

Grundberg, Chair
Raecker
Witt

HSB 105

JUDICIARY

SU

SF/HF

26

SENATE/HOUSE FILE

BY (PROPOSED CIVIL RIGHTS
COMMISSION BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the mediation process in civil rights cases.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 216.15B, Code 2001, is amended to read
2 as follows:

3 216.15B MEDIATION -- CONFIDENTIALITY.

4 1. A mediator ~~shall~~ may be designated in writing by the
5 commission to conduct formal mediation of a complaint filed
6 under this chapter. The written designation must specifically
7 refer to this section.

8 2. If formal mediation is conducted by a mediator pursuant
9 to this section, the confidentiality of all mediation
10 communications and mediation documents is protected as
11 provided in section 679C.2.

12 EXPLANATION

13 This bill amends mediation language in the civil rights Act
14 to provide that formal mediation is not a mandatory step for
15 every complaint filed with the Iowa civil rights commission.

16 The bill further provides that a mediator may be designated
17 in writing by the commission to conduct formal mediation of a
18 complaint filed with the commission, in contrast to other
19 informal mediation processes contained within the Iowa civil
20 rights Act. Once this designation is made, certain
21 confidentiality provisions and privileges apply. These
22 changes are consistent with the provisions of Code chapter
23 679C enacted in 1998.

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THOMAS J. VILSACK, GOVERNOR
SALLY J. PEDERSON, LT. GOVERNOR

IOWA CIVIL RIGHTS COMMISSION
CORLIS S. MOODY
EXECUTIVE DIRECTOR

MEMORANDUM

TO: Members of the General Assembly

FROM: Iowa Civil Rights Commission

DATE: December 11, 2000

RE: Proposal to provide that formal mediation is not a mandatory step for every civil rights complaint

This proposed bill amends mediation language in the civil rights act, Code chapter 216, paragraph 15B, to provide that formal mediation is not a mandatory step for every step filed with the Iowa civil rights commission. The current language in 216.15B in the first subsection states that "A mediator shall be designated in writing by the commission to conduct mediation of a complaint filed under this chapter." The second subsection then starts with "If mediation is conducted..." The two paragraphs seem to both require and make mediation optional. The proposed legislation would clear this up and allow mediation to be an option to be chosen by the parties.

The bill also provides that a mediator may be designated in writing by the commission to conduct formal mediation of a complaint filed with the commission, in contrast to other informal mediation processes contained within the Iowa civil rights act. Once this designation is made, certain confidentiality provision and privileges apply. The changes are consistent with the provisions of Code chapter 679c enacted in 1998.

2-115/01 Do Pass

5.4/12/01 UNFINISHED BUSINESS CALENDAR

FEB 21 2001

HOUSE FILE 326
BY COMMITTEE ON JUDICIARY

Place On Calendar

(SUCCESSOR TO HSB 105)

Passed House, Date ^(P.496) 2/27/01 Passed Senate, Date ^(P.1127) 4-16-01
Vote: Ayes 89 Nays 0 Vote: Ayes 49 Nays 0
Approved April 24, 2001

A BILL FOR

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HF 326

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BRENT SIEGRIST
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 326, Seventy-ninth General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved April 24, 2001

THOMAS J. VILSACK
Governor

HOUSE FILE 326

AN ACT

RELATING TO THE MEDIATION PROCESS IN CIVIL RIGHTS CASES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 216.15B, Code 2001, is amended to read as follows:

216.15B MEDIATION -- CONFIDENTIALITY.

1. A mediator ~~shall~~ may be designated in writing by the commission to conduct formal mediation of a complaint filed under this chapter. The written designation must specifically refer to this section.
2. If formal mediation is conducted by a mediator pursuant to this section, the confidentiality of all mediation