

FILED FEB 24 2005

SENATE FILE 215
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 1132)

Passed Senate, Date 3-15-05 Passed House, Date 4-4-05
Vote: Ayes 49 Nays 0 Vote: Ayes 98 Nays 0
Approved 4/13/05

A BILL FOR

1 An Act modifying 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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5F 215

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. If the first
6 named respondent on a complaint is not a governmental entity,
7 service of a true copy on the respondent shall be by certified
8 mail. An authorized member of the commission staff shall make
9 a prompt investigation and shall issue a recommendation to an
10 administrative law judge employed either by the commission or
11 by the division of administrative hearings created by section
12 10A.801, who shall then issue a determination of probable
13 cause or no probable cause.

14 Sec. 2. Section 216.15, subsection 3, paragraph c, Code
15 2005, is amended to read as follows:

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

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

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

1 respondent.

2 Sec. 4. Section 216.17, subsection 1, unnumbered paragraph
3 2, Code 2005, is amended to read as follows:

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

10 EXPLANATION

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

14 The bill limits the requirement that service of a true copy
15 of a verified civil rights complaint be by certified mail to
16 service on the first named respondent on a complaint if the
17 respondent is not a governmental entity. The bill does
18 eliminate the certified mail requirement for service of the
19 complaint on any other party.

20 The bill also eliminates the requirement that mailing of a
21 final order by an administrative law judge dismissing the
22 complaint be done only by certified mail. The bill also
23 eliminates the certified mail requirement for the mailing of a
24 civil rights commission order denying relief following a
25 hearing on a verified complaint. The bill also makes a
26 conforming change to Code section 216.17 concerning judicial
27 review of commission decisions to reflect that decisions of
28 the commission need not be mailed by certified mail.

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Danielson Co-chair Succeeded By
Brunkhorst Co-chair HF 215

SSB# 1132

State Government

Hatch
Ward

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:

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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.

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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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SENATE FILE 215

AN ACT

MODIFYING THE CERTIFIED MAIL REQUIREMENT CONCERNING THE SERVICE
AND DELIVERY OF CERTAIN CIVIL RIGHTS COMPLAINTS AND ORDERS.

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

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

a. After the filing of a verified complaint, a true copy shall be served within twenty days ~~by-certified-mail~~ on the person against whom the complaint is filed. If the first named respondent on a complaint is not a governmental entity, service of a true copy on the respondent shall be by certified mail. An authorized member of the commission staff shall make

a prompt investigation and shall issue a recommendation to an administrative law judge employed either by the commission or by the division of administrative hearings created by section 10A.801, who shall then issue a determination of probable cause or no probable cause.

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

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

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

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

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

For purposes of the time limit for filing a petition for judicial review under the Iowa administrative procedure Act, chapter 17A, specified by section 17A.19, the issuance of a final decision of the commission under this chapter occurs on

the date notice of the decision is mailed by ~~certified-mail~~ to the parties.

JOHN P. KIBBIE
President of the Senate

CHRISTOPHER C. RANTS
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 215, Eighty-first General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved 4/13, 2005

THOMAS J. VILSACK
Governor