

**First Regular Session  
Seventieth General Assembly  
STATE OF COLORADO**

**PREAMENDED**

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

LLS NO. 15-0577.02 Christy Chase x2008

**HOUSE BILL 15-1133**

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**HOUSE SPONSORSHIP**

**Danielson**, Arndt, Becker K., Court, Duran, Esgar, Fields, Ginal, Hamner, Hullinghorst, Kraft-Tharp, Lontine, McCann, Mitsch Bush, Pettersen, Primavera, Ryden, Williams, Winter, Buckner, Foote, Garnett, Kagan, Lebsock, Lee, Melton, Moreno, Pabon, Rosenthal, Salazar, Singer, Tyler, Vigil, Young

**SENATE SPONSORSHIP**

(None),

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**House Committees**

Business Affairs and Labor  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING THE COLORADO PAY EQUITY COMMISSION, AND, IN**  
102            **CONNECTION THEREWITH, CONTINUING THE COMMISSION**  
103            **INDEFINITELY, REQUIRING THE COMMISSION TO EVALUATE THE**  
104            **STATUS OF PAY EQUITY IN THE STATE, AND ALLOWING THE**  
105            **COMMISSION TO HIRE STAFF IF THE COMMISSION RECEIVES**  
106            **SUFFICIENT FUNDING.**

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**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>.)*

The Colorado pay equity commission was created in 2010 to

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.*

address issues relating to pay equity in the work place. The commission is scheduled to repeal on July 1, 2015.

The bill extends the commission indefinitely and requires the commission, among its other duties, to monitor the status of pay inequity in the state. Additionally, if the commission receives sufficient gifts, grants, or donations, the commission is authorized to hire or contract with one full-time equivalent employee or contractor to assist the commission in performing its functions.

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

2 **SECTION 1.** In Colorado Revised Statutes, 8-5-106, **amend** (1)  
3 (a), (1) (b), (2), (3), and (4) (a); and **repeal** (6) as follows:

4 **8-5-106. Colorado pay equity commission - creation - duties**  
5 **- cash fund - report.** (1) (a) There is hereby created in the office of the  
6 executive director in the department of labor and employment the  
7 Colorado pay equity commission, referred to in this section as the  
8 "commission". The commission consists of eleven members as follows:

9 (I) The executive director of the department of labor and  
10 employment or his or her designee;

11 (II) The director of the civil rights division in the department of  
12 regulatory agencies or his or her designee;

13 (III) THE FOLLOWING NINE MEMBERS APPOINTED BY THE  
14 GOVERNOR:

15 ~~(HH)~~ (A) One member representing higher education who has  
16 expertise in pay equity issues; ~~appointed by the governor;~~

17 ~~(IV)~~ Two members appointed by the president of the senate as  
18 follows:

19 ~~(A)~~ (B) One member representing a statewide labor union  
20 federation that includes private and public sector unions; ~~and~~

21 ~~(B)~~ (C) One member representing a national organization that

1 serves minority communities and communities of color;

2 ~~(V) Two members appointed by the speaker of the house of~~  
3 ~~representatives as follows:~~

4 ~~(A) (D) One member of a women's national association or~~  
5 ~~organization; and~~

6 ~~(B) (E) One member who is an attorney with experience in labor~~  
7 ~~and employment issues, is an active member of a statewide association of~~  
8 ~~attorneys, and represents employees;~~

9 ~~(VI) (F) One member representing a business association;~~  
10 ~~appointed by the minority leader of the senate;~~

11 ~~(VII) (G) One member representing a chamber of commerce or a~~  
12 ~~consortium of chambers of commerce; appointed by the minority leader~~  
13 ~~of the house of representatives;~~

14 ~~(VIII) (H) One member who is a private, for-profit employer with~~  
15 ~~fewer than fifteen employees; appointed jointly by the minority leaders~~  
16 ~~of the senate and house of representatives; and~~

17 ~~(IX) (I) One member who is a private, for-profit employer with~~  
18 ~~fifteen or more employees. appointed jointly and with the unanimous~~  
19 ~~consent of the president and minority leader of the senate and the speaker~~  
20 ~~and minority leader of the house of representatives.~~

21 (b) (I) (A) The initial appointments to the commission shall be  
22 made within ninety days after May 25, 2010. If the appointing authority  
23 for a particular position on the commission fails to appoint a person to fill  
24 the position by the ninetieth day after May 25, 2010, the commission, by  
25 a majority vote of the members appointed by such date, shall select a  
26 qualified person to fill the position. APPOINTED MEMBERS OF THE  
27 COMMISSION WHO ARE SERVING ON THE COMMISSION AS OF JULY 1, 2015,

1 ARE REMOVED FROM THE COMMISSION, AND BY JULY 31, 2015, THE  
2 GOVERNOR SHALL APPOINT NEW MEMBERS, OR REAPPOINT MEMBERS WHO  
3 WERE SERVING ON THE COMMISSION AS OF JULY 1, 2015, TO THE  
4 COMMISSION IN ACCORDANCE WITH SUBPARAGRAPH (III) OF PARAGRAPH  
5 (a) OF THIS SUBSECTION (1).

6 (B) IN ORDER TO ENSURE STAGGERED TERMS OF OFFICE, THE  
7 GOVERNOR SHALL APPOINT FOUR COMMISSION MEMBERS TO SERVE INITIAL  
8 ONE-YEAR TERMS OF OFFICE AND FIVE COMMISSION MEMBERS TO SERVE  
9 INITIAL TWO-YEAR TERMS OF OFFICE. UPON COMPLETION OF THE INITIAL  
10 TERMS, THE APPOINTED members of the commission shall serve two-year  
11 terms of office. ~~not to exceed two consecutive terms of office.~~

12 (II) Upon the vacancy of a position on the commission, the  
13 ~~appointing authority for that position on the commission~~ GOVERNOR shall  
14 appoint a qualified person to complete the remainder of the unexpired  
15 term. If the ~~appointing authority~~ GOVERNOR fails to appoint a person to  
16 fill the vacancy within sixty days after the date the vacancy occurs, the  
17 commission, by majority vote, shall select a qualified person to fill the  
18 vacancy.

19 (2) (a) THE COMMISSION MAY SOLICIT, AND THE department of  
20 labor and employment may accept, gifts, grants, and donations on behalf  
21 of the commission to fund the commission's costs, INCLUDING COSTS FOR  
22 STAFF SUPPORT. Any gifts, grants, or donations received by the  
23 department for the benefit of the commission shall be deposited in the pay  
24 equity commission cash fund, which fund is hereby created in the state  
25 treasury. Interest earned on the deposit and investment of moneys in the  
26 fund ~~shall be deposited~~ REMAINS in the fund. Moneys in the fund are  
27 continuously appropriated to the department to fund the commission's

1 costs in complying with this section.

2 (b) THE DEPARTMENT SHALL PROVIDE STAFF SUPPORT TO THE  
3 COMMISSION. IF THE COMMISSION RECEIVES SUFFICIENT FUNDS THROUGH  
4 GIFTS, GRANTS, AND DONATIONS, THE COMMISSION MAY USE THE FUNDS  
5 TO COVER THE COMMISSION'S COSTS, INCLUDING COSTS FOR DEPARTMENT  
6 STAFF OR COSTS ASSOCIATED WITH HIRING OR CONTRACTING WITH UP TO  
7 ONE FULL-TIME EQUIVALENT EMPLOYEE OR CONTRACTOR TO ASSIST THE  
8 COMMISSION IN PERFORMING ITS DUTIES PURSUANT TO THIS SECTION.

9 (3) (a) The commission's work, in conjunction with the  
10 department, includes:

11 (a) (I) Educating employers in the state about issues or practices  
12 that may contribute to pay inequities;

13 (b) (II) Working with business groups and educational institutions  
14 to develop and maintain an inventory of best practices for encouraging  
15 equal pay;

16 (c) (III) Encouraging employers to implement equal pay best  
17 practices;

18 (d) (IV) Studying other state models of equal pay practices that  
19 achieve pay equity;

20 (e) (V) Developing a program recognizing employers who pursue  
21 pay equity practices;

22 (f) (VI) Conducting outreach and education to employees and  
23 employers regarding pay equity; and

24 (g) (VII) Working to establish the state of Colorado as a model  
25 employer with regard to pay equity.

26 (b) IN ADDITION TO ITS WORK SPECIFIED IN PARAGRAPH (a) OF THIS  
27 SUBSECTION (3), THE COMMISSION SHALL MONITOR THE STATUS OF PAY

1 INEQUITY IN COLORADO AND PROVIDE UPDATES IN ITS ANNUAL REPORT  
2 REQUIRED BY SUBSECTION (4) OF THIS SECTION.

3 (4) (a) ~~By June 30, 2012, and~~ NOTWITHSTANDING SECTION  
4 24-1-136 (11), C.R.S., by each June 30, ~~through June 30, 2015,~~ the  
5 commission shall submit a report to the executive director of the  
6 department, detailing the work of the commission, including the  
7 education and outreach the commission has engaged in, the steps taken  
8 to encourage employers to implement equal pay best practices, the status  
9 of the inventory of best practices and the recognition program and  
10 whether any employers have been recognized under the program, any  
11 findings the commission has made based on its study of other states and  
12 practices in this state, and any other relevant information. The executive  
13 director of the department shall present the written report to the business,  
14 labor, and technology committee of the senate and the business affairs  
15 and labor committee of the house of representatives, or their successor  
16 committees. Following presentation of the report to the legislative  
17 committees, the department shall post the report on its web site.

18 (6) ~~This section is repealed, effective July 1, 2015. Prior to such~~  
19 ~~repeal, the commission shall be reviewed in accordance with section~~  
20 ~~2-3-1203, C.R.S.~~

21 **SECTION 2. Effective date.** This act takes effect July 1, 2015.

22 **SECTION 3. Safety clause.** The general assembly hereby finds,  
23 determines, and declares that this act is necessary for the immediate  
24 preservation of the public peace, health, and safety.