

**NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.**

# An Act

SENATE BILL 08-200

BY SENATOR(S) Veiga, Bacon, Boyd, Gibbs, Groff, Isgar, Keller, Morse, Romer, Sandoval, Schwartz, Shaffer, Tapia, Tupa, Williams, and Windels; also REPRESENTATIVE(S) Judd, Borodkin, Carroll M., Carroll T., Casso, Ferrandino, Frangas, Green, Kerr A., Levy, Madden, Marshall, McGihon, Pommer, Todd, Fischer, Kefalas, Merrifield, Primavera, and Weissmann.

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

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

**SECTION 1. Legislative declaration.** The general assembly hereby finds, determines, and declares that nothing in this act is intended to impede or otherwise limit the protections contained in section 4 of article II of the state constitution concerning the free exercise and enjoyment of religious profession and worship.

**SECTION 2.** 24-34-301, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

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

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

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

**SECTION 3.** 24-34-303, Colorado Revised Statutes, is amended to read:

**24-34-303. Civil rights commission - membership.** (1) There is hereby created, within the division, the Colorado civil rights commission. The commission shall consist of seven members, who shall be appointed by the governor, with the consent of the senate, for terms of four years. ~~except that, of the first members appointed, two shall be appointed for terms of two years and two shall be appointed for terms of three years. In making the first two appointments to the commission on or after July 1, 1981, whether such appointments are for a full term or to fill a vacancy, the governor shall appoint one member to represent the business community and one member to represent state or local government entities. In making the next two appointments to the commission, whether such appointments are for a full term or to fill a vacancy, the governor shall appoint one member to represent small business and one member to represent state or local government entities.~~ The governor shall make all subsequent appointments in such a manner that there are at all times two members of the commission representing the business community, at least one of which shall be a representative of small business, two members of the commission representing state or local government entities, and three members of the commission from the community at large. The membership of the commission shall at all times be comprised of at least four members who are members of groups of people who have been or who might be discriminated against because of disability, race, creed, color, sex, SEXUAL ORIENTATION, national origin, ~~or ancestry, as defined in section 24-34-402~~ ~~or because of marital status, religion, or age.~~ Appointments shall be made to provide geographical area representation insofar as may be practicable, and no more than four members shall belong to the same political party.

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

(3) Any commissioner may be removed from office by the governor

for misconduct, incompetence, or neglect of duty.

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

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

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

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

(3) "Person" has the meaning ascribed to such term in section 24-34-301 (5) and includes any owner, lessee, proprietor, manager, employee, or any agent of a person; but, for purposes of this part 5, "person" does not include any private club not open to the public, which as an incident to its primary purpose or purposes provides lodgings ~~which~~ THAT it owns or operates for other than a commercial purpose unless such club has the purpose of promoting discrimination in the matter of housing against any person because of disability, race, creed, color, RELIGION, SEX, SEXUAL ORIENTATION, marital status, familial status, national origin, or ancestry.

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

**SECTION 5.** 24-34-502 (1) (a), (1) (b), (1) (d), (1) (g), (1) (h), (1) (i), (1) (j), and (6), Colorado Revised Statutes, are amended to read:

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

(a) For any person to refuse to show, sell, transfer, rent, or lease, or to refuse to receive and transmit any bona fide offer to buy, sell, rent, or

lease, or otherwise make unavailable or deny or withhold from any person such housing because of disability, race, creed, color, sex, SEXUAL ORIENTATION, marital status, familial status, religion, national origin, or ancestry; to discriminate against any person because of disability, race, creed, color, sex, SEXUAL ORIENTATION, marital status, familial status, religion, national origin, or ancestry in the terms, conditions, or privileges pertaining to any housing or the transfer, sale, rental, or lease thereof or in the furnishing of facilities or services in connection therewith; or to cause to be made any written or oral inquiry or record concerning the disability, race, creed, color, sex, SEXUAL ORIENTATION, marital status, familial status, religion, national origin, or ancestry of a person seeking to purchase, rent, or lease any housing; however, nothing in this paragraph (a) shall be construed to require a dwelling to be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others;

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

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

(g) For any person whose business includes residential real

estate-related transactions, which transactions involve the making or purchasing of loans secured by residential real estate or the provisions of other financial assistance for purchasing, constructing, improving, repairing, or maintaining a dwelling or the selling, brokering, or appraising of residential real property, to discriminate against any person in making available such a transaction or in fixing the terms or conditions of such a transaction because of race, creed, color, religion, sex, SEXUAL ORIENTATION, marital status, disability, familial status, or national origin or ancestry;

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

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

(j) For any person to represent to any other person that any dwelling is not available for inspection, sale, or rental, when such dwelling is in fact available, for the purpose of discriminating against another person on the basis of race, color, religion, sex, SEXUAL ORIENTATION, disability, familial status, creed, national origin, or ancestry.

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

**SECTION 6.** 24-34-601 (1) and (2), Colorado Revised Statutes, are amended to read:

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

(1) As used in this part 6, "place of public accommodation" means any place of business engaged in any sales to the public and any place offering services, facilities, privileges, advantages, or accommodations to the public, including but not limited to any business offering wholesale or retail sales to the public; any place to eat, drink, sleep, or rest, or any combination thereof; any sporting or recreational area and facility; any public transportation facility; a barber shop, bathhouse, swimming pool, bath, steam or massage parlor, gymnasium, or other establishment conducted to serve the health, appearance, or physical condition of a person; a campsite or trailer camp; a dispensary, clinic, hospital, convalescent home, or other institution for the sick, ailing, aged, or infirm; a mortuary, undertaking parlor, or cemetery; an educational institution; or any public building, park, arena, theater, hall, auditorium, museum, library, exhibit, or public facility of any kind whether indoor or outdoor. "PLACE OF PUBLIC ACCOMMODATION" SHALL NOT INCLUDE A CHURCH, SYNAGOGUE, MOSQUE, OR OTHER PLACE THAT IS PRINCIPALLY USED FOR RELIGIOUS PURPOSES.

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

**SECTION 7.** 24-34-602, Colorado Revised Statutes, is amended to read:

**24-34-602. Penalty and civil liability.** (1) Any person who violates any of the provisions of section 24-34-601 by denying to any citizen, except for reasons applicable alike to all citizens of every disability, race, creed, color, sex, SEXUAL ORIENTATION, marital status, national origin,

or ancestry, and regardless of disability, race, creed, color, sex, SEXUAL ORIENTATION, marital status, national origin, or ancestry, the full enjoyment of any of the accommodations, advantages, facilities, or privileges in said section enumerated or by aiding or inciting such denial, for every such offense, shall forfeit and pay a sum of not less than fifty dollars nor more than five hundred dollars to the person aggrieved thereby to be recovered in any court of competent jurisdiction in the county where said offense was committed. ~~and also~~

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

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

**SECTION 8.** 24-34-701, Colorado Revised Statutes, is amended to read:

**24-34-701. Publishing of discriminative matter forbidden.** No person, being the owner, lessee, proprietor, manager, superintendent, agent, or employee of any place of public accommodation, resort, or amusement, directly or indirectly, by himself or herself or through another person shall publish, issue, circulate, send, distribute, give away, or display in any way, manner, or shape or by any means or method, except as provided in this section, any communication, paper, poster, folder, manuscript, book, pamphlet, writing, print, letter, notice, or advertisement of any kind, nature, or description ~~which~~ THAT is intended or calculated to discriminate or actually discriminates against any disability, race, creed, color, sex, SEXUAL ORIENTATION, marital status, national origin, or ancestry or against any of the members thereof in the matter of furnishing or neglecting or refusing to furnish to them or any one of them any lodging, housing, schooling, or tuition or any accommodation, right, privilege, advantage, or convenience offered to or enjoyed by the general public or which states that any of the accommodations, rights, privileges, advantages, or conveniences of any

such place of public accommodation, resort, or amusement shall or will be refused, withheld from, or denied to any person or class of persons on account of disability, race, creed, color, sex, SEXUAL ORIENTATION, marital status, national origin, or ancestry or that the patronage, custom, presence, frequenting, dwelling, staying, or lodging at such place by any person or class of persons belonging to or purporting to be of any particular disability, race, creed, color, sex, SEXUAL ORIENTATION, marital status, national origin, or ancestry is unwelcome or objectionable or not acceptable, desired, or solicited.

**SECTION 9.** 2-4-401, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

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

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

**SECTION 10.** 5-3-210, Colorado Revised Statutes, is amended to read:

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

**SECTION 11.** 8-3-102 (1) (d), Colorado Revised Statutes, is amended to read:

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



(d) All rights of persons to join labor organizations or unions and their rights and privileges as members thereof should be recognized, safeguarded, and protected. No person shall be denied membership in a labor organization or union on account of race, CREED, color, religion, sex, SEXUAL ORIENTATION, MARITAL STATUS, DISABILITY, NATIONAL ORIGIN, ANCESTRY, or by any unfair or unjust discrimination. Arbitrary or excessive initiation fees and dues shall not be required, nor shall excessive, unwarranted, arbitrary, or oppressive fines, penalties, or forfeitures be imposed. The members are entitled to full and detailed reports from their officers, agents, or representatives of all financial transactions and shall have the right to elect officers by secret ballot and to determine and vote upon the question of striking, not striking, and other questions of policy affecting the entire membership.

**SECTION 12.** 8-17-101, Colorado Revised Statutes, is amended to read:

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

**SECTION 13.** 10-4-626 (1), Colorado Revised Statutes, is amended to read:

**10-4-626. Prohibited reasons for nonrenewal or refusal to write policy of automobile insurance applicable to this part 6.** (1) No insurer authorized to transact or transacting business in this state shall refuse to write or refuse to renew a policy of insurance affording the coverage required by operation of section 10-4-620 solely because of the age, race, ~~gender~~ CREED, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, national origin, ANCESTRY, residence, marital status, or lawful occupation, including the military service, of anyone who is or seeks to become insured, or solely

because another insurer has canceled a policy or refused to write or renew such policy. The commissioner shall administer and enforce ~~the provisions~~ of this subsection (1).

**SECTION 14.** 12-5-102, Colorado Revised Statutes, is amended to read:

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

**SECTION 15.** 12-12-114, Colorado Revised Statutes, is amended to read:

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

**SECTION 16.** 12-47-416 (3) (b), Colorado Revised Statutes, is amended to read:

**12-47-416. Club license - legislative declaration.** (3) (b) Any club licensee ~~which~~ THAT has a policy to restrict membership on the basis of sex, SEXUAL ORIENTATION, MARITAL STATUS, race, CREED, religion, color, ancestry, or national origin shall, when issuing a receipt for expenses which may otherwise be used by taxpayers for deduction purposes pursuant to section 162 (a) of the federal "Internal Revenue Code of 1986", as amended, for purposes of determining taxes owed pursuant to article 22 of title 39, C.R.S., incorporate a printed statement on the receipt as follows:

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

**SECTION 17.** 12-54-104 (1) (b), Colorado Revised Statutes, is amended to read:

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

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

**SECTION 18.** 12-54-303 (1) (b), Colorado Revised Statutes, as enacted by House Bill 08-1123, enacted at the Second Regular Session of the Sixty-sixth General Assembly, is amended to read:

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

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

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

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

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

**SECTION 20.** 13-71-104 (3) (a), Colorado Revised Statutes, is amended to read:

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

**SECTION 21.** 22-30.5-104 (3), Colorado Revised Statutes, is amended to read:

**22-30.5-104. Charter school - requirements - authority.** (3) A

charter school shall be subject to all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, ~~gender~~, SEX, SEXUAL ORIENTATION, national origin, religion, ancestry, or need for special education services. A charter school shall be subject to any court-ordered desegregation plan in effect for the chartering school district. Enrollment in a charter school must be open to any child who resides within the school district; except that no charter school shall be required to make alterations in the structure of the facility used by the charter school or to make alterations to the arrangement or function of rooms within the facility, except as may be required by state or federal law. Enrollment decisions shall be made in a nondiscriminatory manner specified by the charter school applicant in the charter school application.

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

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

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

**SECTION 23.** 22-32-109 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

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

(II) TO ADOPT WRITTEN POLICIES SPECIFYING THAT:

(I) THE SCHOOLS IN THE DISTRICT ARE SUBJECT TO ALL FEDERAL AND

STATE LAWS AND CONSTITUTIONAL PROVISIONS PROHIBITING DISCRIMINATION ON THE BASIS OF DISABILITY, RACE, CREED, COLOR, SEX, SEXUAL ORIENTATION, NATIONAL ORIGIN, RELIGION, ANCESTRY, OR NEED FOR SPECIAL EDUCATION SERVICES;

(II) ENROLLMENT IN A SCHOOL IN THE DISTRICT SHALL BE OPEN TO ANY CHILD WHO RESIDES WITHIN THE STATE; EXCEPT THAT A SCHOOL SHALL NOT BE REQUIRED TO MAKE ALTERATIONS IN THE STRUCTURE OF THE FACILITY USED BY THE SCHOOL OR TO MAKE ALTERATIONS TO THE ARRANGEMENT OR FUNCTION OF ROOMS WITHIN THE FACILITY, EXCEPT AS MAY BE REQUIRED BY STATE OR FEDERAL LAW; AND

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

**SECTION 24.** 22-32-110 (1) (k), Colorado Revised Statutes, is amended to read:

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

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

**SECTION 25.** 22-38-104 (1) (d), Colorado Revised Statutes, is amended to read:

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

(d) A pilot school shall be subject to all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, ~~gender~~, SEX, SEXUAL ORIENTATION, national origin, religion, or ancestry. Enrollment decisions shall be made in a nondiscriminatory manner specified by the pilot school applicant in the pilot school application.

**SECTION 26.** 22-63-206 (1), Colorado Revised Statutes, is amended to read:

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

**SECTION 27.** 23-31.5-110 (1), Colorado Revised Statutes, is amended to read:

**23-31.5-110. Additional powers of board.** (1) The board of governors of the Colorado state university system has the power to lease portions of the grounds of the Colorado state university - Pueblo to private persons and corporations for the construction of dormitory, living, dining, or cottage buildings and to rent, lease, maintain, operate, and purchase such buildings at such university, all in the manner provided by and subject to the limitations contained in sections 23-56-105 to 23-56-111; except that none of such grounds or improvements shall be used in any manner that discriminates against anyone because of race, creed, color, ~~or~~ religion, NATIONAL ORIGIN, ANCESTRY, SEX, OR SEXUAL ORIENTATION.

**SECTION 28.** 23-41-104 (2), Colorado Revised Statutes, is amended to read:

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

**SECTION 29.** 24-50-112.5 (1) (b), Colorado Revised Statutes, is amended to read:

**24-50-112.5. Selection system.** (1) (b) Appointments and promotions to positions shall be based on job-related knowledge, skills, abilities, competencies, behaviors, and quality of performance as demonstrated by fair and open competitive examinations. Selections shall be made without regard to race, color, creed, religion, national origin, ancestry, age, SEXUAL ORIENTATION, MARITAL STATUS, or political affiliation and without regard to sex or disability except as otherwise provided by law.

**SECTION 30.** 25-6-102 (1), Colorado Revised Statutes, is amended to read:

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

**SECTION 31.** 26-1-120, Colorado Revised Statutes, is amended

BY THE ADDITION OF A NEW SUBSECTION to read:

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

**SECTION 32.** 25.5-8-110 (2), Colorado Revised Statutes, is amended to read:

**25.5-8-110. Participation by managed care plans.** (2) Managed care plans participating in the plan shall not discriminate against any potential or current enrollee based upon health status, DISABILITY, sex, SEXUAL ORIENTATION, MARITAL STATUS, race, CREED, COLOR, NATIONAL ORIGIN, ANCESTRY, ethnicity, or religion.

**SECTION 33.** 29-4-717 (2) (a), Colorado Revised Statutes, is amended to read:

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

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

**SECTION 34.** 39-3-112 (3) (b) (IV), Colorado Revised Statutes, is amended to read:

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

(b) The residential structure is efficiently operated. Efficient



operation is determined by the following factors:

(IV) That the owners and operators of such residential structure have no occupancy requirement that discriminates upon the basis of race, creed, or color, RELIGION, SEX, SEXUAL ORIENTATION, MARITAL STATUS, NATIONAL ORIGIN, OR ANCESTRY; however, if the owner or sponsoring organization is a religious denomination, said owners or operators may give preference to members of that denomination; and

**SECTION 35.** 39-22-104 (3) (e) (I), Colorado Revised Statutes, is amended to read:

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

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

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

**SECTION 36.** 39-22-304 (2) (e) (I), Colorado Revised Statutes, is amended to read:

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

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

The expenditures covered by this receipt are

nondeductible for state income tax purposes.

**SECTION 37.** Section 2 (1) (j) of House Bill 08-1375, as enacted at the Second Regular Session of the Sixty-sixth General Assembly, is amended to read:

Section 2. **Appropriation.** (1) The sums in this section hereinafter specified, or so much thereof as may be necessary for the purpose, are hereby appropriated out of any moneys in the general fund, the indicated cash funds, reappropriated funds, and federal funds, for the payment of the ordinary operating costs of the executive, legislative, and judicial departments of the state, and of its agencies and institutions, for and during the fiscal year beginning July 1, 2008, and:

(j) No moneys appropriated by this act shall knowingly be paid to any organization, business firm, person, agency, or club which places restrictions on employment or membership based on sex, SEXUAL ORIENTATION, race, age, marital status, creed, color, religion, national origin, ancestry, or ~~physical handicap~~ DISABILITY.

**SECTION 38. Appropriation - adjustments to the 2008 long bill.**

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

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

(3) In addition to any other appropriation, there is hereby appropriated to the department of law, for the fiscal year beginning July 1, 2008, the sum of sixty thousand seventy-three dollars (\$60,073) and 0.5

FTE, or so much thereof as may be necessary, for the provision of legal services to the department of regulatory agencies related to the implementation of this act. Said sum shall be from reappropriated funds received from the executive director's office out of the appropriation made in subsection (1) of this section.

(4) For the implementation of this act, the general fund appropriation to the controlled maintenance trust fund made in section 23 of the annual general appropriation act, for the fiscal year beginning July 1, 2008, shall be decreased by eighty-one thousand eight hundred five dollars (\$81,805).

**SECTION 39. Severability.** If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to this end, the provisions of this act are declared to be severable.

**SECTION 40. Effective date - applicability.** (1) Except as otherwise provided in subsection (2) of this section, this act shall take effect upon passage and shall apply to discriminatory acts committed on or after said date.

(2) Section 18 of this act amending section 12-54-303 (1) (b), Colorado Revised Statutes, shall take effect only if House Bill 08-1123 is enacted at the second regular session of the sixty-sixth general assembly and becomes law.

**SECTION 41. 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.

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Peter C. Groff  
PRESIDENT OF  
THE SENATE

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Andrew Romanoff  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Karen Goldman  
SECRETARY OF  
THE SENATE

---

Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED \_\_\_\_\_

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Bill Ritter, Jr.  
GOVERNOR OF THE STATE OF COLORADO