

JAN 19 2005
STATE GOVERNMENT

HOUSE FILE 85
BY HEDDENS

Passed House, Date _____ Passed Senate, 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:

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HOUSE FILE 85

H-1079

1 Amend House File 85 as follows:
2 1. Page 1, line 5, by inserting after the word
3 "filed." the following: "If the first named
4 respondent on a complaint is not a governmental
5 entity, service of a true copy on the respondent shall
6 be by certified mail."
7 2. Title page, line 1, by striking the word.
8 "eliminating", and inserting the following:
9 "modifying".

H-1079 FILED MARCH 15, 2005

By TOMENGA of Polk

1 Section 1. Section 216.15, subsection 3, paragraph a, Code
2 2005, is amended to read as follows:

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

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

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

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

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

35 Sec. 4. Section 216.17, subsection 1, unnumbered paragraph

1 2, Code 2005, is amended to read as follows:

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

8 EXPLANATION

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

12 The bill eliminates the requirement that service of a true
13 copy of a verified civil rights complaint be by certified
14 mail. In addition, the requirement that mailing of a final
15 order by an administrative law judge dismissing the complaint
16 be done only by certified mail is eliminated. The bill also
17 eliminates the certified mail requirement for the mailing of a
18 civil rights commission order denying relief following a
19 hearing on a verified complaint. The bill also makes a
20 conforming change to Code section 216.17 concerning judicial
21 review of commission decisions to reflect that decisions of
22 the commission need not be mailed by certified mail.

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