

Sen. Judiciary 3/5 Do Pass 4/11/91 (p. 1202)

FEB 21 1991

Place On Calendar

HOUSE FILE 324  
BY COMMITTEE ON JUDICIARY  
AND LAW ENFORCEMENT

(SUCCESSOR TO HSB 148)

Passed House, Date 3/1/91 (p. 515) Passed Senate, Date 4/17/91 (p. 1295)  
Vote: Ayes 42 Nays 5 Vote: Ayes 49 Nays 0  
Approved May 1, 1991 (p. 1982)

A BILL FOR

1 An Act relating to aiding and abetting and retaliation under the  
2 civil rights law.

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

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HF 324

1 Section 1. Section 601A.11, Code 1991, is amended to read  
2 as follows:

3 601A.11 AIDING, OR ABETTING, OR RETALIATION.

4 It shall be an unfair or discriminatory practice for:

5 1. Any person to intentionally aid, abet, compel, or  
6 coerce another person to engage in any of the practices  
7 declared unfair or discriminatory by this chapter.

8 2. Any person to discriminate or retaliate against another  
9 person in any of the rights protected against discrimination  
10 ~~on-the-basis-of-age; race; creed; color; sex; national origin;~~  
11 ~~religion-or-disability~~ by this chapter because such person has  
12 lawfully opposed any practice forbidden under this chapter,  
13 obeys the provisions of this chapter, or has filed a  
14 complaint, testified, or assisted in any proceeding under this  
15 chapter. ~~An-employer; employment-agency; or-their-employees;~~  
16 ~~servants-or-agents-may-offer-employment-or-advertise-for~~  
17 ~~employment-to-only-the-disabled; when-other-applicants-have~~  
18 ~~available-to-them-other-employment-compatible-with-their~~  
19 ~~ability-which-would-not-be-available-to-the-disabled-because~~  
20 ~~of-their-handicap.--Any-such-employment-or-offer-of-employment~~  
21 ~~shall-not-discriminate-among-the-disabled-on-the-basis-of~~  
22 ~~race; color; creed; sex-or-national-origin.~~

23 EXPLANATION

24 This bill adds the term "retaliation" to the headnote of  
25 section 601A.11 to provide notice to readers that retaliation  
26 is covered under that section. The bill also adds the term  
27 "retaliate" to subsection 2 of section 601A.11. Retaliation  
28 is an unfair or discriminatory practice under section 601A.11,  
29 subsection 2. The bill also deletes from that section  
30 redundant language relating to the different kinds of  
31 classifications protected from discrimination under Iowa's  
32 civil rights laws.

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Chris Beatty, Brammer, Shoning

NSB 148

Judiciary & Law Enforcement

SENATE/HOUSE FILE 324  
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 aiding and abetting and retaliation under the  
2 civil rights law.

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

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1 Section 1. Section 601A.11, Code 1991, is amended to read  
2 as follows:

3 601A.11 AIDING OR ABETTING AND RETALIATION.

4 It shall be an unfair or discriminatory practice for:

5 1. Any person to intentionally aid, abet, compel, or  
6 coerce another person to engage in any of the practices  
7 declared unfair or discriminatory by this chapter.

8 2. Any person to discriminate against another person in  
9 any of the rights protected against discrimination on-the  
10 ~~basis-of-age, race, creed, color, sex, national origin,~~  
11 ~~religion-or-disability~~ by this chapter because such person has  
12 lawfully opposed any practice forbidden under this chapter,  
13 obeys the provisions of this chapter, or has filed a  
14 complaint, testified, or assisted in any proceeding under this  
15 chapter. ~~An employer, employment agency, or their employees,~~  
16 ~~servants-or-agents-may-offer-employment-or-advertise-for~~  
17 ~~employment-to-only-the-disabled, when other applicants have~~  
18 ~~available-to-them-other-employment-compatible-with-their~~  
19 ~~ability-which-would-not-be-available-to-the-disabled-because~~  
20 ~~of-their-handicap. Any such employment or offer of employment~~  
21 ~~shall not discriminate among the disabled on the basis of~~  
22 ~~race, color, creed, sex or national origin.~~

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EXPLANATION

24 This bill adds the term "retaliation" to the headnote of  
25 section 601A.11 to provide notice to readers that retaliation  
26 is covered under that section. Retaliation is an unfair or  
27 discriminatory practice under section 601A.11, subsection 2.  
28 The bill also deletes from that section redundant language  
29 relating to the different kinds of classifications protected  
30 from discrimination under Iowa's civil rights laws.

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BACKGROUND STATEMENT

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SUBMITTED BY THE AGENCY

33 This bill clarifies that retaliation is specifically  
34 covered under this section. The bill also eliminates  
35 redundant language which specifically delineates age, race,

1 creed, sex, national origin, religion, or disability. "Rights  
2 protected against discrimination by this chapter" means the  
3 same thing and is less confusing. This bill also deletes  
4 provisions which are duplicative of the last unnumbered  
5 paragraph of section 601A.6, subsection 1, paragraph "c".

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~~of these handicaps. Any such employment or offer of employment shall not discriminate among the disabled on the basis of race, color, creed, sex or national origin.~~

HOUSE FILE 324

AN ACT  
RELATING TO AIDING AND ABETTING AND RETALIATION UNDER THE  
CIVIL RIGHTS LAW.

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ROBERT C. ARNOULD  
Speaker of the House

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

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JOE J. WELSH  
President of the Senate

Section 1. Section 601A.11, Code 1991, is amended to read as follows:

I hereby certify that this bill originated in the House and is known as House File 324, Seventy-fourth General Assembly.

601A.11 AIDING, OR ABETTING, OR RETALIATION.

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JOSEPH O'HERN  
Chief Clerk of the House

It shall be an unfair or discriminatory practice for:

Approved May 1, 1991

1. Any person to intentionally aid, abet, compel, or coerce another person to engage in any of the practices declared unfair or discriminatory by this chapter.

2. Any person to discriminate or retaliate against another person in any of the rights protected against discrimination ~~on the basis of age, race, creed, color, sex, national origin, religion or disability~~ by this chapter because such person has lawfully opposed any practice forbidden under this chapter, obeys the provisions of this chapter, or has filed a complaint, testified, or assisted in any proceeding under this chapter. ~~An employer, employment agency, or their employees, servants or agents may offer employment or advertise for employment to only the disabled, when other applicants have available to them other employment compatible with their ability which would not be available to the disabled because~~

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TERRY E. BRANSTAD  
Governor

HF 324