

Adopted Rejected

COMMITTEE REPORT

YES: 7
NO: 3

MR. SPEAKER:

*Your Committee on Labor and Employment, to which was referred House Bill 1034, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 22-9-1-2 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. (a) It is the public
5 policy of the state to provide all of its citizens equal opportunity for
6 education, employment, access to public conveniences and
7 accommodations, and acquisition through purchase or rental of real
8 property, including but not limited to housing, and to eliminate
9 segregation or separation based solely on race, religion, color, sex, **age**,
10 disability, national origin or ancestry, since such segregation is an
11 impediment to equal opportunity. Equal education and employment
12 opportunities and equal access to and use of public accommodations
13 and equal opportunity for acquisition of real property are hereby
14 declared to be civil rights.

1 (b) The practice of denying these rights to properly qualified
 2 persons by reason of the race, religion, color, sex, **age**, disability,
 3 national origin, or ancestry of such person is contrary to the principles
 4 of freedom and equality of opportunity and is a burden to the objectives
 5 of the public policy of this state and shall be considered as
 6 discriminatory practices. The promotion of equal opportunity without
 7 regard to race, religion, color, sex, **age**, disability, national origin, or
 8 ancestry through reasonable methods is the purpose of this chapter.

9 (c) It is also the public policy of this state to protect employers,
 10 labor organizations, employment agencies, property owners, real estate
 11 brokers, builders, and lending institutions from unfounded charges of
 12 discrimination.

13 (d) It is hereby declared to be contrary to the public policy of the
 14 state and an unlawful practice for any person, for profit, to induce or
 15 attempt to induce any person to sell or rent any dwelling by
 16 representations regarding the entry or prospective entry into the
 17 neighborhood of a person or persons of a particular race, religion,
 18 color, sex, **age**, disability, national origin, or ancestry.

19 (e) The general assembly recognizes that on February 16, 1972,
 20 there are institutions of learning in Indiana presently and traditionally
 21 following the practice of limiting admission of students to males or to
 22 females. It is further recognized that it would be unreasonable to
 23 impose upon these institutions the expense of remodeling facilities to
 24 accommodate students of both sexes, and that educational facilities of
 25 similar quality and type are available in coeducational institutions for
 26 those students desiring such facilities. It is further recognized that this
 27 chapter is susceptible of interpretation to prevent these institutions
 28 from continuing their traditional policies, a result not intended by the
 29 general assembly. Therefore, the amendment effected by Acts 1972,
 30 P.L.176, is desirable to permit the continuation of the policies
 31 described.

32 (f) This chapter shall be construed broadly to effectuate its
 33 purpose."

34 Page 2, line 27, after "sex," insert "**age**,".

35 Page 2, line 29, after "sex," insert "**age**,".

36 Page 2, line 36, after "sex," insert "**age**,".

37 Page 3, line 35, delete "No" and insert "**Except as provided in**
 38 **IC 22-9-2.1, no**".

- 1 Page 8, between lines 6 and 7, begin a new paragraph and insert:
 2 "SECTION 4. IC 22-9-1-10 IS AMENDED TO READ AS
 3 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 10. Every contract to
 4 which the state or any of its political or civil subdivisions is a party,
 5 including franchises granted to public utilities, shall contain a provision
 6 requiring the contractor and ~~his~~ **the contractor's** subcontractors not to
 7 discriminate against any employee or applicant for employment to be
 8 employed in the performance of such contract, with respect to ~~his~~ **the**
 9 **employee's** hire, tenure, terms, conditions or privileges of employment
 10 or any matter directly or indirectly related to employment, because of
 11 ~~his~~ **the employee's or applicant's** race, religion, color, sex, **age**,
 12 disability, national origin, or ancestry. Breach of this covenant may be
 13 regarded as a material breach of the contract."
- 14 Page 8, between lines 16 and 17, begin a new line double block
 15 indented and insert:
 16 "(E) age;".
- 17 Page 8, line 17, delete "(E)" and insert "**(F)**".
- 18 Page 8, line 18, delete "(F)" and insert "**(G)**".
- 19 Page 8, line 19, delete "(G)" and insert "**(H)**".
- 20 Page 11, line 16, delete ":".
- 21 Page 11, line 17, delete "(1)".
- 22 Page 11, line 17, delete "; or".
- 23 Page 11, delete line 18.
- 24 Page 11, run in lines 16 through 19.
- 25 Page 11, line 25, delete ":".
- 26 Page 11, line 26, delete "(1)".
- 27 Page 11, line 26, delete "if the claim is filed with the" and insert ".".
- 28 Page 11, run in lines 25 through 26.
- 29 Page 11, delete lines 27 through 42.
- 30 Page 12, line 3, delete "(a)".
- 31 Page 12, line 5, delete "is transferred to the" and insert "**shall be**

- 1 **adjudicated by the commissioner of labor."**
- 2 Page 12, delete lines 6 through 11.
- 3 Renumber all SECTIONS consecutively.
(Reference is to HB 1034 as introduced.)

and when so amended that said bill do pass.

Representative Niezgodski