

1 **SEC. 34. Fees.** For the purpose of obtaining revenue to defray the
 2 costs of administering the provisions of this Act, the commissioner
 3 shall establish by rule and regulation a schedule of fees based upon
 4 the costs of administration which fees shall be collected from per-
 5 sons whose manufacture, installation or construction is subject to the
 6 provisions of the state building code.

7 All fees collected by the commissioner shall be deposited in the
 8 state treasury to the credit of the general fund.

9 All federal grants to and federal receipts of the office of state build-
 10 ing code commissioner are appropriated for the purpose set forth in
 11 the federal grants or receipts.

Approved April 21, 1972.

CHAPTER 1031

CIVIL RIGHTS OF PHYSICALLY AND MENTALLY HANDICAPPED PERSONS

S. F. 1148

AN ACT relating to the civil rights of physically and mentally handicapped persons.

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

1 **SECTION 1.** Section one hundred five A point two (105A.2), Code
 2 1971, is amended by adding the following new subsection:

3 “ ‘Disability’ means the physical or mental condition of a person
 4 which constitutes a substantial handicap. In reference to employ-
 5 ment, under this chapter, ‘disability’ also means the physical or mental
 6 condition of a person which constitutes a substantial handicap, but is
 7 unrelated to such person’s ability to engage in a particular occupa-
 8 tion.”

1 **SEC. 2.** Section one hundred five A point six (105A.6), subsection
 2 one (1), paragraphs “a” and “b”, Code 1971, are amended to read as
 3 follows:

4 a. To refuse or deny to any person because of race, creed, color,
 5 sex, national origin, ~~or~~ religion, *or disability* the accommodations,
 6 advantages, facilities, services, or privileges thereof, or otherwise to
 7 discriminate against any person because of race, creed, color, sex, na-
 8 tional origin, ~~or~~ religion, *or disability* in the furnishing of such ac-
 9 commodations, advantages, 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, sex, national origin, ~~or~~ religion, *or disability* is unwel-
 13 come, objectionable, not acceptable, or not solicited.

1 **SEC. 3.** Section one hundred five A point seven (105A.7), subsec-
 2 tion one (1), Code 1971, is amended to read as follows:

3 1. It shall be an unfair or discriminatory practice for any:

4 a. Person to refuse to hire, accept, register, classify, or refer for
 5 employment, to discharge any employee, or to otherwise discriminate
 6 in employment against any applicant for employment or any employee

7 because of the race, creed, color, sex, national origin, or religion, or
 8 *disability* of such applicant or employee, unless based upon the nature
 9 of the occupation. *If a disabled person is qualified to perform a par-*
 10 *ticular occupation, by reason of training or experience, the nature of*
 11 *that occupation shall not be the basis for exception to the unfair or*
 12 *discriminating practices prohibited by this subsection.*

13 b. Labor organization or the employees, agents, or members there-
 14 of to refuse to admit to membership any applicant, to expel any mem-
 15 ber, or to otherwise discriminate against any applicant for member-
 16 ship or any member in the privileges, rights, or benefits of such mem-
 17 bership because of the race, creed, color, sex, national origin, or relig-
 18 ion, or *disability* of such applicant or member.

19 c. Employer, employment agency, labor organization, or the em-
 20 ployees, agents, or members thereof to directly or indirectly advertise
 21 or in any other manner indicate or publicize that individuals of any
 22 particular race, creed, color, sex, national origin, or religion, or *dis-*
 23 *ability* are unwelcome, objectionable, not acceptable, or not solicited
 24 for employment or membership unless based on the nature of the
 25 occupation. *If a disabled person is qualified to perform a particular*
 26 *occupation by reason of training or experience, the nature of that*
 27 *occupation shall not be the basis for exception to the unfair or dis-*
 28 *criminating practices prohibited by this subsection.*

29 *An employer, employment agency, or their employees, servants, or*
 30 *agents may offer employment or advertise for employment to only the*
 31 *disabled, when other applicants have available to them, other employ-*
 32 *ment compatible with their ability which would not be available to*
 33 *the disabled because of their handicap. Any such employment or*
 34 *offer of employment shall not discriminate among the disabled on the*
 35 *basis of race, color, creed, sex, or national origin.*

1 SEC. 4. Section one hundred five A point eight (105A.8), subsec-
 2 tion two (2), Code 1971, is amended to read as follows:

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

1 SEC. 5. Section one hundred five A point thirteen (105A.13), sub-
 2 sections one (1), two (2), and three (3), Code 1971, are amended to
 3 read as follows:

4 1. To refuse to sell, rent, lease, assign, or sublease any real prop-
 5 erty or housing accommodation or part, portion or interest therein,
 6 to any person because of the race, color, creed, religion, or national
 7 origin, or *disability* of such person.

8 2. To discriminate against any person because of his race, color,
9 creed, religion ~~or~~ national origin, *or disability*, in the terms, conditions
10 or privileges of the sale, rental, lease assignment or sublease of any
11 real property or housing accommodation or any part, portion or
12 interest therein.

13 3. To directly or indirectly advertise, or in any other manner indi-
14 cate or publicize that the purchase, rental, lease, assignment, or sub-
15 lease of any real property or housing accommodation or any part,
16 portion or interest therein, by persons of any particular race, color,
17 creed, religion, ~~or~~ national origin, *or disability* is unwelcome, objec-
18 tionable, not acceptable or not solicited.

1 SEC. 6. Chapter one hundred five A (105A), Code 1971, is
2 amended by adding thereto the following section:

3 After a handicapped individual is employed, the employer shall not
4 be required under this chapter to promote or transfer such handi-
5 capped person to another job or occupation, unless, prior to such trans-
6 fer, such handicapped person by training or experience is qualified for
7 such job or occupation. Any collective bargaining agreement between
8 an employer and labor organization shall contain this section as a
9 part of such agreement.

1 SEC. 7. Section one hundred five A point five (105A.5), subsec-
2 tions five (5) and seven (7), Code 1971, are amended to read as fol-
3 lows:

4 5. To issue such publications and reports of investigations and re-
5 search as in the judgment of the commission shall tend to promote
6 good will among the various racial, religious, and ethnic groups of the
7 state and which shall tend to minimize or eliminate discrimination in
8 public accommodations, employment, apprenticeship and on-the-job
9 training programs, vocational schools, or housing because of race,
10 creed, color, sex, national origin, religion, ~~or~~ ancestry, *or disability*.

11 7. To make recommendations to the general assembly for such fur-
12 ther legislation concerning discrimination because of race, creed,
13 color, sex, national origin, religion, ~~or~~ ancestry, *or disability* as it may
14 deem necessary and desirable.

Approved March 22, 1972.

CHAPTER 1032

AGE DISCRIMINATION IN EMPLOYMENT

S. F. 274

AN ACT relating to age discrimination in employment.

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

1 SECTION 1. Section one hundred five A point seven (105A.7), sub-
2 section one (1), Code 1971, is amended as follows: