HUMAN RESOURCES

FILED FEB 6 '03

SENATE FILE 105

BY BOLKCOM, DVORSKY, QUIRMBACH, HATCH, HOLVECK, LUNDBY, DOTZLER, DEARDEN, BLACK, SENG, McCOY, HORN, and CONNOLLY

Passed Senate, Date _____ Passed House, Date _____

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

Approved _____

A BILL FOR

1 An Act regarding discrimination based upon a person's sexual
2 orientation under the Iowa civil rights Act.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

SF 105 HUMAN RESOURCES

TLSB 2233SS 80
rh/cf/24

S.F. 105 H.F. _____

1 Section 1. Section 216.2, Code 2003, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 12A. "Sexual orientation" means actual or
4 perceived heterosexuality, homosexuality, or bisexuality.
5 "Sexual orientation" does not include participation in acts
6 which are prohibited by law.
7 Sec. 2. Section 216.5, subsections 6 and 8, Code 2003, are
8 amended to read as follows:
9 6. To issue such publications and reports of
10 investigations and research as in the judgment of the
11 commission shall tend to promote good will among the various
12 racial, religious, and ethnic groups of the state and which
13 shall tend to minimize or eliminate discrimination in public
14 accommodations, employment, apprenticeship and on-the-job
15 training programs, vocational schools, or housing because of
16 race, creed, color, sex, sexual orientation, national origin,
17 religion, ancestry, or disability.
18 8. To make recommendations to the general assembly for
19 such further legislation concerning discrimination because of
20 race, creed, color, sex, sexual orientation, national origin,
21 religion, ancestry, or disability as it may deem necessary and
22 desirable.
23 Sec. 3. Section 216.6, subsection 1, paragraphs a, b, and
24 c, Code 2003, are amended to read as follows:
25 a. Person to refuse to hire, accept, register, classify,
26 or refer for employment, to discharge any employee, or to
27 otherwise discriminate in employment against any applicant for
28 employment or any employee because of the age, race, creed,
29 color, sex, sexual orientation, national origin, religion, or
30 disability of such applicant or employee, unless based upon
31 the nature of the occupation. If a person with a disability
32 is qualified to perform a particular occupation, by reason of
33 training or experience, the nature of that occupation shall
34 not be the basis for exception to the unfair or discriminating
35 practices prohibited by this subsection.

1 b. Labor organization or the employees, agents, or members
2 thereof to refuse to admit to membership any applicant, to
3 expel any member, or to otherwise discriminate against any
4 applicant for membership or any member in the privileges,
5 rights, or benefits of such membership because of the age,
6 race, creed, color, sex, sexual orientation, national origin,
7 religion, or disability of such applicant or member.
8 c. Employer, employment agency, labor organization, or the
9 employees, agents, or members thereof to directly or
10 indirectly advertise or in any other manner indicate or
11 publicize that individuals of any particular age, race, creed,
12 color, sex, sexual orientation, national origin, religion, or
13 disability are unwelcome, objectionable, not acceptable, or
14 not solicited for employment or membership unless based on the
15 nature of the occupation. If a person with a disability is
16 qualified to perform a particular occupation by reason of
17 training or experience, the nature of that occupation shall
18 not be the basis for exception to the unfair or discriminating
19 practices prohibited by this subsection.
20 An employer, employment agency, or their employees,
21 servants, or agents may offer employment or advertise for
22 employment to only persons with disabilities, when other
23 applicants have available to them other employment compatible
24 with their ability which would not be available to persons
25 with disabilities because of their disabilities. Any such
26 employment or offer of employment shall not discriminate among
27 persons with disabilities on the basis of race, color, creed,
28 sex, sexual orientation, or national origin.
29 Sec. 4. Section 216.6, subsection 6, paragraph d, Code
30 2003, is amended to read as follows:
31 d. Any bona fide religious institution or its educational
32 facility, association, corporation, or society with respect to
33 any qualifications for employment based on religion or sexual
34 orientation when such qualifications are related to a bona
35 fide religious purpose. A religious qualification for

1 instructional personnel or an administrative officer, serving
2 in a supervisory capacity of a bona fide religious educational
3 facility or religious institution, shall be presumed to be a
4 bona fide occupational qualification.
5 Sec. 5. Section 216.7, subsection 1, paragraphs a and b,
6 Code 2003, are amended to read as follows:
7 a. To refuse or deny to any person because of race, creed,
8 color, sex, sexual orientation, national origin, religion, or
9 disability the accommodations, advantages, facilities,
10 services, or privileges thereof, or otherwise to discriminate
11 against any person because of race, creed, color, sex, sexual
12 orientation, national origin, religion, or disability in the
13 furnishing of such accommodations, advantages, facilities,
14 services, or privileges.
15 b. To directly or indirectly advertise or in any other
16 manner indicate or publicize that the patronage of persons of
17 any particular race, creed, color, sex, sexual orientation,
18 national origin, religion, or disability is unwelcome,
19 objectionable, not acceptable, or not solicited.
20 Sec. 6. Section 216.7, subsection 2, paragraph a, Code
21 2003, is amended to read as follows:
22 a. Any bona fide religious institution with respect to any
23 qualifications the institution may impose based on religion or
24 sexual orientation when such qualifications are related to a
25 bona fide religious purpose.
26 Sec. 7. Section 216.8, subsections 1 through 4, Code 2003,
27 are amended to read as follows:
28 1. To refuse to sell, rent, lease, assign, sublease,
29 refuse to negotiate, or to otherwise make unavailable, or deny
30 any real property or housing accommodation or part, portion or
31 interest therein, to any person because of the race, color,
32 creed, sex, sexual orientation, religion, national origin,
33 disability, or familial status of such person.
34 2. To discriminate against any person because of the
35 person's race, color, creed, sex, sexual orientation,

1 religion, national origin, disability, or familial status, in
2 the terms, conditions or privileges of the sale, rental, lease
3 assignment or sublease of any real property or housing
4 accommodation or any part, portion or interest in the real
5 property or housing accommodation or in the provision of
6 services or facilities in connection with the real property or
7 housing accommodation.
8 For purposes of this section, "person" means one or more
9 individuals, corporations, partnerships, associations, labor
10 organizations, legal representatives, mutual companies, joint
11 stock companies, trusts, unincorporated organizations,
12 trustees, trustees in cases under Title 11 of the United
13 States Code, receivers, and fiduciaries.
14 3. To directly or indirectly advertise, or in any other
15 manner indicate or publicize that the purchase, rental, lease,
16 assignment, or sublease of any real property or housing
17 accommodation or any part, portion or interest therein, by
18 persons of any particular race, color, creed, sex, sexual
19 orientation, religion, national origin, disability, or
20 familial status is unwelcome, objectionable, not acceptable or
21 not solicited.
22 4. To discriminate against the lessee or purchaser of any
23 real property or housing accommodation or part, portion or
24 interest of the real property or housing accommodation, or
25 against any prospective lessee or purchaser of the property or
26 accommodation, because of the race, color, creed, religion,
27 sex, sexual orientation, disability, age, or national origin
28 of persons who may from time to time be present in or on the
29 lessee's or owner's premises for lawful purposes at the
30 invitation of the lessee or owner as friends, guests,
31 visitors, relatives or in any similar capacity.
32 Sec. 8. Section 216.8A, subsections 1 and 2, Code 2003,
33 are amended to read as follows:
34 1. A person shall not induce or attempt to induce another
35 person to sell or rent a dwelling by representations regarding

1 the entry or prospective entry into a neighborhood of a person
2 of a particular race, color, creed, sex, sexual orientation,
3 religion, national origin, disability, or familial status.
4 2. A person shall not represent to a person of a
5 particular race, color, creed, sex, sexual orientation,
6 religion, national origin, disability, or familial status that
7 a dwelling is not available for inspection, sale, or rental
8 when the dwelling is available for inspection, sale, or
9 rental.
10 Sec. 9. Section 216.8A, subsection 4, paragraph a, Code
11 2003, is amended to read as follows:
12 a. A person whose business includes engaging in resi-
13 dential real estate related transactions shall not
14 discriminate against a person in making a residential real
15 estate related transaction available or in terms or conditions
16 of a residential real estate related transaction because of
17 race, color, creed, sex, sexual orientation, religion,
18 national origin, disability, or familial status.
19 Sec. 10. Section 216.8A, subsection 5, Code 2003, is
20 amended to read as follows:
21 5. A person shall not deny another person access to, or
22 membership or participation in, a multiple-listing service,
23 real estate brokers' organization or other service,
24 organization, or facility relating to the business of selling
25 or renting dwellings, or discriminate against a person in
26 terms or conditions of access, membership, or participation in
27 such organization because of race, color, creed, sex, sexual
28 orientation, religion, national origin, disability, or
29 familial status.
30 Sec. 11. Section 216.9, unnumbered paragraph 1, Code 2003,
31 is amended to read as follows:
32 It is an unfair or discriminatory practice for any
33 educational institution to discriminate on the basis of race,
34 creed, color, sex, sexual orientation, national origin,
35 religion, or disability in any program or activity. Such

1 discriminatory practices shall include but not be limited to
2 the following practices:
3 Sec. 12. Section 216.9, unnumbered paragraph 2, Code 2003,
4 is amended to read as follows:
5 For the purpose of this section "educational institution"
6 includes any preschool, elementary, secondary, or community
7 college, area education agency, or postsecondary college or
8 university and their governing boards. This section does not
9 prohibit an educational institution from maintaining separate
10 toilet facilities, locker rooms or living facilities for the
11 different sexes so long as comparable facilities are provided.
12 Nothing in this section shall be construed as prohibiting any
13 bona fide religious institution from imposing qualifications
14 based on religion <u>or sexual orientation</u> when such
15 qualifications are related to a bona fide religious purpose or
16 any institution from admitting students of only one sex.
17 Sec. 13. Section 216.10, Code 2003, is amended to read as
18 follows:
19 216.10 UNFAIR CREDIT PRACTICES.
20 It shall be an unfair or discriminatory practice for any:
21 1. Creditor to refuse to enter into a consumer credit
22 transaction or impose finance charges or other terms or
23 conditions more onerous than those regularly extended by that
24 creditor to consumers of similar economic backgrounds because
25 of age, color, creed, national origin, race, religion, marital
26 status, sex, <u>sexual orientation,</u> physical disability, or
27 familial status.
28 2. Person authorized or licensed to do business in this
29 state pursuant to chapter 524, 533, 534, 536, or 536A to
30 refuse to loan or extend credit or to impose terms or
31 conditions more onerous than those regularly extended to
32 persons of similar economic backgrounds because of age, color,
33 creed, national origin, race, religion, marital status, sex,
34 <u>sexual orientation,</u> physical disability, or familial status.
35 3. Creditor to refuse to offer credit life or health and

1 accident insurance because of color, creed, national origin,
2 race, religion, marital status, age, physical disability, sex,
3 sexual orientation, or familial status. Refusal by a creditor
4 to offer credit life or health and accident insurance based
5 upon the age or physical disability of the consumer shall not
6 be an unfair or discriminatory practice if such denial is
7 based solely upon bona fide underwriting considerations not
8 prohibited by title XIII, subtitle 1.
9 The provisions of this section shall not be construed by
10 negative implication or otherwise to narrow or restrict any
11 other provisions of this chapter.
12 Sec. 14. Section 216.12, subsection 1, Code 2003, is
13 amended to read as follows:
14 1. Any bona fide religious institution with respect to any
15 qualifications it may impose based on religion or sexual
16 orientation, when the qualifications are related to a bona
17 fide religious purpose unless the religious institution owns
18 or operates property for a commercial purpose or membership in
19 the religion is restricted on account of race, color, or
20 national origin.
21 Sec. 15. Section 216.12A, Code 2003, is amended to read as
22 follows:
23 216.12A ADDITIONAL HOUSING EXCEPTION.
24 Sections 216.8 and 216.8A do not prohibit a person engaged
25 in the business of furnishing appraisals of real estate from
26 taking into consideration factors other than race, color,
27 creed, sex, sexual orientation, religion, national origin,
28 disability, or familial status in appraising real estate.
29 EXPLANATION
30 This bill defines "sexual orientation" and prohibits
31 discriminatory employment, public accommodation, housing,
32 education, and credit practices based upon a person's sexual
33 orientation. However, the bill does allow for the imposition
34 of qualifications by bona fide religious institutions based
35 upon sexual orientation if related to a bona fide religious

1 purpose.
2
3
4
5
6
7
8
9
10
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