

CHAPTER 86

GOVERNMENT - STATE

SENATE BILL 96-042

BY SENATORS Martinez, Hernandez, and Tanner;
also REPRESENTATIVES Salaz, Clarke, Knox, Lyle, and Mace.

AN ACT

**CONCERNING LIMITATIONS ON THE SUBPOENA POWER OF THE COLORADO CIVIL RIGHTS DIVISION,
AND, IN CONNECTION THEREWITH, THE CONTINUATION OF THE DIRECTOR'S AUTHORITY TO USE
SUCH POWER IN UNFAIR EMPLOYMENT PRACTICE CASES.**

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

SECTION 1. 24-34-104 (25.1) (g), Colorado Revised Statutes, 1988 Repl. Vol.,
as amended, is repealed as follows:

**24-34-104. General assembly review of regulatory agencies and functions for
termination, continuation, or reestablishment.** (25.1) The following functions of
the specified agencies shall
terminate on July 1, 1996:

(g) ~~Subpoena powers granted to the director of the division of civil rights in cases
relating to allegations of unfair employment practices, as defined in part 4 of article
34 of this title;~~

SECTION 2. The introductory portion to 24-34-104 (31) (b), Colorado Revised
Statutes, 1988 Repl. Vol., as amended, is amended, and the said 24-34-104 (31) (b)
is further amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

**24-34-104. General assembly review of regulatory agencies and functions for
termination, continuation, or reestablishment.** (31) (b) The following AGENCIES,
functions, ~~of the specified agencies~~ OR BOTH, shall terminate on July 1, 2002:

(III) SUBPOENA POWERS GRANTED TO THE DIRECTOR OF THE DIVISION OF CIVIL
RIGHTS IN CASES RELATING TO ALLEGATIONS OF UNFAIR EMPLOYMENT PRACTICES, AS

*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from
existing statutes and such material not part of act.*

DEFINED IN PART 4 OF THIS ARTICLE.

SECTION 3. 24-34-306 (2) (a) and (2) (c), Colorado Revised Statutes, 1988 Repl. Vol., as amended, are amended to read:

24-34-306. Charge - complaint - hearing - procedure - exhaustion of administrative remedies - repeal. (2) (a) After the filing of a charge, the director, with the assistance of the staff, shall make a prompt investigation thereof. If such charge alleges an unfair employment practice as defined in part 4 of this article or an unfair housing practice as defined in part 5 of this article, the director may subpoena witnesses and compel the testimony of witnesses and the production of books, papers, and records, ~~relevant to such charge~~ IF THE TESTIMONY, BOOKS, PAPERS, AND RECORDS SOUGHT ARE LIMITED TO MATTERS DIRECTLY RELATED TO THE CHARGE. Any subpoena issued pursuant to this paragraph (a) shall be enforceable in the district court for the district in which the alleged discriminatory or unfair practice occurred AND SHALL BE ISSUED ONLY IF THE PERSON OR ENTITY TO BE SUBPOENAED HAS REFUSED OR FAILED, AFTER A PROPER REQUEST FROM THE DIRECTOR, TO PROVIDE VOLUNTARILY TO THE DIRECTOR THE INFORMATION SOUGHT BY THE SUBPOENA.

(c) The director's subpoena powers in cases relating to allegations of unfair employment practices are repealed on ~~July 1, 1996~~ JULY 1, 2002. Prior to such repeal, the director's subpoena powers in such cases shall be reviewed as provided for in SECTION 24-34-104, C.R.S.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 16, 1996