

SENATE BILL No. 2

DIGEST OF INTRODUCED BILL

Citations Affected: IC 22-9; IC 31-9-2-20.

Synopsis: Prohibited discrimination in civil rights statutes. Amends civil rights enforcement statutes to prohibit discrimination based on sexual orientation, gender identity, national origin, disability, veteran status, and ancestry.

Effective: Upon passage.

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January 5, 2016, read first time and referred to Committee on Rules & Legislative Procedure.



Second Regular Session 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

SENATE BILL No. 2

A BILL FOR AN ACT to amend the Indiana Code concerning general provisions.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 22-9-1-2, AS AMENDED BY P.L.136-2014,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 2. (a) It is the public policy of the state to
4 provide all of its citizens equal opportunity for education, employment,
5 access to public conveniences and accommodations, and acquisition
6 through purchase or rental of real property, including but not limited to
7 housing, and to eliminate segregation or separation based solely on
8 race, religion, color, sex, disability, national origin, **sexual orientation**,
9 **gender identity**, **veteran status**, or ancestry, since such segregation is
10 an impediment to equal opportunity. Equal education and employment
11 opportunities and equal access to and use of public accommodations
12 and equal opportunity for acquisition of real property are hereby
13 declared to be civil rights.

14 (b) The practice of denying these rights to properly qualified
15 persons by reason of the race, religion, color, sex, disability, national
16 origin, **sexual orientation**, **gender identity**, **veteran status**, or
17 ancestry of such person is contrary to the principles of freedom and



1 equality of opportunity and is a burden to the objectives of the public
 2 policy of this state and shall be considered as discriminatory practices.
 3 The promotion of equal opportunity without regard to race, religion,
 4 color, sex, **sexual orientation, gender identity, veteran status,**
 5 disability, national origin, or ancestry through reasonable methods is
 6 the purpose of this chapter.

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

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

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

31 (f) It is against the public policy of the state and a discriminatory
 32 practice for an employer to discriminate against a prospective
 33 employee on the basis of status as a veteran by:

34 (1) refusing to employ an applicant for employment on the basis
 35 that the applicant is a veteran of the armed forces of the United
 36 States; or

37 (2) refusing to employ an applicant for employment on the basis
 38 that the applicant is a member of the Indiana National Guard or
 39 member of a reserve component.

40 (g) This chapter shall be construed broadly to effectuate its purpose.

41 SECTION 2. IC 22-9-1-3, AS AMENDED BY P.L.136-2014,
 42 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



- 1 UPON PASSAGE]: Sec. 3. As used in this chapter:
 2 (a) "Person" means one (1) or more individuals, partnerships,
 3 associations, organizations, limited liability companies, corporations,
 4 labor organizations, cooperatives, legal representatives, trustees,
 5 trustees in bankruptcy, receivers, and other organized groups of
 6 persons. **"Affirmative action" means those acts that the commission
 7 determines necessary to assure compliance with the Indiana civil
 8 rights law.**
 9 (b) "Commission" means the civil rights commission created under
 10 section 4 of this chapter.
 11 (c) "Director" means the director of the civil rights commission.
 12 **"Commission attorney" means the deputy attorney general, such
 13 assistants of the attorney general as may be assigned to the
 14 commission, or such other attorney as may be engaged by the
 15 commission.**
 16 (d) "Deputy director" means the deputy director of the civil rights
 17 commission. **"Complainant" means:**
 18 (1) any individual charging on the individual's own behalf to
 19 have been personally aggrieved by a discriminatory practice;
 20 or
 21 (2) the director or deputy director of the commission charging
 22 that a discriminatory practice was committed against a
 23 person (other than the director or deputy director) or a class
 24 of people, in order to vindicate the public policy of the state
 25 (as set forth in section 2 of this chapter).
 26 (e) "Commission attorney" means the deputy attorney general, such
 27 assistants of the attorney general as may be assigned to the
 28 commission, or such other attorney as may be engaged by the
 29 commission. **"Complaint" means any written grievance that is:**
 30 (1) sufficiently complete and filed by a complainant with the
 31 commission; or
 32 (2) filed by a complainant as a civil action in the circuit or
 33 superior court having jurisdiction in the county in which the
 34 alleged discriminatory practice occurred.
 35 (f) "Consent agreement" means a formal agreement entered into in
 36 lieu of adjudication.
 37 (g) "Affirmative action" means those acts that the commission
 38 determines necessary to assure compliance with the Indiana civil rights
 39 law. **"Deputy director" means the deputy director of the civil rights
 40 commission.**
 41 (h) "Employer" means the state or any political or civil subdivision
 42 thereof and any person employing six (6) or more persons within the



1 state, except that the term "employer" does not include:

2 (1) any nonprofit corporation or association organized exclusively
3 for fraternal or religious purposes;

4 (2) any school, educational, or charitable religious institution
5 owned or conducted by or affiliated with a church or religious
6 institution; or

7 (3) any exclusively social club, corporation, or association that is
8 not organized for profit. **"Director" means the director of the
9 civil rights commission.**

10 (i) "Employee" means any person employed by another for wages or
11 salary. However, the term does not include any individual employed:

12 (1) by the individual's parents, spouse, or child; or

13 (2) in the domestic service of any person. **"Disabled" or
14 "disability" means the physical or mental condition of a
15 person that constitutes a substantial disability. In reference to
16 employment under this chapter, "disabled" or "disability"
17 also means the physical or mental condition of a person that
18 constitutes a substantial disability unrelated to the person's
19 ability to engage in a particular occupation.**

20 (j) "Labor organization" means any organization that exists for the
21 purpose in whole or in part of collective bargaining or of dealing with
22 employers concerning grievances, terms, or conditions of employment
23 or for other mutual aid or protection in relation to employment.

24 **"Discriminatory practice" means:**

25 (1) the exclusion of a person from equal opportunities because
26 of race, religion, color, sex, sexual orientation, gender identity,
27 disability, national origin, ancestry, or veteran status;

28 (2) a system that excludes persons from equal opportunities
29 because of race, religion, color, sex, sexual orientation, gender
30 identity, disability, national origin, ancestry, or veteran
31 status;

32 (3) the promotion of racial segregation or separation in any
33 manner, including but not limited to the inducing of or the
34 attempting to induce for profit any person to sell or rent any
35 dwelling by representations regarding the entry or
36 prospective entry in the neighborhood of a person or persons
37 of a particular race, religion, color, sex, sexual orientation,
38 gender identity, disability, national origin, ancestry, or
39 veteran status; or

40 (4) a violation of IC 22-9-5 that is committed by a covered
41 entity (as defined in IC 22-9-5-4).

42 **Every discriminatory practice relating to the acquisition or sale of**



1 real estate, education, public accommodations, employment, or the
 2 extending of credit (as defined in IC 24-4.5-1-301.5) shall be
 3 considered unlawful unless it is specifically exempted by this
 4 chapter.

5 (k) "Employment agency" means any person undertaking with or
 6 without compensation to procure, recruit, refer, or place employees.
 7 "Employee" means any person employed by another for wages or
 8 salary. However, the term does not include any individual
 9 employed:

10 (1) by the individual's parents, spouse, or child; or

11 (2) in the domestic service of any person.

12 (l) "Discriminatory practice" means:

13 (1) the exclusion of a person from equal opportunities because of
 14 race, religion, color, sex, disability, national origin, ancestry, or
 15 status as a veteran;

16 (2) a system that excludes persons from equal opportunities
 17 because of race, religion, color, sex, disability, national origin,
 18 ancestry, or status as a veteran;

19 (3) the promotion of racial segregation or separation in any
 20 manner, including but not limited to the inducing of or the
 21 attempting to induce for profit any person to sell or rent any
 22 dwelling by representations regarding the entry or prospective
 23 entry in the neighborhood of a person or persons of a particular
 24 race, religion, color, sex, disability, national origin, or ancestry;
 25 or

26 (4) a violation of IC 22-9-5 that occurs after July 25, 1992, and is
 27 committed by a covered entity (as defined in IC 22-9-5-4).

28 Every discriminatory practice relating to the acquisition or sale of real
 29 estate, education, public accommodations, employment, or the
 30 extending of credit (as defined in IC 24-4.5-1-301.5) shall be
 31 considered unlawful unless it is specifically exempted by this chapter.

32 "Employer" means the state or any political or civil subdivision
 33 thereof and any person employing six (6) or more persons within
 34 the state, except that the term "employer" does not include:

35 (1) any nonprofit corporation or association organized
 36 exclusively for fraternal or religious purposes;

37 (2) any school, educational, or charitable religious institution
 38 owned or conducted by or affiliated with a church or religious
 39 institution; or

40 (3) any exclusively social club, corporation, or association that
 41 is not organized for profit.

42 (m) "Public accommodation" means any establishment that caters



1 or offers its services or facilities or goods to the general public.
 2 **"Employment agency" means any person undertaking with or**
 3 **without compensation to procure, recruit, refer, or place**
 4 **employees.**

5 (n) **"Complainant" means:**

- 6 (1) any individual charging on the individual's own behalf to have
 7 been personally aggrieved by a discriminatory practice; or
 8 (2) the director or deputy director of the commission charging that
 9 a discriminatory practice was committed against a person (other
 10 than the director or deputy director) or a class of people; in order
 11 to vindicate the public policy of the state (as defined in section 2
 12 of this chapter). **"Gender identity" means a gender related**
 13 **identity, appearance, expression, or behavior whether or not**
 14 **the gender related identity, appearance, expression, or**
 15 **behavior is different from that traditionally associated with a**
 16 **person's assigned sex at birth.**

17 (o) **"Complaint" means any written grievance that is:**

- 18 (1) sufficiently complete and filed by a complainant with the
 19 commission; or
 20 (2) filed by a complainant as a civil action in the circuit or
 21 superior court having jurisdiction in the county in which the
 22 alleged discriminatory practice occurred.

23 The original of any complaint filed under subdivision (1) shall be
 24 signed and verified by the complainant. **"Labor organization" means**
 25 **any organization that exists for the purpose in whole or in part of**
 26 **collective bargaining or of dealing with employers concerning**
 27 **grievances, terms, or conditions of employment or for other mutual**
 28 **aid or protection in relation to employment.**

29 (p) **"Sufficiently complete" refers to a complaint that includes:**

- 30 (1) the full name and address of the complainant;
 31 (2) the name and address of the respondent against whom the
 32 complaint is made;
 33 (3) the alleged discriminatory practice and a statement of
 34 particulars thereof;
 35 (4) the date or dates and places of the alleged discriminatory
 36 practice and if the alleged discriminatory practice is of a
 37 continuing nature the dates between which continuing acts of
 38 discrimination are alleged to have occurred; and
 39 (5) a statement as to any other action, civil or criminal, instituted
 40 in any other form based upon the same grievance alleged in the
 41 complaint, together with a statement as to the status or disposition
 42 of the other action.



1 No complaint shall be valid unless filed within one hundred eighty
 2 (180) days from the date of the occurrence of the alleged
 3 discriminatory practice: **"Person" means one (1) or more**
 4 **individuals, partnerships, associations, organizations, limited**
 5 **liability companies, corporations, labor organizations,**
 6 **cooperatives, legal representatives, trustees, trustees in**
 7 **bankruptcy, receivers, and other organized groups of persons.**

8 (q) "Sex" as it applies to segregation or separation in this chapter
 9 applies to all types of employment; education; public accommodations;
 10 and housing. However:

11 (1) it shall not be a discriminatory practice to maintain separate
 12 restrooms;

13 (2) it shall not be an unlawful employment practice for an
 14 employer to hire and employ employees; for an employment
 15 agency to classify or refer for employment any individual; for a
 16 labor organization to classify its membership or to classify or refer
 17 for employment any individual; or for an employer; labor
 18 organization; or joint labor management committee controlling
 19 apprenticeship or other training or retraining programs to admit
 20 or employ any other individual in any program on the basis of sex
 21 in those certain instances where sex is a bona fide occupational
 22 qualification reasonably necessary to the normal operation of that
 23 particular business or enterprise; and

24 (3) it shall not be a discriminatory practice for a private or
 25 religious educational institution to continue to maintain and
 26 enforce a policy of admitting students of one (1) sex only.
 27 **"Public accommodation" means any establishment that caters**
 28 **or offers its services or facilities or goods to the general**
 29 **public.**

30 (r) "Disabled" or "disability" means the physical or mental condition
 31 of a person that constitutes a substantial disability. In reference to
 32 employment under this chapter, "disabled or disability" also means the
 33 physical or mental condition of a person that constitutes a substantial
 34 disability unrelated to the person's ability to engage in a particular
 35 occupation: **"Sex" as it applies to segregation or separation in this**
 36 **chapter applies to all types of employment, education, public**
 37 **accommodations, and housing. However:**

38 (1) it shall not be a discriminatory practice to maintain
 39 separate restrooms;

40 (2) it shall not be an unlawful employment practice for an
 41 employer to hire and employ employees, for an employment
 42 agency to classify or refer for employment any individual, for



1 a labor organization to classify its membership or to classify
 2 or refer for employment any individual, or for an employer,
 3 labor organization, or joint labor management committee
 4 controlling apprenticeship or other training or retraining
 5 programs to admit or employ any other individual in any
 6 program on the basis of sex in those certain instances where
 7 sex is a bona fide occupational qualification reasonably
 8 necessary to the normal operation of that particular business
 9 or enterprise; and

10 (3) it shall not be a discriminatory practice for a private or
 11 religious educational institution to continue to maintain and
 12 enforce a policy of admitting students of one (1) sex only.

13 (s) "Veteran" means:

14 (1) a veteran of the armed forces of the United States;

15 (2) a member of the Indiana National Guard; or

16 (3) a member of a reserve component. "Sexual orientation"
 17 means actual or perceived bisexuality, heterosexuality, or
 18 homosexuality.

19 (t) "Sufficiently complete" refers to a complaint that includes:

20 (1) the full name and address of the complainant;

21 (2) the name and address of the respondent against whom the
 22 complaint is made;

23 (3) the alleged discriminatory practice and a statement of
 24 particulars thereof;

25 (4) the date or dates and places of the alleged discriminatory
 26 practice and if the alleged discriminatory practice is of a
 27 continuing nature the dates between which continuing acts of
 28 discrimination are alleged to have occurred; and

29 (5) a statement as to any other action, civil or criminal,
 30 instituted in any other form based upon the same grievance
 31 alleged in the complaint, together with a statement as to the
 32 status or disposition of the other action.

33 No complaint shall be valid unless filed within one hundred eighty
 34 (180) days from the date of the occurrence of the alleged
 35 discriminatory practice.

36 (u) "Veteran" means:

37 (1) a veteran of the armed forces of the United States;

38 (2) a member of the Indiana National Guard; or

39 (3) a member of a reserve component of the armed forces of
 40 the United States.

41 SECTION 3. IC 22-9-1-6, AS AMENDED BY P.L.136-2014,
 42 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 UPON PASSAGE]: Sec. 6. (a) The commission shall establish and
2 maintain a permanent office in the city of Indianapolis.

3 (b) Except as it concerns judicial review, the commission may adopt
4 rules under IC 4-22-2 to implement this chapter.

5 (c) The commission shall formulate policies to effectuate the
6 purposes of this chapter and make recommendations to agencies and
7 officers of the state or local subdivisions thereof to effectuate such
8 policies. The several departments, commissions, divisions, authorities,
9 boards, bureaus, agencies, and officers of the state or any political
10 subdivision or agency thereof shall furnish the commission, upon its
11 request, all records, papers, and information in their possession relating
12 to any matter before the commission.

13 (d) The commission shall receive and investigate complaints
14 alleging discriminatory practices. The commission shall not hold
15 hearings in the absence of a complaint. All investigations of complaints
16 shall be conducted by staff members of the civil rights commission or
17 their agents.

18 (e) The commission may create such advisory agencies and
19 conciliation councils, local or statewide, as will aid in effectuating the
20 purposes of this chapter. The commission may itself, or it may
21 empower these agencies and councils to:

22 (1) study the problems of discrimination in the areas covered by
23 section 2 of this chapter when based on race, religion, color, sex,
24 ~~handicap~~, **sexual orientation, gender identity, disability,**
25 national origin, **veteran status**, or ancestry; and

26 (2) foster through community effort, or otherwise, good will
27 among the groups and elements of the population of the state.

28 These agencies and councils may make ~~recommendation~~
29 **recommendations** to the commission for the development of policies
30 and procedures in general. Advisory agencies and conciliation councils
31 created by the commission shall be composed of representative citizens
32 serving without pay, but with reimbursement for reasonable and
33 necessary actual expenses.

34 (f) The commission may issue such publications and such results of
35 investigations and research as in its judgment will tend to promote
36 good will and minimize or eliminate discrimination because of race,
37 religion, color, sex, ~~handicap~~, **sexual orientation, gender identity,**
38 **disability**, national origin, **veteran status**, or ancestry.

39 (g) The commission shall prevent any person from discharging,
40 expelling, or otherwise discriminating against any other person because
41 the person filed a complaint, testified in any hearing before this
42 commission, or in any way assisted the commission in any matter under



- 1 its investigation.
- 2 (h) The commission may hold hearings, subpoena witnesses, compel
3 their attendance, administer oaths, take the testimony of any person
4 under oath, and require the production for examination of any books
5 and papers relating to any matter under investigation or in question
6 before the commission. The commission may make rules as to the
7 issuance of subpoenas by individual commissioners. Contumacy or
8 refusal to obey a subpoena issued under this section shall constitute a
9 contempt. All hearings shall be held within Indiana at a location
10 determined by the commission. A citation of contempt may be issued
11 upon application by the commission to the circuit or superior court in
12 the county in which the hearing is held or in which the witness resides
13 or transacts business.
- 14 (i) The commission may appoint administrative law judges other
15 than commissioners, when an appointment is deemed necessary by a
16 majority of the commission. The administrative law judges shall be
17 members in good standing before the bar of Indiana and shall be
18 appointed by the chairman of the commission. An administrative law
19 judge appointed under this subsection shall have the same powers and
20 duties as a commissioner sitting as an administrative law judge.
21 However, the administrative law judge may not issue subpoenas.
- 22 (j) The commission shall state its findings of fact after a hearing
23 and, if the commission finds a person has engaged in an unlawful
24 discriminatory practice, shall cause to be served on this person an order
25 requiring the person to cease and desist from the unlawful
26 discriminatory practice and requiring the person to take further
27 affirmative action as will effectuate the purposes of this chapter,
28 including but not limited to the power:
- 29 (1) to restore complainant's losses incurred as a result of
30 discriminatory treatment, as the commission may deem necessary
31 to assure justice; however, except in discriminatory practices
32 involving veterans, this specific provision when applied to orders
33 pertaining to employment shall include only wages, salary, or
34 commissions;
- 35 (2) to require the posting of notice setting forth the public policy
36 of Indiana concerning civil rights and respondent's compliance
37 with the policy in places of public accommodations;
- 38 (3) to require proof of compliance to be filed by respondent at
39 periodic intervals; and
- 40 (4) to require a person who has been found to be in violation of
41 this chapter and who is licensed by a state agency authorized to
42 grant a license to show cause to the licensing agency why the



1 person's license should not be revoked or suspended.

2 When an employer has been found to have committed a discriminatory
3 practice in employment by failing to employ an applicant on the basis
4 that the applicant is a veteran, the order to restore the veteran's losses
5 may include placing the veteran in the employment position with the
6 employer for which the veteran applied.

7 (k) Judicial review of a cease and desist order or other affirmative
8 action as referred to in this chapter may be obtained under IC 22-9-8.
9 If no proceeding to obtain judicial review is instituted within thirty (30)
10 days from receipt of notice by a person that an order has been made by
11 the commission, the commission, if it determines that the person upon
12 whom the cease and desist order has been served is not complying or
13 is making no effort to comply, may obtain a decree of a court for the
14 enforcement of the order in circuit or superior court upon showing that
15 the person is subject to the commission's jurisdiction and resides or
16 transacts business within the county in which the petition for
17 enforcement is brought.

18 (l) If, upon all the evidence, the commission shall find that a person
19 has not engaged in any unlawful practice or violation of this chapter,
20 the commission shall state its findings of facts and shall issue and
21 cause to be served on the complainant an order dismissing the
22 complaint as to the person.

23 (m) The commission may furnish technical assistance requested by
24 persons subject to this chapter to further compliance with this chapter
25 or with an order issued thereunder.

26 (n) The commission shall promote the creation of local civil rights
27 agencies to cooperate with individuals, neighborhood associations, and
28 state, local, and other agencies, both public and private, including
29 agencies of the federal government and of other states.

30 (o) The commission may reduce the terms of conciliation agreed to
31 by the parties to writing (to be called a consent agreement) that the
32 parties and a majority of the commissioners shall sign. When signed,
33 the consent agreement shall have the same effect as a cease and desist
34 order issued under subsection (j). If the commission determines that a
35 party to the consent agreement is not complying with it, the
36 commission may obtain enforcement of the consent agreement in a
37 circuit or superior court upon showing that the party is not complying
38 with the consent agreement and the party is subject to the commission's
39 jurisdiction and resides or transacts business within the county in
40 which the petition for enforcement is brought.

41 (p) In lieu of investigating a complaint and holding a hearing under
42 this section, the commission may issue an order based on findings and



1 determinations by the federal Department of Housing and Urban
 2 Development or the federal Equal Employment Opportunity
 3 Commission concerning a complaint that has been filed with one (1) of
 4 these federal agencies and with the commission. The commission shall
 5 adopt by rule standards under which the commission may issue such an
 6 order.

7 (q) Upon notice that a complaint is the subject of an action in a
 8 federal court, the commission shall immediately cease investigation of
 9 the complaint and may not conduct hearings or issue findings of fact or
 10 orders concerning that complaint.

11 SECTION 4. IC 22-9-1-9.5 IS ADDED TO THE INDIANA CODE
 12 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE
 13 UPON PASSAGE]: **Sec. 9.5. (a) Every discriminatory practice**
 14 **relating to the acquisition or sale of real estate, education, public**
 15 **accommodations, employment, or the extending of credit (as**
 16 **defined in IC 24-4.5-1-301.5) shall be considered unlawful unless it**
 17 **is specifically exempted by this chapter.**

18 (b) **A complaint must be filed within one hundred eighty (180)**
 19 **days from the date of the occurrence of the alleged discriminatory**
 20 **practice.**

21 (c) **An original complaint filed with the commission shall be**
 22 **signed and verified by the complainant.**

23 SECTION 5. IC 22-9-1-10 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. Every contract
 25 to which the state or any of its political or civil subdivisions is a party,
 26 including franchises granted to public utilities, shall contain a provision
 27 requiring the contractor and ~~his~~ **the contractor's** subcontractors not to
 28 discriminate against any employee or applicant for employment to be
 29 employed in the performance of such contract, with respect to ~~his~~ **the**
 30 **employee's or applicant's** hire, tenure, terms, conditions, or privileges
 31 of employment or any matter directly or indirectly related to
 32 employment, because of ~~his~~ **the employee's or applicant's** race,
 33 religion, color, sex, **sexual orientation, gender identity**, disability,
 34 national origin, **veteran status**, or ancestry. Breach of this covenant
 35 may be regarded as a material breach of the contract.

36 SECTION 6. IC 22-9-1-11 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. In addition to
 38 its power to investigate the discriminatory practices referred to in this
 39 chapter, the commission may receive written complaints of violation of
 40 this chapter or other discriminatory practices based upon race, religion,
 41 color, sex, **sexual orientation, gender identity, disability**, national
 42 origin, **veteran status**, or ancestry and ~~to~~ investigate such complaints



1 as it deems meritorious, or to conduct such investigation in the absence
 2 of complaints whenever it deems it in the public interest. ~~It~~ **The**
 3 **commission** may transmit to the general assembly its recommendations
 4 for legislation designed to aid in the removing of such discrimination.

5 SECTION 7. IC 22-9-2-11, AS AMENDED BY P.L.166-2009,
 6 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 UPON PASSAGE]: Sec. 11. Nothing contained herein shall be deemed
 8 to repeal any of the provisions of any law of this state relating to
 9 discrimination because of age, race, or color, religion, **sex, sexual**
 10 **orientation, gender identity, disability, veteran status**, or country of
 11 ancestral origin. Nothing herein shall be deemed to limit, restrict or
 12 affect the freedom of any employer in regard to:

13 ~~(a)~~ **(1)** fixing compulsory retirement requirements for any class of
 14 employees at an age or ages less than seventy-five (75) years of
 15 **age;**

16 ~~(b)~~ **(2)** fixing eligibility requirements for participation in, or
 17 enjoyment by employees of, benefits under any annuity plan or
 18 pension or retirement plan on the basis that any employee may be
 19 excluded from eligibility therefor who, at the time ~~he~~ **the**
 20 **employee** would otherwise become eligible for such benefits, is
 21 older than the age fixed in such eligibility requirements; or

22 ~~(c)~~ **(3)** keeping age records for any such purposes.

23 SECTION 8. IC 22-9-10-2, AS ADDED BY P.L.136-2014,
 24 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 UPON PASSAGE]: Sec. 2. As used in this chapter, "complainant" has
 26 the meaning set forth in ~~IC 22-9-1-3(n)~~: **IC 22-9-1-3(d)**.

27 SECTION 9. IC 22-9-10-3, AS ADDED BY P.L.136-2014,
 28 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 UPON PASSAGE]: Sec. 3. As used in this chapter, "complaint" has the
 30 meaning set forth in ~~IC 22-9-1-3(o)~~: **IC 22-9-1-3(e)**.

31 SECTION 10. IC 22-9-10-6, AS ADDED BY P.L.136-2014,
 32 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 UPON PASSAGE]: Sec. 6. As used in this chapter, "employee" has the
 34 meaning set forth in ~~IC 22-9-1-3(i)~~: **IC 22-9-1-3(k)**.

35 SECTION 11. IC 22-9-10-7, AS ADDED BY P.L.136-2014,
 36 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 UPON PASSAGE]: Sec. 7. As used in this chapter, "employer" has the
 38 meaning set forth in ~~IC 22-9-1-3(h)~~: **IC 22-9-1-3(l)**.

39 SECTION 12. IC 31-9-2-20 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20. "Child with a
 41 disability", for purposes of IC 31-34-1-9, means an individual who:

42 (1) is less than eighteen (18) years of age; and



1 (2) has a disability (as defined in ~~IC 22-9-1-3(e)~~ **IC 22-9-1-3(i)**).

2 **SECTION 13. An emergency is declared for this act.**

