

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

REVISED

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

LLS NO. 21-0546.01 Kristen Forrestal x4217

HOUSE BILL 21-1065

HOUSE SPONSORSHIP

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SENATE SPONSORSHIP

Garcia and Gardner,

House Committees

State, Civic, Military, & Veterans Affairs

Senate Committees

State, Veterans, & Military Affairs
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE AUTHORITY OF A PRIVATE EMPLOYER TO ADOPT A**
102 **VETERANS' PREFERENCE EMPLOYMENT POLICY WHEN HIRING**
103 **NEW EMPLOYEES, AND, IN CONNECTION THEREWITH, MAKING AN**
104 **APPROPRIATION.**

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://leg.colorado.gov>.)

The bill creates a statutory basis to allow a private employer to give preference to a veteran of the armed forces or the National Guard and the spouse of a disabled veteran or a service member killed in the line

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
Amended 2nd Reading
May 28, 2021

HOUSE
3rd Reading Unamended
May 20, 2021

HOUSE
Amended 2nd Reading
May 19, 2021

of duty when hiring a new employee, as long as the veteran or the spouse is as qualified as other applicants for employment. The bill allows a private employer's veterans' preference employment policy to also include the preferential hiring of veterans who have been discharged from active duty within the last 10 years, as determined by the discharge date. The bill clarifies that a private employer that adopts a program that gives preferences to veterans or their spouses is not committing a discriminatory or unfair labor practice.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add 8-1-153** as
3 follows:

4 **8-1-153. Private employers - veterans' preference hiring policy**
5 **- definitions.** (1) AS USED IN THIS SECTION:

6 (a) "ELIGIBLE INDIVIDUAL" MEANS:

7 (I) A VETERAN WITH A DISABILITY WHO HAS A ONE HUNDRED
8 PERCENT PERMANENT AND TOTAL DISABILITY RATING IF THE DATE OF
9 HIRING IS WITHIN TEN YEARS AFTER THE VETERAN'S DATE OF DISCHARGE;

10 (II) A VETERAN, A VETERAN WITH A LESS THAN ONE HUNDRED
11 PERCENT PERMANENT AND TOTAL DISABILITY RATING, A MEMBER OF THE
12 MILITARY RESERVES, OR A MEMBER OF THE NATIONAL GUARD WHO
13 RECEIVED DISCHARGE DOCUMENT DD214 IF THE DATE OF HIRING IS
14 WITHIN FIVE YEARS AFTER THE DATE OF DISCHARGE; OR

15 (III) THE SPOUSE OF A SERVICE MEMBER KILLED IN THE LINE OF
16 DUTY IF THE DATE OF HIRING IS WITHIN FIVE YEARS AFTER THE DATE OF
17 THE DEATH OF THE SERVICE MEMBER.

18 (b) "PRIVATE EMPLOYER" MEANS A PRIVATE, NONPUBLIC PERSON
19 THAT EMPLOYS ONE OR MORE EMPLOYEES WITHIN THE STATE.

20 (c) "VETERAN" HAS THE SAME MEANING AS SET FORTH IN SECTION
21 8-14.3-202 (8).

1 (d) "VETERANS' PREFERENCE HIRING POLICY" MEANS A PRIVATE
2 EMPLOYER'S PREFERENCE FOR HIRING AN ELIGIBLE INDIVIDUAL IF THE
3 ELIGIBLE INDIVIDUAL IS AT LEAST AS QUALIFIED AS THE OTHER
4 APPLICANTS.

5 (e) "VETERAN WITH A DISABILITY" MEANS A VETERAN WHO HAS A
6 COMPENSABLE, SERVICE-CONNECTED DISABILITY AS ADJUDICATED BY THE
7 UNITED STATES DEPARTMENT OF VETERANS AFFAIRS OR THE APPROPRIATE
8 BRANCH OF THE ARMED FORCES.

9 (2) A PRIVATE EMPLOYER MAY ADOPT AND APPLY A VETERANS'
10 PREFERENCE HIRING POLICY IF:

11 (a) THE PRIVATE EMPLOYER APPLIES THE VETERANS' PREFERENCE
12 HIRING POLICY UNIFORMLY TO ALL HIRING DECISIONS;

13 (b) THE PRIVATE EMPLOYER REQUIRES A VETERAN TO PROVIDE
14 PROOF OF SERVICE BY FURNISHING A COPY OF THE VETERAN'S DISCHARGE
15 DOCUMENT DD214;

16 (c) THE PRIVATE EMPLOYER REQUIRES THE SPOUSE OF A SERVICE
17 MEMBER KILLED IN THE LINE OF DUTY TO FURNISH PROOF OF MARRIAGE TO
18 THE SERVICE MEMBER KILLED IN THE LINE OF DUTY AND A COPY OF THE
19 SERVICE MEMBER'S DISCHARGE DOCUMENT DD214 AND THE DEATH
20 CERTIFICATE; AND

21 (d) THE VETERANS' PREFERENCE HIRING POLICY IS IN WRITING,
22 PUBLIC, AND IMPLEMENTED AT LEAST FOURTEEN DAYS BEFORE IT IS
23 APPLIED TO ANY NEW JOB POSTING OR NEW HIRING DECISION.

24 (3) GRANTING A PREFERENCE IN ACCORDANCE WITH A POLICY
25 ADOPTED PURSUANT TO THIS SECTION IS NOT A VIOLATION OF PART 4 OF
26 ARTICLE 34 OF TITLE 24. THIS SECTION DOES NOT PROHIBIT A PERSON
27 FROM COMMENCING A DISCRIMINATION ACTION AGAINST AN EMPLOYER

1 FOR A VIOLATION OF ARTICLE 34 OF TITLE 24 OR THE FEDERAL "CIVIL
2 RIGHTS ACT OF 1964", 42 U.S.C. SEC. 2000e ET SEQ., AS AMENDED.

3 (4) (a) ON OR BEFORE SEPTEMBER 1, 2021, THE COLORADO OFFICE
4 OF ECONOMIC DEVELOPMENT SHALL BEGIN THE DEVELOPMENT OF
5 PRODUCTION MATERIALS TO EDUCATE AND ENCOURAGE EMPLOYERS TO
6 HIRE VETERANS.

7 (b) THE GENERAL ASSEMBLY SHALL APPROPRIATE TWENTY-FIVE
8 THOUSAND DOLLARS FROM THE GENERAL FUND TO THE COLORADO OFFICE
9 OF ECONOMIC DEVELOPMENT, CREATED IN SECTION 24-48.5-101, FOR
10 ALLOCATION TO THE COLORADO OFFICE OF FILM, TELEVISION, AND MEDIA,
11 CREATED IN SECTION 24-48.5-115, FOR THE PURPOSES OF THIS SUBSECTION
12 (4).

13 (5) A PRIVATE EMPLOYER MAY ADVERTISE FOR AND ACTIVELY
14 RECRUIT VETERANS TO APPLY FOR EMPLOYMENT WITH THE PRIVATE
15 EMPLOYER REGARDLESS OF WHETHER THE PRIVATE EMPLOYER ADOPTS A
16 VETERANS' PREFERENCE HIRING POLICY.

17 =====
18 **SECTION 2. Appropriation.** For the 2021-22 state fiscal year,
19 \$25,000 is appropriated to the office of the governor for use by economic
20 development programs. This appropriation is from the general fund. To
21 implement this act, the office may use this appropriation for the Colorado
22 office of film, television, and media.

23 **SECTION 3. Act subject to petition - effective date.** This act
24 takes effect at 12:01 a.m. on the day following the expiration of the
25 ninety-day period after final adjournment of the general assembly; except
26 that, if a referendum petition is filed pursuant to section 1 (3) of article V
27 of the state constitution against this act or an item, section, or part of this

1 act within such period, then the act, item, section, or part will not take
2 effect unless approved by the people at the general election to be held in
3 November 2022 and, in such case, will take effect on the date of the
4 official declaration of the vote thereon by the governor.