

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

INTRODUCED

LLS NO. 19-0669.01 Esther van Mourik x4215

HOUSE BILL 19-1111

HOUSE SPONSORSHIP

Baisley, Lewis, Pelton, Rich, Beckman, Wilson, Soper, Carver, Larson, Williams D., Catlin,
Van Winkle

SENATE SPONSORSHIP

(None),

House Committees

State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A REQUIREMENT THAT THE MEMBERS OF THE COLORADO**
102 **CIVIL RIGHTS COMMISSION ATTEND ANNUAL TRAINING**
103 **REGARDING THE STATE'S OBLIGATION OF NEUTRALITY WHEN**
104 **CONSIDERING CLAIMS THAT INVOLVE CERTAIN RIGHTS UNDER**
105 **THE FIRST AMENDMENT OF THE UNITED STATES CONSTITUTION.**

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 requires the attorney general, or his or her designee, to organize and provide a training of at least one hour, which all Colorado

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.

civil rights commission members are required to attend, regarding the state's obligation of religious neutrality and consistency when considering claims that involve freedom of speech or free exercise of religion under the first amendment of the United States constitution.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that:

4 (a) On June 4, 2018, the United States Supreme Court decided
5 *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission*, 138
6 S. Ct. 1719 (2018), in a 6-2 opinion. The Court held that the Colorado
7 Civil Rights Commission's (Commission) order requiring Mr. Jack
8 Phillips to cease and desist from discriminating against same-sex couples
9 by refusing to sell them wedding cakes or any product he would sell to
10 heterosexual couples must be set aside because the Commission's
11 treatment of Mr. Phillips' case violated the state's duty under the First
12 Amendment not to base laws or regulations on hostility to a religion or a
13 religious viewpoint. The court explained that the "Commission was
14 obliged under the Free Exercise Clause to proceed in a manner neutral
15 toward and tolerant of Phillips' religious beliefs" and reminded readers
16 that "government has no role in expressing or even suggesting whether
17 the religious ground for Phillips' conscience-based objection is legitimate
18 or illegitimate".

19 (b) The Commission's intolerant and disrespectful actions during
20 the public hearing resulted in the state incurring unnecessary legal fees,
21 not to mention the embarrassment of many Coloradans on a national
22 level, in order to defend its actions; and

23 (c) It is imperative to require the Commission to receive regular

1 training regarding the necessary neutrality required by the free exercise
2 clause of the United States Constitution in order to prevent hostility to a
3 religious viewpoint.

4 **SECTION 2.** In Colorado Revised Statutes, 24-34-303, **add** (6)
5 as follows:

6 **24-34-303. Civil rights commission - membership - training.**

7 (6) NO LATER THAN NOVEMBER 15, 2019, AND NO LATER THAN
8 NOVEMBER 15 OF EACH YEAR THEREAFTER, THE ATTORNEY GENERAL, OR
9 HIS OR HER DESIGNEE, SHALL ORGANIZE AND PROVIDE A TRAINING OF AT
10 LEAST ONE HOUR, WHICH ALL COMMISSION MEMBERS SHALL ATTEND,
11 REGARDING THE STATE'S OBLIGATION OF RELIGIOUS NEUTRALITY AND
12 CONSISTENCY WHEN CONSIDERING CLAIMS THAT INVOLVE FREEDOM OF
13 SPEECH OR FREE EXERCISE OF RELIGION UNDER THE FIRST AMENDMENT OF
14 THE UNITED STATES CONSTITUTION.

15 **SECTION 3. Act subject to petition - effective date.** This act
16 takes effect at 12:01 a.m. on the day following the expiration of the
17 ninety-day period after final adjournment of the general assembly (August
18 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
19 referendum petition is filed pursuant to section 1 (3) of article V of the
20 state constitution against this act or an item, section, or part of this act
21 within such period, then the act, item, section, or part will not take effect
22 unless approved by the people at the general election to be held in
23 November 2020 and, in such case, will take effect on the date of the
24 official declaration of the vote thereon by the governor.