

Second Regular Session  
Sixty-sixth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 08-1001.01 Christy Chase

SENATE BILL 08-200

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SENATE SPONSORSHIP

**Veiga,**

HOUSE SPONSORSHIP

**Judd,** Borodkin, Carroll M., Carroll T., Casso, Ferrandino, Frangas, Green, Kerr A., Levy, Madden, Marshall, McGihon, Pommer, and Todd

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**Senate Committees**

Business, Labor and Technology

**House Committees**

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A BILL FOR AN ACT

101 CONCERNING THE EXPANSION OF PROHIBITIONS AGAINST  
102 DISCRIMINATION.

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**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.*

- ! 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.

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

2 **SECTION 1.** 24-34-301, Colorado Revised Statutes, is amended

1 BY THE ADDITION OF A NEW SUBSECTION to read:

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

4 (7) "SEXUAL ORIENTATION" MEANS A PERSON'S ORIENTATION  
5 TOWARD HETEROSEXUALITY, HOMOSEXUALITY, BISEXUALITY, OR  
6 TRANSGENDER STATUS OR ANOTHER PERSON'S PERCEPTION THEREOF.

7 **SECTION 2.** 24-34-303, Colorado Revised Statutes, is amended  
8 to read:

9 **24-34-303. Civil rights commission - membership.** (1) There  
10 is hereby created, within the division, the Colorado civil rights  
11 commission. The commission shall consist of seven members, who shall  
12 be appointed by the governor, with the consent of the senate, for terms of  
13 four years. ~~except that, of the first members appointed, two shall be~~  
14 ~~appointed for terms of two years and two shall be appointed for terms of~~  
15 ~~three years. In making the first two appointments to the commission on~~  
16 ~~or after July 1, 1981, whether such appointments are for a full term or to~~  
17 ~~fill a vacancy, the governor shall appoint one member to represent the~~  
18 ~~business community and one member to represent state or local~~  
19 ~~government entities. In making the next two appointments to the~~  
20 ~~commission, whether such appointments are for a full term or to fill a~~  
21 ~~vacancy, the governor shall appoint one member to represent small~~  
22 ~~business and one member to represent state or local government entities.~~  
23 The governor shall make all subsequent appointments in such a manner  
24 that there are at all times two members of the commission representing  
25 the business community, at least one of which shall be a representative of  
26 small business, two members of the commission representing state or  
27 local government entities, and three members of the commission from the

1 community at large. The membership of the commission shall at all times  
2 be comprised of at least four members who are members of groups of  
3 people who have been or who might be discriminated against because of  
4 disability, race, creed, color, sex, SEXUAL ORIENTATION, national origin,  
5 or ancestry, as defined in section 24-34-402 or because of marital status,  
6 religion, or age. Appointments shall be made to provide geographical  
7 area representation insofar as may be practicable, and no more than four  
8 members shall belong to the same political party.

9 (2) Vacancies ON THE COMMISSION shall be filled by the governor  
10 by appointment, with the consent of the senate, and the term of a  
11 commissioner so appointed shall be for the unexpired part of the term for  
12 which the commissioner is appointed.

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

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

18 (5) The commission may adopt, amend, or rescind rules for  
19 governing its meetings. and Four commissioners shall constitute a  
20 quorum FOR PURPOSES OF CONDUCTING THE BUSINESS OF THE  
21 COMMISSION.

22 **SECTION 3.** 24-34-502 (1) (a), (1) (b), (1) (d), (1) (g), (1) (h), (1)  
23 (i), (1) (j), and (6), Colorado Revised Statutes, are amended to read:

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

26 (a) For any person to refuse to show, sell, transfer, rent, or lease,  
27 or to refuse to receive and transmit any bona fide offer to buy, sell, rent,

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

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

1 ancestry of such person or prospective occupants or tenants in the terms,  
2 conditions, or privileges relating to the obtaining or use of any such  
3 financial assistance;

4 (d) For any person to make, print, or publish or cause to be made,  
5 printed, or published any notice or advertisement relating to the sale,  
6 transfer, rental, or lease of any housing ~~which~~ THAT indicates any  
7 preference, limitation, specification, or discrimination based on disability,  
8 race, creed, color, sex, SEXUAL ORIENTATION, marital status, familial  
9 status, national origin, or ancestry;

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

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

1 (i) For any person, for profit, to induce or attempt to induce any  
2 person to sell or rent any dwelling by representations regarding the entry  
3 or prospective entry into the neighborhood of a person or persons of a  
4 particular race, color, religion, sex, SEXUAL ORIENTATION, disability,  
5 familial status, creed, national origin, or ancestry;

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

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

17 **SECTION 4.** 24-34-601 (2), Colorado Revised Statutes, is  
18 amended to read:

19 **24-34-601. Discrimination in places of public accommodation.**

20 (2) It is a discriminatory practice and unlawful for a person, directly or  
21 indirectly, to refuse, withhold from, or deny to an individual or a group,  
22 because of disability, race, creed, color, RELIGION, sex, SEXUAL  
23 ORIENTATION, marital status, national origin, or ancestry, the full and  
24 equal enjoyment of the goods, services, facilities, privileges, advantages,  
25 or accommodations of a place of public accommodation or, directly or  
26 indirectly, to publish, circulate, issue, display, post, or mail any written or  
27 printed communication, notice, or advertisement ~~which~~ THAT indicates

1 that the full and equal enjoyment of the goods, services, facilities,  
2 privileges, advantages, or accommodations of a place of public  
3 accommodation will be refused, withheld from, or denied an individual  
4 or that an individual's patronage or presence at a place of public  
5 accommodation is unwelcome, objectionable, unacceptable, or  
6 undesirable because of disability, race, creed, color, RELIGION, sex,  
7 SEXUAL ORIENTATION, marital status, national origin, or ancestry.

8 **SECTION 5.** 24-34-602, Colorado Revised Statutes, is amended  
9 to read:

10 **24-34-602. Penalty and civil liability.** (1) Any person who  
11 violates any of the provisions of section 24-34-601 by denying to any  
12 citizen, except for reasons applicable alike to all citizens of every  
13 disability, race, creed, color, RELIGION, sex, SEXUAL ORIENTATION, marital  
14 status, national origin, or ancestry, and regardless of disability, race,  
15 creed, color, RELIGION, sex, SEXUAL ORIENTATION, marital status, national  
16 origin, or ancestry, the full enjoyment of any of the accommodations,  
17 advantages, facilities, or privileges in said section enumerated or by  
18 aiding or inciting such denial, for every such offense, shall forfeit and pay  
19 a sum of not less than fifty dollars nor more than five hundred dollars to  
20 the person aggrieved thereby to be recovered in any court of competent  
21 jurisdiction in the county where said offense was committed. ~~and also~~

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

27 (3) A judgment in favor of the party aggrieved or punishment



1 upon an indictment or information shall be a bar to either prosecution,  
2 respectively; but the relief provided by this section shall be an alternative  
3 to that authorized by section 24-34-306 (9), and a person who seeks  
4 redress under this section shall not be permitted to seek relief from the  
5 commission.

6 **SECTION 6.** 24-34-701, Colorado Revised Statutes, is amended  
7 to read:

8 **24-34-701. Publishing of discriminative matter forbidden.** No  
9 person, being the owner, lessee, proprietor, manager, superintendent,  
10 agent, or employee of any place of public accommodation, resort, or  
11 amusement, directly or indirectly, by himself or herself or through another  
12 person shall publish, issue, circulate, send, distribute, give away, or  
13 display in any way, manner, or shape or by any means or method, except  
14 as provided in this section, any communication, paper, poster, folder,  
15 manuscript, book, pamphlet, writing, print, letter, notice, or advertisement  
16 of any kind, nature, or description ~~which~~ THAT is intended or calculated  
17 to discriminate or actually discriminates against any disability, race,  
18 creed, color, RELIGION, sex, SEXUAL ORIENTATION, marital status, national  
19 origin, or ancestry or against any of the members thereof in the matter of  
20 furnishing or neglecting or refusing to furnish to them or any one of them  
21 any lodging, housing, schooling, or tuition or any accommodation, right,  
22 privilege, advantage, or convenience offered to or enjoyed by the general  
23 public or which states that any of the accommodations, rights, privileges,  
24 advantages, or conveniences of any such place of public accommodation,  
25 resort, or amusement shall or will be refused, withheld from, or denied to  
26 any person or class of persons on account of disability, race, creed, color,  
27 RELIGION, sex, SEXUAL ORIENTATION, marital status, national origin, or

1 ancestry or that the patronage, custom, presence, frequenting, dwelling,  
2 staying, or lodging at such place by any person or class of persons  
3 belonging to or purporting to be of any particular disability, race, creed,  
4 color, RELIGION, sex, SEXUAL ORIENTATION, marital status, national  
5 origin, or ancestry is unwelcome or objectionable or not acceptable,  
6 desired, or solicited.

7 **SECTION 7.** 2-4-401, Colorado Revised Statutes, is amended BY  
8 THE ADDITION OF A NEW SUBSECTION to read:

9 **2-4-401. Definitions.** The following definitions apply to every  
10 statute, unless the context otherwise requires:

11 (13.5) "SEXUAL ORIENTATION" MEANS A PERSON'S ORIENTATION  
12 TOWARD HETEROSEXUALITY, HOMOSEXUALITY, BISEXUALITY, OR  
13 TRANSGENDER STATUS OR ANOTHER PERSON'S PERCEPTION THEREOF.

14 **SECTION 8.** 5-3-210, Colorado Revised Statutes, is amended to  
15 read:

16 **5-3-210. Discrimination prohibited.** No consumer credit  
17 transaction regulated by this code shall be denied any person, nor shall  
18 terms and conditions be made more stringent, on the basis of  
19 discrimination, solely because of DISABILITY, race, creed, religion, color,  
20 sex, SEXUAL ORIENTATION, marital status, national origin, or ancestry.  
21 This section shall not apply to any consumer credit transaction made or  
22 denied by a seller, lessor, or lender whose total original unpaid balances  
23 arising from consumer credit transactions for the previous calendar year  
24 are less than one million dollars.

25 **SECTION 9.** 8-3-102 (1) (d), Colorado Revised Statutes, is  
26 amended to read:

27 **8-3-102. Legislative declaration - matter of statewide concern**

1    **- prohibition on local enactments.** (1) The public policy of the state as  
2    to employment relations and collective bargaining, in the furtherance of  
3    which this article is enacted, is declared to be as follows:

4           (d) All rights of persons to join labor organizations or unions and  
5    their rights and privileges as members thereof should be recognized,  
6    safeguarded, and protected. No person shall be denied membership in a  
7    labor organization or union on account of race, CREED, color, religion,  
8    sex, SEXUAL ORIENTATION, MARITAL STATUS, DISABILITY, NATIONAL  
9    ORIGIN, ANCESTRY, or by any unfair or unjust discrimination. Arbitrary  
10   or excessive initiation fees and dues shall not be required, nor shall  
11   excessive, unwarranted, arbitrary, or oppressive fines, penalties, or  
12   forfeitures be imposed. The members are entitled to full and detailed  
13   reports from their officers, agents, or representatives of all financial  
14   transactions and shall have the right to elect officers by secret ballot and  
15   to determine and vote upon the question of striking, not striking, and  
16   other questions of policy affecting the entire membership.

17           **SECTION 10.** 8-17-101, Colorado Revised Statutes, is amended  
18   to read:

19           **8-17-101. Colorado labor shall be employed on public**  
20   **works.** Whenever any public works financed in whole or in part by funds  
21   of the state, counties, school districts, or municipalities of the state of  
22   Colorado are undertaken in this state, Colorado labor shall be employed  
23   to perform the work to the extent of not less than eighty percent of each  
24   type or class of labor in the several classifications of skilled and common  
25   labor employed on such project or public works. "Colorado labor" as  
26   used in this article means any person who is a resident of the state of  
27   Colorado, at the time of employment, without discrimination as to race,

1 color, creed, sex, SEXUAL ORIENTATION, MARITAL STATUS, NATIONAL  
2 ORIGIN, ANCESTRY, age, or religion except when sex or age is a bona fide  
3 occupational qualification.

4 **SECTION 11.** 12-5-102, Colorado Revised Statutes, is amended  
5 to read:

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

10 **SECTION 12.** 12-12-114, Colorado Revised Statutes, is amended  
11 to read:

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

17 **SECTION 13.** 12-47-416 (3) (b), Colorado Revised Statutes, is  
18 amended to read:

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

1                   The expenditures covered by this receipt are  
2                   nondeductible for state income tax purposes.

3                   **SECTION 14.** 12-54-104 (1) (b), Colorado Revised Statutes, is  
4 amended to read:

5                   **12-54-104. Unlawful acts.** (1) It is unlawful:

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

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

11                   **12-59-106. Minimum standards.** (1) In establishing the criteria  
12 required by section 12-59-105.3 (1) (a), (1) (b), and (1) (k), the board  
13 shall observe and require compliance with at least the following minimum  
14 standards for all schools:

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

19                   **SECTION 16.** 13-71-104 (3) (a), Colorado Revised Statutes, is  
20 amended to read:

21                   **13-71-104. Eligibility for juror service - prohibition of**  
22 **discrimination.** (3) (a) No person shall be exempted or excluded from  
23 serving as a trial or grand juror because of race, color, CREED, religion,  
24 sex, SEXUAL ORIENTATION, MARITAL STATUS, national origin, ANCESTRY,  
25 economic status, or occupation.

26                   **SECTION 17.** 22-30.5-104 (3), Colorado Revised Statutes, is  
27 amended to read:

1           **22-30.5-104. Charter school - requirements - authority.** (3) A  
2 charter school shall be subject to all federal and state laws and  
3 constitutional provisions prohibiting discrimination on the basis of  
4 disability, race, creed, color, gender, SEX, SEXUAL ORIENTATION, national  
5 origin, religion, ancestry, or need for special education services. A  
6 charter school shall be subject to any court-ordered desegregation plan in  
7 effect for the chartering school district. Enrollment in a charter school  
8 must be open to any child who resides within the school district; except  
9 that no charter school shall be required to make alterations in the structure  
10 of the facility used by the charter school or to make alterations to the  
11 arrangement or function of rooms within the facility, except as may be  
12 required by state or federal law. Enrollment decisions shall be made in  
13 a nondiscriminatory manner specified by the charter school applicant in  
14 the charter school application.

15           **SECTION 18.** 22-30.5-507 (3), Colorado Revised Statutes, is  
16 amended to read:

17           **22-30.5-507. Institute charter school - requirements -**  
18 **authority.** (3) An institute charter school shall be subject to all federal  
19 and state laws and constitutional provisions prohibiting discrimination on  
20 the basis of disability, race, creed, color, gender, SEX, SEXUAL  
21 ORIENTATION, national origin, religion, ancestry, or need for special  
22 education services. Enrollment in an institute charter school shall be open  
23 to any child who resides within the state; except that an institute charter  
24 school shall not be required to make alterations in the structure of the  
25 facility used by the institute charter school or to make alterations to the  
26 arrangement or function of rooms within the facility, except as may be  
27 required by state or federal law. Enrollment decisions shall be made in

1 a nondiscriminatory manner specified by the applicant in the institute  
2 charter school application.

3 **SECTION 19.** 22-32-109 (1), Colorado Revised Statutes, is  
4 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

5 **22-32-109. Board of education - specific duties.** (1) In addition  
6 to any other duty required to be performed by law, each board of  
7 education shall have and perform the following specific duties:

8 (II) TO ADOPT WRITTEN POLICIES SPECIFYING THAT:

9 (I) THE SCHOOLS IN THE DISTRICT ARE SUBJECT TO ALL FEDERAL  
10 AND STATE LAWS AND CONSTITUTIONAL PROVISIONS PROHIBITING  
11 DISCRIMINATION ON THE BASIS OF DISABILITY, RACE, CREED, COLOR,  
12 GENDER, SEX, SEXUAL ORIENTATION, NATIONAL ORIGIN, RELIGION,  
13 ANCESTRY, OR NEED FOR SPECIAL EDUCATION SERVICES;

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

20 (III) ENROLLMENT DECISIONS SHALL BE MADE IN A  
21 NONDISCRIMINATORY MANNER.

22 **SECTION 20.** 22-32-110 (1) (k), Colorado Revised Statutes, is  
23 amended to read:

24 **22-32-110. Board of education - specific powers.** (1) In  
25 addition to any other power granted to a board of education of a school  
26 district by law, each board of education of a school district shall have the  
27 following specific powers, to be exercised in its judgment:

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

9 **SECTION 21.** 22-38-104 (1) (d), Colorado Revised Statutes, is  
10 amended to read:

11 **22-38-104. Pilot schools - requirements - authority.** (1) The  
12 state board may provide for the establishment and operation of not more  
13 than one full-time residential pilot school and not more than three  
14 year-round nonresidential pilot schools pursuant to the following  
15 provisions:

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

22 **SECTION 22.** 22-63-206 (1), Colorado Revised Statutes, is  
23 amended to read:

24 **22-63-206. Transfer - compensation.** (1) A teacher may be  
25 transferred upon the recommendation of the chief administrative officer  
26 of a school district from one school, position, or grade level to another  
27 within the school district, if such transfer does not result in the



1 assignment of the teacher to a position of employment for which he OR  
2 SHE is not qualified by virtue of academic preparation and certification  
3 and if, during the then current school year, the amount of salary of such  
4 teacher is not reduced except as otherwise provided in subsections (2) and  
5 (3) of this section. There shall be no discrimination shown toward any  
6 teacher in the assignment or transfer of that teacher to a school, position,  
7 or grade because of sex, SEXUAL ORIENTATION, MARITAL STATUS, race,  
8 creed, color, RELIGION, NATIONAL ORIGIN, ANCESTRY, or membership or  
9 nonmembership in any group or organization.

10 **SECTION 23.** 23-31.5-110 (1), Colorado Revised Statutes, is  
11 amended to read:

12 **23-31.5-110. Additional powers of board.** (1) The board of  
13 governors of the Colorado state university system has the power to lease  
14 portions of the grounds of the Colorado state university - Pueblo to  
15 private persons and corporations for the construction of dormitory, living,  
16 dining, or cottage buildings and to rent, lease, maintain, operate, and  
17 purchase such buildings at such university, all in the manner provided by  
18 and subject to the limitations contained in sections 23-56-105 to  
19 23-56-111; except that none of such grounds or improvements shall be  
20 used in any manner that discriminates against anyone because of race,  
21 creed, color, ~~or~~ religion, NATIONAL ORIGIN, ANCESTRY, SEX, OR SEXUAL  
22 ORIENTATION.

23 **SECTION 24.** 23-41-104 (2), Colorado Revised Statutes, is  
24 amended to read:

25 **23-41-104. Control - management.** (2) The board of trustees  
26 has the power to lease, for terms not exceeding eighty years, real or  
27 personal property, or both, to state or federal governmental agencies,

1 persons, or entities, public or private, for the construction, use, operation,  
2 maintenance, and improvement of research and development facilities,  
3 health and recreation facilities, dormitories, and living, dining, and group  
4 housing buildings and facilities or for any of such purposes and to buy  
5 land and construct buildings and facilities therefor. None of the grounds  
6 so leased nor any of the improvements constructed thereon shall be used  
7 in any manner ~~which~~ THAT discriminates against anyone because of race,  
8 creed, color, ~~or~~ religion, NATIONAL ORIGIN, ANCESTRY, SEX, OR SEXUAL  
9 ORIENTATION. The board of trustees has the power to borrow money in  
10 conjunction with such construction and leases and to assist in effecting  
11 any of such purposes. Any actions taken prior to May 27, 1965, by the  
12 board of trustees consistent with any power granted in this subsection (2)  
13 are ratified and validated.

14 **SECTION 25.** 24-50-112.5 (1) (b), Colorado Revised Statutes,  
15 is amended to read:

16 **24-50-112.5. Selection system.** (1) (b) Appointments and  
17 promotions to positions shall be based on job-related knowledge, skills,  
18 abilities, competencies, behaviors, and quality of performance as  
19 demonstrated by fair and open competitive examinations. Selections shall  
20 be made without regard to race, color, creed, religion, national origin,  
21 ancestry, age, SEXUAL ORIENTATION, MARITAL STATUS, or political  
22 affiliation and without regard to sex or disability except as otherwise  
23 provided by law.

24 **SECTION 26.** 25-3-401 (2), Colorado Revised Statutes, is  
25 amended to read:

26 **25-3-401. Department to administer plan.** (2) The state plan  
27 established under subsection (1) of this section shall provide for adequate

1 hospital facilities for the people residing in the state, without  
2 discrimination on account of race, creed, ~~or~~ color, RELIGION, DISABILITY,  
3 NATIONAL ORIGIN, ANCESTRY, SEX, OR SEXUAL ORIENTATION, and shall  
4 provide for adequate hospital facilities for persons unable to pay therefor.  
5 The department of public health and environment shall provide minimum  
6 standards for the maintenance and operation of hospitals ~~which~~ THAT  
7 receive federal aid under this part 4, and compliance with such standards  
8 shall be required in the case of hospitals ~~which~~ THAT have received  
9 federal aid under the provisions of said federal acts, or any amendments  
10 thereto.

11 **SECTION 27.** 25-6-102 (1), Colorado Revised Statutes, is  
12 amended to read:

13 **25-6-102. Policy, authority, and prohibitions against**  
14 **restrictions.** (1) All medically acceptable contraceptive procedures,  
15 supplies, and information shall be readily and practicably available to  
16 each person desirous of the same regardless of sex, SEXUAL ORIENTATION,  
17 race, COLOR, CREED, RELIGION, DISABILITY, age, income, number of  
18 children, marital status, citizenship, NATIONAL ORIGIN, ANCESTRY, or  
19 motive.

20 **SECTION 28.** 26-1-120, Colorado Revised Statutes, is amended  
21 BY THE ADDITION OF A NEW SUBSECTION to read:

22 **26-1-120. Merit system.** (8.5) THE MERIT SYSTEM PROVIDED BY  
23 THE COUNTIES SHALL ASSURE FAIR TREATMENT OF APPLICANTS AND  
24 EMPLOYEES IN ALL ASPECTS OF PERSONNEL ADMINISTRATION WITHOUT  
25 REGARD TO RACE, CREED, COLOR, RELIGION, AGE, DISABILITY, SEX,  
26 SEXUAL ORIENTATION, MARITAL STATUS, NATIONAL ORIGIN, OR  
27 ANCESTRY.

1           **SECTION 29.** 25.5-8-110 (2), Colorado Revised Statutes, is  
2 amended to read:

3           **25.5-8-110. Participation by managed care plans.**

4 (2) Managed care plans participating in the plan shall not discriminate  
5 against any potential or current enrollee based upon health status,  
6 DISABILITY, sex, SEXUAL ORIENTATION, MARITAL STATUS, race, CREED,  
7 COLOR, NATIONAL ORIGIN, ANCESTRY, ethnicity, or religion.

8           **SECTION 30.** 29-4-717 (2) (a), Colorado Revised Statutes, is  
9 amended to read:

10           **29-4-717. Findings - percentage of low-income families**

11 **required.** (2) Prior to the authority's making or committing to make any  
12 housing facility loan, the authority shall find:

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

16           **SECTION 31.** 39-3-112 (3) (b) (IV), Colorado Revised Statutes,  
17 is amended to read:

18           **39-3-112. Definitions - residential property - orphanage -**

19 **low-income elderly or disabled - homeless or abused - low-income**

20 **households - charitable purposes - exemption - limitations.** (3) In

21 order for property to be exempt from the levy and collection of property

22 tax pursuant to the provisions of subsection (2) of this section, the

23 administrator shall be required to find, pursuant to the provisions of

24 section 39-2-117, that:

25           (b) The residential structure is efficiently operated. Efficient

26 operation is determined by the following factors:

27           (IV) That the owners and operators of such residential structure

1 have no occupancy requirement that discriminates upon the basis of race,  
2 creed, or color, RELIGION, SEX, SEXUAL ORIENTATION, NATIONAL ORIGIN,  
3 OR ANCESTRY; however, if the owner or sponsoring organization is a  
4 religious denomination, said owners or operators may give preference to  
5 members of that denomination; and

6 **SECTION 32.** 39-22-104 (3) (e) (I), Colorado Revised Statutes,  
7 is amended to read:

8 **39-22-104. Income tax imposed on individuals, estates, and**  
9 **trusts - single rate - definitions.** (3) There shall be added to the federal  
10 taxable income:

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

17 The expenditures covered by this receipt are  
18 nondeductible for state income tax purposes.

19 **SECTION 33.** 39-22-304 (2) (e) (I), Colorado Revised Statutes,  
20 is amended to read:

21 **39-22-304. Net income of corporation.** (2) There shall be added  
22 to federal taxable income:

23 (e) (I) Any expenses incurred by a taxpayer with respect to  
24 expenditures made at, or payments made to, a club licensed pursuant to  
25 section 12-47-416, C.R.S., which has a policy to restrict membership on  
26 the basis of sex, SEXUAL ORIENTATION, MARITAL STATUS, race, CREED,  
27 religion, color, ancestry, or national origin. Any such club shall provide

1 on each receipt furnished to a taxpayer a printed statement as follows:

2                   The expenditures covered by this receipt are  
3                   nondeductible for state income tax purposes.

4           **SECTION 34. Applicability.** This act shall apply to  
5 discriminatory acts committed on or after the effective date of this act.

6           **SECTION 35. Safety clause.** The general assembly hereby finds,  
7 determines, and declares that this act is necessary for the immediate  
8 preservation of the public peace, health, and safety.