

Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 08-1001.01 Christy Chase

SENATE BILL 08-200

SENATE SPONSORSHIP

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HOUSE SPONSORSHIP

Judd, Borodkin, Carroll M., Carroll T., Casso, Ferrandino, Frangas, Green, Kerr A., Levy, Madden, Marshall, McGihon, Pommer, and Todd

Senate Committees

Business, Labor and Technology
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE EXPANSION OF PROHIBITIONS AGAINST**
102 **DISCRIMINATION, AND MAKING AN APPROPRIATION THEREFOR.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

For purposes of membership on the Colorado civil rights commission by persons who are members of groups who have been or might be discriminated against, allows for the appointment of persons who have been or might be discriminated against because of sexual orientation. Prohibits discrimination on the basis of sexual orientation in the following areas:

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

SENATE
Amended 2nd Reading
April 18, 2008

- ! Housing practices;
- ! Places of public accommodation;
- ! Publication of discriminative matter;
- ! Consumer credit transactions;
- ! Membership in labor organizations;
- ! Inclusion in public works projects;
- ! Issuance of license to practice law;
- ! Sales of cemetery plots
- ! Determination of whether expenses paid at or to a club that has a policy to restrict membership are tax deductible;
- ! The provision of funeral services;
- ! Enrollment or classification of students at private occupational schools;
- ! Eligibility for jury service;
- ! Enrollment in a charter school, institute charter school, public school, or pilot school for expelled students;
- ! Written local school boards of education policies regarding employment, promotion, and dismissal;
- ! The assignment or transfer of a public school teacher;
- ! Leasing portions of the grounds of or improvements on the grounds of the Colorado state university - Pueblo and the Colorado school of mines;
- ! Employment in state personnel system;
- ! The provision of adequate hospital facilities;
- ! Availability of family planning services;
- ! Employment practices of county departments of social services involving selection, retention, and promotion of employees;
- ! Participation in the managed care program under the children's basic health plan;
- ! Making or committing to make a housing facility loan by the Colorado housing and finance authority; and
- ! Imposition of a discriminatory occupancy requirement on charitable property for which the owner is claiming an exemption from property taxes based on the charitable use of the property.

Adds prohibitions against discriminating on the basis of sex, marital status, disability, age, national origin, ancestry, and religion, as necessary, for consistency in antidiscrimination laws.

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

2 **SECTION 1.** 24-34-301, Colorado Revised Statutes, is amended

1 BY THE ADDITION OF A NEW SUBSECTION to read:

2 **24-34-301. Definitions.** As used in parts 3 to 7 of this article,
3 unless the context otherwise requires:

4 (7) "SEXUAL ORIENTATION" MEANS A PERSON'S ORIENTATION
5 TOWARD HETEROSEXUALITY, HOMOSEXUALITY, BISEXUALITY, OR
6 TRANSGENDER STATUS OR ANOTHER PERSON'S PERCEPTION THEREOF.

7 **SECTION 2.** 24-34-303, Colorado Revised Statutes, is amended
8 to read:

9 **24-34-303. Civil rights commission - membership.** (1) There
10 is hereby created, within the division, the Colorado civil rights
11 commission. The commission shall consist of seven members, who shall
12 be appointed by the governor, with the consent of the senate, for terms of
13 four years. ~~except that, of the first members appointed, two shall be~~
14 ~~appointed for terms of two years and two shall be appointed for terms of~~
15 ~~three years. In making the first two appointments to the commission on~~
16 ~~or after July 1, 1981, whether such appointments are for a full term or to~~
17 ~~fill a vacancy, the governor shall appoint one member to represent the~~
18 ~~business community and one member to represent state or local~~
19 ~~government entities. In making the next two appointments to the~~
20 ~~commission, whether such appointments are for a full term or to fill a~~
21 ~~vacancy, the governor shall appoint one member to represent small~~
22 ~~business and one member to represent state or local government entities.~~
23 The governor shall make all subsequent appointments in such a manner
24 that there are at all times two members of the commission representing
25 the business community, at least one of which shall be a representative of
26 small business, two members of the commission representing state or
27 local government entities, and three members of the commission from the

1 community at large. The membership of the commission shall at all times
2 be comprised of at least four members who are members of groups of
3 people who have been or who might be discriminated against because of
4 disability, race, creed, color, sex, SEXUAL ORIENTATION, national origin,
5 ~~or ancestry, as defined in section 24-34-402 or because of~~ marital status,
6 religion, or age. Appointments shall be made to provide geographical
7 area representation insofar as may be practicable, and no more than four
8 members shall belong to the same political party.

9 (2) Vacancies ON THE COMMISSION shall be filled by the governor
10 by appointment, with the consent of the senate, and the term of a
11 commissioner so appointed shall be for the unexpired part of the term for
12 which the commissioner is appointed.

13 (3) Any commissioner may be removed from office by the
14 governor for misconduct, incompetence, or neglect of duty.

15 (4) Commissioners shall receive a per diem allowance and shall
16 be reimbursed for actual and necessary expenses incurred by them while
17 on official commission business, as provided in section 24-34-102 (13).

18 (5) The commission may adopt, amend, or rescind rules for
19 governing its meetings. ~~and~~ Four commissioners shall constitute a
20 quorum FOR PURPOSES OF CONDUCTING THE BUSINESS OF THE
21 COMMISSION.

22 SECTION 3. 24-34-501 (3) and (4), Colorado Revised Statutes,
23 are amended to read:

24 24-34-501. Definitions. As used in this part 5, unless the context
25 otherwise requires:

26 (3) "Person" has the meaning ascribed to such term in section
27 24-34-301 (5) and includes any owner, lessee, proprietor, manager,

1 employee, or any agent of a person; but, for purposes of this part 5,
2 "person" does not include any private club not open to the public, which
3 as an incident to its primary purpose or purposes provides lodgings which
4 THAT it owns or operates for other than a commercial purpose unless such
5 club has the purpose of promoting discrimination in the matter of housing
6 against any person because of disability, race, creed, color, RELIGION, SEX,
7 SEXUAL ORIENTATION, marital status, familial status, national origin, or
8 ancestry.

9 (4) "Restrictive covenant" means any specification limiting the
10 transfer, rental, or lease of any housing because of disability, race, creed,
11 color, RELIGION, sex, SEXUAL ORIENTATION, marital status, familial status,
12 national origin, or ancestry.

13 **SECTION 4.** 24-34-502 (1) (a), (1) (b), (1) (d), (1) (g), (1) (h), (1)
14 (i), (1) (j), and (6), Colorado Revised Statutes, are amended to read:

15 **24-34-502. Unfair housing practices prohibited.** (1) It shall be
16 an unfair housing practice and unlawful and hereby prohibited:

17 (a) For any person to refuse to show, sell, transfer, rent, or lease,
18 or to refuse to receive and transmit any bona fide offer to buy, sell, rent,
19 or lease, or otherwise make unavailable or deny or withhold from any
20 person such housing because of disability, race, creed, color, sex, SEXUAL
21 ORIENTATION, marital status, familial status, religion, national origin, or
22 ancestry; to discriminate against any person because of disability, race,
23 creed, color, sex, SEXUAL ORIENTATION, marital status, familial status,
24 religion, national origin, or ancestry in the terms, conditions, or privileges
25 pertaining to any housing or the transfer, sale, rental, or lease thereof or
26 in the furnishing of facilities or services in connection therewith; or to
27 cause to be made any written or oral inquiry or record concerning the

1 disability, race, creed, color, sex, SEXUAL ORIENTATION, marital status,
2 familial status, religion, national origin, or ancestry of a person seeking
3 to purchase, rent, or lease any housing; however, nothing in this
4 paragraph (a) shall be construed to require a dwelling to be made
5 available to an individual whose tenancy would constitute a direct threat
6 to the health or safety of other individuals or whose tenancy would result
7 in substantial physical damage to the property of others;

8 (b) For any person to whom application is made for financial
9 assistance for the acquisition, construction, rehabilitation, repair, or
10 maintenance of any housing to make or cause to be made any written or
11 oral inquiry concerning the disability, race, creed, color, sex, SEXUAL
12 ORIENTATION, marital status, familial status, religion, national origin, or
13 ancestry of a person seeking such financial assistance or concerning the
14 disability, race, creed, color, sex, SEXUAL ORIENTATION, marital status,
15 familial status, religion, national origin, or ancestry of prospective
16 occupants ~~to~~ OR tenants of such housing, or to discriminate against any
17 person because of the disability, race, creed, color, sex, SEXUAL
18 ORIENTATION, marital status, familial status, religion, national origin, or
19 ancestry of such person or prospective occupants or tenants in the terms,
20 conditions, or privileges relating to the obtaining or use of any such
21 financial assistance;

22 (d) For any person to make, print, or publish or cause to be made,
23 printed, or published any notice or advertisement relating to the sale,
24 transfer, rental, or lease of any housing ~~which~~ THAT indicates any
25 preference, limitation, specification, or discrimination based on disability,
26 race, creed, color, RELIGION, sex, SEXUAL ORIENTATION, marital status,
27 familial status, national origin, or ancestry;

1 (g) For any person whose business includes residential real
2 estate-related transactions, which transactions involve the making or
3 purchasing of loans secured by residential real estate or the provisions of
4 other financial assistance for purchasing, constructing, improving,
5 repairing, or maintaining a dwelling or the selling, brokering, or
6 appraising of residential real property, to discriminate against any person
7 in making available such a transaction or in fixing the terms or conditions
8 of such a transaction because of race, creed, color, religion, sex, SEXUAL
9 ORIENTATION, marital status, disability, familial status, or national origin
10 or ancestry;

11 (h) For any person to deny another person access to or
12 membership or participation in any multiple-listing service, real estate
13 brokers' organization or other service, organization, or facility related to
14 the business of selling or renting dwellings or to discriminate against such
15 person in the terms or conditions of such access, membership, or
16 participation on account of race, creed, color, religion, sex, SEXUAL
17 ORIENTATION, disability, marital status, familial status, or national origin
18 or ancestry;

19 (i) For any person, for profit, to induce or attempt to induce any
20 person to sell or rent any dwelling by representations regarding the entry
21 or prospective entry into the neighborhood of a person or persons of a
22 particular race, color, religion, sex, SEXUAL ORIENTATION, disability,
23 familial status, creed, national origin, or ancestry;

24 (j) For any person to represent to any other person that any
25 dwelling is not available for inspection, sale, or rental, when such
26 dwelling is in fact available, for the purpose of discriminating against
27 another person on the basis of race, color, religion, sex, SEXUAL

1 ORIENTATION, disability, familial status, creed, national origin, or
2 ancestry.

3 (6) Nothing in this part 5 shall prohibit a person engaged in the
4 business of furnishing appraisals of real property from taking into
5 consideration factors other than race, creed, color, religion, sex, SEXUAL
6 ORIENTATION, marital status, familial status, disability, religion, national
7 origin, or ancestry.

8 **SECTION 5.** 24-34-601 (2), Colorado Revised Statutes, is
9 amended to read:

10 **24-34-601. Discrimination in places of public accommodation.**

11 (2) It is a discriminatory practice and unlawful for a person, directly or
12 indirectly, to refuse, withhold from, or deny to an individual or a group,
13 because of disability, race, creed, color, sex, SEXUAL ORIENTATION,
14 marital status, national origin, or ancestry, the full and equal enjoyment
15 of the goods, services, facilities, privileges, advantages, or
16 accommodations of a place of public accommodation or, directly or
17 indirectly, to publish, circulate, issue, display, post, or mail any written,
18 ELECTRONIC, or printed communication, notice, or advertisement ~~which~~
19 THAT indicates that the full and equal enjoyment of the goods, services,
20 facilities, privileges, advantages, or accommodations of a place of public
21 accommodation will be refused, withheld from, or denied an individual
22 or that an individual's patronage or presence at a place of public
23 accommodation is unwelcome, objectionable, unacceptable, or
24 undesirable because of disability, race, creed, color, sex, SEXUAL
25 ORIENTATION, marital status, national origin, or ancestry.

26 **SECTION 6.** 24-34-602, Colorado Revised Statutes, is amended
27 to read:

1 **24-34-602. Penalty and civil liability.** (1) Any person who
2 violates any of the provisions of section 24-34-601 by denying to any
3 citizen, except for reasons applicable alike to all citizens of every
4 disability, race, creed, color, sex, SEXUAL ORIENTATION, marital status,
5 national origin, or ancestry, and regardless of disability, race, creed, color,
6 sex, SEXUAL ORIENTATION, marital status, national origin, or ancestry,
7 the full enjoyment of any of the accommodations, advantages, facilities,
8 or privileges in said section enumerated or by aiding or inciting such
9 denial, for every such offense, shall forfeit and pay a sum of not less than
10 fifty dollars nor more than five hundred dollars to the person aggrieved
11 thereby to be recovered in any court of competent jurisdiction in the
12 county where said offense was committed. ~~and also~~

13 (2) For ~~every such~~ EACH offense ~~such~~ DESCRIBED IN SUBSECTION
14 (1) OF THIS SECTION, THE person is guilty of a misdemeanor and, upon
15 conviction thereof, shall be punished by a fine of not less than ten dollars
16 nor more than three hundred dollars, or by imprisonment in the county jail
17 for not more than one year, or by both such fine and imprisonment.

18 (3) A judgment in favor of the party aggrieved or punishment
19 upon an indictment or information shall be a bar to either prosecution,
20 respectively; but the relief provided by this section shall be an alternative
21 to that authorized by section 24-34-306 (9), and a person who seeks
22 redress under this section shall not be permitted to seek relief from the
23 commission.

24 **SECTION 7.** 24-34-701, Colorado Revised Statutes, is amended
25 to read:

26 **24-34-701. Publishing of discriminative matter forbidden.** No
27 person, being the owner, lessee, proprietor, manager, superintendent,

1 agent, or employee of any place of public accommodation, resort, or
2 amusement, directly or indirectly, by himself or herself or through another
3 person shall publish, issue, circulate, send, distribute, give away, or
4 display in any way, manner, or shape or by any means or method, except
5 as provided in this section, any communication, paper, poster, folder,
6 manuscript, book, pamphlet, writing, print, letter, notice, or advertisement
7 of any kind, nature, or description ~~which~~ THAT is intended or calculated
8 to discriminate or actually discriminates against any disability, race,
9 creed, color, sex, SEXUAL ORIENTATION, marital status, national origin,
10 or ancestry or against any of the members thereof in the matter of
11 furnishing or neglecting or refusing to furnish to them or any one of them
12 any lodging, housing, schooling, or tuition or any accommodation, right,
13 privilege, advantage, or convenience offered to or enjoyed by the general
14 public or which states that any of the accommodations, rights, privileges,
15 advantages, or conveniences of any such place of public accommodation,
16 resort, or amusement shall or will be refused, withheld from, or denied to
17 any person or class of persons on account of disability, race, creed, color,
18 sex, SEXUAL ORIENTATION, marital status, national origin, or ancestry
19 or that the patronage, custom, presence, frequenting, dwelling, staying, or
20 lodging at such place by any person or class of persons belonging to or
21 purporting to be of any particular disability, race, creed, color, sex,
22 SEXUAL ORIENTATION, marital status, national origin, or ancestry is
23 unwelcome or objectionable or not acceptable, desired, or solicited.

24 **SECTION 8.** 2-4-401, Colorado Revised Statutes, is amended BY
25 THE ADDITION OF A NEW SUBSECTION to read:

26 **2-4-401. Definitions.** The following definitions apply to every
27 statute, unless the context otherwise requires:

1 (13.5) "SEXUAL ORIENTATION" MEANS A PERSON'S ORIENTATION
2 TOWARD HETEROSEXUALITY, HOMOSEXUALITY, BISEXUALITY, OR
3 TRANSGENDER STATUS OR ANOTHER PERSON'S PERCEPTION THEREOF.

4 **SECTION 9.** 5-3-210, Colorado Revised Statutes, is amended to
5 read:

6 **5-3-210. Discrimination prohibited.** No consumer credit
7 transaction regulated by this code shall be denied any person, nor shall
8 terms and conditions be made more stringent, on the basis of
9 discrimination, solely because of DISABILITY, race, creed, religion, color,
10 sex, SEXUAL ORIENTATION, marital status, national origin, or ancestry.
11 This section shall not apply to any consumer credit transaction made or
12 denied by a seller, lessor, or lender whose total original unpaid balances
13 arising from consumer credit transactions for the previous calendar year
14 are less than one million dollars.

15 **SECTION 10.** 8-3-102 (1) (d), Colorado Revised Statutes, is
16 amended to read:

17 **8-3-102. Legislative declaration - matter of statewide concern**
18 **- prohibition on local enactments.** (1) The public policy of the state as
19 to employment relations and collective bargaining, in the furtherance of
20 which this article is enacted, is declared to be as follows:

21 (d) All rights of persons to join labor organizations or unions and
22 their rights and privileges as members thereof should be recognized,
23 safeguarded, and protected. No person shall be denied membership in a
24 labor organization or union on account of race, CREED, color, religion,
25 sex, SEXUAL ORIENTATION, MARITAL STATUS, DISABILITY, NATIONAL
26 ORIGIN, ANCESTRY, or by any unfair or unjust discrimination. Arbitrary
27 or excessive initiation fees and dues shall not be required, nor shall

1 excessive, unwarranted, arbitrary, or oppressive fines, penalties, or
2 forfeitures be imposed. The members are entitled to full and detailed
3 reports from their officers, agents, or representatives of all financial
4 transactions and shall have the right to elect officers by secret ballot and
5 to determine and vote upon the question of striking, not striking, and
6 other questions of policy affecting the entire membership.

7 **SECTION 11.** 8-17-101, Colorado Revised Statutes, is amended
8 to read:

9 **8-17-101. Colorado labor shall be employed on public**
10 **works.** Whenever any public works financed in whole or in part by funds
11 of the state, counties, school districts, or municipalities of the state of
12 Colorado are undertaken in this state, Colorado labor shall be employed
13 to perform the work to the extent of not less than eighty percent of each
14 type or class of labor in the several classifications of skilled and common
15 labor employed on such project or public works. "Colorado labor" as
16 used in this article means any person who is a resident of the state of
17 Colorado, at the time of employment, without discrimination as to race,
18 color, creed, sex, SEXUAL ORIENTATION, MARITAL STATUS, NATIONAL
19 ORIGIN, ANCESTRY, age, or religion except when sex or age is a bona fide
20 occupational qualification.

21 **SECTION 12.** 10-4-626 (1), Colorado Revised Statutes, is
22 amended to read:

23 **10-4-626. Prohibited reasons for nonrenewal or refusal to**
24 **write policy of automobile insurance applicable to this part 6. (1) No**
25 **insurer authorized to transact or transacting business in this state shall**
26 **refuse to write or refuse to renew a policy of insurance affording the**
27 **coverage required by operation of section 10-4-620 solely because of the**

1 age, race, ~~gender~~ CREED, COLOR, RELIGION, SEX, SEXUAL ORIENTATION,
2 national origin, ANCESTRY, residence, marital status, or lawful
3 occupation, including the military service, of anyone who is or seeks to
4 become insured, or solely because another insurer has canceled a policy
5 or refused to write or renew such policy. The commissioner shall
6 administer and enforce the provisions of this subsection (1).

7 **SECTION 13.** 12-5-102, Colorado Revised Statutes, is amended
8 to read:

9 **12-5-102. Race or sex not to disqualify.** No person shall be
10 denied a license to practice on account of race, ~~or~~ CREED, COLOR,
11 RELIGION, DISABILITY, AGE, sex, SEXUAL ORIENTATION, MARITAL STATUS,
12 NATIONAL ORIGIN, OR ANCESTRY.

13 **SECTION 14.** 12-12-114, Colorado Revised Statutes, is amended
14 to read:

15 **12-12-114. Discrimination.** There shall be no limitation,
16 restriction, or covenant based upon race, _____ color, SEX, SEXUAL
17 ORIENTATION, MARITAL STATUS, _____ DISABILITY, national origin, or
18 ancestry on the size, placement, location, sale, or transfer of any cemetery
19 grave space, niche, or crypt or in the interment of a deceased person.

20 **SECTION 15.** 12-47-416 (3) (b), Colorado Revised Statutes, is
21 amended to read:

22 **12-47-416. Club license - legislative declaration.** (3) (b) Any
23 club licensee ~~which~~ THAT has a policy to restrict membership on the basis
24 of sex, SEXUAL ORIENTATION, MARITAL STATUS, race, CREED, religion,
25 color, ancestry, or national origin shall, when issuing a receipt for
26 expenses which may otherwise be used by taxpayers for deduction
27 purposes pursuant to section 162 (a) of the federal "Internal Revenue

1 Code of 1986", as amended, for purposes of determining taxes owed
2 pursuant to article 22 of title 39, C.R.S., incorporate a printed statement
3 on the receipt as follows:

4 The expenditures covered by this receipt are
5 nondeductible for state income tax purposes.

6 **SECTION 16.** 12-54-104 (1) (b), Colorado Revised Statutes, is
7 amended to read:

8 **12-54-104. Unlawful acts.** (1) It is unlawful:

9 (b) To discriminate because of race, creed, color, ~~or~~ RELIGION,
10 DISABILITY, SEX, SEXUAL ORIENTATION, MARITAL STATUS, national origin,
11 OR ANCESTRY in the provision of funeral services;

12 **SECTION 17.** 12-54-303 (1) (b), Colorado Revised Statutes, as
13 enacted by House Bill 08-1123, enacted at the Second Regular Session of
14 the Sixty-sixth General Assembly, is amended to read:

15 **12-54-303. Unlawful acts.** (1) It is unlawful for a cremationist:

16 (b) To discriminate because of race, creed, color, ~~or~~ RELIGION,
17 DISABILITY, SEX, SEXUAL ORIENTATION, MARITAL STATUS, national origin,
18 OR ANCESTRY in the provision of funeral services;

19 **SECTION 18.** 12-59-106 (1) (s), Colorado Revised Statutes, is
20 amended to read:

21 **12-59-106. Minimum standards.** (1) In establishing the criteria
22 required by section 12-59-105.3 (1) (a), (1) (b), and (1) (k), the board
23 shall observe and require compliance with at least the following minimum
24 standards for all schools:

25 (s) That the school shall not deny enrollment of a student or make
26 any distinction or classification of students on account of race, color,
27 creed, RELIGION, national origin, ~~or~~ ANCESTRY, sex, SEXUAL

1 ORIENTATION, OR MARITAL STATUS.

2 **SECTION 19.** 13-71-104 (3) (a), Colorado Revised Statutes, is
3 amended to read:

4 **13-71-104. Eligibility for juror service - prohibition of**
5 **discrimination.** (3) (a) No person shall be exempted or excluded from
6 serving as a trial or grand juror because of race, color, religion, sex,
7 SEXUAL ORIENTATION, MARITAL STATUS, national origin, ANCESTRY,
8 economic status, or occupation.

9 **SECTION 20.** 22-30.5-104 (3), Colorado Revised Statutes, is
10 amended to read:

11 **22-30.5-104. Charter school - requirements - authority.** (3) A
12 charter school shall be subject to all federal and state laws and
13 constitutional provisions prohibiting discrimination on the basis of
14 disability, race, creed, color, ~~gender~~, SEX, SEXUAL ORIENTATION, national
15 origin, religion, ancestry, or need for special education services. A
16 charter school shall be subject to any court-ordered desegregation plan in
17 effect for the chartering school district. Enrollment in a charter school
18 must be open to any child who resides within the school district; except
19 that no charter school shall be required to make alterations in the structure
20 of the facility used by the charter school or to make alterations to the
21 arrangement or function of rooms within the facility, except as may be
22 required by state or federal law. Enrollment decisions shall be made in
23 a nondiscriminatory manner specified by the charter school applicant in
24 the charter school application.

25 **SECTION 21.** 22-30.5-507 (3), Colorado Revised Statutes, is
26 amended to read:

27 **22-30.5-507. Institute charter school - requirements -**

1 **authority.** (3) An institute charter school shall be subject to all federal
2 and state laws and constitutional provisions prohibiting discrimination on
3 the basis of disability, race, creed, color, gender, SEX, SEXUAL
4 ORIENTATION, national origin, religion, ancestry, or need for special
5 education services. Enrollment in an institute charter school shall be open
6 to any child who resides within the state; except that an institute charter
7 school shall not be required to make alterations in the structure of the
8 facility used by the institute charter school or to make alterations to the
9 arrangement or function of rooms within the facility, except as may be
10 required by state or federal law. Enrollment decisions shall be made in
11 a nondiscriminatory manner specified by the applicant in the institute
12 charter school application.

13 **SECTION 22.** 22-32-109 (1), Colorado Revised Statutes, is
14 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

15 **22-32-109. Board of education - specific duties.** (1) In addition
16 to any other duty required to be performed by law, each board of
17 education shall have and perform the following specific duties:

18 (II) TO ADOPT WRITTEN POLICIES SPECIFYING THAT:

19 (I) THE SCHOOLS IN THE DISTRICT ARE SUBJECT TO ALL FEDERAL
20 AND STATE LAWS AND CONSTITUTIONAL PROVISIONS PROHIBITING
21 DISCRIMINATION ON THE BASIS OF DISABILITY, RACE, CREED, COLOR, ==
22 SEX, SEXUAL ORIENTATION, NATIONAL ORIGIN, RELIGION, ANCESTRY, OR
23 NEED FOR SPECIAL EDUCATION SERVICES;

24 (II) ENROLLMENT IN A SCHOOL IN THE DISTRICT SHALL BE OPEN TO
25 ANY CHILD WHO RESIDES WITHIN THE STATE; EXCEPT THAT A SCHOOL
26 SHALL NOT BE REQUIRED TO MAKE ALTERATIONS IN THE STRUCTURE OF
27 THE FACILITY USED BY THE SCHOOL OR TO MAKE ALTERATIONS TO THE

1 ARRANGEMENT OR FUNCTION OF ROOMS WITHIN THE FACILITY, EXCEPT AS
2 MAY BE REQUIRED BY STATE OR FEDERAL LAW; AND

3 (III) ENROLLMENT DECISIONS SHALL BE MADE IN A
4 NONDISCRIMINATORY MANNER.

5 **SECTION 23.** 22-32-110 (1) (k), Colorado Revised Statutes, is
6 amended to read:

7 **22-32-110. Board of education - specific powers.** (1) In
8 addition to any other power granted to a board of education of a school
9 district by law, each board of education of a school district shall have the
10 following specific powers, to be exercised in its judgment:

11 (k) To adopt written policies, rules, and regulations, not
12 inconsistent with law, ~~which~~ THAT may relate to the efficiency, in-service
13 training, professional growth, safety, official conduct, and welfare of the
14 employees, or any classification thereof, of the district. The practices of
15 employment, promotion, and dismissal shall be unaffected by the
16 employee's ~~religious beliefs~~ RELIGION, CREED, COLOR, SEX, SEXUAL
17 ORIENTATION, marital status, racial or ethnic background, NATIONAL
18 ORIGIN, ANCESTRY, or participation in community affairs.

19 **SECTION 24.** 22-38-104 (1) (d), Colorado Revised Statutes, is
20 amended to read:

21 **22-38-104. Pilot schools - requirements - authority.** (1) The
22 state board may provide for the establishment and operation of not more
23 than one full-time residential pilot school and not more than three
24 year-round nonresidential pilot schools pursuant to the following
25 provisions:

26 (d) A pilot school shall be subject to all federal and state laws and
27 constitutional provisions prohibiting discrimination on the basis of

1 disability, race, creed, color, ~~gender~~, SEX, SEXUAL ORIENTATION, national
2 origin, religion, or ancestry. Enrollment decisions shall be made in a
3 nondiscriminatory manner specified by the pilot school applicant in the
4 pilot school application.

5 **SECTION 25.** 22-63-206 (1), Colorado Revised Statutes, is
6 amended to read:

7 **22-63-206. Transfer - compensation.** (1) A teacher may be
8 transferred upon the recommendation of the chief administrative officer
9 of a school district from one school, position, or grade level to another
10 within the school district, if such transfer does not result in the
11 assignment of the teacher to a position of employment for which he OR
12 SHE is not qualified by virtue of academic preparation and certification
13 and if, during the then current school year, the amount of salary of such
14 teacher is not reduced except as otherwise provided in subsections (2) and
15 (3) of this section. There shall be no discrimination shown toward any
16 teacher in the assignment or transfer of that teacher to a school, position,
17 or grade because of sex, SEXUAL ORIENTATION, MARITAL STATUS, race,
18 creed, color, RELIGION, NATIONAL ORIGIN, ANCESTRY, or membership or
19 nonmembership in any group or organization.

20 **SECTION 26.** 23-31.5-110 (1), Colorado Revised Statutes, is
21 amended to read:

22 **23-31.5-110. Additional powers of board.** (1) The board of
23 governors of the Colorado state university system has the power to lease
24 portions of the grounds of the Colorado state university - Pueblo to
25 private persons and corporations for the construction of dormitory, living,
26 dining, or cottage buildings and to rent, lease, maintain, operate, and
27 purchase such buildings at such university, all in the manner provided by

1 and subject to the limitations contained in sections 23-56-105 to
2 23-56-111; except that none of such grounds or improvements shall be
3 used in any manner that discriminates against anyone because of race,
4 creed, color, or religion, NATIONAL ORIGIN, ANCESTRY, SEX, OR SEXUAL
5 ORIENTATION.

6 **SECTION 27.** 23-41-104 (2), Colorado Revised Statutes, is
7 amended to read:

8 **23-41-104. Control - management.** (2) The board of trustees
9 has the power to lease, for terms not exceeding eighty years, real or
10 personal property, or both, to state or federal governmental agencies,
11 persons, or entities, public or private, for the construction, use, operation,
12 maintenance, and improvement of research and development facilities,
13 health and recreation facilities, dormitories, and living, dining, and group
14 housing buildings and facilities or for any of such purposes and to buy
15 land and construct buildings and facilities therefor. None of the grounds
16 so leased nor any of the improvements constructed thereon shall be used
17 in any manner ~~which~~ THAT discriminates against anyone because of race,
18 creed, color, or religion, NATIONAL ORIGIN, ANCESTRY, SEX, OR SEXUAL
19 ORIENTATION. The board of trustees has the power to borrow money in
20 conjunction with such construction and leases and to assist in effecting
21 any of such purposes. Any actions taken prior to May 27, 1965, by the
22 board of trustees consistent with any power granted in this subsection (2)
23 are ratified and validated.

24 **SECTION 28.** 24-50-112.5 (1) (b), Colorado Revised Statutes,
25 is amended to read:

26 **24-50-112.5. Selection system.** (1) (b) Appointments and
27 promotions to positions shall be based on job-related knowledge, skills,

1 abilities, competencies, behaviors, and quality of performance as
2 demonstrated by fair and open competitive examinations. Selections shall
3 be made without regard to race, color, creed, religion, national origin,
4 ancestry, age, SEXUAL ORIENTATION, MARITAL STATUS, or political
5 affiliation and without regard to sex or disability except as otherwise
6 provided by law.

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8 **SECTION 29.** 25-6-102 (1), Colorado Revised Statutes, is
9 amended to read:

10 **25-6-102. Policy, authority, and prohibitions against**
11 **restrictions.** (1) All medically acceptable contraceptive procedures,
12 supplies, and information shall be readily and practicably available to
13 each person desirous of the same regardless of sex, SEXUAL ORIENTATION,
14 race, COLOR, CREED, RELIGION, DISABILITY, age, income, number of
15 children, marital status, citizenship, NATIONAL ORIGIN, ANCESTRY, or
16 motive.

17 **SECTION 30.** 26-1-120, Colorado Revised Statutes, is amended
18 BY THE ADDITION OF A NEW SUBSECTION to read:

19 **26-1-120. Merit system.** (8.5) THE MERIT SYSTEM PROVIDED BY
20 THE COUNTIES SHALL ASSURE FAIR TREATMENT OF APPLICANTS AND
21 EMPLOYEES IN ALL ASPECTS OF PERSONNEL ADMINISTRATION WITHOUT
22 REGARD TO RACE, CREED, COLOR, RELIGION, AGE, DISABILITY, SEX,
23 SEXUAL ORIENTATION, MARITAL STATUS, NATIONAL ORIGIN, OR
24 ANCESTRY.

25 **SECTION 31.** 25.5-8-110 (2), Colorado Revised Statutes, is
26 amended to read:

27 **25.5-8-110. Participation by managed care plans.**

1 (2) Managed care plans participating in the plan shall not discriminate
2 against any potential or current enrollee based upon health status,
3 DISABILITY, sex, SEXUAL ORIENTATION, MARITAL STATUS, race, CREED,
4 COLOR, NATIONAL ORIGIN, ANCESTRY, ethnicity, or religion.

5 **SECTION 32.** 29-4-717 (2) (a), Colorado Revised Statutes, is
6 amended to read:

7 **29-4-717. Findings - percentage of low-income families**
8 **required.** (2) Prior to the authority's making or committing to make any
9 housing facility loan, the authority shall find:

10 (a) That, with respect to such housing facility, no restrictions are
11 imposed as to sex, SEXUAL ORIENTATION, race, creed, COLOR, RELIGION,
12 ANCESTRY, or national origin of occupants;

13 **SECTION 33.** 39-3-112 (3) (b) (IV), Colorado Revised Statutes,
14 is amended to read:

15 **39-3-112. Definitions - residential property - orphanage -**
16 **low-income elderly or disabled - homeless or abused - low-income**
17 **households - charitable purposes - exemption - limitations.** (3) In
18 order for property to be exempt from the levy and collection of property
19 tax pursuant to the provisions of subsection (2) of this section, the
20 administrator shall be required to find, pursuant to the provisions of
21 section 39-2-117, that:

22 (b) The residential structure is efficiently operated. Efficient
23 operation is determined by the following factors:

24 (IV) That the owners and operators of such residential structure
25 have no occupancy requirement that discriminates upon the basis of race,
26 creed, ~~or~~ color, RELIGION, SEX, SEXUAL ORIENTATION, MARITAL STATUS,
27 NATIONAL ORIGIN, OR ANCESTRY; however, if the owner or sponsoring

1 organization is a religious denomination, said owners or operators may
2 give preference to members of that denomination; and

3 **SECTION 34.** 39-22-104 (3) (e) (I), Colorado Revised Statutes,
4 is amended to read:

5 **39-22-104. Income tax imposed on individuals, estates, and**
6 **trusts - single rate - definitions.** (3) There shall be added to the federal
7 taxable income:

8 (e) (I) Any expenses incurred by a taxpayer with respect to
9 expenditures made at, or payments made to, a club licensed pursuant to
10 section 12-47-416, C.R.S., which has a policy to restrict membership on
11 the basis of sex, SEXUAL ORIENTATION, MARITAL STATUS, race, CREED,
12 religion, color, ancestry, or national origin. Any such club shall provide
13 on each receipt furnished to a taxpayer a printed statement as follows:

14 The expenditures covered by this receipt are
15 nondeductible for state income tax purposes.

16 **SECTION 35.** 39-22-304 (2) (e) (I), Colorado Revised Statutes,
17 is amended to read:

18 **39-22-304. Net income of corporation.** (2) There shall be added
19 to federal taxable income:

20 (e) (I) Any expenses incurred by a taxpayer with respect to
21 expenditures made at, or payments made to, a club licensed pursuant to
22 section 12-47-416, C.R.S., which has a policy to restrict membership on
23 the basis of sex, SEXUAL ORIENTATION, MARITAL STATUS, race, CREED,
24 religion, color, ancestry, or national origin. Any such club shall provide
25 on each receipt furnished to a taxpayer a printed statement as follows:

26 The expenditures covered by this receipt are
27 nondeductible for state income tax purposes.

1 **SECTION 36. Appropriation - adjustments to the 2008 long**

2 **bill.** (1) In addition to any other appropriation, there is hereby
3 appropriated, out of any moneys in the general fund not otherwise
4 appropriated, to the department of regulatory agencies, for allocation to
5 the executive director's office, for legal services, for the fiscal year
6 beginning July 1, 2008, the sum of sixty thousand seventy-three dollars
7 (\$60,073), or so much thereof as may be necessary, for the
8 implementation of this act.

9 (2) In addition to any other appropriation, there is hereby
10 appropriated, out of any moneys in the general fund not otherwise
11 appropriated, to the department of regulatory agencies, for allocation to
12 the civil rights division, for the enforcement of prohibitions against
13 discrimination, for the fiscal year beginning July 1, 2008, the sum of
14 twenty-one thousand seven hundred thirty-two dollars (\$21,732) and 0.4
15 FTE, or so much thereof as may be necessary, for the implementation of
16 this act.

17 (3) In addition to any other appropriation, there is hereby
18 appropriated to the department of law, for the fiscal year beginning July
19 1, 2008, the sum of sixty thousand seventy-three dollars (\$60,073) and 0.5
20 FTE, or so much thereof as may be necessary, for the provision of legal
21 services to the department of regulatory agencies related to the
22 implementation of this act. Said sum shall be from reappropriated funds
23 received from the executive director's office out of the appropriation
24 made in subsection (1) of this section.

25 (4) For the implementation of this act, the general fund
26 appropriation to the controlled maintenance trust fund made in section 20
27 of the annual general appropriation act, for the fiscal year beginning July

1 1, 2008, shall be decreased by eighty-one thousand eight hundred five
2 dollars (\$81,805).

3 **SECTION 37. Effective date - applicability.** (1) Except as
4 otherwise provided in subsection (2) of this section, this act shall take
5 effect upon passage and shall apply to discriminatory acts committed on
6 or after said date.

7 (2) Section 17 of this act amending section 12-54-303 (1) (b),
8 Colorado Revised Statutes, shall take effect only if House Bill 08-1123
9 is enacted at the second regular session of the sixty-sixth general
10 assembly and becomes law.

11 **SECTION 38. Safety clause.** The general assembly hereby finds,
12 determines, and declares that this act is necessary for the immediate
13 preservation of the public peace, health, and safety.