

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

**REREVISED**

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

LLS NO. 18-0382.01 Christy Chase x2008

**HOUSE BILL 18-1256**

**HOUSE SPONSORSHIP**

**Duran and Herod**, Benavidez, Foote, Lee, Melton, Salazar, Weissman

**SENATE SPONSORSHIP**

**Gardner**,

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**House Committees**

Judiciary  
Appropriations

**Senate Committees**

Judiciary  
Appropriations

SENATE  
Amended 3rd Reading  
April 30, 2018

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**A BILL FOR AN ACT**

101 **CONCERNING CONTINUATION OF THE REGULATION OF CIVIL RIGHTS**  
102 **ISSUES, AND, IN CONNECTION THEREWITH, IMPLEMENTING THE**  
103 **RECOMMENDATION IN THE DEPARTMENT OF REGULATORY**  
104 **AGENCIES' 2017 SUNSET REVIEW AND REPORT ON THE**  
105 **COLORADO CIVIL RIGHTS DIVISION AND THE COLORADO CIVIL**  
106 **RIGHTS COMMISSION TO CONTINUE THE DIVISION AND**  
107 **COMMISSION AND MAKING AN APPROPRIATION.**

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SENATE  
Amended 2nd Reading  
April 27, 2018

HOUSE  
3rd Reading Unamended  
March 21, 2018

**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/>.)*

HOUSE  
Amended 2nd Reading  
March 20, 2018

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.

**Sunset Process - House Judiciary Committee.** The bill implements the recommendation of the department of regulatory agencies in its sunset review of the Colorado civil rights division and the Colorado civil rights commission to continue the commission and the division and their respective functions for 9 years, through September 1, 2027.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-34-304, **amend**  
3 (2) as follows:

4 **24-34-304. Division and commission subject to termination -**  
5 **repeal of part.** (2) This part 3 is repealed, effective July 1, 2018. Prior  
6 to such SEPTEMBER 1, 2027. BEFORE ITS repeal, the functions of the  
7 division and commission shall be reviewed as provided for in ARE  
8 SCHEDULED FOR REVIEW IN ACCORDANCE WITH section 24-34-104.

9 **SECTION 2.** In Colorado Revised Statutes, 24-34-104, **repeal**  
10 (14)(a)(VIII); and **add** (28)(a)(II) as follows:

11 **24-34-104. General assembly review of regulatory agencies**  
12 **and functions for repeal, continuation, or reestablishment - legislative**  
13 **declaration - repeal.** (14) (a) The following agencies, functions, or both,  
14 are scheduled for repeal on July 1, 2018:

15 (VIII) ~~The Colorado civil rights division, including the Colorado~~  
16 ~~civil rights commission, created in part 3 of this article.~~

17 (28) (a) The following agencies, functions, or both, are scheduled  
18 for repeal on September 1, 2027:

19 (II) THE COLORADO CIVIL RIGHTS DIVISION, INCLUDING THE  
20 COLORADO CIVIL RIGHTS COMMISSION, CREATED IN PART 3 OF THIS  
21 ARTICLE 34.

22 **SECTION 3.** In Colorado Revised Statutes, **add 2-3-125 as**

1 follows:

2 **2-3-125. Periodic performance audits of Colorado civil rights**  
3 **division and commission - reports.** BY DECEMBER 15, 2019, AND BY  
4 DECEMBER 15, 2024, THE STATE AUDITOR SHALL COMPLETE OR CAUSE TO  
5 BE CONDUCTED AND COMPLETED A PERFORMANCE AUDIT OF THE  
6 COLORADO CIVIL RIGHTS DIVISION CREATED IN SECTION 24-34-302 AND  
7 THE COLORADO CIVIL RIGHTS COMMISSION CREATED IN SECTION  
8 24-34-303. THE STATE AUDITOR SHALL PREPARE A REPORT AND  
9 RECOMMENDATIONS ON EACH AUDIT CONDUCTED AND SHALL PRESENT THE  
10 REPORT AND RECOMMENDATIONS TO THE COMMITTEE.

11 **SECTION 4.** In Colorado Revised Statutes, 24-34-303, amend  
12 (1), (2), (3), and (5) as follows:

13 **24-34-303. Civil rights commission - membership - repeal.**  
14 (1) (a) There is hereby created, within the division, the Colorado civil  
15 rights commission.

16 (b) (I) The commission shall consist of seven members, who shall  
17 be appointed by the governor, with the consent of the senate, for terms of  
18 four years. The governor shall make appointments in such a manner that  
19 there are at all times two members of the commission representing the  
20 business community, at least one of whom shall be a representative of  
21 small business, two members of the commission representing state or  
22 local government entities, and three members of the commission from the  
23 community at large. The membership of the commission shall at all times  
24 be comprised of at least four members who are members of groups of  
25 people who have been or who might be discriminated against because of  
26 disability, race, creed, color, sex, sexual orientation, national origin,  
27 ancestry, marital status, religion, or age. Appointments shall be made to

1 provide geographical area representation insofar as may be practicable,  
2 and no more than four members shall belong to the same political party.

3 (II) THIS SUBSECTION (1)(b) IS REPEALED, EFFECTIVE MARCH 15,  
4 2019.

5 (c) (I) STARTING MARCH 15, 2019, THE COMMISSION CONSISTS OF  
6 NINE MEMBERS AS FOLLOWS:

7 (A) FIVE MEMBERS APPOINTED BY THE GOVERNOR;

8 (B) TWO MEMBERS APPOINTED BY THE SPEAKER OF THE HOUSE OF  
9 REPRESENTATIVES; EXCEPT THAT, IF THE SPEAKER SHARES THE SAME  
10 POLITICAL PARTY REGISTRATION AS THE GOVERNOR, THE MINORITY  
11 LEADER OF THE HOUSE OF REPRESENTATIVES SHALL APPOINT TWO  
12 MEMBERS; AND

13 (C) TWO MEMBERS APPOINTED BY THE PRESIDENT OF THE SENATE;  
14 EXCEPT THAT, IF THE PRESIDENT SHARES THE SAME POLITICAL PARTY  
15 REGISTRATION AS THE GOVERNOR, THE MINORITY LEADER OF THE SENATE  
16 SHALL APPOINT TWO MEMBERS.

17 (II) THE MEMBERSHIP OF THE COMMISSION MUST AT ALL TIMES BE  
18 COMPRISED OF AT LEAST:

19 (A) TWO MEMBERS FROM OR REPRESENTING LABOR UNIONS OR  
20 SIMILAR EMPLOYEE ASSOCIATIONS THAT REPRESENT MEMBERS IN  
21 COLORADO;

22 (B) ONE MEMBER WHO IS A MAJORITY OWNER OF A SMALL  
23 BUSINESS THAT EMPLOYS AT LEAST FIVE BUT LESS THAN FIFTY  
24 EMPLOYEES;

25 (C) ONE MEMBER WHO IS A MAJORITY OWNER OF A SMALL  
26 BUSINESS THAT EMPLOYS MORE THAN FIFTY EMPLOYEES;

27 (D) ONE MEMBER REPRESENTING A STATE OR LOCAL GOVERNMENT

1 ENTITY:

2 (E) ONE MEMBER REPRESENTING A STATEWIDE CHAMBER OF  
3 COMMERCE OR OTHER STATEWIDE ORGANIZATION REPRESENTING  
4 BUSINESS AND INDUSTRY; AND

5 (F) THREE MEMBERS FROM THE COMMUNITY AT LARGE.

6 (III) FROM THE MEMBERS DESCRIBED IN SUBSECTIONS (1)(c)(II)(A)  
7 TO (1)(c)(II)(F) OF THIS SECTION:

8 (A) AT LEAST FIVE MEMBERS MUST BE FROM GROUPS OF PEOPLE  
9 WHO HAVE BEEN OR WHO MIGHT BE DISCRIMINATED AGAINST BECAUSE OF  
10 DISABILITY, RACE, CREED, COLOR, SEX, SEXUAL ORIENTATION, NATIONAL  
11 ORIGIN, ANCESTRY, MARITAL STATUS, RELIGION, OR AGE; AND

12 (B) SIX MEMBERS MUST BE AFFILIATED WITH A MAJOR POLITICAL  
13 PARTY, WITH THREE FROM EACH MAJOR POLITICAL PARTY, AND THREE  
14 MEMBERS MUST BE UNAFFILIATED WITH ANY POLITICAL PARTY. A MEMBER  
15 MUST HAVE BEEN REGISTERED WITH THE SAME POLITICAL PARTY OR  
16 UNAFFILIATED WITH A POLITICAL PARTY FOR AT LEAST TWO YEARS PRIOR  
17 TO THE MEMBER'S APPOINTMENT TO THE COMMISSION.

18 (IV) APPOINTMENTS SHALL BE MADE TO PROVIDE GEOGRAPHICAL  
19 AREA REPRESENTATION INsofar AS MAY BE PRACTICABLE.

20 (V) MEMBERS OF THE COMMISSION SERVE FOUR-YEAR TERMS;  
21 EXCEPT THAT, FOR PURPOSES OF ENSURING STAGGERED TERMS OF OFFICE,  
22 TWO MEMBERS APPOINTED BY THE GOVERNOR, ONE MEMBER APPOINTED  
23 BY THE SPEAKER OR MINORITY LEADER OF THE HOUSE OF  
24 REPRESENTATIVES, AS APPLICABLE, AND ONE MEMBER APPOINTED BY THE  
25 PRESIDENT OR MINORITY LEADER OF THE SENATE, AS APPLICABLE, SERVE  
26 INITIAL TWO-YEAR TERMS.

27 (2) Vacancies on the commission shall be filled by the governor

1 by appointment with the consent of the senate, and BY THE APPOINTING  
2 AUTHORITY OF THAT COMMISSIONER. The term of a commissioner so  
3 appointed shall be TO FILL A VACANCY IS for the unexpired part of the  
4 term for which the commissioner is appointed.

5 (3) Any commissioner may be removed from office by the  
6 governor APPOINTING AUTHORITY OF THAT COMMISSIONER for  
7 misconduct, incompetence, or neglect of duty.

8 (5) The commission may adopt, amend, or rescind rules for  
9 governing its meetings. Four A MAJORITY OF commissioners shall  
10 constitute APPOINTED TO THE COMMISSION CONSTITUTES a quorum for  
11 purposes of conducting the business of the commission.

12 **SECTION 5. Appropriation.** (1) For the 2018-19 state fiscal  
13 year, \$10,000 is appropriated to the department of regulatory agencies.  
14 This appropriation is from the general fund. To implement this act, the  
15 department may use this appropriation for the purchase of information  
16 technology services.

17 (2) For the 2018-19 state fiscal year, \$10,000 is appropriated to  
18 the office of the governor for use by the office of information technology.  
19 This appropriation is from reappropriated funds received from the  
20 department of regulatory agencies under subsection (1) of this section. To  
21 implement this act, the office may use this appropriation to provide  
22 information technology services for the department of regulatory  
23 agencies.

24 **SECTION 6. Effective date.** This act takes effect July 1, 2018.

25 **SECTION 7. Safety clause.** The general assembly hereby finds,  
26 determines, and declares that this act is necessary for the immediate  
27 preservation of the public peace, health, and safety.