

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 16, 2017
Date

Committee on Judiciary.

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

HB17-1021 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, 8-1-115, **amend** (1)
4 as follows:

5 **8-1-115. Information not public - penalty for divulging.**
6 (1) (a) The information contained in the reports lawfully required to be
7 furnished by the employer in section 8-1-114, ~~such~~ other information as
8 ~~may be~~ furnished to the division by employers and employees in
9 pursuance of ~~the provisions of this article~~ ARTICLE 1, and ~~such~~
10 information obtained through inspections or other proceedings ~~of~~ UNDER
11 ~~this article which might reveal~~ ARTICLE 1 THAT REVEALS a trade secret
12 ~~shall be~~ IS for the exclusive use and information of ~~said~~ THE division in
13 the discharge of its official duties. AN EMPLOYER MAY DESIGNATE
14 INFORMATION SUBMITTED TO THE DIVISION AS PROPRIETARY, A TRADE
15 SECRET, OR PRIVILEGED INFORMATION IN ACCORDANCE WITH SECTION
16 24-72-204 (3), AS LONG AS THE DIRECTOR IS NOT BOUND BY THE
17 EMPLOYER'S DESIGNATION. The director may treat and file the information
18 or any part ~~thereof~~ OF THE INFORMATION as confidential, and, when so
19 treated or filed by the director, the ~~same shall be considered to be~~
20 INFORMATION IS confidential, ~~information~~ for the sole use of the division,
21 and ~~shall not be~~ open to the public nor TO be used in any court in any
22 action or proceeding pending therein unless the division is a party to ~~such~~
23 THE action or proceeding. The court shall issue ~~such~~ orders as ~~may be~~

1 appropriate to protect the confidentiality of trade secrets. The information
2 contained in this A report may be tabulated and published by the division
3 in statistical form for the use and information of other state departments
4 and the public.

5 (b) NOTWITHSTANDING SUBSECTION (1)(a) OF THIS SECTION, THE
6 DIVISION SHALL TREAT ANY NOTICE OF CITATION OR NOTICE OF
7 ASSESSMENT ISSUED TO AN EMPLOYER FOR VIOLATION OF A WAGE LAW,
8 INCLUDING A VIOLATION OF SECTION 8-4-111 (2) (c), AFTER ALL REMEDIES
9 HAVE BEEN EXHAUSTED PURSUANT TO SECTION 8-4-111.5, AS A PUBLIC
10 RECORD AND SHALL RELEASE THE INFORMATION TO THE PUBLIC UPON
11 REQUEST PURSUANT TO THE "COLORADO OPEN RECORDS ACT", PART 2 OF
12 ARTICLE 72 OF TITLE 24, UNLESS THE DIRECTOR MAKES A DETERMINATION
13 THAT THE INFORMATION IS A TRADE SECRET. BEFORE RELEASING ANY
14 INFORMATION RELATING TO THE VIOLATION OF A WAGE LAW, THE
15 DIRECTOR SHALL NOTIFY THE EMPLOYER OF THE POTENTIAL RELEASE OF
16 THE INFORMATION. THE EMPLOYER THEN HAS TWENTY DAYS TO PROVIDE
17 THE DIRECTOR WITH FURTHER DOCUMENTATION DEMONSTRATING THAT
18 THE INFORMATION, OR SPECIFIC MATTERS INCLUDED IN THE INFORMATION,
19 IS A TRADE SECRET. IF THE DIRECTOR, IN THE DIRECTOR'S DISCRETION,
20 DETERMINES THAT THE INFORMATION, OR ANY PORTION OF THE
21 INFORMATION, IS A TRADE SECRET, THE DIRECTOR SHALL TREAT THE
22 INFORMATION AS CONFIDENTIAL UNDER THIS SUBSECTION (1). FOR
23 PURPOSES OF THIS SUBSECTION (1)(b), "TRADE SECRET" HAS THE SAME
24 MEANING AS SET FORTH IN SECTION 7-74-102 (4).

25 **SECTION 2. Safety clause.** The general assembly hereby finds,
26 determines, and declares that this act is necessary for the immediate
27 preservation of the public peace, health, and safety."

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