a respondent are being properly
14 complied with.

15 The bill specifies that the thirty-day period for seeking
16 judicial review commences on the day notice of the agency
17 action is mailed to the parties.

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FISCAL NOTE
HOUSE FILE 2390
Requested by Representative Monroe
March 30, 1978

In compliance with a written request, there is submitted
a Fiscal Note for H.F. 2390, pursuant to Joint Rule 16:
House File 2390, An Act amending the Iowa civil rights law.

The cost effect of this proposal would be the hiring of one
hearing officer at the rate of \$17,000 annually, including
fringe benefits, for FY 1979. Merit increases and cost of living
increases are expected to increase the annual salary at the rate
of 11% per year.

Source: Iowa Civil Rights Commission
FILED GERRY D. RANKIN
APRIL 10, 1978

HOUSE FILE 2390

S-5776

- 1 Amend House File 2390 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 4, by striking lines 10 through 17.

S-5776 FILED & ADOPTED (p. 1222) BY MINNETTE F. DODERER
MAY 3, 1978

*Motion to Reconsider 5-4 (p. 1262)
Quoted out of order 5-9 (p. 1350)*

HOUSE FILE 2390

S-5777

- 1 Amend House File 2390 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 6, line 3, by inserting after the period
- 4 the following: "When requested by the complainant or
- 5 respondent such determination shall be reviewed by a
- 6 commissioner appointed by the chairperson for approval
- 7 or disapproval."

S-5777 FILED & LOST (p. 1220) BY EDGAR H. HOLDEN
MAY 3, 1978

HOUSE FILE 2390

S-5779

- 1 Amend House File 2390 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 7, line 9, by striking the word "omitted".
- 4 and inserting in lieu thereof the word "bypassed".

S-5779 FILED BY ROBERT M. CARR
MAY 3, 1978
RULED OUT OF ORDER (p. 1220)

HOUSE FILE 2390

S-5778

- 1 Amend the Doderer et al. amendment, S-5770, to
- 2 House File 2390 as amended, passed and reprinted by
- 3 the House as follows:
- 4 1. Page 1, line 12, by striking the words
- 5 "such plan" and inserting in lieu thereof the words
- 6 "~~such-plan~~".
- 7 2. Page 1, line 13, by striking the words
- 8 "or system is" and inserting in lieu thereof the words
- 9 "~~or-system-is~~".

S-5778 FILED & ADOPTED (p. 1222) BY MINNETTE F. DODERER
MAY 3, 1978

HOUSE FILE 2390

S-5775

1 Amend House File 2390 as amended, passed and re-
2 printed by the House as follows:

3 1. Page 6, line 2, by striking the word "officer"
4 and inserting in lieu thereof the words "commissioner
5 appointed by the chairperson".

6 2. Page 6, by striking lines 4 through 8.

7 3. Page 6, line 9, by striking the word "officer"
8 and inserting in lieu thereof the word "commissioner".

9 4. Page 6, by striking lines 13 through 15 and
10 inserting in lieu thereof the words "by conference,
11 conciliation, and persuasion. If the reviewing
12 commissioner finds that no probable cause exists, the
13 commission staff shall issue a final order dismissing
14 the complaint".

S-5775 FILED & WITHDRAWN (p. 1220) BY EDGAR H. HOLDEN
MAY 3, 1978

HOUSE FILE 2390

S-5780

1 Amend the De Koster amendment, S-5739, to House
2 File 2390 as amended, passed and reprinted by the
3 House as follows:

4 1. Page 1, line 6, by striking the words
5 "earnings including" and inserting in lieu thereof
6 the words "earned income and".

7 2. Page 1, line 8, by striking the word
8 "back".

S-5780 FILED & ADOPTED (p. 1223) BY LUCAS J. DE KOSTER
MAY 3, 1978

HOUSE FILE 2390

S-5774

1 Amend House File 2390, as amended, passed and
2 reprinted by the House, as follows:

3 1. Page 2, line 23, by striking the word and
4 figure "and 601A.10" and inserting in lieu thereof
5 the words and figures ", and 601A.10, and the second
6 new section in section twenty-one (21) of this Act".

7 2. Page 12, by inserting after line 4 the follow-
8 ing:

9 "NEW SECTION. UNFAIR OR DISCRIMINATORY PRACTICES-
10 -EDUCATION. It shall be an unfair or discriminatory
11 practice for any educational institution to
12 discriminate on the basis of sex in any program or
13 activity. Such discriminatory practices shall include
14 but not be limited to the following practices:

15 1. On the basis of sex, exclusion of a person
16 or persons from participation in, denial of the
17 benefits of, or subjection to discrimination in any
18 academic, extracurricular, research, occupational
19 training, or other program or activity except athletic
20 programs;

21 2. On the basis of sex, denial of comparable
22 opportunity in intramural and interscholastic athletic
23 programs;

24 3. On the basis of sex, discrimination among
25 persons in employment and the conditions thereof;

26 4. On the basis of sex, the application of any
27 rule concerning the actual or potential parental,
28 family or marital status of a person, or the exclusion
29 of any person from any program or activity or
30 employment because of pregnancy or related conditions
31 dependent upon the physician's diagnosis and
32 certification.

33 For the purpose of this section "educational
34 institution" includes any public preschool, or
35 elementary, secondary, or merged area school or area
36 education agency and their governing boards. Nothing
37 in this section shall be construed to prohibit any
38 educational institution from maintaining separate
39 toilet facilities, locker rooms or living facilities
40 for the different sexes so long as comparable
41 facilities are provided."

S-5774 FILED & ADOPTED (p. 1219)
MAY 3, 1978

BY JOAN ORR
TOM SLATER
JOHN MURRAY
JAMES GALLAGHER
ELIZABETH R. MILLER
JOHN SCOTT
BOB CARR
BOB RUSH

HOUSE FILE 2390

S-5770

1 Amend House File 2390 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 5, by inserting after line 24 the
4 following new section:
5 "Sec. ____ Section six hundred one A point
6 twelve (601A.12), Code 1977, is amended to read as
7 follows:

8 601A.12 SEX OR AGE PROVISIONS NOT APPLICABLE TO
9 RETIREMENT PLANS. The provisions of this chapter
10 relating to discrimination because of sex or age shall
11 not be construed to apply to any retirement plan
12 or benefit system of any employer unless such plan
13 or system is necessary to accomplish a compelling
14 state interest a mere subterfuge adopted for the
15 purpose of evading the provisions of this chapter."

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S-5770 FILED & LOST (p. 1322)
MAY 3, 1978

BY MINNETTE F. DODERER
RICHARD R. RAMSEY
E. KEVIN KELLY

HOUSE FILE 2390

S-5772

1 Amend House File 2390 as amended, passed and
2 reprinted by the House as follows:

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3 1. Page 6, line 27, by striking the word "omitted"
4 and inserting in lieu thereof the word "bypassed".

5 2. Page 6, line 32, by striking the word "omitting"
6 and inserting in lieu thereof the word "bypassing".

7 3. Page 6, line 33, by striking the word "omission"
8 and inserting in lieu thereof the word "bypassing".

9 4. Page 6, line 34, by striking the word "omission"
10 and inserting in lieu thereof the word "bypassing".

DIV
B

11 5. Page 7, line 9, by striking the words "omitted,
12 or when" and inserting in lieu thereof the words
13 "bypassed, and".

14 6. Page 7, line 11, by striking the word "have"
15 and inserting in lieu thereof the word "has".

DIV
A

16 7. Page 7, line 17, by striking the word "omitting"
17 and inserting in lieu thereof the word "bypassing".

18 8. Page 7, line 17, by striking the word "omitted"
19 and inserting in lieu thereof the word "bypassed".

S-5772 FILED
MAY 3, 1978

BY PHILIP B. HILL

DIVISIONS A & B ADOPTED (p. 1320)

S-5761

1 Amend House File 2390 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 11, by inserting after line 23 the follow-
4 ing:

5 "Sec. _____. Section six hundred one A point
6 seventeen (601A.17), Code 1977, is amended by adding
7 the following new unnumbered paragraphs:
8 NEW UNNUMBERED PARAGRAPH. Nothing in this chapter
9 shall be construed as indicating an intent to prohibit
10 an agency of local government having as its purpose
11 the investigation and resolution of violations of
12 this chapter from developing procedures and remedies
13 necessary to insure the protection of rights secured
14 by the Iowa civil rights Act. An agency of local
15 government and the Iowa civil rights commission shall
16 cooperate in the sharing of data and research, and
17 coordinating investigations and conciliations in order
18 to eliminate needless duplication.

19 NEW UNNUMBERED PARAGRAPH. The commission may
20 designate an agency of local government as a referral
21 agency. A local agency shall not be designated a
22 referral agency unless the ordinance creating it
23 provides the same rights and remedies as are provided
24 in this chapter. The commission shall establish
25 by rules the procedures for designating a referral
26 agency and the qualifications to be met by a referral
27 agency.

28 NEW UNNUMBERED PARAGRAPH. A complainant who files
29 a complaint with a referral agency having jurisdiction
30 shall be prohibited from filing a complaint with the
31 commission alleging violations based upon the same
32 acts or practices cited in the original complaint;
33 and a complainant who files a complaint with the
34 commission shall be prohibited from filing a com-
35 plaint with a referral agency alleging violations
36 based upon the same acts or practices cited in the
37 original complaint. However, the commission in its
38 discretion may refer a complaint filed with the
39 commission to a referral agency having jurisdiction
40 over the parties for investigation and resolution;
41 and a referral agency in its discretion may refer
42 a complaint filed with that agency to the commission
43 for investigation and resolution. The commission
44 may promulgate rules establishing the procedures for
45 referral of complaints. A referral agency may refuse
46 to accept a case referred to it by the commission
47 if the referral agency is unable to effect proper
48 administration of the complaint. It shall be the
49 burden of the referral agency to demonstrate that
50 it is unable to properly administer that complaint.

S-5761
Page 2

1 NEW UNNUMBERED PARAGRAPH. A final decision by
2 a referral agency shall be subject to judicial review
3 as provided in section six hundred one A point fifteen
4 (601A.15) of the Code in the same manner and to the
5 same extent as a final decision of the commission.
6 NEW UNNUMBERED PARAGRAPH. The referral of a
7 complaint by the commission to a referral agency or
8 by a referral agency to the commission shall not
9 affect the right of a complainant to commence an
10 action in the district court under section one (1)
11 of this Act."
12 2. By renumbering and correcting internal refer-
13 ences in accordance with this amendment.

S-5761 FILED *adopted 5/3 (p. 1221)* BY E. KEVIN KELLY
MAY 2, 1978

HOUSE FILE 2390

S-5765

1 Amend House File 2390 as amended, passed and re-
2 printed by the House as follows:
3 1. Page 6, line 1, by striking the word "reviewing"
4 and inserting in lieu thereof the word "hearing".
5 2. Page 6, line 2, by inserting after the word
6 "officer" the words "under the jurisdiction of the
7 commission".
8 3. Page 6, by striking lines 4 through 8 and
9 inserting in lieu thereof the following:
10 "b. For purposes of this Act, a hearing officer
11 issuing a determination of probable cause or no
12 probable cause under this section shall be exempt
13 from the provisions of section seventeen A point
14 seventeen (17A.17) of the Code."
15 4. Page 6, line 9, by striking the word "reviewing"
16 and inserting in lieu thereof the word "hearing".
17 5. Page 6, line 13, by striking the word
18 "reviewing" and inserting in lieu thereof the word
19 "hearing".
20 6. Page 6, line 14, by striking the word
21 "reviewing" and inserting in lieu thereof the word
22 "hearing".

S-5765 FILED *adopted 5/3 (p. 1220)* BY E. KEVIN KELLY
MAY 2, 1978

S-5753

- 1 Amend House File 2390 as amended, passed and
 2 reprinted by the House as follows:
 3 1. Page 1, line 8, by striking the word "or" and
 4 inserting in lieu thereof the words "of a".
 5 2. Page 1, line 27, by striking the word "hearing"
 6 and inserting in lieu thereof the word "reviewing".
 7 3. Page 2, line 8, by striking the word "defendant"
 8 and inserting in lieu thereof the word "respondent".
 9 4. Page 2, by striking lines 34 and 35.
 10 5. Page 3, by striking lines 1 through 8.
 11 6. Page 3, by striking line 10 and inserting in
 12 lieu thereof the words and figures "subsection two
 13 (2), Code 1977, is amended".
 14 7. Page 3, by striking lines 15 through 20.
 15 8. Page 4, line 12, by inserting after the word
 16 "new" the word "lettered".
 17 9. Page 4, line 13, by inserting after the word
 18 "NEW" the word "LETTERED".
 19 10. Page 7, line 22, by striking the word
 20 "examiner" and inserting in lieu thereof the words
 21 "examiner officer".
 22 11. Page 8, line 15, by striking the word
 23 "reinstatement" and inserting in lieu thereof the word
 24 "reinstatement".

S-5753 FILED *Adopted 5/3 (p. 1218)* BY ROBERT M. CARR
 MAY 1, 1978 *13- withdrawal (p. 1221)*

HOUSE FILE 2390

S-5752

- 1 Amend House File 2390 as amended, passed and
 2 reprinted by the House as follows:
 3 1. Page 3, line 18, by inserting after the word
 4 "schools," the words "credit practices".
 5 2. Page 11, by striking lines 24 through 35.
 6 3. Page 12, by striking lines 1 through 4.

S-5752 FILED *Adopted 5/3 (p. 1219)* BY ROBERT M. CARR
 MAY 1, 1978 E. KEVIN KELLY
 TOM SLATER

HOUSE FILE 2390

S-5751

- 1 Amend House File 2390 as amended, passed and
 2 reprinted by the House as follows:
 3 1. Page 3, line 35, by striking the word "subsec-
 4 tions" and inserting in lieu thereof the word
 5 "subsection".
 6 2. Page 4, by striking lines 1 through 6.

S-5751 FILED *Adopted 5/3 (p. 1219)* BY ROBERT CARR
 MAY 1, 1978 E. KEVIN KELLY
 LUCAS J. DeKOSTER

HOUSE FILE 2390

S-5750 FILED

1 Amend House File 2390 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 5, by inserting after line 24 the follow-
4 ing:

5 "Sec. ____ . Section six hundred one A point twelve
6 (601A.12), Code 1977, is amended to read as follows:
7 601A.12 SEX OR AGE PROVISIONS NOT APPLICABLE TO
8 RETIREMENT PLANS. The provisions of this chapter
9 relating to discrimination because of sex or age shall
10 not be construed to apply to any retirement plan or
11 benefit-system of any employer unless such plan or
12 system is a mere subterfuge adopted for the purpose
13 of evading the provisions of this chapter."

14 2. By renumbering sections and correcting internal
15 references in accordance with this amendment.

S-5750 FILED *withdrawn 5/3 (p. 1823)* BY ROBERT M. CARR
MAY 1, 1978 MINNETTE F. DODERER
E. KEVIN KELLY.
TOM SLATER

HOUSE FILE 2390

S-5744

1 Amend House File 2390 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 11, by inserting after line 13 the
4 following:
5 "Sec. ____ . Section six hundred one A point fourteen
6 (601A.14), subsection fifteen (15), Code 1977, is
7 amended to read as follows:
8 15. ~~Any-verified-complaint-filed-under-this-chapter~~
9 ~~shall-be-so-filed~~ A claim under this chapter shall
10 not be maintained unless a complaint is filed with
11 the commission within one hundred ~~twenty~~ eighty days
12 after the alleged discriminatory or unfair practice
13 occurred."

S-5744 FILED *adopted 5/3 (p. 1221)* BY E. KEVIN KELLY
MAY 1, 1978 LUCAS J. DE KOSTER

HOUSE FILE 2390

S-5745

1 Amend House File 2390 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 5, line 33, by striking the word "ten"
4 and inserting in lieu thereof the word "twenty".

S-5745 FILED *adopted 5/78 (p. 1220)* BY E. KEVIN KELLY
MAY 1, 1978 LUCAS J. DeKOSTER
ROBERT M. CARR
TOM SLATER

HOUSE FILE 2390

S-5746

1 Amend House File 2390 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 11, line 12, by striking the word
4 "restricted" and inserting in lieu thereof the word
5 "certified".
6 2. Page 11, lines 22 and 23, by striking the words
7 "return receipt requested,".

S-5746 FILED *adopted 5/3 (p. 1221)* BY E. KEVIN KELLY
MAY 1, 1978 ROBERT M. CARR
LUCAS J. DeKOSTER
TOM SLATER

S-5743

1 Amend House File 2390 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 1, by inserting before line 1 the follow-
4 ing:

5 "Section 1. Chapter six hundred one A (601A),
6 Code 1977, is amended by adding the following new
7 section:

8 NEW SECTION. PRIVATE RIGHT TO SUE.

9 1. As an alternative to the administrative remedy
10 provided in section six hundred one A point fourteen
11 (601A.14) of the Code, a person claiming to be
12 aggrieved by any unfair or discriminatory practice
13 as defined in this chapter shall have the right to
14 commence an action for relief in the district court.

15 Venue for an action under this section shall be
16 in the county in which the defendant resides or has
17 its principal place of business, or in the county
18 in which the alleged unfair or discriminatory practice
19 occurred.

20 2. A person who elects the judicial remedy pro-
21 vided in subsection one (1) of this section waives
22 the right to the administrative remedy provided in
23 section six hundred one A point fourteen (601A.14)
24 of the Code.

25 3. An action under subsection one (1) of this
26 section must be commenced within one hundred eighty
27 days after the alleged discriminatory or unfair
28 practice occurred.

29 4. The district court may grant any relief in
30 an action under this section which is authorized by
31 subsection twelve (12) of section six hundred one
32 A point fourteen (601A.14) of the Code to be issued
33 by the commission."

34 2. Page 1, line 1, by striking the word and figure
35 "Section 1." and inserting in lieu thereof the word
36 and figure "Sec. 2."

37 3. Page 1, line 5, by striking the words "must
38 initially seek" and inserting in lieu thereof the
39 words ", who initially elects to seek".

40 4. Page 1, line 24, by striking the words "in
41 the district court" and inserting in lieu thereof
42 the words "under section one (1) of this Act".

43 5. Page 2, by striking lines 2 and 3, and inserting
44 in lieu thereof the words "section. If a complainant
45 obtains a release".

46 6. Renumber sections and internal references as
47 required by this amendment.

S-5743 FILED *Last 5/3 (p. 12/7)*
MAY 1, 1978

BY E. KEVIN KELLY

HOUSE FILE 2390

S-5739

- A
- 1 Amend House File 2390 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 8, line 16, by striking the word "pay"
4 and inserting in lieu thereof the words "back pay".
B
5 2. Page 8, line 16, by inserting after the
6 period the following: "Interim earnings including
5780 } 7 unemployment compensation shall operate to reduce
8 the back pay otherwise allowable."

S-5739 FILED *A- Withdrawn 5/3 (p. 1223)* BY LUCAS J. DE KOSTER
MAY 1, 1978 *B- Adopted on amendment
by 5780 5/3 (p. 1223)*

HOUSE FILE 2390

S-5740

- 1 Amend House File 2390 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 2, line 14, by adding after the word
4 "commission." the words "The district court may
5 also award the respondent reasonable attorney's
6 fees and court costs when the court finds that
7 the complainant's action was frivolous."

S-5740 FILED *Adopted 5/3 (p. 1218)* BY LUCAS J. DE KOSTER
MAY 1, 1978

HOUSE FILE 2390

S-5741

- 1 Amend House File 2390 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 1, line 15, by striking the word "and".
4 2. Page 1, line 19, by striking the period and
5 inserting in lieu thereof the word "; and".
6 3. Page 1, by inserting after line 19 the following
7 new lettered paragraphs:
8 "___ The complainant does not have a complaint or
9 charge currently pending with another municipal, state
10 or federal agency or court based on the same incidents
11 or practices; and
12 ___ The complaint or charge in question is not pend-
13 ing pursuant to the terms of a nondiscrimination clause
14 in a collective bargaining agreement."

S-5741 FILED *withdrawn 5/3 (p. 1218)* BY LUCAS J. DE KOSTER
MAY 1, 1978

S-5686

1 Amend House File 2390 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 3, by striking lines 27 through 33 and
4 inserting in lieu thereof the following:
5 "Sec. 7. Section six hundred one A point six
6 (601A.6), Code 1977, is amended by adding the following
7 new subsection:
8 NEW SUBSECTION. Notwithstanding the provisions
9 of this section, a state or federal program designed
10 to benefit a specific age classification which serves
11 a bona fide public purpose shall be permissible."

S-5686 FILED *Adopted 5/3 (p. 1219)*
APRIL 26, 1978

BY LUCAS J. DE KOSTER
ROBERT M. CARR
E. KEVIN KELLY
TOM SLATER

HOUSE FILE 2390

S-5696

1 Amend House File 2390 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 4, by striking lines 10 through 17 and
4 inserting in lieu thereof the following:
5 "Sec. ____ . Section six hundred one A point six
6 (601A.6), subsection two (2), paragraph d, Code 1977,
7 is amended to read as follows:
8 d. Any bona fide religious institution or its
9 educational facility, association, corporation or
10 society with respect to any qualifications for
11 employment based on religion when such qualifications
12 are related to a bona fide religious purpose. A
13 religious qualification for the instructional personnel
14 or administrative officers of a bona fide religious
15 institution or its educational facility, shall be
16 deemed to be a bona fide occupational qualification."

S-5696 FILED *withdrawn 5/3 (p. 1219)* BY LUCAS J. DE KOSTER
APRIL 27, 1978

HOUSE FILE 2390

S-5738

1 Amend House File 2390 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 4, by striking lines 10 through 17 and
4 inserting in lieu thereof the following:
5 "Sec. ____ . Section six hundred one A point six
6 (601A.6), subsection two (2), paragraph d, Code 1977,
7 is amended to read as follows:
8 d. Any bona fide religious institution or its
9 educational facility, association, corporation or
10 society with respect to any qualifications for
11 employment based on religion when such qualifications
12 are related to a bona fide religious purpose. A
13 religious qualification for the instructional personnel
14 or administrative officers of a bona fide religious
15 institution or educational facility, shall be
16 deemed to be a bona fide occupational qualification."

S-5738 FILED *Out of order 5/3*
MAY 1, 1978 *(p. 1222)*

BY LUCAS J. DE KOSTER

Sen. State Govt. #125 D. Pass 4/27

HOUSE FILE 2390

By COMMITTEE ON STATE GOVERNMENT

(As Amended and Passed by the House)

Passed House, Date 5-10-78 (p. 2401) Passed Senate, Date 5-3-78 (p. 1223)

Vote: Ayes 75 Nays Vote: Ayes 39 Nays

Approved June 29, 1978

motion to reconsider (p. 1223) w. d. 5/9 (p. 1349)

A BILL FOR

Repassed Senate per House amendment 5865

1 An Act amending the Iowa civil rights law.

5-11-78 (p. 1451)
39-5

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

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House Amendments _____

5743 >

1 Section 1. Chapter six hundred one A (601A), Code 1977,
2 is amended by adding the following new section:

3 NEW SECTION. ONE HUNDRED TWENTY-DAY ADMINISTRATIVE RELEASE.

4 1. A person claiming to be aggrieved by an unfair or
5743-5 discriminatory practice must initially seek an administrative
6 relief by filing a complaint with the commission in accordance
7 with section six hundred one A point fourteen (601A.14) of
5753-8 the Code. A complainant after the proper filing or complaint
9 with the commission, may subsequently commence an action for
10 relief in the district court if all of the following conditions
11 have been satisfied.

12 a. The complainant has timely filed the complaint with
13 the commission as provided in subsection fifteen (15) of
14 section six hundred one A point fourteen (601A.14) of the
5744-15 Code; and

16 b. The complaint has been on file with the commission
17 for at least one hundred twenty days and the commission has
18 issued a release to the complainant pursuant to subsection
5744-19 two (2) of this section.

20 2. Upon a request by the complainant, and after the
21 expiration of one hundred twenty days from the timely filing
22 of a complaint with the commission, the commission shall issue
23 to the complainant a release stating that the complainant
5743-24 has a right to commence an action in the district court.

25 A release under this subsection shall not be issued if a
26 finding of no probable cause has been made on the complaint
5753-27 by the hearing officer charged with that duty under section
28 thirteen (13) of this Act, or a conciliation agreement has been
29 executed under section six hundred one A point fourteen
30 (601A.14) of the Code, or the commission has served notice
31 of hearing upon the respondent pursuant to subsection six
32 (6) of section six hundred one A point fourteen (601A.14)
33 of the Code.

34 3. An action authorized under this section is barred un-
35 less commenced within ninety days after issuance by the

1 commission of a release under subsection two (2) of this
 2 section or within one year after the filing of the complaint,
 3 whichever occurs first. If a complainant obtains a release
 4 from the commission under subsection two (2) of this section,
 5 the commission shall be barred from further action on that
 6 complaint.

7 4. Venue for an action under this section shall be in
 8 the county in which the defendant resides or has its principal
 9 place of business, or in the county in which the alleged
 10 unfair or discriminatory practice occurred.

11 5. The district court may grant any relief in an action
 12 under this section which is authorized by subsection twelve
 13 (12) of section six hundred one A point fourteen (601A.14)
 14 of the Code to be issued by the commission.

15 6. It is the legislative intent of this Act that every
 16 complaint be at least preliminarily screened during the first
 17 one hundred twenty days.

18 Sec. 2. Section six hundred one A point two (601A.2),
 19 subsection seven (7), Code 1977, is amended to read as follows:

20 7. "Unfair practice" or "discriminatory practice" means
 21 those practices specified as unfair or discriminatory in sec-
 22 tions 601A.6, 601A.7, six hundred one A point eight (601A.8),
 23 six hundred one A point nine (601A.9) of the Code, and 601A.10.

24 Sec. 3. Section six hundred one A point two (601A.2),
 25 subsection ten (10), Code 1977, is amended by adding the
 26 following new paragraph:

27 NEW PARAGRAPH. "Public accommodation" includes each state
 28 and local government unit or tax-supported district of whatever
 29 kind, nature, or class that offers services, facilities,
 30 benefits, grants or goods to the public, gratuitously or
 31 otherwise. This paragraph shall not be construed by negative
 32 implication or otherwise to restrict any part or portion of
 33 the pre-existing definition of the term "public accommodation".

34 Sec. 4. Section six hundred one A point four (601A.4),
 35 Code 1977, is amended to read as follows:

1 601A.4 COMPENSATION AND EXPENSES--RULES. Commissioners
2 shall be paid a forty-dollar per diem and shall be reimbursed
3 for actual and necessary expenses incurred while on official
4 commission business. All per diem and expense moneys paid
5 to commissioners shall be paid from funds appropriated to
6 the commission. The commission shall adopt, amend or rescind
7 such rules as shall be necessary for the conduct of its
8 meetings. A quorum shall consist of four commissioners.

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9 Sec. 5. Section six hundred one A point five (601A.5),
10 subsections two (2) and three (3), Code 1977, are amended
11 to read as follows:

12 2. To receive, investigate, and ~~pass-upon~~ finally determine
13 the merits of complaints alleging unfair or discriminatory
14 practices.

5752

15 3. To investigate and study the existence, character,
16 causes, and extent of discrimination in public accommodations,
17 employment, apprenticeship programs, on-the-job training
18 programs, vocational schools, and housing in this state and
19 to attempt the elimination of such discrimination by education
20 and conciliation.

21 Sec. 6. Section six hundred one A point six (601A.6),
22 Code 1977, is amended by adding the following new subsection:

23 NEW SUBSECTION. This section shall not prohibit
24 discrimination on the basis of age if the person subject to
25 the discrimination is under the age of eighteen years, unless
26 that person is considered by law to be an adult.

27 Sec. 7. Section six hundred one A point six (601A.6),
28 Code 1977, is amended by adding the following new unnumbered
29 paragraph:

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30 NEW UNNUMBERED PARAGRAPH. Notwithstanding the provisions
31 of this section, individuals may be discriminated against
32 on the basis of age if such discrimination is otherwise
33 provided by state or federal law.

5751

34 Sec. 8. Section six hundred one A point six (601A.6),
35 Code 1977, is amended by adding the following new subsections:

1 NEW SUBSECTION. Class actions commenced pursuant to this
2 section shall be prohibited. For the purpose of this
3 subsection class actions shall not refer to allegations of
4 systemic discrimination which require a pattern and practice
5 investigation, but shall refer to the number requirement under
6 the rules of civil procedure.

5751

7 NEW SUBSECTION. This section shall not apply to age
8 discrimination in bona fide apprenticeship employment programs
9 if the employee is over forty-five years of age.

10 Sec. 9. Section six hundred one A point six (601A.6),
11 subsection two (2), Code 1977, is amended by adding the
12 following new paragraph:

5753

13 NEW PARAGRAPH. The instructional and administrative
14 personnel of any bona fide religious institution or its
15 educational facility, association, corporation or society
16 with respect to any qualifications for employment based upon
17 the religious tenets of that institution.

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18 Sec. 10. Section six hundred one A point eight (601A.8),
19 Code 1977, is amended by adding the following new subsection:

20 NEW SUBSECTION.

21 4. To discriminate against the lessee or purchaser of
22 any real property or housing accommodation or part, portion
23 or interest of the real property or housing accommodation,
24 or against any prospective lessee or purchaser of the property
25 or accommodation, because of the race, color, creed, religion,
26 sex, disability, age or national origin of persons who may
27 from time to time be present in or on the lessee's or owner's
28 premises for lawful purposes at the invitation of the lessee
29 or owner as friends, guests, visitors, relatives or in any
30 similar capacity.

31 Sec. 11. Section six hundred one A point nine (601A.9),
32 Code 1977, is amended to read as follows:

33 601A.9 UNFAIR CREDIT PRACTICES. It shall be an unfair
34 or discriminatory practice for any:

35 1. ~~A-creditor-shall-not~~ Creditor to refuse to enter into

1 a consumer credit transaction or impose finance charges or
 2 other terms or conditions more onerous than those regularly
 3 extended by that creditor to consumers of similar economic
 4 backgrounds because of age, color, creed, national origin,
 5 race, religion, marital status, sex, or physical disability.

6 2. ~~A-person~~ Person authorized or licensed to do business
 7 in this state pursuant to chapter 524, 533, 534, 536, or 536A
 8 ~~shall not~~ to refuse to loan or extend credit or to impose
 9 terms or conditions more onerous than those regularly extended
 10 to persons of similar economic backgrounds because of age,
 11 color, creed, national origin, race, religion, marital status,
 12 sex or physical disability.

13 3. Creditor to refuse to offer credit life or health and
 14 accident insurance because of color, creed, national origin,
 15 race, religion, marital status, age, physical disability or
 16 sex. Refusal by a creditor to offer credit life or health
 17 and accident insurance based upon the age or physical
 18 disability of the consumer shall not ~~violate the provisions~~
 19 ~~of this section provided~~ be an unfair or discriminatory
 20 practice if such denial is based solely upon bona fide
 21 underwriting considerations not prohibited by title XX.

22 The provisions of this section shall not be construed by
 23 negative implication or otherwise to narrow or restrict any
 24 other provisions of this chapter.

5750 >
 5770 25 Sec. 12. Section six hundred one A point fourteen
 26 (601A.14), subsection one (1), Code 1977, is amended by
 27 striking unnumbered paragraph two (2).

28 Sec. 13. Section six hundred one A point fourteen
 29 (601A.14), subsection three (3), Code 1977, is amended by
 30 striking the subsection and inserting in lieu thereof the
 31 following:

32 3. a. After the filing of a verified complaint, a true
 5745-33 copy shall be served within ten days by certified mail on
 34 the person against whom the complaint is filed. An authorized
 35 member of the commission staff shall make a prompt

5765 1 investigation and shall issue a recommendation to a reviewing
 5775 2 officer, who shall then issue a determination of probable
 5776 3 cause or no probable cause.

4 b. The reviewing officer shall possess the same
 5 qualifications as administrative hearing officers as provided
 6 in subsection two (2) of section seventeen A point eleven
 7 (17A.11) of the Code but shall be appointed by the Iowa civil
 8 rights commission.

9 c. If the reviewing officer concurs with the investigating
 10 official that probable cause exists regarding the allegations
 11 of the complaint, the staff of the commission shall promptly
 12 endeavor to eliminate the discriminatory or unfair practice
 13 by conference, conciliation, and persuasion. If the reviewing
 5765 14 officer finds that no probable cause exists, the reviewing
 5775 15 officer shall issue a final order dismissing the complaint
 16 and shall promptly mail a copy to the complainant and to the
 17 respondent by certified mail. A finding of probable cause
 18 shall not be introduced into evidence in an action brought
 19 under section one (1) of this Act.

20 d. The commission staff must endeavor to eliminate the
 21 discriminatory or unfair practice by conference, conciliation,
 22 and persuasion for a period of thirty days following the
 23 initial conciliation meeting between the respondent and the
 24 commission staff after a finding of probable cause. After
 25 the expiration of thirty days, the director may order the
 26 conciliation conference and persuasion procedure provided
 27 in this section to be omitted when the director determines
 28 the procedure is unworkable by reason of past patterns and
 29 practices of the respondent, or a statement by the respondent
 5772 30 that the respondent is unwilling to continue with the
 31 conciliation. The director must have the approval of a
 32 commissioner before omitting the conciliation, conference
 33 and persuasion procedure. Upon the omission of conciliation,
 34 the director shall state in writing the reasons for omission.

35 Sec. 14. Section six hundred one A point fourteen

1 (601A.14), Code 1977, is amended by striking subsection five
2 (5).

3 Sec. 15. Section six hundred one A point fourteen
4 (601A.14), subsection six (6), Code 1977, is amended to read
5 as follows:

6 6. When the ~~investigating-official~~ director is satisfied
7 that further endeavor to settle a complaint by conference,
8 conciliation, and persuasion ~~shall-be-futile~~ is unworkable
9 and should be omitted, or when the thirty day period provided
5779 } 10 for in subsection three (3) of section six hundred one A point
5772 } 11 fourteen (601A.14) of the Code have expired without agreement,
12 the official-shall-report-the-same-to-the-commission.--If
13 the-commission-determines-that-the-circumstances-warrant,
14 it director with the approval of a commissioner, shall issue
15 and cause to be served a written notice specifying the charges
16 in the complaint as they may have been amended and the reasons
5772- 17 for omitting conciliation, if the conciliation is omitted,
18 and requiring the respondent to answer the charges of such
19 the complaint at a hearing before the commission, a
20 commissioner, or such-other a person designated by the
21 commission to conduct the hearing, hereafter referred to as
5753- 22 the hearing examiner, and at a time and place to be specified
23 in such the notice.

24 Sec. 16. Section six hundred one A point fourteen
25 (601A.14), Code 1977, is amended by striking subsections eight
26 (8) through eleven (11) and inserting in lieu thereof the
27 following:

28 8. The hearing shall be conducted in accordance with the
29 provisions of chapter seventeen A (17A) of the Code for
30 contested cases. The burden of proof in such a hearing shall
31 be on the commission.

32 Sec. 17. Section six hundred one A point fourteen
33 (601A.14), subsection twelve (12), Code 1977, is amended by
34 striking the subsection and inserting in lieu thereof the
35 following:

1 12. If upon taking into consideration all of the evi-
2 dence at a hearing, the commission determines that the
3 respondent has engaged in a discriminatory or unfair practice,
4 the commission shall state its findings of fact and conclusions
5 of law and shall issue an order requiring the respondent to
6 cease and desist from the discriminatory or unfair practice
7 and to take the necessary remedial action as in the judgment
8 of the commission will carry out the purposes of this chapter.
9 A copy of the order shall be delivered to the respondent,
10 the complainant, and to any other public officers and persons
11 as the commission deems proper.

12 a. For the purposes of this subsection and pursuant to
13 the provisions of this chapter "remedial action" includes
14 but is not limited to the following:

5763-15 (1) Hiring, reinstatement or upgrading of employees with
5739-16 or without pay.

17 (2) Admission or restoration of individuals to a labor
18 organization, admission to or participation in a guidance
19 program, apprenticeship training program, on-the-job training
20 program or other occupational training or retraining program,
21 with the utilization of objective criteria in the admission
22 of individuals to such programs.

23 (3) Admission of individuals to a public accommodation
24 or an educational institution.

25 (4) Sale, exchange, lease, rental, assignment or sublease
26 of real property to an individual.

27 (5) Extension to all individuals of the full and equal
28 enjoyment of the advantages, facilities, privileges, and
29 services of the respondent denied to the complainant because
30 of the discriminatory or unfair practice.

31 (6) Reporting as to the manner of compliance.

32 (7) Posting notices in conspicuous places in the respon-
33 dent's place of business in form prescribed by the commission
34 and inclusion of notices in advertising material.

35 (8) Payment to the complainant of damages for an injury

1 caused by the discriminatory or unfair practice which damages
2 shall include but are not limited to actual damages, court
3 costs and reasonable attorney fees.

4 b. In addition to the remedies provided in the preceding
5 provisions of this subsection, the commission may issue an
6 order requiring the respondent to cease and desist from the
7 discriminatory or unfair practice and to take such affirmative
8 action as in the judgment of the commission will carry out
9 the purposes of this chapter as follows:

10 (1) In the case of a respondent operating by virtue of
11 a license issued by the state or a political subdivision or
12 agency, if the commission, upon notice to the respondent with
13 an opportunity to be heard, determines that the respondent
14 has engaged in a discriminatory or unfair practice and that
15 the practice was authorized, requested, commanded, performed
16 or knowingly or recklessly tolerated by the board of directors
17 of the respondent or by an officer or executive agent acting
18 within the scope of his or her employment, the commission
19 shall so certify to the licensing agency. Unless the
20 commission finding of a discriminatory or unfair practice
21 is reversed in the course of judicial review, the finding
22 of discrimination is binding on the licensing agency. If
23 a certification is made pursuant to this subsection, the
24 licensing agency may initiate licensee disciplinary procedures.

25 (2) In the case of a respondent who is found by the commis-
26 sion to have engaged in a discriminatory or unfair practice
27 in the course of performing under a contract or subcontract
28 with the state or political subdivision or agency, if the
29 practice was authorized, requested, commanded, performed,
30 or knowingly or recklessly tolerated by the board of directors
31 of the respondent or by an officer or executive agent acting
32 within the scope of his or her employment, the commission
33 shall so certify to the contracting agency. Unless the
34 commission's finding of a discriminatory or unfair practice
35 is reversed in the course of judicial review, the finding

1 of discrimination is binding on the contracting agency.

2 (3) Upon receiving a certification made under this
3 subsection, a contracting agency may take appropriate action
4 to terminate a contract or portion thereof previously entered
5 into with the respondent, either absolutely or on condition
6 that the respondent carry out a program of compliance with
7 the provisions of this Act; and assist the state and all
8 political subdivisions and agencies thereof to refrain from
9 entering into further contracts.

10 c. The election of an affirmative order under paragraph
11 b of this subsection shall not bar the election of affirmative
12 remedies provided in paragraph a of this subsection.

13 Sec. 18. Section six hundred one A point fourteen
14 (601A.14), Code 1977, is amended by adding the following new
15 subsection:

16 NEW SUBSECTION. The terms of a conciliation agreement
17 reached with the respondent may require him or her to refrain
18 in the future from committing discriminatory or unfair
19 practices of the type stated in the agreement, to take remedial
20 action as in the judgment of the commission will carry out
21 the purposes of this Act, and to consent to the entry in an
22 appropriate district court of a consent decree embodying the
23 terms of the conciliation agreement. Violation of such a
24 consent decree may be punished as contempt by the court in
25 which it is filed, upon a showing by the commission of the
26 violation at any time within six months of its occurrence.
27 In all cases where a conciliation agreement is entered into,
28 the commission shall issue an order stating its terms and
29 furnish a copy of the order to the complainant, the respondent,
30 and such other persons as the commission deems proper. At
31 any time in its discretion, the commission may investigate
32 whether the terms of the agreement are being complied with
33 by the respondent.

34 Upon a finding that the terms of the conciliation agreement
35 are not being complied with by the respondent, the commission

1 shall take appropriate action to assure compliance.

2 Sec. 19. Section six hundred one A point fourteen
3 (601A.14), subsection thirteen (13), Code 1977, is amended
4 to read as follows:

5 13. If, upon taking into consideration all of the evidence
6 at a hearing, the commission ~~shall find~~ finds that a respondent
7 has not engaged in any such discriminatory or unfair practice,
8 the commission shall ~~state-its-findings-of-fact-and-shall~~
9 ~~issue and-cause-to-be-served~~ an order denying relief and
10 stating the findings of fact and conclusions of the commission,
11 and shall cause a copy of the order dismissing the complaint
5746-12 to be served by restricted mail on the complainant and the
5744 > 13 respondent dismissing-the-complaint.

14 Sec. 20. Section six hundred one A point fifteen (601A.15),
15 subsection one (1), Code 1977, is amended by adding the
16 following new paragraph:

17 NEW PARAGRAPH. For purposes of the time limit for filing
18 a petition for judicial review under the Iowa administrative
19 procedure Act, specified by section seventeen A point nineteen
20 (17A.19) of the Code, the issuance of a final decision of
21 the commission under this chapter occurs on the date notice
5746 { 22 of the decision is mailed by certified mail, return receipt
5746 { 23 requested, to the parties.

24 Sec. 21. Chapter six hundred one A (601A), Code 1977,
25 is amended by adding the following new section:

26 NEW SECTION. Notwithstanding any other provision of this
27 chapter, if a complaint is filed with the Iowa civil rights
28 commission alleging a violation of this chapter and such
5752 { 29 violation appears to be a violation of section five hundred
30 thirty-seven point three thousand three hundred eleven
31 (537.3311) of the Code, the complaint shall be referred to
32 the person charged with administrative enforcement of the
33 Iowa consumer credit code against the respondent for action
34 on the complaint. The director of the Iowa civil rights
35 commission or his or her designee shall provide assistance

1 to the complainant in the form of legal assistance or a
2 research source and, if requested, shall represent the
3 complainant before the proper administrator of the Iowa
4 consumer credit code administrator.

5752

5774

5 Sec. 22. This Act shall take effect January 1, 1979.

HOUSE FILE 2390

H-6604

- 1 Amend the Senate amendment H-6603, to House File
- 2 2390 as passed by the House and reprinted, as follows:
- 3 1. Page 1, by striking lines 23 and 24.

H-6604 FILED *Adopted 5/10* BY WEST of Marshall
 MAY 10, 1978 (*p. 2401*)

HOUSE FILE 2390

- 1 Amend the Senate amendment, H-6603, to House File
- 2 2390 as amended, passed and reprinted by the House
- 3 as follows:

- 4 1. Page 1, by striking lines 5 and 6.
- 5 2. Page 1, by striking line 38 and inserting in
- 6 lieu thereof the following:

7 " ____ . Page 4, by striking lines 10 through 17

8 and inserting in lieu thereof the following:

9 "Sec. ____ . Section six hundred one A point six

10 (601A.6), subsection two (2), paragraph d, Code 1977,

11 is amended to read as follows:

12 d. Any bona fide religious institution or its

13 educational facility, association, corporation or

14 society with respect to any qualifications for

15 employment based on religion when such qualifications

16 are related to a bona fide religious purpose. A

17 religious qualification for instructional personnel

18 or an administrative officer, serving in a supervisory

19 capacity of a bona fide religious educational facility

20 or religious institution, shall be deemed to be a

21 bona fide occupational qualification."

6608-

- 22 3. Page 1, by striking lines 39 through 42.

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6607 - *Adopted as amended*
by 6608 (p. 2399)

 MONROE of Des Moines

 BRANDT of Black Hawk

HOUSE FILE 2390

H-6608

- 1 Amend the amendment, H-6607, to Senate amendment,
- 2 H-6603, to House File 2390 as amended, passed and
- 3 reprinted by the House as follows:
- 4 1. Page 1, line 20, by striking the word "deemed"
- 5 and inserting in lieu thereof the word "presumed".

H-6608 FILED *Adopted 5/10* BY BRANDT of Black Hawk
 MAY 10, 1978 (*p. 2299*) MONROE of Des Moines

SENATE AMENDMENT TO
HOUSE FILE 2390

H-6603

- 1 Amend House File 2390 as amended, passed and
2 reprinted by the House as follows:
- 3 1. Page 1, line 8, by striking the word "or" and
4 inserting in lieu thereof the words "of a".
- 5 2. Page 1, line 27, by striking the word "nearing"
6 and inserting in lieu thereof the word "reviewing".
- 7 3. Page 2, line 8, by striking the word "defendant"
8 and inserting in lieu thereof the word "respondent".
- 9 4. Page 2, line 14, by adding after the word
10 "commission." the words "The district court may also
11 award the respondent reasonable attorney's fees and
12 court costs when the court finds that the complainant's
13 action was frivolous."
- 14 5. Page 2, line 23, by striking the word and
15 figure "and 601A.10" and inserting in lieu thereof
16 the words and figures "and 601A.10, and the second
17 new section in section twenty-one (21) of this Act".
- 18 6. Page 2, by striking lines 34 and 35.
- 19 7. Page 3, by striking lines 1 through 8.
- 20 8. Page 3, by striking line 10 and inserting in
21 lieu thereof the words and figures "subsection two
22 (2), Code 1977, is amended".
- 23 9. Page 3, line 18, by inserting after the word
24 "schools," the words "credit practices,".
- 25 10. Page 3, by striking lines 27 through 33 and
26 inserting in lieu thereof the following:
27 "Sec. 7. Section six hundred one A point six
28 (601A.6), Code 1977, is amended by adding the following
29 new subsection:
30 NEW SUBSECTION. Notwithstanding the provisions
31 of this section, a state or federal program designed
32 to benefit a specific age classification which serves
33 a bona fide public purpose shall be permissible."
- 34 11. Page 3, line 35, by striking the word "subsec-
35 tions" and inserting in lieu thereof the word
36 "subsection".
- 37 12. Page 4, by striking lines 1 through 6.
- 38 13. Page 4, by striking lines 10 through 17.
- 39 14. Page 4, line 12, by inserting after the word
40 "new" the word "lettered".
- 41 15. Page 4, line 13, by inserting after the word
42 "NEW" the word "LETTERED".
- 43 16. Page 5, line 33, by striking the word "ten"
44 and inserting in lieu thereof the word "twenty".
- 45 17. Page 6, line 1, by striking the word
46 "reviewing" and inserting in lieu thereof the word
47 "hearing".
- 48 18. Page 6, line 2, by inserting after the word
49 "officer" the words "under the jurisdiction of the
50 commission".

H-6603

Page 21

19. Page 6, by striking lines 4 through 8 and
2 inserting in lieu thereof the following:
3 "b. For purposes of this Act, a hearing officer
4 issuing a determination of probable cause or no
5 probable cause under this section shall be exempt
6 from the provisions of section seventeen A point
7 seventeen (17A.17) of the Code."
8 20. Page 6, line 9, by striking the word
9 "reviewing" and inserting in lieu thereof the word
10 "hearing".
11 21. Page 6, line 13, by striking the word
12 "reviewing" and inserting in lieu thereof the word
13 "hearing".
14 22. Page 6, line 14, by striking the word
15 "reviewing" and inserting in lieu thereof the word
16 "hearing".
17 23. Page 6, line 27, by striking the word "omitted"
18 and inserting in lieu thereof the word "bypassed".
19 24. Page 6, line 32, by striking the word
20 "omitting" and inserting in lieu thereof the word
21 "bypassing".
22 25. Page 6, line 33, by striking the word
23 "omission" and inserting in lieu thereof the word
24 "bypassing".
25 26. Page 6, line 34, by striking the word
26 "omission" and inserting in lieu thereof the word
27 "bypassing".
28 27. Page 7, line 9, by striking the words "omitted,
29 or when" and inserting in lieu thereof the words
30 "bypassed, and".
31 28. Page 7, line 11, by striking the word "have"
32 and inserting in lieu thereof the word "has".
33 29. Page 7, line 17, by striking the word
34 "omitting" and inserting in lieu thereof the word
35 "bypassing".
36 30. Page 7, line 17, by striking the word "omitted"
37 and inserting in lieu thereof the word "bypassed".
38 31. Page 7, line 22, by striking the word
39 "examiner" and inserting in lieu thereof the words
40 "examiner officer".
41 32. Page 8, line 15, by striking the word
42 "reinstatement" and inserting in lieu thereof the word
43 "reinstatement".
44 33. Page 8, line 16, by inserting after the period
45 the following: "Interim earned income and unemployment
46 compensation shall operate to reduce the pay otherwise
47 allowable."
48 34. Page 11, line 12, by striking the word
49 "restricted" and inserting in lieu thereof the word
50 "certified".

1 35. Page 11, by inserting after line 13 the
2 following:

3 "Sec. _____. Section six hundred one A point fourteen
4 (601A.14), subsection fifteen (15), Code 1977, is
5 amended to read as follows:

6 ~~15. Any-verified-complaint-filed-under-this-chapter~~
7 ~~shall-be-so-filed~~ A claim under this chapter shall
8 not be maintained unless a complaint is filed with
9 the commission within one hundred ~~twenty~~ eighty days
10 after the alleged discriminatory or unfair practice
11 occurred."

12 36. Page 11, lines 22 and 23, by striking the
13 words "return receipt requested,".

14 37. Page 11, by inserting after line 23 the follow-
15 ing:

16 "Sec. _____. Section six hundred one A point
17 seventeen (601A.17), Code 1977, is amended by adding
18 the following new unnumbered paragraphs:

19 NEW UNNUMBERED PARAGRAPH. Nothing in this chapter
20 shall be construed as indicating an intent to prohibit
21 an agency of local government having as its purpose
22 the investigation and resolution of violations of
23 this chapter from developing procedures and remedies
24 necessary to insure the protection of rights secured
25 by the Iowa civil rights Act. An agency of local
26 government and the Iowa civil rights commission shall
27 cooperate in the sharing of data and research, and
28 coordinating investigations and conciliations in order
29 to eliminate needless duplication.

30 NEW UNNUMBERED PARAGRAPH. The commission may
31 designate an agency of local government as a referral
32 agency. A local agency shall not be designated a
33 referral agency unless the ordinance creating it
34 provides the same rights and remedies as are provided
35 in this chapter. The commission shall establish
36 by rules the procedures for designating a referral
37 agency and the qualifications to be met by a referral
38 agency.

39 NEW UNNUMBERED PARAGRAPH. A complainant who files
40 a complaint with a referral agency having jurisdiction
41 shall be prohibited from filing a complaint with the
42 commission alleging violations based upon the same
43 acts or practices cited in the original complaint;
44 and a complainant who files a complaint with the
45 commission shall be prohibited from filing a com-
46 plaint with a referral agency alleging violations
47 based upon the same acts or practices cited in the
48 original complaint. However, the commission in its
49 discretion may refer a complaint filed with the
50 commission to a referral agency having jurisdiction

1 over the parties for investigation and resolution;
 2 and a referral agency in its discretion may refer
 3 a complaint filed with that agency to the commission
 4 for investigation and resolution. The commission
 5 may promulgate rules establishing the procedures for
 6 referral of complaints. A referral agency may refuse
 7 to accept a case referred to it by the commission
 8 if the referral agency is unable to effect proper
 9 administration of the complaint. It shall be the
 10 burden of the referral agency to demonstrate that
 11 it is unable to properly administer that complaint.

12 NEW UNNUMBERED PARAGRAPH. A final decision by
 13 a referral agency shall be subject to judicial review
 14 as provided in section six hundred one A point fifteen
 15 (601A.15) of the Code in the same manner and to the
 16 same extent as a final decision of the commission.

17 NEW UNNUMBERED PARAGRAPH. The referral of a
 18 complaint by the commission to a referral agency or
 19 by a referral agency to the commission shall not
 20 affect the right of a complainant to commence an
 21 action in the district court under section one (1)
 22 of this Act."

23 38. Page 11, by striking lines 24 through 35.

24 39. Page 12, by striking lines 1 through 4.

25 40. Page 12, by inserting after line 4 the follow-

26 ing:

27 "NEW SECTION. UNFAIR OR DISCRIMINATORY PRACTICES-
 28 -EDUCATION. It shall be an unfair or discriminatory
 29 practice for any educational institution to
 30 discriminate on the basis of sex in any program or
 31 activity. Such discriminatory practices shall include
 32 but not be limited to the following practices:

33 1. On the basis of sex, exclusion of a person
 34 or persons from participation in, denial of the
 35 benefits of, or subjection to discrimination in any
 36 academic, extracurricular, research, occupational
 37 training, or other program or activity except athletic
 38 programs;

39 2. On the basis of sex, denial of comparable
 40 opportunity in intramural and interscholastic athletic
 41 programs;

42 3. On the basis of sex, discrimination among
 43 persons in employment and the conditions thereof;

44 4. On the basis of sex, the application of any
 45 rule concerning the actual or potential parental,
 46 family or marital status of a person, or the exclusion
 47 of any person from any program or activity or
 48 employment because of pregnancy or related conditions
 49 dependent upon the physician's diagnosis and
 50 certification.

1 For the purpose of this section "educational
 2 institution" includes any public preschool, or
 3 elementary, secondary, or merged area school or area
 4 education agency and their governing boards. Nothing
 5 in this section shall be construed to prohibit any
 6 educational institution from maintaining separate
 7 toilet facilities, locker rooms or living facilities
 8 for the different sexes so long as comparable
 9 facilities are provided."

10 41. Renumbering and correcting internal refer-
 11 ences in accordance with this amendment.

H-6073

1 Amend House File 2390 as follows:

2 1. Page 3, by inserting after line 28 the follow-

3 ing:

4 "Sec. _____. Section six hundred one A point six
5 (601A.6), subsection two (2), paragraph d, Code 1977,
6 is amended by striking the paragraph and inserting in
7 lieu thereof the following:

8 d. Any bona fide religious institution or its
9 educational facility, association, corporation or
10 society with respect to any qualifications for
11 employment based upon the religious tenets of that
12 institution."

13 2. By renumbering sections and correcting internal
14 references as necessary.

H-6073 FILED, WITHDRAWN BY CHIODO of Polk
APRIL 17, 1978 (p. 1577)
DAGGETT of Adams
DIELEMAN of Marion
CONLON of Muscatine
WOODS of Polk
SMALLEY of Polk

HOUSE FILE 2390

H-6074

1 Amend amendment H-6027 to House File 2390, as
2 follows:

3 1. Page 1, line 9, by striking the word "forty"
4 and inserting in lieu thereof the word "forty-five".

H-6074 FILED, ADOPTED BY MILLER of Buchanan
APRIL 17, 1978 (p. 1569)

HOUSE FILE 2390

H-6079

1 Amend House File 2390 as follows:

2 1. Page 3, by inserting after line 28 the follow-
3 ing: "For the purpose of this subsection class actions
4 shall not refer to allegations of systemic
5 discrimination which require a pattern and practice
6 investigation, but shall refer to the number
7 requirement under the rules of civil procedure."

H-6079 FILED, ADOPTED BY MONROE of Des Moines
APRIL 17, 1978 (p. 1572) JESSE of Polk

HOUSE FILE 2390

H-6086

1 Amend House File 2390 as follows:

2 1. Page 3, by inserting after line 28 the follow-
3 ing:

4 "Sec. _____. Section six hundred one A point six
5 (601A.6), subsection two (2), Code 1977, is amended
6 by adding the following new paragraph:

7 NEW PARAGRAPH. The instructional and administra-
8 tive personnel of any bona fide religious institution
9 or its educational facility, association, corporation
10 or society with respect to any qualifications for
11 employment based upon the religious tenets of that
12 institution."

H-6086 FILED, ADOPTED BY CHIODO of Polk
APRIL 17, 1978 (p. 1577)
JESSE of Polk
PERKINS of Greene
WOODS of Polk

H-6062

1 Amend House File 2390 as follows:

2 1. Page 3, by inserting after line 28 the following:

3 "Sec. ____ . Section six hundred one A point seven
4 (601A.7), subsection one (1), Code 1977, is amended to
5 read as follows:

6 1. It shall be an unfair or discriminatory practice
7 for any owner, lessee, sublessee, proprietor, manager,
8 or superintendent of any public accommodation or any
9 agent or employee thereof:

10 a. To refuse or deny to any person because of race,
11 creed, color, sex, national origin, religion, age or
12 disability the accommodations, advantages, facilities,
13 services, or privileges thereof, or otherwise to
14 discriminate against any person because of race, creed,
15 color, sex, national origin, religion, age or disability
16 in the furnishing of such accommodations, advantages,
17 facilities, services, or privileges.

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

23 2. Page 4, by inserting after line 6, the following:

24 "Sec. ____ . Section six hundred one A point eight
25 (601A.8), subsections one (1), two (2), and three (3),
26 Code 1977, are amended to read as follows:

27 1. To refuse to sell, rent, lease, assign or sub-
28 lease any real property or housing accommodation or
29 part, portion or interest therein, to any person be-
30 cause of the race, color, creed, sex, religion, national
31 origin, age or disability of such person.

32 2. To discriminate against any person because of his
33 race, color, creed, sex, religion, national origin, age
34 or disability, in the terms, conditions or privileges
35 of the sale, rental, lease assignment or sublease of any
36 real property or housing accommodation or any part,
37 portion or interest therein.

38 3. To directly or indirectly advertise, or in any
39 other manner indicate or publicize that the purchase,
40 rental, lease, assignment, or sublease of any real
41 property or housing accommodation or any part, portion
42 or interest therein, by persons of any particular race,
43 color, creed, sex, religion, national origin, age or
44 disability is unwelcome, objectionable, not acceptable
45 or not solicited."

46 3. By renumbering the sections and correcting
47 internal references as necessary.

H-6062 FILED, WITHDRAWN BY BRANDT of Black Hawk
APRIL 17, 1978 (p. 1577)

HOUSE FILE 2390

H-6096

1 Amend Amendment H-6044 to House File 2390 as
2 follows:

3 1. Page 1, Line 7, by adding after the word
4 "foundation." the following: "Any attorney advising or
5 participating in the filing of such an action shall
6 be jointly and severally liable for the payment of
7 the costs and attorneys fees."

H-6096 FILED, LOST (p. 1578) BY CONLON of Muscatine.
APRIL 17, 1978

6052

1 Amend House File 2390 as follows:

2 1. Page 1, by striking lines 4 through 10 and
3 inserting in lieu thereof the following:

4 "1. A person claiming to be aggrieved by an unfair
5 or discriminatory practice must initially seek an
6 administrative relief by filing a complaint with the
7 commission in accordance with section six hundred
8 one A point fourteen (601A.14) of the Code. A
9 complainant after the proper filing or complaint with
10 the commission, may subsequently commence an action
11 for relief in the district court if all of the
12 following conditions have been satisfied."

13 2. Page 1, lines 23 and 24, by striking the words
14 and figure "under section two (2) of this Act" and
15 inserting in lieu thereof the words "in the district
16 court"

17 3. Page 2, line 1, by inserting after the word
18 "section" the words "or within one year after the
19 filing of the complaint, whichever occurs first".

20 4. Page 2, line 6, by striking the words "Polk
21 county, or".

22 5. Page 3, lines 4 and 5, by striking the words
23 and figures "This provision relating to a quorum
24 supercedes section seventeen A point two (17A.2) of
25 the Code."

26 6. Page 3, by striking lines 18 through 24 and
27 inserting in lieu thereof the following:

28 "Sec. 6. Section six hundred one A point six
29 (601A.6), Code 1977, is amended by adding the following
30 new subsection:

31 NEW SUBSECTION. This section shall not prohibit
32 discrimination on the basis of age if the person
33 subject to the discrimination is under the age of
34 eighteen years, unless that person is considered by
35 law to be an adult."

36 7. Page 5, line 9, by striking the words "promptly
37 served" and inserting in lieu thereof the words "served
38 within ten days".

39 8. Page 5, line 31, by striking the word and
40 figure "three (3)" and inserting in lieu thereof the
41 work and figure "one (1)".

42 9. Page 5, by striking lines 34 and 35 and
43 inserting in lieu thereof the following: "and
44 persuasion for a period of thirty days following the
45 initial conciliation meeting between the respondent
46 and the commission staff after a finding of".

47 10. Page 6, line 1, by striking the word "The"
48 and inserting in lieu thereof the words "After the
49 expiration of thirty days, the".

50 11. Page 10, lines 18 and 19, by striking the

1 words "and shall cause a copy of the order to be
2 served by certified mail" and inserting in lieu thereof
3 the words "and shall cause a copy of the order
4 dismissing the complaint to be served by restricted
5 mail".

6 12. Page 10, line 26, by inserting after the word
C 7 "a" the word "verified".

8 13. Page 11, line 2, by inserting after the word
A 9 "mail" the words ", return receipt requested,".

H-6052 FILED, A ADOPTED (1565) BY BRANDT of Black Hawk
B ADOPTED; * C OUT OF ORDER; (p. 1574) MONROE of Des Moines
D ADOPTED (p. 1566) HARVEY of Scott
APRIL 17, 1978 HANSEN of O'Brien
x (p. 1574)

HOUSE FILE 2390

H-6049

1 Amend House File 2390 as follows:

2 1. Page 8, by striking lines 8 through 10 and
3 inserting in lieu thereof the following:
4 "(8) Payment to the complainant of damages for
5 an injury caused by the discriminatory or unfair
6 practice which damages shall include but not be limited
7 to actual damages, compensatory damages, court costs
8 and reasonable attorney fees.

9 In calculating the amount of compensatory damages
10 for denial of civil rights, the commissioner or the
11 court shall consider the emotional distress and
12 humiliation suffered by complainant in addition to
13 actual damages."

H-6049 FILED, LOST (p. 1575) BY MONROE of Des Moines
APRIL 17, 1978 JESSE of Polk

HOUSE FILE 2390

H-6054

1 Amend House File 2390 as follows:

2 1. Page 2, line 32, by striking the words
3 "~~forty-dollar~~ sixty-dollar" and inserting in lieu
4 thereof the words "forty-dollar".

H-6054 FILED, ADOPTED BY HANSEN of O'Brien
APRIL 17, 1978 (p. 1563) DIELEMAN of Marion
WELDEN of Hardin

HOUSE FILE 2390

H-6056

1 Amend House File 2390 as follows:

2 1. Page 3, line 28, by striking the word "section"
3 and inserting in lieu thereof the word "chapter".

H-6056 FILED, LOST (p. 1570) BY HARVEY of Scott
APRIL 17, 1978

HOUSE FILE 2390

H-6053

1 Amend House File 2390 as follows:

2 1. Page 6 by striking lines 1 through 10
A 3 and inserting in lieu thereof the words "probable
4 cause."

B 5 2. Page 10 by striking lines 21 through 28.

H-6053 FILED, A LOST (1574) BY LIPSKY of Linn
B ADOPTED (1574)
APRIL 17, 1978

HOUSE FILE 2390

H-6050

1 Amend the Dielman amendment H-5969 to House File
2 2390 as follows:
3 1. Page 1, by striking lines 2 through 22 and
4 inserting in lieu thereof the following:
5 " _____. Page 5, by striking lines 8 through 20
6 and inserting in lieu thereof the following:
7 "3. a. After the filing of a verified complaint,
8 a true copy shall be served within ten days by cer-
9 tified mail on the person against whom the complaint
10 is filed. An authorized member of the commission
11 staff shall make a prompt investigation and shall
12 issue a recommendation to a reviewing officer, who
13 shall then issue a determination of probable cause
14 or no probable cause.
15 b. The reviewing officer shall possess the same
16 qualifications as administrative hearing officers as
17 provided in subsection two (2) of section seventeen
18 A point eleven (17A.11) of the Code but shall be
19 appointed by the Iowa civil rights commission."
20 _____. Page 5, line 21, by striking the word
21 "hearing" and inserting in lieu thereof the word
22 "reviewing".
23 _____. Page 5, line 25, by striking the word
24 "hearing" and inserting in lieu thereof the word
25 "reviewing".
26 _____. Page 5, line 26, by striking the word
27 "hearing" and inserting in lieu thereof the word
28 "reviewing".

H-6050 FILED, ADOPTED BY MONROE of Des Moines
APRIL 17, 1978 (p. 1573)

HOUSE FILE 2390

H-6060

1 Amend House File 2390 as follows:
2 1. Page 7, line 24, by striking the word "pay."
3 and inserting in lieu thereof the words "back pay."
4 Back pay liability shall not accrue from a date more
5 than two years prior to the filing of the complaint
6 with the commission. Interim earnings, including
7 unemployment compensation, welfare assistance or
8 amounts earnable with reasonable diligence by the
9 person or persons discriminated against shall operate
10 to reduce the back pay otherwise allowable."

H-6060 FILED, WITHDRAWN BY HARVEY of Scott
APRIL 17, 1978 (p. 1575) HANSEN of O'Brien

HOUSE FILE 2390

H-6078

1 Amend House File 2390 as follows:
2 1. Page 3, by inserting after line 24 the follow-
3 ing new section:
4 "Sec. _____. Section six hundred one A point six
5 (501A.6), Code 1977, is amended by adding the follow-
6 ing new unnumbered paragraph:
7 NEW UNNUMBERED PARAGRAPH. Notwithstanding the
8 provisions of this section, individuals may be dis-
9 criminated against on the basis of age if such dis-
10 crimination is otherwise provided by state or federal
11 law." Adopted 4/13 (p. 1572) Miller of Buchanan

HOUSE FILE 2390

H-6055

- 1 Amend House File 2390 as follows:
2 1. Page 3, line 15, by striking the words
3 "credit practices,".
4 2. Page 11, by inserting after line 2 the follow-
5 ing:
6 "Sec. ____ Chapter six hundred one A (601A), Code
7 1977, is amended by adding the following new section:
8 NEW SECTION. Notwithstanding any other provision
9 of this chapter, if a complaint is filed with the Iowa
10 civil rights commission alleging a violation of this
11 chapter and such violation appears to be a violation
12 of section five hundred thirty-seven point three thousand
13 three hundred eleven (537.3311) of the Code, the complaint
14 shall be referred to the person charged with administrative
15 enforcement of the Iowa consumer credit code against the
16 respondent for action on the complaint. The director of
17 the Iowa civil rights commission or his or her designee
18 shall provide assistance to the complainant in the form
19 of legal assistance or a research source and, if re-
20 quested, shall represent the complainant before the
21 proper administrator of the Iowa consumer credit code
22 administrator."
23 3. Renumber the remaining sections as required by
24 this amendment.

H-6055 FILED, ADOPTED BY WEST of Marshall
APRIL 17, 1978 (p. 1566) MONROE of Des Moines

HOUSE FILE 2390

H-6059

- 1 Amend House File 2390 as follows:
2 1. Page 1, line 14, by striking the word "and".
3 2. Page 1, line 18, by striking the period and
4 inserting in lieu thereof the word "; and".
5 3. Page 1, by inserting after line 18 the
6 following:
7 "c. The complainant does not have a complaint
8 or charge currently pending with another municipal,
9 state or federal agency or court concerning the same
10 or similar allegations of an unfair or discrimina-
11 tory practice."

H-6059 FILED, LOST (p. 1566) BY HARVEY of Scott
APRIL 17, 1978

HOUSE FILE 2390

H-6051

- 1 Amend House File 2390 as follows:
2 1. Page 2, by inserting after line 12 the follow-
3 ing:
4 "5. It is the legislative intent of this Act that
5 every complaint be at least preliminarily screened
6 during the first one hundred twenty days."

H-6051 FILED, ADOPTED BY MONROE of Des Moines
APRIL 17, 1978 (p. 1563)

HOUSE FILE 2390

H-6043

- 1 Amend House File 2390 as follows:
- 2 1. Page 6, line 20, by inserting after the word
- 3 "omitted," the words "or when the thirty day period
- 4 provided for in subsection three (3) of section six
- 5 hundred one A point fourteen (601A.14) of the Code
- 6 have expired without agreement,".
- 7 2. Page 6, line 25, by inserting after the word
- 8 "conciliation," the words "if the conciliation is
- 9 omitted,".

H-6043 FILED *Adopted 4/17* BY BRANDT of Black Hawk
APRIL 13, 1978 *(p. 1575)*

HOUSE FILE 2390

H-6045

- 1 Amend House File 2390 as follows:
- 2 1. Page 8, line 10, by striking the words "shall
- 3 include actual cost" and inserting in lieu thereof the
- 4 words "shall include but are not limited to actual
- 5 damages, court costs".

H-6045 FILED *Adopted 4/17* BY SHIMANEK of Jones
APRIL 13, 1978 *(p. 1576)* TAUKE of Dubuque
BRANDT of Black Hawk
MONROE of Des Moines

HOUSE FILE 2390

H-6044

- 1 Amend House File 2390 as follows:
- 2 1. Page 2, line 12, by inserting after the word
- 3 "commission." the words "The district court may also
- 4 award the respondent reasonable attorney's fees and
- 5 court costs when the court finds that the complainant's
- 6 action was frivolous, unreasonable, or without
- 7 foundation."

H-6044 FILED *Adopted 4/17* BY HARVEY of Scott
APRIL 13, 1978 *(p. 1563)*
Reconsidered & Lost 4/17 (p. 1578)

HOUSE FILE 2390

H-6048

- 1 Amend House File 2390 as follows:
- 2 1. Page 3, by striking lines 25 through 28.
- 3 2. Page 8, line 10, by inserting after the word
- 4 "fees." the words "Unless greater damages are proven,
- 5 damages may be assessed at five hundred dollars for
- 6 each violation."

H-6048 FILED, LOST *(p. 1569)* BY MONROE of Des Moines
APRIL 17, 1978 JESSE of Polk

H-5969

- 1 Amend House File 2390 as follows:
 2 1. Page 5, line 16, by striking the words
 3 "hearing officer under the jurisdiction" and inserting
 4 in lieu thereof the words "commissioner appointed as
 5 an investigating commissioner by the chairperson".
 6 2. Page 5, lines 18, 19 and 20 by striking the
 7 sentence "The hearing officer shall be appointed
 8 pursuant to section seventeen A point eleven (17A.11)
 9 of the Code."
 10 3. Page 5, line 21, by striking the words
 11 "hearing officer" and inserting in lieu thereof the
 12 words "investigating commissioner".
 13 4. Page 5, lines 25 and 26, by striking the
 14 words "hearing officer" and inserting in lieu thereof
 15 the words "investigating commissioner".
 16 5. Page 6, line 30, by striking the word
 17 "examiner" and inserting in lieu thereof the words
 18 "examiner officer".
 19 6. Page 6, line 31, by inserting after the
 20 period the words "The hearing officer shall be
 21 appointed pursuant to section seventeen A point eleven
 22 (17A.11) of the Code.".

H-5969 FILED *Adopted 4/13* BY DIELEMAN of Marion
 APRIL 10, 1978 (*p. 1573*)

HOUSE FILE 2390

H-6024

- 1 Amend House File 2390 as follows:
 2 1. Page 8, by striking lines 8 through 10 and
 3 inserting in lieu thereof the following:
 4 "(8) Payment to the complainant of pecuniary
 5 damages for an injury caused by the discriminatory
 6 or unfair practice. However, for violations of
 7 section six hundred one A point six (601A.6) of the
 8 Code, these damages shall be limited to back pay."

H-6024 FILED *w.d. 4/17 (1575)* BY TAUKE of Dubuque
 APRIL 13, 1978

HOUSE FILE 2390

H-6025

- 1 Amend House File 2390 as follows:
 2 1. Page 9, line 31, by striking the word "shall"
 3 and inserting in lieu thereof the word "may".

H-6025 FILED *Adopted 4/17* BY SHIMANEK of Jones
 APRIL 13, 1978 (*p. 1577*)

HOUSE FILE 2390

H-6027

- 1 Amend House File 2390 as follows:
 2 1. Page 3, line 26, by striking the word "sub-
 3 section" and inserting in lieu thereof the word
 4 "subsections".
 5 2. Page 3, by inserting after line 28 the
 6 following:
 7 "NEW SUBSECTION. This section shall not apply to
 8 age discrimination in bona fide apprenticeship
 9 employment programs if the employee is over forty
 10 years of age."

H-6027 FILED *Adopted as amended by* BY MILLER of Buchanan
 APRIL 13, 1978 (*6074 4/17 (p. 1569)*)

H-6614

- 1 Amend the Senate amendment, H-6603, to House File
- 2 2390 as amended, passed and reprinted by the House
- 3 as follows:
- 4 1. Page 1, by striking lines 9 through 13.

H-6614 FILED
MAY 10, 1978

BY BRANDT of Black Hawk
MONROE of Des Moines
HARGRAVE of Johnson

HOUSE AMENDMENT TO SENATE AMENDMENT TO
HOUSE FILE 2390

S-5863

- 1 Amend the Senate amendment, H-6603, to House File
- 2 2390 as amended, passed and reprinted by the House
- 3 as follows:
- 4 1. Page 1, by striking lines 5 and 6.
- 5 2. Page 1, by striking line 38 and inserting in
- 6 lieu thereof the following:
- 7 "____. Page 4, by striking lines 10 through 17
- 8 and inserting in lieu thereof the following:
- 9 "Sec. ____ Section six hundred one A point six
- 10 (601A.6), subsection two (2), paragraph d, Code 1977,
- 11 is amended to read as follows:
- 12 d. Any bona fide religious institution or its
- 13 educational facility, association, corporation or
- 14 society with respect to any qualifications for
- 15 employment based on religion when such qualifications
- 16 are related to a bona fide religious purpose. A
- 17 religious qualification for instructional personnel
- 18 or an administrative officer, serving in a supervisory
- 19 capacity of a bona fide religious educational facility
- 20 or religious institution, shall be presumed to be
- 21 a bona fide occupational qualification."
- 22 3. Page 1, by striking lines 39 through 42.

S-5863 FILED
MAY 10, 1978

RECEIVED FROM THE HOUSE

Senate *5/10/78* *(1451)*

HOUSE FILE 2390

AN ACT

AMENDING THE IOWA CIVIL RIGHTS LAW.

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

Section 1. Chapter six hundred one A (601A), Code 1977, is amended by adding the following new section:

NEW SECTION. ONE HUNDRED TWENTY-DAY ADMINISTRATIVE RELEASE.

1. A person claiming to be aggrieved by an unfair or discriminatory practice must initially seek an administrative relief by filing a complaint with the commission in accordance with section six hundred one A point fourteen (601A.14) of the Code. A complainant after the proper filing of a complaint with the commission, may subsequently commence an action for relief in the district court if all of the following conditions have been satisfied:

a. The complainant has timely filed the complaint with the commission as provided in subsection fifteen (15) of section six hundred one A point fourteen (601A.14) of the Code; and

b. The complaint has been on file with the commission for at least one hundred twenty days and the commission has issued a release to the complainant pursuant to subsection two (2) of this section.

2. Upon a request by the complainant, and after the expiration of one hundred twenty days from the timely filing of a complaint with the commission, the commission shall issue to the complainant a release stating that the complainant has a right to commence an action in the district court. A release under this subsection shall not be issued if a finding of no probable cause has been made on the complaint by the hearing officer charged with that duty under section twelve (12) of this Act, or a conciliation agreement has been executed under section six hundred one A point fourteen (601A.14) of the Code, or the commission has served notice

of hearing upon the respondent pursuant to subsection six (6) of section six hundred one A point fourteen (601A.14) of the Code.

3. An action authorized under this section is barred unless commenced within ninety days after issuance by the commission of a release under subsection two (2) of this section or within one year after the filing of the complaint, whichever occurs first. If a complainant obtains a release from the commission under subsection two (2) of this section, the commission shall be barred from further action on that complaint.

4. Venue for an action under this section shall be in the county in which the respondent resides or has its principal place of business, or in the county in which the alleged unfair or discriminatory practice occurred.

5. The district court may grant any relief in an action under this section which is authorized by subsection twelve (12) of section six hundred one A point fourteen (601A.14) of the Code to be issued by the commission. The district court may also award the respondent reasonable attorney's fees and court costs when the court finds that the complainant's action was frivolous.

6. It is the legislative intent of this Act that every complaint be at least preliminarily screened during the first one hundred twenty days.

Sec. 2. Section six hundred one A point two (601A.2), subsection seven (7), Code 1977, is amended to read as follows:

7. "Unfair practice" or "discriminatory practice" means those practices specified as unfair or discriminatory in sections 601A.6, 601A.7, six hundred one A point eight (601A.8), six hundred one A point nine (601A.9) of the Code, and 601A.10, and section twenty-two (22) of this Act.

Sec. 3. Section six hundred one A point two (601A.2), subsection ten (10), Code 1977, is amended by adding the following new paragraph:

NEW PARAGRAPH. "Public accommodation" includes each state

and local government unit or tax-supported district of whatever kind, nature, or class that offers services, facilities, benefits, grants or goods to the public, gratuitously or otherwise. This paragraph shall not be construed by negative implication or otherwise to restrict any part or portion of the pre-existing definition of the term "public accommodation".

Sec. 4. Section six hundred one A point five (601A.5), subsections two (2) and three (3), Code 1977, are amended to read as follows:

2. To receive, investigate, and ~~pass-upon~~ finally determine the merits of complaints alleging unfair or discriminatory practices.

3. To investigate and study the existence, character, causes, and extent of discrimination in public accommodations, employment, apprenticeship programs, on-the-job training programs, vocational schools, credit practices, and housing in this state and to attempt the elimination of such discrimination by education and conciliation.

Sec. 5. Section six hundred one A point six (601A.6), Code 1977, is amended by adding the following new subsection:
NEW SUBSECTION. This section shall not prohibit discrimination on the basis of age if the person subject to the discrimination is under the age of eighteen years, unless that person is considered by law to be an adult.

Sec. 6. Section six hundred one A point six (601A.6), Code 1977, is amended by adding the following new subsection:
NEW SUBSECTION. Notwithstanding the provisions of this section, a state or federal program designed to benefit a specific age classification which serves a bona fide public purpose shall be permissible.

Sec. 7. Section six hundred one A point six (601A.6), Code 1977, is amended by adding the following new subsection:
NEW SUBSECTION. This section shall not apply to age discrimination in bona fide apprenticeship employment programs if the employee is over forty-five years of age.

Sec. 8. Section six hundred one A point six (601A.6), subsection two (2), paragraph d, Code 1977, is amended to

read as follows:

d. Any bona fide religious institution or its educational facility, association, corporation or society with respect to any qualifications for employment based on religion when such qualifications are related to a bona fide religious purpose. A religious qualification for instructional personnel or an administrative officer, serving in a supervisory capacity of a bona fide religious educational facility or religious institution, shall be presumed to be a bona fide occupational qualification.

Sec. 9. Section six hundred one A point eight (601A.8), Code 1977, is amended by adding the following new subsection:
NEW SUBSECTION.

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

Sec. 10. Section six hundred one A point nine (601A.9), Code 1977, is amended to read as follows:

601A.9 UNFAIR CREDIT PRACTICES. It shall be an unfair or discriminatory practice for any:

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

2. ~~A-person~~ Person authorized or licensed to do business in this state pursuant to chapter 524, 533, 534, 536, or 536A ~~shall-not~~ to refuse to loan or extend credit or to impose terms or conditions more onerous than those regularly extended

to persons of similar economic backgrounds because of age, color, creed, national origin, race, religion, marital status, sex or physical disability.

3. Creditor to refuse to offer credit life or health and accident insurance because of color, creed, national origin, race, religion, marital status, age, physical disability or sex. Refusal by a creditor to offer credit life or health and accident insurance based upon the age or physical disability of the consumer shall not ~~violate the provisions of this section provided be an unfair or discriminatory practice if~~ such denial is based solely upon bona fide underwriting considerations not prohibited by title XX.

The provisions of this section shall not be construed by negative implication or otherwise to narrow or restrict any other provisions of this chapter.

Sec. 11. Section six hundred one A point fourteen (601A.14), subsection one (1), Code 1977, is amended by striking unnumbered paragraph two (2).

Sec. 12. Section six hundred one A point fourteen (601A.14), subsection three (3), Code 1977, is amended by striking the subsection and inserting in lieu thereof the following:

3. a. After the filing of a verified complaint, a true copy shall be served within twenty days by certified mail on the person against whom the complaint is filed. An authorized member of the commission staff shall make a prompt investigation and shall issue a recommendation to a hearing officer under the jurisdiction of the commission, who shall then issue a determination of probable cause or no probable cause.

b. For purposes of this Act, a hearing officer issuing a determination of probable cause or no probable cause under this section shall be exempt from the provisions of section seventeen A point seventeen (17A.17) of the Code.

c. If the hearing officer concurs with the investigating official that probable cause exists regarding the allegations of the complaint, the staff of the commission shall promptly

endeavor to eliminate the discriminatory or unfair practice by conference, conciliation, and persuasion. If the hearing officer finds that no probable cause exists, the hearing officer shall issue a final order dismissing the complaint and shall promptly mail a copy to the complainant and to the respondent by certified mail. A finding of probable cause shall not be introduced into evidence in an action brought under section one (1) of this Act.

d. The commission staff must endeavor to eliminate the discriminatory or unfair practice by conference, conciliation, and persuasion for a period of thirty days following the initial conciliation meeting between the respondent and the commission staff after a finding of probable cause. After the expiration of thirty days, the director may order the conciliation conference and persuasion procedure provided in this section to be bypassed when the director determines the procedure is unworkable by reason of past patterns and practices of the respondent, or a statement by the respondent that the respondent is unwilling to continue with the conciliation. The director must have the approval of a commissioner before bypassing the conciliation, conference and persuasion procedure. Upon the bypassing of conciliation, the director shall state in writing the reasons for bypassing.

Sec. 13. Section six hundred one A point fourteen (601A.14), Code 1977, is amended by striking subsection five (5).

Sec. 14. Section six hundred one A point fourteen (601A.14), subsection six (6), Code 1977, is amended to read as follows:

6. When the ~~investigating-official~~ director is satisfied that further endeavor to settle a complaint by conference, conciliation, and persuasion ~~shall be futile~~ is unworkable and should be bypassed, and the thirty day period provided for in subsection three (3) of section six hundred one A point fourteen (601A.14) of the Code has expired without agreement, ~~the official shall report the same to the commission. If the commission determines that the circumstances warrant,~~

the director with the approval of a commissioner, shall issue and cause to be served a written notice specifying the charges in the complaint as they may have been amended and the reasons for bypassing conciliation, if the conciliation is bypassed, and requiring the respondent to answer the charges of such the complaint at a hearing before the commission, a commissioner, or such-other a person designated by the commission to conduct the hearing, hereafter referred to as the hearing examiner officer, and at a time and place to be specified in such the notice.

Sec. 15. Section six hundred one A point fourteen (601A.14), Code 1977, is amended by striking subsections eight (8) through eleven (11) and inserting in lieu thereof the following:

8. The hearing shall be conducted in accordance with the provisions of chapter seventeen A (17A) of the Code for contested cases. The burden of proof in such a hearing shall be on the commission.

Sec. 16. Section six hundred one A point fourteen (601A.14), subsection twelve (12), Code 1977, is amended by striking the subsection and inserting in lieu thereof the following:

12. If upon taking into consideration all of the evidence at a hearing, the commission determines that the respondent has engaged in a discriminatory or unfair practice, the commission shall state its findings of fact and conclusions of law and shall issue an order requiring the respondent to cease and desist from the discriminatory or unfair practice and to take the necessary remedial action as in the judgment of the commission will carry out the purposes of this chapter. A copy of the order shall be delivered to the respondent, the complainant, and to any other public officers and persons as the commission deems proper.

a. For the purposes of this subsection and pursuant to the provisions of this chapter "remedial action" includes but is not limited to the following:

(1) Hiring, reinstatement or upgrading of employees with

or without pay. Interim earned income and unemployment compensation shall operate to reduce the pay otherwise allowable.

(2) Admission or restoration of individuals to a labor organization, admission to or participation in a guidance program, apprenticeship training program, on-the-job training program or other occupational training or retraining program, with the utilization of objective criteria in the admission of individuals to such programs.

(3) Admission of individuals to a public accommodation or an educational institution.

(4) Sale, exchange, lease, rental, assignment or sublease of real property to an individual.

(5) Extension to all individuals of the full and equal enjoyment of the advantages, facilities, privileges, and services of the respondent denied to the complainant because of the discriminatory or unfair practice.

(6) Reporting as to the manner of compliance.

(7) Posting notices in conspicuous places in the respondent's place of business in form prescribed by the commission and inclusion of notices in advertising material.

(8) Payment to the complainant of damages for an injury caused by the discriminatory or unfair practice which damages shall include but are not limited to actual damages, court costs and reasonable attorney fees.

b. In addition to the remedies provided in the preceding provisions of this subsection, the commission may issue an order requiring the respondent to cease and desist from the discriminatory or unfair practice and to take such affirmative action as in the judgment of the commission will carry out the purposes of this chapter as follows:

(1) In the case of a respondent operating by virtue of a license issued by the state or a political subdivision or agency, if the commission, upon notice to the respondent with an opportunity to be heard, determines that the respondent has engaged in a discriminatory or unfair practice and that the practice was authorized, requested, commanded, performed

or knowingly or recklessly tolerated by the board of directors of the respondent or by an officer or executive agent acting within the scope of his or her employment, the commission shall so certify to the licensing agency. Unless the commission finding of a discriminatory or unfair practice is reversed in the course of judicial review, the finding of discrimination is binding on the licensing agency. If a certification is made pursuant to this subsection, the licensing agency may initiate licensee disciplinary procedures.

(2) In the case of a respondent who is found by the commission to have engaged in a discriminatory or unfair practice in the course of performing under a contract or subcontract with the state or political subdivision or agency, if the practice was authorized, requested, commanded, performed, or knowingly or recklessly tolerated by the board of directors of the respondent or by an officer or executive agent acting within the scope of his or her employment, the commission shall so certify to the contracting agency. Unless the commission's finding of a discriminatory or unfair practice is reversed in the course of judicial review, the finding of discrimination is binding on the contracting agency.

(3) Upon receiving a certification made under this subsection, a contracting agency may take appropriate action to terminate a contract or portion thereof previously entered into with the respondent, either absolutely or on condition that the respondent carry out a program of compliance with the provisions of this Act; and assist the state and all political subdivisions and agencies thereof to refrain from entering into further contracts.

c. The election of an affirmative order under paragraph b of this subsection shall not bar the election of affirmative remedies provided in paragraph a of this subsection.

Sec. 17. Section six hundred one A point fourteen (601A.14), Code 1977, is amended by adding the following new subsection:

NEW SUBSECTION. The terms of a conciliation agreement reached with the respondent may require him or her 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 Act, and to consent to the entry in an appropriate district court of a consent decree embodying the terms of the conciliation 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 agreement are not being complied with by the respondent, the commission shall take appropriate action to assure compliance.

Sec. 18. Section six hundred one A point fourteen (601A.14), subsection thirteen (13), Code 1977, is amended to read as follows:

13. If, upon taking into consideration all of the evidence at a hearing, the commission ~~shall find~~ finds that a respondent has not engaged in any such discriminatory or unfair practice, the commission shall ~~state its findings of fact and shall issue and cause to be served~~ an order denying relief and stating the findings of fact and conclusions of the commission, and shall cause a copy of the order dismissing the complaint to be served by certified mail on the complainant and the respondent ~~dismissing the complaint.~~

Sec. 19. Section six hundred one A point fourteen (601A.14), subsection fifteen (15), Code 1977, is amended to read as follows:

15. ~~Any verified complaint filed under this chapter shall be so filed~~ A claim under this chapter shall not be maintained unless a complaint is filed with the commission within one

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hundred twenty eighty days after the alleged discriminatory or unfair practice occurred.

Sec. 20. Section six hundred one A point fifteen (601A.15), subsection one (1), Code 1977, is amended by adding the following new paragraph:

NEW PARAGRAPH. For purposes of the time limit for filing a petition for judicial review under the Iowa administrative procedure Act, specified by section seventeen A point nineteen (17A.19) of the Code, the issuance of a final decision of the commission under this chapter occurs on the date notice of the decision is mailed by certified mail, to the parties.

Sec. 21. Section six hundred one A point seventeen (601A.17), Code 1977, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. Nothing in this chapter shall be construed as indicating an intent to prohibit an agency of local government having as its purpose the investigation and resolution of violations of this chapter from developing procedures and remedies necessary to insure the protection of rights secured by the Iowa civil rights Act. An agency of local government and the Iowa civil rights commission shall cooperate in the sharing of data and research, and coordinating investigations and conciliations in order to eliminate needless duplication.

NEW UNNUMBERED PARAGRAPH. The commission may designate an agency of local government as a referral agency. A local agency shall not be designated a referral agency unless the ordinance creating it provides the same rights and remedies as are provided in this chapter. The commission shall establish by rules the procedures for designating a referral agency and the qualifications to be met by a referral agency.

NEW UNNUMBERED PARAGRAPH. A complainant who files a complaint with a referral agency having jurisdiction shall be prohibited from filing a complaint with the commission alleging violations based upon the same acts or practices cited in the original complaint; and a complainant who files a complaint with the commission shall be prohibited from

filing a complaint with a referral agency alleging violations based upon the same acts or practices cited in the original complaint. However, the commission in its discretion may refer a complaint filed with the commission to a referral agency having jurisdiction over the parties for investigation and resolution; and a referral agency in its discretion may refer a complaint filed with that agency to the commission for investigation and resolution. The commission may promulgate rules establishing the procedures for referral of complaints. A referral agency may refuse to accept a case referred to it by the commission if the referral agency is unable to effect proper administration of the complaint. It shall be the burden of the referral agency to demonstrate that it is unable to properly administer that complaint.

NEW UNNUMBERED PARAGRAPH. A final decision by a referral agency shall be subject to judicial review as provided in section six hundred one A point fifteen (601A.15) of the Code in the same manner and to the same extent as a final decision of the commission.

NEW UNNUMBERED PARAGRAPH. The referral of a complaint by the commission to a referral agency or by a referral agency to the commission shall not affect the right of a complainant to commence an action in the district court under section one (1) of this Act.

Sec. 22. Chapter six hundred one A (601A), Code 1977, is amended by adding the following new section:

NEW SECTION. UNFAIR OR DISCRIMINATORY PRACTICES--EDUCATION. It shall be an unfair or discriminatory practice for any educational institution to discriminate on the basis of sex in any program or activity. Such discriminatory practices shall include but not be limited to the following practices:

1. On the basis of sex, exclusion of a person or persons from participation in, denial of the benefits of, or subjection to discrimination in any academic, extracurricular, research, occupational training, or other program or activity except athletic programs;

2. On the basis of sex, denial of comparable opportunity

in intramural and interscholastic athletic programs;

3. On the basis of sex, discrimination among persons in employment and the conditions thereof;

4. On the basis of sex, the application of any rule concerning the actual or potential parental, family or marital status of a person, or the exclusion of any person from any program or activity or employment because of pregnancy or related conditions dependent upon the physician's diagnosis and certification.

For the purpose of this section "educational institution" includes any public preschool, or elementary, secondary, or merged area school or area education agency and their governing boards. Nothing in this section shall be construed to prohibit any educational institution from maintaining separate toilet facilities, locker rooms or living facilities for the different sexes so long as comparable facilities are provided.

Sec. 23. This Act shall take effect January 1, 1979.

DALE M. COCHRAN
Speaker of the House

ARTHUR A. NEU
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2390, Sixty-seventh General Assembly.

Approved June 29, 1978

DAVID L. WRAY
Chief Clerk of the House

ROBERT D. RAY
Governor