

HOUSE COMMITTEE OF REFERENCE REPORT

April 8, 2021

Chair of Committee

Date

Committee on State, Civic, Military, & Veterans Affairs.

After consideration on the merits, the Committee recommends the following:

HB21-1065 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

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

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

7 (a) "ELIGIBLE INDIVIDUAL" MEANS:

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

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

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

21 (c) "VETERAN" HAS THE SAME MEANING AS SET FORTH IN SECTION
22 8-14.3-202 (8).

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



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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 AND
21 SPECIFIES THE DATE THAT THE POLICY TAKES EFFECT.

22 (3) THE ADOPTION AND APPLICATION OF A VETERANS' PREFERENCE
23 HIRING POLICY BY A PRIVATE EMPLOYER IN ACCORDANCE WITH THIS
24 SECTION IS NOT A DISCRIMINATORY OR UNFAIR EMPLOYMENT PRACTICE IN
25 VIOLATION OF PART 4 OF ARTICLE 34 OF TITLE 24.

26 (4) A PRIVATE EMPLOYER MAY ADVERTISE FOR AND ACTIVELY
27 RECRUIT VETERANS TO APPLY FOR EMPLOYMENT WITH THE PRIVATE
28 EMPLOYER REGARDLESS OF WHETHER THE PRIVATE EMPLOYER ADOPTS A
29 VETERANS' PREFERENCE HIRING POLICY.

30 (5) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2029.
31 BEFORE THE REPEAL, THE VETERANS' PREFERENCE HIRING POLICY IS
32 SCHEDULED FOR REVIEW IN ACCORDANCE WITH SECTION 24-34-104.

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

35 **24-34-104. General assembly review of regulatory agencies**
36 **and functions for repeal, continuation, or reestablishment - legislative**
37 **declaration - repeal.** (30)(a) The following agencies, functions, or both,
38 are scheduled for repeal on September 1, 2029:

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

41 **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.".

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