



General Government Steering Committee

Thursday, February 23, 2023

Agenda updated 02/21/2023

Welcome/Introductions

Chair: Commissioner Scott James, Weld County

Vice Chair: Commissioner Jody Shaddock-McNally, Larimer County

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Legislation for Discussion

<u>HB23-1032, Remedies Persons with Disabilities</u>			
H-Spon	Rep. David Ortiz	S-Spon	
Summary	<p>The bill makes 3 primary clarifications about the remedies a person with a disability is entitled to under current Colorado law related to protections against discrimination on the basis of disability for persons with disabilities:</p> <ul style="list-style-type: none"> • That a person with a disability is prohibited from being subject to discrimination by, excluded from participating in, or denied the benefits of services, programs, or activities of a place of public accommodation; • That the types of monetary damages to which a person with a disability is entitled include damages for emotional distress; and • That a person with a disability is entitled to both a court order requiring compliance and either monetary damages or a statutory penalty. <p>The bill also allows a court to award reasonable attorney fees and costs to a prevailing plaintiff for any action commenced pursuant to certain Colorado law related to protections against discrimination on the basis of disability for persons with disabilities.</p> <p>Lastly, the bill specifies that certain types of relief do not require exhaustion of potential administrative remedies.</p>		
Status	Introduced In House - Assigned to Judiciary		
Position	Amend		

<u>HB23-1057, Amenities for All Genders in Public Buildings</u>			
H-Spon	Rep. Karen McCormick & Rep. Stephanie Vigil	S-Spon	Sen. Sonya Jaquez Lewis
Summary	<p>AS INTRODUCED, the bill requires each newly constructed public building and each public building in which restroom renovations are estimated to cost \$10,000 or more that is wholly or partly owned by the state, a county, or a local municipality to: Provide a non-gendered restroom facility or a multi-stall non-gendered facility on each floor where restrooms are available; Ensure that all single-stall restrooms are not designated for exclusive use by any specific gender; Allow for the use of multi-stall restrooms by any gender if certain facility features are met under the 2021 International Plumbing Code; and Provide at least one safe, sanitary, and convenient baby diaper changing station that is accessible to the public on each floor where there is a public restroom in each gender-specific restroom, non-gendered multi-stall restroom, and non-gendered single-stall</p>		

	<p>restroom. The bill also requires each newly constructed public building and each public building in which restroom renovations are estimated to cost \$10,000 or more that is wholly or partly owned by the state, a county, or a local municipality to include signage indicating the presence of a baby diaper changing station with a pictogram that is void of gender in all restrooms with baby diaper changing stations, in all non-gendered restrooms, and in all single-stalled restrooms. The bill also requires each newly constructed public building and each public building in which restroom renovations are estimated to cost \$10,000 or more that is wholly or partly owned by the state, a county, or a local municipality to indicate in the central building directory, if such a directory exists, the location of any baby diaper changing station and of any non-gendered restroom. The bill exempts the requirements of including a baby diaper changing station in any restroom and any construction necessary to comply with providing an accessible non-gendered restroom if the requirement would result in failure to comply with applicable building standards governing the right of access for individuals with disabilities. The bill clarifies that an employee with a designated workplace in a public building may undertake the complaint process for alleged discriminatory or unfair practices including the failure to comply with providing the required amenities to all genders, as required, with the Colorado civil rights division charged with the enforcement of the Colorado anti-discrimination act.</p> <p>AS AMENDED IN COMMITTEE, the bill now exempts historic buildings and buildings that are leased by local governments. The \$10,000 threshold for renovation has been removed and replaced by a renovation threshold where the footprint of the bathroom is altered or new plumbing/electrical is being installed or modified. Diaper changing stations can now be placed outside of a bathroom. Client-facing or public restrooms are prioritized and other restrooms do not have to be addressed until after 2025.</p>
Status	House Committee on State, Civic, Military, & Veterans Affairs Refer Amend to Appropriations
Position	Amend

<u>HB23-1065, Local Government Independent Ethics Commission</u>			
H-Spon	Rep. J. Parenti & Rep. T. Story	S-Spon	
Summary	Under current law, the independent ethics commission created in article XXIX of the state constitution does not have jurisdiction over officials or employees of special districts or school districts. The bill gives the independent ethics commission jurisdiction to hear complaints, issue findings, assess penalties, and issue advisory opinions on ethics issues concerning a local government official or local government employee. "Local government" is defined to include a county, municipality, special district, or school district. Existing ethical standards apply to a local government official and a local government employee. The bill applies those standards to a local government official or local government employee through the independent ethics commission.		
Status	House Committee on Transportation, Housing & Local Government Refer Amended to Appropriations		
Position	Monitor		

<u>HB23-1139, Modification of Rural Counties Officer Salary Categories</u>			
H-Spon	Rep. M. Martinez	S-Spon	Sen. C. Simpson
Summary	<p>Current law categorizes each county for purposes of establishing the salaries of elected officials in the county. The statutory salary amounts are adjusted every 2 years for inflation and take effect for terms commencing after any change is made. The bill modifies the categories of 4 counties with the accompanying percentage increase in salary as follows:</p> <ul style="list-style-type: none"> • Archuleta county changes from category III-B to category III-A; • Delta county changes from category III-B to category III-A; • Saguache county changes from category V-B to category V-A; and • Summit county changes from category II-A to category I-A. 		
Status	Introduced in House – Assigned to Transportation, Housing, & Local Government		
Position	Pending		

<u>HB23-1149, Modify Conduct of Elections in Small Counties</u>			
H-Spon	Rep. R. Holtorf	S-Spon	Sen. B. Pelton
Summary	<p>Current law requires a county clerk and recorder to designate a minimum number of voter service and polling centers depending on the number of active electors. The bill allows a county clerk and recorder of a county with between 10,000 and 37,500 active electors to apply to the secretary of state for permission to reduce the number of required voter service and polling centers if the county clerk and recorder submits data showing how many registered electors voted at one or more of the county's required voter service and polling centers compared to the county's available resources and showing that the number of designated voter service and polling centers was not required for the number of registered electors.</p> <p>For partisan elections, current law requires a county clerk and recorder to appoint 3 election judges for each voter service and polling center. The bill allows a county clerk and recorder of a county with less than 37,500 active electors (small county) to appoint a member of the county clerk and recorder's staff to serve as one of the required election judges for each voter service and polling center.</p>		
Status	Introduced in House – Assigned to State, Civi, Military, & Veterans Affairs		
Position	Pending		

<u>HB23-1180, County Commissioner Elections</u>			
H-Spon	Rep. B. Marshall	S-Spon	Sen. K. Priola
Summary	<p>Currently, in a county with a population of 70,000 or more, the board of county commissioners (board) may consist of 3 commissioners from 3 districts, with one commissioner elected from each district by voters of the whole county. Alternatively, the board may consist of 5 commissioners, the county may be divided into 3 or 5 districts, and the commissioners may be elected pursuant to one of 10 alternative methods.</p> <p>The bill eliminates this discretionary system and instead requires that all counties with a population of 70,000 or more have 5 commissioners, with at least 3 commissioners elected only by voters resident in the district from which each commissioner runs for election. The bill allows the counties to choose between 3 election alternatives:</p> <ul style="list-style-type: none"> • 3 commissioners resident in 3 districts elected by voters resident in those districts and 2 commissioners elected at large; 		

	<ul style="list-style-type: none"> • 4 commissioners resident in 4 districts elected by voters resident in those district and one commissioner elected at large; or • 5 commissioners resident in 5 districts elected only by voters resident in those districts. <p>The bill makes conforming amendments to statutory provisions concerning commissioner districts and election petition statutes. The bill does not affect counties that have adopted home rule.</p>
Status	Introduced in House – Assigned to state, Civic, Military, & Veterans Affairs
Position	Pending

<u>SB23-053, Restrict Governmental Nondisclosure Agreements</u>			
H-Spon		S-Spon	Sen. Barbara Kirkmeyer
Summary	<p>The bill prohibits the state, counties, cities and counties, municipalities, schools districts, and any of their departments, institutions, or agencies from making it a condition of employment that an employee or a prospective employee executes a contract or other form of agreement that prohibits, prevents, or otherwise restricts the employee or prospective employee from disclosing factual circumstances concerning the individual's employment with the government (nondisclosure agreement) unless the nondisclosure agreement is necessary to prevent disclosure of: Factual circumstances relating to the employment that reasonably implicate privacy interests held by the employee who is a party to the agreement; or Matters required to be kept confidential by federal law or rules, the state constitution, or state statute, or matters bearing on the specialized details of security arrangements or investigations. The bill prohibits nondisclosure agreements that prohibit employees of the state, counties, city and counties, municipalities, school districts, or any of their departments, institutions, or agencies from disclosing factual circumstances concerning their employment. To the extent that an employer includes any such provision in any employment contract or agreement, the provision is deemed to be against public policy and unenforceable against a current or former employee who is a party to the contract or agreement unless the provision is intended to prevent disclosure of factual circumstances implicating the employee's privacy interests, matters required to be kept confidential under federal law or rules, the state constitution, or state statute, or matters bearing on the specialized details of security arrangements or investigations. The bill prohibits the state, counties, city and counties, municipalities, or any of their departments, institutions, or agencies from taking any retaliatory action against an individual on the grounds that the individual does not enter into a contract or agreement deemed to be against public policy and unenforceable under the bill. Any person who enforces or attempts to enforce a provision deemed to be against public policy and unenforceable under the bill is liable for the employee's reasonable attorney fees and costs in defending against the action.</p>		
Status	Senate Committee on State, Veterans, & Military Affairs Refer Amended to Senate Committee of the Wole		
Position	Amend		

<u>SB23-105, Ensure Equal Pay For Equal Work (CCI Priority)</u>			
H-Spon	Rep. J. Bacon, & Rep. S. Gonzales-Gutierrez	S-Spon	Sen. J. Buckner & Sen. J. Danielson
Summary	Current law authorizes the director of the division of labor standards and statistics in the department of labor and employment (director) to create and administer a process to accept and		

	<p>mediate complaints, to provide legal resources concerning alleged wage inequity, and to promulgate rules as necessary for this purpose. The bill changes these authorizations to requirements. Additionally, the bill requires the director to:</p> <ul style="list-style-type: none"> • Investigate complaints or other leads concerning wage inequity; • Upon finding of a violation, order compliance and relief; and • Promulgate rules to enforce the bill. <p>The bill also requires an employer to:</p> <ul style="list-style-type: none"> • For each job opportunity or promotional opportunity where the employer is considering more than one candidate, follow specific guidelines for posting the opportunity; • For all job opportunities and promotional opportunities, provide specific information to employees regarding the candidate selected for the opportunity; and • For all objectively defined career progressions, disclose the requirements for career progression and the terms of compensation, benefits, status, duties, and access to further advancement.
Status	Introduces in Senate – Assigned to Business, Labor, & Technology
Position	Pending

<u>SB23-111</u>, Public Employees' Workplace Protection			
H-Spon	Rep. S. Woodrow	S-Spon	Sen. R. Rodriguez
Summary	<p>The "National Labor Relations Act" does not apply to federal, state, or local governments and the "Colorado Labor Peace Act" excludes governmental entities, with an exception for mass transportation systems, leaving public employees without the protection afforded by these labor laws. The bill grants certain public employees, including individuals employed by counties, municipalities, fire authorities, school districts, public colleges and universities, library districts, special districts, public defender's offices, the university of Colorado hospital authority, the Denver health and hospital authority, the general assembly, and a board of cooperative services, the right to:</p> <ul style="list-style-type: none"> • Discuss or express views regarding public employee representation or workplace issues; • Engage in protected, concerted activity for the purpose of mutual aid or protection; • Fully participate in the political process while off duty and not in uniform, including speaking with members of the public employer's governing body on terms and conditions of employment and any matter of public concern and engaging in other political activities in the same manner as other citizens of Colorado without discrimination, intimidation, or retaliation; and • Organize, form, join, or assist an employee organization or refrain from organizing, forming, joining, or assisting an employee organization. <p>The bill also prohibits certain public employers from discriminating against, coercing, intimidating, interfering with, or imposing reprisals against a public employee for engaging in any of the rights granted. The Colorado department of labor and employment (department) is charged with enforcing any alleged violation of these rights and is granted rule-making authority. A party may appeal the department's final decision to the Colorado court of appeals. The bill requires the court of appeals to give deference to the department.</p>		
Status	Introduced in Senate – Assigned to Local Government & Housing		
Position	Pending		

<u>SB23-147, Regulation of Kratom</u>			
H-Spon		S-Spon	Sen. J. Ginal, & Sen. T. Sullivan
Summary	<p>Effective July 1, 2024, the bill:</p> <ul style="list-style-type: none"> • Establishes the minimum standards and labeling requirements for kratom products; • Requires that, prior to selling or offering for sale any kratom product, the processor of the kratom product (processor) register the kratom product with the department of revenue (department) and provide a certificate of analysis for the kratom product to the department; • Requires a processor to notify the department if an adverse event report is submitted to the federal food and drug administration for any of the processor's kratom products; and • Allows the department, if there is a reasonable basis, to require a test for compliance of a processor's kratom product by a third-party laboratory, to coordinate with a third-party laboratory to conduct the test, and to require the processor to pay the department's cost for the test. <p>The executive director of the department is required to promulgate rules to administer and enforce the bill and is authorized to impose fines on processors that violate the bill.</p>		
Status	Introduced in Senate – Assigned to Finance		
Position	Pending		

Adjourn