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House Juds Law
3-2-89 (p. 628)
to be done 3/7/90

SENATE FILE 182
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 23)

Passed Senate, Date 2/27/89 (p. 521) Passed House, Date 3/12/89 (p. 628)
Vote: Ayes 49 Nays 0 Vote: Ayes 30 Nays 0
Approved March 26, 1990

A BILL FOR

1 An Act relating to the commencement in the district court of
2 certain civil rights actions involving administrative
3 closures.

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

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1 Section 1. Section 601A.16, subsection 1, paragraph b,
2 Code 1989, is amended to read as follows:

3 b. The complaint has been on file with the commission for
4 at least one-hundred-twenty sixty days and the commission has
5 issued a release to the complainant pursuant to subsection 2
6 of this section.

7 Sec. 2. Section 601A.16, subsection 2, Code 1989, is
8 amended to read as follows:

9 2. Upon a request by the complainant, and after the
10 expiration of one-hundred-twenty sixty days from the timely
11 filing of a complaint with the commission, the commission
12 shall issue to the complainant a release stating that the
13 complainant has a right to commence an action in the district
14 court. A release under this subsection shall not be issued if
15 a finding of no probable cause has been made on the complaint
16 by the administrative law judge charged with that duty under
17 section 601A.15, subsection 3, or a conciliation agreement has
18 been executed under section 601A.15, or the commission has
19 served notice of hearing upon the respondent pursuant to
20 section 601A.15, subsection 5, or the complaint is closed as
21 an administrative closure and two years have elapsed since the
22 issuance date of the closure.

23 Notwithstanding section 601A.15, subsection 4, a party may
24 obtain a copy of all documents contained in a case file where
25 the commission has issued a release to the complainant
26 pursuant to this subsection.

27 EXPLANATION

28 This bill prohibits complainants in civil rights cases from
29 commencing actions for relief in district court if the
30 complaint was closed as an administrative closure by the civil
31 rights commission and two years have elapsed since the
32 closure. The bill also allows a party access to case files in
33 cases when the commission has issued a release to commence a
34 court action.

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MAN, CH.

DELIVERY

GENTLEMAN

SSB 23

JUDICIARY

SENATE FILE

182

BY (PROPOSED CIVIL RIGHTS
COMMISSION BILL)

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the commencement in the district court of
2 certain civil rights actions involving administrative
3 closures.

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

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1 Section 1. Section 601A.16, subsection 2, Code 1989, is
2 amended to read as follows:

3 2. Upon a request by the complainant, and after the
4 expiration of one hundred twenty days from the timely filing
5 of a complaint with the commission, the commission shall issue
6 to the complainant a release stating that the complainant has
7 a right to commence an action in the district court. A
8 release under this subsection shall not be issued if a finding
9 of no probable cause has been made on the complaint by the
10 administrative law judge charged with that duty under section
11 601A.15, subsection 3, or a conciliation agreement has been
12 executed under section 601A.15, or the commission has served
13 notice of hearing upon the respondent pursuant to section
14 601A.15, subsection 5, or the complaint is closed after
15 administrative review and two years have elapsed since the
16 issuance date of the closure.

17 EXPLANATION

18 This bill prohibits complainants in civil rights cases from
19 commencing actions for relief in district court if the
20 complaint was closed after administrative review by the civil
21 rights commission and two years have elapsed since the
22 closure.

23 BACKGROUND STATEMENT
24 SUBMITTED BY THE AGENCY

25 The Civil Rights Commission proposes a legislative change
26 imposing a time limit for the complainant to commence an
27 action for relief in the district court by seeking an
28 administrative release from the commission. This change has
29 been requested by attorneys for respondents in order to
30 establish a time limit for the complainants to commence an
31 action for relief in the district court. The impact on the
32 Civil Rights Commission would be an enhancement of
33 respondents' perception of the commission's impartiality in
34 handling discrimination cases.

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SENATE FILE 182

AN ACT

RELATING TO THE COMMENCEMENT IN THE DISTRICT COURT OF CERTAIN
CIVIL RIGHTS ACTIONS INVOLVING ADMINISTRATIVE CLOSURES.

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

Section 1. Section 601A.16, subsection 1, paragraph b,
Code 1989, is amended to read as follows:

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

Sec. 2. Section 601A.16, subsection 2, Code 1989, is
amended to read as follows:

2. Upon a request by the complainant, and after the
expiration of one-hundred-twenty six 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 administrative law judge charged with that duty under
section 601A.15, subsection 3, or a conciliation agreement has
been executed under section 601A.15, or the commission has
served notice of hearing upon the respondent pursuant to
section 601A.15, subsection 5, or the complaint is closed as
an administrative closure and two years have elapsed since the
issuance date of the closure.

Notwithstanding section 601A.15, subsection 4, a party may
obtain a copy of all documents contained in a case file where
the commission has issued a release to the complainant
pursuant to this subsection.

JO ANN ZIMMERMAN
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and
is known as Senate File 182, Seventy-third General Assembly.

Approved *March 26*, 1990

JOHN F. DWYER
Secretary of the Senate

TERRY E. BRANSTAD
Governor