

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

REVISED

*This Version Includes All Amendments Adopted
on Second Reading 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,

House Committees

Judiciary
Appropriations

Senate Committees

Judiciary
Appropriations

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.

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/>.)

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.

SENATE
Amended 2nd Reading
April 27, 2018

HOUSE
3rd Reading Unamended
March 21, 2018

HOUSE
Amended 2nd Reading
March 20, 2018

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.

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5 **repeal of part.** (2) This part 3 is repealed, effective July 1, 2018.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 GROUPS OF PEOPLE WHO HAVE BEEN OR WHO
9 MIGHT BE DISCRIMINATED AGAINST BECAUSE OF DISABILITY, RACE, CREED,
10 COLOR, SEX, SEXUAL ORIENTATION, NATIONAL ORIGIN, ANCESTRY,
11 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.