

House File 2154

Reprint

JAN 23 1990

HOUSE FILE 2154

LOCAL GOVERNMENT

BY HATCH, MURPHY, CARPENTER,
HANSEN of Woodbury, HARPER,
SHOULTZ, BRAMMER, BUHR, and
ROSENBERG

Passed House, Date 2/1/90 (p 507) Passed Senate, Date 3/26/90 (p 1316)
Vote: Ayes 80 Nays 15 Vote: Ayes 48 Nays 1
Approved April 16, 1990

A BILL FOR

1 An Act relating to civil rights by requiring certain cities to
2 maintain a local civil rights agency or commission and provide
3 adequate funding for the agency or commission, and providing
4 for the continuation in effect of certain local civil rights
5 laws.

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

7

HOUSE FILE 2154

H-5069

- 1 Amend House File 2154 as follows:
- 2 1. Page 1, by striking lines 9 through 15 and
- 3 inserting the following: "that deal with the same
- 4 subject matter."
- 5 2. Page 2, by striking lines 1 and 2 and
- 6 inserting the following: "to chapter 17A. An agency
- 7 or commission for which a staff is provided shall have
- 8 control over such staff. A city required to".

By COMMITTEE ON LOCAL GOVERNMENT
FOGARTY of Palo Alto, Chairperson

H-5069 FILED FEBRUARY 1, 1990
Adopted 2/21 (p 522)

18
19
20
21
22

HF 2154

1 Section 1. Section 601A.19, Code 1989, is amended to read
2 as follows:

3 601A.19 LOCAL LAWS MAY-IMPBEMENT IMPLEMENTING THIS
4 CHAPTER.

5 Nothing contained in ~~any provision of~~ this chapter shall be
6 construed as indicating an intent on the part of the general
7 assembly to occupy the field in which this chapter operates to
8 the exclusion of local laws not inconsistent with this chapter
9 that deal with the same subject matter. A local law
10 consistent with this chapter and covering the same subject
11 matter, enacted since the effective date of this chapter,
12 shall continue in effect, regardless of actions taken by the
13 local governing body, until unlawful discrimination is
14 substantially eliminated within the local government's
15 boundaries.

16 Nothing in this chapter shall be construed as indicating an
17 intent to prohibit an agency or commission of local government
18 having as its purpose the investigation and resolution of
19 violations of this chapter from developing procedures and
20 remedies necessary to insure the protection of rights secured
21 by ~~the Iowa civil rights Act~~ this chapter. All cities shall,
22 to the extent possible, protect the rights of the citizens of
23 this state secured by the Iowa civil rights Act. Nothing in
24 this chapter shall be construed as limiting a city or local
25 government from enacting any ordinance or other law which
26 prohibits broader or different categories of unfair or
27 discriminatory practices.

28 PARAGRAPH DIVIDED. An agency or commission of local
29 government and the Iowa civil rights commission shall co-
30 operate in the sharing of data and research, and co-ordinating
31 investigations and conciliations in order to expedite claims
32 of unlawful discrimination and eliminate needless duplication.
33 A city with a population of twenty-nine thousand, or greater,
34 shall maintain an independent local civil rights agency or
35 commission consistent with commission rules adopted pursuant

1 to chapter 17A. The agency or commission shall have a staff
2 independent from the city council. A city required to
3 maintain a local civil rights agency or commission shall
4 structure and adequately fund the agency or commission in
5 order to effect cooperative undertakings with the Iowa civil
6 rights commission and to aid in effectuating the purposes of
7 this chapter. The Iowa civil rights commission may enter into
8 cooperative agreements with any local agency or commission to
9 effectuate the purposes of this chapter. Such agreements may
10 include technical and clerical assistance and reimbursement of
11 expenses incurred by the local agency or commission in the
12 performance of the agency's or commission's duties if funds
13 for this purpose are appropriated by the general assembly.

14 The Iowa civil rights commission may designate an unfunded
15 local agency of ~~local~~ government or commission as a referral
16 agency. A local agency or commission shall not be designated
17 a referral agency unless the ordinance creating it provides
18 the same rights and remedies as are provided in this chapter.
19 The Iowa civil rights commission shall establish by rules the
20 procedures for designating a referral agency and the
21 qualifications to be met by a referral agency.

22 A complainant who files a complaint with a referral agency
23 having jurisdiction shall be prohibited from filing a
24 complaint with the Iowa civil rights commission alleging
25 violations based upon the same acts or practices cited in the
26 original complaint; and a complainant who files a complaint
27 with the commission shall be prohibited from filing a
28 complaint with the referral agency alleging violations based
29 upon the same acts or practices cited in the original
30 complaint. However, the Iowa civil rights commission in its
31 discretion may refer a complaint filed with the commission to
32 a referral agency having jurisdiction over the parties for
33 investigation and resolution; and a referral agency in its
34 discretion may refer a complaint filed with that agency to the
35 commission for investigation and resolution. The commission

1 may promulgate adopt rules establishing the procedures for
2 referral of complaints. A referral agency may refuse to
3 accept a case referred to it by the Iowa civil rights
4 commission if the referral agency is unable to effect proper
5 administration of the complaint. It shall be the burden of
6 the referral agency to demonstrate that it is unable to
7 properly administer that complaint.

8 A final decision by a referral agency shall be subject to
9 judicial review as provided in section 601A.17 in the same
10 manner and to the same extent as a final decision of the Iowa
11 civil rights commission.

12 The referral of a complaint by the Iowa civil rights
13 commission to a referral agency or by a referral agency to the
14 Iowa civil rights commission shall not affect the right of a
15 complainant to commence an action in the district court under
16 section 601A.16.

17 EXPLANATION

18 This bill requires a city of 29,000 population, or greater,
19 or a city receiving state or federal financial assistance, to
20 maintain a local civil rights agency or commission consistent
21 with rules adopted by the Iowa civil rights commission. A
22 city required to maintain this local agency or commission must
23 provide adequate funding in order to effect cooperative
24 undertakings with the Iowa civil rights commission to
25 effectuate the purposes of the Iowa civil rights Act. The
26 Iowa civil rights commission is authorized to reimburse a
27 local agency or commission for expenses incurred in
28 furtherance of the agency's or commission's duties if funds
29 are appropriated by the general assembly for this purpose.

30 The bill also provides that local laws, if enacted since
31 the effective date of chapter 601A, which are consistent with
32 that chapter, shall remain in effect.

33 This bill may include a state mandate as defined in chapter
34 25B.

35

HOUSE FILE 2154

BY HATCH, MURPHY, CARPENTER,
HANSEN of Woodbury, HARPER,
SHOULTZ, BRAMMER, BUHR, and
ROSENBERG

(As Amended and Passed by the House February 21, 1990)

^{per 5877}
By Passed House, Date 3/28/90 (p. 1533) Passed Senate, Date 3/26/90 (p. 1316)
Vote: Ayes 77 Nays 19 Vote: Ayes 48 Nays 1
Approved April 16, 1990

Repassed H

A BILL FOR

- 1 An Act relating to civil rights by requiring certain cities to
- 2 maintain a local civil rights agency or commission and provide

HOUSE FILE 2154

S-5421

- 1 Amend House File 2154, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 3, by inserting after line 10, the
- 4 following:
- 5 "Sec. _____.
- 6 This Act applies only to an agency or commission of
- 7 local government in existence on the effective date of
- 8 this Act.
- 9 This Act is repealed as of July 1, 1991. The Code
- 10 editor shall editorially amend section 601A.19 in this
- 11 Act to reflect this repeal by restoring the language
- 12 in the section to the language in the section as it
- 13 appears in the Code of Iowa 1989."
- 14 2. Title page, line 5, by inserting after the
- 15 word "laws" the following: ", and providing for the
- 16 applicability of the Act".
- 17 3. By renumbering as necessary.

By COMMITTEE ON LOCAL GOVERNMENT
ALVIN J. MILLER, Chairperson

S-5421 FILED MARCH 8, 1990

Adopted 3/26 (p. 1316)

1 Section 1. Section 601A.19, Code 1989, is amended to read
2 as follows:

3 601A.19 LOCAL LAWS MAY-IMPLEMENT IMPLEMENTING THIS
4 CHAPTER.

5 Nothing ~~contained in any provision of~~ this chapter shall be
6 construed as indicating an intent on the part of the general
7 assembly to occupy the field in which this chapter operates to
8 the exclusion of local laws not inconsistent with this chapter
9 that deal with the same subject matter.

10 Nothing in this chapter shall be construed as indicating an
11 intent to prohibit an agency or commission of local government
12 having as its purpose the investigation and resolution of
13 violations of this chapter from developing procedures and
14 remedies necessary to insure the protection of rights secured
15 by the-Iowa-civil-rights-Act this chapter. All cities shall,
16 to the extent possible, protect the rights of the citizens of
17 this state secured by the Iowa civil rights Act. Nothing in
18 this chapter shall be construed as limiting a city or local
19 government from enacting any ordinance or other law which
20 prohibits broader or different categories of unfair or
21 discriminatory practices.

22 PARAGRAPH DIVIDED. An agency or commission of local
23 government and the Iowa civil rights commission shall co-
24 operate in the sharing of data and research, and co-ordinating
25 investigations and conciliations in order to expedite claims
26 of unlawful discrimination and eliminate needless duplication.
27 A city with a population of twenty-nine thousand, or greater,
28 shall maintain an independent local civil rights agency or
29 commission consistent with commission rules adopted pursuant
30 to chapter 17A. An agency or commission for which a staff is
31 provided shall have control over such staff. A city required
32 to maintain a local civil rights agency or commission shall
33 structure and adequately fund the agency or commission in
34 order to effect cooperative undertakings with the Iowa civil
35 rights commission and to aid in effectuating the purposes of

1 this chapter. The Iowa civil rights commission may enter into
2 cooperative agreements with any local agency or commission to
3 effectuate the purposes of this chapter. Such agreements may
4 include technical and clerical assistance and reimbursement of
5 expenses incurred by the local agency or commission in the
6 performance of the agency's or commission's duties if funds
7 for this purpose are appropriated by the general assembly.

8 The Iowa civil rights commission may designate an unfunded
9 local agency of-local-government or commission as a referral
10 agency. A local agency or commission shall not be designated
11 a referral agency unless the ordinance creating it provides
12 the same rights and remedies as are provided in this chapter.
13 The Iowa civil rights commission shall establish by rules the
14 procedures for designating a referral agency and the
15 qualifications to be met by a referral agency.

16 A complainant who files a complaint with a referral agency
17 having jurisdiction shall be prohibited from filing a
18 complaint with the Iowa civil rights commission alleging
19 violations based upon the same acts or practices cited in the
20 original complaint; and a complainant who files a complaint
21 with the commission shall be prohibited from filing a
22 complaint with the referral agency alleging violations based
23 upon the same acts or practices cited in the original
24 complaint. However, the Iowa civil rights commission in its
25 discretion may refer a complaint filed with the commission to
26 a referral agency having jurisdiction over the parties for
27 investigation and resolution; and a referral agency in its
28 discretion may refer a complaint filed with that agency to the
29 commission for investigation and resolution. The commission
30 may ~~promulgate~~ adopt rules establishing the procedures for
31 referral of complaints. A referral agency may refuse to
32 accept a case referred to it by the Iowa civil rights
33 commission if the referral agency is unable to effect proper
34 administration of the complaint. It shall be the burden of
35 the referral agency to demonstrate that it is unable to

1 properly administer that complaint.

2 A final decision by a referral agency shall be subject to
3 judicial review as provided in section 601A.17 in the same
4 manner and to the same extent as a final decision of the Iowa
5 civil rights commission.

6 The referral of a complaint by the Iowa civil rights
7 commission to a referral agency or by a referral agency to the
8 Iowa civil rights commission shall not affect the right of a
9 complainant to commence an action in the district court under
10 section 601A.16.

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

SENATE AMENDMENT TO HOUSE FILE 2154

H-5877

1 Amend House File 2154, as amended, passed, and
2 reprinted by the House, as follows:

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

5 "Sec. ____.

6 This Act applies only to an agency or commission of
7 local government in existence on the effective date of
8 this Act.

9 This Act is repealed as of July 1, 1991. The Code
10 editor shall editorially amend section 601A.19 in this
11 Act to reflect this repeal by restoring the language
12 in the section to the language in the section as it
13 appears in the Code of Iowa 1989."

14 2. Title page, line 5, by inserting after the
15 word "laws" the following: ", and providing for the
16 applicability of the Act".

17 3. By renumbering as necessary.

RECEIVED FROM THE SENATE

H-5877 FILED MARCH 27, 1990

House concurred 3/28 (y 1533)

HOUSE FILE 2155
FISCAL NOTE

A fiscal note for HOUSE FILE 2155 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 2155 directs the Department of Natural Resources to inventory the wetlands and marshes of each county and give a preliminary designation to those wetlands and marshes that constitute protected wetlands. The bill also provides that a protected wetland shall not be drained without a permit, provides a civil penalty for non-compliance, and provides for the removal of protected wetlands from the property tax roles.

Assumptions:

1. There are a maximum of 10,000 wetland acres privately owned in Iowa.
2. The average wetland acre pays \$0.90 per acre in consolidated property tax.

Fiscal Effect:

The Department of Natural Resources estimates that \$58,000 per year, for two years, would be needed for two FTE positions, support, and indirect cost. After the inventory is completed, the provisions of this bill would be incorporated within the workload of the present staff.

Property tax exemptions on the entire 10,000 acres would result in a property tax loss to local governments of approximately \$9,000 per year.

Sources:

Department of Natural Resources
Department of Revenue and Finance
Dickinson County Assessor

(LSB 7229hv, JWR)

FILED JANUARY 30, 1990

BY DENNIS PROUTY, FISCAL DIRECTOR

HOUSE FILE 2154

AN ACT

RELATING TO CIVIL RIGHTS BY REQUIRING CERTAIN CITIES TO MAINTAIN A LOCAL CIVIL RIGHTS AGENCY OR COMMISSION AND PROVIDE ADEQUATE FUNDING FOR THE AGENCY OR COMMISSION, AND PROVIDING FOR THE CONTINUATION IN EFFECT OF CERTAIN LOCAL CIVIL RIGHTS LAWS, AND PROVIDING FOR THE APPLICABILITY OF THE ACT.

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

Section 1. Section 601A.19, Code 1989, is amended to read as follows:

601A.19 LOCAL LAWS MAY-IMPBEMENT IMPLEMENTING THIS CHAPTER.

Nothing ~~contained in any provision of~~ this chapter shall be construed as indicating an intent on the part of the general assembly to occupy the field in which this chapter operates to the exclusion of local laws not inconsistent with this chapter that deal with the same subject matter.

Nothing in this chapter shall be construed as indicating an intent to prohibit an agency or commission 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~~ this chapter. All cities shall, to the extent possible, protect the rights of the citizens of

this state secured by the Iowa civil rights Act. Nothing in this chapter shall be construed as limiting a city or local government from enacting any ordinance or other law which prohibits broader or different categories of unfair or discriminatory practices.

PARAGRAPH DIVIDED. An agency or commission of local government and the Iowa civil rights commission shall cooperate in the sharing of data and research, and co-ordinating investigations and conciliations in order to expedite claims of unlawful discrimination and eliminate needless duplication. A city with a population of twenty-nine thousand, or greater, shall maintain an independent local civil rights agency or commission consistent with commission rules adopted pursuant to chapter 17A. An agency or commission for which a staff is provided shall have control over such staff. A city required to maintain a local civil rights agency or commission shall structure and adequately fund the agency or commission in order to effect cooperative undertakings with the Iowa civil rights commission and to aid in effectuating the purposes of this chapter. The Iowa civil rights commission may enter into cooperative agreements with any local agency or commission to effectuate the purposes of this chapter. Such agreements may include technical and clerical assistance and reimbursement of expenses incurred by the local agency or commission in the performance of the agency's or commission's duties if funds for this purpose are appropriated by the general assembly.

The Iowa civil rights commission may designate an unfunded local agency of local government or commission as a referral agency. A local agency or commission 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 Iowa civil rights commission shall establish by rules the procedures for designating a referral agency and the qualifications to be met by a referral agency.

A complainant who files a complaint with a referral agency having jurisdiction shall be prohibited from filing a complaint with the Iowa civil rights 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 the referral agency alleging violations based upon the same acts or practices cited in the original complaint. However, the Iowa civil rights 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 adopt rules establishing the procedures for referral of complaints. A referral agency may refuse to accept a case referred to it by the Iowa civil rights 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.

A final decision by a referral agency shall be subject to judicial review as provided in section 601A.17 in the same manner and to the same extent as a final decision of the Iowa civil rights commission.

The referral of a complaint by the Iowa civil rights commission to a referral agency or by a referral agency to the Iowa civil rights commission shall not affect the right of a complainant to commence an action in the district court under section 601A.16.

Sec. 2.

This Act applies only to an agency or commission of local government in existence on the effective date of this Act.

This Act is repealed as of July 1, 1991. The Code editor shall editorially amend section 601A.19 in this Act to reflect

this repeal by restoring the language in the section to the language in the section as it appears in the Code of Iowa 1989.

DONALD D. AVENSON
Speaker of the House

JO ANN ZIMMERMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2154, Seventy-third General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved April 16, 1990

TERRY E. BRANSTAD
Governor