

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

ENGROSSED

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

LLS NO. 21-0546.01 Kristen Forrestal x4217

HOUSE BILL 21-1065

HOUSE SPONSORSHIP

Ortiz and Carver,

SENATE SPONSORSHIP

Garcia and Gardner,

House Committees

State, Civic, Military, & Veterans Affairs

Senate Committees

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.**

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 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

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.*

HOUSE
Amended 2nd Reading
May 19, 2021

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**
5 **policy - definitions - repeal.** (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).

22 (d) "VETERANS' PREFERENCE HIRING POLICY" MEANS A PRIVATE

1 EMPLOYER'S PREFERENCE FOR HIRING AN ELIGIBLE INDIVIDUAL IF THE
2 ELIGIBLE INDIVIDUAL IS AT LEAST AS QUALIFIED AS THE OTHER
3 APPLICANTS.

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

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

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

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

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

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

23 (3) THE ADOPTION AND APPLICATION OF A VETERANS' PREFERENCE
24 HIRING POLICY BY A PRIVATE EMPLOYER IN ACCORDANCE WITH THIS
25 SECTION CREATES A REBUTTABLE PRESUMPTION THAT SUCH POLICY IS NOT
26 A DISCRIMINATORY OR UNFAIR EMPLOYMENT PRACTICE IN VIOLATION OF
27 PART 4 OF ARTICLE 34 OF TITLE 24 OR THE FEDERAL "CIVIL RIGHTS ACT OF

1 1964", 42 U.S.C. SEC. 2000e ET SEQ., AS AMENDED.

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

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

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

16 (6) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2029.
17 BEFORE THE REPEAL, THE VETERANS' PREFERENCE HIRING POLICY IS
18 SCHEDULED FOR REVIEW IN ACCORDANCE WITH SECTION 24-34-104.

19 **SECTION 2.** In Colorado Revised Statutes, 24-34-104, add
20 (30)(a)(VII) as follows:

21 **24-34-104. General assembly review of regulatory agencies**
22 **and functions for repeal, continuation, or reestablishment - legislative**
23 **declaration - repeal.** (30) (a) The following agencies, functions, or both,
24 are scheduled for repeal on September 1, 2029:

25 (VII) THE VETERANS' PREFERENCE HIRING POLICY ESTABLISHED IN
26 SECTION 8-1-153.

27 **SECTION 3. Act subject to petition - effective date.** This act

1 takes effect at 12:01 a.m. on the day following the expiration of the
2 ninety-day period after final adjournment of the general assembly; except
3 that, if a referendum petition is filed pursuant to section 1 (3) of article V
4 of the state constitution against this act or an item, section, or part of this
5 act within such period, then the act, item, section, or part will not take
6 effect unless approved by the people at the general election to be held in
7 November 2022 and, in such case, will take effect on the date of the
8 official declaration of the vote thereon by the governor.