

SB110\_L.009

## SENATE COMMITTEE OF REFERENCE REPORT

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 Chairman of Committee

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 Date
Committee on Judiciary.

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

SB09-110 be amended as follows:

1 Amend printed bill, page 4, line 25, after "(2),", insert "(4),".

2 Page 8, after line 4, insert the following:

3           "(4) When the director is satisfied that further efforts to settle the  
 4 matter by conference, conciliation, and persuasion will be futile, he OR  
 5 SHE shall so report to the commission. If the commission determines that  
 6 the circumstances warrant, it shall issue and cause to be served, in the  
 7 manner provided by section 24-4-105 (2), a written notice and complaint  
 8 requiring the respondent to answer the charges at a formal hearing before  
 9 the commission, a commissioner, or an administrative law judge; EXCEPT  
 10 THAT IN CASES WHERE THE CHARGING PARTY HAS ASSERTED A CLAIM  
 11 THAT COULD NOT BE BROUGHT UNDER TITLE VII OF THE FEDERAL "CIVIL  
 12 RIGHTS ACT OF 1964", AS AMENDED, THE FEDERAL "AMERICANS WITH  
 13 DISABILITIES ACT OF 1990", AS AMENDED, 42 U.S.C. SEC. 12101 ET SEQ.,  
 14 OR THE FEDERAL "AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967",  
 15 AS AMENDED, 29 U.S.C. SEC. 621 ET SEQ., THE CHARGING PARTY, UPON  
 16 REQUEST, SHALL BE ENTITLED TO A FORMAL HEARING BEFORE THE  
 17 COMMISSION OR AN ADMINISTRATIVE LAW JUDGE AS SPECIFIED IN THIS  
 18 SUBSECTION (4), AND THE CHARGING PARTY SHALL BE ENTITLED TO  
 19 REPRESENTATION AT THE HEARING BY AN ATTORNEY FROM THE ATTORNEY  
 20 GENERAL'S OFFICE. Such hearing shall be commenced within one hundred  
 21 twenty days after the service of such written notice and complaint. Such  
 22 notice and complaint shall state the time, place, and nature of the hearing,  
 23 the legal authority and jurisdiction under which it is to be held, and the  
 24 matters of fact and law asserted."

- 1 Page 9, strike lines 15 through 27.
- 2 Strike pages 10 through 14.
- 3 Page 15, strike lines 1 through 22.
- 4 Renumber succeeding sections accordingly.

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