

**FINAL BILL REPORT**

**SB 5474**

**PARTIAL VETO**

**C 510 L 93**

**SYNOPSIS AS ENACTED**

**Brief Description:** Revising laws relating to discrimination.

**SPONSORS:** Senators A. Smith, Pelz, Niemi, Spanel, Drew, Prince, Roach and Franklin; by request of Human Rights Commission

**SENATE COMMITTEE ON LAW & JUSTICE**

**HOUSE COMMITTEE ON JUDICIARY**

**BACKGROUND:**

The Human Rights Commission is the state agency charged with the administration of law against discrimination based on race, creed, color, national origin, sex, marital status, age, or the presence of any sensory, mental or physical handicap in employment, credit and insurance transactions, public resorts, accommodations, amusements and real property transactions. This agency provides an administrative remedy as an alternative to civil court proceedings.

To ensure the functioning of this alternative process, it is the belief of the agency that the penalty imposed for humiliation and mental suffering must be sufficient to deter violations of the act. Accordingly, the maximum penalty of \$1,000 is believed to be insufficient.

Additionally, in response to a growing number of active workers who are over the age of 70, the federal government has removed that age as a ceiling for similar rights pursuant to federal law. Within that context, there is a belief that the state remedy should parallel that of the federal government.

Finally, it is believed that it is necessary to add the use of trained guide dogs for the sensory impaired as a protected class.

**SUMMARY:**

The definitions of discrimination are revised by deleting the term "handicap" and substituting "disability or the use of guide dogs by disabled persons." The maximum penalty for humiliation and mental suffering is increased from \$1,000 to \$10,000. The definition of age discrimination is revised by removing the maximum age. The definition of disability is limited so as not to include certain sexual behaviors, compulsive gambling, kleptomania and disorders resulting from

the use of illegal drugs. The Consumer Protection Act is determined to be a concurrent remedy except for employee/employer actions and real estate transactions subject to other provisions of law.

**VOTES ON FINAL PASSAGE:**

Senate	25	22	
House	96	0	(House amended)
Senate			(Senate concurred in part)
House	95	0	(House receded in part)
Senate	19	28	(Failed)
Senate	27	20	(Reconsidered)

**EFFECTIVE:** July 25, 1993

**Partial Veto Summary:** The section limiting the commission's power to interpret and define the term "disability" as it applies to any sensory, mental or physical condition is deleted. The section containing duplicatory provisions regarding real property transactions is deleted. (See VETO MESSAGE)