

4 fire extinguishers toxic in nature shall be prohibited for use in all
 5 those public buildings referred to in section one hundred point thirty-
 6 five (100.35), Code 1962.”

Approved April 23, 1965.

CHAPTER 120

FLAMMABLE LIQUID REGULATIONS

H. F. 143

AN ACT relating to violations of the flammable liquid and liquified* petroleum gas regulations.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section one hundred one point seven (101.7), Code
 2 1962, is hereby amended by striking all of such section and inserting
 3 in lieu thereof the following:

4 “Any person, firm or corporation violating any of the regulations
 5 promulgated under this chapter shall be deemed guilty of a misde-
 6 meanor and upon conviction shall be punished by a fine of not less
 7 than twenty-five (25) dollars nor more than one hundred (100) dol-
 8 lars. Each day of the continuing violation of such rules and regula-
 9 tions after conviction shall be considered a separate offense. Appeals
 10 may be taken from such convictions as in other criminal cases.”

Approved April 14, 1965.

*According to enrolled Act.

CHAPTER 121

CIVIL RIGHTS COMMISSION

H. F. 263

AN ACT to establish a civil rights commission to eliminate unfair and discriminatory practices in public accommodations, employment, apprenticeship programs, on-the-job training programs, and vocational schools and to permit the study of discrimination in housing.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. This Act may be known and may be cited as the
 2 “Iowa Civil Rights Act of 1965”.

1 SEC. 2. When used in this Act, unless the context otherwise re-
 2 quires:

3 1. “Court” means the district court in and for the judicial district
 4 of the state of Iowa in which the alleged unfair or discriminatory
 5 practice occurred or any judge of said court if the court is not in
 6 session at that time.

7 2. “Person” means one (1) or more individuals, partnerships,

8 associations, corporations, legal representatives, trustees, receivers,
9 and the state of Iowa and all political subdivisions and agencies
10 thereof.

11 3. "Employment agency" means any person undertaking to pro-
12 cure employees or opportunities to work for any other person or any
13 person holding himself or itself to be equipped to do so.

14 4. "Labor organization" means any organization which exists for
15 the purpose in whole or in part of collective bargaining, of dealing
16 with employers concerning grievances, terms, or conditions of em-
17 ployment, or of other mutual aid or protection in connection with
18 employment.

19 5. "Employer" means the state of Iowa or any political subdivi-
20 sion, board, commission, department, institution, or school district
21 thereof, and every other person employing employees within the
22 state.

23 6. "Employee" means any person employed by an employer.

24 7. "Unfair practice" or "discriminatory practice" means those
25 practices specified as unfair or discriminatory in sections six (6),
26 seven (7), and eight (8) of this Act.

27 8. "Commission" means the Iowa state civil rights commission
28 created by this Act.

29 9. "Commissioner" means a member of the commission.

30 10. "Public accommodation" means each and every place, estab-
31 lishment, or facility of whatever kind, nature, or class that caters or
32 offers services, facilities, or goods to the general public for a fee or
33 charge, provided that any place, establishment, or facility that caters
34 or offers services, facilities, or goods to the general public gratu-
35 itously shall be deemed a public accommodation if the accommodation
36 receives any substantial governmental support or subsidy. Public
37 accommodation shall not mean any bona fide private club or other
38 place, establishment, or facility which is by its nature distinctly
39 private, except when such distinctly private place, establishment, or
40 facility caters or offers services, facilities, or goods to the general
41 public for fee or charge or gratuitously, it shall be deemed a public
42 accommodation during such period of use. Public accommodation
43 shall not include housing accommodations other than housing ac-
44 commodation available primarily for transients.

1 SEC. 3. The Iowa state civil rights commission shall consist of
2 seven (7) members appointed by the governor with the advice and
3 consent of the senate. Appointments shall be made to provide geo-
4 graphical area representation insofar as may be practicable. No
5 more than four (4) members of the commission shall belong to the
6 same political party. Members appointed to the commission shall
7 serve for a term of four (4) years except the initial appointees shall
8 be appointed by the governor to serve as follows:

9 1. Three (3) members shall serve from the date of appointment
10 until June 30, 1967.

11 2. Four (4) members shall serve from the date of appointment
12 until June 30, 1969.

13 Vacancies on the commission shall be filled by the governor by
14 appointment for the unexpired part of the term of the vacancy with

15 the advice and consent of the senate if the general assembly shall be
16 in session. Any appointment filling a vacancy occurring while the
17 general assembly is not in session shall be transmitted to the senate
18 for confirmation within thirty (30) days following the convening of
19 the next session of the general assembly or the appointment shall
20 expire. Any commissioner may be removed from office by the gov-
21 ernor for cause.

1 SEC. 4. Commissioners shall serve without compensation but
2 shall be reimbursed for necessary travel and other expenses incurred
3 while on official commission business. The commission shall adopt,
4 amend, or rescind such rules as shall be necessary for the conduct of
5 its meetings. A quorum shall consist of four (4) commissioners.

1 SEC. 5. The commission shall have the following powers and
2 duties:

3 1. To appoint and prescribe the duties of a director and such in-
4 vestigators and other employees and agents as the commission shall
5 deem necessary for the enforcement of this Act.

6 2. To receive, investigate, and pass upon complaints alleging un-
7 fair or discriminatory practices.

8 3. To investigate and study the existence, character, causes, and
9 extent of discrimination in public accommodations, employment,
10 apprenticeship programs, on-the-job training programs, vocational
11 schools, and housing in this state and to attempt the elimination of
12 such discrimination by education and conciliation.

13 4. To hold hearings upon any complaint made against a person,
14 an employer, an employment agency, or a labor organization, or the
15 employees or members thereof, to subpoena witnesses and compel
16 their attendance at such hearings, to administer oaths and take the
17 testimony of any person under oath, and to compel such person,
18 employer, employment agency, or labor organization, or employees
19 or members thereof to produce for examination any books and papers
20 relating to any matter involved in such complaint. The commission
21 shall issue subpoenas for witnesses in the same manner and for the
22 same purposes on behalf of the respondent upon his request. Such
23 hearings may be held by the commission, by any commissioner, or by
24 any hearing examiner appointed by the commission. If a witness
25 either fails or refuses to obey a subpoena issued by the commission,
26 the commission may petition the district court having jurisdiction
27 for issuance of a subpoena and the court shall in a proper case issue
28 the subpoena. Refusal to obey such subpoena shall be subject to
29 punishment for contempt.

30 5. To issue such publications and reports of investigations and
31 research as in the judgment of the commission shall tend to promote
32 good will among the various racial, religious, and ethnic groups of
33 the state and which shall tend to minimize or eliminate discrimina-
34 tion in public accommodations, employment, apprenticeship and on-
35 the-job training programs, vocational schools, or housing because of
36 race, creed, color, national origin, religion, or ancestry.

37 6. To prepare and transmit to the governor and to the general
38 assembly from time to time, but not less often than once each year,
39 reports describing its proceedings, investigations, hearings conducted

40 and the outcome thereof, decisions rendered, and the other work per-
41 formed by the commission.

42 7. To make recommendations to the general assembly for such
43 further legislation concerning discrimination because of race, creed,
44 color, national origin, religion, or ancestry as it may deem necessary
45 and desirable.

46 8. To cooperate, within the limits of any appropriations made for
47 its operation, with other agencies or organizations, both public and
48 private whose purposes are consistent with those of this Act, and
49 in the planning and conducting of programs designed to eliminate
50 racial, religious, cultural, and inter-group tensions.

51 9. To adopt, publish, amend, and rescind regulations consistent
52 with and necessary for the enforcement of this Act.

1 SEC. 6. 1. It shall be an unfair or discriminatory practice for
2 any owner, lessee, sublessee, proprietor, manager, or superintendent
3 of any public accommodation or any agent or employee thereof:

4 a. To refuse or deny to any person because of race, creed, color,
5 national origin, or religion the accommodations, advantages, facili-
6 ties, services, or privileges thereof, or otherwise to discriminate
7 against any person because of race, creed, color, national origin, or
8 religion in the furnishing of such accommodations, advantages,
9 facilities, services, or privileges.

10 b. To directly or indirectly advertise or in any other manner indi-
11 cate or publicize that the patronage of persons of any particular race,
12 creed, color, national origin, or religion is unwelcome, objectionable,
13 not acceptable, or not solicited.

14 2. This section shall not apply to:

15 a. Any bona fide religious institution with respect to any qualifica-
16 tions the institution may impose based on religion when such quali-
17 fications are related to a bona fide religious purpose.

18 b. The rental or leasing to transient individuals of less than six
19 (6) rooms within a single housing accommodation by the occupant
20 or owner of such housing accommodation if the occupant or owner
21 or members of his family reside therein.

1 SEC. 7. 1. It shall be an unfair or discriminatory practice for
2 any:

3 a. Person to refuse to hire, accept, register, classify, or refer for
4 employment, to discharge any employee, or to otherwise discriminate
5 in employment against any applicant for employment or any em-
6 ployee because of the race, creed, color, national origin, or religion
7 of such applicant or employee.

8 b. Labor organization or the employees, agents, or members there-
9 of to refuse to admit to membership any applicant, to expel any mem-
10 ber, or to otherwise discriminate against any applicant for member-
11 ship or any member in the privileges, rights, or benefits of such
12 membership because of the race, creed, color, national origin, or
13 religion of such applicant or member.

14 c. Employer, employment agency, labor organization, or the em-
15 ployees, agents, or members thereof to directly or indirectly advertise
16 or in any other manner indicate or publicize that individuals of any
17 particular race, creed, color, national origin, or religion are unwel-

18 come, objectionable, not acceptable, or not solicited for employment
19 or membership.

20 2. This section shall not apply to:

21 a. Any employer who regularly employs less than four (4) indi-
22 viduals. For purposes of this subsection, individuals who are mem-
23 bers of the employer's family shall not be counted as employees.

24 b. The employment of individuals for work within the home of the
25 employer if the employer or members of his family reside therein
26 during such employment.

27 c. The employment of individuals to render personal service to the
28 person of the employer or members of his family.

29 d. Any bona fide religious institution with respect to any qualifica-
30 tions for employment based on religion when such qualifications are
31 related to a bona fide religious purpose.

1 SEC. 8. It shall be an unfair or discriminatory practice for:

2 1. Any person to intentionally aid, abet, compel, or coerce another
3 person to engage in any of the practices declared unfair or discrimi-
4 natory by this Act.

5 2. Any person to discriminate against another person in any of the
6 rights protected against discrimination on the basis of race, creed,
7 color, national origin, or religion by this Act because such person has
8 lawfully opposed any practice forbidden under this Act, obeys the
9 provisions of this Act, or has filed a complaint, testified, or assisted
10 in any proceeding under this Act.

1 SEC. 9. 1. Any person claiming to be aggrieved by a discrimina-
2 tory or unfair practice may, by himself or his attorney, make, sign,
3 and file with the commission a verified, written complaint in triplic-
4 ate which shall state the name and address of the person, employer,
5 employment agency, or labor organization alleged to have committed
6 the discriminatory or unfair practice of which complained, shall set
7 forth the particulars thereof, and shall contain such other informa-
8 tion as may be required by the commission. The commission, a com-
9 missioner, or the attorney general may in like manner make, sign,
10 and file such complaint.

11 2. Any place of public accommodation, employer, labor organiza-
12 tion, or other person who has any employees or members who refuse
13 or threaten to refuse to comply with the provisions of this Act may
14 file with the commission a verified written complaint in triplicate
15 asking the commission for assistance to obtain their compliance by
16 conciliation or other remedial action.

17 3. After the filing of a verified complaint, a true copy thereof shall
18 be served by registered mail to the person against whom the com-
19 plaint is filed. Then a commissioner or a duly authorized member
20 of the commission's staff shall make a prompt investigation thereof
21 and if such investigating official shall determine that probable cause
22 exists for crediting the allegations of the complaint, the investigating
23 official shall immediately endeavor to eliminate such discriminatory
24 or unfair practice by conference, conciliation, and persuasion.

25 4. The members of the commission and its staff shall not disclose
26 the filing of a complaint, the information gathered during the inves-
27 tigation, or the endeavors to eliminate such discriminatory or unfair

28 practice by conference, conciliation, and persuasion, unless such dis-
29 closure is made in connection with the conduct of such investigation.

30 5. In case of failure to satisfactorily settle a complaint by confer-
31 ence, conciliation, and persuasion, or in advance thereof if in the
32 opinion of the investigating official circumstances so warrant, the
33 official may issue and cause to be served a written notice together
34 with a copy of such complaint, as the same may have been amended,
35 requiring the person, employer, employment agency, or labor organi-
36 zation named in such complaint, hereafter referred to as respondent,
37 to answer the charges of such complaint in writing within ten (10)
38 days after the date of such notice or within such extended time as the
39 investigating official may allow.

40 6. When the investigating official is satisfied that further endeavor
41 to settle a complaint by conference, conciliation, and persuasion shall
42 be futile, the official shall report the same to the commission. If the
43 commission determines that the circumstances warrant, it shall issue
44 and cause to be served a written notice requiring the respondent to
45 answer the charges of such complaint at a hearing before the com-
46 mission, a commissioner, or such other person designated by the com-
47 mission to conduct the hearing, hereafter referred to as hearing
48 examiner, and at a time and place to be specified in such notice.

49 7. The case in support of such complaint shall be presented at the
50 hearing by one (1) of the commission's attorneys or agents. The
51 investigating official shall not participate in the hearing except as a
52 witness nor shall he participate in the deliberations of the commis-
53 sion in such case.

54 8. The respondent may file a written verified answer to the com-
55 plaint, and may appear at the hearing in person, with or without
56 counsel, and submit testimony. In the discretion of the hearing
57 examiner, a complainant may be allowed to intervene and present
58 testimony in person or by counsel.

59 9. When a respondent has failed to answer a complaint at a hear-
60 ing as provided by this section the commission may enter his default.
61 For good cause shown, the commission may set aside an entry of
62 default within ten (10) days after the date of such entry. If the
63 respondent is in default, the commission may proceed to hear testi-
64 mony adduced upon behalf of the complainant. After hearing such
65 testimony, the commission may enter such order as in its opinion the
66 evidence warrants.

67 10. The commission or the complainant shall have the power to
68 reasonably and fairly amend any complaint and the respondent shall
69 have like power to amend his answer.

70 11. The commission shall not be bound by the strict rules of evi-
71 dence prevailing in courts of law or equity but the right of cross-
72 examination shall be preserved. Complainant shall bear the burden
73 of proving the allegations in his complaint. The testimony taken at
74 a hearing shall be under oath, reported, and, if ordered by the com-
75 mission, transcribed.

76 12. If, upon taking into consideration all the evidence at a hearing,
77 the commission shall find that a respondent has engaged in or is
78 engaging in, any discriminatory or unfair practice as defined in this
79 Act, the commission shall state its findings of fact and shall issue and

80 cause to be served upon such respondent an order requiring such
81 respondent to cease and desist from such discriminatory or unfair
82 practice and to take such affirmative action, including, but not limited
83 to, hiring, reinstatement, or upgrading of employees, with or without
84 back pay, the referring of applicants for employment by any respond-
85 ent employment agency, the admittance or restoration to membership
86 by any respondent labor organization, the admission to or continua-
87 tion in enrollment in an apprenticeship program, on-the-job training
88 program, the posting of notices, and the making of reports as to the
89 manner of compliance, as in the judgment of the commission shall
90 effectuate the purposes of this Act.

91 13. If, upon taking into consideration all of the evidence at a hear-
92 ing, the commission shall find that a respondent has not engaged in
93 any such discriminatory or unfair practice, the commission shall
94 state its findings of fact and shall issue and cause to be served an
95 order on the complainant and the respondent dismissing the com-
96 plaint.

97 14. The commission shall establish rules to govern, expedite, and
98 effectuate the procedures established by this Act and its own actions
99 thereunder.

100 15. Any complaint filed under this Act shall be so filed within
101 ninety (90) days after the alleged discriminatory or unfair practice
102 occurred.

1 SEC. 10. 1. Any complainant or respondent claiming to be ag-
2 grieved by a final order of the commission, including a refusal to
3 issue an order, may obtain judicial review thereof, and the commis-
4 sion may obtain an order of court for the enforcement of commission
5 orders in a proceeding as provided in this section.

6 2. Such proceeding shall be brought in the district court of the
7 district in the county in which the alleged discriminatory or unfair
8 practice which is the subject of the commission's order was com-
9 mitted, or in which any respondent required in the order to cease or
10 desist from a discriminatory or unfair practice or to take other
11 affirmative action, resides, or transacts business.

12 3. Such proceeding shall be initiated by the filing of a petition in
13 such court and the service of a copy thereof upon the commission and
14 upon respondent or complainant. Thereupon the commission shall
15 file with the court a transcript of the record of the hearing before it.
16 The court shall have jurisdiction of the proceeding and the questions
17 determined therein, and shall have power to grant such temporary
18 relief or restraining order as it deems just and proper, and to make
19 and enter upon the pleadings, testimony, and proceedings set forth in
20 such transcript an order enforcing, modifying, and enforcing as so
21 modified, or setting aside the order of the commission, in whole or in
22 part.

23 4. An objection that has not been urged before the commission
24 shall not be considered by the court, unless the failure or neglect to
25 urge such objection shall be excused because of extraordinary cir-
26 cumstances.

27 5. Any party may move the court to remit the case to the commis-
28 sion in the interests of justice for the purpose of adducing additional

29 specified and material evidence and seeking findings thereof, provid-
30 ing such party shall show reasonable grounds for the failure to
31 adduce such evidence before the commission.

32 6. The hearing on appeal shall be tried in equity and shall be de
33 novo. The court may receive additional testimony and may affirm,
34 modify, or reverse the order of the commission.

35 7. The jurisdiction of the court shall be exclusive and its judgment
36 and order shall be final subject to review by the supreme court as
37 provided by law.

38 8. The commission's copy of the testimony shall be available to all
39 parties for examination at all reasonable times, without cost, and for
40 the purpose of judicial review of the commission's orders.

41 9. The commission may appear in court by its own attorney.

42 10. Unless otherwise directed by the commission or court, com-
43 mencement or review proceedings under this section shall operate as
44 a stay of any order.

45 11. Petitions filed under this section shall be heard expeditiously
46 and determined upon the transcript filed without requirement for
47 printing.

48 12. If no proceeding to obtain judicial review is instituted by a
49 complainant or respondent within thirty (30) days from the service
50 of an order of the commission under section nine (9) of this Act,
51 the commission may obtain an order of the court for the enforce-
52 ment of such order upon showing that respondent is subject to the
53 jurisdiction of the commission and resides or transacts business
54 within the county in which the petition for enforcement is brought.

1 SEC. 11. This Act shall be construed broadly to effectuate its
2 purposes.

1 SEC. 12. Nothing contained in any provision of this Act shall be
2 construed as indicating an intent on the part of the General Assembly
3 to occupy the field in which this Act operates to the exclusion of local
4 laws not inconsistent with this Act that deal with the same subject
5 matter.

1 SEC. 13. If any provision of this Act or the application thereof
2 to any person shall be invalid, such invalidity shall not affect the
3 provisions or application of this Act which can be given effect with-
4 out the invalid provisions or application and to this end the provi-
5 sions of the Act are declared severable.

1 SEC. 14. Sections seven hundred thirty-five point one (735.1) and
2 seven hundred thirty-five point two (735.2), Code 1962, as amended
3 by chapter three hundred thirty (330), Acts of the Sixtieth General
4 Assembly, are hereby repealed.

1 SEC. 15. This Act being deemed of immediate importance shall be
2 in full force and effect from and after its passage and publication in
3 the Ames Daily Tribune, a newspaper published at Ames, Iowa, and

4 in the Glenwood Opinion-Tribune, a newspaper published at Glen-
5 wood, Iowa.

Approved April 29, 1965.

I hereby certify that the foregoing Act, House File 263, was published in the Ames Daily Tribune, Ames, Iowa, May 4, 1965, and in the Glenwood Opinion-Tribune, Glenwood, Iowa, May 6, 1965.

GARY L. CAMERON, *Secretary of State.*

CHAPTER 122

LITTERING PUBLIC PLACES

H. F. 567

AN ACT to amend section one hundred six point twelve (106.12), Code of 1962, relating to littering of public waters, ice and land.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section one hundred six point twelve (106.12), Code of
2 1962, is hereby amended by adding thereto after subsection two (2),
3 line ten (10), the following new subsection. "No person shall place,
4 cause to be placed, throw or deposit onto or in any of the waters, ice or
5 land under the jurisdiction of the state conservation commission any
6 cans, bottles, garbage, rubbish, and other debris."

Approved May 26, 1965.

CHAPTER 123

CONSERVATION COMMISSION COMPENSATION

S. F. 124

AN ACT relating to the compensation of members of the state conservation commission.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section one hundred seven point five (107.5), Code
2 1962, is hereby amended by deleting the words "ten dollars"* in lines
3 two and three (2 and 3), and inserting in lieu thereof the words
4 "twenty-five", and deleting the words "six hundred" in line six (6)
5 and inserting in lieu thereof the words "one thousand".

Approved July 1, 1965.

*According to enrolled Act.