

**First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 13-0713.01 Christy Chase x2008

HOUSE BILL 13-1136

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House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF REMEDIES IN EMPLOYMENT**
102 **DISCRIMINATION CASES BROUGHT UNDER STATE LAW.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Current law does not permit an award of compensatory or punitive damages or attorney fees and costs to a plaintiff who prevails in a complaint before the Colorado civil rights commission (commission) or in a lawsuit alleging a discriminatory or unfair employment practice under state law, even in cases of intentional discrimination. While federal

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.

employment antidiscrimination laws allow such damages in cases where intentional discrimination is found, and allows an award of reasonable attorney fees and costs, only employers who employ 15 or more employees are subject to federal law. Moreover, victims of employment discrimination on the basis of sexual orientation are not afforded protections under federal law. Thus, employees who work for employers with fewer than 15 employees or who claim employment discrimination on the basis of sexual orientation are not allowed compensatory or punitive damages and cannot recover reasonable attorney fees and costs when they prove a case of intentional employment discrimination.

Additionally, current law precludes a claim of age discrimination by persons 70 years of age or older.

Section 1 of the bill establishes the "Job Protection and Civil Rights Enforcement Act of 2013", which would allow the additional remedies of compensatory and punitive damages in employment discrimination cases brought under state law against employers where intentional discrimination is proven. These damages would be in addition to the remedies allowed under current law, namely, front pay, back pay, interest on back pay, reinstatement or hiring, and other equitable relief that may be awarded. Compensatory damages are to compensate a plaintiff for other pecuniary losses, emotional pain and suffering, inconvenience, mental anguish, loss of enjoyment of life, and other nonpecuniary losses. If the plaintiff shows by a preponderance of the evidence that the defendant engaged in a discriminatory or unfair employment practice with malice or reckless indifference to the rights of the plaintiff, the plaintiff may recover punitive damages.

The bill limits the amount of compensatory and punitive damages to the amounts specified in the federal "Civil Rights Act of 1991" and directs the commission or court to consider the size and assets of the defendant and the egregiousness of the intentional discriminatory or unfair employment practice when determining the amount of damages to award the victim.

When a plaintiff claims compensatory or punitive damages in a civil lawsuit, either party to the action is entitled to demand a jury trial. Additionally, the court may award the prevailing plaintiff reasonable attorney fees and costs and, if the court finds that the action was frivolous, groundless, or vexatious, the court may award attorney fees and costs to the defendant.

Section 2 of the bill removes the maximum age limit for purposes of age discrimination claims, thereby permitting persons 70 years of age or older to pursue a claim based on age discrimination.

Section 3 of the bill authorizes the commission to appoint a working group of employers and employees to assist in education and outreach efforts to foster compliance with laws prohibiting discriminatory or unfair employment practices.

The remedies available under the bill would apply to causes of action alleging discriminatory or unfair employment practices accruing on or after January 1, 2015.

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

2 **SECTION 1.** In Colorado Revised Statutes, **repeal and reenact,**
3 **with amendments,** 24-34-405 as follows:

4 **24-34-405. Relief authorized - short title.** (1) THIS SECTION
5 SHALL BE KNOWN AND MAY BE CITED AS THE "JOB PROTECTION AND CIVIL
6 RIGHTS ENFORCEMENT ACT OF 2013".

7 (2) (a) IN ADDITION TO THE RELIEF AUTHORIZED BY SECTION
8 24-34-306(9), THE COMMISSION OR THE COURT MAY ORDER AFFIRMATIVE
9 RELIEF THAT THE COMMISSION OR COURT DETERMINES TO BE
10 APPROPRIATE, INCLUDING THE FOLLOWING RELIEF, AGAINST A
11 RESPONDENT WHO IS FOUND TO HAVE ENGAGED IN AN UNFAIR OR
12 DISCRIMINATORY EMPLOYMENT PRACTICE:

13 (I) REINSTATEMENT OR HIRING OF EMPLOYEES, WITH OR WITHOUT
14 BACK PAY. IF THE COMMISSION OR COURT ORDERS BACK PAY, THE
15 EMPLOYER, EMPLOYMENT AGENCY, OR LABOR ORGANIZATION
16 RESPONSIBLE FOR THE DISCRIMINATORY OR UNFAIR EMPLOYMENT
17 PRACTICE SHALL PAY THE BACK PAY TO THE PERSON WHO WAS THE VICTIM
18 OF THE PRACTICE.

19 (II) FRONT PAY; OR

20 (III) ANY OTHER EQUITABLE RELIEF THE COMMISSION OR COURT
21 DEEMS APPROPRIATE.

22 (b) IF THE COMMISSION OR COURT ORDERS BACK PAY, THE
23 LIABILITY FOR BACK PAY ACCRUES FROM A DATE NOT MORE THAN TWO
24 YEARS PRIOR TO THE FILING OF A CHARGE WITH THE DIVISION. THE

1 COMMISSION OR COURT SHALL REDUCE AN AWARD OF BACK PAY BY ANY
2 AMOUNT OF ACTUAL EARNINGS OF, OR AMOUNTS THAT COULD HAVE BEEN
3 EARNED WITH REASONABLE DILIGENCE BY, THE PERSON WHO WAS THE
4 VICTIM OF THE DISCRIMINATORY OR UNFAIR EMPLOYMENT PRACTICE.

5 (3) (a) IN ADDITION TO THE RELIEF AVAILABLE PURSUANT TO
6 SUBSECTION (2) OF THIS SECTION, AND EXCEPT AS PROVIDED IN
7 PARAGRAPH (g) OF THIS SUBSECTION (3), IN A PROCEEDING OR CIVIL
8 ACTION BROUGHT BY A COMPLAINING PARTY OR PLAINTIFF UNDER THIS
9 PART 4 AGAINST A RESPONDENT OR DEFENDANT WHO IS FOUND TO HAVE
10 ENGAGED IN AN INTENTIONAL DISCRIMINATORY OR UNFAIR EMPLOYMENT
11 PRACTICE, THE COMPLAINING PARTY OR PLAINTIFF MAY RECOVER
12 COMPENSATORY AND PUNITIVE DAMAGES AS SPECIFIED IN THIS
13 SUBSECTION (3). THE COMMISSION OR COURT SHALL NOT AWARD A
14 COMPLAINING PARTY OR PLAINTIFF COMPENSATORY OR PUNITIVE
15 DAMAGES WHEN THE RESPONDENT OR DEFENDANT IS FOUND TO HAVE
16 ENGAGED IN AN EMPLOYMENT PRACTICE THAT IS UNLAWFUL SOLELY
17 BECAUSE OF ITS DISPARATE IMPACT.

18 (b) (I) EXCEPT AS LIMITED BY THE "COLORADO GOVERNMENTAL
19 IMMUNITY ACT", ARTICLE 10 OF THIS TITLE, AND EXCEPT AS PROVIDED IN
20 SUBPARAGRAPH (II) OF THIS PARAGRAPH (b), A COMPLAINING PARTY OR
21 PLAINTIFF MAY RECOVER PUNITIVE DAMAGES AGAINST A RESPONDENT OR
22 DEFENDANT, OTHER THAN THE STATE OR ANY POLITICAL SUBDIVISION,
23 COMMISSION, DEPARTMENT, INSTITUTION, OR SCHOOL DISTRICT OF THE
24 STATE, IF THE COMPLAINING PARTY OR PLAINTIFF DEMONSTRATES BY A
25 PREPONDERANCE OF THE EVIDENCE THAT THE RESPONDENT OR
26 DEFENDANT ENGAGED IN A DISCRIMINATORY OR UNFAIR EMPLOYMENT
27 PRACTICE WITH MALICE OR RECKLESS INDIFFERENCE TO THE RIGHTS OF

1 THE COMPLAINING PARTY OR PLAINTIFF. HOWEVER, IF THE RESPONDENT
2 OR DEFENDANT DEMONSTRATES GOOD-FAITH EFFORTS TO COMPLY WITH
3 THIS PART 4 AND TO PREVENT DISCRIMINATORY AND UNFAIR EMPLOYMENT
4 PRACTICES IN THE WORKPLACE, THE COMMISSION OR COURT SHALL NOT
5 AWARD PUNITIVE DAMAGES AGAINST THE RESPONDENT OR DEFENDANT.

6 (II) THE COMMISSION OR COURT SHALL NOT AWARD PUNITIVE
7 DAMAGES IN A PROCEEDING OR CIVIL ACTION INVOLVING A CLAIM OF
8 FAILURE TO MAKE A REASONABLE ACCOMMODATION FOR A PERSON WITH
9 A DISABILITY IF THE RESPONDENT OR DEFENDANT DEMONSTRATES GOOD
10 FAITH EFFORTS TO IDENTIFY AND MAKE A REASONABLE ACCOMMODATION
11 THAT WOULD PROVIDE THE PERSON WITH A DISABILITY AN EQUALLY
12 EFFECTIVE OPPORTUNITY AND WOULD NOT CAUSE AN UNDUE HARDSHIP ON
13 THE OPERATION OF THE RESPONDENT'S OR DEFENDANT'S BUSINESS.

14 (c) A COMPLAINING PARTY OR PLAINTIFF MAY RECOVER
15 COMPENSATORY DAMAGES AGAINST A RESPONDENT OR DEFENDANT FOR
16 OTHER PECUNIARY LOSSES, EMOTIONAL PAIN AND SUFFERING,
17 INCONVENIENCE, MENTAL ANGUISH, LOSS OF ENJOYMENT OF LIFE, AND
18 OTHER NONPECUNIARY LOSSES.

19 (d) THE TOTAL AMOUNT OF COMPENSATORY AND PUNITIVE
20 DAMAGES AWARDED PURSUANT TO THIS SUBSECTION (3) SHALL NOT
21 EXCEED THE AMOUNTS SPECIFIED IN 42 U.S.C. SEC. 1981a (b) (3); EXCEPT
22 THAT, FOR EMPLOYERS THAT EMPLOY FEWER EMPLOYEES THAN THE
23 NUMBER SPECIFIED IN 42 U.S.C. SEC. 1981a (b) (3) (A), THE TOTAL
24 AMOUNT OF COMPENSATORY AND PUNITIVE DAMAGES AWARDED
25 PURSUANT TO THIS SUBSECTION (3) SHALL NOT EXCEED THE AMOUNT
26 SPECIFIED IN 42 U.S.C. SEC. 1981a (b) (3) (A). IN DETERMINING THE
27 APPROPRIATE LEVEL OF DAMAGES TO AWARD A COMPLAINING PARTY OR

1 PLAINTIFF WHO HAS BEEN THE VICTIM OF AN INTENTIONAL
2 DISCRIMINATORY OR UNFAIR EMPLOYMENT PRACTICE, THE COMMISSION OR
3 COURT SHALL CONSIDER THE SIZE AND ASSETS OF THE RESPONDENT OR
4 DEFENDANT AND THE EGREGIOUSNESS OF THE INTENTIONAL
5 DISCRIMINATORY OR UNFAIR EMPLOYMENT PRACTICE.

6 (e) COMPENSATORY OR PUNITIVE DAMAGES AWARDED PURSUANT
7 TO THIS SUBSECTION (3) ARE IN ADDITION TO, AND DO NOT INCLUDE,
8 FRONT PAY, BACK PAY, INTEREST ON BACK PAY, OR ANY OTHER TYPE OF
9 RELIEF AWARDED PURSUANT TO SUBSECTION (2) OF THIS SECTION.

10 (f) THE REMEDIES SPECIFIED IN THIS SUBSECTION (3) APPLY TO
11 CAUSES OF ACTION ALLEGING DISCRIMINATORY OR UNFAIR EMPLOYMENT
12 PRACTICES ACCRUING ON OR AFTER JANUARY 1, 2015.

13 (g) IN A PROCEEDING OR CIVIL ACTION INVOLVING A CLAIM OF
14 DISCRIMINATION BASED ON AGE, THE COMPLAINING PARTY OR PLAINTIFF
15 IS ENTITLED ONLY TO THE RELIEF AUTHORIZED IN SUBSECTION (2) OF THIS
16 SECTION AND IN 29 U.S.C. SEC. 626 (b) AND 29 U.S.C. SEC. 216 (b) IF THE
17 COMMISSION OR COURT FINDS THAT THE RESPONDENT OR DEFENDANT
18 ENGAGED IN A DISCRIMINATORY OR UNFAIR EMPLOYMENT PRACTICE
19 BASED ON AGE. IF, IN ADDITION TO ALLEGING DISCRIMINATION BASED ON
20 AGE, THE COMPLAINING PARTY OR PLAINTIFF ALLEGES DISCRIMINATION
21 BASED ON ANY OTHER FACTOR SPECIFIED IN SECTION 24-34-402 (1), THIS
22 PARAGRAPH (g) DOES NOT PRECLUDE A COMPLAINING PARTY OR PLAINTIFF
23 FROM RECOVERING THE RELIEF AUTHORIZED BY THIS SECTION FOR THAT
24 DISCRIMINATION CLAIM.

25 (4) IF A COMPLAINING PARTY OR PLAINTIFF IN A CIVIL ACTION
26 FILED UNDER THIS PART 4 SEEKS COMPENSATORY OR PUNITIVE DAMAGES
27 PURSUANT TO SUBSECTION (3) OF THIS SECTION, ANY PARTY TO THE CIVIL

1 ACTION MAY DEMAND A TRIAL BY JURY.

2 (5) IN ANY PROCEEDING OR CIVIL ACTION UNDER THIS PART 4, THE
3 COMMISSION OR COURT MAY AWARD REASONABLE ATTORNEY FEES AND
4 COSTS TO THE PREVAILING PLAINTIFF. IF THE COURT FINDS THAT AN
5 ACTION OR DEFENSE BROUGHT PURSUANT TO THIS PART 4 WAS FRIVOLOUS,
6 GROUNDLESS, OR VEXATIOUS AS PROVIDED IN ARTICLE 17 OF TITLE 13,
7 C.R.S., THE COURT MAY AWARD COSTS AND ATTORNEY FEES TO THE
8 DEFENDANT IN THE ACTION.

9 (6) THIS SECTION SHALL BE CONSTRUED, INTERPRETED, AND
10 APPLIED IN A MANNER THAT IS CONSISTENT WITH STANDARDS
11 ESTABLISHED THROUGH JUDICIAL INTERPRETATION OF 42 U.S.C. SEC.
12 1981a AND 42 U.S.C. SEC. 2000e-5 (k).

13 (7) (a) THE PROCEDURES SET FORTH IN THIS SUBSECTION (7) APPLY
14 TO A COMPLAINT FILED BY AN APPLICANT FOR A POSITION IN THE STATE
15 PERSONNEL SYSTEM OR BY AN EMPLOYEE IN THE STATE PERSONNEL
16 SYSTEM, COLLECTIVELY REFERRED TO IN THIS SUBSECTION (7) AS THE
17 "AGGRIEVED PARTY", ALLEGING AN INTENTIONAL DISCRIMINATORY OR
18 UNFAIR EMPLOYMENT PRACTICE.

19 (b) THE STATE PERSONNEL BOARD ESTABLISHED PURSUANT TO
20 SECTION 14 OF ARTICLE XII OF THE STATE CONSTITUTION SHALL NOT
21 AWARD COMPENSATORY DAMAGES TO AN AGGRIEVED PARTY ALLEGING AN
22 INTENTIONAL DISCRIMINATORY OR UNFAIR EMPLOYMENT PRACTICE. AN
23 AGGRIEVED PARTY WHO IS SEEKING COMPENSATORY DAMAGES AS
24 AUTHORIZED IN SUBSECTION (3) OF THIS SECTION MUST FILE A CIVIL
25 ACTION IN A COURT OF COMPETENT JURISDICTION TO RECOVER
26 COMPENSATORY DAMAGES.

27 (c) (I) UPON ISSUANCE OF A WRITTEN DECISION BY THE STATE

1 PERSONNEL BOARD PURSUANT TO SECTION 24-50-125.4 IN WHICH THE
2 STATE PERSONNEL BOARD MAKES A FINDING OF AN INTENTIONAL
3 DISCRIMINATORY OR UNFAIR EMPLOYMENT PRACTICE, AN AGGRIEVED
4 PARTY MAY FILE A CIVIL ACTION IN A DISTRICT COURT IN THIS STATE
5 SEEKING COMPENSATORY DAMAGES AS AUTHORIZED IN SUBSECTION (3) OF
6 THIS SECTION.

7 (II) IF AN ADMINISTRATIVE LAW JUDGE ISSUES THE INITIAL
8 WRITTEN DECISION ON BEHALF OF THE STATE PERSONNEL BOARD, THE
9 AGGRIEVED PARTY MAY NOT FILE A CIVIL ACTION UNTIL AFTER THE
10 EXPIRATION OF THE THIRTY-DAY PERIOD SPECIFIED IN SECTION
11 24-50-125.4 (4) FOR FILING AN APPEAL. IF A PARTY DOES NOT FILE AN
12 APPEAL OF THE ADMINISTRATIVE LAW JUDGE'S INITIAL DECISION WITH THE
13 STATE PERSONNEL BOARD IN ACCORDANCE WITH SECTION 24-50-125.4 (4),
14 THE AGGRIEVED PARTY MUST FILE THE CIVIL ACTION FOR COMPENSATORY
15 DAMAGES WITHIN THIRTY DAYS AFTER THE EXPIRATION OF THE APPEAL
16 PERIOD SPECIFIED IN SECTION 24-50-125.4 (4). IF A PARTY FILES AN
17 APPEAL WITH THE STATE PERSONNEL BOARD IN ACCORDANCE WITH
18 SECTION 24-50-125.4 (4), THE AGGRIEVED PARTY MUST FILE THE CIVIL
19 ACTION FOR COMPENSATORY DAMAGES WITHIN THIRTY DAYS AFTER THE
20 DATE THE STATE PERSONNEL BOARD TRANSMITS THE NOTICE OF ITS
21 DECISION ON THE APPEAL IN ACCORDANCE WITH SECTION 24-50-125.4 (6).

22 (III) IF THE AGGRIEVED PARTY FAILS TO FILE AN ACTION FOR
23 COMPENSATORY DAMAGES WITHIN THIRTY DAYS AFTER THE APPEAL
24 PERIOD EXPIRES OR THE DATE THE STATE PERSONNEL BOARD'S NOTICE OF
25 DECISION IS TRANSMITTED, WHICHEVER IS APPLICABLE PURSUANT TO
26 SUBPARAGRAPH (II) OF THIS PARAGRAPH (c), THE ACTION FOR
27 COMPENSATORY DAMAGES IS BARRED, NO DISTRICT COURT HAS

1 JURISDICTION TO HEAR THE ACTION, AND THE STATE PERSONNEL BOARD'S
2 DECISION BECOMES FINAL AND IS SUBJECT TO JUDICIAL REVIEW PURSUANT
3 TO SECTIONS 24-50-125.4 (3) AND 24-4-106 (11).

4 (d) THE AGGRIEVED PARTY AND THE DISTRICT COURT SHALL SERVE
5 A COPY OF THE CIVIL ACTION COMPLAINT ON THE STATE PERSONNEL
6 BOARD, AND UPON RECEIPT OF THE COMPLAINT, THE STATE PERSONNEL
7 BOARD'S DECISION IS AUTOMATICALLY STAYED PENDING THE OUTCOME OF
8 THE CIVIL ACTION, IN WHICH CASE THE STATE PERSONNEL BOARD'S
9 DECISION IS NOT A FINAL ORDER SUBJECT TO JUDICIAL REVIEW PURSUANT
10 TO SECTIONS 24-50-125.4 (3) AND 24-4-106 (11) UNTIL THE DISTRICT
11 COURT ISSUES A FINAL JUDGMENT IN THE CIVIL ACTION FOR
12 COMPENSATORY DAMAGES.

13 (e) (I) IN A CIVIL ACTION BROUGHT PURSUANT TO THIS SUBSECTION
14 (7) FOR COMPENSATORY DAMAGES AFTER THE STATE PERSONNEL BOARD
15 MAKES A FINDING OF AN INTENTIONAL DISCRIMINATORY OR UNFAIR
16 EMPLOYMENT PRACTICE, THE DISTRICT COURT SHALL CONSIDER THE ISSUE
17 OF WHETHER THE AGGRIEVED PARTY IS ENTITLED TO COMPENSATORY
18 DAMAGES AND THE AMOUNT OF DAMAGES, IF AWARDED.

19 (II) THE DISTRICT COURT MAY AWARD ATTORNEY FEES AND COSTS
20 IN CONNECTION WITH THE ACTION FOR COMPENSATORY DAMAGES
21 CONSISTENT WITH SUBSECTION (5) OF THIS SECTION.

22 (III) THE DISTRICT COURT SHALL EXPEDITE THE ACTION FOR
23 COMPENSATORY DAMAGES AND SET THE MATTER FOR TRIAL AT THE
24 EARLIEST PRACTICAL TIME.

25 (f) UPON ENTERING A FINAL JUDGMENT IN A CIVIL ACTION
26 BROUGHT PURSUANT TO THIS SUBSECTION (7), THE DISTRICT COURT SHALL
27 SERVE NOTICE OF THE JUDGMENT ON THE PARTIES AND THE STATE

1 PERSONNEL BOARD. ONCE THE STATE PERSONNEL BOARD RECEIVES A
2 FINAL JUDGMENT FROM THE DISTRICT COURT, THE STATE PERSONNEL
3 BOARD SHALL INCORPORATE THE DISTRICT COURT JUDGMENT IN ITS
4 DECISION, WHICH BECOMES A FINAL ORDER SUBJECT TO JUDICIAL REVIEW
5 IN ACCORDANCE WITH SECTIONS 24-50-125.4 (3) AND 24-4-106 (11).

6 (g) A CLAIM FILED PURSUANT TO THIS SUBSECTION (7) BY AN
7 AGGRIEVED PARTY AGAINST THE STATE FOR COMPENSATORY DAMAGES
8 FOR AN INTENTIONAL UNFAIR OR DISCRIMINATORY EMPLOYMENT PRACTICE
9 IS NOT SUBJECT TO THE "COLORADO GOVERNMENTAL IMMUNITY ACT",
10 ARTICLE 10 OF THIS TITLE.

11 **SECTION 2.** In Colorado Revised Statutes, 24-30-1510, **amend**
12 (3) (a) as follows:

13 **24-30-1510. Risk management fund - creation - authorized**
14 **and unauthorized payments.** (3) Expenditures shall be made out of the
15 risk management fund in accordance with subsection (1) of this section
16 only for the following purposes:

17 (a) To pay liability claims and expenses related thereto, brought
18 against the state, its officials, or its employees pursuant to the "Colorado
19 Governmental Immunity Act", article 10 of this title; ~~and~~ claims against
20 the state, its officials, or its employees arising under federal law, which
21 the state is legally obligated to pay and which are compromised or settled
22 pursuant to section 24-30-1515 or in which a final money judgment
23 against the state has been entered; OR CLAIMS FOR COMPENSATORY
24 DAMAGES AGAINST THE STATE, ITS OFFICIALS, OR ITS EMPLOYEES
25 PURSUANT TO SECTION 24-34-405;

26 **SECTION 3.** In Colorado Revised Statutes, 24-34-301, **amend**
27 (1) as follows:

1 **24-34-301. Definitions.** As used in parts 3 to 7 of this article,
2 unless the context otherwise requires:

3 (1) "Age" means a chronological age of at least forty years. ~~but~~
4 ~~less than seventy years.~~

5 **SECTION 4.** In Colorado Revised Statutes, 24-34-305, **amend**
6 (1) (c) as follows:

7 **24-34-305. Powers and duties of commission.** (1) The
8 commission has the following powers and duties:

9 (c) (I) To investigate and study the existence, character, causes,
10 and extent of unfair or discriminatory practices as defined in parts 4 to 7
11 of this article and to formulate plans for the elimination ~~thereof~~ OF THOSE
12 PRACTICES by educational or other means.

13 (II) (A) IN FURTHERANCE OF ITS EDUCATIONAL EFFORTS TO
14 REDUCE INSTANCES OF DISCRIMINATORY OR UNFAIR EMPLOYMENT
15 PRACTICES, THE COMMISSION SHALL CREATE A VOLUNTEER WORKING
16 GROUP REPRESENTING BOTH EMPLOYER AND EMPLOYEE INTERESTS,
17 INCLUDING HUMAN RESOURCE PROFESSIONALS, TO ASSIST IN EDUCATION
18 AND OUTREACH EFFORTS TO FOSTER UNDERSTANDING OF AND
19 COMPLIANCE WITH PART 4 OF THIS ARTICLE. THE COMMISSION MAY
20 ACCEPT AND EXPEND GIFTS, GRANTS, AND DONATIONS TO ASSIST IN ITS
21 DUTIES PURSUANT TO THIS SUBPARAGRAPH (II).

22 (B) THE COMMISSION SHALL CREATE THE VOLUNTEER WORKING
23 GROUP BY SEPTEMBER 1, 2013. THE WORKING GROUP SHALL DEVELOP AND
24 SUBMIT TO THE COMMISSION, BY JANUARY 1, 2014, AN EDUCATION AND
25 OUTREACH PLAN FOR THE COMMISSION TO IMPLEMENT FOR PURPOSES OF
26 EDUCATING EMPLOYERS AND PROVIDING OUTREACH REGARDING PART 4
27 OF THE ARTICLE.

1 (C) IN ADDITION TO THE OUTREACH PLAN REQUIRED BY
2 SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (II), THE WORKING
3 GROUP SHALL COMPILE AND PROVIDE TO THE COMMISSION INFORMATION
4 ON EDUCATIONAL RESOURCES AVAILABLE TO EMPLOYERS REGARDING THE
5 REQUIREMENTS OF AND COMPLIANCE WITH PART 4 OF THIS ARTICLE,
6 INCLUDING RESOURCES FOR EMPLOYERS ON PREVENTION OF
7 DISCRIMINATORY EMPLOYMENT PRACTICES. THE COMMISSION SHALL POST
8 THE INFORMATION ON ITS WEB SITE AND SHALL MAKE THE INFORMATION
9 AVAILABLE IN AN ELECTRONIC FORMAT TO ALL STATE DEPARTMENTS AND
10 AGENCIES THAT INTERACT WITH PRIVATE BUSINESSES IN THE STATE,
11 INCLUDING THE DEPARTMENTS OF LABOR AND EMPLOYMENT,
12 REGULATORY AGENCIES, REVENUE, AND STATE AND THE GOVERNOR'S
13 OFFICE OF ECONOMIC DEVELOPMENT. THOSE DEPARTMENTS AND
14 AGENCIES, WITHIN EXISTING RESOURCES, SHALL POST THE INFORMATION
15 PROVIDED BY THE COMMISSION, OR LINKS TO THAT INFORMATION, ON
16 THEIR WEB SITES.

17 **SECTION 5. Act subject to petition - effective date -**
18 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
19 the expiration of the ninety-day period after final adjournment of the
20 general assembly; except that, if a referendum petition is filed pursuant
21 to section 1 (3) of article V of the state constitution against this act or an
22 item, section, or part of this act within such period, then the act, item,
23 section, or part will not take effect unless approved by the people at the
24 general election to be held in November 2014 and, in such case, will take
25 effect on the date of the official declaration of the vote thereon by the
26 governor.

27 (2) This act applies to causes of action alleging discriminatory or

1 unfair employment practices accruing on or after January 1, 2015.