

CLHB1256.001

FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON HB18-1256

THIS REPORT AMENDS THE
REREVISED BILL

To the President of the Senate and the
Speaker of the House of Representatives:

Your first conference committee appointed on HB18-1256, 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, has met and reports that it has agreed upon the following:

That the House accede to the Senate amendments made to the bill, as the amendments appear in the rerevised bill, with the following changes:

Amend rerevised bill, page 3, line 12, strike "(3)".

Page 3, strike lines 16 through 27 and substitute:

(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;

(B) Two members of the commission representing state or local government entities; EXCEPT THAT, UPON THE EXPIRATION OF THE TERM OF OFFICE OF ONE 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 THAT POSITION ONE MEMBER REPRESENTING A STATEWIDE CHAMBER OF COMMERCE OR OTHER STATEWIDE ORGANIZATION REPRESENTING BUSINESS AND INDUSTRY, 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 LABOR UNIONS OR SIMILAR EMPLOYEE ASSOCIATIONS THAT REPRESENT MEMBERS 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~~ FIVE 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) (A) OF THE MEMBERS APPOINTED PURSUANT TO THIS SUBSECTION (1)(b) AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (1)(b), AS AMENDED, THREE OF THE APPOINTMENTS ARE SUBJECT TO CONSENT OF THE SENATE BY A MAJORITY VOTE OF THE MEMBERS OF THE SENATE AND FOUR OF THE APPOINTMENTS ARE SUBJECT TO CONSENT OF THE SENATE BY A SIXTY-PERCENT VOTE OF THE MEMBERS OF THE SENATE. THE GOVERNOR MAY DESIGNATE THE THREE POSITIONS SUBJECT TO MAJORITY APPROVAL BY THE SENATE AND THE FOUR POSITIONS SUBJECT TO SIXTY-PERCENT APPROVAL BY THE SENATE SO LONG AS AT ALL TIMES, FOR APPOINTMENTS MADE AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (1)(b), THERE ARE THREE MEMBERS WHO HAVE BEEN APPROVED BY MAJORITY VOTE OF THE MEMBERS OF THE SENATE AND FOUR MEMBERS WHO HAVE BEEN APPROVED BY SIXTY PERCENT OF THE MEMBERS OF THE SENATE.

(B) 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. THE GOVERNOR SHALL NOT NOMINATE THE REJECTED INDIVIDUAL A SECOND TIME, 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)(B), 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.

(C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IF, IN ACCORDANCE WITH SECTION 6 OF ARTICLE IV OF THE STATE CONSTITUTION, THE GOVERNOR NOMINATES A COMMISSION MEMBER WHOSE TERM IS EXPIRING FOR REAPPOINTMENT TO THE COMMISSION AND THE SENATE REJECTS THE NOMINATION, THE COMMISSION MEMBER IS REMOVED FROM THE COMMISSION UPON THE EXPIRATION OF HIS OR HER TERM. FOR PURPOSES OF SECTION 1 OF ARTICLE XII OF THE STATE CONSTITUTION, THE REMOVAL OF AN INDIVIDUAL FROM THE COMMISSION BY OPERATION OF THIS SUBSECTION (1)(b)(IV)(C) IS REMOVAL ACCORDING

TO LAW AND THE INDIVIDUAL SHALL NOT THEREAFTER EXERCISE THE DUTIES OF THE COMMISSION WHETHER OR NOT THE INDIVIDUAL'S SUCCESSOR HAS BEEN DULY QUALIFIED. ACCORDINGLY, IF, AS OF THE EFFECTIVE DATE OF THIS SUBSECTION (1)(b)(IV)(C), AS AMENDED, THE TERM OF OFFICE OF THE COMMISSION MEMBER HAS EXPIRED, THE SENATE HAS REJECTED A NOMINATION FOR REAPPOINTMENT OF THE COMMISSION MEMBER TO THE SAME POSITION, AND THE INDIVIDUAL IS CONTINUING TO EXERCISE THE DUTIES OF THE COMMISSION IN ACCORDANCE WITH SECTION 1 OF ARTICLE XII OF THE STATE CONSTITUTION BECAUSE THE INDIVIDUAL'S SUCCESSOR HAS NOT YET BEEN QUALIFIED, THE COMMISSION MEMBER IS DEEMED TO HAVE BEEN REMOVED FROM THE COMMISSION ON THE DATE THAT HIS OR HER TERM EXPIRED AND SHALL IMMEDIATELY STOP EXERCISING THE DUTIES OF 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."

Strike pages 4 and 5.

Page 6, strike lines 1 through 7.