

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 14, 2013
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB13-1136 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, page 4, line 4, after "SECTION," insert "AND EXCEPT
- 2 AS PROVIDED IN PARAGRAPH (g) OF THIS SUBSECTION (3),".

- 3 Page 4, line 14, after "(b)" insert "(I)".

- 4 Page 4, line 15, after "TITLE," insert "AND EXCEPT AS PROVIDED IN
- 5 SUBPARAGRAPH (II) OF THIS PARAGRAPH (b),".

- 6 Page 4, line 21, after "PLAINTIFF." add "HOWEVER, IF THE RESPONDENT OR
- 7 DEFENDANT DEMONSTRATES GOOD-FAITH EFFORTS TO COMPLY WITH THIS
- 8 PART 4 AND TO PREVENT DISCRIMINATORY AND UNFAIR EMPLOYMENT
- 9 PRACTICES IN THE WORKPLACE, THE COMMISSION OR COURT SHALL NOT
- 10 AWARD PUNITIVE DAMAGES AGAINST THE RESPONDENT OR DEFENDANT.

- 11 (II) THE COMMISSION OR COURT SHALL NOT AWARD PUNITIVE
- 12 DAMAGES IN A PROCEEDING OR CIVIL ACTION INVOLVING A CLAIM OF
- 13 FAILURE TO MAKE A REASONABLE ACCOMMODATION FOR A PERSON WITH
- 14 A DISABILITY IF THE RESPONDENT OR DEFENDANT DEMONSTRATES GOOD
- 15 FAITH EFFORTS TO IDENTIFY AND MAKE A REASONABLE ACCOMMODATION
- 16 THAT WOULD PROVIDE THE PERSON WITH A DISABILITY AN EQUALLY
- 17 EFFECTIVE OPPORTUNITY AND WOULD NOT CAUSE AN UNDUE HARDSHIP ON
- 18 THE OPERATION OF THE RESPONDENT'S OR DEFENDANT'S BUSINESS."

- 19 Page 5, after line 20 insert:

1 "(g) IN A PROCEEDING OR CIVIL ACTION INVOLVING A CLAIM OF
2 DISCRIMINATION BASED ON AGE, THE COMPLAINING PARTY OR PLAINTIFF
3 IS ENTITLED ONLY TO THE RELIEF AUTHORIZED IN SUBSECTION (2) OF THIS
4 SECTION AND IN 29 U.S.C. SEC. 626 (b) AND 29 U.S.C. SEC. 216 (b) IF THE
5 COMMISSION OR COURT FINDS THAT THE RESPONDENT OR DEFENDANT
6 ENGAGED IN A DISCRIMINATORY OR UNFAIR EMPLOYMENT PRACTICE
7 BASED ON AGE. IF, IN ADDITION TO ALLEGING DISCRIMINATION BASED ON
8 AGE, THE COMPLAINING PARTY OR PLAINTIFF ALLEGES DISCRIMINATION
9 BASED ON ANY OTHER FACTOR SPECIFIED IN SECTION 24-34-402 (1), THIS
10 PARAGRAPH (g) DOES NOT PRECLUDE A COMPLAINING PARTY OR PLAINTIFF
11 FROM RECOVERING THE RELIEF AUTHORIZED BY THIS SECTION FOR THAT
12 DISCRIMINATION CLAIM."

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