

Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 08-1001.01 Christy Chase

SENATE BILL 08-200

SENATE SPONSORSHIP

Veiga,

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.

- ! 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 or
18 printed communication, notice, or advertisement ~~which~~ THAT indicates
19 that the full and equal enjoyment of the goods, services, facilities,
20 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, RELIGION, sex, SEXUAL ORIENTATION, marital status, national
10 origin, 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 RELIGION, sex, SEXUAL ORIENTATION, marital status, national origin, or
19 ancestry or that the patronage, custom, presence, frequenting, dwelling,
20 staying, or lodging at such place by any person or class of persons
21 belonging to or purporting to be of any particular disability, race, creed,
22 color, RELIGION, sex, SEXUAL ORIENTATION, marital status, national
23 origin, or ancestry is unwelcome or objectionable or not acceptable,
24 desired, or solicited.

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

27 **2-4-401. Definitions.** The following definitions apply to every

1 statute, unless the context otherwise requires:

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

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

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

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

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

22 (d) All rights of persons to join labor organizations or unions and
23 their rights and privileges as members thereof should be recognized,
24 safeguarded, and protected. No person shall be denied membership in a
25 labor organization or union on account of race, CREED, color, religion,
26 sex, SEXUAL ORIENTATION, MARITAL STATUS, DISABILITY, NATIONAL
27 ORIGIN, ANCESTRY, or by any unfair or unjust discrimination. Arbitrary

1 or excessive initiation fees and dues shall not be required, nor shall
2 excessive, unwarranted, arbitrary, or oppressive fines, penalties, or
3 forfeitures be imposed. The members are entitled to full and detailed
4 reports from their officers, agents, or representatives of all financial
5 transactions and shall have the right to elect officers by secret ballot and
6 to determine and vote upon the question of striking, not striking, and
7 other questions of policy affecting the entire membership.

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

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

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

24 **12-5-102. Race or sex not to disqualify.** No person shall be
25 denied a license to practice on account of race, ~~or~~ CREED, COLOR,
26 RELIGION, DISABILITY, AGE, sex, SEXUAL ORIENTATION, MARITAL STATUS,
27 NATIONAL ORIGIN, OR ANCESTRY.

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

3 **12-12-114. Discrimination.** There shall be no limitation,
4 restriction, or covenant based upon race, _____ color, SEX, SEXUAL
5 ORIENTATION, MARITAL STATUS, _____ DISABILITY, national origin, or
6 ancestry on the size, placement, location, sale, or transfer of any cemetery
7 grave space, niche, or crypt or in the interment of a deceased person.

8 **SECTION 14.** 12-47-416 (3) (b), Colorado Revised Statutes, is
9 amended to read:

10 **12-47-416. Club license - legislative declaration.** (3) (b) Any
11 club licensee ~~which~~ THAT has a policy to restrict membership on the basis
12 of sex, SEXUAL ORIENTATION, MARITAL STATUS, race, CREED, religion,
13 color, ancestry, or national origin shall, when issuing a receipt for
14 expenses which may otherwise be used by taxpayers for deduction
15 purposes pursuant to section 162 (a) of the federal "Internal Revenue
16 Code of 1986", as amended, for purposes of determining taxes owed
17 pursuant to article 22 of title 39, C.R.S., incorporate a printed statement
18 on the receipt as follows:

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

21 **SECTION 15.** 12-54-104 (1) (b), Colorado Revised Statutes, is
22 amended to read:

23 **12-54-104. Unlawful acts.** (1) It is unlawful:
24 (b) To discriminate because of race, creed, color, ~~or~~ RELIGION,
25 DISABILITY, SEX, SEXUAL ORIENTATION, MARITAL STATUS, national origin,
26 OR ANCESTRY in the provision of funeral services;

27 **SECTION 16.** 12-54-303 (1) (b), Colorado Revised Statutes, as

1 enacted by House Bill 08-1123, enacted at the Second Regular Session of
2 the Sixty-sixth General Assembly, is amended to read:

3 **12-54-303. Unlawful acts.** (1) It is unlawful for a cremationist:

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

7 **SECTION 17.** 12-59-106 (1) (s), Colorado Revised Statutes, is
8 amended to read:

9 **12-59-106. Minimum standards.** (1) In establishing the criteria
10 required by section 12-59-105.3 (1) (a), (1) (b), and (1) (k), the board
11 shall observe and require compliance with at least the following minimum
12 standards for all schools:

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

17 **SECTION 18.** 13-71-104 (3) (a), Colorado Revised Statutes, is
18 amended to read:

19 **13-71-104. Eligibility for juror service - prohibition of**
20 **discrimination.** (3) (a) No person shall be exempted or excluded from
21 serving as a trial or grand juror because of race, color, CREED, religion,
22 sex, SEXUAL ORIENTATION, MARITAL STATUS, national origin, ANCESTRY,
23 economic status, or occupation.

24 **SECTION 19.** 22-30.5-104 (3), Colorado Revised Statutes, is
25 amended to read:

26 **22-30.5-104. Charter school - requirements - authority.** (3) A
27 charter school shall be subject to all federal and state laws and

1 constitutional provisions prohibiting discrimination on the basis of
2 disability, race, creed, color, ~~gender~~, SEX, SEXUAL ORIENTATION, national
3 origin, religion, ancestry, or need for special education services. A
4 charter school shall be subject to any court-ordered desegregation plan in
5 effect for the chartering school district. Enrollment in a charter school
6 must be open to any child who resides within the school district; except
7 that no charter school shall be required to make alterations in the structure
8 of the facility used by the 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 charter school applicant in
12 the charter school application.

13 **SECTION 20.** 22-30.5-507 (3), Colorado Revised Statutes, is
14 amended to read:

15 **22-30.5-507. Institute charter school - requirements -**
16 **authority.** (3) An institute charter school shall be subject to all federal
17 and state laws and constitutional provisions prohibiting discrimination on
18 the basis of disability, race, creed, color, ~~gender~~, SEX, SEXUAL
19 ORIENTATION, national origin, religion, ancestry, or need for special
20 education services. Enrollment in an institute charter school shall be open
21 to any child who resides within the state; except that an institute charter
22 school shall not be required to make alterations in the structure of the
23 facility used by the institute charter school or to make alterations to the
24 arrangement or function of rooms within the facility, except as may be
25 required by state or federal law. Enrollment decisions shall be made in
26 a nondiscriminatory manner specified by the applicant in the institute
27 charter school application.

1 **SECTION 21.** 22-32-109 (1), Colorado Revised Statutes, is
2 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

3 **22-32-109. Board of education - specific duties.** (1) In addition
4 to any other duty required to be performed by law, each board of
5 education shall have and perform the following specific duties:

6 (II) TO ADOPT WRITTEN POLICIES SPECIFYING THAT:

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

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

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

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

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

26 (k) To adopt written policies, rules, and regulations, not
27 inconsistent with law, ~~which~~ THAT may relate to the efficiency, in-service

1 training, professional growth, safety, official conduct, and welfare of the
2 employees, or any classification thereof, of the district. The practices of
3 employment, promotion, and dismissal shall be unaffected by the
4 employee's ~~religious beliefs~~ RELIGION, CREED, COLOR, SEX, SEXUAL
5 ORIENTATION, marital status, racial or ethnic background, NATIONAL
6 ORIGIN, ANCESTRY, or participation in community affairs.

7 **SECTION 23.** 22-38-104 (1) (d), Colorado Revised Statutes, is
8 amended to read:

9 **22-38-104. Pilot schools - requirements - authority.** (1) The
10 state board may provide for the establishment and operation of not more
11 than one full-time residential pilot school and not more than three
12 year-round nonresidential pilot schools pursuant to the following
13 provisions:

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

20 **SECTION 24.** 22-63-206 (1), Colorado Revised Statutes, is
21 amended to read:

22 **22-63-206. Transfer - compensation.** (1) A teacher may be
23 transferred upon the recommendation of the chief administrative officer
24 of a school district from one school, position, or grade level to another
25 within the school district, if such transfer does not result in the
26 assignment of the teacher to a position of employment for which he OR
27 SHE is not qualified by virtue of academic preparation and certification

1 and if, during the then current school year, the amount of salary of such
2 teacher is not reduced except as otherwise provided in subsections (2) and
3 (3) of this section. There shall be no discrimination shown toward any
4 teacher in the assignment or transfer of that teacher to a school, position,
5 or grade because of sex, SEXUAL ORIENTATION, MARITAL STATUS, race,
6 creed, color, RELIGION, NATIONAL ORIGIN, ANCESTRY, or membership or
7 nonmembership in any group or organization.

8 **SECTION 25.** 23-31.5-110 (1), Colorado Revised Statutes, is
9 amended to read:

10 **23-31.5-110. Additional powers of board.** (1) The board of
11 governors of the Colorado state university system has the power to lease
12 portions of the grounds of the Colorado state university - Pueblo to
13 private persons and corporations for the construction of dormitory, living,
14 dining, or cottage buildings and to rent, lease, maintain, operate, and
15 purchase such buildings at such university, all in the manner provided by
16 and subject to the limitations contained in sections 23-56-105 to
17 23-56-111; except that none of such grounds or improvements shall be
18 used in any manner that discriminates against anyone because of race,
19 creed, color, ~~or~~ religion, NATIONAL ORIGIN, ANCESTRY, SEX, OR SEXUAL
20 ORIENTATION.

21 **SECTION 26.** 23-41-104 (2), Colorado Revised Statutes, is
22 amended to read:

23 **23-41-104. Control - management.** (2) The board of trustees
24 has the power to lease, for terms not exceeding eighty years, real or
25 personal property, or both, to state or federal governmental agencies,
26 persons, or entities, public or private, for the construction, use, operation,
27 maintenance, and improvement of research and development facilities,

1 health and recreation facilities, dormitories, and living, dining, and group
2 housing buildings and facilities or for any of such purposes and to buy
3 land and construct buildings and facilities therefor. None of the grounds
4 so leased nor any of the improvements constructed thereon shall be used
5 in any manner ~~which~~ THAT discriminates against anyone because of race,
6 creed, color, ~~or~~ religion, NATIONAL ORIGIN, ANCESTRY, SEX, OR SEXUAL
7 ORIENTATION. The board of trustees has the power to borrow money in
8 conjunction with such construction and leases and to assist in effecting
9 any of such purposes. Any actions taken prior to May 27, 1965, by the
10 board of trustees consistent with any power granted in this subsection (2)
11 are ratified and validated.

12 **SECTION 27.** 24-50-112.5 (1) (b), Colorado Revised Statutes,
13 is amended to read:

14 **24-50-112.5. Selection system.** (1) (b) Appointments and
15 promotions to positions shall be based on job-related knowledge, skills,
16 abilities, competencies, behaviors, and quality of performance as
17 demonstrated by fair and open competitive examinations. Selections shall
18 be made without regard to race, color, creed, religion, national origin,
19 ancestry, age, SEXUAL ORIENTATION, MARITAL STATUS, or political
20 affiliation and without regard to sex or disability except as otherwise
21 provided by law.

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23 **SECTION 28.** 25-6-102 (1), Colorado Revised Statutes, is
24 amended to read:

25 **25-6-102. Policy, authority, and prohibitions against**
26 **restrictions.** (1) All medically acceptable contraceptive procedures,
27 supplies, and information shall be readily and practicably available to

1 each person desirous of the same regardless of sex, SEXUAL ORIENTATION,
2 race, COLOR, CREED, RELIGION, DISABILITY, age, income, number of
3 children, marital status, citizenship, NATIONAL ORIGIN, ANCESTRY, or
4 motive.

5 **SECTION 29.** 26-1-120, Colorado Revised Statutes, is amended
6 BY THE ADDITION OF A NEW SUBSECTION to read:

7 **26-1-120. Merit system.** (8.5) THE MERIT SYSTEM PROVIDED BY
8 THE COUNTIES SHALL ASSURE FAIR TREATMENT OF APPLICANTS AND
9 EMPLOYEES IN ALL ASPECTS OF PERSONNEL ADMINISTRATION WITHOUT
10 REGARD TO RACE, CREED, COLOR, RELIGION, AGE, DISABILITY, SEX,
11 SEXUAL ORIENTATION, MARITAL STATUS, NATIONAL ORIGIN, OR
12 ANCESTRY.

13 **SECTION 30.** 25.5-8-110 (2), Colorado Revised Statutes, is
14 amended to read:

15 **25.5-8-110. Participation by managed care plans.**
16 (2) Managed care plans participating in the plan shall not discriminate
17 against any potential or current enrollee based upon health status,
18 DISABILITY, sex, SEXUAL ORIENTATION, MARITAL STATUS, race, CREED,
19 COLOR, NATIONAL ORIGIN, ANCESTRY, ethnicity, or religion.

20 **SECTION 31.** 29-4-717 (2) (a), Colorado Revised Statutes, is
21 amended to read:

22 **29-4-717. Findings - percentage of low-income families**
23 **required.** (2) Prior to the authority's making or committing to make any
24 housing facility loan, the authority shall find:

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

1 **SECTION 32.** 39-3-112 (3) (b) (IV), Colorado Revised Statutes,
2 is amended to read:

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

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

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

18 **SECTION 33.** 39-22-104 (3) (e) (I), Colorado Revised Statutes,
19 is amended to read:

20 **39-22-104. Income tax imposed on individuals, estates, and**
21 **trusts - single rate - definitions.** (3) There shall be added to the federal
22 taxable income:

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

1 on each receipt furnished to a taxpayer a printed statement as follows:

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

4 **SECTION 34.** 39-22-304 (2) (e) (I), Colorado Revised Statutes,
5 is amended to read:

6 **39-22-304. Net income of corporation.** (2) There shall be added
7 to federal 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. Appropriation - adjustments to the 2008 long**
17 **bill.** (1) In addition to any other appropriation, there is hereby
18 appropriated, out of any moneys in the general fund not otherwise
19 appropriated, to the department of regulatory agencies, for allocation to
20 the executive director's office, for legal services, for the fiscal year
21 beginning July 1, 2008, the sum of sixty thousand seventy-three dollars
22 (\$60,073), or so much thereof as may be necessary, for the
23 implementation of this act.

24 (2) In addition to any other appropriation, there is hereby
25 appropriated, out of any moneys in the general fund not otherwise
26 appropriated, to the department of regulatory agencies, for allocation to
27 the civil rights division, for the enforcement of prohibitions against

1 discrimination, for the fiscal year beginning July 1, 2008, the sum of
2 twenty-one thousand seven hundred thirty-two dollars (\$21,732) and 0.4
3 FTE, or so much thereof as may be necessary, for the implementation of
4 this act.

5 (3) In addition to any other appropriation, there is hereby
6 appropriated to the department of law, for the fiscal year beginning July
7 1, 2008, the sum of sixty thousand seventy-three dollars (\$60,073) and 0.5
8 FTE, or so much thereof as may be necessary, for the provision of legal
9 services to the department of regulatory agencies related to the
10 implementation of this act. Said sum shall be from reappropriated funds
11 received from the executive director's office out of the appropriation
12 made in subsection (1) of this section.

13 (4) For the implementation of this act, the general fund
14 appropriation to the controlled maintenance trust fund made in section 20
15 of the annual general appropriation act, for the fiscal year beginning July
16 1, 2008, shall be decreased by eighty-one thousand eight hundred five
17 dollars (\$81,805).

18 **SECTION 36. Effective date - applicability.** (1) Except as
19 otherwise provided in subsection (2) of this section, this act shall take
20 effect upon passage and shall apply to discriminatory acts committed on
21 or after said date.

22 (2) Section 16 of this act amending section 12-54-303 (1) (b),
23 Colorado Revised Statutes, shall take effect only if House Bill 08-1123
24 is enacted at the second regular session of the sixty-sixth general
25 assembly and becomes law.

26 **SECTION 37. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.