

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 18-0105.01 Kristen Forrestal x4217

SENATE BILL 18-044

SENATE SPONSORSHIP

Crowder,

HOUSE SPONSORSHIP

Landgraf,

Senate Committees

State, Veterans, & Military Affairs

House Committees

State, Veterans, & Military Affairs

A BILL FOR AN ACT

101 **CONCERNING A STUDY ON THE ABILITY OF PRIVATE EMPLOYERS TO**
102 **GIVE PREFERENCE TO VETERANS WHEN MAKING CERTAIN**
103 **EMPLOYMENT DECISIONS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill allows private employers to give preference to veterans when hiring, promoting, and retaining employees as long as the veterans are equally as qualified as other individuals. The bill clarifies that employers who adopt a program that gives preferences to veterans are not committing a discriminatory or unfair labor practice.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
Amended 3rd Reading
May 3, 2018

HOUSE
Amended 2nd Reading
May 2, 2018

SENATE
3rd Reading Unamended
January 26, 2018

SENATE
2nd Reading Unamended
January 25, 2018

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** 8-1-153 as
3 follows:

4 **8-1-153. Private employers - study on veterans' preference for**
5 **employment - definitions - rules.** (1) AS USED IN THIS SECTION:

6 (a) "PRIVATE EMPLOYER" MEANS A NONPUBLIC SOLE PROPRIETOR,
7 CORPORATION, PARTNERSHIP, LIMITED LIABILITY COMPANY, OR OTHER
8 PRIVATE, NONPUBLIC ENTITY EMPLOYING ONE OR MORE EMPLOYEES
9 WITHIN THE STATE.

10 (b) "VETERAN" MEANS A PERSON WHO HAS SERVED IN THE ARMED
11 FORCES OF THE UNITED STATES IN ANY DECLARED OR UNDECLARED WAR,
12 CONFLICT, ENGAGEMENT, EXPEDITION, OR CAMPAIGN FOR WHICH A
13 CAMPAIGN BADGE IS AUTHORIZED AND WHO MEETS THE REQUIREMENTS OF
14 SERVICE OR DISABILITY, OR BOTH, AND WHO WAS DISCHARGED OR
15 RELEASED FROM DUTY UNDER CONDITIONS OTHER THAN DISHONORABLE.

16 (c) "VETERANS' PREFERENCE EMPLOYMENT POLICY" MEANS A
17 PRIVATE EMPLOYER'S PREFERENCE FOR HIRING A VETERAN OVER ANOTHER
18 EQUALLY QUALIFIED APPLICANT OR EMPLOYEE.

19 (2) (a) THE EXECUTIVE DIRECTOR SHALL STUDY WHETHER THE
20 STATE SHOULD ENACT LEGISLATION TO ENCOURAGE PRIVATE EMPLOYERS
21 TO ADOPT AND APPLY A VETERANS' PREFERENCE EMPLOYMENT POLICY.

22 (b) IN CONDUCTING THE STUDY, THE EXECUTIVE DIRECTOR SHALL
23 USE ALL AVAILABLE DATA TO:

24 (I) ASSESS THE EMPLOYMENT OBSTACLES AND DISCRIMINATION,
25 IF ANY, FACED BY VETERANS IN OBTAINING EMPLOYMENT IN THE PRIVATE
26 SECTOR IN THIS STATE; AND

1 (II) DETERMINE HOW VETERANS HAVE COMPARED TO OTHER
2 GROUPS OF PEOPLE THAT HAVE FACED HISTORICALLY HIGH LEVELS OF
3 UNEMPLOYMENT IN THIS STATE IN TERMS OF EMPLOYMENT RATES,
4 OBSTACLES FACED, AND DISCRIMINATION ENDURED.

5 (3) ON OR BEFORE SEPTEMBER 1, 2019, THE EXECUTIVE DIRECTOR
6 SHALL SUBMIT A REPORT CONTAINING THE STUDY FINDINGS AND
7 RECOMMENDATIONS TO THE STATE, VETERANS, AND MILITARY AFFAIRS
8 COMMITTEES IN THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR
9 THEIR SUCCESSOR COMMITTEES.

10 (4) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2020.

11

12 **SECTION 2. Act subject to petition - effective date.** This act
13 takes effect at 12:01 a.m. on the day following the expiration of the
14 ninety-day period after final adjournment of the general assembly (August
15 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
16 referendum petition is filed pursuant to section 1 (3) of article V of the
17 state constitution against this act or an item, section, or part of this act
18 within such period, then the act, item, section, or part will not take effect
19 unless approved by the people at the general election to be held in
20 November 2018 and, in such case, will take effect on the date of the
21 official declaration of the vote thereon by the governor.