

SENATE FLOOR AMENDMENT

Second Reading

BY SENATOR Gardner

1 Amend printed bill, page 35, strike lines 10 through 18 and substitute:

2 "(b) (I) IF THERE IS A VIOLATION OR AN IMMINENT THREAT OF A
3 VIOLATION OF SUBSECTION (6)(a) OF THIS SECTION, A COUNTY WHOSE
4 COUNTY EMPLOYEES ARE INVOLVED IN THE PROHIBITED ACTION OR HAVE
5 THREATENED PROHIBITED ACTION OR A COUNTY THAT IS AFFECTED BY THE
6 PROHIBITED ACTION OR A THREATENED PROHIBITED ACTION MAY APPLY TO
7 THE DISTRICT COURT IN THE COUNTY IN WHICH THE VIOLATION OCCURS OR
8 IS THREATENED TO OCCUR FOR AN ORDER TO ENJOIN THE PROHIBITED
9 ACTION. THE APPLICATION TO THE COURT MUST ESTABLISH THE FACTS
10 CONSTITUTING THE PROHIBITED ACTION OR IMMINENTLY THREATENED
11 PROHIBITED ACTION. IF THE COURT FINDS THAT A PROHIBITED ACTION HAS
12 OCCURRED OR UNLESS ENJOINED IS LIKELY TO OCCUR, THE COURT SHALL
13 ISSUE AN ORDER TO ENJOIN THE CONTINUANCE OR THE COMMENCEMENT
14 OF THE PROHIBITED ACTION IN THE MANNER PROVIDED IN THE COLORADO
15 RULES OF CIVIL PROCEDURE.

16 (II) THE FAILURE TO COMPLY WITH AN INJUNCTION GRANTED
17 PURSUANT TO THIS SUBSECTION CONSTITUTES A CONTEMPT OF COURT. THE
18 PENALTY FOR NONCOMPLIANCE WITH AN INJUNCTION OF COURT MAY, IN
19 THE COURT'S DISCRETION, INCLUDE:

20 (A) FOR AN OFFICER OF AN EMPLOYEE ORGANIZATION WHO IS
21 WHOLLY OR PARTLY RESPONSIBLE FOR THE VIOLATION, A FINE OF NOT
22 MORE THAN FIVE HUNDRED DOLLARS FOR EACH DAY DURING WHICH THE
23 FAILURE TO COMPLY CONTINUES, IN ADDITION TO ANY PUNISHMENT FOR
24 CONTEMPT OF COURT PERMITTED UNDER LAW;

25 (B) FOR AN EMPLOYEE ORGANIZATION, A FINE OF NOT MORE THAN
26 TEN THOUSAND DOLLARS FOR EACH DAY DURING WHICH THE FAILURE TO
27 COMPLY CONTINUES; AND

28 (C) FOR AN INDIVIDUAL COUNTY EMPLOYEE, ANY PUNISHMENT FOR
29 CONTEMPT OF COURT PERMITTED UNDER LAW."

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