**Senate State, Veterans, & Military Affairs**

**02/02/2023 01:30 PM**

**SB23-053 Restrict Governmental Nondisclosure Agreements**

**Typed Text of Testimony Submitted**

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| **Name, Position, Representing** | **Typed Text of Testimony** |
| Brian Porter  For  News organizations: The Fort Morgan Times, Sterling Journal-Advocate, Brush News-Tribune, South Platte Sentinel, Akron News-Reporter, and Julesburg Advocate. Also in my capacity as vice president of the Colorado Press Association. | I respectfully submit the following comments in support of Sen. Kirkmeyer's Senate Bill 23-053 (Restricting Governmental Usage of Non-Diclosure Agreements) you will hear Feb. 2, 2023. I ask for your support of Sen. Kirkmeyer's bill and thank you for your review. Please see the below or the link for the entirety of my comments.  https://www.fortmorgantimes.com/2023/01/30/editorial-bill-correctly-seeks-to-end-public-employee-non-disclosure-agreements/  The freedom of speech for all, guaranteed in the 1st Amendment to the U.S. Constitution, should not end at the steps to the state capitol, a county courthouse, city hall or any other government entity.  But, non-disclosure agreements conditionally forced upon some public employees, either during hiring or termination, attempt to coerce silence, and at least one recent media study finds they are being used with more regularity and to quiet whistleblowers. In other words, to limit freedom of speech.  It is important to consider, as State Sen. Barbara Kirkmeyer's bill reads, “employees of the state, counties, cities and [other] municipalities, school districts, and any department, institution or agency of any such government, are public servants who are hired to undertake their job duties and responsibilities to serve the public.”  These public employees are paid with taxpayer funds, earn benefits and retirements funded by the taxpayer and, therefore, it is a reasonable expectation both employees and employers be accountable to the public. Fundamental interests of transparency and open government are being chilled by the usage of non-disclosure agreements.  We, the people, have historically required meetings of local, county and state government bodies be conducted in the public light, with the most possible transparency. That desire indeed extends to the day-to-day, within-the-walls business of those same public entities.  Residents of cities, counties and this state are entitled to as much information, not as little, as possible related to the public’s business, including the ability to understand how this business is conducted and as it is conducted.  Non-disclosure agreements are obstruction to transparency.  The Washington Post’s slogan “Democracy Dies in Darkness” is well-applied in this consideration.  The Fort Morgan Times and Sterling Journal-Advocate supports this legislation and call upon other members of the Colorado Legislature to join this effort for increased government transparency. |