

Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

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

Judiciary
Appropriations

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.*

HOUSE
3rd Reading Unamended
May 2, 2008

HOUSE
Amended 2nd Reading
May 1, 2008

SENATE
3rd Reading Unamended
April 21, 2008

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. Legislative declaration.** The general assembly

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

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

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

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

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

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

1 The governor shall make ~~all subsequent~~ appointments in such a manner
2 that there are at all times two members of the commission representing
3 the business community, at least one of which shall be a representative of
4 small business, two members of the commission representing state or
5 local government entities, and three members of the commission from the
6 community at large. The membership of the commission shall at all times
7 be comprised of at least four members who are members of groups of
8 people who have been or who might be discriminated against because of
9 disability, race, creed, color, sex, SEXUAL ORIENTATION, national origin,
10 ~~or ancestry, as defined in section 24-34-402 or because of~~ marital status,
11 religion, or age. Appointments shall be made to provide geographical
12 area representation insofar as may be practicable, and no more than four
13 members shall belong to the same political party.

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

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

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

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

27 **SECTION 4.** 24-34-501 (3) and (4), Colorado Revised Statutes,

1 are amended to read:

2 **24-34-501. Definitions.** As used in this part 5, unless the context
3 otherwise requires:

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

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

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

20 **24-34-502. Unfair housing practices prohibited.** (1) It shall be
21 an unfair housing practice and unlawful and hereby prohibited:

22 (a) For any person to refuse to show, sell, transfer, rent, or lease,
23 or to refuse to receive and transmit any bona fide offer to buy, sell, rent,
24 or lease, or otherwise make unavailable or deny or withhold from any
25 person such housing because of disability, race, creed, color, sex, SEXUAL
26 ORIENTATION, marital status, familial status, religion, national origin, or
27 ancestry; to discriminate against any person because of disability, race,

1 creed, color, sex, SEXUAL ORIENTATION, marital status, familial status,
2 religion, national origin, or ancestry in the terms, conditions, or privileges
3 pertaining to any housing or the transfer, sale, rental, or lease thereof or
4 in the furnishing of facilities or services in connection therewith; or to
5 cause to be made any written or oral inquiry or record concerning the
6 disability, race, creed, color, sex, SEXUAL ORIENTATION, marital status,
7 familial status, religion, national origin, or ancestry of a person seeking
8 to purchase, rent, or lease any housing; however, nothing in this
9 paragraph (a) shall be construed to require a dwelling to be made
10 available to an individual whose tenancy would constitute a direct threat
11 to the health or safety of other individuals or whose tenancy would result
12 in substantial physical damage to the property of others;

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

27 (d) For any person to make, print, or publish or cause to be made,

1 printed, or published any notice or advertisement relating to the sale,
2 transfer, rental, or lease of any housing ~~which~~ THAT indicates any
3 preference, limitation, specification, or discrimination based on disability,
4 race, creed, color, RELIGION, sex, SEXUAL ORIENTATION, marital status,
5 familial status, national origin, or ancestry;

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

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

24 (i) For any person, for profit, to induce or attempt to induce any
25 person to sell or rent any dwelling by representations regarding the entry
26 or prospective entry into the neighborhood of a person or persons of a
27 particular race, color, religion, sex, SEXUAL ORIENTATION, disability,

1 familial status, creed, national origin, or ancestry;

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

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

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

15 **24-34-601. Discrimination in places of public accommodation.**

16 (1) As used in this part 6, "place of public accommodation" means any
17 place of business engaged in any sales to the public and any place
18 offering services, facilities, privileges, advantages, or accommodations
19 to the public, including but not limited to any business offering wholesale
20 or retail sales to the public; any place to eat, drink, sleep, or rest, or any
21 combination thereof; any sporting or recreational area and facility; any
22 public transportation facility; a barber shop, bathhouse, swimming pool,
23 bath, steam or massage parlor, gymnasium, or other establishment
24 conducted to serve the health, appearance, or physical condition of a
25 person; a campsite or trailer camp; a dispensary, clinic, hospital,
26 convalescent home, or other institution for the sick, ailing, aged, or
27 infirm; a mortuary, undertaking parlor, or cemetery; an educational

1 institution; or any public building, park, arena, theater, hall, auditorium,
2 museum, library, exhibit, or public facility of any kind whether indoor or
3 outdoor. "PLACE OF PUBLIC ACCOMMODATION" SHALL NOT INCLUDE A
4 CHURCH, SYNAGOGUE, MOSQUE, OR OTHER PLACE THAT IS PRINCIPALLY
5 USED FOR RELIGIOUS PURPOSES.

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

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

23 **24-34-602. Penalty and civil liability.** (1) Any person who
24 violates any of the provisions of section 24-34-601 by denying to any
25 citizen, except for reasons applicable alike to all citizens of every
26 disability, race, creed, color, __ sex, SEXUAL ORIENTATION, marital status,
27 national origin, or ancestry, and regardless of disability, race, creed, color,

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

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

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

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

21 **24-34-701. Publishing of discriminative matter forbidden.** No
22 person, being the owner, lessee, proprietor, manager, superintendent,
23 agent, or employee of any place of public accommodation, resort, or
24 amusement, directly or indirectly, by himself or herself or through another
25 person shall publish, issue, circulate, send, distribute, give away, or
26 display in any way, manner, or shape or by any means or method, except
27 as provided in this section, any communication, paper, poster, folder,

1 manuscript, book, pamphlet, writing, print, letter, notice, or advertisement
2 of any kind, nature, or description ~~which~~ THAT is intended or calculated
3 to discriminate or actually discriminates against any disability, race,
4 creed, color, sex, SEXUAL ORIENTATION, marital status, national origin,
5 or ancestry or against any of the members thereof in the matter of
6 furnishing or neglecting or refusing to furnish to them or any one of them
7 any lodging, housing, schooling, or tuition or any accommodation, right,
8 privilege, advantage, or convenience offered to or enjoyed by the general
9 public or which states that any of the accommodations, rights, privileges,
10 advantages, or conveniences of any such place of public accommodation,
11 resort, or amusement shall or will be refused, withheld from, or denied to
12 any person or class of persons on account of disability, race, creed, color,
13 sex, SEXUAL ORIENTATION, marital status, national origin, or ancestry
14 or that the patronage, custom, presence, frequenting, dwelling, staying, or
15 lodging at such place by any person or class of persons belonging to or
16 purporting to be of any particular disability, race, creed, color, sex,
17 SEXUAL ORIENTATION, marital status, national origin, or ancestry is
18 unwelcome or objectionable or not acceptable, desired, or solicited.

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

21 **2-4-401. Definitions.** The following definitions apply to every
22 statute, unless the context otherwise requires:

23 (13.5) "SEXUAL ORIENTATION" MEANS A PERSON'S ORIENTATION
24 TOWARD HETEROSEXUALITY, HOMOSEXUALITY, BISEXUALITY, OR
25 TRANSGENDER STATUS OR ANOTHER PERSON'S PERCEPTION THEREOF.

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

1 **5-3-210. Discrimination prohibited.** No consumer credit
2 transaction regulated by this code shall be denied any person, nor shall
3 terms and conditions be made more stringent, on the basis of
4 discrimination, solely because of DISABILITY, race, creed, religion, color,
5 sex, SEXUAL ORIENTATION, marital status, national origin, or ancestry.
6 This section shall not apply to any consumer credit transaction made or
7 denied by a seller, lessor, or lender whose total original unpaid balances
8 arising from consumer credit transactions for the previous calendar year
9 are less than one million dollars.

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

12 **8-3-102. Legislative declaration - matter of statewide concern**
13 **- prohibition on local enactments.** (1) The public policy of the state as
14 to employment relations and collective bargaining, in the furtherance of
15 which this article is enacted, is declared to be as follows:

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

1 other questions of policy affecting the entire membership.

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

4 **8-17-101. Colorado labor shall be employed on public**
5 **works.** Whenever any public works financed in whole or in part by funds
6 of the state, counties, school districts, or municipalities of the state of
7 Colorado are undertaken in this state, Colorado labor shall be employed
8 to perform the work to the extent of not less than eighty percent of each
9 type or class of labor in the several classifications of skilled and common
10 labor employed on such project or public works. "Colorado labor" as
11 used in this article means any person who is a resident of the state of
12 Colorado, at the time of employment, without discrimination as to race,
13 color, creed, sex, SEXUAL ORIENTATION, MARITAL STATUS, NATIONAL
14 ORIGIN, ANCESTRY, age, or religion except when sex or age is a bona fide
15 occupational qualification.

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

18 **10-4-626. Prohibited reasons for nonrenewal or refusal to**
19 **write policy of automobile insurance applicable to this part 6. (1) No**
20 **insurer authorized to transact or transacting business in this state shall**
21 **refuse to write or refuse to renew a policy of insurance affording the**
22 **coverage required by operation of section 10-4-620 solely because of the**
23 **age, race, ~~gender~~ CREED, COLOR, RELIGION, SEX, SEXUAL ORIENTATION,**
24 **national origin, ANCESTRY, residence, marital status, or lawful**
25 **occupation, including the military service, of anyone who is or seeks to**
26 **become insured, or solely because another insurer has canceled a policy**
27 **or refused to write or renew such policy. The commissioner shall**

1 administer and enforce the provisions of this subsection (1).

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

4 **12-5-102. Race or sex not to disqualify.** No person shall be
5 denied a license to practice on account of race, ~~or~~ CREED, COLOR,
6 RELIGION, DISABILITY, AGE, sex, SEXUAL ORIENTATION, MARITAL STATUS,
7 NATIONAL ORIGIN, OR ANCESTRY.

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

10 **12-12-114. Discrimination.** There shall be no limitation,
11 restriction, or covenant based upon race, _____ color, SEX, SEXUAL
12 ORIENTATION, MARITAL STATUS, _____ DISABILITY, national origin, or
13 ancestry on the size, placement, location, sale, or transfer of any cemetery
14 grave space, niche, or crypt or in the interment of a deceased person.

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

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

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

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

3 **12-54-104. Unlawful acts.** (1) It is unlawful:

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

10 **12-54-303. Unlawful acts.** (1) It is unlawful for a cremationist:

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

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

16 **12-59-106. Minimum standards.** (1) In establishing the criteria
17 required by section 12-59-105.3 (1) (a), (1) (b), and (1) (k), the board
18 shall observe and require compliance with at least the following minimum
19 standards for all schools:

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

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

26 **13-71-104. Eligibility for juror service - prohibition of**
27 **discrimination.** (3) (a) No person shall be exempted or excluded from

1 serving as a trial or grand juror because of race, color, ___ religion, sex,
2 SEXUAL ORIENTATION, MARITAL STATUS, national origin, ANCESTRY,
3 economic status, or occupation.

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

6 **22-30.5-104. Charter school - requirements - authority.** (3) A
7 charter school shall be subject to all federal and state laws and
8 constitutional provisions prohibiting discrimination on the basis of
9 disability, race, creed, color, ~~gender~~, SEX, SEXUAL ORIENTATION, national
10 origin, religion, ancestry, or need for special education services. A
11 charter school shall be subject to any court-ordered desegregation plan in
12 effect for the chartering school district. Enrollment in a charter school
13 must be open to any child who resides within the school district; except
14 that no charter school shall be required to make alterations in the structure
15 of the facility used by the charter school or to make alterations to the
16 arrangement or function of rooms within the facility, except as may be
17 required by state or federal law. Enrollment decisions shall be made in
18 a nondiscriminatory manner specified by the charter school applicant in
19 the charter school application.

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

22 **22-30.5-507. Institute charter school - requirements -**
23 **authority.** (3) An institute charter school shall be subject to all federal
24 and state laws and constitutional provisions prohibiting discrimination on
25 the basis of disability, race, creed, color, ~~gender~~, SEX, SEXUAL
26 ORIENTATION, national origin, religion, ancestry, or need for special
27 education services. Enrollment in an institute charter school shall be open

1 to any child who resides within the state; except that an institute charter
2 school shall not be required to make alterations in the structure of the
3 facility used by the institute charter school or to make alterations to the
4 arrangement or function of rooms within the facility, except as may be
5 required by state or federal law. Enrollment decisions shall be made in
6 a nondiscriminatory manner specified by the applicant in the institute
7 charter school application.

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

10 **22-32-109. Board of education - specific duties.** (1) In addition
11 to any other duty required to be performed by law, each board of
12 education shall have and perform the following specific duties:

13 (II) TO ADOPT WRITTEN POLICIES SPECIFYING THAT:

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

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

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

27 **SECTION 24.** 22-32-110 (1) (k), Colorado Revised Statutes, is

1 amended to read:

2 **22-32-110. Board of education - specific powers.** (1) In
3 addition to any other power granted to a board of education of a school
4 district by law, each board of education of a school district shall have the
5 following specific powers, to be exercised in its judgment:

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

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

16 **22-38-104. Pilot schools - requirements - authority.** (1) The
17 state board may provide for the establishment and operation of not more
18 than one full-time residential pilot school and not more than three
19 year-round nonresidential pilot schools pursuant to the following
20 provisions:

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

27 **SECTION 26.** 22-63-206 (1), Colorado Revised Statutes, is

1 amended to read:

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

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

17 **23-31.5-110. Additional powers of board.** (1) The board of
18 governors of the Colorado state university system has the power to lease
19 portions of the grounds of the Colorado state university - Pueblo to
20 private persons and corporations for the construction of dormitory, living,
21 dining, or cottage buildings and to rent, lease, maintain, operate, and
22 purchase such buildings at such university, all in the manner provided by
23 and subject to the limitations contained in sections 23-56-105 to
24 23-56-111; except that none of such grounds or improvements shall be
25 used in any manner that discriminates against anyone because of race,
26 creed, color, ~~or~~ religion, NATIONAL ORIGIN, ANCESTRY, SEX, OR SEXUAL
27 ORIENTATION.

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

3 **23-41-104. Control - management.** (2) The board of trustees
4 has the power to lease, for terms not exceeding eighty years, real or
5 personal property, or both, to state or federal governmental agencies,
6 persons, or entities, public or private, for the construction, use, operation,
7 maintenance, and improvement of research and development facilities,
8 health and recreation facilities, dormitories, and living, dining, and group
9 housing buildings and facilities or for any of such purposes and to buy
10 land and construct buildings and facilities therefor. None of the grounds
11 so leased nor any of the improvements constructed thereon shall be used
12 in any manner ~~which~~ THAT discriminates against anyone because of race,
13 creed, color, ~~or~~ religion, NATIONAL ORIGIN, ANCESTRY, SEX, OR SEXUAL
14 ORIENTATION. The board of trustees has the power to borrow money in
15 conjunction with such construction and leases and to assist in effecting
16 any of such purposes. Any actions taken prior to May 27, 1965, by the
17 board of trustees consistent with any power granted in this subsection (2)
18 are ratified and validated.

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

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

1 provided by law.

2

== ==

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

5 **25-6-102. Policy, authority, and prohibitions against**
6 **restrictions.** (1) All medically acceptable contraceptive procedures,
7 supplies, and information shall be readily and practicably available to
8 each person desirous of the same regardless of sex, SEXUAL ORIENTATION,
9 race, COLOR, CREED, RELIGION, DISABILITY, age, income, number of
10 children, marital status, citizenship, NATIONAL ORIGIN, ANCESTRY, or
11 motive.

12 **SECTION 31.** 26-1-120, Colorado Revised Statutes, is amended
13 BY THE ADDITION OF A NEW SUBSECTION to read:

14 **26-1-120. Merit system.** (8.5) THE MERIT SYSTEM PROVIDED BY
15 THE COUNTIES SHALL ASSURE FAIR TREATMENT OF APPLICANTS AND
16 EMPLOYEES IN ALL ASPECTS OF PERSONNEL ADMINISTRATION WITHOUT
17 REGARD TO RACE, CREED, COLOR, RELIGION, AGE, DISABILITY, SEX,
18 SEXUAL ORIENTATION, MARITAL STATUS, NATIONAL ORIGIN, OR
19 ANCESTRY.

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

22 **25.5-8-110. Participation by managed care plans.**
23 (2) Managed care plans participating in the plan shall not discriminate
24 against any potential or current enrollee based upon health status,
25 DISABILITY, sex, SEXUAL ORIENTATION, MARITAL STATUS, race, CREED,
26 COLOR, NATIONAL ORIGIN, ANCESTRY, ethnicity, or religion.

27 **SECTION 33.** 29-4-717 (2) (a), Colorado Revised Statutes, is

1 amended to read:

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

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

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

10 **39-3-112. Definitions - residential property - orphanage -**
11 **low-income elderly or disabled - homeless or abused - low-income**
12 **households - charitable purposes - exemption - limitations.** (3) In
13 order for property to be exempt from the levy and collection of property
14 tax pursuant to the provisions of subsection (2) of this section, the
15 administrator shall be required to find, pursuant to the provisions of
16 section 39-2-117, that:

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

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

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

27 **39-22-104. Income tax imposed on individuals, estates, and**

1 **trusts - single rate - definitions.** (3) There shall be added to the federal
2 taxable income:

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

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

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

13 **39-22-304. Net income of corporation.** (2) There shall be added
14 to federal taxable income:

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

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

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

26 **SECTION 2. Appropriation.** (1) The sums in this section
27 hereinafter specified, or so much thereof as may be necessary for the

1 purpose, are hereby appropriated out of any moneys in the general fund,
2 the indicated cash funds, reappropriated funds, and federal funds, for the
3 payment of the ordinary operating costs of the executive, legislative, and
4 judicial departments of the state, and of its agencies and institutions, for
5 and during the fiscal year beginning July 1, 2008, and:

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

11 **SECTION 38. Appropriation - adjustments to the 2008 long**
12 **bill.** (1) In addition to any other appropriation, there is hereby
13 appropriated, out of any moneys in the general fund not otherwise
14 appropriated, to the department of regulatory agencies, for allocation to
15 the executive director's office, for legal services, for the fiscal year
16 beginning July 1, 2008, the sum of sixty thousand seventy-three dollars
17 (\$60,073), or so much thereof as may be necessary, for the
18 implementation of this act.

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

27 (3) In addition to any other appropriation, there is hereby

1 appropriated to the department of law, for the fiscal year beginning July
2 1, 2008, the sum of sixty thousand seventy-three dollars (\$60,073) and 0.5
3 FTE, or so much thereof as may be necessary, for the provision of legal
4 services to the department of regulatory agencies related to the
5 implementation of this act. Said sum shall be from reappropriated funds
6 received from the executive director's office out of the appropriation
7 made in subsection (1) of this section.

8 (4) For the implementation of this act, the general fund
9 appropriation to the controlled maintenance trust fund made in section 23
10 of the annual general appropriation act, for the fiscal year beginning July
11 1, 2008, shall be decreased by eighty-one thousand eight hundred five
12 dollars (\$81,805).

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

18 **SECTION 40. 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 18 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 41. 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.