

# Senate Study Bill 1132

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
STATE GOVERNMENT BILL BY  
CO=CHAIRPERSON HORN)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act eliminating the certified mail requirement concerning the  
2 service and delivery of certain civil rights complaints and  
3 orders.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 1550SC 81  
6 ec/gg/14

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1 1 Section 1. Section 216.15, subsection 3, paragraph a, Code  
1 2 2005, is amended to read as follows:  
1 3 a. After the filing of a verified complaint, a true copy  
1 4 shall be served within twenty days ~~by certified mail~~ on the  
1 5 person against whom the complaint is filed. An authorized  
1 6 member of the commission staff shall make a prompt  
1 7 investigation and shall issue a recommendation to an  
1 8 administrative law judge employed either by the commission or  
1 9 by the division of administrative hearings created by section  
1 10 10A.801, who shall then issue a determination of probable  
1 11 cause or no probable cause.

1 12 Sec. 2. Section 216.15, subsection 3, paragraph c, Code  
1 13 2005, is amended to read as follows:

1 14 c. If the administrative law judge concurs with the  
1 15 investigating official that probable cause exists regarding  
1 16 the allegations of the complaint, the staff of the commission  
1 17 shall promptly endeavor to eliminate the discriminatory or  
1 18 unfair practice by conference, conciliation, and persuasion.  
1 19 If the administrative law judge finds that no probable cause  
1 20 exists, the administrative law judge shall issue a final order  
1 21 dismissing the complaint and shall promptly mail a copy to the  
1 22 complainant and to the respondent ~~by certified mail~~. A  
1 23 finding of probable cause shall not be introduced into  
1 24 evidence in an action brought under section 216.16.

1 25 Sec. 3. Section 216.15, subsection 10, Code 2005, is  
1 26 amended to read as follows:

1 27 10. If, upon taking into consideration all of the evidence  
1 28 at a hearing, the commission finds that a respondent has not  
1 29 engaged in any such discriminatory or unfair practice, the  
1 30 commission shall issue an order denying relief and stating the  
1 31 findings of fact and conclusions of the commission, and shall  
1 32 cause a copy of the order dismissing the complaint to be  
1 33 served ~~by certified mail~~ on the complainant and the  
1 34 respondent.

1 35 Sec. 4. Section 216.17, subsection 1, unnumbered paragraph  
2 1 2, Code 2005, is amended to read as follows:

2 2 For purposes of the time limit for filing a petition for  
2 3 judicial review under the Iowa administrative procedure Act,  
2 4 chapter 17A, specified by section 17A.19, the issuance of a  
2 5 final decision of the commission under this chapter occurs on  
2 6 the date notice of the decision is mailed ~~by certified mail~~,  
2 7 to the parties.

### EXPLANATION

2 9 This bill eliminates the requirement that certain civil  
2 10 rights commission complaints and orders be served or mailed  
2 11 only by certified mail.

2 12 The bill eliminates the requirement that service of a true  
2 13 copy of a verified civil rights complaint be by certified  
2 14 mail. In addition, the requirement that mailing of a final  
2 15 order by an administrative law judge dismissing the complaint

2 16 be done only by certified mail is eliminated. The bill also  
2 17 eliminates the certified mail requirement for the mailing of a  
2 18 civil rights commission order denying relief following a  
2 19 hearing on a verified complaint. The bill also makes a  
2 20 conforming change to Code section 216.17 concerning judicial  
2 21 review of commission decisions to reflect that decisions of  
2 22 the commission need not be mailed by certified mail.  
2 23 LSB 1550SC 81  
2 24 ec/gg/14