

CHAPTER 229

GOVERNMENT - STATE

HOUSE BILL 18-1256

BY REPRESENTATIVE(S) Duran and Herod, Benavidez, Foote, Lee, Melton, Salazar, Weissman, Arndt, Becker K., Bridges, Buckner, Coleman, Danielson, Esgar, Exum, Garnett, Ginal, Gray, Hamner, Hansen, Hooton, Kennedy, Kraft-Tharp, Lontine, McLachlan, Pabon, Pettersen, Roberts, Rosenthal, Singer, Valdez, Winter, Young, Jackson, Michaelson Jenet; also SENATOR(S) Gardner, Aguilar, Coram, Court, Crowder, Donovan, Fenberg, Fields, Garcia, Guzman, Jahn, Jones, Kagan, Kefalas, Kerr, Martinez Humenik, Merrifield, Moreno, Priola, Sonnenberg, Tate, Todd, Williams A., Zenzinger, Grantham.

AN ACT

CONCERNING CONTINUATION OF THE REGULATION OF CIVIL RIGHTS ISSUES, AND, IN CONNECTION THEREWITH, IMPLEMENTING THE RECOMMENDATION IN THE DEPARTMENT OF REGULATORY AGENCIES' 2017 SUNSET REVIEW AND REPORT ON THE COLORADO CIVIL RIGHTS DIVISION AND THE COLORADO CIVIL RIGHTS COMMISSION TO CONTINUE THE DIVISION AND COMMISSION AND MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 24-34-304, **amend** (2) as follows:

24-34-304. Division and commission subject to termination - repeal of part.

(2) This part 3 is repealed, effective ~~July 1, 2018. Prior to such~~ **SEPTEMBER 1, 2027.** ~~BEFORE ITS repeal, the functions of the division and commission shall be reviewed as provided for in~~ ARE SCHEDULED FOR REVIEW IN ACCORDANCE WITH section 24-34-104.

SECTION 2. In Colorado Revised Statutes, 24-34-104, **repeal** (14)(a)(VIII); and **add** (28)(a)(II) as follows:

24-34-104. General assembly review of regulatory agencies and functions for repeal, continuation, or reestablishment - legislative declaration - repeal.

(14) (a) The following agencies, functions, or both, are scheduled for repeal on July 1, 2018:

(VIII) ~~The Colorado civil rights division, including the Colorado civil rights commission, created in part 3 of this article.~~

Capital letters or bold & italic numbers indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(28) (a) The following agencies, functions, or both, are scheduled for repeal on September 1, 2027:

(II) THE COLORADO CIVIL RIGHTS DIVISION, INCLUDING THE COLORADO CIVIL RIGHTS COMMISSION, CREATED IN PART 3 OF THIS ARTICLE 34.

SECTION 3. In Colorado Revised Statutes, **add** 2-3-125 as follows:

2-3-125. Periodic performance audits of Colorado civil rights division and commission - reports. BY DECEMBER 15, 2019, AND BY DECEMBER 15, 2024, THE STATE AUDITOR SHALL COMPLETE OR CAUSE TO BE CONDUCTED AND COMPLETED A PERFORMANCE AUDIT OF THE COLORADO CIVIL RIGHTS DIVISION CREATED IN SECTION 24-34-302 AND THE COLORADO CIVIL RIGHTS COMMISSION CREATED IN SECTION 24-34-303. THE STATE AUDITOR SHALL PREPARE A REPORT AND RECOMMENDATIONS ON EACH AUDIT CONDUCTED AND SHALL PRESENT THE REPORT AND RECOMMENDATIONS TO THE COMMITTEE.

SECTION 4. In Colorado Revised Statutes, 24-34-303, **amend** (1) and (2) as follows:

24-34-303. Civil rights commission - membership - repeal. (1) (a) There is hereby created, within the division, the Colorado civil rights commission.

(b) (I) The commission ~~shall consist~~ CONSISTS of seven members ~~who shall be~~ appointed by the governor, with the consent of the senate AS SPECIFIED IN SUBSECTION (1)(b)(IV) OF THIS SECTION, for terms of four years. The governor shall make appointments in such a manner that there are at all times:

(A) Two members of the commission representing the business community, at least one of whom ~~shall be a representative of~~ REPRESENTS small business; EXCEPT THAT, UPON THE EXPIRATION OF THE TERMS OF THE MEMBERS APPOINTED PURSUANT TO THIS SUBSECTION (1)(b)(I)(A) BEFORE THE EFFECTIVE DATE OF THIS SUBSECTION (1)(b)(I)(A), AS AMENDED, OR UPON A VACANCY IN EITHER POSITION, WHICHEVER OCCURS FIRST, ONE MEMBER APPOINTED PURSUANT TO THIS SUBSECTION (1)(b)(I)(A) MUST BE A MAJORITY OWNER OF A SMALL BUSINESS THAT EMPLOYS AT LEAST FIVE BUT LESS THAN FIFTY EMPLOYEES AND THE OTHER MEMBER APPOINTED PURSUANT TO THIS SUBSECTION (1)(b)(I)(A) MUST BE A MAJORITY OWNER OF A BUSINESS THAT EMPLOYS MORE THAN FIFTY EMPLOYEES, AND THEREAFTER THE COMPOSITION OF THE COMMISSION MUST CONTINUE TO REFLECT THIS CHANGE;

(B) Two members of the commission representing state or local government entities; EXCEPT THAT, UPON THE EXPIRATION OF THE TERMS OF OFFICE OF THE MEMBERS OF THE COMMISSION APPOINTED PURSUANT TO THIS SUBSECTION (1)(b)(I)(B) BEFORE THE EFFECTIVE DATE OF THIS SUBSECTION (1)(b)(I)(B), AS AMENDED, OR UPON A VACANCY IN EITHER POSITION, WHICHEVER OCCURS FIRST, THE GOVERNOR SHALL APPOINT TO THOSE POSITIONS ONE MEMBER REPRESENTING A STATEWIDE CHAMBER OF COMMERCE OR OTHER STATEWIDE ORGANIZATION REPRESENTING BUSINESS AND INDUSTRY AND ONE MEMBER FROM OR REPRESENTING EMPLOYEE ASSOCIATIONS THAT REPRESENT WORKERS IN COLORADO, AND THEREAFTER THE COMPOSITION OF THE COMMISSION MUST CONTINUE TO REFLECT

THIS CHANGE; and

(C) Three members of the commission from the community at large; EXCEPT THAT, UPON THE EXPIRATION OF THE TERM OF OFFICE OF TWO MEMBERS APPOINTED PURSUANT TO THIS SUBSECTION (1)(b)(I)(C) BEFORE THE EFFECTIVE DATE OF THIS SUBSECTION (1)(b)(I)(C), AS AMENDED, OR UPON A VACANCY IN A POSITION UNDER THIS SUBSECTION (1)(b)(I)(C), WHICHEVER OCCURS FIRST, THE GOVERNOR SHALL APPOINT TWO MEMBERS FROM OR REPRESENTING EMPLOYEE ASSOCIATIONS THAT REPRESENT WORKERS IN COLORADO, AND THEREAFTER THE COMPOSITION OF THE COMMISSION MUST CONTINUE TO REFLECT THIS CHANGE.

(II) IN ADDITION TO THE QUALIFICATIONS SPECIFIED IN SUBSECTION (1)(b)(I) OF THIS SECTION, ~~the membership~~ MEMBERS of the commission ~~shall~~ MUST at all times ~~be comprised of~~ INCLUDE:

(A) At least four members who are members of groups of people who have been or who might be discriminated against because of disability, race, creed, color, sex, sexual orientation, national origin, ancestry, marital status, religion, or age; AND

(B) NO MORE THAN SIX MEMBERS AFFILIATED WITH A MAJOR POLITICAL PARTY AND NO MORE THAN THREE MEMBERS AFFILIATED WITH THE SAME POLITICAL PARTY. A MEMBER MUST HAVE BEEN REGISTERED WITH THE SAME POLITICAL PARTY OR REGISTERED AS UNAFFILIATED FOR AT LEAST TWO YEARS IMMEDIATELY PRECEDING THE MEMBER'S APPOINTMENT TO THE COMMISSION.

(III) THE GOVERNOR SHALL MAKE appointments ~~shall be made~~ to provide geographical area representation insofar as may be practicable. ~~and no more than four members shall belong to the same political party.~~

(IV) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IF, IN ACCORDANCE WITH SECTION 6 OF ARTICLE IV OF THE STATE CONSTITUTION, THE GOVERNOR NOMINATES AN INDIVIDUAL FOR APPOINTMENT TO THE COMMISSION AND THE SENATE REJECTS THE NOMINATION, THE REJECTED INDIVIDUAL IS DEEMED INELIGIBLE TO HOLD THE OFFICE FOR TWO YEARS. DURING THAT TWO-YEAR PERIOD, THE GOVERNOR SHALL NOT NOMINATE THE REJECTED INDIVIDUAL AND, IF THE SENATE IS NOT IN SESSION, SHALL NOT APPOINT THE REJECTED INDIVIDUAL TO TEMPORARILY DISCHARGE THE DUTIES OF THE COMMISSION. FOR PURPOSES OF THIS SUBSECTION (1)(b)(IV), REJECTION BY THE SENATE OF THE NOMINATION OF AN INDIVIDUAL FOR APPOINTMENT TO THE COMMISSION DOES NOT PRECLUDE THE GOVERNOR FROM NOMINATING THE REJECTED INDIVIDUAL FOR ANOTHER OPENING ON THE COMMISSION THAT OCCURS AFTER AN INDIVIDUAL OTHER THAN THE REJECTED INDIVIDUAL HAS FILLED THE IMMEDIATE OPENING ON THE COMMISSION.

(2) THE GOVERNOR SHALL FILL vacancies on the commission ~~shall be filled by the governor~~ by appointment, with the consent of the senate IN ACCORDANCE WITH SUBSECTION (1)(b)(IV) OF THIS SECTION, and the term of a commissioner ~~so~~ appointed ~~shall be~~ TO FILL A VACANCY IS for the unexpired part of the term for which the commissioner is appointed.

SECTION 5. Appropriation. (1) For the 2018-19 state fiscal year, \$10,000 is appropriated to the department of regulatory agencies. This appropriation is from

the general fund. To implement this act, the department may use this appropriation for the purchase of information technology services.

(2) For the 2018-19 state fiscal year, \$10,000 is appropriated to the office of the governor for use by the office of information technology. This appropriation is from reappropriated funds received from the department of regulatory agencies under subsection (1) of this section. To implement this act, the office may use this appropriation to provide information technology services for the department of regulatory agencies.

SECTION 6. Effective date. This act takes effect July 1, 2018.

SECTION 7. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 22, 2018